

Criminal Law & procedure

Criminal law Bill passed

SF-1
14/12

Statesman News Service

Border fence

NEW DELHI, Dec. 13. — Parliament today approved the Criminal Law (Amendment) Bill, 2003 that seeks to reduce delays in disposal of criminal cases and provide for punishment to those inducing crime in addition to the accused with the Rajya Sabha passing the amendments. The Lok Sabha has already passed the Bill.

The Bill further amends the Indian Penal Code, Code of Criminal Procedure and the Indian Evidence Act, and also provides for introducing the concept of plea-bargaining as recommended by the Law Commission. In plea-bargaining, an accused can file an application or affidavit before a magistrate about pre-trial negotia-

NEW DELHI, Dec. 13. Delhi today warned that stringent action would be taken against those trying to infiltrate from Bangladesh but ruled out electrifying the fencing along the Indo-Bangladesh border. "There is no proposal to electrify the fencing along the Indo-Bangladesh border," minister of state for home Mr S Raghupati said. — SNS

tions between defendant and prosecution during which the accused agrees to plead guilty in exchange of certain concessions by the prosecutor.

In the Upper House, home minister Mr Shivraj Patil discounted fears of members that the plea-bargaining affidavit may be used as evidence against the accused.

14 DEC 2005

THE STATESMAN

Adhir there, not many others

MP pleads own case, sent to jail till Dec. 8

TAMAL SENGUPTA & ALAMGIR HOSSAIN

Behrampore, Nov. 28: Adhir Chowdhury was produced in court and remanded in jail custody, but Behrampore did not turn into a battlefield.

Police had thrown a cordon a kilometre off the chief judicial magistrate's court.

When the clock hands showed 11 this morning, a convoy of four prison vans and a police jeep, led by a red Maruti Gypsy, rolled into the compound.

A small group of people that had gathered at the far end of the premises held its breath in anticipation.

As the vehicles came to a halt, someone said: "They are going to drag him out of the van in the middle."

"No, no, he is in the last one," said another.

As minutes went by, the crowd began to fidget. Where was he? Suddenly, around 11.25, the stillness was broken — by another convoy of prison vans and police jeeps.

All through his political life, the CPM's enemy No. 1 in Murshidabad had worked crowds. So, as Chowdhury stepped out of a prison van onto the sun-washed compound, he cried "Vande mataram", expecting to hear the familiar roar echoing the call.

No one moved, not a voice was heard. Chowdhury gave another full-throated cry, "Adhir Chowdhury ke greftar korey Congress ke domano jabena (it will not be possible to suppress the Congress by arresting Adhir Chowdhury)".

The small crowd made up of lawyers, policemen and court employees looked at the Be-



Adhir Chowdhury's convoy rolls into the court compound; the MP stepping out of the police van, looking for support. Pictures by Amit Datta



hrampore MP, arrested for involvement in a double murder.

Then, all of a sudden, a woman screamed "Adhir Chowdhury zindabad".

He waved back at the middle-aged woman. "I am his fan and came here to have a look at him," said Krishna Chakraborty, a Congress supporter from Lake Town in Calcutta.

She had talked her way through the security shield by brandishing her voter I-card and wearing a serious look.

Three lawyers led by Milan Mukherjee of Calcutta High Court were there to appear on behalf of the MP, but those belonging to the local court pleaded with them not to hold his brief today because of an on-

going boycott by members of the Behrampore Bar Council.

Chowdhury argued for himself. "How is it possible that the FIR says that two people were shot dead but the police have not lodged any arms case? An accused, Tapan Basu, was arrested from a place called Bajarsow, 7 km from Behrampore. But the witnesses to the

arrest are residents of Kada. How can that be?" he asked.

A.K. Pal, the chief judicial magistrate, heard the MP plead for bail for about 40 minutes before remanding him in jail custody till December 8.

Chowdhury was arrested from his official residence in Delhi on November 19 in connection with the murders of Hanif Sheikh and his son Laltoo in July.

Behrampore wore a bandh-like look today as gun-toting policemen stood on guard. Tension mounted when a group-D employee of the court found a letter, from the CPI (Maoist), on Pal's desk. Addressed to judicial magistrate A.K.S. Mahapatra who remanded the MP in jail custody on November 20, it asked him to grant Chowdhury unconditional bail or face the consequences.

Unable to go anywhere near the court, about 30,000 Congress supporters assembled at three places on National Highway-34 on the outskirts of the town, throwing traffic out of gear for over four hours.

Congress mulls HC move

OUR BUREAU

Nov. 28: The Congress has decided to move high court praying for Chowdhury's bail.

"We have decided to take the matter to the high court," said Subrata Mukherjee, who today led a team of 18 party MLAs to a protest in Behrampore. "Our course of action will be announced at a rally in Calcutta on December 3," he added.

Until the party moves court, the agitation in support of the arrested MP will continue.

"If we fail to bring Adhir out of jail, our supporters will start disobeying the leadership. Our party will face a difficult situation during the Assembly elections," Murshidabad Congress secretary Khairul Khondekar said.

Last year, the Congress won all three Lok Sabha seats in Murshidabad under Chowdhury's leadership. In 2003, the party won the zilla parishad for the first time and retained Behrampore municipality with a 23-0 sweep second time in a row.

The MP has been the district party chief since 2001.

A section of the party now believes that the CPM wants to hold Chowdhury in jail till the Assembly polls are over around mid-2006.

Widening cracks in the Congress have made things relatively easy for the CPM. Of the eight Congress MLAs from Murshidabad, three — Atish Sinha, Mayarani Pal and Niamat Seikh — did not attend any of the three major rallies organised in Chowdhury's support.

29 NOV 2005

CPM surrender duo gets bail

OUR CORRESPONDENT

Balurghat, Nov. 28: The district court today finally granted bail to former minister Narayan Biswas and the CPM's South Dinajpur secretary, Manabesh Chowdhury.

Chowdhury had surrendered in the court on October 24 and was followed by Biswas on November 2. Both were remanded in judicial custody and had been staying at the district jail since.

Chowdhury broke down after his bail prayer was granted. "I had been implicated in a false case and I was jailed for no fault of mine. The experience has opened my eyes..." he said later.

Biswas, who had to quit as the minister of state for cottage and small-scale industries under pressure from the chief minister, was composed. "It is good that eight of us have got bail, but it would have been better if our other comrades were also released," he said.

Six other party members, accused in various cases of po-



OUT AT LAST: Narayan Biswas and Manabesh Chowdhury in the court inspector's office after obtaining bail. Picture by Abhijit Chakrabarty

litical violence, were also released today.

South Dinajpur Trinamul Congress president Biplab Mitra said: "Everyone expected them to get bail some day, but we have been able to prove that nobody is above the law."

The two leaders along with

other undertrials were brought to the court premises in a van and were seated in the court inspector's office.

Biswas had been hauled up in connection with an incident in 1988 in which 22 houses were torched at Ratanpur in Gangarampur subdivision.

The former minister was also accused of setting fire to a paddy field at Kestopur in the same area in 1979. He was granted bail in both cases.

Chowdhury was accused of involvement in an attack on the residence of Biplab Mitra in 1983. Mitra was then a Congress leader.

The two will have to appear in court for the next hearing on December 22 and 23.

When the court proceedings began this morning, there were not many people in the courtroom. But once the news of the bail being granted spread, hundreds of supporters converged on the premises.

Minati Ghosh, the CPM leader in charge of its South Dinajpur unit, however, ruled out a victory rally with the two leaders.

The district CPM leadership had been virtually rendered headless with two of its top leaders behind bars.

Biswas was earlier denied bail by the same court on November 14 and remanded in a fortnight's jail custody.

Bengal poll: Left tells EC to lay off

29/11/05
Sri (criminalisation of power)
KOLKATA, Nov. 28. — A week after the Election Commission earned kudos for conducting a fair election in Bihar, the CPI-M and its partners in the Left Front in Bengal, due to go to polls next year, today announced that the EC could not treat “criminals” and “politicians” in the same manner. The statement comes even as electoral rolls in the state are being revised. And on a day the EC showcaused 25 poll officials in Bengal for dereliction of duty. Just 48 hours earlier, the Trinamul had demanded a “Bihar-like poll” in Bengal.

Show-cause

“A person not convicted by a court of law cannot be stopped by the EC from voting. This is a violation of democratic rights. We will seek legal opinion and find out whether the EC enjoys such powers,” LF chairman Mr Biman Bose said after the Front partners met this morning.

KOLKATA, Nov. 28. — Twenty-five designated polling officials were served show-cause notices today for dereliction of duty by the visiting EC teams which toured different booths to oversee summary revision of electoral rolls. With this, the number of designated poll officials showcaused in the state since the Lok Sabha polls goes up to 100. — SNS

LF leaders stressed the need to stop the EC from taking “undemocratic actions” that might affect the results of the Assembly election. “The LF is protesting against the EC’s decision to stop undertrials from voting. There is a difference between a common criminal and a politician. The police may bring similar charges against both. But their intentions and motives cannot be the same. Killing someone may not be part of a democratic struggle but two political groups can get involved in a clash. Bihar and West Bengal have nothing in common. Bengal is known for free and fair elections,” claimed Mr Bose.

SMS power

The Chief Election Commissioner, Mr BB Tandon, will launch an electoral information service through SMS at Nandan at 3 p.m. on 1 December during his two-day visit to the state. The new system will enable voters to know their serial numbers and polling stations by sending SMS to 3247 after typing in their photo ID card numbers. — SNS

Editorial: Give EC a chance, page 6

*Criminal
of Behras
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29/11*

BAIL FOR BISWAS

Adhir

remand

extended

Statesman News Service

BEHRAMPURE/BALUR GHAT, Nov. 28 — While former minister Mr Narayan Biswas managed to get bail today, jailed Congress MP Mr Adhir Chowdhury was not as lucky.

The Behrampore MP and Murshidabad district Congress president, Mr Adhir Chowdhury, who is serving a jail term in a double murder case, was today produced before the court of the Chief Judicial Magistrate, Mr AK Pal, who rejected his bail plea and directed him to appear before the court on 8 December. Owing to a lawyers' strike, the MP himself moved his bail petition.

The CJM extended his judicial remand by ten days. While emerging from the court, Mr Chowdhury said amid slogan-shouting by his supporters: "Congressmen can't be let down by putting me behind bars". Pro-Adhir demonstrations in different parts of the district passed off peacefully today.

Meanwhile, Mr Narayan Biswas was today granted

Death threat to judge

BEHRAMPURE, Nov. 28. — In a sensational twist to the case, the CJM has been threatened by CPI (Maoist) to release the MP or else his family would be eliminated, a senior police officer said today. The police said the security of the court and the CJM and his family have been beefed up following receipt of the letter. — SNS

bail by a Balurghat court in connection with a case of arson at Gangarampur in South Dinajpur district in 1988. The CPI-M district secretary, Mr Manabesh Choudhury, jailed in connection with the same case, was also released on bail.

Judge Mr Tarun Gupta granted bail to Mr Biswas, a senior CPI-M leader and former minister for small-scale and cottage industries, who has been in jail since 2 November after he surrendered before the CJM court, Balurghat, following a non-bailable arrest warrant.

Mr Biswas also got bail in another case of arson and looting at Ratanpur in 1988.

EC favours ban on criminals

NEW DELHI, Nov. 27. — After deleting the names of proclaimed offenders from the electoral rolls before the Bihar elections, the Election Commission has now proposed a ban on those charged with heinous crimes from contesting elections. The EC has asked the government to take a decision so that it could implement the proposal before the elections scheduled in five states next year.

In a letter mentioning the issues involved, the EC requested the government to decide on its proposal to

disqualify people from contesting elections during the pendency of their trial, provided charges had been framed against them and the maximum punishment of the offence was more than five years.

"Such a step would go a long way in cleansing the political establishment from the influence of criminal elements and protecting the sanctity of the legislative Houses," the EC said in its letter.

There were several instances where persons charged with serious

crimes contested elections, pending their trial, and even got elected.

The EC also raised the issue of restrictions on opinion and exit polls during the election process and provisions for publishing surrogate advertisements in the print media.

It recommended that the law be amended to provide for negative and neutral voting. In the ballot paper, a column, "none of the above", could be added to enable a voter to reject all the candidates, if he so chooses. — SNS

Another report on page 5

Adhir arrested in Delhi

Criminalisation of Politics

SF / 29/11

Statesman News Service

NEW DELHI/KOLKATA, Nov. 19.

The Lok Sabha member from Behrampore and Murshidabad district Congress president, Mr Adhir Chowdhury, wanted in twin murder cases, was arrested by a joint team of the Delhi and West Bengal Police from his south Delhi residence today.

The team was led by the Behrampore DSP, Mr Sahabul Hussain. Mr Chowdhury was picked up at about 10.15 a.m. from his official residence at 82, South Avenue.

He was later produced before a city court which granted him five days' transit remand for taking him to West Bengal.

On the midnight of 24 July this year, one Hanif Sheikh and his son, Laltu, were shot dead inside their food-kiosk near Behrampore Sadar Hospital. Mr Chowdhury and his

wife, Arpita's names figured in the case following a confessional statement made by a co-accused before a judicial magistrate.

The parliamentary affairs minister, Mr Priya Ranjan Das Munshi, went to meet the MP at the Chanakyapuri police station. Later, he condemned the arrest and termed it a "conspiracy" to tarnish the image of the MP and the West Bengal Congress. The Congress will launch a statewide campaign to protest against the arrest, he said.

The Congress spokesman, Mr Anand Sharma, said Mr Chowdhury's arrest seemed to be "politically motivated".

Mr Chowdhury was brought to Kolkata this evening by an Indian Airlines flight. He was taken to Behrampore in a police vehicle and will be produced in court tomorrow.

Incidentally, Mr Das Munshi



Mr Adhir Chowdhury after his arrest in New Delhi on Saturday. The Statesman

Also see page 2

arrived on the same flight, leaving Congress supporters at the NSC Bose airport confused about what

Of lawmakers and lawbreakers

Mr Adhir Chowdhury's arrest is the fourth instance of the law catching up with top state politicians implicated in criminal cases.

■ On Friday, charges were framed against the minister of state for labour, Mr Susanta Ghosh, for hooliganism.

■ On Thursday, a Siliguri court issued a bailable arrest warrant against the state urban development minister, Mr Asok Bhattacharya.

■ Former state minister, Mr Narayan Biswas, was arrested on charges of rioting and arson from South Dinajpur recently. SNS

their mood should be; and the day happened to be Indira Gandhi's birth anniversary.

৩ জেলায় বন্ধ আজ, রাজ্যে ধিক্কার দিবস

দিল্লিতে ধৃত আত্মসমর্পণ অধীর রাতে না করিয়েই বহরমপুরে দল বিপাকে

নিজস্ব সংবাদদাতা, নয়াদিল্লি ও কলকাতা: 'ফেরার' সাংসদ অধীর চৌধুরির নয়াদিল্লির সরকারি বাসস্থানে আচমকা হানা দিয়ে তাঁকে গ্রেফতার করল পুলিশ। শনিবার সকালে নয়াদিল্লির পাটিয়ালা হাউস আদালত থেকে পাঁচ দিনের 'ট্রানজিট রিমান্ড' নেওয়ার পরে রাজ্য পুলিশের বিশেষ দল বিকালের বিমানেই তাঁকে কলকাতা নিয়ে যায়। বিমানবন্দরে মিডিয়া ও কংগ্রেসের নেতাদের নজর এড়িয়ে পুলিশ তাঁকে বার করে নিয়ে রওনা দেয় বহরমপুরের পথে। রাত সাড়ে এগারোটা নাগাদ নয় গাড়ির কনভয় অধীরকে নিয়ে পৌঁছয় বহরমপুরে। থানায় ঢোকান আগেই কংগ্রেস কর্মীরা কনভয় ঘিরে বিক্ষোভ দেখান। একটি গাড়ির কাচ

নিজস্ব সংবাদদাতা: ভাজ্জির 'দুসরা' দিল সিপিএম। মুখে যাই বলুক, সিপিএমের চালের কাছে কার্যত ঠকেই গেল কংগ্রেস। সিপিএমের মন্ত্রী থেকে শুরু করে জেলা সম্পাদক— আত্মসমর্পণ করানোর পরেও কংগ্রেস সাংসদ অধীর চৌধুরীকে আত্মসমর্পণ করার জন্য প্রায় দু-সপ্তাহ সময় দিয়েছিল রাজ্য সরকার। কিন্তু অধীর সে রাস্তায় হাঁটেননি। ফলে সংসদের শীতকালীন অধিবেশন শুরুর মুখে পুলিশ গিয়ে দিল্লি থেকে তাঁকে গ্রেফতার করেছে। কংগ্রেসের দাবি, এটা রাজনৈতিক ষড়যন্ত্র। এবং সিপিএম পাল্টা বলছে, খুনের মামলা রাজনৈতিক বিষয় হবে কেন? দলের রাজ্য সম্পাদক

ভেঙে দেওয়া হয়। পুলিশ লাঠি উঁচিয়ে তাদের হঠিয়ে দেয়। থানার সামনে গাড়ি থেকে নেমে অধীর সাংবাদিকদের বলেন, "আমি বলেছিলাম আত্মসমর্পণ করব। কিন্তু অনিল বিশ্বাসের বিরুদ্ধে অভিযোগ তোলার কারণেই সিপিএমের পুলিশ আমাকে দিল্লি থেকে ধরে এনেছে।" আজ, রবিবার অধীরকে মুর্শিদাবাদ জেলা চিফ জুডিশিয়াল ম্যাজিস্ট্রেটের আদালতে হাজির করানোর কথা।



অনিল বিশ্বাসের কথায়, "উনি আগেই আত্মসমর্পণ করলে ভাল হত। এত হইচই হত না। আমাদের দলের মন্ত্রী, নেতা, কর্মীরা প্রায় সবাই আত্মসমর্পণ করেছেন। অভিযোগ থাকলে আত্মসমর্পণে অসুবিধা কোথায়?"

সকালে গ্রেফতারের খবর শুনে সন্ত্রাস কেন্দ্রীয় তথ্য ও সম্প্রচার এবং সংসদ বিষয়ক মন্ত্রী প্রিয়রঞ্জন দাশমুন্সি থানায় গিয়ে অধীরের সঙ্গে দেখা করে সহানুভূতি জানান। তিনি এ-ও জানিয়ে দেন, তিনি রবিবারই রাজ্য জুড়ে প্রতিবাদ আন্দোলনে নামবেন। মিছিল ও ধর্মতলায় বিক্ষোভ সভা করে তার সূচনা হবে। থাকবেন কংগ্রেসের নেতা সুব্রত মুখোপাধ্যায়ও। প্রদেশ কংগ্রেস

শনিবার দিল্লিতে অধীর। — প্রেম সিংহ

মন্ত্রী-সাত্ত্বীদের আত্মসমর্পণ করিয়ে ভাবমূর্তির লড়াইয়ে আগেই এগিয়েছিল সিপিএম। এখন অধীরকে গ্রেফতার করে বিধানসভা ভোট পর্যন্ত হাজতে রাখতে পারলে দুর্শ্চিন্তার মুর্শিদাবাদেও তারা বিধানসভা ভোটেও অনেকটা নিশ্চিন্তে নামতে পারবে।

সভাপতি প্রণব মুখোপাধ্যায় বলেন, "কাল রাজ্য জুড়ে ধিক্কার দিবস পালিত হবে। মুর্শিদাবাদ, নদিয়া এবং মালদহে বন্ধও ডাকা হয়েছে। আমরা আইনগত ও রাজনৈতিক ভাবে এর মোকাবিলা করব।" বসন্ত, গ্রেফতারের খবর পেতেই রাজ্য জুড়ে কংগ্রেসের কর্মীরা পথ ও রেল অবরোধ শুরু করেন। তবে কোনও অবরোধই দীর্ঘ ক্ষণ স্থায়ী হয়নি।

এই পরিস্থিতিতে কংগ্রেস আপাতত এই গ্রেফতারকে কেন্দ্র করে ঘুরে দাঁড়াতে মরিয়া চেষ্টা করছে। প্রদেশ কংগ্রেসের নেতাদের একাংশের কথায়, "অধীরকে যে ভাবে ষড়যন্ত্র করে জেলে পাঠানো হচ্ছে, তার মধ্যে রাজনীতি আছে, সেটা যে কেউই বুঝবেন। এই কথাটাই আমরা আমজনতাকে বলব।" কংগ্রেস নেতৃত্বের ধারণা, এ ভাবে নির্বাচনের আগে দলকে একটা ঝাঁকুনি দেওয়া যাবে। সেইসঙ্গে চাপা করা যাবে কর্মীদেরও।

অধীরকে গ্রেফতারের জন্য মুর্শিদাবাদ পুলিশের ডিএসপি (ডি অ্যান্ড টি) সাহাবুল হোসেনের নেতৃত্বে একটি দল দু'দিন আগে দিল্লি আসে। সাহাবুল জানান, দিল্লি পৌঁছেই তাঁরা চাগকাপুরী থানার সঙ্গে যোগাযোগ করেন। অধীরের সাউথ অ্যান্ডিনিউয়ের ৮২ নম্বর ফ্ল্যাটে দিল্লি ও রাজ্য পুলিশের যৌথ দল পৌঁছায় সকাল ১০ টা নাগাদ। অধীর তখন মুর্শিদাবাদ জেলা পরিষদের পূর্ত কর্মাধ্যক্ষ পার্শ্বসারথী পালের সঙ্গে রাস্তা তৈরি নিয়ে ফোনে কথা বলতে বলতে প্রাতরাশ করছিলেন। পুলিশ তাঁর ঘরে ঢুকতেই সাংসদ বলেন, "আমার বিরুদ্ধে জামিন অযোগ্য গ্রেফতারি পরোয়ানা রয়েছে জানি। কিন্তু আমাকে একটু তৈরি হতে সময় দিন।" কয়েকটি ফোন করারও অনুমতি চান। তাঁকে সেই সুযোগ দেওয়া হয়। এর পরে তাঁকে চাগকাপুরী থানায় নিয়ে যাওয়া হয়। সাহাবুল পরে বলেন, "আমরা স্বামী-স্ত্রী দু'জনকেই গ্রেফতার করতে এসেছিলাম। ওঁর স্ত্রী এখানেই আছেন বলে আমাদের কাছে খবর ছিল। কিন্তু তাঁকে পাইনি।"

কথাটাই আমরা আমজনতাকে বলব।" কংগ্রেস নেতৃত্বের ধারণা, এ ভাবে নির্বাচনের আগে দলকে একটা ঝাঁকুনি দেওয়া যাবে। সেইসঙ্গে চাপা করা যাবে কর্মীদেরও।

কর্মীরা চাঙা হোন বা না হোন, অধীরের গ্রেফতারির ঘটনায় আরও একটা বিষয় সন্দেহাতীত ভাবে প্রমাণিত— শেখপর্যন্ত আইন তার নিজস্ব পথেই চলেছে। জোড়া খুন ও সংঘর্ষের অভিযোগে অভিযুক্ত অধীর বহরমপুরে ফিরে আত্মসমর্পণ করতেই পারতেন। তা না-করায় পুলিশকে তাঁকে গ্রেফতার করে আইনের শাসন প্রতিষ্ঠিত করতে হল—এই বার্তাও পৌঁছে দেওয়া গিয়েছে আমজনতার কাছে। ঠিক সেই কথাটাই বলেছেন অনিলবাবু, "রাজ্য সরকার আইনগত ব্যবস্থা না-নিলে তা অন্যায় ও অগণতান্ত্রিক হত। অধীরবাবুকে গ্রেফতার করে প্রশাসন সঠিক ভূমিকা পালন করেছে। এটা খুনের অভিযোগ। সিপিএম কী ভাবে ষড়যন্ত্র করবে?" অধীরের অসুস্থ স্ত্রী অর্পিতাদেবীর ব্যাপারে 'আইনগত ও মানবিকতা' দু-দিক মিশিয়েই সরকার ও প্রশাসনের পদক্ষেপ করবে বলে অনিলবাবু মনে করেন।

মুর্শিদাবাদ জেলাপরিষদ ও জেলার তিনটি লোকসভা আসন হারানোর পর অধীরকে নিয়ে সিপিএমের মাথাব্যথা বেড়ে যায়। রাজ্যস্তরের কিছু নেতার মদতে জেলার প্রাক্তন কংগ্রেস সভাপতি অতীশ সিংহ অধীরের বিরুদ্ধে জোট

এর পর ছয়ের পাতায়

● মুর্শিদাবাদ জুড়ে কংগ্রেস সমর্থকদের বিক্ষোভ...পৃঃ ৬

দিল্লিতে ধৃত অধীর

প্রথম পাতার পর, অর্পিতাদেবী কোথায়, তা নিয়ে এখনও স্পষ্ট খবর নেই। অধীরের পরিবার সূত্রের খবর, তিনি কোনও নাসির্হোমে চিকিৎসাধীন রয়েছেন। কিন্তু তা দিল্লিতে না কি দক্ষিণ ভারতের কোথাও, তা জানাতে কেউ রাজি নন। তবে পুলিশ অর্পিতাদেবীরও খোঁজ চালাচ্ছে। গ্রেফতার হওয়ার অব্যবহিত আগেই অবশ্য স্ত্রীর সঙ্গে ফোনে যোগাযোগ করেন অধীর। তার পরেই পুলিশ তাঁকে নিয়ে বেরিয়ে যায়। কংগ্রেস সাংসদকে গ্রেফতারের খবর জানানো হয় লোকসভার অধ্যক্ষ সোমনাথ চট্টোপাধ্যায়কে

তথ্য-সম্প্রচার মন্ত্রকের দায়িত্ব বুঝে নিতে তৈরি প্রিয়বাবু অধীরের গ্রেফতারের খবর শুনে উদ্ভিগ্ন হয়ে পড়েন। মন্ত্রক থেকেই তিনি সাড়ে ১১টা নাগাদ পৌঁছোন চণক্যপুরী থানায়। সামনের টেবিলের উপর ওষুধের বাস্কটি রেখে থানার অ্যাসিস্ট্যান্ট কমিশনারের ঘরে বসেছিলেন অধীর। কোনও বাক্য বিনিময়ের আগেই উত্তেজিত প্রিয় বলেন, “ওরা কী ভেবেছে? আমি ছেড়ে কথা বলব না। সত্তরের দশকে একবার আন্দোলন করে সাড়া ফেলে

দিয়েছিলাম। দ্বিতীয়বার নামব তোর জন্য! আইনি যুদ্ধ আদালতে হোক। আমি রাস্তায় নেমে আন্দোলন করব। তার পর কী হয় দেখা যাবে!” আবেগপ্রবণ অধীর প্রিয়বাবুকে বলেন, “আমি ওদের পুথের কাঁটা হয়ে গিয়েছি। ওরা আমাকে সরাতে চাইছে। সব রাজনৈতিক ষড়যন্ত্র।” এরই মাঝে প্রশ্নবাবুর সঙ্গে ফোনে কথা বলেন অধীর। থানা থেকে বেরিয়ে আসার মুহূর্তে অধীরকে জড়িয়ে ধরে কেঁদে ফেলেন প্রিয়। অধীর তাঁকে বলেন, “তুমি অতো ভেব না। সব ঠিক হয়ে যাবে।”

পরে প্রিয়বাবু বলেন, “মিথ্যা মামলায় অধীরকে ফাঁসিয়ে ওরা মুর্শিদাবাদে কংগ্রেসকে খতম করতে চাইছে। জেলার মানুষই তার জবাব দেবেন। দু’দিন আগে জেলার চারটি জায়গায় নদী ভাঙনের সমস্যা নিয়ে অধীর আমার কাছে আসে। শীতকালীন অধিবেশনের প্রথম দিনেও ওর মুর্শিদাবাদ নিয়ে প্রশ্ন রয়েছে। যে লোকটা মুর্শিদাবাদের জন্য এত ভাবে, তাকে জেলার মানুষ ভুলবে কী করে?”

বিকালের উড়ানেই অধীরকে নিয়ে কলকাতায় নামে পুলিশ। একই বিমানে কলকাতায় আসেন প্রিয়বাবুও। বিমানে অধীর প্রিয়বাবুকে বলেন, “মুর্শিদাবাদের মানুষ, সারা রাজ্যের কংগ্রেসকর্মীরা আমার সঙ্গে আছেন। চিন্তা কোর না।” পাশাপাশি তিনি এ-ও বলেন, “আমি যখন বামফ্রন্টের শ্রমিক সংগঠন করতাম, তখন ওদের কাছে আমি খুব প্রিয় ছিলাম। আরএসপি-র দেবরত বন্দ্যোপাধ্যায়কে জেতাতে ওরা আমার সাহায্য নিত তো! কংগ্রেস করার সময় থেকেই আমি খারাপ হয়ে গেলাম!” প্রিয়বাবু পরে বলেন, “অধীর ভেঙে পড়ার ছেলে নয়! ও যথেষ্ট শক্ত আছে।”

বিমানবন্দরের অন্তর্দেশীয় টার্মিনালের বাইরে আব্দুল মান্নান, শঙ্কর সিংহ-সহ অধীরের ঘনিষ্ঠ নেতারা এবং সংবাদমাধ্যমের প্রতিনিধিরা অপেক্ষা করছিলেন অধীর-প্রিয়র জন্য। প্রিয়বাবু সে দিক দিয়ে বেরোলেও পুলিশ কিন্তু ধৃত সাংসদকে সে দিকে আনেনি। উত্তর ২৪-পরগনার পুলিশ সুপার প্রবীণ কুমারের নেতৃত্বে বিশাল বাহিনী সোজা গাড়ি নিয়ে টারম্যাকে ঢুকে যায়। বিমান থেকে নামিয়ে সেখানেই গাড়িতে তোলা হয় অধীরকে। তার পর আন্তর্জাতিক টার্মিনালের পাশে ভিডিআইপি-রা যেখান দিয়ে বেরোন, সে দিক দিয়ে নির্বিঘ্নে অধীরকে নিয়ে বেরিয়ে যায় তারা। সন্ধ্যা সাড়ে ৭টা নাগাদ পুলিশ ধৃত সাংসদকে নিয়ে রওনা দেয় বহরমপুরের দিকে। মান্নান-শঙ্করেরা অবশ্য অভিযোগ করেন, “অন্ধকারে, চুপিসাড়ে অধীরকে নিয়ে যাচ্ছে পুলিশ।”

দল বিপাকে

প্রথম পাতার পর, অর্পিতাদেবী কোথায়, তা নিয়ে এখনও স্পষ্ট খবর নেই। অধীরের পরিবার সূত্রের খবর, তিনি কোনও নাসির্হোমে চিকিৎসাধীন রয়েছেন। কিন্তু তা দিল্লিতে না কি দক্ষিণ ভারতের কোথাও, তা জানাতে কেউ রাজি নন। তবে পুলিশ অর্পিতাদেবীরও খোঁজ চালাচ্ছে। গ্রেফতার হওয়ার অব্যবহিত আগেই অবশ্য স্ত্রীর সঙ্গে ফোনে যোগাযোগ করেন অধীর। তার পরেই পুলিশ তাঁকে নিয়ে বেরিয়ে যায়। কংগ্রেস সাংসদকে গ্রেফতারের খবর জানানো হয় লোকসভার অধ্যক্ষ সোমনাথ চট্টোপাধ্যায়কে

তথ্য-সম্প্রচার মন্ত্রকের দায়িত্ব বুঝে নিতে তৈরি প্রিয়বাবু অধীরের গ্রেফতারের খবর শুনে উদ্ভিগ্ন হয়ে পড়েন। মন্ত্রক থেকেই তিনি সাড়ে ১১টা নাগাদ পৌঁছোন চণক্যপুরী থানায়। সামনের টেবিলের উপর ওষুধের বাস্কটি রেখে থানার অ্যাসিস্ট্যান্ট কমিশনারের ঘরে বসেছিলেন অধীর। কোনও বাক্য বিনিময়ের আগেই উত্তেজিত প্রিয় বলেন, “ওরা কী ভেবেছে? আমি ছেড়ে কথা বলব না। সত্তরের দশকে একবার আন্দোলন করে সাড়া ফেলে

দিয়েছিলাম। দ্বিতীয়বার নামব তোর জন্য! আইনি যুদ্ধ আদালতে হোক। আমি রাস্তায় নেমে আন্দোলন করব। তার পর কী হয় দেখা যাবে!” আবেগপ্রবণ অধীর প্রিয়বাবুকে বলেন, “আমি ওদের পুথের কাঁটা হয়ে গিয়েছি। ওরা আমাকে সরাতে চাইছে। সব রাজনৈতিক ষড়যন্ত্র।” এরই মাঝে প্রশ্নবাবুর সঙ্গে ফোনে কথা বলেন অধীর। থানা থেকে বেরিয়ে আসার মুহূর্তে অধীরকে জড়িয়ে ধরে কেঁদে ফেলেন প্রিয়। অধীর তাঁকে বলেন, “তুমি অতো ভেব না। সব ঠিক হয়ে যাবে।”

পরে প্রিয়বাবু বলেন, “মিথ্যা মামলায় অধীরকে ফাঁসিয়ে ওরা মুর্শিদাবাদে কংগ্রেসকে খতম করতে চাইছে। জেলার মানুষই তার জবাব দেবেন। দু’দিন আগে জেলার চারটি জায়গায় নদী ভাঙনের সমস্যা নিয়ে অধীর আমার কাছে আসে। শীতকালীন অধিবেশনের প্রথম দিনেও ওর মুর্শিদাবাদ নিয়ে প্রশ্ন রয়েছে। যে লোকটা মুর্শিদাবাদের জন্য এত ভাবে, তাকে জেলার মানুষ ভুলবে কী করে?”

RJD gameplan seems behind Shahabuddin's smooth arrest

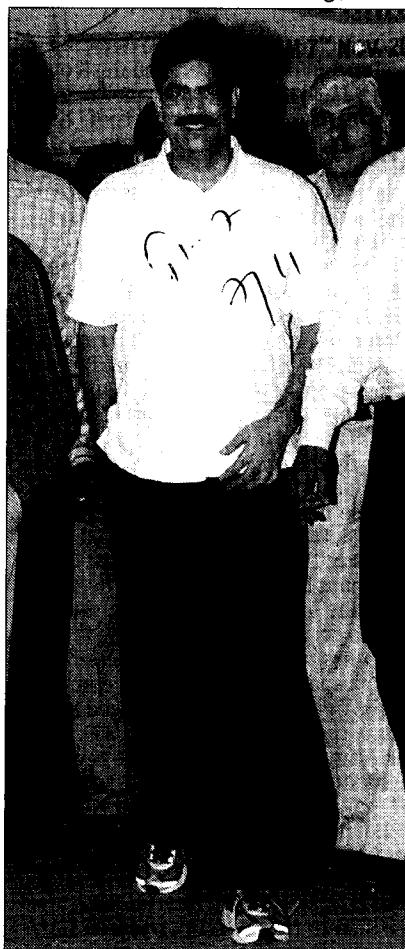
TIMES NEWS NETWORK

New Delhi: RJD's heavyweight member of Lok Sabha, Mohammed Shahabuddin who faces 34 criminal cases has never been a stranger to controversy. So it was natural for many in political circles to look for the twist in the plot when five cops from Bihar led by a lady sub-inspector nabbed the toughie from Siwan, who once held hundreds of heavily armed cops at bay, with remarkable ease in the Capital.

The smooth arrest of Shahabuddin, who made a great virtue of the fact that he did not go to jail so long as he did not wish to, raised many questions, with a very strong feeling that the controversial MP might have turned himself in as part of the RJD gameplan to rally the Muslims behind Lalu Prasad's bid to regain power in Bihar for the crucial third phase of Bihar polls.

With Muslim votes critical in the third and fourth phase of polls, Lalu Prasad-Congress combine have pulled out all stops to deal with the indifference of the community which, combined with Yadavs, allowed RJD to win two elections on a trot. Observers feel the anxiety to hold on to the "base" has been evident in the way RJD-Congress combine "juiced up" a purported remark of Election Commission observer to declare the poll watchdog anti-Muslim. It has also seen the RJD leader warning of the comeback of the now-extinct "anti-Muslim" Pota and dismiss NDA's chief ministerial candidate, Nitish Kumar, as "mukhauta" of BJP.

Despite his controversial past, Shahabuddin has successfully portrayed himself as a Robinhood of sorts for Muslims, with no little help from Lalu Prasad. The RJD chieftain who, in the wake of his arrest of L K Advani during Rath Yatra, could once sway Muslims, had to accredit the Siwan MP as a



Mohammed Shahabuddin outside the Parliament Street police station after being interrogated following his arrest, in New Delhi

community leader after he feared that his grip over the minority community was slipping. Before the polls, Lalu Prasad projected Shahabuddin as his "young Muslim face" and sent him, in

the company of Union minister M A A Fatimi on a *karvan-e-bedari* (awakening yatra) in minority-populated areas.

Those suspicious of the timing and the manner of arrest feel that his detention will be milked to warn the Muslims, particularly the youth, of the risks that they may face if Lalu raj gets over. Speculation of a political game was confirmed by RJD spokesman Shivanand Tiwari who said in Patna that the party will make a political issue of the arrest. "Shahabuddin has been implicated in false cases by an eccentric DM and has been victimised," he said. On the other hand, BJP MP Sushil Modi called the arrest "orchestrated".

Reasons for the knee-jerk accent on minorities may not be far to seek. As many as 113 (72 and 41 in third and fourth phases) of the 243 seats go to polls the coming fortnight with minorities and Yadavs.

Muslims comprise roughly 25% of the total voters in these two phases. A slight division last time saw the JD(U) sneak through. In the third phase, districts with considerable minority votebase like Araria, Kishanganj, Saharsa and Supaul go to polls as does Madhepura, Madhubani and Champaran. M-Y combination is lethal in these districts. The last phase on November 19 would see polling in Siwan, Gopalganj, Patna and Nalanda.

Sources said the arrest serves the key purpose of ensuring Shahabuddin's presence in Siwan, even if only behind bars.

The BJP and CPI(ML) fear that Shahabuddin wants to influence the elections from the Siwan jail and the police are out to facilitate this. "The Bihar Police did not oppose the Delhi court's decision to send him to Siwan even though he has been externed from the district till December 20," Modi said. They have demanded that he be kept out of Siwan to ensure fair polls.

Hunt ends, Shahabuddin arrested in Delhi

PRESS Trust of India
New Delhi, November 5

MOHAMMED SHAHABUDDIN, the elusive RJD MP whose name spreads terror in Bihar's Siwan district was arrested from his official residence in New Delhi on Saturday.

Shahabuddin is named in more than 30 criminal cases pertaining to kidnapping and suspected killing of two CPI-ML activists and a student leader, and has at least eight non-bailable warrants issued against him.

A team of Bihar police, led by sub-inspector Gauri of the Hussainganj police station, swooped in on Shahabuddin's 5, Bishambar Dass Marg bungalow on a tip off that he had arrived there on Friday and arrested the MP.

The Siwan strongman, considered close to RJD supremo Lalu Prasad, was not even allowed to change his clothes, which were later brought by his aide to the Parliament Street police station, where he was taken after arrest. The police would now obtain a transit remand to take him to Siwan where he will be produced before a local court.

The Bihar police had issued a nationwide alert for Shahabuddin's arrest in August, after it was accused of going soft on him. Prominent among the 34 cases in which he is named by the Bihar police include the kidnapping and suspected killings of CPI-ML activists Munna Lal Chaudhry and Chottelal Gupta in 1999 and former Jawaharlal Nehru University Students' Union president Chandrashekar in 1998.

BJP smells a rat behind belated arrest

Smelling something unusual in his "belated" arrest, BJP on Saturday charged Shahabuddin with timing it "to influence" the Assembly elections in Siwan slated for November 19.

The party urged the Election Commission to ensure that Shahabuddin was shifted to the high-security Beur jail immediately after he was produced before the district court there.

"Shahabuddin, who could've surrendered much earlier, has timed his arrest to influence the approaching elections in Siwan", state BJP president Sushil Kumar Modi said.

Saying that lodging Shahabuddin in judicial custody in Siwan would be "improper" in view of the polls, he said the commission should direct the authorities in Siwan to immediately shift the RJD MP from there after his production before the court, to the high-security jail here to ensure "terror-free" polls.

"Moreover, Siwan district magistrate S.K. Mal has already externed the mp from the district limits and the order must be enforced", added Modi.

DON-MP FROM SIWAN

Name: Mohammad Shahabuddin

Occupation: MP, Paratap-Pur
The rise: Year 1985. Becomes MLA in the absence of a rival candidate

USP: Steamrollering opponents. Faces murder charges, including killing of JNU student leader and CPI (ML) activist from Siwan, Chandrashekar

The clash: Post-2000. Lalu's brothers-in-law rise in his area of influence

Loses Lalu: Year 2004. Cases are opened. Despite Lalu visiting him in jail, the patch-up bid fails

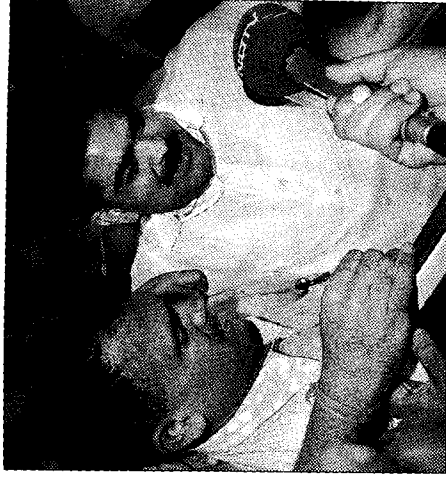
2005 record

February 18: Granted bail in killing of CPI (ML) activist, Munna Chaudhary. The same month externed from Siwan for 6 months, now extended till December

August 18: Chief secy directs DMs and SPs to execute warrants of arrest

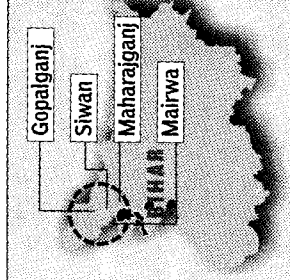
September: Clandestinely appears in Bachelor of Law examination at Muzaffarpur

His name figures in over 30 cases, ranging from murder and kidnapping to keeping unaccounted foreign currencies. Just who is this man?



Shahabuddin being taken to Parliament Street police station on Saturday.

Arc of survival



Complete domination
Year 1995. Lalu rides Muslim-Yadav (MY) wave. Shahabuddin becomes instrumental in Lalu's RJD's unity in the Gopalganj-Siwan and Maharajganj

Timing suits him fine

HT Correspondent
Patna, November 5

FORTUITOUS OR scripted, the timing of Shahabuddin's arrest at his official residence in New Delhi on Saturday appears to suit him fine and can only benefit his party in electoral terms.

Faced with several non-bailable warrants (NBWs), the Siwan strongman has been evading the law (or vice-versa, as some sceptics may argue) for months. All this while, the police never appeared even close to nabbing him. His sudden arrest at his own house somehow conveys the impression he may not have been averse to the idea.

Not without reason. With crucial North Bihar constituencies set to be covered in the third phase of polling (November 13) and his native Siwan district in the fourth phase of Bihar elec-

NEWS ANALYSIS

tions (November 19), it makes eminent sense for Shahabuddin to impact the state with its physical presence. Taking him to Siwan on transit remand will serve this purpose. It will be interesting to see if the RJD MP is lodged behind bars in Siwan, considering an order for his externment from the district remains in force. But even if this does not happen, the very fact of his being around will help rally the RJD workers in general and his supporters in particular, in Siwan and its adjoining districts. Even if one were to discount his potential for election management, political analysts remain convinced that the news of his arrest can only assist the RJD in selling its electoral line that its leaders belong to particular sections of the society were being targeted by the Bihar administration at the behest of the Election Commission. Many believe it will help Shahabuddin garner sympathy and support.

The details of pending NBWs

■ February 2, 1999 — **Sec 364 IPC** Kidnapping and suspected murder of CPI-ML activist Chote Lal Gupta

■ March 17, 2001 — **Sec 25 (1-B) (A)/26/35 Arms Act, 35 Explosives Act**

Killing a policeman, encounter with the police, recovery of an AK-47 rifle and explosives during a raid at his Pratappur house on March 16, 2001

■ April 24, 2005 — **414 IPC**

Seizure of stolen vehicles during a raid on his Pratappur house on that day

■ April 24, 2005 — **25 (1-B) (A)/26 Arms Act and FEMA, Sec 13 (1) and Sec 85 Indian Telegraph Act, 20, 21, 414 IPC** - Seizure of illegal weapons, foreign currency during the raid

■ April 24, 2005 — **25(1-B), A/26 Arms Act** - Charged with the sale and purchase of illegal weapons on the basis of a confessional statement of one Jamaluddin arrested from Pratappur on April 24 during the raids

■ April 24, 2005 — **25 (1-B) A/26 Arms Act** - Recovery of illegal weapons

■ April 24, 2005 — **379 IPC and 39/44 Indian Power Act 1910** - Illegal electricity connection at Pratappur house

অবশেষে রাজধানীতে ধরা পড়লেন শাহবুদ্দিন

নিজস্ব সংবাদদাতা, নয়াদিল্লি ও পটনা, ৫ নভেম্বর: অবশেষে গ্রেফতার হলেন তিরিশটিরও বেশি অপরাধমূলক মামলায় অভিযুক্ত আরজেডি-র বাহুবলী সাংসদ মহম্মদ শাহবুদ্দিন। গত চারমাস ধরে নিজস্ব ক্ষমতার বলে জামিন অযোগ্য পরোয়ানাকে গ্রাহ্য করেননি। পুলিশ ও নির্বাচন কমিশনের নির্দেশকে শাহবুদ্দিন কার্যত বুড়ো আঙুল দেখিয়েছেন। কিন্তু শেষরক্ষা করতে পারলেন না।

বিহার পুলিশ বাহিনী বিশ্বস্তর দাশ মার্গের সরকারি বাসভবন থেকে আজ দুপুরে শাহবুদ্দিনকে একবস্ত্রে উঠিয়ে নিয়ে আসে। গ্রেফতারের পরেই তাঁকে স্বাস্থ্য পরীক্ষার জন্য রামমনোহর লোহিয়া হাসপাতালে নিয়ে যাওয়া হয়। বিহার নির্বাচন চলাকালীন এই গ্রেফতারির ঘটনায় রাজনৈতিক মহলে চাঞ্চল্যের সৃষ্টি হয়েছে। পুরনো বিরোধ হলে আরজেডি প্রধান লালুপ্রসাদ যাদব সংখ্যালঘু ভোটব্যাঙ্কের তাস হিসাবে শাহবুদ্দিনকে গ্রহণ দিয়ে এসেছেন। এই গ্রেফতারের প্রত্যয় বিহার রাজনীতিতে নতুন সমীকরণ তৈরি করবে কি না, তা

নিয়ে তাই জল্পনার সৃষ্টি হয়েছে। শাহবুদ্দিনের গ্রেফতারের পরে পটনায় লালুপ্রসাদের ঘনিষ্ঠমহল জানাচ্ছে, এর ফলে আরজেডি ধাক্কা খেত, এমনটা ভাবার তো কোনও কারণই নেই। বরং এই ঘটনাকে ভোট বাবহার করা হতে পারে। অর্থাৎ, জনপ্রিয় এই নেতার হেনস্থার ঘটনাকে তুলে এনে সংখ্যালঘু ভোটটিকে একজোট করার চেষ্টা করবে লালুর দল।

শাহবুদ্দিন আজ না হোক কাল গ্রেফতার করেন, তা ক্রমশই স্পষ্ট হয়ে যাচ্ছে। তাঁকে জেলে ঢোকানো নিয়ে বিহার প্রশাসনের উপরে ক্রমাগত চাপ বাড়িয়ে গিয়েছে নির্বাচন কমিশন। গত ফেব্রুয়ারি মাসে নির্বাচনের সময় সিওয়ানে জেলা শাসক সি কে অনিল গুডা দমন আইনের বলে তাকে জেলা থেকে বহিষ্কার করেছিলেন। তবুও রাজ্য পুলিশের নাকের উগাতেই বিহারের বেশ কিছু জেলায় মুসলিমদের নিয়ে বৈঠক করেছিলেন শাহবুদ্দিন।



পানার পথে শাহবুদ্দিন। শনিবার। —পি.টি.আই

জামায়াত বাহুবলীর সময় দেয়নি পুলিশ।

আসলে শাহবুদ্দিনকে ধরার জন্য নির্বাচন কমিশনের চাপ বাড়ছিল। বিহারের মুখ্যসচিব জি এস কঙ্গ শাহবুদ্দিনকে গ্রেফতারের 'রেড অ্যালার্ট'ও জারি করেন। তা সত্ত্বেও তাঁকে ধরা যায়নি। সস্ত্রীক মুজফফরপুরে একটি আইনের পরীক্ষায় শাহবুদ্দিনের খাতা পাওয়া যাওয়ায় এই চই বেয়ে যায়। পুলিশ তদন্তে জানতে পারা যায়, শাহবুদ্দিন নিজে পরীক্ষায় বসেননি। তার নামে অন্য কেউ পরীক্ষা দিয়েছে।

বাহুবলী হিসাবে, বিহারে পরিচিত শাহবুদ্দিনকে জেলে কতদিন ধরে রাখা যাবে, তা নিয়ে অনশ্য প্রশ্নটিই থেকেই যাচ্ছে। এর আগেও তিনি জেলে গিয়েছেন। তখনও তার পক্ষেই হায়ে বসানো মঁ রা কলম, হাতে রোলস্ট্রয় ঘড়ি, পায়ে সুইজারল্যান্ডের জুতো। জেল হাজত থেকেই মোবাইলে বইয়ের সঙ্গে যোগাযোগ রাখতেন

তিনি। সেখান থেকে আনন্দবাজারের প্রতিবেদককেও সাক্ষাৎকার দিয়েছেন। জেল সুপারের ঘরকে ব্যবহার করেছেন নিজের বৈঠকখানার মতো।

অভিযোগ, বহু প্রভাবশালী মহলে হাত রয়েছে এই মাকিয়া জন তথা রাজনৈতিক নেতার। দাউদ ইব্রাহিমের সঙ্গে তার যোগাযোগ রয়েছে বলেও অভিযোগ উঠেছে বার বার। এমনকী এক কদম এগিয়ে বিরোধীরা এ কথাও বলেছেন, কম্পীরের উগ্রপন্থীদের সঙ্গেও নিয়মিত যোগাযোগ রেখে চলতেন এই আরজেডি সাংসদ। বছর দশেক আগে বিহারের সিওয়ানে খুন হয়েছিলেন সিপি আইএমএল-এর নেতা চন্দ্রশেখর।

অভিযোগের আঙুল ওঠে শাহবুদ্দিনের দিকে। এ ছাড়াও খুন এবং অপহরণ-সহ মোট ৩৪টি মামলা চলছে তার বিরুদ্ধে। তবে শাহবুদ্দিন গ্রেফতার হওয়ার পরেই সিওয়ানের জেলাশাসক এস কে মাল জানিয়েছেন, বাহুবলী সাংসদের বিরুদ্ধে চলা সব মামলাগুলি অন্য জেলায় সরিয়ে নেওয়া হোক। এই মর্মে রাজ্য স্বরাষ্ট্র দফতরকে লিখিত ভাবে অনুরোধও করেছেন তিনি।

Court gives 'absconder' Adhir a month's notice

Let police arrest me: MP

OUR CORRESPONDENT

Behrampur, Nov. 3: Local Congress MP Adhir Chowdhury was declared an absconder by the Behrampur court today in connection with twin murders in which his wife is also an accused.

The Murshidabad chief judicial magistrate issued a notice this afternoon instructing Chowdhury to surrender in the court by December 5.

Although the court did not order attachment of his property in the event of his failure to turn up by then, legal circles believe that the ground has been prepared for such a move. "The court may attach Chowdhury's property if he does not surrender by December 5," a senior lawyer said.

A copy of the notice was pasted on the door of the Behrampur MP's house here this evening. Two others were stuck at the bus stand and on the collectorate club wall.

The chief judicial magistrate had on October 18 issued non-bailable arrest warrants against Chowdhury and his wife Arpita in connection with the murder of a father and son on July 23. In the charge-sheet submitted on October 17, the MP and his wife were accused of engineering the murders because the duo had allegedly shifted loyalty to a rival faction of the Congress.

Two members of a gang of five shot dead Hanif Sheikh, 48, and Laltoo after having a bread-mutton curry meal at



Adhir: Cooling heels?

Nilufa Hotel. Hanif owned the eatery and was about to close shop when the five ordered the meal. His younger brother Surroj fled through the backdoor as the goons brandished revolvers and took aim across the cash counter.

Contacted in Delhi, Chowdhury, also the district Congress president, denied that he was absconding. He had earlier said that unlike former CPM minister Narayan Biswas, who eluded the law for 16 years before giving in on Tuesday, he would never flee police.

"Narayan Biswas roamed free for 16 years with an arrest warrant against him... But I am being declared an absconder after barely a fortnight of its issue," he said.

"I have repeatedly said that I am not an absconder. I am innocent and so there is no question of surrendering. The police have framed me. I am at my 82 South Avenue residence in Delhi. Let the police come and

arrest me," Chowdhury said.

Like the MP, Biswas, who was charged with arson, had dared the police to arrest him.

Murshidabad superintendent Niraj Kumar Singh said the police are keeping watch on Chowdhury's Behrampur house round the clock. With the murder accused sitting pretty a few thousand miles away, needless to say the police alertness here is meaningless.

"From the day the warrant was issued, the MP did not enter his house once. We have informed the court about it," Singh said.

Today, no notice was served on Arpita, possibly because she had prayed for bail after her not-to-arrest plea on the ground of ill health was turned down. "The hearing of the bail petition has been fixed for November 8. This is perhaps why the notice has not been issued to her," her lawyer Pijush Ghosh said.

Told to comment on the absconding party MP, state Congress general secretary Manas Bhumia said he "did not know" about today's developments. "After we collect the details, we will discuss the issue."

State CPM secretary Anil Biswas said: "I should not comment on a court order."

A Congress functionary, however, conceded that the CPM had taken the wind out of Narayan Biswas to give in. "If Adhir is allowed to abscond, the CPM will make an issue of it before the elections."

BROTHERS BEHIND BARS



(Seated from left) Narayan Biswas, Manabesh Chowdhury and jails minister Biswanath Chowdhury after the *bhai phonta* session in jail

After Big Two, the rest

OUR CORRESPONDENT

Balurghat, Nov. 3: With the party's South Dinajpur Big Two — former district secretary Manabesh Chowdhury and former minister Narayan Biswas — locked up, other CPM leaders who had been evading arrest for years know their number is up.

Zilla parishad sabhadhipati (chief) Mohiuddin Ahmed and former president of the Gangarampur panchayat samiti, Sitaram Kisku, are among them.

Both are members of the party's district committee and prominent leaders of Gangarampur, to which Biswas belonged. They have non-bailable warrants in their name in the same case of arson at Ratanpur that has land-

ed the Big Two in custody.

In Calcutta, state CPM secretary Anil Biswas said: "There are 60-70 CPM activists who are facing criminal charges and have not yet appeared in court (despite having warrants issued against them). The party has instructed them to surrender in court and try to obtain bail within a month."

District secretariat member Asit Sarkar said: "There is no ambiguity concerning their surrender. The party's state committee has already announced the official line. We are only working out about the date and time of their surrender."

Ahmed had earlier claimed that he had already obtained bail, but district Trinamul Congress chief Biplab Mitra rubbished it.

Festival in jail for CPM duo

OUR CORRESPONDENT

Balurghat, Nov. 3: A day after being sent to jail by the court here, former CPM minister Narayan Biswas took *bhai phonta* from local civic chief Sucheta Biswas and then headed to the prison hospital.

Biswas, who was remanded in judicial custody for a fortnight, waited in the office of jail superintendent M. Guin till a doctor cleared his stay at the hospital.

The man, who was minister of state for small-scale industries until he was forced to quit two days ago, has been given a bed next to party colleague Manabesh Chowdhury, who has been charged in the same case of arson as Biswas.

Biswas, who had complained of piles, was taken to the district hospital in the prison ambulance this morning for ECG, ultra-sonography and blood tests.

Talking to the media in the hospital, he said he faced no problems last night.

In fact, he added, he got up rather early in the morning, had breakfast, read newspapers and then got ready for the *bhai phonta* inside the jail.

Biswas, who embarrassed the Buddhadeb Bhattacharjee government by avoiding court for 16 years and refusing to surrender, accused local Trinamul Congress leader Biplab Mitra of indulging in "dirty politics". He said Mitra had forced him to go to jail by implicating him in a false case.

"But truth shall prevail and I will ultimately win," he added.

Spending time in confinement would not be a problem, Biswas said. He will play cards and watch television.

An NGO had organised the *bhai phonta*. Jails and social welfare minister Biswanath Chowdhury and several government officers were present on the occasion.

Narayan Biswas goes to jail

Statesman News Service

BALURGHAT, Nov. 2. — The chief judicial magistrate, Balurghat, today rejected the bail plea of the former state minister, Mr Narayan Biswas, in a criminal case (No. 236/88) registered against him 22 years ago and remanded him in judicial custody for 14 days.

The court, though, granted bail to Mr Biswas in two other cases because of "lack of proper evidence". One more case against Mr Biswas that the CJM heard today, has been referred to the court of additional judge I, Balurghat, for further hearing. Mr Biswas'



Mr Narayan Biswas on his way surrender to the chief judicial magistrate. In Balurghat on Wednesday. — The Statesman

bail plea in case number 236/88 was rejected after he was found to have been involved in setting fire to 22 huts, belonging to peasants of a minority community, at

Gangarampur in South Dinajpur in 1988. A non-bailable warrant had been issued against Mr Biswas in this case but he had been evading arrest.

Earlier in the day, Mr Biswas surrendered to the CJM's court here at 11 a.m. and sought bail in all the four cases that the court heard today. The hearing began around 2.30 p.m. and the court finally rejected his bail plea in one case and sent him to judicial custody for 14 days. Thousands of CPI-M and RSP activists thronged the court premises today to protest against the arrest of Mr Biswas. They said it was a "black day" for the state and that a "conspiracy has been hatched by some persons with vested interests to malign the image of Mr Biswas".

State seeks EC directive, Kolkata Plus III

Surrender, 16 years on

OUR SPECIAL
CORRESPONDENT

Calcutta, Nov. 1: After being a fugitive from justice for 16 years, Narayan Biswas, a member of the Buddhadeb Bhattacharjee ministry, will surrender tomorrow.

As scripted by the CPM leadership, Biswas, who resigned yesterday as minister, will give himself up at the sub-judicial magistrate's court at Balurghat to help execute the arrest warrant pending against him since 1989.

The decision was taken at today's meeting of the CPM's South Dinajpur district committee.

The party's newly appointed South Dinajpur secretary, Minati Ghosh, who has replaced Manabesh Chowdhury, was present all through the meet. Chowdhury, one of the co-accused with Biswas in a case of arson and looting at Gangarampur in 1989, has already surrendered.

"I will surrender tomorrow, as decided by the leadership," Biswas, also the MLA from Gangarampur, said over phone from Balurghat. "This will put an end to cooked-up stories about me."

Legal experts said Biswas, who has already moved an anticipatory bail application before Calcutta High Court, could be imprisoned by the district judge. "The district judge has the liberty to send Biswas to jail, though his bail petition is pending," said senior advocate and mayor Bikash Ranjan Bhattacharya.

CPM functionaries in Balurghat said a procession

would be taken out tomorrow with Biswas at its head to march to the Balurghat court. The marchers will wear black badges as a mark of protest.

They also observed a "protest day" today in Balurghat and Gangarampur towns condemning the move to "frame" Biswas. Later, a public rally was organised at Gangarampur where Biswas spoke.

"Don't lose heart if I am sent to jail. Instead, carry on your struggle against those



Biswas: Date with law

who have conspired to tarnish my image and that of the party," he said amid cheers.

The Opposition scoffed at the decision. "It's funny the CPM is going to march to the court tomorrow in a procession along with Biswas. It's a pity that the CPM is backing a wanted man," said Trinamul spokesman Pankaj Banerjee.

PCC working president Pradip Bhattacharya said the CPM, caught on the wrong foot, was desperate to refurbish its image.

THE TELEGRAPH

Fugitive in open, cops in hiding

THE TELEGRAPH

OUR BUREAU

Balurghat/Calcutta, Oct. 28: Narayan Biswas, the fugitive minister, could have been arrested today had Buddhadeb Bhattacharjee's police wanted to honour a court order. They did not.

In a cheeky display of contempt for the law of the land, Biswas, the minister of state for cottage and small-scale industries, appeared at a news conference in Balurghat this afternoon to announce: "I am being branded an absconder. I want to make it clear here that I am not on the run."

The South Dinajpur superintendent of police, Barun Mullick, said he had "no comment to make".

The impromptu news conference took place at Rabindra Bhavan on the sidelines of a convention of members of the CPM's South Dinajpur unit. One of the attractions at the convention was Biswas, who went out of sight three weeks ago following the rejection of his bail petition by the district court. After the petition was rejected, it was widely expected that the police — overseen by the chief minister himself — would put him behind bars.

CATCH ME IF YOU CAN!



Narayan Biswas after the meeting in Balurghat. Picture by Abhijit Chakrabarty

"I am not a minister who is absconding," thundered Biswas at the convention. "You all know that our party leadership is being criticised in connection with a few cases that involve me. Certain newspapers are distorting facts while reporting them."

Biswas, who was over the past few weeks more heard — he was available to everybody

on the mobile — than seen, had been attending meetings at the district party office.

Asked about the goings on today, housing minister Gautam Deb, the state CPM leader in charge of the district, allowed media persons a peek into the venue of the meeting where Biswas was to speak.

Like before, he was introduced at the convention as a mi-

nister. And like always, he arrived at the venue in his white ambassador fitted with a red beacon and accompanied by a security guard.

In the city, state CPM secretary Anil Biswas said: "Wait for two-three days more for the Narayan Biswas episode to reach a logical culmination."

Although Biswas did not say it in as many words, it is

believed that the minister, dictated by the party, would take a final decision on surrendering around the time the high court reopens after the Pujia vacation on November 7.

Narayan Biswas admitted that he had been charged with attempt to murder. "I have secured bail in a case by appearing personally before the court. I have also appeared before the court in four other cases. In connection with cases I am aware of, I have either gone to court or sent appeals. My bail plea is under scrutiny in the high court, but the media have branded me absconder," he said.

The district and sessions court rejected last month Biswas's bail plea in connection with the torching of 22 houses on March 27, 1988, at Ratanpur village in Gangarampur. The minister challenged this order in the high court and the verdict is pending, but there is no legal hurdle to arresting him. In 16 years, he did not go to court once in connection with the rioting case.

Deb, who spoke before Biswas, said the CPM would challenge the Election Commission decision to strike off names of voters with arrest warrants against them.

অধীরকে হুমকি দিলেও নারায়ণ নিয়ে চুপ পুলিশ

স্টাফ রিপোর্টার: বিহার বা



নারায়ণ বিশ্বাস
মন্ত্রী

বিবোধীদের বাড়িতে
অগ্নিসংযোগের অভিযোগ
রয়েছে।

আইনের পথেই
জামিনের আবেদন
করেছি।

এ নিয়ে মন্তব্য করতে চাই না।
নারায়ণবাবুর গ্রেফতারে আইনি বাধা
নেই।
আদালত চাইলে ডি জি-কে কারণ
দর্শাতে বলতে পারে।
নারায়ণবাবুর জামিনের আজির রায়
দেখে সিদ্ধান্ত।



অধীর চৌধুরী
কংগ্রেস সাংসদ

জাড়া খুনের দায়ে সন্ত্রাসী
অভিযুক্ত।

মুর্শিদাবাদে যাচ্ছি।
যোজনে জেলে যাব।

অধীরকে হুমকি, নারায়ণ নিয়ে চুপ

প্রথম পাতার পর হয়েছে। যদিও তিনি আত্মসমর্পণ করেননি।

বহরমপুরের এক হোটেল মালিক ও তাঁর ছেলেকে খুনে অভিযুক্ত অধীরবাবু মঙ্গলবার কলকাতায় ছিলেন। স্টার-আনন্দ টিভি চ্যানেলে সাক্ষাৎকারও দেন। নারায়ণ বিশ্বাস ছিলেন বালুরঘাটে। তিনি ফোনে সাংবাদিকদের সঙ্গে কথা বলেছেন। কেন পুলিশ তাদের গ্রেফতার করতে পারছে না, বা তাঁরা আদালতে আত্মসমর্পণ করছেন না কেন?

নারায়ণবাবু বলেন, “নিম্ন আদালতে জামিনের আবেদন খারিজ হয়েছে ঠিকই। কিন্তু আইনের সুযোগ নিয়েই আমি ভারতীয় দণ্ডবিধির ৪৩৮ ধারা অনুযায়ী হাইকোর্টে আবেদন করেছি। আইন বলছে, এই আবেদন খারিজ হলে তবেই আমাকে গ্রেফতার করা যাবে। তাই যত ক্ষণ না আবেদন খারিজ হচ্ছে, তত ক্ষণ আমি কেন আদালতে আত্মসমর্পণ করতে যাব?”

অন্য দিকে, অধীরবাবুর বক্তব্য, “স্ট্রী অসুস্থ বলেই তাঁর চিকিৎসার জন্য বাইরে ছিলাম। উনি একটু সুস্থ হলেই আমি মুর্শিদাবাদ যাব। তখন পুলিশ আমায় গ্রেফতার করলে প্রয়োজনে জেলে যাব।” অধীরবাবুর পাল্টা প্রশ্ন, “আমার বিরুদ্ধে মাত্র ২২ দিন গ্রেফতারি পরোয়ানা জারি হয়েছে। কিন্তু বছরের পর বছর এফআইআরে নাম থাকা সত্ত্বেও কেন সিপিএমের

মন্ত্রী, নেতাদের পুলিশ গ্রেফতার করে না? এই দুই জনপ্রতিনিধিরই দাবি, তাঁরা নির্দোষ। মিথ্যা মামলায় তাঁদের ফাঁসানো হয়েছে।

দুই নেতার পাশেই দাঁড়িয়েছে তাঁদের দল। সিপিএমের রাজ্য সম্পাদক অনিল বিশ্বাসের কথায়, “হাইকোর্টে মামলার শুনানির পরে নারায়ণবাবুর ব্যাপারে সিদ্ধান্ত নেওয়া হবে।” অন্য দিকে, প্রদেশ কংগ্রেস সভাপতি তথা প্রতিরক্ষামন্ত্রী প্রণব মুখোপাধ্যায় বলেছেন, “অধীরের বিরুদ্ধে মিথ্যা মামলা সাজানো হয়েছে। আমরা তা মানি না।”

দল পাশে দাঁড়ালে পুলিশ যে দিনের পর দিন কেনও জনপ্রতিনিধিকে গ্রেফতার করে না তার উদাহরণ বিহারের আরজেডি সাংসদ সৈয়দ সাহাবুদ্দিন। তিনি দিল্লিতে বসে অধীরবাবুর মতোই টিভি-তে সাক্ষাৎকার দিচ্ছেন, বিহারে গিয়ে আইন পরীক্ষাও দিচ্ছেন। কিন্তু পুলিশের তাঁকে ‘খুঁজে পাচ্ছে না’। এ প্রসঙ্গে নারায়ণবাবু বলেন, “আমার সঙ্গে সাহাবুদ্দিনের কোনও তুলনা হয় না। তিনি সাংসদ হলেও এক জন মাফিয়া ডন। কিন্তু আমি রাজনৈতিক কর্মী। সংবাদমাধ্যম দু’জনে এক করে দেখাচ্ছে। এটা অন্যায়।”

১৯৮৮ সালের ২৭ মার্চ গঙ্গারামপুরের রতনপুরে ২২ জন কংগ্রেস সমর্থকের বাড়িতে আগুন লাগানোর অভিযোগ ওঠে নারায়ণবাবুর বিরুদ্ধে। তাঁর সঙ্গে আরও ৮৮ জন এই

মামলায় জড়িত। ওই বছরেই ৩১ মে আদালত তাঁর আগাম জামিনের আবেদন খারিজ করে দেয়। এর পরেও তিনি আদালতে হাজির হননি। ১৯৮৯ সালের ১৬ জুন তাঁর বিরুদ্ধে গ্রেফতারি পরোয়ানা জারি হয়।

রাজ্য পুলিশের ডিজি সুভাষচন্দ্র অবস্থি বলেন, “নারায়ণবাবুর মামলার বিষয়ে কিছু জানি না। অন্য অফিসারেরা হয় তো বলতে পারবেন।” আর বিষয়টি এড়িয়ে গিয়ে স্বরাষ্ট্রসচিব প্রসাদরঞ্জন রায় বলেছেন, “আমি কিছু বলব না।” আইনজীবীরা কিন্তু ভিন্ন কথা বলেছেন। আইনজীবী বিষ্ণুচরণ ঘোষ বলেছেন, “সুপ্রিম কোর্ট বলেছে, যদি গ্রেফতারি পরোয়ানা থাকে, আগাম জামিনের আবেদন আদালতে থাকলেও অভিযুক্ত অন্তর্বর্তীকালীন জামিনের সুযোগ পাবেন না। আগে আদালতের এই ক্ষমতা ছিল, এখন নেই। এ বছর সেপ্টেম্বর মাসে কলকাতা হাইকোর্টও একই কথা বলেছে। এখন পুলিশকে বিবেচনা করতে হবে, তারা কী ভাবে চলবে।”

তাঁর মতে, নারায়ণবাবুকে গ্রেফতার করতে আইনের কোনও বাধা নেই। আইনজীবী জয়মালা বাগচির মতও তাই। তিনি বলেন, “গ্রেফতারি পরোয়ানা থাকা অবস্থায় তিনি (নারায়ণবাবু) মন্ত্রী হিসাবে শপথ নিয়েছেন। পুলিশ তাঁর নিরাপত্তা দিয়েছে। অথচ আইন অনুযায়ী গ্রেফতারি পরোয়ানা কার্যকর করার দায়িত্ব ছিল পুলিশেরই।”

মোতে হয়েছিল। এমিন ঘটনা বাম-রাজহে আগে ঘটেছিল।

বিহারে পশুখাদ্য কেলেকারিতে জমিন অযোগ্য পরোয়ানা জারির পরে মুখামত্বীর পদ ছেড়ে আরজেডি নেতা লালপ্রসাদ যাদবকে জেলে যেতে হয়েছিল। গত বছরই বাড়িখণ্ড মুক্তি শোচার নেতা শিবু সোরেনের বিরুদ্ধে একটি পরনো মামলায় জামিন অযোগ্য পরোয়ানা জারির পরে কেন্দ্রীয় কারাগারের পদ ছেড়ে তাঁকে আদালতে আত্মসমর্পণ করতে হয়। এমলকী, কনটিকের হবলিতে একটি মামলায় অভিযুক্ত হয়ে বিজেপি নেত্রী উমা ভারতীকে মধ্যপ্রদেশের মুখামত্বীর ছেড়ে আদালতে আত্মসমর্পণ করতে হয়েছিল। এ বছরে বিহারের নির্বাচনে খানায় বসে আইকে ছাড়ানোর অপরাধে কেন্দ্রীয় জলসম্পদ প্রতিমন্ত্রী জয়প্রকাশ নারায়ণ যাদবের বিরুদ্ধে জমিন অযোগ্য পরোয়ানা জারি এর পর ছয় মাসের পাতায়

স্টাফ রিপোর্টার: বিহার বা বাড়খণ্ডের পুলিশ বা পারে, পশ্চিমবঙ্গ পুলিশ তা পারে না কেন? সিপিএমের মন্ত্রী নারায়ণ বিশ্বাস এবং কংগ্রেস সাংসদ অধীর চৌধুরী, দুই জনপ্রতিনিধির বিরুদ্ধে জামিন অযোগ্য পরোয়ানা জারি হওয়ার পরেও পুলিশ তাদের গ্রেফতার না-করায় এই প্রশ্ন দেখা দিয়েছে। তবে, এই দু’জনের মধ্যে একটি পার্থক্য আছে। মুর্শিদাবাদ জেলা পুলিশ অধীরবাবুকে না পেয়ে তাঁর সম্পত্তি বাজেয়াপ্ত করার হুমকি দিয়েছে। অন্য দিকে, দক্ষিণ দিনাজপুর পুলিশ কিন্তু এখনও নারায়ণবাবুর বিরুদ্ধে কোনও ব্যবস্থা নেয়নি। নারায়ণবাবু জানিয়েছেন, আইনের সাহায্য নিয়েই এখনও তিনি আত্মসমর্পণ করেননি। অধীরবাবুর বক্তব্য, স্ট্রী চিকিৎসার জন্য তিনি বাইরে ছিলেন। জামিন খারিজ হওয়ায় দক্ষিণ দিনাজপুরের জেলা সম্পাদক মানবেশ চৌধুরীকে সোমবারই জেলে

Call to remove social disparities

7000 students attend training camp of the Rajasthan unit of Vidya Bharati

Special Correspondent

जे.के. अका
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JAIPUR: A three-day training camp of the Rajasthan unit of Vidya Bharati -- the educational wing of Rashtriya Swayamsevak Sangh -- for children belonging to weaker sections of society began here on Wednesday with a call to check degeneration of moral values and restore the virtues of ancient Indian culture.

The RSS and Vidya Bharati functionaries affirmed that India could emerge as the world leader if the social disparities were removed and the children were trained in the Vedic concepts of justice and equality. They blamed the "foreign powers" for distorting the meaning and context of the caste concept in the Hindu religion.

Besides the Rajasthan Chief Minister, Vasundhara Raje, and the Education Minister, Ghanshyam Tiwari, a large number of saints from several 'peeths' and 'dhaams' and the Sah Sarkaryawah of RSS, Suresh Soni, addressed the inaugural session of the camp, titled "Kshetriya Seva Basti

"Foreign powers" blamed for distorting meaning and context of the caste concept

Baal Sanskaar Shivir" at the sprawling Suraj Maidan here.

About 7,000 children from all over the State -- accompanied by their parents -- are camping at Keshav Vidyapeeth, run by RSS on the outskirts of Jaipur, to attend the 'shivir'. Most of the children are Dalits residing in slums and are associated with the Vidya Bharati through the Sanskar Kendras and Ekal Vidyalayas operating in their areas.

Untouchability

Mr. Soni said the untouchability and discrimination against Dalit had no religious sanction and blamed the foreign powers for misrepresenting the Varnashram dharma which he said did not entail abuse of the lower castes. "The Hindu reli-

gion stands for congruence of efforts by all sections to achieve both spiritual and worldly heights," he said.

The RSS leader called for inculcating pride and respect for Indian ethos among the children by associating them with the value-based education. "We need an education system that checks moral degradation and promotes harmony and uniformity in the society," he said.

The Chief Minister, Ms. Raje, while describing the children as the assets of the nation, said she wanted to "bow before the power of the Sangh" as a mark of respect for its sustained efforts to spread education among the disadvantaged children. She said the curriculum in the State Government's school was also aimed at promoting patriotism.

The Education Minister, Mr. Tiwari, said the State Government would always look to the Vidya Bharati for guidance in the policy matters relating to education. He pointed out that Rajasthan was the first State to introduce yoga in schools.

নিপুণজনক তকমা

জনতার যে অংশ আইনের পরিভাষায় 'দাগি', তাহাদের ভোটার তালিকা হইতে বাদ দিবার একটি প্রস্তাব উঠিয়াছে। রাজনীতি তথা বৃহত্তর সমাজের দুর্বৃত্তকরণ যে হারে বাড়িতেছে, তাহাতে আপাতদৃষ্টিতে এই প্রস্তাবকে সঙ্গত বলিয়া মনে হওয়াই স্বাভাবিক। গণতান্ত্রিক নির্বাচন প্রক্রিয়া ভোটদাতার তরফে যে ধরণের যুক্তিবোধ ও বিচারবুদ্ধির স্বচ্ছতা দাবি করে, 'দাগি' অপরাধীর নিকট তাহা প্রত্যাশা করা কার্যত নিরর্থক। তদুপরি 'ছাপা' ভোটের রমরমার পিছনেও 'দাগি' অপরাধীগণের তৎপরতা বিপুল। সব মিলাইয়া মনে হইতেই পারে, ভোটের তালিকা হইতে 'দাগি'দের নির্বাসন দিবার এই প্রস্তাবিত উদ্যোগে সমস্যার কিছু নাই, বরং ইহার ফলে ভারতীয় গণতন্ত্রের দীর্ঘকালীন একটি অসুখের উপশম হওয়া সম্ভব।

প্রশ্ন তবু থাকিয়াই যায়। নির্বাচন কমিশনের তরফে উখিত এই প্রস্তাবের বিরোধিতা করিতে গিয়া পশ্চিমবঙ্গ সি পি আই এম-এর তরফে যে প্রশ্ন তোলা হইয়াছে, তাহার বাস্তব ভিত্তি আছে। যে বাস্তবতার বশে 'দাগি' অপরাধীদের ভোটের তালিকা হইতে ছাটিবার কথা উঠিয়াছে, সেই একই বাস্তবতা কিন্তু নিতানিয়মিত এই 'দাগি' তকমাটিকেই সংশয়ের মুখে ঠেলিয়া দেয়। আইনের ফাঁদে ফেলিয়া কোনও নিরপরাধ ব্যক্তিকে ফাঁসাইবার ঘটনা এই দেশে এত বেশি পরিমাণে দেখা যায় যে, তাহা মাথায় রাখিলে 'দাগি' শব্দটির যথার্থ লইয়া প্রশ্ন উঠা স্বাভাবিক। ছয় মাস কারাদণ্ড ভোগ করিলে যদি কোনও ব্যক্তিকে 'দাগি' বলিয়া চিহ্নিত করা হয়, তাহা সমাজক্ষেত্রের সুস্থতা বিধানে যেমন সহায়ক হইতে পারে, তেমনই নির্দোষ ব্যক্তির উপরে কালাঙ্ক দণ্ড হইয়াও নামিয়া আসিতে পারে। অন্তত এই একটি ক্ষেত্রে, বাস্তবতার সম্মানী বিচারে, বিবিধ জনপ্রিয় চলচ্চিত্রের চিত্রনাট্য এবং প্রকৃত জীবননাট্যে কোনও ফারাক নাই। ফারাক কেবল ইহাই যে, ইচ্ছাপূরণের শর্ত মানিয়া চলচ্চিত্রে সেই 'দাগি' ব্যক্তি সুস্থ জীবনে ফিরিলেও ফিরিতে পারেন, কিন্তু বাস্তবে এক বার 'দাগি' বলিয়া চিহ্নিত ব্যক্তির ক্ষেত্রে সেই সুযোগ নাই বলিলেই চলে। সুতরাং ষড়যন্ত্রের বশে যদি কাহাকেও কোনও ক্রমে 'দাগি' তকমায় বাঁধিয়া ফেলা যায়, তাহা হইলে প্রস্তাবিত নূতন নিয়মের বশে ভোটের তালিকা হইতে তাহার নির্বাসন হইবে। এই প্রস্তাব তাই আদর্শেই সমর্থনযোগ্য নহে। রাজনীতির দুর্বৃত্তকরণ রোধ করিবার জন্য জনপ্রতিনিধি আইন অনুযায়ী দণ্ডিত অপরাধীদের ভোটে দাঁড়াইবার ক্ষেত্রে ইতিমধ্যেই নিষেধাজ্ঞা বহাল আছে। তাহা থাকুক, কিন্তু দণ্ডিত আর অভিযুক্ত এক নয়। নির্বাচন প্রক্রিয়া পরিচ্ছন্ন করিতে চাহিলে, অন্য বিবিধ উপায় আছে। রাজনৈতিক দলগুলির নেতারা যদি সমাজবিরোধীদের বিতাড়ন করিতে চাহেন, তাহা হইলেই রাজনীতির দুর্বৃত্তায়ন প্রশমিত হয়। কিন্তু সে জন্য সদিচ্ছা এবং সংসাহস জরুরি। ভোটের তালিকা 'সংশোধন' করিয়া সেই উদ্দেশ্য সাধনের চেষ্টা কেবল অ-বাস্তবোচিত নয়, গণতান্ত্রিক রীতির বিরোধী। এ দেশে রাজনীতিকদের ব্যর্থতা বা দুরাচার গণতন্ত্রের বিস্তার বিকৃতি ডাকিয়া আনিয়াছে। আর একটি নূতন সমস্যা সৃষ্টি করিবার প্রয়োজন নাই।

ভোটের তালিকায় দাগিরা থাকবে না

স্টাফ রিপোর্টার, কলকাতা ও
নয়াদিল্লি, ১১ অগস্ট: বিহারে আসম
বিধানসভা ভোটের আগে নির্বাচন
প্রক্রিয়ার শুদ্ধকরণের জন্য অপরাধী
বাছাইয়ের প্রক্রিয়া গত সপ্তাহেই শুরু
হয়েছে। কিন্তু অপরাধীরা তো শুধু
বিহারে নেই। তাই নির্বাচন কমিশন এ
বার গোটা দেশের সমস্ত দাগি
অপরাধীদের নামই ভোটের তালিকা
থেকে বাদ দেওয়ার সিদ্ধান্ত নিয়েছে।
ছ'মাসেরও বেশি সময় ধরে যাদের
নামে জামিন-অযোগ্য গ্রেফতারি
পরোয়ানা রয়েছে, আজ তাদের নাম
ভোটের তালিকা থেকে বাদ দেওয়ার
নির্দেশ পাঠিয়েছে নির্বাচন কমিশন।
কমিশনের এই সিদ্ধান্তের অনিবার্য
প্রভাব পড়তে চলেছে আগামী বছর
অনুষ্ঠিত পশ্চিমবঙ্গ-সহ পাঁচটি রাজ্যের
বিধানসভা ভোটেও।

দাগি আসামিদের নির্বাচনে প্রার্থী
হওয়া আগেই বন্ধ করেছিল নির্বাচন
কমিশন। বিহারের আসম ভোটের
কথা মাথায় রেখেই ভোটের তালিকা
শুদ্ধকরণের এই সিদ্ধান্ত নিয়েছে
কমিশন। তবে আগামী বছর
পশ্চিমবঙ্গ, তামিলনাড়ু, কেরল,
অসম ও পশ্চিমবঙ্গের বিধানসভা
ভোটের আগে এই কমিশনের
এই সিদ্ধান্ত যথেষ্ট তাৎপর্যপূর্ণ।

বিষয়টি নিয়ে সিপিএমের
পশ্চিমবঙ্গ রাজ্য সম্পাদক অনিল
বিশ্বাস বলেন, “নির্বাচন কমিশন কী
বলেছেন তা বিস্তারিত জানি না।
ফৌজদারি মামলায় কেউ আদালতের
শাস্তিপ্রাপ্ত হলে তাকে প্রার্থী করা যায়
না। এটা নির্বাচনী বিধিতেই আছে।
কিন্তু কারও নামে মিথ্যা অভিযোগের
ভিত্তিতে পরোয়ানা জারি হলে এবং
তার জন্য তাঁর নাম ভোটের তালিকা
থেকে বাদ দেওয়া হলে, সেটা ঠিক
বাস্তবোচিত বলে মনে হয় না।”

কমিশনের এই নির্দেশকে
অনিলবাবুরা সমর্থন না করলেও
বিজেপি ও কংগ্রেস— দুই পক্ষই
নির্বাচন কমিশনের এই সিদ্ধান্তকে
স্বাগত জানিয়েছে। কংগ্রেসের মুখপাত্র
আনন্দ শর্মা আজ দিল্লিতে জানান তাঁর
দল কমিশনের এই প্রচেষ্টাকে সমর্থন
করে। লালুপ্রসাদ যাদবদের
কথা প্রত্যক্ষ ভাবে না তুললেও
বিজেপি-র সংসদীয় দলের সহনেতা
বিজয় কুমার মলহোত্র কমিশনের
সিদ্ধান্তকে সাধুবাদ দিয়ে দাবি
তুলেছেন, ইতিমধ্যে যাদের বিরুদ্ধে
চার্জশিট গঠন হয়েছে তাদের নামও
তালিকা থেকে বাদ দিতে হবে।

এ দিনই সব রাজ্যের মুখ্য নির্বাচনী
আধিকারিককে এই নির্দেশ পাঠিয়ে
দিয়েছে কমিশন। এই নির্দেশ
পৌঁছেছে মুখ্য সচিব ও পুলিশের
ডিজি-দের কাছেও। কমিশনের
নির্দেশে সব রাজ্য সরকার ও
কেন্দ্রশাসিত অঞ্চলের প্রশাসনকে এ
ধরনের ভোটেরদের সংখ্যা ও ঠিকানা
এর পর পাঁচের পাতায়

ভোটের তালিকায়

প্রথম পাতার পর
জানিয়ে তালিকা তৈরি করে জমা
দিতে হবে রাজ্যের মুখ্য নির্বাচনী
আধিকারিকের কাছে। কমিশন এই
তালিকা দেওয়ার সময়সীমা ধার্য
করেছে ১০ সেপ্টেম্বর। তার পরেই
তালিকা থেকে নাম বাদ দেওয়ার কাজ
শুরু হয়ে যাবে। গোটা প্রক্রিয়া ১০ই
অক্টোবরের মধ্যে শেষ করারও নির্দেশ
দিয়েছে কমিশন। এই সিদ্ধান্তকে
স্বাগত জানিয়ে এ বিষয়ে সর্বদলীয়
বৈঠক ডাকার জন্য প্রধানমন্ত্রীর কাছে
আর্জি জানিয়েছে বিজেপি।

পশ্চিমবঙ্গের মুখ্য নির্বাচনী
আধিকারিক বাসুদেব বন্দ্যোপাধ্যায়
জানিয়েছেন, নির্বাচনী প্রক্রিয়ায় আরও
স্বচ্ছতা আনতেই এই ব্যবস্থা নেওয়া
হচ্ছে। তিনি বলেন, “ভোটেরদের
ক্ষেত্রে এ ধরনের নিয়ন্ত্রণ এই প্রথম
চালু করা হচ্ছে। ছ'মাসের বেশি যার
নামে জামিন-অযোগ্য গ্রেফতারি
পরোয়ানা রয়েছে ও পুলিশ যাকে
ধরতে পারছে না, তার মানে তিনি
বাসস্থানে নেই। সে ক্ষেত্রে আমাদের
সেকশন ১৯বি অনুযায়ী তিনি সাধারণ
নাগরিকই নন। এই নিয়মে ভোটের
তালিকা থেকে তার নাম বাদ যাবে।”
তবে নাম বাদ দেওয়ার আগে সেই
ভোটেরকে একটি নোটস পাঠানো
হবে বলে জানালেন বাসুদেববাবু।

মূলত বিহারের বিধানসভা
ভোটকে স্বচ্ছ ও অপরাধমুক্ত করার
জন্যই কমিশন প্রথমে এই নির্দেশ
জারি করেছিল। ছ'মাসেরও বেশি
জামিন অযোগ্য গ্রেফতারি পরোয়ানা
রয়েছে, বিহারে এমন ভোটেরদের
সংখ্যা প্রায় ২৪০০০। আসম
বিধানসভা ভোটের আগে বিহারে যে
বিপুল পরিমাণ বেআইনি অস্ত্রশস্ত্র জমা
করা হয়েছে সেগুলি ঠিক মতো উদ্ধার
না করায় ক্ষুব্ধ নির্বাচন কমিশন।

Fugitives' names off voters' list

HT Correspondents
New Delhi/Kolkata, August 11

FUGITIVES FROM the law will not be allowed to contest elections, or even vote. If they have been on the run for six months or more, their names will be struck off the voters' list, the Election Commission decided on Thursday.

The move, aimed at checking crime in politics, covers those against whom non-bailable warrants (NBWs) are pending for the specified period. The logic behind it is that if the cops have failed to arrest a wanted person for six months, then the address on the voters' list must be wrong. Hence, he or she would not be eligible to vote.

The move comes ahead of the West Bengal Assembly elections next year. Tamil Nadu, Assam, Kerala and Pondicherry will also be going to polls.

The poll panel has notified the chief electoral officers and police chiefs of all states and Union territories, asking them to initiate action. It had already sent such a directive to Bihar. For Bengal, the deadline is September 19. Once offenders' names have been deleted, CEOs are to inform the poll panel.

Before that, DGPs are to furnish details of pending non-bailable warrants. The list is to reach the poll panel by September 10. Across the country, the commission plans to complete the process by October 10.

Bengal's chief electoral officer, Basudeb Banerjee, said he would get in touch with the home department and top cops. It will, however, be a tough job. As per the present rolls, the state has 4.81 crore voters and 89 per cent of them have already been provided photo I-cards.

"It may take time to collate all data on all offenders from all 413 police stations in the state," IG (law & order) Raj Kanojia said.



12 AUG 1995 THE HINDUSTAN TIMES

Nanavati panel indicts Tytler

Role Of Sajjan Kumar, Bhagat In 84 Anti-Sikh Riots Under Cloud

New Delhi: The Nanavati Commission of Inquiry, which went into the anti-Sikh riots here in 1984, has indicted Union minister Jagdish Tytler, saying there was "credible evidence" against him, that he had "very probably" had a hand in organising attacks and demanded the government take "further action as may be necessary".

"The commission considers it safe to record a finding that there is credible evidence against Jagdish Tytler to the effect that very probably he had a hand in organising attacks on Sikhs. "The commission, therefore, recommends to the government to look into this aspect and take further action as may be necessary," said the 339-page report of the Commission, headed by retired supreme court judge Justice G T Navavati, set up by the NDA government.

The report of the commission, which points fingers at several "local" Congress leaders, including Sajjan Kumar, MP, late Dharam Dass Sastry and H K L Bhagat, however, absolved the party saying there was no evidence to suggest that former Prime Minister Rajiv Gandhi or any other high-ranking leader had "suggested or organised" the attacks in which nearly 3,000 people were killed.

However, the Action Taken Report of the government on the commission's findings, rejected the recommendation against Tytler saying "it is clear from the remarks 'very probably' that the commission itself was not absolutely sure about his involvement in such attacks."

In criminal cases, a person cannot be prosecuted simply on the basis of probability, said the ATR tabled by home minister Shivraj Patil.

Both the commission's report and the ATR were tabled in Parliament on Monday, on the last day of the six-month period by when the documents should have been submitted. Tytler was not named as an accused in cases registered in connection with the riots.

"In view of the fact that commission itself is not certain that Tytler had a role in organising the attacks on Sikhs and in the context of the judicial verdicts on the incidents mentioned in the commission's report, any further action will not be justifi-



STILL WAITING FOR JUSTICE

Tytler denies role, ready for probe

New Delhi: Union Minister Jagdish Tytler on Monday denied he had any role in the anti-Sikh riots of 1984 saying that he should not be bracketed with other Congress leaders who have been indicted by the Nanavati Commission.

"Do not attach my name to other Congress leaders (who have been named in the report)," he said when asked about the commission's observation that there was a "credible evidence" on his involvement in the riots.

Apart from Tytler, Congress leaders Sajjan Kumar and late Dharam Dass Shastri have been accused of the involvement in the riots. Tytler said if any evidence comes up (of his involvement), he was ready to face inquiry at the highest level.

He said the evidence on which the commission based its observations was withdrawn by the accuser. "The commission has based its remarks on me on the basis of an affidavit filed



Jagdish Tytler is surrounded by journalists as he leaves Parliament House in New Delhi

by one Surinder Singh, which was later withdrawn by him," Tytler said. Agencies

fied," the ATR said.

On the role of Congress leader Sajjan Kumar in the riots that followed the assassination of Prime Minister Indira Gandhi, the commission recommended examination of only those cases where the witnesses had made accusations against him specifically. "There is credible material" against Kumar and another Congress leader Bal-

wan Khokar that they were "probably involved as alleged by witnesses".

However, the ATR said Kumar's name did not figure in the list of accused in several of the cases, including an FIR in the Sultanpuri police station, nor was his name mentioned by any of the 118 witnesses whose statements were recorded during investigation of the case.

Kumar was acquitted by an additional sessions judge in 2002, the ATR noted saying "no fresh material or evidence has been produced before Justice Nanavati Commission against Sajjan Kumar in connection with incidents of riots covered under an FIR in Sultanpuri Police Station. Therefore, it will not be just to reopen this case". Agencies

EC cracks whip on 'criminals'

immediation of Bihar

POLL PANEL TELLS BIHAR GOVT TO DELETE TAINTED NAMES FROM ROLLS

NEW DELHI, Aug. 5. — Ahead of the Assembly polls in Bihar, the Election Commission has decided to delete names of all the electorates who have been declared proclaimed offenders or against whom the state police has not executed non-bailable warrants for more than six months.

The decision was taken mainly in view of the Bihar elections, where the state government has failed to execute a large number of NBWs issued against anti-social elements. According to a rough estimate, there are over 6,000 NBWs yet

to be executed in Bihar. "If an NBW remains unexecuted for quite a long period, the presumption is that the person concerned was not available at his given address despite repeated visit of the agencies entrusted with the task of execution of those

warrants," the EC said. It said after examining the matter carefully, the commission had reached the conclusion that any person who is absent from his given address for long periods and is not traceable by police authorities, should not be presumed resident of that address. "In such a case, the person concerned cannot validly claim that his name should continue to be registered in the electoral rolls at the above men-

tioned address," the commission observed.

The EC has asked the state government to furnish details of all the POs and persons against whom NBWs have been issued by 19 August. It would then be the responsibility of the district election officers and EROs to immediately delete the names from the electoral rolls and complete this process latest by 19 September. — SNS

SC sets date for plea hearing

NEW DELHI, Aug. 5. — The Supreme Court today fixed Monday for hearing an interim application seeking stay on any decision by the Election Commission to notify the commencement of election process for the Bihar Assembly, which was dissolved under controversial circumstances. The interim application was filed in a PIL challenging the dissolution of the Assembly on 23 May alleging that the Governor could not have taken the step without attempting to form a government. — PTI

06 AUG 2005

THE STATESMAN

ভোটার তালিকা থেকে দাগিদের বাদ দিতে নির্দেশ

নয়াদিল্লি, ৫ অগস্ট: জামিনঅযোগ্য পরোয়ানা জারির ছ'মাস পরেও পুলিশ যাদের গ্রেফতার করতে পারেনি, বিহারের ভোটার তালিকা থেকে তাদের বাদ দিতে বলল নির্বাচন কমিশন। নির্দেশটি কার্যকর হলে জামিনঅযোগ্য অপরাধে অভিযুক্ত ব্যক্তিরা ভোটে দাঁড়াতে বা ভোট দিতে পারবেন না। প্রকারান্তরে রাজনীতিতে অপরাধীদের অনুপ্রবেশ কমবে বলে মনে করা হচ্ছে।

কমিশনের পক্ষ থেকে জানানো হয়েছে, জামিনঅযোগ্য গ্রেফতারি পরোয়ানা সম্বন্ধে পুলিশ যাদের ধরতে পারেনি, বুঝতে হবে, ছ'মাস ধরে ওই ব্যক্তিরা নির্দিষ্ট ঠিকানায় বাস করছেন না। সুতরাং নির্বাচনী অফিসারদের স্বতঃপ্রণোদিত ভাবে ওই সব নাম তালিকা থেকে বাদ দিতে বলা হচ্ছে। মুখ্য নির্বাচনী অফিসারের হাতে ওই ব্যক্তিদের নামঠিকানা-সহ সম্পূর্ণ তালিকা ১৯ অগস্টের মধ্যে তুলে দিতে

সরকারকে অনুরোধ করেছে কমিশন। জনপ্রতিনিধিত্ব আইনের ২২ নম্বর ধারায়, নির্বাচনী কেন্দ্রে বসবাস করছেন না এমন ব্যক্তির নাম ওই কেন্দ্রে প্রার্থীদের মনোনয়ন দাখিলের শেষ দিনের আগে যে কোনও সময় তালিকা থেকে কেটে দেওয়া যায়। সংসদ বা বিধানসভা নির্বাচনে লড়ার অন্যতম শর্ত হল, প্রার্থীকে একটি কেন্দ্রের নথিভুক্ত ভোটার হতে হবে। আবার নথিভুক্ত ভোটার থাকতে গেলে নির্দিষ্ট ঠিকানায় বসবাস জরুরি। ফলে, যিনি তা করবেন না, তিনি ভোট দেওয়া এবং ভোটে দাঁড়ানোর অধিকার হারাবেন। "অথচ এমন অনেকেই যে দিবি ভোটে দাঁড়াচ্ছেন, তা সকলেরই জানা", বলেছে কমিশন। গত বার নির্বাচনের সময় পটনা হাইকোর্টের নির্দেশ অনুযায়ী মনোনয়ন পেশ করতে আসার সময় কয়েক জনকে গ্রেফতার করে পুলিশ। এ বার তাঁরা ধরা পড়ুন বা না পড়ুন, ভোটে দাঁড়ানোর রাস্তাটা বন্ধ হবে।

08 AUG 2005

দাগি মন্ত্রী প্রশ্নে সমালোচনা সুপ্রিম কোর্টকে

নয়াদিল্লি, ৩ অগস্ট: বিচারবিভাগ আইনসভার বিষয়ে হস্তক্ষেপ করছে বলে অভিযোগ তুলেছেন আরজেডি এবং বাম সাংসদেরা। 'দাগি' মন্ত্রী নিয়ে সুপ্রিম কোর্টের সাম্প্রতিক নির্দেশের সমালোচনা করে আজ লোকসভায় জিরো আওয়ারে আরজেডি নেতা দেবেন্দ্র প্রসাদ যাদব বলেন, "প্রধানমন্ত্রী নিজের ক্ষমতায় যে কোনও ব্যক্তিকেই মন্ত্রিসভায় বসাতে পারেন। সংবিধানে প্রধানমন্ত্রীকে এই ক্ষমতা দেওয়া রয়েছে।"

তার মতে, এই বিষয়ে মতামত দিয়ে বিচারবিভাগ কর্তৃক তার 'লক্ষণ রেখা' অতিক্রম করেছে। এ ব্যাপারে শাসক এবং বিরোধী জোটের নেতাদেরও মতামত জানাতে অনুরোধ করেন দেবেন্দ্র। বিচারবিভাগের সমালোচনায় তিনি সঙ্গে পান জোটশরিক বামদেদর। সংসদের বাইরে সিপিএমের নেতা ও সাংসদ বাসুদেব আচারিয়া বলেন, "বিচারবিভাগের অতিসক্রিয়তা নিয়ে আমরা আলোচনার দাবি জানিয়েছি।"

সংসদে সিপিএমের রূপচাঁদ পাল বলেন, বিচারবিভাগ এ ভাবে আইনসভার কাজে হস্তক্ষেপ করতে থাকলে তারা অচিরেই মানুষের আস্থা হারাবে। বিষয়টি নিয়ে স্পিকার সোমনাথ চট্টোপাধ্যায়কে হস্তক্ষেপ করতে বলেন তিনি।

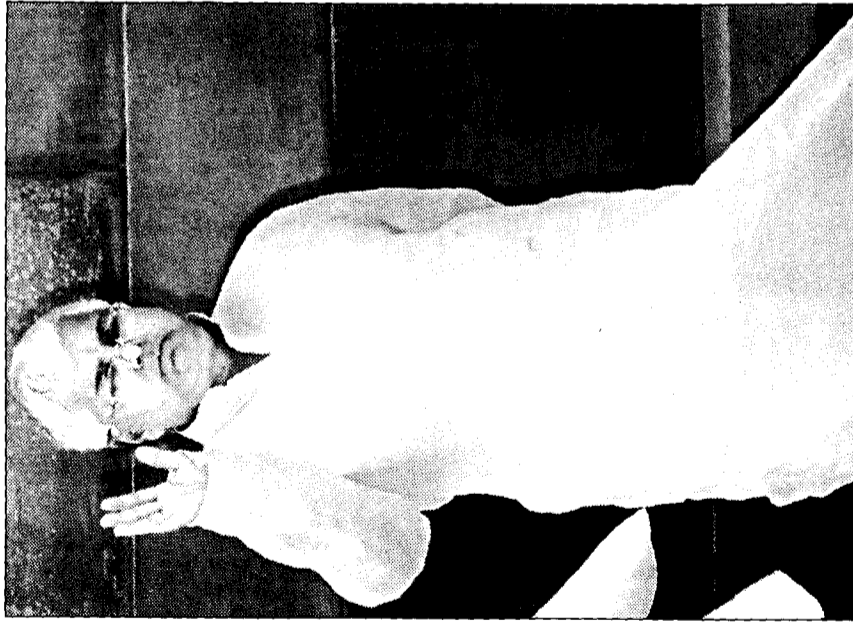
তবে আরজেডি ও বামদেদের সমালোচনা করে বিজেপি নেতা বিজয় কুমার মলহোত্র বলেন, বিচারবিভাগ যদি হস্তক্ষেপ না-করে, তা হলে আব্দুল করিম তেলগি এ বার দেশের অর্থমন্ত্রী হবেন। — পি টি আই

04 AUG 2015

WADIA

10/10/15

Apex court asks Centre to explain 'clean governance'



Laloo Prasad at Parliament House on Monday.

Picture by Rajesh Kumar

SC keeps heat on 'tainted' ministers

OUR LEGAL CORRESPONDENT

New Delhi, Aug. 1: The Supreme Court today revived the debate on "tainted" ministers, asking a petitioner to delete "vague allegations" and file a fresh PIL on how persons with criminal records found a berth in the council of ministers.

Brushing aside the Centre's objections "not to take up the issue", a three-judge bench headed by Chief Justice R.C. Lahoti asked it to explain "what is clean governance" and "who should decide it".

The court also asked the Centre to reply whether it (the court) could entertain a petition challenging the presence of "tainted" members in the Union council of ministers in the "spirit of the Constitution".

Strongly objecting to

Manoj Narula's PIL, attorney-general Milton Banerjee and solicitor-general G.E. Vahanvati contended it was the "sole prerogative of the Prime Minister" to choose the council of ministers and the "prerogative cannot be amenable to judicial scrutiny".

"Probing the matter further will not be beneficial to conventions and parliamentary democracy," Banerjee said.

Vahanvati contended that "qualification and disqualification of a person to become a minister are the same as those applicable for a person to become the member of a House". So "once a person becomes the member of the House, he or she can be chosen by the Prime Minister to be included in the council of ministers".

The line taken by the counsel seemed to suggest the UPA matter.

had asked them to take exception to the court trying the matter. Speaker Somnath Chatterjee had recently convened an all India Speakers' conference on the judiciary interfering in matters that were of concern to the government.

"My duty is to prevent even the germs of discordance between the judiciary and Parliament, both of which are supreme in their own spheres," Banerjee said.

To this, the court replied: "What is to be debated in Parliament is completely on Parliament's discretion and the court could do nothing about it if it chose not to discuss the issue of tainted ministers."

On two earlier occasions, the apex court had disposed of similar petitions saying Parliament would debate the matter.

2 AUG 2005

Bomb blows up Patna water board boss at meet

बिहार के पटना में



Water board chief engineer Ravindra Kumar's car set ablaze at his official residence by the slain chairman's supporters in Patna on Monday. (Picture by Deepak Kumar)

OUR SPECIAL CORRESPONDENT

Patna, July 25: In an audacious attack, four motorcycle-borne youths today hurled a bomb at the Patna Water Board chairman, Ashok Yadav, barely 100 metres from the Rashtriya Janata Dal office, killing him on the spot.

The water board chief, a prominent RJD Yadav leader in the city, was about to begin a meeting this afternoon of Patna Municipal Corporation councillors loyal to him and opposed to mayor Krishna Murari Yadav. The mayor is an RJD leader, but in a rival faction.

"We were about to begin a meeting at the water board ch-

airman's office," said ward IV councillor Abha Lata.

As there was a power failure, the chairman asked a peon to call an electrician. "A few minutes later, four men, who looked young, entered the office and threw a bomb at the chairman," Abha Lata said.

"There was a big noise. I fell from the chair and so did Pradeep Mehta, another councillor. A few minutes later we rushed out of the office. I saw the four persons going away on two motorcycles."

The bomb blew off the upper part of Yadav's body. Three councillors sustained injuries but are said to be out of danger. Abha Lata also suffered minor injuries.



Ashok Yadav (File picture)

The official security provided to Yadav was withdrawn a few months ago. His driver Ram Dayal said: "Saheb had been submitting letters to senior police officers, including the director-general of police, for restoring the security. No one listened to his requests

and saheb was very worried with their approach. He must have felt a serious threat to his life."

Yadav's other driver Aju Khan said a rifle that Yadav's bodyguard used to carry was lying abandoned in his official office. "The administration is clearly responsible for his murder because the officials did not take his security seriously," he said.

Soon after the incident, the water board chairman's supporters fanned out to different parts of the city, forcing shopkeepers to down shutters and blocking traffic. By early evening, vehicular movement in central Patna was reduced to a

minimum.

A senior police officer, who blamed political rivalry for the murder, said the situation was "under control" and added that police stations have been asked to be on alert.

Some of Yadav's supporters set fire to an Ambassador parked on the premises of the official residence of water board chief engineer Ravindra Kumar, barely a few metres from the board office.

"The chief engineer, along with the mayor, had been deferring the re-constitution of the water board and other corporation committees. We will not spare anyone involved in this murder," a supporter said.

MP friend and driver in murder net

OUR CORRESPONDENT

Behrampur, July 25: Congress MP Adhir Chowdhury's friend and driver were arrested late last night in connection with the murder of a hotel owner and his son hours earlier.

Five people, who entered Nilufa Hotel when it was about to shut down around 10.45, shot dead Hanif Sheikh, 48, and Laltoo after they had finished their dinner of mutton curry and bread.

Hanif's younger son Suroj fled through the backdoor as a duo from the five brandished their revolvers and took aim

across the cash counter.

Police said Hanif and Laltoo had shifted allegiance to the CPM a few months ago.

Four persons were picked up on the basis of an FIR lodged by Suroj.

"During interrogation, Tapan Bose and Gopal Sinha identified themselves as the local MP's friend and driver," Muzhidabad additional superintendent of police Kollol Ganai said this morning.

A six-chamber revolver and 28 live cartridges were found on Bose, who has been remanded in police custody till August 2. The rest have

been sent to jail for a fortnight.

Ganai said the police are probing whether the murders — near the sadar hospital, 200 km from Calcutta — were "a result of political rivalry".

Congress supporters belonging to the anti-Chowdhury camp demonstrated on the court premises demanding the arrest of the "brain" behind the murders.

The MP, also the district Congress president, admitted before leaving for Delhi for the monsoon session of Parliament, that Bose and Sinha were "known" to him. "The law should take its own course. I want



Adhir: Aides in trouble

the police to probe the case impartially so that the CPM cannot spread canards against me," he added.

State Congress working president Pradip Bhattacharya said the leader could not be blamed if his driver and friend were involved in a murder. "Is it possible for an MP to know what his driver or friend are doing?" he asked.

He also sniffed a CPM plot to "malign the Congress". Suroj said: "The five looked like ordinary customers till a gang of four came on motorcycles around 11.15 pm and hurled bombs outside the hotel. Before I realised anything else, two of the five youths in the hotel shot at my father and elder brother from point blank

range. I managed to flee through the back door." The five, he added, had been chatting among themselves till the blasts. The three of them — his father, brother and himself — were inducted into the CPM youth wing, Democratic Youth Federation of India, last month, Suroj said.

Though it was not known whether the move was any way linked to the murders, the district administration replaced the two security guards assigned to Chowdhury.

With the MP having left for the capital, his wife refused to accept them.

Criminalisation of MP's

2 F JUL 2000

MLA sentenced to life for mob murder

Criminalisation of politics

OUR LEGAL REPORTER

Calcutta, July 20: Calcutta High Court today awarded life imprisonment to SUCI legislator Proboodh Purkait for his alleged involvement in the murder of two Congress supporters at Kultali in South 24-Parganas in 1985.

"This is the first time in the history of the Assembly that a sitting MLA has been sentenced to life imprisonment," said Speaker Hashim Abdul Halim.

Hours after the judgment, he said Purkait's membership

would be terminated immediately. "You may say that he is no longer a member of this House. But officially, I will make the announcement after receiving the court order."

A division bench today asked Purkait and his four associates to surrender before the high court within a month.

On January 15, 1985, arrested SUCI supporters, allegedly including Purkait, attacked the houses of Congress workers in Radhaballavpur under Kultali police station, about 100 km from Calcutta.

Congress supporters Abdul-Rahaman Molla and Abdul-Rahaman Laskar were killed in a clash that followed.

The South 24-Parganas police had started a criminal case on the basis of an FIR lodged by residents of Radhaballavpur. On November 12, 1997, the Alipore sessions court convicted six persons and acquitted 33, including Purkait.

The convicted six were sentenced to life. They moved an appeal in Calcutta High Court challenging the verdict and at the same time, the

state government submitted a petition demanding conviction of the acquitted. The high court heard the appeals simultaneously.

Public prosecutor Kazi Safiullah told the court that nine persons, including Purkait's niece, had told the sessions court that the MLA was involved in the murder.

Lawyers Dilip Dutta and Milan Mukherjee, appearing for the SUCI, claimed that the state government was trying to implicate Purkait and others with a political motive.

The court today also up-

held the decision of the Alipore court sentencing the six SUCI members to life imprisonment. The bench, however, acquitted 28 others named in the FIR. Three of them are dead.

SUCI state secretary Provas Ghosh said the party would challenge today's order in the Supreme Court.

The MLA was given the news of his sentence when he stepped out of the Assembly this morning. Purkait had staged a walkout to protest yesterday's police action on SUCI workers, who were

demonstrating against the hike in power tariff.

"I don't know anything about the judgment. I will not say anything about it. It is my party which will react to this," Purkait told reporters before leaving the House in a huff.

Halim said he would have to inform the Election Commission about Purkait's termination "since the Kultali Assembly seat will fall vacant".

Before Purkait, the Speaker said, Shyamadas Banerjee of the Congress had lost his Assembly seat as he had submitted a forged medical bill.

CASE HISTORY

When: January 15, 1985

Where: Radhaballavpur village under Kultali police station, about 100 km from Calcutta

What happened:

Two Congress supporters were lynched by a mob that allegedly included Proboodh Purkait

Number of accused: 39 (three of them are dead)



Amit Jogi remanded to 7-day CBI custody

He has "full knowledge of conspirators, arrangement of money"

Staff Reporter

NEW DELHI: A Delhi court on Saturday remanded Amit Jogi, son of former Chhattishgarh Chief Minister, Ajit Jogi, to seven days' police remand in connection with the case of Nationalist Congress Party (NCP) leader Ram Avtar Jaggi's murder at Raipur in June 2003.

Allowing the CBI's plea for re-

mand, Metropolitan Magistrate V.K. Khanna said: "At this stage, without going into the details, I remand Amit Jogi to CBI custody till July 8."

Seeking his remand for 14 days, counsel for CBI submitted that Amit Jogi was required to be taken to various places to recover the weapon of offence and probe the monetary transactions in connection with the

murder. Since Amit Jogi had masterminded the murder of Ram Avtar Jaggi, he had full knowledge about the conspirators, arrangement of money, the killers and the weapon used in executing the conspiracy.

For a proper and just investigation of the case, it was necessary to collect evidence on those points in the interest of justice. Besides, the accused might also be subjected to lie detector and other scientific tests.

Opposing the CBI's plea, counsel for Amit Jogi K.K. Ma-

nan submitted that there was nothing left in the case for the CBI to investigate.

He submitted that the agency had already recovered the weapon of offence from Yahya Dhebor and Abhay Goel, two of the accused, and it had been established that pellets of the cartridges recovered from the victim's body were the ones fired from the weapon.

CBI arrested Amit Jogi on Friday here after interrogating him at its headquarters at the CGO Complex.

Murder cuffs on Jogi son

OUR SPECIAL CORRESPONDENT

*Cr. in
P. 1/1*

New Delhi, July 1: Amit Jogi, the son of former Chhattisgarh chief minister Ajit Jogi, was arrested by the CBI in a murder case today after being grilled for several hours.

The bureau, sources said, wanted Amit in its custody to question him further on the murder of Chhattisgarh Nationalist Congress Party treasurer Ram Avtar Jaggi in 2003. He will be produced in court tomorrow.

Amit, who was served the first notice on June 16, appeared at the CBI headquarters in Delhi this afternoon for questioning and remained there till late evening.

Officials decided to place him under arrest after he failed to answer questions properly, the sources said.

Amit appeared before the CBI a day after its director, U.S. Misra, had said stern action would be taken if he continued to avoid the bureau.

9-8 77

"We have sent a second notice to him (Amit). We have been told that he will be appearing soon. Let us wait till then or else.... After all, the charges are serious," Misra had said.

The shooting of NCP leader Jaggi on June 4, 2003, had stirred a political controversy. The case was later handed over to the CBI by the Raman Singh government in Chhattisgarh.

Some office-bearers of the state unit of the National Students' Union of India, a wing of the Congress, had been arrested in connection with the murder.

Amit's name had come up during the interrogation of 14 accused.

The CBI started trailing him after two accused, Suresh and Bultu Pathak, named him, in a statement before a magistrate, as the man who provided the funds and chalked out the plan.

The statement also alleged that the state police had arrested several people merely to save some politicians named in the FIR, said the sources.



Amit Jogi: Under cloud

0 THE TELEGRAPH

ফের চার্জশিট, লালুর ইস্তফা চায় বামেরাও

স্টাফ রিপোর্টার, নয়াদিল্লি ও
রাঁচি, ১৭ মে: ক্রমশই নাগপাশে
জড়িয়ে পড়ছেন লালুপ্রসাদ যাদব।

পশুখাদ্য কেলেকারির মামলায়
সিবিআইয়ের বিশেষ আদালত আজ
তাঁর বিরুদ্ধে আরও একটি চার্জ গঠন
করার পর ঘরে বাইরে তাঁর উপর
রাজনৈতিক চাপ যথেষ্টই বাড়ল।
এমনকী দুই বাম দলও আজ তাঁর
ইস্তফা দাবি করেছে। এ দিন, লালু
ছাড়াও বিহারের আর এক প্রাক্তন
মুখ্যমন্ত্রী জগন্নাথ মিশ্র-সহ ৪০ জনের
বিরুদ্ধে চার্জশিট দেওয়া হয়েছে।

এ দিন সকাল সাড়ে আটটা নাগাদ
রাঁচির আদালতে হাজির হন লালু।
প্রথমতঃ মুখে শোনে চার্জশিট পাঠ।
এক সময় বলে ওঠেন, “আমার
রাজনৈতিক জীবন শেষ করার
উদ্দেশ্যেই এই চক্রান্ত, ষড়যন্ত্র করা
হয়েছে। আমি নির্দোষ।”
সাংবাদিকদের উপরেও এ দিন ক্ষোভ
উগরে দিয়েছেন লালু। বলেন,
“তামাশা দেখনে আয়ে হো ক্যায়?
ভাগো হিয়াসো।”

এই অবস্থায় লালুকে নিয়ে
বিভ্রম্নায় পড়লেও জেট রাজনীতির
বাধ্যবাধকতার কারণে তাঁকে সরাসরি
মন্ত্রিত্ব ছাড়ার কথা বলতে পারছে না
কংগ্রেস। আর এত দিন লালুর বিরুদ্ধে
প্রকাশ্যে মুখ না খোলা বামেরাও এখন
দ্বিধাবিভক্ত। আজ চার বাম দলের
বৈঠকে লালু-প্রসঙ্গ ওঠে। পরে
সিপিআই নেতা এ বি বর্ধনের পাশে
দাঁড়িয়ে ফরোয়ার্ড ব্লকের দেবপ্রত
বিশ্বাস বলেন, ‘নৈতিক কারণে আমরা
লালুপ্রসাদের পদত্যাগ দাবি করছি।’
আরএসপি-র অবনী রায়ও তাঁকে
সমর্থন করেন। খতিয়ে দেখে পরে মত
জানাব, বলে প্রসঙ্গ এড়িয়ে যান বর্ধন।

লালুর ব্যাপারে মনমোহন সিংহ কী

করবেন, সেটাই এখন রাজনৈতিক
মহলের প্রশ্ন। কংগ্রেস সূত্রের মতে,
দাগি মন্ত্রীদের সম্পর্কে ‘স্থায়ী
নির্দেশিকার’ কথা বলে প্রধানমন্ত্রী
আগেই তাঁর মনোভাব বুঝিয়ে
দিয়েছেন। ভবিষ্যতেও তিনি বিষয়টি
নিয়ে এগোবেন। এবং এ দিন তাঁকে
সেই ছাড়পত্র দিয়ে দিয়েছেন কংগ্রেস
সভানেত্রী সনিয়া গান্ধী। লালুকে
মন্ত্রিসভায় রাখা হবে কিনা, জানতে
চাওয়া হলে সনিয়া বলেন, “এটা একান্ত
ভাবেই প্রধানমন্ত্রীর অধিকারভুক্ত।”

বিজেপি মুখপাত্র প্রকাশ
জাভেরকর বলেন, “এই প্রথম কোনও
কেন্দ্রীয় মন্ত্রীর বিরুদ্ধে দু’টি চার্জ গঠিত
হল দুর্নীতি ও চুরির অভিযোগে। লালু
নিজে ইস্তফা না দিলে প্রধানমন্ত্রীর
উচিত তাঁকে বরখাস্ত করা।”

প্রথম বার লালুর বিরুদ্ধে চার্জশিট
গঠিত হওয়ার পরে সংসদে বিতর্ক
যখন তুঙ্গে, প্রতিরক্ষামন্ত্রী প্রণব
মুখোপাধ্যায় তাঁর পাশে দাঁড়িয়ে
বলেছিলেন, “একটাই মামলা। বিভিন্ন
জেলা থেকে বিভিন্ন চার্জশিট গঠন
হবে। এটা তো আইনি প্রক্রিয়া। এ
নিয়ে আলাদা আলাদা করে বিতর্ক
তোলার অবকাশ কোথায়?” তবে
বিতর্ক যে উঠবেই এবং তা লালুকে
ক্রমশ কোণঠাসা করে দেবে, তা
আন্দাজ করেছিল সরকারের। তাই
লাওস সফরের সময়, বিদেশের
মাটিতে দাঁড়িয়েও প্রধানমন্ত্রী দাগি
মন্ত্রিত্বের প্রসঙ্গে জেট রাজনীতির
বাধ্যবাধকতার কথা বলেছিলেন।

কংগ্রেস প্রকাশ্যে লালুর বিরুদ্ধে
কোনও কথা বলছে না বটে, কিন্তু
তাঁকে চাপমুক্ত করতে উদ্যোগীও হচ্ছে
না। কেননা, বিহার ও কেন্দ্র, দু’জায়গার
রাজনীতির নিরিখেই দুর্বল লালু তাদের
পক্ষে স্বস্তিদায়ক।

18 MAY 2007

ANADABAZAR PATRIKA

Sitting at Tihar, Pappu Yadav 'appears' in Patna court

Communication of Patna

Gaurav Vivek Bhatnagar

NEW DELHI: History of sorts was written in the annals of prison administration this week as Member of Parliament, Pappu Yadav, appeared before the District Court of Patna in a criminal case while sitting in a studio in the high-security Jail No. 3 at Tihar Central Jail here.

For three days in succession starting Tuesday, the Lok Sabha MP from Madhepura presented himself before the Judge at 9 a.m. sharp by reaching the stu-

dio. Then with the help of a web camera, his image was transferred to Patna while that of the Judge there was beamed on a large screen in the studio.

A senior official said while the accused sat in Delhi, his lawyers used to be present in the Patna court.

During the three days of trial the evidence of two of the witnesses was recorded.

Also, the Member of Parliament was allowed to talk to his lawyers through the video-conferencing facility.

Noting that the Supreme Court had issued instructions that Mr Yadav should not be sent to Bihar and his trial should be arranged through tele-conferencing, the official said while initially the "Tihar-Bihar link" had appeared difficult, the efforts

made by the Mahanagar Telephone Nigam Limited in Delhi and by the National Informatics Centre in Patna made the trial through the system possible.

With the uplinking taking place on Tuesday, a new chapter

was written. The studio used for the purpose was the one through which inter-jail tele-conferencing is done at Tihar.

Already, the official said, the process of extension of judicial remand of prisoners through the process was underway in the jail premises where the magistrates sat in the Tihar Court Complex and the inmates of Jail No. 3 and 4 appear before them through the computerised media system.

The system had been installed in the Tihar Central Jail -- the largest prison complex in Asia --

to do away with the cumbersome tasks of ferrying all the inmates to and from the courts for their appearances as it entailed huge expenses, increased risks and often led to law and order problems in the jail vehicles or court lock-ups.

Since the overpopulated jail has over 13,000 inmates, the video-conferencing has really helped in the problem of transportation as through it nearly 80 people are produced before different magistrates each day.

Fresh push to poll ban on criminals

ALOKE TIKKU

New Delhi, March 27: Politicians with criminal records and corrupt bureaucrats could be in trouble if an action plan drafted by the home ministry is accepted.

The draft prepared by the home ministry's Inter-State Council secretariat in consultation with state governments and Union ministers has recommended a bar on "entry of persons with criminal records into the electoral arena".

The document suggests state funding of legitimate political and electoral campaign and measures to prevent rigging.

It is widely accepted that the existing law, which bars convicts from contesting elections, has not blocked the entry of criminals. Political parties have been reluctant to keep them out.

Last week, the Rashtriya Janata Dal's Pappu Yadav, still in judicial custody, took oath as an MP in the Lok Sabha after getting special permis-

PLAN OF ACTION OR INACTION?

The suggestions in the draft action plan

- ◆ Prevent those with criminal records from contesting elections
- ◆ State funding of poll campaigns
- ◆ Amend rule that makes dismissal of errant bureaucrats difficult
- ◆ Confiscate assets of officials convicted in cases of unaccounted property
- ◆ Create autonomous civil service boards for placement, promotion and transfer

sion from the courts.

A public interest litigation seeking a bar on candidates with criminal antecedents in the Supreme Court was nipped in the bud by the Vajpayee government which convened an all-party meeting where the majority view was that this was an issue for Parliament to decide, and not the judiciary.

Except for the Left, all political parties have opposed moves to keep undertrials out. Some have argued that no one can be dubbed a criminal unless convicted, while others have said elections in states like Bihar and Uttar Pradesh cannot be fought without muscle power.

Prime Minister Manmo-

han Singh, who was accused of appointing MPs with criminal records to his ministry, has since spoken of the need for reform but there has been little movement.

Home ministry officials said that next week, when Singh chairs the meeting of the Inter-State Council, there will be an opportunity for the political leadership to look at the issue afresh.

The draft is on the agenda for discussions on good governance at Tuesday's meeting.

Officials concede, though, that it is too early to expect political leaders to come to an agreement. "This document will form the starting point on the road to good gover-

nance," an official said.

Politicians, however, are not the only ones likely to be hit if the action plan is cleared. Bureaucrats who have made money on the sly could also find themselves looking at the face of justice.

The document asks for a consensus on amending Article 311 of the Constitution which provides constitutional guarantee against arbitrary and vindictive action. This provision was conceived to protect honest officers but ended up making dismissal of corrupt and inefficient bureaucrats nearly impossible.

It seeks confiscation of all assets held by civil servants convicted of possessing assets disproportionate to their income and a fresh law to enable recovery of damages suffered by the government because of *mala fide* action by the bureaucrats.

To ensure that honest bureaucrats are not penalised, the plan has suggested the creation of autonomous Civil Service Boards to recommend placement, promotion and transfer.

Targeting criminals

A positive signal in Bihar

Those complaining of judicial activism will also express shock at the revelation by the Patna High Court that 20,000 people with non-bailable warrants of arrest are roaming about in the state without fear of the law. What option does the court have after being petitioned by the Bihar chapter of the Indian Medical Association whose members are targeted by extortionists and kidnapers? During Lalu's raj, police were ineffective because many culprits belonged to the party that ruled Bihar brazenly for 15 years. Some had berths in the Union cabinet. Others like Pappu Yadav rigged elections till the Election Commission stepped in firmly. Pappu was sent to Tihar jail while the others were debarred from entering constituencies till the counting was over. While this brought some order to the election process, it has not solved the problem of "absconders" whom police pretend not even to notice. The High Court order to track these people down by 31 March is a slap in the face of the erstwhile RJD government. People can only hope that President's Rule and the High Court's indictment will force police to do their duty.

The sheer number of criminals going around with party labels is fearful enough. Even under President's Rule it is difficult to deal with hardened criminals who have got away on account of political protection. Extortion, kidnaping and other crimes have become a way of life. There was evidence too of Papu Yadav directing criminal activities from behind bars. One can hope the UPA government will not try to appease the railway minister. The Lalu regime has poisoned the social climate to an extent that people find unbearable; this was reflected in the poll result. Now we have confirmation from the court that the security situation is still dangerous. However, it is a positive sign that the police have been held accountable by the court. Bihar desperately needs a cleansing operation.

No political will to ban goons: EC

Agencies
New Delhi, March 8

THE ELECTION Commission said that there was no political will to ban persons with criminal antecedents from contesting so the entry of such people into legislatures continues unabated. It also feels that the recent elections in Bihar were the "most challenging" but it could conduct "absolutely free and fair polls" in that state, Jharkhand and Haryana despite "local problems".

"Candidates against whom chargesheets have been framed by competent courts for certain serious offences should be disqualified from contesting elections. These recommendations have been made more than

once to the government, Chief Election Commissioner T.S. Krishna Murthy said.

"It is very unfortunate that there is no political consensus to bring about a quick legislation in this regard. So long as a law is not amended, this problem will continue," he said on Tuesday in his first interview after the Assembly polls in three states.

Asked why the EC's recommendation was not being implemented, Murty said: "There seems to be an absence of political will. I am not blaming any particular party but all parties. They should realise the seriousness of this problem. The sooner the better it is for the system".

The CEC was responding to

questions on several candidates with criminal antecedents being given tickets by major political parties in the recent Assembly polls in three states, particularly Bihar.

Preferring to describe the Assembly polls in sensitive Bihar as the "most challenging" rather than the "toughest", Murthy said that there were plenty of difficulties. "We had to take care of extremist violence and factors of caste politics and criminality. I do not wish to go into details. We needed to take some strong steps to ensure that the voters were free to come out and exercise their franchise. By and large we succeeded," he said.

The CEC suggested banning Independent candidates from

Parliamentary elections saying their candidatures in an era of coalition politics created "problems". Refusing to go say whether he wanted to stop Independents from being in the fray as it could lead to horse trading in the event of a hung legislature, he said Independents should be prevented from contesting as the anti-defection law did not apply to them.

"With the number of Independents increasing and coalition government coming, you will have this problem of enlisting the support of Independents. It is (banning Independents from contesting) worth considering," he said. He said this issue needed to be discussed through a national debate and, thereafter, at the Par-

liamentary level. Murthy was also of the view that ministers, barring those holding key offices, should step down as soon as the poll schedule is announced and the Model Code of Conduct comes into force.

"Our experience has been that the model code of conduct comes under tremendous strain especially from the ruling party," he said observing that instead of a Constitutional amendment it should be through a political consensus.

Observing that the Constitutional amendment may not come through, the CEC said that the issue of stepping down of non-essential ministers could form part of the model code of conduct in order to create a level playing field.

Miniratna of Bihar

MC 3 9/3

Rabri orders Shahabuddin's release

MSJ / MR-3 / Criminalisation of Politics

HTC & Agencies
Patna, February 24

CONTROVERSIAL RJD Lok Sabha member Mohammed Shahabuddin was released from high-security Beur Jail here on Thursday after chief minister Rabri Devi set aside Siwan district magistrate C.K. Anil's order detaining her party MP in judicial custody under the Bihar Control of Crime Act.

As the election in Siwan was over, Rabri Devi ordered state home commissioner Girish Shankar to issue an official notification paving the way for Shahabuddin's release, highly placed sources said here.

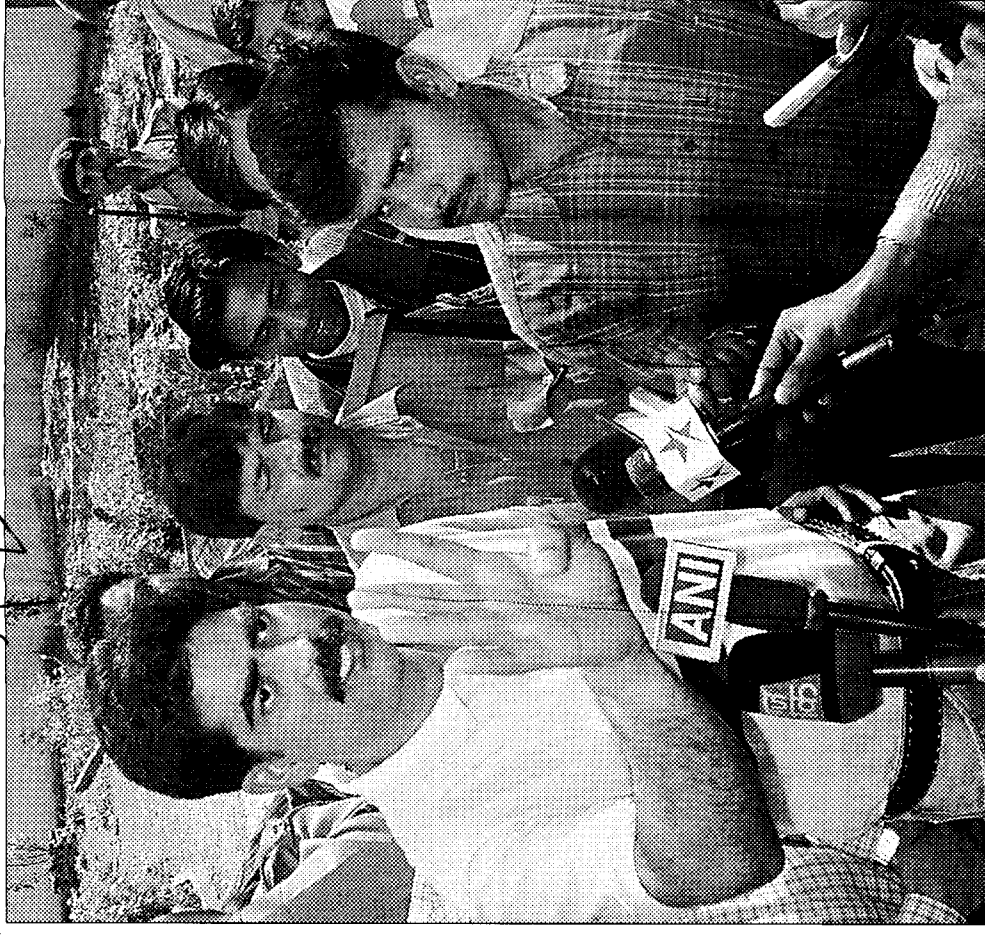
On Monday, Anil had ordered the detention of Shahabuddin in judicial custody in Beur Jail till February 28 when the election process would be completed. The Siwan DM had detained him under the Bihar Control of Crime Act, 1982.

The Patna High Court had, on February 18, granted regular bail to the RJD MP in connection with the abduction-cum-killing of CPI-ML (Liberation) leader Munna Choudhury. The Siwan DM had also banned Shahabuddin from entering the district for one year.

BJP national vice-president S.K. Modi described the CM's release order as "a blatant misuse of power". "Shahabuddin has been released from Beur Jail also in violation of the model code as the election process in Siwan is yet to be completed", Modi said.

"The counting for Siwan is to take place on February 27 and there are possibilities of the EC ordering a repoll in booths where electoral malpractices were reported in Siwan. In this situation, the release of the RJD MP, who is a terror in Siwan, is highly objectionable", he said, and urged the Election Commission to look into the matter. He said the "abrupt" release of Shahabuddin by Rabri Devi also vindicated his party's stand that the RJD was "harbouring and patronising the criminals in Bihar".

Modi alleged that, with the exit polls predicting a hung Assembly in Bihar after the elections, Rabri Devi and Lalu had got Shahabuddin released "to ensure horse-trading of MLAs to cobble up a majority". He recalled that Shahabuddin had played "a significant role" in the return of the RJD regime after the 2000 Assembly polls.



RJD MP from Siwan Mohammed Shahabuddin talks to mediapersons after being released from Beur Jail in Patna on Thursday.

Shahabuddin had got together a group of legislators, including Independents and Congress MLAs, ensconced in a posh hotel here to garner their support for the RJD, which had fallen short of a majority at that time, Modi alleged.

Meanwhile, Shahabuddin, after being released on Thursday, said he would raise the issue in the Lok Sabha. The MP said he

LJP seeks fresh polls in Raghapur

Patna/Ranchi, February 24

THE LOK Janshakti Party (LJP) on Thursday sought that elections be countermanded and fresh polls held in the Raghapur Assembly constituency in Bihar, where Dalits were prevented from exercising their franchise - allegedly by "RJD goons, who looted the booths in favour of chief minister Rabri Devi".

State LJP president Narendra Singh said the party had submitted a memorandum to Election Commission special adviser K.J. Rao demanding countermanding of the elections in Raghapur and holding of fresh elections. Rabri had won the bypoll from Raghapur in 2001 by over 60,000 votes.

The state LJP president requested the EC to post two special observers at counting stations as sub-divisional officers (SDOs) since the returning officers might work in favour of the ruling party for petty gains.

Repoll in Jharkhand on February 26

The EC on Thursday ordered repolling in 27 booths spread across 12 constituencies of Jharkhand, which went for the third and final phase of polling on Wednesday. The repolling will be held on February 26. While four booths in Godda constituency will have repolling, the exercise will be carried out in three booths each in Madhupur, Sarath, Deoghar, Poreyhat and Mahagama, two each in Tundi and Gomia and one each in Dumka, Chandankiyari, Jharia and Bermo.

EC postpones Ajnala counting

The Election Commission on Thursday decided to postpone the February 27 counting of votes for the Ajnala Assembly by-election held on Wednesday. The postponement of counting of votes till further orders was taken following several complaints received by the commission, EC sources said.

Agencies

Cong pulls Nagma out of election duty

TNT
16/2
Criminals
A part
Nagma

TIMES NEWS NETWORK

New Delhi/Mumbai: Film actor Nagma has retired hurt from the campaign trail. In the wake of the controversy over her alleged links with the underworld, the Congress on Monday decided to pull her out of electioneering duty.

Although party spokesman Anand Sharma could not confirm whether the actor was a Congress member, he admitted that she had campaigned for the party during the current round of assembly elections.

Later in the evening, party sources said that she would not hit the campaign trail for the third phase of polling in Bihar and Jharkhand.

Embarrassed by media reports about her alleged links with the Dawood group, the Congress sought to explain her association with it in terms of the party having traditionally attracted stars from the tinsel world.

"She is not a leader of the party. But as a citizen of the country she has the freedom to support a political party," Sharma said. Nagma had recently visited AICC headquarters and had been visible on the Congress social circuit. In Mumbai, police commissioner A N Roy continued to dodge questions on Nagma's links with the D-Company a day after a TV channel levelled the allegation.

"I do not want to divulge any information pertaining to our investigation. Now that the matter has been handed over to the CBI, it will not be fair on my part to make any com-

ments," said the police chief. In private though, police sources seemed to corroborate the news telecast by the TV channel.

According to the TV channel, Nagma's name cropped up in a confessional statement by Jamiruddin Ansari, an aide of Dawood Ibrahim's brother Anees,



who was arrested under MCOCA in a gutka case. In his statement, Ansari reportedly told deputy police commissioner Amitabh Gupta last October that he had given Rs 10 lakh to 'Nagma' on behalf of Anees at her flat on Carter Road in Bandra (West).

Legal sources told TOI on Sunday that the 'actress' in question is a little-known namesake who lives in Bandra and who had acted in a few South Indian movies and that her mother had been convicted by a special court for links with the Dawood gang. Playing down the question of identity, Roy told the TOI that "only a small section of the confessional statement which pertains to the gutka case is relevant. Only this part of the statement of the accused is admissible in the court. The rest is out of context." The Mumbai police did not question Nagma based on the confessional statement, sources said.

THE TIMES OF INDIA

16 FEB 2005

SC cancels Pappu bail

Press Trust of India

NEW DELHI, Jan. 18. — Taking serious objection to the conduct of RJD MP Rajesh Ranjan alias Pappu Yadav both inside and outside the prison, the Supreme Court (coram: Hegde and Sinha, JJ) today cancelled the bail granted to him by Patna High Court in the case pertaining to the murder of trade union leader Ajit Sarkar.

With this the Supreme Court has cancelled his bail twice. The High Court itself has already dismissed seven petitions by Yadav seeking bail in the 1998 murder case.

The Bench, while allowing the appeals filed by Ajit Sarkar's brother Mr Kalyan Sarkar and the CBI, said the prosecution has established a "prima facie case against the accused". Observing that many witnesses in the case were yet to be examined, the Bench said: "The conduct of the accused clearly indicates that enlarging him on bail



impedes the progress of the trial." "The High Court was totally in error in enlarging the accused on bail," the Bench said while rejecting the argument of Yadav's counsel that his case was on a better footing than the case against Kanchi Sankaracharya Jayendra Saraswathi, who was granted bail by the Supreme Court.

The court took strong exception to the manner in which the accused, despite a court order to surrender to the authorities, took his time to be taken into custody, the manner in which he used to hold public meetings inside the jail and even threatened top officials when they objected to such behaviour.

THE STATESMAN

19 JAN 2005

Convicted sitting MLAs/MPs barred from elections

1871
criminals
of politics

New Delhi: In a significant order ahead of the elections in Bihar and Haryana, the supreme court has ruled that an exception in the election law to allow continuance of an MLA even if convicted during his term could not be used to contest the next elections.

This order, which would be a step forward to weed out criminals from politics, was delivered by a five-judge constitution bench

victed being a member of a house on the date of conviction.

"The benefit of such saving is available only so long as the house continues to exist and the person continues to be a member of a house. The saving ceases to apply if the house is dissolved or the person ceases to be a member of the house," the court said.

The supreme court noticed the anomaly being practised in the acceptance of nomination of persons for elections who were convicted while being a sitting MLA or a MP.

From time to time it was being brought to the court's notice as to how a sitting MLA or an MP was different from a common man who was debarred from contesting elections even if his appeal against the conviction was pending similar to the case with the sitting MLAs.

Justice K G Balakrishnan, who was part of the five-judge constitution bench, rendered a dissenting judgement.

The majority judgement said "the factum of pendency of an appeal against conviction was irrelevant and inconsequential."

If on a given date of filing nomination, the conviction existed, then a person, whether he was a sitting MLA or not, was debarred from contesting the polls, the bench said.

"A subsequent decision in appeal or revision setting aside the conviction or sentence or reduction in sentence would not have the effect of wiping out the disqualification which did exist on the date of filing of nomination," Justice Lahoti said.

For disqualification under section 8(3) of the RP act, the bench said it has to be seen whether the total length of time for which a person remained in jail pursuant to conviction exceeded two years. PTI



"If on the day of filing nomination, the conviction exists, then a person, whether he's a sitting MLA or MP will be barred from contesting"

headed by Chief Justice R C Lahoti, while allowing a petition filed by Ramesh Dalal challenging the election of Nafe Singh from Bahadurgarh in Haryana.

Under section 8(4) of RP Act, sitting MLAs and MPs, if convicted and sentenced to two years imprisonment during their tenure as member of the assembly or parliament, were allowed to continue if their appeal against the order of conviction was pending with a higher court.

However, as was noticed by the court, many of these MLAs and MPs were using this exception to convince the returning officer, while filing nominations for the next election, that their conviction had been stayed under the exception clause and hence allowed to contest the elections.

Justice Lahoti, writing for self and on behalf of Justice S V Patil, Justice B N Srikrishna and Justice G P Mathur, said the saving from disqualification was pre-conditioned by the person con-

PAPPU YADAV CASE

Put mobile jammers in all jails: SC



Pappu Yadav

Press Trust of India

NEW DELHI, Jan. 4. — Taking into account misuse of cell phones by RJD leader Pappu Yadav in Beur jail, the Supreme Court in principle today decided that mobile phone jammers should be installed in all jails across the country.

The court asked Bharat Sanchar Nigam Ltd and Reliance to inform it by next Tuesday as to how this facility could be installed in Central jails, to start with, for preventing "highly influential persons and powerful personalities from misusing mobile phones while being lodged in jail". The court said it will hear on 11 January the appeal filed by CBI challenging the Patna High Court order granting bail to Yadav in the Ajit Sarkar murder case.

The Supreme Court had stayed the High Court order and sent back Yadav to jail earlier.

The CBI, which investigated the Ajit Sarkar murder case, today argued for shifting Yadav out from Beur Jail to another state, saying six cases pending against him could be tried in one court using video-conferencing. The agency said the video-conference facility was available in jails at Sabarmati, Vellore, Mysore, Coimbatore, Palayamcottai (TN) and Poonmallee (TN).

Appearing for Yadav, senior advocate RK Jain contended that after the 7 December incident at the Beur Jail, when mobile phones were seized from Yadav and his supporters, there had been no violation of the jail manual by the accused. He claimed Yadav is in jail without any evidence against him and that he should be granted bail.

Prison deaths

Bihar jail minister Mr Raghvendra Pratap Singh has instituted an inquiry into the death of three prisoners in the Beur jail under mysterious circumstances last night. Rajesh Singh, Lala Yadav and Champa Devi were quickly admitted to the Patna Medical College late last night, after their condition suddenly deteriorated. However, they could not be saved.

Why not jammers in jails, asks Supreme Court

By Our Legal Correspondent

NEW DELHI, JAN. 4. The Supreme Court today sought the response of cellular operators whether jammers could be installed to prevent the use of mobile phones by prisoners.

A Bench of Justice N. Santosh Hegde and Justice S.B.

Sinha, hearing a plea for transfer of Pappu Yadav, Rashtriya Janata Dal MP, from Beur Jail in Patna to a jail outside Bihar, observed: "there are instances where powerful persons have been found using their cell phones from jails."

Mr. Yadav is in jail for his alleged involvement in the

murder of the CPI(M) leader, Ajit Sarkar.

The Bench said the cell phone facility was being misused by influential people from elsewhere also but it would first deal with the misuse in jails.

The Additional Solicitor-General, Amrendra Saran, ap-

pearing for the CPI(M), submitted that the Court should pass an appropriate order on the transfer of Mr. Yadav to a jail outside the State to ensure justice in the case. He submitted that Mr. Yadav could be shifted to any one of the six jails, Poonamallee (near Chennai), Palayamkottai, Vellore,

Coimbatore (in Tamil Nadu), Mysore and Sabarnati where video conferencing facilities were available.

Senior counsel R.K. Jain, appearing for Mr. Yadav, pointed out that if the appeal against a Patna High Court order granting bail to his client was dismissed, then shifting him would be an exercise in futility.

Appearing for Reliance Informcomm, senior counsel Harish Salve submitted that while one of the two mobile phones seized from the Beur Central Jail was issued by it to the sister of Mr. Yadav, the other was used outside the jail.

The Bench posted the case for further hearing on January

11.

Elimination is possible.