

Darbara Singh

Vs

State of Punjab and Others

Criminal Appeal No. 44 of 1973

(C.A. Vaidialingam, A. Alagiriswami JJ)

16.03.1973

JUDGMENT

VAIDIALINGAM, J. -

1. The appellant herein was directed to be detained by the District Magistrate, Amritsar, by his order, dated June 20, 1972, under Section 3(1)(a)(i) of the Maintenance of Internal Security Act, 1971, as amended by sub-section (6) of Section of the Defence of India Act, 1971. The appellant challenged the order of detention in the High Court of Punjab and Haryana in Criminal Original No. 180-M of 1972. The High Court dismissed the application by its order, dated October 5, 1972. The detenu has filed the appeal by special leave.

2. Mr. Srinatha Singh, learned counsel for the appellant, challenged the order of detention on two grounds -

(1) the grounds served on the appellant being in a language not known to him, no opportunity has been provided to the appellant to make an effective representation; and

(2) there has been no proper consideration by the Government or the representation made by the appellant.

3. Both these contentions, in our opinion, are devoid of merit. Regarding the first contention, it is seen from the affidavit of the District Magistrate, Amritsar that the appellant was arrested on June 20, 1972 and directed to be detained under the provisions referred to earlier. The District Magistrate states that the grounds of detention were supplied to the detenu in English and also in Punjabi (Gurmukhi script) on June, 23, 1972. According to the District Magistrate, the appellant is a born Punjabi and as such was quite familiar with the Punjabi language. Except saying that the grounds of detention were served on him in a language not known to him the appellant has not categorically stated as to what was his mother tongue and what language he is familiar with. It is unnecessary to pursue this aspect further in view of the affidavit of the Superintendent, Central Jail, Amritsar, where the appellant was kept under detention. In this affidavit it is stated that the deponent received from the District Magistrate on June 23, 1972, the copies of the grounds in English and Punjabi languages for service on the appellant. The officer has further stated that he served on the appellant on the same date the copies of the grounds, both in English and Punjabi (Gurmukhi script) and they were also read over to him in Punjabi, which is his mother tongue. The Superintendent further says that the appellant raised no objection that he could not understand the Punjabi language in which the grounds were explained to him. On behalf of the appellant, no reasons have been shown to us for not accepting this statement made on behalf of the respondents. If so, it follows that the appellant's

plea that no effective opportunity was furnished to him to make representation, in view of the language difficulty, cannot be accepted.

4. Regarding the second contention, it is necessary to refer to the affidavit filed by the Deputy Secretary (Home) to Government of Punjab. From this affidavit it is seen that a representation, dated July 22, 1972, was submitted to the Superintendent, Central Jail, by the appellant on July 29, 1972. July 30, 1972, being a Sunday, it was forwarded to the Government on July 31, 1972, by the Jail Superintendent. The office of the Home Secretary received it on August 2, 1972, and the remarks of the Home Secretary on the representation were endorsed on the file on August 4, 1972. All the records were placed before the Chief Minister on the same date. The Chief Minister, after a consideration of all the materials on record, rejected the representation on August 6, 1972. This decision of the Government was conveyed to the detenu on August 9, 1972. The various dates mentioned therein show that there has been no laches or delay committed by the Government in dealing with the representation of the appellant. The High Court on a perusal of the file, which was produced before it, was satisfied that everyone of the points raised by the appellant in his representation was fully considered before the Chief Minister rejected the same. In view of this, it is idle on the part of the appellant to contend that there has been no proper consideration of his representation. This contention also has to be rejected.

5. In the result the appeal fails and is dismissed.

</html