

MR. CHAIRMAN: I think we will close this matter. It is becoming personal. Please stop it now. The word should not be there. There is an important mention by Shri Dhabe.

REFERENCE TO THE REPORTED ARREST OF SHRI Y. B. CHAVAN AND OTHER LEADERS IN MAHARASHTRA

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): Mr. Chairman, I have to make a submission with pain and anguish to the effect that Shri Y. B. Chavan, Leader of the Congress Parliamentary Party and our respected leader, was said to be arrested at Pohra in Amravati District near Chandur Railway Station. The farmers are having an agitation in Maharashtra in Dindi which was to march on the 20th December to Chandur Railway from Pohra in Amravati District. Shri Chavan Ji was going there to address a meeting and to take part in Dindi at Pohra near Amravati District. When Mr. Chavan reached there, he and other leaders of opposition, Shri Sharad Pawar, Shri R. A. Patil, Shri N. D. Patil, Shri Ganapatrao Deshmukh and others were arrested. The D.I.G., who had specially come from Bombay, said there, "We are promulgating section 37 and if you go ahead, we would arrest you." And there all of them were arrested. The Collector, Amravati told Shri Chavanji, "You are under arrest. You kindly get into the bus." Thereafter, they were all taken to Amravati in a bus. They told the Collector that they should be produced before the Magistrate there because that is the nearest Magistrate. But the police said, "We shall not take you there. We can take you to any Magistrate anywhere in the State." Thereafter, they were taken to Nagpur and they were not produced there also before any Magistrate. They were taken to Bhandara, a place which is well-known. Then, they reached

Bhandara at 10.30 in the night and were produced before the Judicial Magistrate, Bhandara, on the charges which are very funny—breach of Prevention of Communal and Anti-social and other Dangerous Activities (Maharashtra) Ordinance, breach of sections 18 and 151 Cr.P.C., and breach of section 37 of Bombay Police Act—on the allegation that their action will lead to bloodshed, murder, burning of properties and the lawlessness in the entire State. And the police demanded for a remand of 15 days. Under section 3A of this Ordinance, it is specifically stated that the person arrested under this section should be produced before the nearest Magistrate. Therefore, an objection was taken before the Judicial Magistrate, Bhandara, saying that Bhandara Court has no jurisdiction to try this matter. He upheld their contention and said that they should have been produced before the Magistrate of Amravati and not before him, and refused to pass any order. After that, Chavanji was taken to the Circuit House at 11 O'clock. There a message was received and he was told that he was not under arrest. Therefore, Sir, it is very funny that at Amravati he was told by the Collector that he was under arrest, and the Bhandara Collector told him that he was not under arrest. Sir, it is an obvious case of a leader of such a stature has been put either under wrongful confinement or illegal arrest. Not only that, Sir. At 11 p.m. he was told, "You are released". And in the morning, he was taken to Nagpur. Sir, this was completely an abuse of the process of law against a leader of the national stature. Not only that Sir. What they did in the morning? The rest of the people, Mr. Sharad Pawar and all the others were taken by bus to Chandur Railway. They reached there at about 3 O'clock and they were produced before the Judicial Magistrate at Chandur Railway, Mr. Kanetkar, before whom the arguments were heard. It was found that the notification was not issued properly at all under section 37. The Government

[Shri Shridhar Wasudeo Dhabe]

did not press the other charges. They only pressed about breach of section 37. The Magistrate held and passed strictures on the Government that there was no notification of section 37, there was no reason to arrest any of the persons.

SOME HON. MEMBERS: Shame, shame.

SHRI SHRIDHAR WASUDEO DHABE: And all the leaders and all the arrested persons were freed. Sir, it is for the first time that an abuse of law has taken place of such a type and there is no rule of law in Maharashtra. The 'Dindi' is there, the farmers agitation is there and they are fighting for a remunerative price for their produce and they are absolutely peaceful. They were going in a 'Dindi' 'Dindi' as you know, Sir, is a religious procession. They were all going to Nagpur to present a memorandum before the Chief Minister and others in the Maharashtra Assembly. Sir, instead of allowing that, they are using highhanded methods. And we are feeling in Maharashtra as if the emergency is re-imposed on the country or that it is coming up.

Therefore, Sir, I strongly protest against this abuse of process of law against a leader of the stature of Mr. Y. B. Chavan and other respected leaders like Mr. Sharad Pawar, Mr. R. A. Patil, Mr. N. D. Patil, Mr. Deshmukh and others. They were all arrested and the court has held that the entire action is illegal. It is absolutely shameful on the part of any Government to say that a man like Chavanji will have an offence under the Prevention of Communal and Anti-social and Dangerous Activities Ordinance, 1980. It is a very strange Ordinance and a draconian law, and under which these persons should not have been arrested. The whole thing is unhappy. And I have anguish and pain that in our country, democracy

is being crippled and murdered, and the rule of law is not existing in a premier State like Maharashtra, in a progressive State like Maharashtra. And I pray to the Government to order an inquiry into this and make a statement here about the entire situation, and see that the farmers for whom we are all fighting get justice in respect of remunerative prices.

SHRI ARVIND GANESH KULKARNI (Maharashtra): This is what the National Security Ordinance is going to do. This is the effect that it is going to have. (Interruptions).

SHRI NARASINGHA PRASAD NANDA (Orissa): Sir, this is a very serious matter. There should be a full-fledged discussion on this.

SHRI MANUBHAI PATEL (Gujarat): Let the Government permit a half-an-hour discussion on this matter. It is no use merely mentioning it here

MR. CHAIRMAN: I think we can probably have a Half-an-Hour discussion on this, as has been suggested. (Interruptions). I do not think the Rules permit that. Yes, Mr. Hegde, please take only three minutes.

SHRI RAMAKRISHNA HEGDE (Karnataka): Mr. Chairman, Sir, has the emergency already started? Even before the National Security Ordinance is passed into a law, action is being taken without any basis, without any legal basis. Sir, the midnight visits have already started. The so-called courtesy calls on politicians by the Central Intelligence people have also started.

Sir, Mr. Mahapatra says that the judiciary should be elected. By whom? Presumably by the Congress (I) Party.

Mr. Antulay says, we shall crush the farmers' agitation. Sir, what is their crime? For the last 15 days or more thousands of farmers have been taking a silent walk, a silent procession, a silent march. They have not indulged

in arson, in looting or in any kind of violence. For the last 15 days it has been going on, a silent march, reminding us of those days of the Dandi March. But what was the provocation for the Government that more than 1500 people have been arrested, including Mr. Chavan, Mr. Sharad Pawar and Mr. R. A. Patil and scores of other respected leaders? Did they incite the people to indulge in violence? What is happening in this country.

Sir, this is an act of heinous crime. This cannot happen in a civilised society, in a democratic society. This shows what is going to happen after this black Bill is passed in this Parliament.

MR. CHAIRMAN: Mr. Hegde, one minute more.

SHRI RAMAKRISHNA HEGDE: Therefore, Sir, I lodge my protest on behalf of my party and, Sir, this Government, if it has any sense of shame, must pull up the Maharashtra administration and they must dismiss the Maharashtra Government. (*Interruptions.*)

SHRI LAL K. ADVANI (Gujarat): Mr. Chairman, Sir, I would like to associate myself and my party and register a very strong protest against this executive high-handedness of the Maharashtra Government and which executive high-handedness has now been proved by a magistrate, which has been judicially corroborated. In fact, all the apprehensions expressed three days back in this House, when the National Security Bill was being discussed, have come true and have been proved in a very dramatic manner by this kind of arrest of Mr. Chavan and other colleagues of his. Sir, if the approach of the Government is that those who are supporting these legitimate grievances and demands of farmers are guilty of disturbing the peace and are guilty of creating disorder in the country, they must realise that

among those who have expressed public sympathy for the cause of these farmers and for this Government there is no less a person than the President of this country, Mr. Sanjiva Reddy. Are these laws, are these draconian measures to be even used against him? This is the question that the Home Minister and his Deputy here should address themselves to and let us know as to why the Chief Minister of Maharashtra was allowed to take recourse to measures of this kind. A peaceful march was going on. They have every right to express themselves. They did nothing. They did not violate the law. Even then this is happening. This only shows that when powers are placed in the hands of the executive, they are bound to be misused. There is no question of assurances being given by the Home Minister that they will not misuse it. Between the discussions held in this House on Thursday and today we have had this glaring example of gross abuse of executive powers by the officials and this has happened with the consent of the Chief Minister of Maharashtra, not at the lower level.

With these words, I once again protest against this executive high-handedness and associate myself with the feelings expressed by Mr. Dhabe.

श्री सदाशिव बागाईनकर (महाराष्ट्र):
सभापति जी, श्री चव्हाण साहब और उनके अन्य साथियों को गिरफ्तार करने का जो शर्मनाक कांड अभी हुआ है उस का घोर विरोध और निन्दा अपने दिल की तरफ से करने के लिए मैं खड़ा हूँ। कानून की स्थिति कितनी बिगड़ी हुई है और पुलिस कितने मनमाने ढंग से वहाँ बर्ताव कर रही है उसका एक और सबूत मैं आप के सामने पेश करना चाहता हूँ। अखबारों में आयी चीज मैं आप को बता रहा हूँ। यू० एन० आई० का एक रिप्रेजेंटेटिव, जो उस मार्च के साथ चल रहा था, मार्च को कवर कर रहा था अपनी एजेंसी की तरफ से, जब

[श्री सदाशिव बागाईतकर]

उस मूकाम पर पहुंचा जहां वे लोग गिरफ्तार किए गए, गिरफ्तारियों की सारी खबर देने की उस ने जब कोशिश की तो पुलिस ने उस को गिरफ्तार करने की कोशिश की और टेलीग्राफ आफिस में जा कर जब वह रिपोर्ट देना चाह रहा था तब उस को मना किया, उस के साथ जो बर्ताव पुलिस ने किया उस में कुछ हद तक मारपीट भी की गयी। जब वह वहां से निकल भागा क्योंकि उसको लगा कि मुझे गिरफ्तार कर के थाना ले जायेंगे तो रास्ते से एक मोटर-साइकिलिस्ट जा रहा था, उसने अपनी स्थिति उसको बतायी। उस मोटर साइकिलिस्ट ने उसे अपने साथ ले लिया और अमरावती पहुंचा दिया जहां से उसने अपने अखबार को खबर भेजी। तो मैं गृह मंत्री जी से जानना चाहूंगा कि क्या राजनैतिक विरोध के साथ, लोगों की मांगें पेश करने के लिए कष्ट उठा कर जो लोग जा रहे थे उनके साथ आप का यही सलूक रहेगा और जो जर्नलिस्ट्स होंगे उनके साथ आप का इस तरह का बर्ताव रहेगा ? जो आप्रवासन आप इस सदन में हमेशा देते रहे हैं उनकी आखिर कीमत क्या है इस सारी बात को मैं गम्भीरता से आप के सामने, अध्यक्ष जी, लाना इस लिए चाहता हूं क्योंकि महाराष्ट्र के हाल के जो मुख्य मंत्री हैं श्री अन्तुले, जो इस सदन का सदस्य रह चुके हैं, उनका सारा रवैया डिक्टेटरी है। उन्होंने ने शायद यह कहा है कि कानून का इस्तेमाल हम अमन कायम रखने के लिए राजनैतिक गुंडों और एन्टीसोशल एलीमेंट के खिलाफ करेंगे। राजनैतिक कार्यकर्ताओं को वह राजनैतिक गुंडे कह बैठे हैं, यह स्थिति है। यह जो उनका एटीट्यूड है यह सारे एडमिनिस्ट्रेशन में रिप्लेक्ट होता है।

श्री सभापति : बागाईतकर साहब, जो वाक्या हुआ है आप उसी के बारे में कहिए। (Interruptions) सुनिए।

श्री सदाशिव बागाईतकर : कानून पर अमल करने का अधिकार आप ने जिन पुलिस वालों को दे रखा है वह पुलिस भीड़ के साथ, कार्यकर्ताओं से कैसे पेश आती है। उनका जो नजरिया है, उनकी जो दृष्टि है उस पर आप सोचिए। अभी हमारे मित्रों ने उल्लेख किया कि जो पुलिस एक्ट का सेक्शन 37 ऐलान नहीं हुआ था उसके मातहत गिरफ्तार कर लिया गया और मजिस्ट्रेट ने उनको रिहा कर दिया। इस से यह स्पष्ट होता है कि सरकार के एटीट्यूड और पुलिस के एटीट्यूड में सम्बन्ध जरूर है। गैर कानूनी ढंग से गिरफ्तारी करने की सरकार हिदायत देगी, जो प्रोहिबिटरी आर्डर इशू नहीं हुए हैं उनकी मार्फत गिरफ्तार करिए, इस तरह का सरकार का रवैया रहेगा तो सिविल लिबर्टीज का क्या होगा। यह सवाल इस से उत्पन्न होता है। जो जर्नलिस्ट मार्च को कवर कर रहा था—उसका हिस्सा नहीं था—उसके अधिकार को आप छीनना चाहते हैं। तो यह सवाल बहुत अहम बन जाता है। इस लिए मैं खुल कर कहता हूं, और किसी कारण नहीं कहता हूं, मैं यह समझता हूं कि कार का नेतृत्व करने वाले जो व्यक्ति होते हैं उन की जो दृष्टि रहेगी उस का सीधा परिणाम जो नीचे के अफसर होते हैं उनसे रहेगा। आज महाराष्ट्र के हर गांव में प्राहिबिटरी आर्डर इशू हैं, जहां कारण है वहां और जहां कारण नहीं है वहां भी। 144 लगा दिया है, बम्बई पुलिस एक्ट का 37 भी लगा दिया है। मैं चाहता हूं कि इसके बारे में सरकार को

स्टेटमेंट करना चाहिए, सरकार साफ-साफ बताये कि सरकार करना क्या चाहती है। क्या हम लोगों को लोकतंत्र में, जनतंत्र में शान्तिपूर्ण रीति से अपनी मांग रखने का अधिकार है या नहीं? अगर सरकार की यही इच्छा है कि अमन के साथ भी विरोधी दल के लोग अपनी बात न रखें तो इस का मतलब यह होता है कि सरकार की लोकतंत्र में आस्था केवल बहाना है। इस लिए यह गम्भीर समस्या है। चव्हाण साहब जैसे व्यक्ति, भले ही वे सरकार की मुखालिफपत में हों लेकिन देश की राजनीति में, पुराने कांग्रेस दल में उन का अपना एक स्थान रहा है। उन के साथ भी और महाराष्ट्र के जो पत्रकार हैं उन के साथ पुलिस ऐसा सलूक करेगी तो सामान्य जन जो हैं, जन साधारण जो हैं उन के साथ पुलिस किस ढंग से बर्ताव कर सकती है इस का अंदाजा आप लगा सकते हैं। इस लिये मैं चाहूंगा कि सरकार इस घटना को गम्भीरता से देखे, मखौल की दृष्टि से न देखे, जैसा कि वहां के चीफ मिनिस्टर कर रहे हैं। इस लिये चूंकि गृह मंत्री जी यहां हाजिर है इस लिये मैं कहना चाहता हूं कि वैसे प्रथा तो नहीं है लेकिन क्या वे इस बारे में कोई बयान करेंगे। ऐसा करें तो बड़ी कृपा होगी। मैं उन का बयान इस लिये चाहता हूं कि स्थिति स्पष्ट हो जाय। लेकिन मैं सरकार के इस रवैये की घोर निन्दा करता हूं।

SHRI P. RAMAMURTI (Tamil Nadu): Sir, I would like to associate myself and my Party with the protest against the doings in Maharashtra. Coming events cast their shadow. This is a very fantastic thing. Shri Y. B. Chavan had been arrested under the Prevention of Communal, anti-social and other dangerous activities Act. A person who has been with

them for all these years, till about three years ago, is now accused of promoting communal feelings, anti-social feelings and so on. This is a fantastic thing. I know fully well. I am absolutely certain. I do not want to blame the authorities. I know, such a thing would not have happened but for the support of the Chief Minister himself. Otherwise, the Police would not have acted in that way. The fact that these arrests were illegal has now been proved. Not only this. As a protest against this, when a bandh was called, when a call for a bandh was given, our own Secretariat Member, comrade Kurne was arrested at dead of night and he has been whisked away. We do not know where he has been taken. As I said, coming events cast their shadow. This is what we are to expect from this Government. An ordinary citizen's life is in danger. A midnight knock is what one will have to expect. I hope, the people of this country will take care and fight against this reemergence of Emergency, without formally declaring Emergency. This is what is happening now in this country. I hope, the people of this country, the democratic voice of the people of this country. . .

SHRI ARVIND GANESH KULKARNI: This is dictatorship.

SHRI P. RAMAMURTI: Emergency regime without Emergency has come. Nobody's life is safe. Nobody's liberty is safe. Anything might happen. I hope, the people of this country will ultimately fight it and they will be the masters and not anybody else however powerful they might think they are for the time being.

SHRI BHUPESH GUPTA (West Bengal): I fully associate myself with the views expressed in protest against this behaviour of the Maharashtra State Government. It is surprising that they should have taken action under a law which has been found to be inapplicable and invalid by the Magistrate who has released them. But this is a technical side. I, for one, would not believe that Mr. Antulay, the Chief Minister of Maharashtra, knowing him as I do, would dare to

[Shri Bhupesh Gupta]

take such action without having got the approval indirectly or directly from the Centre. I have not the least doubt about it. I know, it will be denied by the treasury benches. But we have seen Mr. Antulay many years in this House and we know how he speaks and how he functions. I have no doubt in my mind that he had acted having got the nod from New Delhi.

Now, Sir, I should like to know whether we have the right to agitate peacefully. It was a peaceful march. It is a peaceful march. And the leaders declared that they would be discussing with the Chief Minister with a view to finding a solution to the problem. But yet, in a most cowardly manner, near a jungle, so many people were arrested including one who had been the Deputy Prime Minister of the country, the Home Minister of the country, the Chief Minister of that State at one time and Defence Minister of the country. I am not talking about Mr. Pawar who has also been the Chief Minister. Mr. Chavan has been our colleague. Sir, if Mr. Chavan can become such anti-social, reprehensible criminal, then you can imagine when we have emergency laws passed, what will become of others. If Mr. Chavan is a bandit, we shall become the bandit-in-chief all over. This is what I feel. To that limit they have gone. (Interruptions) I remind them, once Acharya Kripalani was shadowed by the C.I.D. in one of the district towns of Uttar Pradesh. Pt. Jawaharlal Nehru—not that he had not had the Preventive Detention Act—came to the Lok Sabha and expressed regret and gave an assurance that such men as Acharya Kripalani would not be shadowed. Well, Sir, we are not in that privileged category, but we appreciated it that here was a leader who respected certain traditions, who respected past colleagues and felt a little cut up and sorry, embarrassed and anguished when he heard that Acharya Kripalani, though in the Opposition, had been shadowed by the CID. Today we find that this Government, the Congress regime in Maharashtra, picks up

one of the stalwarts of the Congress in Maharashtra at one time—Mr. Chavan—who was brought here by Pt. Jawaharlal Nehru in 1962 in a period of grave emergency, having considered him to be one of the fittest Congressmen. He is picked up, put into prison and taken somewhere. This is how they behave.

Sir, all I can say is that such behaviour heralds something much worse coming. Today it is Mr. Chavan and Mr. Pawar. Tomorrow it will be many others. And it is only a notice to others, notice that we are dealing with Mr. Chavan in this manner, you others beware of it.

We fully support the just demands of the farmers' struggle. I congratulate Mr. Sanjiva Reddy for having expressed his sympathy and support for the just cause of the farmers. I hope the Prime Minister will make amends in this House and in the other House and see that a proper solution to the satisfaction of the farmers in Maharashtra is arrived at. Agitations there shall be. We have every right under the Constitution to carry on peaceful agitation—whether it be a march or any other method. I deplore and condemn the reprehensible and cowardly action of the Maharashtra Government.

SHRI G. C. BHATTACHARYA (Uttar Pradesh): Sir, I associate myself fully with the speakers who have just spoken and I also condemn the arrest of Mr. Chavan and other friends. I also demand, as Mr. Bhupesh Gupta says, that this Government should set up an enquiry and they should express their regret for acting in such a high-handed fashion. After all, it is their Chief Minister. The responsibility is on them also. Here and now they should express regret and assure us that these things will not be repeated in future.

PROF. SOURENDRA BHATTACHARJEE (West Bengal): The incident referred to by Mr. Dhabe clearly demonstrates the utter contempt in which the legal process is being held

by the powers that run the country. It is a very serious matter, particularly in the background of the discussion on the National Security Bill. It reveals the true import of that particular Bill. Even without it being passed by this House, they are acting in this manner. If the Government wants to set at rest the suspicions expressed by the Opposition, an occasion has been provided to them. By pulling up the erring administration in Maharashtra for their wrong attitude, they can prove their bonafide. It is a challenge unto them. Let them avail of this challenge. We thoroughly condemn this type of action.

श्री सत्यपाल मलिक (उत्तर प्रदेश):
सभापति जी... (Interruptions)

MR. CHAIRMAN: I am afraid, I am allowing one person from each party. You were not there.

श्री भोला पासवान शास्त्री (बिहार):
सभापति जी, हमको आपने समय दिया है। मैं उम्मीद करता था कि इस संबंध में स्वी मोटो सरकार का ब्यान होता कि वहां की क्या स्थिति है। . . .

श्री सभापति : अभी ब्यान होने वाला है। वक्त निकल गया।

SHRI PILOO MODY (Gujarat): Sir, rationing takes place in fair price shops, not here.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHR SITA RAM KESRI): Mr. Chairman, there were. . .

श्री भोला पासवान शास्त्री : हम लोगों ने मांग की है तब सरकार ब्यान दे रही है। सरकार को स्वयं आकर ब्यान देना चाहिये था।

श्री सभापति : अब वह वक्त निकल गया।

श्री भोला पासवान शास्त्री : इसलिये मैं कह रहा हूं कि गवर्नमेंट को चाहिये था वह स्वयं आकर ब्यान देती।

श्री सभापति : शास्त्री जी वह तो चला गया। गया वक्त फिर हाथ नहीं आता।

श्री भोला पासवान शास्त्री : हम सब मांग करते हैं कि इस पर गवर्नमेंट का ब्यान आए।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA): Sir, this is unprecedented in the history of this House. Never were special mentions made. . . .

MR. CHAIRMAN: If you want to. . .

SHRI YOGENDRA MAKWANA: All sorts of allegations are made against the Government. Without any information, how is it possible to reply? And all the allegations which are made are baseless and totally false. They have no basis whatsoever. I want to make clear before this House that all these allegations which are made here are baseless. The National Security Ordinance or the National Security Act is not at all used in this. It is under section 135 of the Bombay Police Act that 422. . . (Interruptions) Sir, they are making a mountain of a molehill. There is nothing like what they have described here. Sir, under section 135 of the Bombay Police Act, they were arrested for violations of sections 37, 39 and 40 of the Bombay Police Act.

MR. CHAIRMAN: May I remind the honourable the Home Minister the points that have been made? (1) That a notification under section 37 has been found by the Magistrate not to have been issued. (2) That although the required law and the provision of the Constitution requires that the nearest Magistrate should be approached, they were taken from Pohar in Chandur district or taluka right across Nagpur

[Mr. Chairman]
to Bhandara, 38 miles from Nagpur.
(3) . . .

SHRIMATI SAROJ KHAPARDE
(Maharashtra): Mr. Chairman, Sir, I
would like to . . . (Interruptions)

MR. CHAIRMAN: I am expressing
no opinion.

SHRIMATI SAROJ KHAPARDE: I
come from that area.

SHRI PILOO MODY: She comes
from that area along with another
million people from there. Any special
rights?

SHRI YOGENDRA MAKWANA: I
am replying to all those points.

MR. CHAIRMAN: I was only re-
minding you about the points. If you
give an explanation, they will be satis-
fied.

SHRI YOGENDRA MAKWANA: Sir,
it is very kind of you to remind me
about the points which. . .

MR. CHAIRMAN: The notification?

SHRI YOGENDRA MAKWANA:
Sir, you were a Judge of the High
Court for long. (Interruptions) Sorry,
the Chief Justice. But factually it is
correct. You were a Judge. . .

MR. CHAIRMAN: I do not mind.

SHRI YOGENDRA MAKWANA: . . .
and the Chief Justice also.

MR. CHAIRMAN: I may have for-
gotten it.

SHRI YOGENDRA MAKWANA: For
a long time, you were a Judge and
then the Chief Justice also. Then the
points. . .

MR. CHAIRMAN: I am only re-
minding you about the notification.

SHRI YOGENDRA MAKWANA:
Sir, section 37 reads like this. "For

the prevention of peace or public safe-
ty by notification publicly promulgated
or addressed to individuals." It is ad-
dressed to the individuals by loud-
speaker, and it is an usual practice
when 144 is also announced by loud-
speaker. So, I do not know when the
judgment given by the court, . . . (In-
terruptions) . . . the District Court. . .
(Interruptions)

SHRI PILOO MODY: Is there any-
thing you know?

SHRI YOGENDRA MAKWANA:
This is. . . (Interruptions)

SHRI RAMAKRISHNA HEGDE: Ob-
viously the Minister of State for Home
Affairs is blissfully unaware of what
has happened. (Interruptions)

MR. CHAIRMAN: But if there is a
proper. . . (Interruptions)

THE LEADER OF THE HOUSE
(SHRI PRANAB MUKHERJEE): But
why are they objecting? (Interrup-
tions)

SHRI YOGENDRA MAKWANA: I
say, the points were irrelevant. (Inter-
ruptions)

MR. CHAIRMAN: Please keep quiet.
You have been heard very very pati-
ently, without interruptions. Let us
see what he has to say.

SHRI MANUBHAI PATEL: How
long? (Interruptions) Sir, you were a
Chief Justice of the Supreme Court.
The Minister says you were a High
Court Judge. (Interruptions)

MR. CHAIRMAN: There are many
people who would probably not recog-
nise me now.

SHRI YOGENDRA MAKWANA:
Then he became the Chief Justice, but
that a High Court Judge he was is a
fact. (Interruptions)

SHRI RAMAKRISHNA HEGDE:
Anyway, he was a petty officer in the
customs.

MR. CHAIRMAN: Do not have a quarrel over me. I do not care about being a Judge of the Supreme Court or a High Court. Please go on with the points.

SHRI YOGENDRA MAKWANA: So, Sir, without any notice when they raised certain matters where factual information is to be supplied, how is it possible, offhand, to give it in the House? Therefore, I said in the beginning itself that it is unprecedented that for a Special Mention a Minister is required to reply. But when you have asked me I stated that under section 135 of the Bombay Police Act they were arrested and later on they were released. Shri Chavan was released on the 20th and the remaining persons were released on the 21st December.

SHRI LAL K. ADVANI: Released by the court. (*Interruptions*)

MR. CHAIRMAN: May I remind the Home Minister—I do not know but I have been in that State—that the Magistrate at Bhandara is not the nearest Magistrate and it is a breach of the constitutional provision and also probably the Act?

SHRI YOGENDRA MAKWANA: Sir, for that I cannot say anything. I do not want to say anything unless I receive the information from the State Government.

MR. CHAIRMAN: That is all right. (*Interruptions*)

श्री भोला पासवान शास्त्री : सभापति महोदय... (*Interruptions*)

MR. CHAIRMAN: We will stop it here. Mr. Minister, you say you have no information. It is a very serious matter to take people. Next time they will produce people at Madras when arrested in Delhi. That is not what the Constitution wants. The Constitution says "nearest Magistrate."

1500 RS—2.

SHRI YOGENDRA MAKWANA: You expect me to have the information just now? No notice is given. Whatever information I have with me, I have placed before the House.

MR. CHAIRMAN: If there is anything further, come forward voluntarily and tell them if they are wrong. (*Interruptions*)

श्री भोला पासवान शास्त्री : सभापति जी, आपकी पोजीशन ठीक है ।

MR. CHAIRMAN: Now, the next item.

श्री भोला पासवान शास्त्री : सभापति जी, आपको अधिकार है आपको राइट है कि आप अपनी राय दें । आपने देखा है कि किस तरह से गवर्नमेन्ट जवाब देती है और आपने यह भी देखा कि किस तरह से गवर्नमेन्ट विहेव करती है । आप खुद उससे सेटिसफाईड नहीं हैं । सरकार का जो जवाब हुआ है उससे हम लोग बिल्कुल सेटिसफाई नहीं हैं । जो कुछ कहा गया है वह गलत कहा गया है । इसलिये इसके प्रोटेस्ट में हम लोग सदन का बाक-आउट करते हैं ।

[At this stage some hon. Members left the Chamber]

DR. RAFIQ ZAKARIA (Maharashtra): Sir, I hope you will not walk out with them.

MR. CHAIRMAN: It is a nice stage to go from here. I am not walking out. This is only a division of labour.

[Mr. Deputy Chairman in the Chair]

MR. DEPUTY CHAIRMAN: He would come back, I know.