

Emergency Risks (Goods) Insurance (Fifth Amendment) Scheme, 1976 under sub-section (6) of section 5 of the Emergency Risks (Goods) Insurance Act, 1971 [Placed in Library. See No. LT-11588/77].

II. A copy (in English and Hindi) of the Ministry of Finance (Department of Economic Affairs) Notification S.O. No. 793(E), dated the 14th December, 1976, publishing the Emergency Risks (Undertakings) Insurance (Sixth Amendment) Scheme, 1976 under sub-section (7) of section 3 of the Emergency Risks (Undertakings) Insurance Act, 1971. [Placed in Library. See No. LT-11589/77]

#### **Notifications of the Government of Tamil Nadu and related papers**

SHRIMRTI SUSHILA ROHATGI: Sir, I also beg to lay on the Table a copy each (in "English and Hindi) of the following Notifications of the Government of Tamil Nadu under section 16 of the Tamil Nadu Entertainments Act, 1939, read with sub-clause (iv) of clause (c) of the Proclamation, dated the 31st January, 1976, issued by the President in relation to the State of Tamil Nadu together with the Statements giving reasons for delay in laying the Notifications:

(i) Notification GOP. No. 750, Commercial Taxes and Religious Endowments, dated the 9th July, 1975, publishing amendments to the Tamil Nadu Entertainments Tax Rules, 1939. [Placed in Library. See No. LT-11590/77].

(ii) Notification G.O.Ms. No. 1204, Commercial Taxes and Religious Endowments, dated the 8th September, 1976, publishing amendments to the Tamil Nadu Entertainments Tax Rules, 1939. [Placed in Library. See No. LT-11591/77].

#### **STATEMENT BY MINISTER CORRECTING THE STATEMENT MADE IN THE RAJYA SABHA ON THE 19TH AUGUST, 1976**

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): Sir, I beg to lay on the Table a statement (in English and Hindi) correcting the statement made by the Deputy Minister in the Ministry of Home Affairs, in the Rajya Sabha on the 19th August, 1976 during the debate on the President's Pension (Amendment) Bill, 1976. [Placed in Library. See No. LT-11595/47].

#### **RE. PRIVILEGE MOTION ABOUT INFORMATION WITH REGARD-TO DETENTION AND RELEASE OF MEMBERS**

MR. DEPUTY CHAIRMAN: Calling Attention. Mr. Shrikant Verma.

SHRI VIRENDRA KUMAR SAKHA-LECHA (Madhya Pradesh): On a point of order, Sir.

MR. DEPUTY CHAIRMAN: What is it?

SHRI VIRENDRA KUMAR SAKHA-LECHA: I have given notice of two privilege motions and before the Calling Attention motion is taken up, the privilege motion should be considered.

SHRI BHUPESH GUPTA (West Bengal): I have given notice of a Calling Attention.

MR. DEPUTY CHAIRMAN: Two people cannot be on their legs at the same time, Mr. Bhupesh Gupta, Let him have his say.

श्री वीरेन्द्र कुमार सखलेचा : उप-सभापति महोदय, मैंने जो प्रिविलेज मोशन दिए हैं उनका संबंध इस सदन के सदस्यों की गिरफ्तारी और उनको जेल से छोड़ने के बाबत है। आप जानते हैं कि इस इमरजेंसी के पीरियड में संसद् के अनेक सदस्यों को गिरफ्तार किया गया और उनको विभिन्न जेलों में रखा गया। इस सदन का और इस सदन के सदस्यों का यह अधिकार है कि सदस्यों की गिरफ्तारी और उनके रिलीज की सूचना सदन के सब सदस्यों को दी जानी चाहिए। यह इस हाउस का प्रिविलेज है और सदस्यों का प्रिविलेज है। इस संबंध में मैं आपका ध्यान लोक सभा के एक सदस्य श्री दशरथ देव के केस की ओर आकर्षित करना चाहूँगा जिसके अन्दर यह कहा गया है कि :—

*"A Member was released on bail on June 9, 1952. In communicating the fact of the release of the Member to the Speaker on March 12, 1953, the Magistrate concerned tendered apologies for the delay in sending the intimation."*

इस प्रकार से यह डिले हुआ। यहाँ पर 17 जनवरी को हमारे रिलीज आर्डर हो गये। लेकिन अभी तक इस सदन को सूचित नहीं किया गया डिस्ट्रिक्ट मैजिस्ट्रेट द्वारा कि किन किन को रिलीज किया जा चुका है। ऐसे अनेक सदस्य हैं और इस सदन के ही सदस्य श्री वीरेण जे० शाह अभी तक बंद हैं और डाइनामाइट केस के संबंध में उनको हथकड़ी बाँधकर कोर्ट में ले जाया जा रहा है। मेरा निवेदन है कि सदस्यों को यह अधिकार है और इस बारे में लोक सभा की 19वीं रिपोर्ट के अन्दर लोक सभा के स्पीकर ने श्री ईश्वर चौधरी के केस में रूलिंग दी थी और सारी स्टेट गवर्नमेंट्स को सूचित किया गया था कि फिर कभी इस प्रकार से हैडकफ नहीं किया जाना चाहिए। यह सदस्यों के अधिकार का प्रश्न है। इमरजेंसी पीरियड के दौरान हैडकफ होम मिनिस्ट्री के खिलाफ जाते हैं।

इस प्रकार की कोई सूचना आज तक इस सदन को नहीं दी गयी है। इसलिए मेरा यह निवेदन है कि इसको . . .

MR. DEPUTY CHAIRMAN: Now let me say. I have received both your notices and as far as the first matter is concerned—of course the second matter does not arise . . .

SHRI LAL K. ADVANI (Gujarat): Sir, the second matter is more important.

MR. DEPUTY CHAIRMAN: It is not a privilege matter. So it does not arise.

SHRI LAL K. ADVANI: It is well within your jurisdiction. In that House instructions have been issued to the Government that no Member of the House •

MR. DEPUTY CHAIRMAN: Yes, the instructions are there; I am not disputing that. Mr. Advani, the instructions are there. As far as the first matter is concerned, it is true that no intimation has been received so far by the Secretariat, and we are in correspondence with the authorities concerned. So it is very unfortunate that I have to inform you . . .

SHRI LAL K. ADVANI: Sir, this issue of handcuffing of Members of Parliament arose in the Lok Sabha once and it was the Speaker who had assured that this would not be done again. Would not this Chair also take cognizance of that fact?

MR. DEPUTY CHAIRMAN: That is why I told you that the instructions are already there. There may be certain . . .

SHRI LAL K. ADVANI: If the Government suo motu has done something, that is a different matter. So many instructions are issued by the Government which are flouted—sometimes deliberately flouted, sometimes flouted with the acquiescence of the Government. In this

[Shri Lai K. Advani]

particular case, when a Member of this House has been humiliated in this manner, I would think that it would be the duty of the Chair to come to his rescue and ensure that the Government does not do it again.

MR. DEPUTY CHAIRMAN: Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA: Sir, my point is . . .

SHRI KRISHAN KANT (Haryana): Mr. Deputy Chairman, I think you should . . .

MR. DEPUTY CHAIRMAN: It would go off the record.

SHRI KRISHAN KANT: (Continued to speak).

MR. DEPUTY CHAIRMAN: I cannot allow this kind of defiance. Mr. Krishan Kant, I am not allowing you to speak. You please take your seat. I have already asked Mr. Bhupesh Gupta to raise his point.

SHRI KRISHAN KANT: Will you allow me after that?

MR. DEPUTY CHAIRMAN: I am not bound to allow all the 250 Members of the House to speak. The point has already been made by Mr. Advani, and also by Mr. Sakhalecha. It is not necessary that Mr. Krishan Kant should also make the same point.

SHRI KRISHAN KANT: In this respect, I wanted to make 8 point which Mr. Advani has not made. The point I would like to make is . . .

MR. DEPUTY CHAIRMAN: This will go off the record.

(.Shri Krishan Kant continued to speak)

MR. DEPUTY CHAIRMAN: This will remain off the record.

SHRI KRISHAN KANT: I am going out of the House.

(At this stage, the honourable Member left the Chamber),

MR. DEPUTY CHAIRMAN: You should also know how Parliament is to be run. Mr. Krishan Kant, if this is the type of behaviour that you are going to exhibit, then how can you run Parliament, I wonder!

SHRI BHUPESH GUPTA: Sir, you have been good enough to admit a calling attention notice—and we are very happy that you have admitted it. We did not have time for giving adequate notice of calling attention.

SHRI VIRENDRA KUMAR SAKHALECHA: Sir, at least the Home Minister should assure the House that further handcuffing will not take place. The Home Minister can say that the matter would be looked into and he can assure that further handcuffing will not take place. When he has issued orders to the State Governments that no one should be handcuffed, at least in this House he can assure that.

MR. DEPUTY CHAIRMAN: You have had your say. Mr. Sakhalecha. You drew the attention of the Chair to a certain matter, it is on record. And you also drew the attention of the Chair to a previous ruling or observation made by the Speaker; it is also on record. I think now let Mr. Bhupesh Gupta have his say.

SHRI LAL K. ADVANI: My submission is, it is not merely to have our say that we raised it I expected something from you at least.

MR. DEPUTY CHAIRMAN: That is why I made the observation that it is already on record, the Speaker's observation. Is it not clear enough?

SHRI LAL K. ADVANI: You can tell the Home Minister.

Expunged as ordered by the Chair.

MR. DEPUTY CHAIRMAN: I am telling the whole House. You cannot force the Home Minister to say something offhand like that. Yes, Mr. Bhupesh Gupta,

#### REw LIFTING OF EMERGENCY

SHRI BHUPESH GUPTA (West Bengal): Sir, although we did not have any notice from your Secretariat for tabling calling attention motions and so on. I did give notice of one and I am very glad that you have allowed one calling attention notice today. We are very happy you have done it. It is a correct and good subject also that is to be discussed. But, Sir, you are no doubt aware that there is a universal demand for the lifting of the emergency, I gave a calling attention notice bringing to the notice of the Government the widespread demand, the universal demand in the country for the lifting of the emergency and I wanted to know the Government's reaction thereon. It is a very live issue agitating the minds of the people, especially in the context of the elections. I would have expected you, Sir, in your wisdom, despite your preoccupations in the House, to find your way to admitting this motion. Why should not the Government come and explain as to why the emergency is continuing? Sir, the Prime Minister . . .

MR. DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, you cannot discuss the whole emergency here. We have already discussed the emergency.

SHRI BHUPESH GUPTA: I am finishing. She said the emergency is needed for dealing with economic offences and for dealing with smuggling. Our Constitution says that emergency can be proclaimed and continued only when there is a grave emergency arising out of a threat to the security of the country from internal disturbance or external aggression. Therefore, I demand emphatically on behalf of many, many people in the

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country, in fact the whole country, that the emergency should be lifted...

MR. DEPUTY CHAIRMAN: Yes, Mr. Shrikant Verma.

SHRI BHUPESH GUPTA: Let the Government come forward and give a clear assurance that the emergency will be lifted.

SHRI VIRENDRA KUMAR SAKHALECHA (Madhya Pradesh): On a point of order.

MR. DEPUTY CHAIRMAN: There is no point of order. Mr. Shrikant Verma is calling the attention . . .

SHRI VIRENDRA KUMAR SAKHALECHA: My point of order is on this point; I gave a calling attention notice on this point that the elections have been announced, but there are thousands of persons still in jail . . .

MR. DEPUTY CHAIRMAN: Let me make one thing very clear. Members may give any number of calling attention notices. We are not going to discuss in the House which one is rejected and which one is admitted. If that is done, there can be no Parliament functioning. Therefore, please take your seat. And if you persist...

SHRI VIRENDRA KUMAR SAKHALECHA: Mr. Bhupesh Gupta has been allowed.

MR. DEPUTY CHAIRMAN: He has not been allowed. He persisted in drawing my attention. But you have also done the same thing.

SHRI VIRENDRA KUMAR SAKHALECHA: Hundreds of persons are still in Madhya Pradesh jails. What is the point of holding elections if people are still in jail?

MR. DEPUTY CHAIRMAN: Yes, Mr. Shrikant Verma.