

(i) of section 619A of the Companies Act, 1956 :—

(i) Third Annual Report and Accounts of the Madras Fertilizers Limited for the year 1968-69, together with the Auditors' Report on the Accounts.

(ii) Review by Government on the working of the Company.

[Placed in Library. See No. LT-2449/69 for (1) and (ii)].

REPORT AND ACCOUNTS (1968-69) OF THE FERTILIZERS CORPORATION OF INDIA LIMITED, NEW DELHI AND RELATED PAPERS

SHRI JAGANNATH RAO : Sir, I also beg to lay on the Table :

(i) Thirteenth Annual Report and Accounts of the Fertilizer Corporation of India Limited, New Delhi, for the year 1968-69, together with the Auditors' Report on the Accounts and the Comments of the Comptroller and Auditor-General of India thereon.

(ii) Review by Government on the working of the Corporation.

[Placed in Library. See No. LT-2449/69 for (i) and (ii)].

NOTIFICATIONS OF MINISTRY OF FINANCE (DEPARTMENT OF REVENUE AND INSURANCE)

THE MINISTER OF STATE TN THE MINISTRY OF FINANCE (SHRI P. C. SETHI) : Sir, I beg to lay on the Table a copy each of the following Notifications of the Ministry of Finance (Department of Revenue and Insurance), under section 159 of the Customs Act, 1962 :—

(i) Notification G.S.R. No. 2468, dated the 25th October, 1969 (in Hindi), together with an Explanatory Memorandum thereon.

(ii) Notification G.S.R. No. 2637, dated the 15th November, 1969 (in English and Hindi), together with an Explanatory Memorandum thereon.

(ni) Notification G.S.R. No. 2696, dated the 22nd November, 1969 (in English and Hindi), together with an Explanatory Memorandum thereon.

(iv) Notification G.S.R. No. 2728, dated the 6th December, 1969 (in English and Hindi), publishing the Passengers (Non-Tourist) Baggage (Third Amendment) Rules, 1969.

(v) Notification G.S.R. No. 2729, dated the 6th December, 1969 (in English and Hindi).

[Placed in Library. See No. LT-2450/69 for (i) to (iv)].

THE FOREIGN EXCHANGE REGULATION (AMENDMENT) RULES, 1969

SHRI P. C. SETHI : Sir, I also beg to lay on the Table a copy of the Ministry of Finance (Department of Economic Affairs) Notification G.S.R. No. 2643, dated the 14th November, 1969 (in English and Hindi), publishing the Foreign Exchange Regulation (Amendment) Rules, 1969, under sub-section (3) of section 27 of the Foreign Exchange Regulation Act, 1947. [Placed in Library. See No. LT-2376/69].

NOTIFICATION UNDER THE CENTRAL EXCISE RULES, 1944 AND RELATED PAPER

SHRI P. C. SETHI : Sir, I also beg to lay on the Table a copy of the Ministry of Finance (Department of Revenue and Insurance) Notification G.S.R. No. 2660 dated the 22nd November, 1969 (in English and Hindi), issued under the Central Excise Rules, 1944, together with an Explanatory Memorandum thereon. I Placed in Library. See No. LT-2451/69].

STATEMENT BY MINISTER *RE* ARREST OF SOME MEMBERS OF PARLIAMENT IN CONNECTION WITH A DEMONSTRATION IN DELHI ON 22ND DECEMBER, 1969

श्री गोडे मुराहरी (उत्तर प्रदेश) : आपसे मैंने इजाजत ली थी . . .

MR. CHAIRMAN : I want to tell you one thing. On the same matter, the Minister wants to make a statement.

SHRI GODEY MURAHARI : First, I will make my submission and let him make the statement later.

MR. CHAIRMAN: No, no. I want to suggest that let him make the statement first and then if you want some clarifications I will permit you. Otherwise I cannot permit questions.

SHRI GODEY MURAHARI : Is he going to make a statement on the same subject ?

MR. CHAIRMAN : Yes.

THE MINISTER OF STATE TN THH MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : Mr. Chairman, Sir, on 22nd December, a procession was allowed to be taken out along a prescribed route from Tikona Park to the Boat Club lawns. When the processionists reached the area where prohibitory orders were in force, they tried to defy the prohibitory orders and break through the police cordon to enter the Parliament House premises. The processionists were also shouting slogans in defiance of the prohibitory orders in force. The processionists were warned that shouting of such slogans would constitute an offence under section 188, I.P.C. and that they would not be permitted to go towards the Parliament House. When the processionists tried to force their way through the police cordon, a scuffle ensued resulting in simple injuries to 11 policemen and 9 demonstrators. As the processionists persisted in defiance of prohibitory orders, they were arrested. In all 231 persons were arrested. Among them were five Members of Parliament, regarding whose arrests separate intimation has been furnished to the Speaker, Lok Sabha, and the Chairman, Rajya Sabha. The arrested persons were produced before the Magistrate on duty who remanded them to judicial custody.

SHRI GODEY MURAHARI : Sir, I was there at the Parliament Street Police Station yesterday. Three of the demonstrators were seriously injured and they are still with the bandages on. As he has said, nine other persons also received injuries and even Mr. Rajnarain got injured in that scuffle. Actually what happened. Sir,...

SHRI PITAMBER DAS (Uttar Pradesh) : What is the significance of "even Mr. Rajnarain" ?

SHRI GODEY MURAHARI : He is a Member of Parliament. He was trying to come to the Parliament. He had taken the same road which leads to Parliament House. And he was removed by the police and beaten. Actually he was trying to save one of the demonstrators who was very mercilessly beaten by the police. Also I would like to draw the attention of the Government to the fact that all these years, demonstrators were allowed to go to the gate of Parliament House where that statue is there, and there have been a number of peaceful demonstrations. And every time the SSP brought a demonstration, we had come there. But for the last one year or so, they have stopped allowing people to come near Parliament.

Actually people come from all over the country to present petitions to the Parliament. They are not interested in going about and holding a meeting in the Boat Club lawns. They come near Parliament and give some petitions, and some of the Members of Parliament receive their petitions and hand them over to the Speaker or the Chairman. Therefore, I would like to know from the hon. Minister whether Government does not think it proper to resume this practice of allowing the demonstrators to come to the gate of Parliament. I would also draw the attention of the Government to the fact that the police mercilessly beat the people. Some of the people were under the impression that the procession was being allowed to come to the Parliament House to present the petition. That is why they took the straight road. Some people were turning towards the Boat Club lawns. But then there were others who did not know. There were some thousands of demonstrators. And they did not know it and they thought that as usual they would be allowed to come near the Parliament gate and they did force their entry towards the Parliament gate. But the police, instead of restraining them peacefully, resorted to lathi charge. The police even lathi charged some Members of Parliament. This is very objectionable and the Government should give a proper explanation*

[Several hon. Members stood up.]

MR. CHAIRMAN : No, I am not permitting all on this. One or two questions may be put and the honourable Minister will note down all the questions and then give a joint reply.

SHRI S. D. MISRA (Uttar Pradesh) : No, Sir. I would request the honourable Minister to reply to the questions one by one. What happens is this. Let me tell you one thing. The House is well aware that whenever replies come from the Minister for many questions together invariably half of the questions are not replied with the result that we do not get a satisfactory answer. Therefore, I request you to allow the Minister to answer the questions one by one. Let the replies come from the honourable Minister for individual questions.

MR. CHAIRMAN : If you want that, I will permit it. But the House knows well that we have got a very heavy programme to day, the Appropriation Bills, etc. . . .

SHRI S. D. MISRA : We know that.

VIR. CHAIRMAN : . . . and therefore, you should cooperate.

SHRI VIDYA CHARAN SHUKLA : Sir, the honourable Member has raised some points, first regarding the old practice of allowing processions to come near the Parliament House until the point where once upon a time the statue of Irwin stood. Sir, we had a very bad experience in the Parliament Street when a procession was allowed to come up to that stage and lathi charge and firing took place. After that the general consensus all over and particularly among the Members of Parliament, was that the Government should take more precautions to guard the Parliament House so that unauthorised persons do not enter and disturb the peace and the proceedings of the Parliament when the Parliament is in session. And therefore, a decision was taken that henceforth no procession would be allowed to come near the Parliament House. They will go either up to the Patel Chowk or they will go up to the Boat Club and they shall not be allowed to come nearer than that. After that decision was taken, we have been rigorously enforcing that decision. Now, in this I can state about the Members of Parliament who were there. There were some Members of Parliament there who were with the people who were taking out the procession. The authorities told them that if they wanted to go to the Parliament House, they were completely free to go. Nobody stopped the Members of Parliament who were with the procession, from coming to the Parliament House. But when they insisted that they would like to come to the Parliament House with the procession, then, they were politely told that they could not take the procession inside the prohibited area, and they by themselves could go. Therefore, when they tried to come to the prohibited area along with the processionists, then action had to be taken.

[MR. DEPUTY CHAIRMAN in the chair]

The other point the honourable Member made was that some of the processionists were under the impression that they would be allowed to go near the Parliament House under the same old practice. I must say that in case there was an impression of that kind, the blame is entirely on those who organised the procession because, first of all, this practice is well known since about a year or so and

no processions have been allowed to come near the Parliament House. Secondly, when permission was sought for, the people who organised the procession were clearly told about it and even a route was demarcated for them, and they agreed upon that route. After they agreed upon that route, permission was given to them. Now, for the honourable Member to say that some of the processionists were under the impression that they could come up to the Parliament House, means that there must be something wrong with the people who organised the procession that they gave such a wrong impression to those who formed the procession. There was no beating up of any kind as I have said in my main statement. There was a scuffle unfortunately because there was an attempt to break the police cordon to enter the prohibited area and force the way inside the Parliament premises. Therefore, they were stopped and no unnecessary force was used.

SHRI S. D. MISRA : The Minister has just now said that for the last few months or so, whenever Parliament meets, under Section 144 processions are not allowed to come near the Parliament premises, and if Members of Parliament, however, desire to come there, they should be allowed to come. I may mention here that just about a month back—I think it was on the 15th November—when the election of the Leader of the Party was taking place there what happened was Mrs. Tarakeshwari Sinha was slapped by somebody in a procession which had almost come within the precincts of the Parliament House, at the gate itself. What was the reason that Section 144 was not then promulgated ? Is it not a fact that Section 144 is promulgated only when it is convenient to the Government and its side and not otherwise ? How is it justified ?

SHRI VIDYA CHARAN SHUKLA : The usual practice is to promulgate Section 144 a certain time before Parliament meets. It is not a question of any convenient time. And we have already regretted.... (*Interruption*) Parliament was not meeting on the 15th November.... (*Interruption*) I am very sorry that the honourable Member should attribute any motives to the law and order authorities in Delhi. There was no question of that. When that regrettable incident took place, we all have said that we are very sorry for that, that incident should not have taken place. But to say that there was a motive is completely wrong and

[Shri Vidya Charan Shukla]

unfounded. (*Interruption*) Honourable Members like Mr. S. D. Misra should not come down to this level to attribute motives like this.

SHRI S. D. MISRA : The Government has already come down to that level. (*Interruptions*) It was the Prime Minister who went there. It is shameful for the Government.

SHRI BHUPESH GUPTA (West Bengal) : I regret very much and I am surprised at the manner in which the Government has made the statement and contents of it. I am not going into the question of others. First of all, I am mainly concerned with the Members of Parliament. I associate myself with the sentiments and views expressed by my friend, Mr. Godey Murahari. You carefully study the statement. Members of Parliament have been arrested—it amounts to this for entering the prohibited area in violation of Section 188. Do I understand that this prohibited area applied in the case of Members of Parliament who wanted to come and attend the session of the House or to enter the Parliament premises for whatever reason? Our colleague, Mr. Rajnarain, was arrested because, according to them, he wanted to enter the Parliament gate...

SHRI VIDYA CHARAN SHUKLA : No.

SHRI BHUPESH GUPTA : Now, I should like to ask : Who has the right to prevent him from entering the Parliament House? It is a violation of the Constitution. It is not merely a question of rules of procedure. A Member of Parliament does not cease to be a Member of Parliament nor does he lose his fundamental right of approaching and entering the Parliament House and participating in the Parliament session simply because he was caught up in the midst of a group or an assembly at the gate of the Parliament House. Now therefore, it is clearly a cynical violation of the constitutional right of a Member of Parliament and hence I put it to the House that there has been the grossest contempt of Parliament for which the authorities responsible must be answerable.

SHRI S. D. MISRA : Correct.

SHRI BHUPESH GUPTA : Now he has stated that Mr. Rajnarain was there. Even in the papers it is stated that he was arrested at the gate on the alleged ground of trying to enter the Parliament

House. What was the breach in this? I should like to know how Section 188 was invoked in his case. We do not know what his intention was. He did not speak in the subject. We know that he wanted to come to the Parliament, and it is immaterial whether he had 10,000 people with him or he had 500 people with him. In so far as Mr. Rajnarain is concerned, his right to enter the Parliament premises was sacred and that fundamental right cannot be violated by any puny police inspector under the instructions of the Home Ministry. And I would like to know when the Home Minister and others came to know that Mr. Rajnarain and certain other Members of Parliament were in this situation, why they did not go there personally to deal with the situation and to see that Members of Parliament were not restricted in their right. I would like to know why they left it in the hands of a police officer.

Mr. Deputy Chairman, it is a serious matter and it should not be treated as lightly as it has been done in the statement which has been made. That statement is not worth the paper on which it has been written; it should be rejected; that is what I say. Yesterday, Sir, I suggested that you appoint a Committee of three Members of Parliament, one from that side and two from this side. In order to go into the question of the circumstances under which an esteemed Member of our House has been arrested. Now, Sir, I submit that Mr. Rajnarain has been arrested under no law, in clear violation of the Constitution and he has been put in the same category as if he is not a Member of Parliament at all. He had the right to enter the premises and his right to enter the gate is unhindered, unassailable and unrestricted and under no circumstances can he be prevented from entering the Parliament House. Therefore I demand that you issue summons to the officers responsible for arresting Mr. Rajnarain; they have committed the contempt of the House; bring them before the Bar of the House and we shall deal with them in a suitable manner. Therefore, Sir, I strongly protest against the manner in which the whole thing has been done and the statement has been made.

Now, Sir, as far as the people are concerned, they have also got the right to approach the Parliament, the gates of the Parliament House. This right should be treated as a very sacred right of the citizens of this country. Now, therefore, I demand—and I hope the

entire house will support me—that all those who have been arrested should be immediately released under telephonic orders from this building; they should be released in no time, before the Lunch Hour. This thing should not be treated in a light-hearted manner in which the statement has been made.

SHRI VIDYA CHARAN SHUKLA : Sir, this point was raised by the hon. Member yesterday and I replied to him that hon. Members of Parliament are not above law.

SHRI BHUPESH GUPTA : Sir, I protest against this; this is not the way to reply.

(Interruptions)

SHRI GODEY MURAHARI : Sir, the point is that no Member of Parliament should be prevented from exercising his duty under the law.

SHRI VIDYA CHARAN SHUKLA : I am coming to that point but I hope that the hon. Member's contention is not that any Member of Parliament is above law, including ourselves. Secondly, Sir, I have already clarified earlier that Members of Parliament were told that if they wanted to go to the Parliament House, they were completely free to go. *(Interruptions)* Let me complete my answer. Sir, the hon. Members must have some patience to listen to me and then if they are not satisfied with my answer, they can draw your attention to it. Sir, the hon. Members know and you yourself know that it is a violation of section 144 to shout slogans. These Members were arrested for shouting slogans where section 144 was in force and because they violated section 144, they were arrested and they shall be treated strictly according to law. As I have said in my statement, they are being remanded and they will be produced before the Magistrate and the law will be allowed to take its own course.

SHRI BHUPESH GUPTA : Sir, this is all wrong. Members of Parliament are arrested for shouting slogans. Who told you that Shri Rajnarain cannot shout slogans at the gate?

SHRI K. P. SUBRAMANIA MENON (Kerala) : Sir, this matter raises more important issues than the mere question of law. Sir, these people have come from all over the country trekking long distances in order to ventilate their agony at unem-

ployment which millions of people have been facing today. We had also earlier, some time in November, another demonstration from Kerala because this problem of unemployment is a problem which has gripped the youth of this country today. If this Parliament is not to hear their grievance, who else can hear it? Their fundamental right to ventilate their grievances before the Parliament is denied to them. First you deny them their right to demonstrate peacefully before this Parliament; then you say that they have violated the law. Now here the Government is just twisting the law. After denying them their fundamental right you are putting them in jail on the ground that they have broken the law. The law itself here has been proclaimed against the very spirit of democracy. Therefore I would like to know whether the Government would think of lifting this ban permanently around Parliament House regarding demonstrations, because this ban is, Sir, a most undemocratic act in itself. Secondly, I would like to know whether, in view of the unjustness of the ban itself, the Government will immediately release all those who have been arrested in connection with yesterday's demonstrations.

SHRI VIDYA CHARAN SHUKLA : Sir, the right of anybody to demonstrate before the Parliament House has not been taken away. The only question is from what distance such a demonstration should be allowed. I do not think any hon. Member of this Parliament would like a situation to arise in which the work of Parliament cannot be carried on smoothly and the proceedings of Parliament are disturbed. . .

(Interruptions)

SHRI BHUPESH GUPTA : Sir, I would request that Mr. Rajnarain should be brought here in the House and let us hear him.

SHRI VIDYA CHARAN SHUKLA : Sir, I am saying that these precautions have been taken so that no untoward incidents may take place. We have had an occasion when a very serious situation arose very near the Parliament House and we are not prepared to have any such incidents to be repeated around Parliament House. We would not like anything to happen which would disturb the proceedings of the Parliament and also disturb peace and tranquility within the precincts of the Parliament House. Therefore there is no question of withdrawing this order which has been imposed.

SHRI S. N. MISHRA (Bihar): Sir, it does seem to me that there is a kind of French law governing demonstrations in the proximity of Parliament House. Foi' some time past and particularly after November 1966 when a cow demonstration was staged in the city of Delhi* the Home Ministry seemed to have framed certain rules with regard to demonstrations in the proximity of the Parliament House. But, Mr. Deputy Chairman, to my mind it seems that some demonstrations are to be allowed and others are to be prevented. Now the first thing that I would like to bring to the notice of the hon. House is that recently a demonstration was allowed to be staged here before the Parliament Session commenced. So it is not a question whether the Parliament is in session or not but even in recess these rules seem to be governing the demonstrations near the Parliament House. So I would like to have a clear and categorical answer from the Government whether they are going to allow a kind of French rule to prevail in this matter and particularly when it suits the ruling party certain demonstrations will be allowed marring the dignity of the Parliament House. That is number one.

Secondly, my friend, the leader of the CPI, has referred to the arrest of a Member of Parliament. Now may I explain on behalf of the entire Opposition and also on behalf, I think, of the entire House that the entry of a Member of Parliament to the Parliament House is unfettered, unrestricted and unqualified? On a petty ground like the one mentioned by the hon. Minister I must say, Sir,—nobody would agree with him—that an hon. Member of the House should not have been arrested in the manner it was done. In this connection, Mr. Deputy Chairman, a clear rule should be laid down that on such petty grounds in future there should be no arrest of a Member of Parliament. Only for shouting slogans you can put any hon. Member under detention and thereby prevent him from exercising his right as a Member of Parliament.

So, I should think that there are only three courses open to us now. The first is that if the hon. Minister still sticks to it that there has been a case for the arrest of the Members of Parliament, then there should be a Committee of the House appointed to go into the matter. Otherwise, if he does not stick to it and the ground is so frivolous and so trivial, then JMr. Deputy Chairman, he should be |

released immediately and if that is also not done, I should think that the House will have to decide whether those officers who arrested the hon. Member, Mr. Raj-narain, should not be summoned to the bar of the House for the contempt of the House. And these are the three courses on which I would like the hon. Minister to reply.

SHRI BHUPESH GUPTA : I want your further permission to move the motion

MR. DEPUTY CHAIRMAN : It is not desirable for you to interrupt when an hon. Member has spoken. Let the hon. Minister reply now. You should not interrupt now and then.

SHRI VIDYA CHARAN SHUKLA : Sir, the hon. Leader of the Opposition has mentioned about the discrimination. I agree with him that there should be no discrimination at all in allowing the procession. There is no question of any discrimination and I can assure the hon. Leader of the Opposition that there will be no discrimination as far as this particular matter is concerned. His other suggestions are for your consideration. I agree with him that no Member should be prohibited from attending this House. They are completely at liberty to attend the sittings of this House. But if they insist upon violating the law, then action has to be taken. Hon. Members agreed that no Member of Parliament is above law and when they violate the law action has to be taken against them.

SHRI GODEY MURAHARI : He has been repeating the same thing that nobody is above law.

SHRI DWIJENDRALAL SEN-GUPTA (West Bengal) : Mr. Deputy Chairman, I have heard the statement made by the hon. Minister of State for Home Affairs. He has given, as the reason for the arrest, the fact that they were coming shouting slogans. When my friend, an eminent Member of this House, a responsible Member like Mr. Rajnarain and others were in a procession, I am interested to know what was the language used in the slogans. They say that they were shouting slogans. What were the slogans which, according to the police authorities, were of such a serious magnitude that they should have been arrested? Let him tell.

SHRI VIDYA CHARAN SHUKLA : Sir, the nature of the slogans is not relevant. As soon as the slogans are shouted, this is a violation of law and the slogans were regarding unemployment, reducing the age for the voting and all these matters and these slogans were shouted in the area where Section 144 was in force and, therefore, action was taken under the law.

(Interruptions)

SHRI REWATI KANT SINHA (Bihar) : Sir, on a point of order.

MR. DEPUTY CHAIRMAN : All right, Mr. Sinha should be the last man to speak.

श्री रेवती कान्त सिंह : श्रीमन्, कल से आज तक इस सदन को मिसलीड करने की कोशिश की गयी है। कल यहाँ पर हाउस में जब माननीय सरला जी ने यह सवाल उठाया था उस के तीन घंटे की इक्सरसाइज के बाद आप के पास मैजिस्ट्रेट की एक चिट्ठी आयी, शाम को साढ़े छः बजे। उस चिट्ठी में यह कहा गया था कि राजनारायण जी को धारा 144 तोड़ने के अपराध में 188 धारा के अंतर्गत गिरफ्तार किया गया है और मैजिस्ट्रेट के सामने उन को प्रोड्यूस किया गया है। श्रीमन् साढ़े छः बजे आप को चिट्ठी मिलती है जिस में कहा जाता है कि मैजिस्ट्रेट के सामने उन को प्रोड्यूस किया गया है और साढ़े सात बजे मैं राजनारायण जी से पार्लियामेंट स्ट्रीट के थाने में मिलने के लिए गया...

श्री उपसभापति : आप अपना प्वाइंट आफ आर्डर बताइये क्या है ?

श्री रेवती कान्त सिंह : 9 बजे रात तक उन को थाने में रखा गया है और उन को मैजिस्ट्रेट के सामने प्रोड्यूस नहीं किया गया। गलत इन्फार्मेशन आप को दी गयी है। (Interruptions) फिर मिनिस्टर साहब कह रहे हैं कि 144 धारा तोड़ने के अपराध में राजनारायण जी को गिरफ्तार किया गया है। मैं आप को बतलाना चाहता हूँ कि राजनारायण जी जब आ रहे थे पार्लियामेंट हाउस में तो गेट बंद कर दिया गया था।

गेट के बाहर रस्से का बेड़ा लगा दिया गया था और उन से कहा गया था कि आप इधर से अंदर नहीं जा सकते हैं। उन्होंने कहा कि मैं अंदर जाना चाहता हूँ। तब तक वहाँ से पुलिस के एक ट्रक में वे कुछ डिमांडेन्ट्स को पकड़ कर ले आये और पार्लियामेंट गेट के सामने उस ट्रक को रोक कर उन को मारना शुरू किया। उस समय राजनारायण जी ने कहा कि यह ठीक नहीं है। यहाँ पर आप इन को मारिये मत और फिर उन को गिरफ्तार कर लिया गया...

श्री उपसभापति : प्वाइंट क्या है आप का ?

श्री रेवती कान्त सिंह : इस हाउस को मिसलीड किया गया है। इसलिए मैं कहना चाहता हूँ कि जैसा भूपेश जी ने कहा है, 3 आदमियों की एक कमेटी बनायी जाय जो इस सारे मामले को देखे। इस में हाउस के प्रिविलेज की ब्रीच की गयी है, हाउस को मिसलीड किया गया है और किया जा रहा है और एक अन्तरेबिल मेम्बर की गिरफ्तारी के सवाल को यूँ ही उड़ाया जा रहा है।

SHRI BHUPESH GUPTA : I seek your formal permission. Would you kindly listen i

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, please sit down.

SHRI BHUPESH GUPTA : Mr. Deputy Chairman, I seek your formal permission—this chapter is not going to be closed.

MR. DEPUTY CHAIRMAN : I have not given permission, Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA : The House resolves that a Committee of Members of the House be appointed to investigate into the circumstances in which Mr. Rajnarain was arrested on December, 22, 1969.

MR. DEPUTY CHAIRMAN : Will you please sit down ? I am standing. Please sit down. If you want to move any new matter in the House. . .

SHRI GODEY MURAHARI : No new matter. We are seeking your permission and before hearing how do you say. . .

MR. DEPUTY CHAIRMAN : Please hear what I am going to say.

SHRI GODEY MURAHARI : May I make one submission for your consideration? Here we are confronted with a situation in which a Member of Parliament is not able to participate in the proceedings of the House. Some facts have been brought to our notice that he wanted to come to the House, but he was prevented from coming here. We have suggested certain courses to be adopted in this particular matter. We have not got any satisfactory reply from the hon. Minister of State for Home Affairs. I would like you to consider which course the House should adopt. Here is one course suggested by the hon. Leader of the C.P.I., Mr. Bhupesh Gupta, that a Committee of the House should go into this matter. We want something to be done in the matter and you, as the guardian of the rights of the Members of Parliament, have to exercise discretion in the matter-

SHRI BHUPESH GUPTA : Mr. Deputy Chairman, if you get up . . .

MR. DEPUTY CHAIRMAN (*Standing*) : There is no point of order. Please sit down. I am standing. When I am standing, nobody should stand in the House. When I am standing nobody should stand. You please sit down. Mr. Bhupesh Gupta. You all should sit down. When I am standing nobody should stand.

SHRI BHUPESH GUPTA : The Chair is for your sitting, not for your standing.

MR. DEPUTY CHAIRMAN : Please sit down, Mr. Bhupesh Gupta.

Mr. Mishra also raised his points and the hon. Minister has given replies to all the questions that have been raised.

HON. MEMBERS : No, no.

SHRI BHUPESH GUPTA : We reject the replies as they are unsatisfactory.

MR. DEPUTY CHAIRMAN : This is bad. When I am speaking nobody should speak.- Nobody should stand up and

stand up until I finish and sit down. This is very bad- This is very wrong. When I am on my legs, I should be allowed to speak, and when I sit, then only other Members may stand up and speak. Now I am standing and I am speaking. You can speak afterwards.

The hon. Minister has tried to give the information and the replies to the points that have been raised by the hon. Members. If the hon. Members are not satisfied with the replies given by the hon. Minister, they can come to my chamber and discuss the matter with me, and it will be considered in what way this question or this matter can be handled. We cannot go on with these questions all day long. Already we have taken forty-two minutes over this. A number of hon. Members have asked questions and the hon. Minister has given replies. If you want that there should be further discussion you may *move* a motion according to procedure laid down for the purpose and you can come and see me in my chamber, and you can discuss the matter with me. Now I think we should proceed with the other business that we have got before the House, but before that I call Shrimati Yashoda Reddy to make her points—she had been standing for her chance for long.

SHRI BHUPESH GUPTA : On a point of order, Sir. I hope you will not get up. I do sincerely hope, now that I am on my legs, you will hear me. And then, when you will get up and speak, I will sit down. You have been good, enough to say that we can go to your chamber. Therefore we expect the probability of a resolution of this kind that I have drafted being allowed by you.

MR. DEPUTY CHAIRMAN : I have not given my consent to any motion or resolution. I just brought to your notice the further courses open to you.

SHRI BHUPESH GUPTA : Now please hear me, Mr. Deputy Chairman. There is also the rule that when a Member speaks simultaneously the Chair does not speak. Both cannot go on at the same time. Rules, you know, Sir, and rules are rules. Therefore, if you speak, I will not speak, and when I speak, you do not speak.

Now, Sir, there were two Members of the House; they were present here, and they have given testimony to what they had seen personally with their own knowledge. They have spoken with the knowledge of their eyes and ears. Should we disbelieve our own Members?

MR. DEPUTY CHAIRMAN : You are going on repeating the arguments now.

SHRI BHUPESH GUPTA : Therefore I move my motion.

MR. DEPUTY CHAIRMAN : No, I have not given my consent at all. Nothing will go on record hereafter, whatever you say or read. Shrimati Yashoda Reddy.

(SHRI BHUPESH GUPTA : *(continued speaking)*.)

SHRIMATI YASHODA REDDY (Andhra Pradesh) : Mr. Deputy Chairman, please give me two minutes. I would like you, Sir, as a lawyer, and the House to appreciate my point of order arising out of the Home Minister's reply. Here, Sir, any criminal act, as you know, is mainly based on the intention or *mens rea* of the person. Here was Mr. Rajnarain with the intention of coming to Parliament House. As has been very rightly suggested by two hon. Members of Parliament, they saw him coming to Parliament. But he was obstructed from coming here because of a big procession and because of which the gates had been closed. I would develop it. Before that, Sir, I would say, as my Leader of the Opposition said, Members of Parliament should be given all protection. Of course, neither he nor anyone of us accepts that Members of Parliament should be above law; certainly not. But when a Member of Parliament wants to come to Parliament House and when his intention is to come to Parliament House, if on the way half a dozen things happen and he gets locked up in them with no intention on his part, because of the circumstances there, can the law take a coarse and arrest him when his intention was nowhere near creating any public disorder?

SHRI C. D. PANDE (Uttar Pradesh) : There was no disorder.

SHRIMATI YASHODA REDDY : Are you going to misuse the Indian Penal Code and harass Members of Parliament because Government thinks of attributes intentions to the harassed Members when they had no such intentions of creating any disorder? If this law of 144 Cr. P.C. is put to use in this manner, not only the privileges of Members of Parliament but also the rights of every citizen are breached. In the case of Mr. Rajnarain there is evidence to show that he was coming to

Parliament with two other Members of Parliament and on the way he got involved because of certain other circumstances prevailing on his way and he got locked up in them. And he has been arrested. Due to our experience in the recent past a doubt arises whether the Delhi police want to use this law indiscriminately and arrest Members belonging to parties other than the ruling party. I entirely agree with the Leader of the Opposition and Mr. Bhupesh Gupta that a small committee of this House should look into the whole affair to protect the rights of not only Members of Parliament but also the rights of other citizens of India. Let the Home Minister take the advice of the Law Minister sitting next to him. Let him say this. Can there be a criminal act without *mens rea*, without intention?

MR. DEPUTY CHAIRMAN : You have taken a long time now. You have made your point, I think.

SHRIMATI YASHODA REDDY : You please give your ruling, Sir.

LEADER OF THE HOUSE (SHRI K. K. SHAH) : The point is simple. I think Mrs. Reddy will realise and I think my friends in the Opposition will also realise that once the case is going before a court . . .

(Interruptions)

MR. DEPUTY CHAIRMAN : Listen to him. You should listen to the reply.

SHRI K. K. SHAH : Are you not going to listen to my arguments; just as I am bound to listen to the Leader of the Opposition any time he gets up, I will expect my friends in the Opposition to listen to . . .

SHRI C. D. PANDE : Sir, on a point of order.

MR. DEPUTY CHAIRMAN : Let him finish.

SHRI C D. PANDE : No, Sir. My point of order is this. He is referring to the case and says that the case is before the court and therefore this is *sub judice*. But the point is, we are questioning the very arrest. Going to the court is the second thing. Firstly, why did you arrest him at all? He arrests him first and then takes shelter by saying that the case is before the court.

MR. DEPUTY CHAIRMAN: That is all right, you have made your point.

SHRI K. K. SHAH: I wish my hon. friend, Mr. Pande, were a lawyer. Every arrest becomes the subject-matter of a decision by a court.

SHRI G. D. PANDE : The arrest itself is bad.

(Interruptions)

SHRI K. K. SHAH : A good lawyer is one who ...

(Interruptions)

MR. DEPUTY CHAIRMAN: You should listen to him. Why don't you allow him to speak? Don't you want to know what the Government case is?

SHRI K. K. SHAH : Therefore my submission is that Mrs. Reddy says that he was coming to the House. Whether he was coming to the House and he was obstructed or whether he was part of the procession which defied the order passed is a question of fact and facts have got to be ascertained.

AN HON. MEMBER: By whom?

SHRI K. K. SHAH: Either this House appoints a Committee and then ascertains the facts or ...

SHRI BHUPESH GUPTA: The House can.

SHRI K. K. SHAH : Why don't you wait and listen to me fully?

Then there may be a conflict of jurisdiction. The opinion of the court may conflict with the opinion of the Committee.

SHRI BHUPESH GUPTA : Parliament prevails.

SHRI K. K. SHAH : Therefore in matters of this type Parliament can take its own decision after knowing the decision of the court. It would be much better.

SOME HON. MEMBERS : No, no.

SHRI NIREN GHOSH (West Bengal): Here and now let us take a decision.

MR. DEPUTY CHAIRMAN : Now, Mr. Chandrasekharan.

SHRI K. CHANDRASEKHARAN (Kerala) : Mr. Deputy Chairman, Sir, you with your rich parliamentary and other experience were pleased to state just now. ...-

MR. DEPUTY CHAD3.MAN : Which rule are you referring to?

SHRI K. CHANDRASEKHARAN : I will cite that. Now you were pleased to state that the Resolution that was sought to be moved by the hon. Mr. Bhupesh Gupta has not been given notice of and therefore it cannot be moved. May I invite your- -attention to certain provisions in the Rules? According to the proviso to Rule 154, you, Sir, and the Chairman, have got the right and jurisdiction to allow a notice of less than 15 days and enter it in the list of business for any day. Then under Rule 267 you have got the power, and this House certainly has got the power, to suspend the rules and it is my request to you, Sir, that you should ask the House whether it is the pleasure of the House to suspend the rules in this connection. The question that has arisen is out of the discussion now before this House. It is not something extraneous and in view of the facts that this has arisen out of the discussion that you sitting in the Chair has allowed, my submission is that the residuary powers under Rule 266 can also be resorted to by you for the purpose of allowing this Resolution. My submission to you, therefore, is that this is a matter which concerns a group of M. Ps. It is certainly a matter which can be investigated by a Committee of M. Ps and I submit that it is certainly within your jurisdiction even to put before the House whether the House should or should not consider the Resolution that is sought to be moved by the hon. Mr. Bhupesh Gupta.

SHRI T. N. SINGH (Uttar Pradesh) : I Would like to submit that this essentially amounts to a breach of privilege of the Members of the House. The right of a Member to attend Parliament is unquestioned. If a Member comes here and on his way to the House he is prevented from attending the House by executive action, that itself becomes a breach of privilege. Now, the hon. Leader of the House has stated that the case has become *sub judice*. I put this question to him. I am coming to the House and ten others are coming. By the simple process of arrest by the police they can make every Member's attendance a matter of *sub judice*. It will

be a vefy very sad day if this kind of thing is permitted; democracy will be throttled in this way. I appeal to Members on both sides of the House; it is not a question of a particular Member whom you may like or dislike, with Whom you may not see eye to eye because of his party affiliations but it is a question of a Member's right to come to the House. There was no question in this case of any assembly being declared illegal by the police or anything. At the same time there are Members who are witnesses. What more evidence is needed? If every case has to be decided in this manner and if the Executive. is allowed to have such high-handedness then democracy will come to an end. I appeal to you in the fair name of democracy in this great country of ours • . .

DR. B. N. ANTANI (Gujarat) | In the air name of the House.

SHRI T. N. SINGH : .. as a senior old Member, it is unprecedented and unfortunate that such a thing should be al -lowed to happen. It is not any question of party bickering or controversy. Everyone should be equally zealous to see that Members' rights are respected and fully protected. Therefore as custodian of the House I appeal to you, whatever the rules, Members' rights and the right of democracy to function properly in this country is above everything else. Everything else has to come later. If rules have to be suspended then please do suspend the rule. I appeal to you to see that the Members' rights are respected. We have to vindicate our rights.

SHRI K. K. SHAH : I want to add one word. You are unfair to Mr. Rajnarain himself. Mr. Rajnarain Would never say that he was not part of the procession.

(Interruptions)

SHRI REWATI KANT SINHA: He was not part of the procession.

SHRI GODEY MURAHARI: Yesterday at 6.30 P. M. this House was informed that Mr. Rajnarain ...

MR. DEPUTY CHAIRMAN: Not at 6.30; it was at 6.05 p. m.

SHRI GODEY MURAHARI: It is still Worse. At 6.05 P. M. the House was informed that Mr. Rajnarain was produced before a Magistrate. I was there

with Mr. Rajnarain yesterday and it was only at 8.00 P. M. he was produced before a Mgistrate. A blatant lie has been told* to this House by the Magistrate and the Home Minister comes and dittos it in this House. It is not only a question of the rights of Members but it is also a question of how this country is being bullied and lied to by the police officers and they are being sought to be protected by the Home Minister. Therefore' I would like this matter tQ be referred to the Privileges Committee. You must *suo molu* refer the whole thing to the Privileges Committee. If not, you must allow Mr. Bhupesh Gupta to move his motion. It will then expose how many Members stand for the right* of the Members of the House.

SHRI NIREN GHOSH : I know that Mr. Rajnarain's name evokes allergy on the other side. Sometimes it does happen we have our quarrels and we have our differences, but this is not a party matter or group matter. The matter has come in such a way that it will condemn this House itself before the entire country, a powerless House which cannot safeguard the privileges of its Members and of the House itself. If Parliament stands condemned, if this House stands condemned, where do we stand ? Where does the country stand ? That is the question here. So, I would appeal, on this issue, not to make it a partisan issue. This matter should be viewed from the stand point of the sovereignty of Parliament and the rights and privileges of Members of Parliament. Unless this decorum and these privileges are observed, il would be a bad. day for Parliament and democracy in India. As such I would appeal to the other side to see reason in this matter and waive the rules or whatever it is to assert and safeguard the privileges and rights of this House and Parliament and the rights, and privileges of Members.

(Interruptions)

MR. DEPUTY CHAIRMAN : Na more. No more discussion. We have had enough. We have had enough discussion.

श्री बी० एन० मंडल (बिहार) : एक सिचु-
एशन आई हुई है और उस सिचुएशन में सारी
जवाबदेही आपके ऊपर मैं है। क्वेश्चन क्या
है ? क्वेश्चन है गवर्नमेंट का और पार्लिया-
मेंट का और इनके बीच में मिनिस्टर है जो कि
पार्लियामेंट का भी है और गवर्नमेंट का भी है।
उस मिनिस्टर का बिहैवियर क्या होता है।

[श्री बी० एन० मंडल]
मिनिस्टर का बिहेवियर होता है गवर्नमेंट की तरफ से कि मेम्बरों के जो प्रिविलेज है पार्लियामेंट के जो प्रिविलेज है उनको वह करटेल करना चाहता है और उसके लिए वह बहाना बनाता है।

श्री उपसभापति : ठीक है, आपका आधा मिनट खत्म हो गया है और अब आप बैठ जाइये। अब आप दूसरों को बोलने का मौका दीजिये और आप खत्म कीजिये।

श्री बी० एन० मंडल : उन्होंने किस के बारे में यह बहाना दिया है कि सह सबज्युडिस हो जायेगा...

श्री उपसभापति : बहुत से मेम्बरों ने यह बात रोज की है और यह कोई नया प्वाइन्ट नहीं है।

SHRI SRIMAN PRAFULLA GOSWAMI (Assam) : Mr. Deputy Chairman, I heard some esteemed friends opposite saying that in the name of the House they are advocating their rights and privileges. I must speak my mind. I cannot allow myself to be led by Mr. Bhupesh Gupta and others in the name of the House...

HON. MEMBERS: No, no.

(Interruptions)

MR. DEPUTY CHAIRMAN : Please make your point.

SHRI SRIMAN PRAFULLA GOSWAMI : If they shout, I will shout ten times more. I will not be stopped by them...

MR. DEPUTY CHAIRMAN: Order, order. Why do you not give him a hearing now ?

SHRI SRIMAN PRAFULLA GOSWAMI : I am not a professional lawyer, nor have I got a licence for law but I have some common understanding of the Fundamental Rights. All rights and privileges, whether it be of this Parliament or this House, are limited by conventional law. Those rights do not indicate all licence. We in this House have said that the rights of a Member do not allow him to do anything he likes. Sometimes Members are thrown out from the House. Because of their physical conduct, because of their violent conduct, some Members of this House were thrown out...

MR. DEPUTY CHAIRMAN: That will do now.

SHRI GODEY MURAHARI: What is the conduct ?

SHRI SRIMAN PRAFULLA GOSWAMI: Whether Mr. Rajnarain and other Members Were prevented from coming to Parliament or prevented from exercising their privileges, that is before the court and that has to be judged.

*P?TT ^cTT ff sftT S^TCf SITrJ tftfi f>3TRift I

श्री श्यामनन्दन मिश्र : मुझे केवल आधा मिनट कहना है।

श्री उपसभापति : आप तो दो दफा कह चुके हैं।

श्री श्यामनन्दन मिश्र : एक ही प्वाइन्ट मैं

With reference to what the hon. Leader of the House has said, I have to make two submissions. One point which he has raised is with regard to the culpability of the hon. Member, Shri Rajnarain to a certain offence. There also you might recollect that the only ground on which the arrest was sought to be justified was 'slogan shouting', which is extremely frivolous. The point that has to be remembered there is, if he had shouted 'Bharat Mata ki Jai' or 'Indira Gandhi ki Jai' whether he would be culpable in that sense. The second is another aspect of the matter which has been revealed to us. To our great shock a misrepresentation has been made to the House. One hon. Member has said that what fell from your lips, particularly the information about the arrest of the hon. Member as has been given to you, is completely wrong. The information that he was being produced before the Magistrate is completely wrong. The hon. Member, who has been present with the hon. Member, Mr. Rajnarain, says that he was produced before the Magistrate at 8.30 P.M., whereas in the intimation given to you it had been said that he was produced before the Magistrate at 6.05 P.M. I would, therefore, urge upon you to sort out these two matters. The first is with regard to the culpability and the second is with regard to the misrepresentation made about the arrest and production of Mr. Rajnarain before the Magistrate. Now, the second matter can be easily referred to the Privileges

Committee, because here is a deliberate misrepresentation. Therefore, this matter should go to the Privileges Committee. We would seek your guidance in this matter, not that it has to be left to the hon. Minister or anybody else, and there, the hon. Leader of the House should also co-operate with us in sorting out the issue clearly, whether it constitutes a matter of privilege, that is, a deliberate misrepresentation has been made. With regard to the offence also I should like to say that there should be a rule clearly laid down that on such frivolous grounds a Member of Parliament should not be obstructed from performing his duties. This should be clearly laid down.

MR. DEPUTY CHAIRMAN : Now, I think, we have had discussion on this for enough time today. No doubt, as pointed out by many Members, the privileges of Members and of this House are important and definitely every effort should be made to uphold the rights and privileges of Members of Parliament. There can be no doubt about it. There can be no two opinions about it. The real question is, what are the circumstances? Under what circumstances has Mr. Rajnarain been arrested? It has been pointed out by the Leader of the House that there were certain abnormal conditions and abnormal circumstances under which Mr. Rajnarain was arrested.

SHRI S. N. MISHRA: Only for slogan shouting.

MR. DEPUTY CHAIRMAN : Suppose, normally an individual Member intends to come to the House for attending the Session. In that case had he been prevented from attending the Parliament Session, it would really be a very bad thing. Suppose a Member, accompanied by thousands of persons, comes before Parliament House. *(Interruptions)* Please listen to me.

HON. MEMBERS: No, no.

MR. DEPUTY CHAIRMAN : I am just saying it. Suppose a Member, accompanied by thousands of persons, wanted to enter Parliament House. Definitely, Members will agree with me that it is an abnormal condition. Therefore, if we are to distinguish or differentiate between normal conditions and abnormal conditions; we have to take into consideration all the circumstances. The second question of privilege is regarding the wrong information.

mation given by the hon. Minister of the Magistrate. The Magistrate had informed us that he was produced before the court. What is the letter actually?

The second question is whether wrong information has been given to us. That question can be gone into. I would like to request the hon. Minister to make enquiries about that and to give us correct information and then the hon. Members can find out whether there is any breach of privilege or not, and they can discuss the matter. We can definitely consider these matters in a calm and quiet manner. I will always strive to uphold the dignity of any individual Member of this House. I can assure you about that. *(Interruptions)*

MR. DEPUTY CHAIRMAN: We had enough discussion of this. The House stands adjourned till 2 P. M.

The House then adjourned for lunch at eleven minutes past one of the clock.

The House reassembled after lunch at two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

LEAVE OF ABSENCE TO SHRI S. M. SAIT

MR. DEPUTY CHAIRMAN: I have to inform Members that the following letter dated the 14th December, 1969, has been received from Shri Salay Mohamed Sait:—

"This is to inform you that I am unable to come over for the present session of the Rajya Sabha as I am not keeping well. I was expecting to attend the Session after Ramzan, but still I am asked to take rest. I request that my absence may be excused."

Is it the pleasure of the House that permission be granted to Shri Salay Mohamed Sait for remaining absent from all meetings of the House during the current session?

(No hon. Member dissented)

MR. DEPUTY CHAIRMAN : Permission to remain absent is granted.

ALLOTMENT OF TIME FOR CONSIDERATION OF BILLS

MR. DEPUTY CHAIRMAN: I have also to inform Members that under rule 86(2) of the Rules of Procedure and