

# **MOTION FOR PAPERS RE ARREST OF CERTAIN M.Ps.**

THE MINISTER FOR HOME AFFAIRS AND STATES (DR. K. N. KATJU): Sir, with your permission, I would like to make a short statement on the motion which has been made this morning before you, I understand, for papers on \*a particular subject, arising out of the arrest of some Members of Parliament.

Hon. Members know the peculiar conditions which prevail in the city of Delhi and the great care which has been taken here for the maintenance of law and order. On the 8th of February, having regard to the conditions prevailing at that time, an order was made by the District Authorities, by the Deputy Commissioner of Delhi, pro-hibiting processions and demonstrations for one month. This was on the 8th February. There were many reasons for that order. I do not want to go into them. There were apprehensions of threats to law and order and we thought we had better issue this general prohibition. Well, Holi passed off very well and quiet prevailed in the city, and on the 4th March—two days back—the order was withdrawn. I think on the 5th March early morning this order was withdrawn. Well, on the 5th March, at night, a largely attended meeting was held and several—I shall not say why—extremely intemperate speeches were delivered, and it was said that there should be a general defiance of orders and that *Satyagraha* shall be offered—goodness knows against what, at that time. And then it was announced that the next day, namely, the 6th, i.e. yesterday—the House will please follow me—it was announced that the ashes of the martyrs of Jammu would be brought to Delhi, that they would reach Delhi Railway Station at 5-30—this martyrdom took place months ago, and that they would be taken in a gaily decorated car with flowers and all that, to the Gandhi Grounds. And people were invited to come in large numbers to receive the ashes at the Railway Sta-\*ion and to meet on the Gandhi Grounds and in still larger numbers to "Darshan" of the ashes. It was

said these ashes would be taken out in procession—at what time? After sun-set—7 o'clock, 8 o'clock—through the streets of Delhi like Chandni Chowk, Sadar etc. and then late at night, after all that had been done, the ashes will be taken somewhere either for immersion in the Jumna or I do not know what.

Quite obviously the District Authorities thought that this was much too dangerous a proposition—receiving ashes and exposing them and taking out a procession in this fashion. What for? Most of us are Hindus here and we know what happens with ashes-. These ashes are immersed in some sacred river within two or three days.. Nobody takes them out and exposes them in this fashion. It is a very sacred, solemn function. The idea was, quite obviously, to arouse public excitement and to make political capital out of it. The District Authorities, therefore, yesterday the 6th, at about 11 o'clock or 11-30, issued an -order prohibiting this particular procession. And they took obvious precautions. They posted police forces on the Ghandi Ground. They sent some police to the Railway Station and....

SHRI H. N. KUNZRU (Uttar Pradesh): Did the Authorities consult the hon. Minister before issuing the order?

DR. K. N. KATJU: I will just answer that. Yes, certainly, that is so.

They said it should not happen. A jeep arrived. There were no ashes arriving. And the people were asked to go. They assembled at the Gandhi Ground near the Clock Tower and there they were asked to disperse. Some went away and some remained and There was some tear-gassing on that occasion and people went away. Then, I am informed, people gathered at the Chandni Chawk—some three to four thousand. The House knows—most of us in the House know—Chandni Chowk and the enormous congestion there and how people crowding there would lead to dislocation of traffic and all that. So the police took some action there. They wanted the people to

disperse. But I am informed some Members of Parliament went there and they were met by the Deputy Commissioner on the spot. The Deputy Commissioner himself met them and said, "Well, here is the ban. The order has been issued" and I am told that one of the Members of Parliament—a leading Member—after consulting his own colleagues said, "I am going to defy it." Well, they defied the ban and the Deputy Commissioner took them under arrest—three Members of Parliament and a few others. If I am not mistaken, 18 people were taken under arrest. There was the usual shouting, but nobody was hurt. So far as the tear gas is concerned, the shopkeepers said, "Why should we suffer through our nose and eyes?" So they resorted to a mild lathi charge. There was no question of anybody going to hospital and we do not know if anybody was seriously hurt. Well, that is the situation. I put it to hon. Members, what would you do? If people deliberately went and .....

SHRI S. MAHANTY (Orissa): How many have been injured?

DR. K. N. KATJU: How can I...

SHRI S. MAHANTY: How many? If, his "mild lathi charge" how many were injured?

DR. K. N. KATJU: No one knows. They are probably comfortable in their houses. How am I to know if they did not go to hospitals that anybody was seriously hurt?

SHRI S. MAHANTY: Did the hon Minister.....

DR. K. N. KATJU: I don't know. Don't cross-examine me. I am telling you what actually happened. The motion was because some Members of Parliament have been arrested! I must respectfully submit that Members of Parliament should be the first to set an example of obedience to the law passed by this Parliament. It is not an arbitrary law that has been made by anybody. We are making the law, and if we go and ask the people in the city of Delhi deliberately to defy the

law, then what would be the consequence?

Before I sit down, I would once again repeat that this was a most sacrilegious method of arousing public sentiment, mixing up the dead with the living in this fashion. I do not know whether there was anything by way of ashes. I imagine very likely the real ashes were put into the Chenab or some other holy river. With what they were going about, I do not know; some pots—God knows what it was.

That is the situation and I respectfully submit that there is really no ground whatsoever for this motion,

SHRI S. MAHANTY: Mr. Deputy Chairman....

MR. DEPUTY CHAIRMAN: No speech. Have you anything to say regarding the admissibility of the motion?

SHRI S. MAHANTY: Yes, Sir. After listening to the statement of the Home Minister I came to know that a procession was being arranged and the protagonists of this procession, made a plan to carry the urns containing the ashes of the Jammu martyrs and he was pleased to say that it was a most sacrilegious manner of exciting public sentiment. But I do not know if he is sure whether there were urns containing the ashes of the Jammu martyrs. It has been repeated in this House that....

MR. DEPUTY CHAIRMAN: Please do not speak on the merits of the case; I want you to speak only on the question of admissibility of the motion.

SHRI P. SUNDARAYYA (Madras): The hon. Minister has gone into the merits of the case and so how can we speak on the admissibility of the motion without going into the merits of the case?

SHRI S. MAHANTY: May I venture to say....

DR. K. N. KATJU: May I intervene? Perhaps it will be of assistance.

SHRI S. MAHANTY: Sir, you did not allow me to interrupt the hon. Minister when he .....

DR. K. N. KATJU: You can put a short-notice question and I shall give you the fullest details you want to know.

SHRI S. MAHANTY: Sir, I am trying to correct an information which Was been given out by the hon. Minister and which I consider to be wrong, because this morning's paper "The Statesman" gives us to understand that "no urns containing ashes were seen in the crowd". So it evidently leads not only myself, but many others too, to believe that Government were acting under certain preconceived convictions and probably they were being misled by their own informers.

Now, the second point is this. I was present in that area and we saw what happened between five and six o'clock. I am fully one with the hon. Home Minister when he says that a Member of Parliament should be the first person to exhort the people to maintain law and order and in that connection my submission is this. At about 6.20. after about half-an-hour of the tear-gas and the mild lathi charge as he has been pleased to call it, three Members of Parliament went to the spot. Why did they go? The hon. Home Minister presupposes that they went there to excite the crowd; but I say that they went there to pacify the crowd.

AN HON. MEMBER: Not at all.

SHRI S. MAHANTY: How can you say? Your law and order may mean anything and everything under the sun. Sir, this raises a basic fundamental issue. Is the Government going to rule against the sentiments of the people, against their pronounced opinions, or is the Government which professes to be a democratic government, going to take the people into their confidence and rule according to civilised laws of Administration? I still maintain that these three Members of Parliament went there probably to pacify the crowd.

MR. DEPUTY CHAIRMAN: There were only two Members of Parliament according to your motion.

SHRI C. G. K. REDDY (Mysore): There were three, mentioned by the hon. Minister.

MR. DEPUTY CHAIRMAN: Your motion mentions only two Members.

SHRI J. R. KAPOOR (Uttar Pradesh): The hon. Member also was there and so he has included himself also.

SHRI B. C. GHOSE (West Bengal): The Minister said two Members and others; these others may also include-Members of Parliament.

MR. DEPUTY CHAIRMAN: Were you arrested?

SHRI S. MAHANTY: No, Sir. I yield to none....

MR. DEPUTY CHAIRMAN: People who do not excite the crowd are quite safe then?

SHRI S. MAHANTY: Sir, I yield to none in my anxiety that the law and-order position should be maintained and it was precisely for this reason, to pacify the crowd, that the M.Ps. went there. But the reasons given by the hon. the Home Minister have emanated from his fertile imagination.

MR. DEPUTY CHAIRMAN: Speak about the admissibility of the motion.

SHRI S. MAHANTY: I submit that before this step was taken it was not considered in all its perspective and the action of the Delhi Police has been very hasty and has been actuated by their own prejudices and predilections and there was no case to warrant the arrest of Shri Mukherjee, Shri Chatterjee and Shri Nandlal Sharma.....

MR. DEPUTY CHAIRMAN: Is Mr. Nand Lai Sharma a Member of Parliament?

SHRI S. MAHANTY: Yes, Sir, he is a Member of Parliament. Therefore I submit most humbly. ...

MR. DEPUTY CHAIRMAN: May I know if any of them is a Member of this House?

SHRI J. R. KAPOOR: No, we are all good people.

SHRI P. SUNDARAYYA: But they are all citizens of the Indian Republic. ...

MR. DEPUTY CHAIRMAN: I have to hear only on the admissibility of the motion. According to the Rules of Procedure I have to hear the hon. Minister concerned and the Member who brings the motion.

SHRI B. C. GHOSE: But on the rd-  
missibility of the motion something has been referred....

MR. DEPUTY CHAIRMAN: I shall read the Rules of Procedure:

"If the Chairman is satisfied after calling for such information from .... the Minister as he may consider necessary.....etc."

SHRI B. C. GHOSE: I am making a submission to you, if you were to hear on the admissibility rather than on the facts of the case....

MR. DEPUTY CHAIRMAN: No, no. Here the Member brines a motion .....

SHRI B. C. GHOSE: The rule may be that you must hear the person bringing the motion and you are not going into the merits of the case, but it does not prevent you from hearing other Members....

MR. DEPUTY CHAIRMAN: I have read out the rules. We have got other urgent business. Order, order. After hearing the speech of the hon. Member who has brought the motion, I consider that as admittedly none of the .Members who have been arrested are Members of this House this is not the proper forum where any question of privilege is to be considered; and after hearing the statement made by the Minister concerned I feel that there is no case for admission, and the motion is ruled out.

SHRI S. MAHANTY: I humbly sub  
mit .....

MR. DEPUTY CHAIRMAN: It could be raised in the other House as a motion of privilege.....

SHRI P. SUNDARAYYA: We are citizens of India.

AN HON. MEMBER: But they are-  
Members of the other House.

MR. DEPUTY CHAIRMAN: The other House can take care of the privilege of its Members.

SHRI P. SUNDARAYYA: It is a question of civil liberties.

MR. DEPUTY CHAIRMAN: It can be considered in the Supreme Court. Yes, Mr. Lai Bahadur Shastri.

#### **THE APPROPRIATION (RAILWAYS) No. 2 BILL, 1953**

THE MINISTER FOR RAILWAYS AND  
TRANSPORT (SHRI LAL BAHADUR): Sir, I  
move:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1952-53 for the purposes of Railways, as passed by the House of the People. ' be taken into consideration."

MR. DEPUTY CHAIRMAN: Motion-  
moved :

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the purposes of Railways, as passed by the House of the People, be taken into consideration."

Shri Narasimham.

SHRI K. L. NARASIMHAM (Madras): Mr. Deputy Chairman, before giving my consent to this Appropriation Bill placed before us, I want to make a few general remarks on the policies followed by the Railway