

HOUSE OF THE PEOPLE

COMMITTEE OF PRIVILEGES

(THE DASARATHA DEB CASE)

(Report, Minutes, Appendix and Debates in the House)



PARLIAMENT SECRETARIAT

NEW DELHI

July, 1952

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MEMBERS OF THE COMMITTEE OF PRIVILEGES

1. Dr. Kailas Nath Katju—*Chairman*.
 2. Shri Satya Narayan Sinha.
 3. Shri A. K. Gopalan.
 4. Dr. Syama Prasad Mookerjee.
 5. Shrimati Sucheta Kripalani.
 6. Shri Sarangadhar Das.
 7. Shri B. Shiva Rao.
 8. Shri R. Venkataraman.
 9. Dr. Syed Mahmud.
 10. Shri Radhelal Vyas.
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REPORT

(ii)

I

INTRODUCTION & PROCEDURE

I, the Chairman of the Committee of Privileges present this report to the House on the following question of privilege which was raised in the House on the 13th June, 1952 by Shri K. Ananda Nambiar, M.P. and referred to the Committee of Privileges by the Speaker on the 16th June, 1952:—

“That Shri Dasaratha Deb, a Member of this House has been arrested on June 12, 1952 at Agartala, Tripura State, by the Agartala Police and such an arrest of the member of this House, particularly while it is in session, is a serious breach of privilege of the Honourable Member and of this House.”

2. The Committee held two sittings. At the first sitting on the 9th July, 1952, the Committee discussed the procedure to be adopted for the consideration of the question referred to it. The Committee decided that Shri Dasaratha Deb should be asked whether he had any submissions to make to the Committee and if so he should make them in writing and if, in addition to the written memorandum which he may send, he wished to be heard in person, he might appear before the Committee at its next sitting on the 14th July, 1952.

3. At its second sitting on the 14th July, 1952, the Committee was informed of the written statement from Shri Dasaratha Deb to the Secretary. Shri Dasaratha Deb did not wish to be heard in person and stated that all that he had to say in this connection was contained in his written statement. The Committee then considered the written evidence which was placed before it.

II

FACTS OF THE CASE

4. On the 9th June, 1952, the Police authorities at Agartala wrote to Shri Dasaratha Deb asking him to present himself at the police office for certain interrogations in connection with Fatikrai P. S. Case No. 7(2)52 under Section 364 of Indian Penal Code. Shri Dasaratha Deb informed them that he was busy elsewhere and so he could not attend and the police officer should himself come over to examine him in the office of the Communist party at Agartala. On the 11th June, 1952, a second letter was sent by the police authorities requesting him again to come to the police office. Shri Dasaratha Deb accordingly went to the D. I. B. office on the 12th June, at 8 A.M. when he was interrogated by the D. S. P. Headquarters. Shri Dasaratha Deb made a brief statement. After the statement of Shri Dasaratha Deb was recorded, he was produced before the Sub-Divisional Magistrate in custody at about 10 A.M. Soon after his production before the Sub-Divisional Magistrate, the pleader for Shri Dasaratha Deb moved for bail and he was granted bail of Rs. 1,000/- and released at about 10-30 A.M.

COMMITTEE OF PRIVILEGES

5. The following communication was sent by the Sub-Divisional Magistrate, Agartala, to the Speaker on the 24th June, 1952 and it was read out by the Speaker in the House on the 27th June, 1952:—

“Sir,

I have the honour to inform you that Shri S. N. Roy Choudhury, Deputy Superintendent of Police, Tripura, produced Shri Dasaratha Deb, Member of Parliament, in connection with Fatikrai P. S. Case No. 7(2)52 under Section 364 of I. P. C. Shri Deb was produced before me on 12th June, 1952, at about 10 A.M. for keeping him in custody pending a Test Identification Parade. Soon after his production before me the learned pleader for Shri Deb, M.P. moved for bail and he was granted bail of Rs. 1,000/- —Rupees One thousand only—and released at about 10-30 A.M. According to the prayer of Police the date of the Test Identification Parade has been fixed on 18th August, 1952, and Shri Deb, M.P. has been asked to appear in the Court for T. I. Parade on the date fixed.

Yours faithfully,

Sd/- J. S. DEB BARMAN,

Sub-Divisional Magistrate Sadar, Agartala.

24-6-52.”

The Speaker,
House of the People.

III

FINDINGS OF THE COMMITTEE

6. The Committee considered whether, when a member is arrested in the course of administration of criminal justice and immediately released on bail, it is, under the law and practice of privilege of the House, necessary to give information to the Speaker, it being clear that such an arrest does not in itself constitute a breach of privilege of the House.

7. The Law and Practice in the House of Commons of the U.K. is clear on the point arising out of the case before the Committee. The Speaker of the House of Commons while replying to a question on the 20th October, 1902 in the House explained the practice in the following terms:—

“Four cases have been referred to; in two of them the hon. members in question were committed, and in those cases notices have been given.

REPORT

The other two were cases in which there was an arrest of two hon. members in order that they might answer to a charge which they were summoned to answer; when those cases came before the magistrates, I think I am right in saying they were convicted, but were let out on bail during an appeal. In such a case the duty of the magistrate does not arise. It is laid down in "May's Parliamentary Practice"—and I think correctly laid down—that the duty of the magistrate arises when he has committed a criminal to prison and when he is detained there without bail."

8. It is clear from the statement of facts which have been corroborated by Shri Dasaratha Deb that he was released on bail immediately after he was produced before the Magistrate. There was, therefore, no duty on the part of the magistrate to inform the House. The Committee accordingly consider that in the circumstances, there was no breach of privilege of the House.

KAILAS NATH KATJU.

NEW DELHI;

The 23rd July, 1952.

MINUTES

FIRST MEETING

New Delhi, Wednesday, the 9th July, 1952.

The Committee met from 5-30 to 6-10 P.M.

2. The following were present:

MEMBERS

1. Dr. Kailas Nath Katju—*Chairman*.
2. Shri A. K. Gopalan.
3. Dr. Syama Prasad Mookerjee.
4. Shri B. Shiva Rao.
5. Shri R. Venkataraman.
6. Dr. Syed Mahmud.
7. Shri Radhelal Vyas.

SECRETARIAT

Shri M. N. Kaul—*Secretary*.

Shri S. L. Shakhder—*Officer on Special Duty*.

3. The Committee considered the procedure which should be adopted for dealing with the case.

4. The Chairman read out the Police Report in connection with the arrest of Shri Deb.

5. The Committee decided that copies of extracts from the relevant Parliamentary Debates should be forwarded to Shri Deb and he should be asked to state whether he had any submissions to make to the Committee, and if so, he should send a memorandum in writing. Furthermore, Shri Deb should be asked to state whether in addition to the written memorandum he wished to appear before the Committee, and if so, he should do so at the next meeting of the Committee on the 14th July, 1952.

(The Committee then adjourned till Five of the Clock on Monday, the 14th July, 1952.)

H

SECOND MEETING

New Delhi, Monday, the 14th July, 1952.

The Committee met from 5 to 5-30 P.M.

2. The following were present :

MEMBERS

1. Dr. Kailas Nath Katju—*Chairman*.
2. Shri A. K. Gopalan
3. Dr. Syama Prasad Mookerjee.
4. Shri Sarangadhar Das.
5. Shri B. Shiva Rao.
6. Dr. Syed Mahmud.
7. Shri Radhelal Vyas.

SECRETARIAT

Shri M. N. Kaul—*Secretary*.

Shri S. L. Shakhder—*Officer on Special Duty*.

3. The Committee considered the memorandum submitted by Shri Dasaratha Deb regarding his arrest.

4. The Committee deliberated on the question of privilege involved in the arrest of Shri Dasaratha Deb, M.P.

5. The Committee decided that the House may be requested to extend the time for presentation of the Report of the Committee of Privileges on Dasaratha Deb case upto Wednesday, the 23rd July, 1952.

6. The Committee also decided that the draft Report may be prepared and circulated to members of the Committee and then presented to the House by the Chairman.

(The Committee then adjourned sine die.)

APPENDIX

v

APPENDIX

To

The Secretary,
Parliament,
The House of People.

Sir,

I am sending my statement for the Privilege Committee. I think, that, this statement conveys my full say. So I will not personally appear before the Committee.

Faithfully yours,

Sd/- DASARATHA DEB.

12th July, 1952

489.

1, Windsor Place,
New Delhi, 12th July, 1952.

Dear Sir,

I wish to give an account to the Committee of Privileges of what happened in Agartala, Tripura, when I was placed under arrest and produced before the Sub-Divisional Magistrate who thereafter released me on bail.

At the outset I desire to state that I had gone back to Tripura in order to give my constituents a short report of the kind of work we were trying to do in Parliament and also to acquaint myself better with the immediate problems of the people which, it had been reported to me, had grown very serious. My intention was to spend the minimum possible time in Tripura and to return to Parliament, which was in session, as soon as I could.

It was therefore, with considerable surprise—and also, I may add, resentment—when I received a call from the District Superintendent of Police on 9.6.52 requiring my attendance at the D.I.B. Office in order to give a statement in reference to a certain criminal case about which I know no particular details. I sent a reply to the effect that the officer concerned could come to the office of the Communist Party where I was staying, and record the statement, if I had any to give, on the subject of his inquiry. This was followed by another letter from the Superintendent of Police, in somewhat peremptory terms as the Committee will find from a copy of it, insisting that I should call at the D.I.B. Office and suggesting in rather intimidating fashion, that it was “in my own interest” that my statement “should be recorded in full”. The matter under inquiry being something about which I knew virtually nothing, I was naturally disgusted, but in order to obviate disputes, I went to the D.I.B. Office as required at about 8 A.M. on June 12.

I was told there to give a statement in connection with the Fatik Roy P.S. case under Section 364 IPC about which the relevant details must be before the Committee. I heard from the S.P. that about two months ago there was an incident in Kanchanpur in Kailashar division. Three men had allegedly been kidnapped—Rajani Bidyaratna, President of a society called Swasti Samiti, Dayananda Baidya and Nandalal Nath. After their release from unlawful custody, it is alleged that they reported to the police about having been forcibly captured by some gang. It is further alleged that the said three persons were taken from place to place and after a month to some leader who gave them a hearing, treated them generously, released them and paid their travelling expenses. The S. P. further told me that there was a conflict between the local tribal people and the said Swasti Samiti over land disputes. The Samiti, it seems, had taken a lease from the Tripura Government and evicted about 500 tribals from their land. The matter was before court and the dispute had not yet been adjudicated upon.

When I was given this story, I said that I knew nothing more of the case than what had appeared in newspaper reports. I knew that there had been some disputes over land between the tribal people and the Swasti Samiti and that the Communist Party had asked for an impartial inquiry into the matter. My colleague in Parliament Shri Biren Dutt, M.P., had met the District Magistrate in this connection, but to no effect. This is all I knew and still know about the matter, and this is the statement which I gave to the S.P. in Agartala.

It was to me a matter of greater surprise and resentment when in spite of the statement I had given I was placed under arrest without any warrant and detained from 8 A.M. to 10 A.M. when I was taken to the court of the Sub-Divisional Magistrate and on representation of my lawyer, released on bail of Rs. 1,000 on condition of my appearance in court on August 18 for the purpose of an identification parade.

It will be for the Committee to determine if the privileges of an M.P. and therefore of the House have been violated by such conduct on the part of the police in Agartala. I submit that I was molested while I was in the execution of my Parliamentary duties since I was meeting my constituents to report back to Parliament on their grievances and needs. Molestation of members while in the execution of their duties is an undoubted breach of privilege.

I submit also that my arrest is a breach of privilege. The fact of the arrest was not notified to the House which in view of the law being what it is, should be taken serious note of. The requirement that I should attend an identification parade on August 18 is also a variety of molestation to which an M.P. should not be subjected.

I shall await with great eagerness the findings of the Committee.

Yours faithfully,

Sd/- DASARATHA DEB, M.P.

The Secretary,
PRIVILEGE COMMITTEE.

DEBATES IN THE HOUSE

EXTRACTS FROM THE HOUSE OF THE PEOPLE DEBATES DATED THE
13TH, 16TH AND 27TH JUNE, 1952: re: COMMITTEE OF PRIVILEGES
ON DASARATHA DEB CASE.

13th June, 1952.

Mr. Speaker: I have received a communication from the hon. Shri K. Ananda Nambiar desiring to raise a question of privilege. I just wish to be clear on the facts. He says that a member of this House, Shri Dasaratha Deb, had been arrested on June 12, 1952 at Agartala, Tripura State, by the Agartala Police. Now, what is the exact position? Is he in custody now? When was he arrested?

Shri Nambiar: He was arrested yesterday at Agartala on an order issued by the Magistrate or somebody, we do not know, at Agartala. Formerly there was a warrant issued against him under the Preventive Detention Act, but I understood from the hon. Home Minister that that had been cancelled. It was only after getting that assurance that he went back thinking that he would not be arrested. But again he is arrested and we do not know exactly what is the position.

Mr. Speaker: Is the hon. Minister in a position to enlighten the House?

Dr. Katju: I can give this information that the warrant had been withdrawn. I have no knowledge myself whether he has been arrested or not. I will make inquiries immediately, but I may add for your information that there was, if I remember aright, an order under section 144 in force in Agartala and putting the two together there might have been—I am only speculating—a disobedience of that order leading to the usual consequences. I shall make inquiries.

Mr. Speaker: We must be clear on the facts and then, of course, I shall consider the question of referring the matter to the Privileges Committee. If the facts are clear, then I shall be in a position to decide.

Shri Nambiar: The position is that he has been arrested. Here is a telegram which I received.....

Mr. Speaker: Order, order. The hon. member need not be in a hurry about it. If there is a breach of privilege, everyone is equally interested to see

that there is no breach of privilege caused by the executive government. But we have to be clear on the facts.

Shri Nambiar: But he was arrested and from the facts it is clear.....

Mr. Speaker: He is trying to argue. Let me know what the position is before we consider this and then there will be a reference to the Privileges Committee.

Shri Nambiar: Could we do it tomorrow, Sir.

Mr. Speaker: It all depends upon when they are able to get the report.

Dr. Katju: I shall try to get it by the 14th or by immediate telegram.

Mr. Speaker: This matter is held over till tomorrow and the hon. Minister will let us know tomorrow what the position is.

Shri Nambiar: That means the next sitting.

Mr. Speaker: The hon. member must be in a position to interpret the statements properly.

Dr. Katju: We are not meeting tomorrow.

Mr. Speaker: That means the next sitting.

16th June, 1952.

Mr. Speaker: We will first take up the question of privilege raised on Friday. What information has the hon. Minister to give?

The Minister of Home Affairs and States (Dr. Katju): I have received a telegram and the Chief Commissioner of Tripura says that he has sent a detailed letter which is on its way. From the telegram it appears that Shri Dasaratha Deb was examined by the police and at their request attended the Police office at eight o'clock on the morning of the 12th instant in connection with a pending kidnapping case which is under investigation by the police and in which the police suspect his complicity. After the interrogation was over he was forthwith formally arrested by the police and immediately taken to the Sub-Divisional Magistrate and was released on bail at half-past ten in the morning

on that very day. That is the situation: interrogation from eight o'clock to some unstated hour—maybe an hour, or whatever it is—and then formal arrest, then removal or taking over to the Sub-Divisional Magistrate before whom the police produced him, and then his release on bail. That is the information that I have got.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes) *rose*—

Mr. Speaker: I do not want to hear any long argument on this question. Has he to give any information to me?

Shri Velayudhan: I want the Minister to give some information.

Mr. Speaker: Order, order. As one occupying the Chair and as a responsible officer of this House in charge of the privileges of the Members, the Chair will take much more care than what the hon. Member thinks that he (the Member) can. I have heard the facts. On the facts it is clear that Shri Dasaratha Deb is no longer in detention or in prison. That is very clear. But the only point of doubt to my mind at present is—it may even be an arrest for five minutes or ten minutes—as yet I have received no information from the officer concerned that a Member of Parliament was arrested. And to my mind that requires some clarification.

Dr. Katju: May I make a statement about that, with your permission? We asked the Chief Commissioner in that telegram as to whether he had sent information to you, Sir, and we referred him to the general circular letter which had been issued by the Home Ministry last year. And he says in his reply that he does not seem to have received any such letter at all and therefore he was not aware, sitting in Tripura, that it was his duty or it was proper and necessary for him to send forthwith immediate information to you. Now, it may be that Tripura, as you know, is a very small State, a Part C State, and the letter might not have been sent to him or it might not have reached him. But he says that he had not received any such information. If there was a mistake I take the responsibility for that and you may kindly overlook it, Sir.

Shri Meghnad Saha (Calcutta North-West) *rose*—

Mr. Speaker: I do not think it requires any arguments at all. The question is very clear. It is admitted that no information is given. It is only pleaded that it was unintentional, a technical breach which should be excused. I think nothing would be lost

if I refer the question to the Privileges Committee. Let it consider it and let it make its own recommendations about all the circumstances in which the arrest took place. And then it will be for the House to consider as to whether it was a technical breach, whether it should be excused or should not be excused. The Privileges Committee may make its own recommendations. *Prima facie*, on the facts, I think it is a clear case to go to the Privileges Committee. And the question, of course, of punishment or otherwise on merits will be a matter for the House. So I refer this question to the Privileges Committee.

27th June, 1952.

Mr. Speaker: Now, the House perhaps remembers that the other day a question of privilege was raised over the arrest of a Member of this House, Shri Dasaratha Deb. In this respect, I received a communication from the Sub-Divisional Magistrate, Sadar, Agartala, dated the 24th June which says:

“Government of Tripura,
Office of the Sub-Divisional Magistrate,
Sadar, Agartala.

Agartala,

Dated the 24th June, 1952.

Sir,

I have the honour to inform you that Shri S. N. Roy Choudhury, Deputy Superintendent of Police, Tripura, produced Shri Dasarath Dev, Member of Parliament, in connection with Fatikrai P. S. Case No. 7(2)52 under section 364 of I.P.C. Shri Dev was produced before me on 12th June 1952, at about 10 A.M. for keeping him in custody pending a Test Identification Parade. Soon after his production before me the learned pleader for Shri Dev moved for bail and he was granted bail of Rs. 1,000 Rupees one thousand only, and released at about 10-30 A.M. According to the prayer of Police, the date of the Test Identification Parade has been fixed on 18th August, 1952, and Shri Dev, M.P., has been asked to appear in the Court for T.I. Parade on the date fixed.

Yours faithfully,

Sd/- J. S. DEB BARMAN,

Sub-Divisional Magistrate,
Sadar, Agartala.”

I shall now pass on this letter to the Privileges Committee, so that it may take this also into consideration.

The Minister of State for Finance (Shri Tyagi): May I know, Sir, what crime this Section pertains to?

Mr. Speaker: I think he may better refer to the Penal Code. I do not carry these things in my head.

Shri Syed Ahmed: He is supposed to know the Section. Section 364 relates to.....

(Interruption by Shri Tyagi)

Mr. Speaker: It is wrong of the Hon. Minister to carry on a simultaneous conversation with another Member like this. He is expected to set a better example to the Members of the House.

I am referring it to the Privileges Committee.