

श्री अण्णत अण्णतः जब मंत्री कहीं जाते हैं तो वह उनका अधिकार है कि वह इस प्रश्न के ऊपर अपनी राय दें या आश्वासन दें। हम भी जनता के प्रतिनिधि हैं। हमने जो कहा, ठीक कहा और उन्होंने ठीक जवाब दिया। वह माननीय सदस्य भी अपने क्षेत्र में जा कर कहें। (अव्यवधान)

अण्णत महोदय : आज मुन्ह आते ही आप लोगों ने शुरु कर दिया। सारा दिन चलना है। शुरु भी ऐसे ही किया और खत्म भी ऐसे करके आयेगे तो कैसे काम चलेगा? जाते बक्त तो शक्ति से रहें।

AN HON. MEMBER : What is the ruling?

MR. SPEAKER : If it is a Congressman's announcement, then, of course, it is a party matter. If it is a Government announcement, there is no ruling required.

श्री मधु लिमये : जब पार्लियामेंट का अधिवेशन चल रहा हो ?

MR. SPEAKER : If the Minister has got the right of announcing a decision, what can I do? Should I tell him, "Do not do it?" Should I ask the Minister or the Government not to do it? Please do not raise such things.

श्री मधु लिमये : यहां कहा जाये।

अण्णत महोदय : हमारे यहां पंजाब में एक मुहावरा है कि आप सौतों की तरह लड़ रहे हैं। उसी तरह ये यहां हो, यह क्या बात है? क्या करते हैं आप?

SHRI DINEN BHATTACHARYYA : Sir, you yourselves, I know, definitely gave a ruling that on important declarations and issues, they should not announce them elsewhere; they must first be announced in the House when the House is sitting.

MR. SPEAKER : This is not a policy matter.

SHRI DINEN BHATTACHARYYA : This is an important matter. You said that declarations like that must be announced in the House if the House is sitting.

MR. SPEAKER : The ruling in this House was that on broad policy matters, if the House is sitting, they should be announced in the House. The day-to-day constructions,—there are hundreds of bridges like that—are not covered by this ruling.

SHRI H. M. PATEL : Sir, may I seek a clarification? May I know whether this decision was taken that this bridge was to be constructed? If that decision was taken, then this is merely a confirmation of that decision being announced there. But here is a matter of great importance. Even Shri Bibhuti Mishra said that this will mean considerable shortening of the distances in respect of traffic between several States. (Interruption)

MR. SPEAKER : Order please.

SHRI H. M. PATEL : Was this item included in the railway budget, that this is one of the constructions he was going to take on hand?

MR. SPEAKER : I am passing on to the next item.

11.13 hrs.

QUESTIONS OF PRIVILEGE

(i) ARREST OF SHRI JAMBUWANT DHOTE, M.P.

SHRI BIRENDER SINGH RAO (Mahendragarh) : Sir, Mr. Dhot, a member of this House, has been arrested. It is a question of privilege of the House. I wanted information but it has not been given. The member was touring his constituency when arrested. He has been prevented from coming to the House to represent his constituents' grievances. It would be a dangerous

weapon in the hands of the executive against Parliamentary Democracy if members can be jailed like this

MR SPEAKER I have asked them to give the information I have already conveyed it to the Government He will make a statement before we adjourn

SHRI DINEN BHATTACHARYA (Scramporo) In this House the Government declared again and again that they will not arrest anybody belonging to any political party under MISA But Mr. Dhote has been arrested, and he is a political man, belonging to the Forward Bloc. He has been arrested in the course of his movement They have repeatedly declared here that they will not arrest anybody on political grounds under this Act

SHRI BIRENDER SINGH RAO It is a question of privilege I should be heard I hope you have got the information from the Government

SHRI S M BANERJEE (Kanpur) Sir in this particular case, I was present immediately after the arrest of Shri Dhote. Along with Shri Dhote two others also Shri Dushkar and Shri R K Ganpuli were also arrested My submission is this When the Parliament is in session why should the hon member be arrested under this most hated black Act MISA ?

MR SPEAKER I have asked the Minister to come forward with full information on this

SHRI S M BANERJEE When the Counsel wanted permission to meet Shri Dhote, the Counsel was not allowed to meet him

MR SPEAKER He was asked to come the next day

श्री छटव बिहारी बाजपेयी (खानिगर) मामला इनका गरम नहीं है। घात सबेरे नागपुर से खबर आते हैं कि श्री घाटे के परिवार वाला का पता नहीं

है कि उन्हें कहाँ रखा गया है। अगर उनको पूना भेज दिया गया है तो उनके घर वालों को उनका पता बताना चाहिये ताकि उन के वकील उनसे मिल कर हाई कोर्ट में मामला चायर कर सकें। मेरी समझ में नहीं आता कि अगर पार्लियामेंट मेम्बर के साथ ऐसा व्यवहार हो सकता है तो आम आदमी के साथ इन देश में कैसा व्यवहार होता होगा।

SHRI BIRENDER SINGH RAO Sir, I have given notice of a privilege motion yesterday.

श्री मधु विभव (बाधा) मैन बाकायदा नोटिस दी है। अगर मैं आपकी आज्ञा क बिना नहीं जानता हूँ तो क्या आप मुझ नहीं बुलायें ?

छटवल सहोदय मैन क्व थी बहा था कि मैन मिनिस्टर क पाम भेज दिया है। अब इफारमेशन चायेगी ता बतला दिया जाएगा।

श्री उद्योतसय बसु (बायसव हाबंर) चौकीम बर हा गये है उनक पाम टाक्स भी है।

श्री मधु विभव मैं आप का ध्यान नियम 24 का नरफ दिवाना चाहता हूँ। यह नियम इस प्रकार है

'When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the committing judge magistrate or executive authority as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the Third Schedule'

मैं जानना चाहता हूँ कि श्री घाटे क बारे में इस नियम की जा परिभाषा है उसका पालन हुआ है? मैं दा तीन बातों की नरफ आप का ध्यान खीचना चाहता था। मेरे पार्लियामेन्टी प्रिक्टिस में यह कहा गया है कि जब ससद् का मज चलना होता

घ्राप किसी भी सदस्य को गिरफ्तार नहीं कर सकते, लेकिन इसके नियम घ्रापवाद है। घ्रापवाद यह है कि यदि कानून के मुताबिक गिरफ्तारी हुई है तो संसद के अधिकांशों का उल्लंघन नहीं होता है, लेकिन घ्राप में नियम बनाया है कि उन को कारण बताया होगा। जब नज़रबन्द किया गया है तो उनके खिलाफ कोई मुकदमा नहीं चलेगा, ऐसी हानत में तो कारण बतलाना और जरूरी होता है क्योंकि उन के खिलाफ मुकदमा चलने वाला नहीं है इस तरह से नियमों का उल्लंघन हुआ है और चूंकि वह नज़रबन्द है इसलिए घ्राप को इस का ज्यादा खयाल रखना चाहिये।

दूसरी बात यह है कि कार्यपालिका को कानून के अनुसार गिरफ्तार करने का अधिकार है, लेकिन जब 1968 और 1970 में मुझे दो बार गैर-कानूनी ढंग से गिरफ्तार किया गया और मुझे मंत्री काटें का निर्णय प्राया तो मामला विधेपाधिकार समिति के सामने गया था। कार्यपालिका को किसी भी हानत में गैर-कानूनी ढंग से किसी सदस्य को नज़रबन्द करने या गिरफ्तार करने का अधिकार नहीं है। दूसरी बात यह कि जब कोई सदस्य नज़रबन्द किया जाता है या गिरफ्तार किया जाता है तो स्पीकर माहब के पास न केवल उसकी इतना धानी चाहिये बल्कि कारण धाने चाहिये, और पंजाब और इलाहाबाद हाई कोर्टों के निर्णय हैं कि रोज़न्म का मतलब है कि गिरफ्तारी के कारणों को जो तफ़्सील है वह भी देनी चाहिये। केवल इतना कहना काफी नहीं है कि बीसा के फना-फला संवशन की तरह गिरफ्तार किया गया या क्रिमिनल ना एमंडमेंट ऐक्ट के मेकन 7 के अन्तर्गत गिरफ्तार किया गया। पूरी तफ़्सील धानी चाहिये। यह तो अध्यक्ष महोदय, जिस सूबे में घ्राप धाने हैं उसके और इलाहाबाद हाई कोर्टों के निर्णय हैं।

अध्यक्ष महोदय : घ्राप पंजाब का कहिये। मैं तो धपने को सभी सूबों का मानता हूं।

श्री मधु लिवधे : इसनिये घ्राप मुझे प्रस्ताव रखने की अनुमति दीजिये। धामी मैंने केवल ध्यान किया, प्रस्ताव बाद में करूंगा जब अनुमति मिल जायेगी।

SHRI PILOO MODY (Godhra) : Sir, if you will forgive my saying so, I do not think you realise fully the seriousness of this particular act. Today it has been used against Mr. Dhote and the House has not been informed about the reasons. Tomorrow it will be used against any one of us including the members of the ruling party and unless the Speaker takes a firm stand today, he will be unable to do anything to restrain the Government in the abuse of its executive authority. Therefore, I strongly appeal to you, in pursuance of what I said yesterday also, that this is wholly against the procedures laid down by the Parliament by the rules and even by the Constitution. Therefore, you should take the strongest action in this matter, even if it means a public censure of the ministry concerned.

श्री धटल बिहारी बाजपेयी : अध्यक्ष जी, इस मामले के दो पहलू हैं। एक पहलू तो यह है कि संसद सदस्य की गिरफ्तारी की सूचना घ्राप के पास धानी चाहिये नियम के अनुसार, लेकिन सूचना नहीं प्रायी है। संबंधित अधिकारी सदन की मर्यादा भंग करने के दोषी हैं।

दूसरे बात यह है कि क्या संसद सदस्य की संसद का सद चलने समय उम कानून के अन्तर्गत नज़रबन्द किया जाता चाहिये जिसके बारे में यह ध्राध्वामन दिया गया था कि उम राजनीतिक विरोधियों के विरुद्ध प्रयुक्त नहीं किया जायगा। इस ध्राध्वामन का भी उल्लंघन कर दिया गया है। धाननीय धोते कहाँ है, जैसा मैंने पहले कहा था, उनके घर वालों को पता नहीं है। उनका बकील भी सम्पर्क नहीं कर सकता है, और दो लाख ६० की जमानत मांगी जा रही है। अध्यक्ष महोदय, क्या दो लाख ६० की जमानत का तरीका गरीब को न्याय देने का जो प्रधान मंत्री ने कानपुर के फूलबाग में गैलन किया है उसके अनुसार है?

अध्यक्ष महोदय, श्री यजदत्त शर्मा भी गिरफ्तार किये गये हैं और वहाँ भी दो लाख ६० की जमानत मांगी जा रही है।

SHRI BIRENDER SINGH RAO : Sir, this case is very strange in its very nature. Mr. Dhote was arrested on the 25th of last month. On 26th I and another hon. member raised the issue under rule 377. You were pleased to say that you had no information about Mr. Dhote's arrest. That was on 26th. On 27th also you had no information about his arrest. On 28th, we came to know from the Lok Sabha papers that the Lok Sabha had been informed the same day that Mr. Dhote has been arrested on the 25th but the Lok Sabha never received any such message up to 28th.

MR. SPEAKER : Do you have any idea of the time he was arrested on the 26th?

SHRI BIRENDER SINGH RAO : He was arrested on the 25th. On the 26th we raised the question under rule 377. But at that time you had no information. On 27th also you had no information about his arrest. On 28th you received the information wherein the State authorities said that they had sent information on the 25th, and that they had sent a wireless message on the 26th, but somehow Lok Sabha never received those messages. Now it is nearly 20 days since the matter was raised in the House. The minister should have come forward with a statement, but no statement has been made. Within 10 days of the arrest, the case was to be reviewed by a board. That review also must have taken place. But the Lok Sabha has no information about what the case is or what the result of the review is, under what section for what offence he has been arrested, etc. All this makes it very strange. Therefore, I request that a privilege motion should be allowed to be moved.

SHRI DINEN BHATTACHARYYA : Our party is the worst sufferer. Now it is the fate of Mr. Dhote. You remember in 1964, Mr. Gopalan and several other MPs were arrested by the same method.

That day when we raised the issue, you also expressed your anxiety over the matter. Today after Government came forward with a statement that they got a message after three or four days, it is not clear under what section he has been arrested. When the MISA was discussed here, an amendment moved by us was accepted that within 7 days from the arrest of a person, the State Government will make it known to the Central Government why he has been arrested. So, there is a double violation. This Government has no regard for the rule of law. The Supreme Court has struck down section 17A but thousands are still rotting in jail.

SHRI VAYALAR RAVI (Chirayinkil) : It is not a question of this side or that side of the House. He is a member belonging to this House. Under the rules, the House should have been informed but the House was not informed. It is a clear violation of the rules. We fully share the views expressed by the hon. members.

SHRI BHAGWAT JHA AZAD (Bhagalpur) : We have laid down under the rules that the reasons for the arrest must be given. That has not been complied with. I would request the hon. members not to press the privilege motion, because in that case it would not be possible for us to support it. But I request you, Sir, to see how this rule is made to be observed by the Government. If some officer in some district is against any Member, he can easily put the Member behind the bar. Therefore, reasons should be given. You should find out why it was not observed and you should ensure that it is observed by the Government in future.

SHRI PILOO MODY : You should order the Home Ministry to produce Mr. Dhote before the House within 24 hours.

MR. SPEAKER : Yesterday I thought I will give my ruling after hearing the minister. But the point of order today is on a different basis. I have seen this intimation sent

to me by the Police Commissioner of Nagpur. This was sent by wireless message addressed to the Speaker, Lok Sabha and it was received on 28th April, whereas the message is dated 27th April. Shri Birender Singh Rao brought this motion on 26th morning. It means, it was much earlier to that. In my opinion, this is highly improper. The information should have been immediately conveyed to the Speaker. No lapse of time should have been allowed on it.

Besides this wireless message which, I think, he must have sent to reiterate it, there is a previous letter written by the Police Commissioner, that is, dated 26th. This was received on the 28th by ordinary mail. It reads:

'I have to inform you that I have found it my duty in exercise of my powers under sub-Section (2) of clause (a) of sub-clause (1) read with clause (c) of sub-Section (2) of Section 3 of the Maintenance of Internal Security Act, 1971, to direct that Shri Lambuwant Dhote, Member of the Lok Sabha be detained with a view to preventing him from acting in a manner prejudicial to the maintenance of public order in Nagpur city.

Mr Dhote, M P was, accordingly, taken into custody at 18.15 hrs on 25th April, 1973. He is being lodged in Yeravada Central Prison, Poona.'

The copies are sent to the Secretary of the Ministry and the Inspector-General.

So, these are the two intimations. This letter which is sent by ordinary mail is dated 26th. This letter reaches us just by ordinary mail. He also sends along with it a wireless message. Of course, the intimation is there. I was under the impression, after this Bulletin, perhaps this was the only wireless message. The Secretary has given me the letter dated 26th also. This is the position.

SHRI MADHU LIMAYE: I want to seek the leave of the House.

MR SPEAKER: The Minister should come with a full statement. I think, we should wait for the statement.

SHRI MADHU LIMAYE: I have made out a *prima facie* case.

MR SPEAKER: At what time will the Minister make a statement?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K C PANT): I can come with the statement in the afternoon, if you like.

Actually, Sir, the responsibility lies with the State Government. All that we have done is to pass the Act here. So far as the action goes and so far as the responsibility of sending the intimation to you also goes, all these things are the responsibility of the State Government. But if you so desire I shall give whatever information I have in the afternoon. (Interruptions)

SHRI VASANT SATHE: Under the law as decided from time to time, this does not amount to reason. That is clear. (Interruptions)

MR SPEAKER: If I allow it there is no need for a statement by the Minister. Should I take it like that?

SHRI MADHU LIMAYE: We do not want a statement. There is non-compliance with rule 229.

अव्यक्त आरोपक स्टेटमेंट क्या आपके पास नहीं है?

श्री कृष्ण चन्द्र वन्त प्रश्नो तो नहीं है। आप चाहेंगे तो मैं स्टेटमेंट तैयार करके ले आऊंगा।

SHRI INDRAJIT GUPTA (Alipore): I do not know personally what the Minister is going to state in his statement. Under the provisions of the Maintenance of Internal Security Act, within seven days of

[Shri. Inderjit Gupta]

detaining a person the State Government has to send a report to the Central Government. Either he has received that report or he has not received it. If he has received that report, he could make a statement giving the reasons. If he has not received the report, then the State Government has violated the provisions of the Act. That must also be looked into. We must know whether the rules have been adhered to or not.

MR. SPEAKER : This is a new point raised by Shri Indrajit Gupta.

SHRI S. M. BANERJEE: Sir, I rise on a point of order. This arises out of what Shri K. C. Pant has stated. Shri Madhu Limaye wanted to move a privilege motion after obtaining the consent of the House because there is non-compliance of the existing Rules of Procedure of the House. The privilege motion will be against the Chief Minister, the Home Minister and the Commissioner of Police of Maharashtra. If the Home Minister here is not concerned, let him not be concerned. We want to refer the matter to the Privileges Committee *suo motu* under rule 227 of the Rules of Procedure.

MR. SPEAKER : Personally speaking, I am not myself happy with the way things have been done, so far as Shri Dhote is concerned. So far as giving information is concerned, many things are involved about the type of intimation that should be given by the State Government. I wish that the Committee examines the question of—(cheers) just a minute; perhaps, you may not be happy at what I say at the next moment—what should be the point at which the information should be sent to the Speaker, at what time it should start and, secondly, what is the type of information that should be sent. Of course, we have been receiving it by all means, wireless, telegram and mail and sometimes both processes also. It is for the Speaker to be satisfied whether it is in time. In this

case, when an M.P. is arrested under the MISA, in my opinion, the telegram should have come immediately afterwards and the details could have followed later. If I allow this motion, the Committee will examine how much information should be given and in what form in case of arrest under MISA. So, I hold this in order. You can move it for leave.

श्री मधु लिमये: मैं सदन की अनुमति चाहता हूँ क्योंकि सदन की गरिमा का मामला है। अब तक परिपाटी यह रही है कि सरकार विरोध नहीं करती है... (व्यवधान)

SHRI K. C. PANT: I take it that you are allowing him to move for leave that the matter be referred to the Privileges Committee. All I would submit is that, in case the facts are not available from the Maharashtra Government and since a State Government is involved, if you could let us know what kind of information you would like to come from them, we could get the information. It would be much better to get the facts from the State Government. You can then examine them and if you are not satisfied with the facts or that the facts warrant further action, you can take action. It is only fair that the State Government should be heard first.

MR. SPEAKER : This is not an ordinary case. The papers themselves are before me. You cannot make up for that statement which should have been in the letter itself. In my own opinion, there was not full information in the intimation given to me by the Commissioner of Police. He has just mentioned the law under which he was arrested and where he is detained, not at the end he says that it is to restrain him from certain activities. What activities? In every case we have been receiving information that so and so was arrested under section 144 or for this crime or for that crime or that he was found leading a procession or that he was obstructed by the police and he

defied. In this case there is nothing. So, I give my consent to this privilege motion and, if you like, I can straightway send it to the Privileges Committee. We will refer the privilege motion, given by the members the other day, by Shri Birender Singh Rao and Shri Madhu Limaye...

SHRI K. NARAYANA RAO (Bobilli) : Very vital issues are involved.....
(Interruptions)

MR. SPEAKER : It is not a question of one Party. It is a question of liberty of a Member. Therefore, I am doing it. Do not enter into legal controversies.

SHRI K. NARAYANA RAO : Here the point that has been raised is whether he has been detained in the interest of public order....(Interruptions) Under the Act, the fact of the arrest of a Member should be communicated to the Speaker, and here that information has been furnished. Under the Act, the reasons for detention need not be furnished to the Speaker; they should be furnished only to the person who has been arrested. The broad reason has been communicated to the Speaker, but each and every detail need not be given. Secondly, Sir, against whom is this Privilege Motion moved? It is very vague.

MR. SPEAKER : Kindly sit down. It is not a question of one Party or the other. It is a question where the privilege of a Member is involved. Tomorrow, Mr. Rao or myself or yourself may be in a similar position.....(Interruptions) We will give similar consideration even if Mr. Bosu or Mr. Indrajit Gupta or Mr. Vajpayee is there in power. We do not want to set up a bad precedent. You kindly examine this—the proper time and the information. I think we should send all the proceedings to them.

SHRI K. D. MALAVIYA (Domaria-ganj) : Obviously, your decision in this matter is final for all of us, that this matter may be referred to the Privileges Committee.

But it is for your consideration that what is being referred to the Privileges Committee is specifically laid down.

MR. SPEAKER : I have already stated it and, besides that, I am sending for the help of the committee all the proceedings.

SHRI PILOO MODY : If Mr. Malaviya wants to help you, let him do so.

MR. SPEAKER : Papers to be laid on the Table.

SHRI S. M. BANERJEE (Kanpur) : What about the statement on the Aligarh Muslim University?

SHRI JYOTIRMOY BOSU (Diamond Harbour) : I have written to you...

MR. SPEAKER : I will call all of you at the proper time....(Interruptions)

SHRI B. N. REDDY (Miryalguda) : I have given a short notice question and a call attention motion on the scarcity of water in Andhra Pradesh as also on starvation deaths in Nalgonda District. Sir, the water scarcity is so acute where, for instance, in Warangal, water is selling at Rupee one per pot of water.

MR. SPEAKER : Short Notice Question—it is not in my power.

SHRI B. N. REDDY : There is so much scarcity of water and it is endangering the lives of the people. No short notice question, no call attention and no response from the Government...

MR. SPEAKER : No, please. Kindly sit down.

(ii) ARTICLE PUBLISHED IN THE *JUGANTAR* DATED 27TH APRIL, 1973 ALLEGEDLY CASTING REFLECTIONS ON PARLIAMENT.

Mr. SPEAKER: There is another point raised by Shri Jyotirmoy Bosu. That is the question of privilege against the 'Jugantar' Calcutta, in respect of an article published in