

## LOK SABHA DEBATES

1

2

### LOK SABHA

Thursday, December 23, 1971/  
Pausa 2, 1893 (Saka)

*The Lok Sabha met at Ten  
of the Clock*

[MR. SPEAKER in the Chair]

#### RE : QUESTION OF PRIVILEGE

श्री भान सिंह धीरा (भटिंडा) : अध्यक्ष महोदय मैंने एक प्रिविलेज मोशन दिया था। उसका मुझे उत्तर मिल गया है। लेकिन मुझे धफ़सोस के साथ कहना पड़ता है कि सैनेटेरिएट ने जो लिखा है वह वाक्यात से बिल्कुल उलट है। उन्होंने कहा है कि तीन लड़के जो मेरी कार से पकड़े गए वे पहले एक केस में इनवाल्ड थे। यह गलत है। मेरे पूछने पर न तो वेस बताया गया और न ही नाम बताए गए। बाद में केस कनकावट किया गया। श्री कृष्ण कान्त, मैम्बर राज्य समा गए थे और उनका स्टेटमेंट भी घ्रापने पड़ा होगा। उन्होंने भी कहा है कि कार का हँडल नहीं तोड़ा। इसको सब लोग जानते हैं। सब लोग इसको जानते हैं, वकीलों ने स्टेटमेंट किया है, गवर्नर को लिख कर दिया है। इस में जो बातें कही गई हैं वे बिल्कुल उलट हैं। मैं घ्राप से प्रार्थना करता हूँ कि इस मामले को घ्राप प्रिविलेज कमेटी को रेफर कर दें।

DR. SARADISH ROY (Bolpur) :

Sir, what about my privilege motion?

MR. SPEAKER : I have examined the whole case. When they are matters not connected with the House, even though the happening of such things is unfortunate, the remedy is at the official level. So far as the rights of this House are concerned, the difference between one MP and citizens is very narrow, so far as incidents

outside the House are concerned. We have settled it in the Committee when it went into the question that the member could mention it, I could send it to the Minister and the reply could come. But if he thinks that it is a matter of privilege, I do not think it is a matter of privilege.

SHRI S.M. BANERJEE (Kanpur) : Sir, you will remember that you in your wisdom had allowed a privilege motion in the past. Some hon. Member belonging to the Swatnatra Party, who has not been elected this time, was staging a demonstration on the platform of a railway station when Rashtrapathi's train was passing that way. He reported in this House that he was man-handled by some police officials.

The House took a note of it. Two police officers were brought before the bar of the House and reprimanded.

Then, there was another matter. Shri Madhu Limaye and Shri Tridib Chaudhuri were detained in Patna aerodrome, whether illegally or legally....(Interruption)

MR. SPEAKER : Shri Madhu Limaye went to the court.

Shri S.M. BANERJEE : If you take a decision here that unless it is connected with the work of this House there will be no privilege involved, in that case the functioning of the MPs outside the House will become very difficult.

MR. SPEAKER : The MPs are not above law.

**SHRI S.M. BANERJEE :** I agree with you. I do not claim any privilege. I am a citizen and other citizens should have the same right as I have. In that case, I would only request you to codify what the privileges are. Otherwise, we are under the impression that we are privileged persons. But police officers may beat us *(Interruptions)*

**MR. SPEAKER :** It is upto the House. I have studied it. A number of things happen to citizens.....*(Interruptions)*

**SHRI S.M. BANERJEE :** Let the Ministers and MPs not claim any privileges. Let there be no privileges at all. I do not mind that.

**MR. SPEAKER :** But you cannot extend the privileges to each and every step that an MP takes outside the House.

**SHRI S.M. BANERJEE :** In that case, Shri B.S. Bhaura and Shri Saradish Roy are strong enough to fight the police outside. Let us take the law in our own hands. ....*(Interruption)*

**SHRI DINI BHATTACHARYA** (Serampore) : How do you define the duties and the functioning of the MPs? If I visit my place and I am prevented..... *(Interruption)*

**MR. SPEAKER :** Don't take MPs as super human beings. An M.P. outside the House is just an ordinary citizen like any other citizen. If he is prevented from performing his duties of the House, that is a different matter. If he is moving outside, he is subject to the law and subject to other remedies available. He can have the same remedies as are available to an ordinary citizen. If I am prevented outside and I say, "I am the Speaker and I can punch anybody", I do not think I have that privilege

**SHRI S.M. BANERJEE :** A feeling has been created that we have some privileges outside, and we want protection under those privileges.

**MR. SPEAKER :** It is upto the House to formulate the privileges. So far as the privileges at present go, they are not covered by it.

श्री धरम बिहारी बाजपेयी (खान्निपुर) सदन की बैठक आज स्थगित हो रही है। मैं चाहता हूँ कि युद्ध विराम और उसके बाद की परिस्थिति पर चर्चा करने का मौका दे दिया जाए। कम से कम सरकार यह प्राश्नवाचन दे कि ससद की पीठ के पीछे कौनों की बापसी के बारे में कोई फैसला नहीं किया जाएगा। ऐसा न हो कि हम अगली बार सभा में आ कर बैठें और नब फेट एक्स्पली रख दी जाए। चौदह दिन युद्ध चला। सभा को चर्चा करने का मौका नहीं मिला। आज युद्ध विराम की बात हो रही है। विदेश मंत्री ने यू० एन० प्रॉ० में कुछ प्रोपोजल्ज रखी हैं। सभा को विश्वास में लिया जाना चाहिये, हमने चर्चा का मौका दिया जाना चाहिये। कम से कम सरकार इसका प्राश्नवाचन जा दे कि फावला की बापसी के बारे में कोई फैसला पार्लियामेंट की पीठ के पीछे नहीं लिया जाएगा।

श्री सीनेन महन्ताबाय : सदस्यों के कोई प्रिविलेज नहीं है। समद महन्त को पुलिस ने पीटा है। सदन का कोई महत्त्व नहीं है सरकार की तरफ से।

**MR. SPEAKER :** I have given my ruling.

**SHRI S.M. BANERJEE :** I agree with you. In that case, when you go to a foreign country, you get a diplomatic passport. Why should you get it?

**MR. SPEAKER :** Don't involve other issues with this. You also get diplomatic passport.

**SHRI S.M. BANERJEE :** I don't get it.

**MR. SPEAKER :** All the Members get diplomatic passport when they go out to a foreign country.

**SHRI S.M. BANERJEE :** I am capable of fighting the police outside. We have been beaten by the police from the age of 12 years.....*(Interruptions)*

MR. SPEAKER : Mr. Banerjee, I will tell you about this. I had been a Member for many years in the State, as also here. When we were in the Opposition, we had a worse treatment, but we could deal with it outside.

SHRI S. M. BANERJEE : In that case, the Parliament is not...

MR. SPEAKER : I can show you the scars of wounds I received at my back.

SHRI S. M. BANERJEE : I can also show you.

MR. SPEAKER : That does not mean that you can go on with the demonstrations and if somebody pushes you in the demonstration, you keep running to this House saying that 'I was selected out of 50 other demonstrators and was beaten. They have no remedy but I have a remedy because I happen to be an MP' With that I cannot agree.

SHRI S. M. BANERJEE : I completely agree with you that the Members of Parliament should not have any privilege which the ordinary citizens do not have ...*(Interruptions)*

MR. SPEAKER : Unless the privilege extends to the performance of the functions connected with the House. That is all.

SHRI S. M. BANERJEE : Then, about the privileges of the Press. Mr Karanjia wrote something. He was brought here. Then again, why were the Police officers brought here if there was no privilege? That I want to know.

MR. SPEAKER : I am so sorry.

SHRI DINEN BHATTACHARYYA : You are creating a very dangerous precedent ...*(Interruptions)* If the Police know that they can beat us, then we will have to come everyday to you.

MR. SPEAKER : If you tell the Policeman that you are coming to the House and the Policeman says that 'I won't allow you to enter the House' then that is a privilege.

SHRI S. M. BANERJEE : I would only request that there should be a ruling. Let there be a discussion about our privileges. We should know it. It should be codified because there has been no codification.

MR. SPEAKER : The House is the master of its own procedure.

SHRI S. M. BANERJEE : May I submit, Sir, that the privileges may be codified.

MR. SPEAKER : We should not enter into a debate now.

SHRI S. M. BANERJEE : I do not want any privilege from this House. I am against all sorts of privileges . . . . .

MR. SPEAKER : Mr. K. R. Ganesh.

SHRI ATAL BIHARI VAJPAYEE : They may make a statement during the course of the day.

DR KAILAS (Bombay South) : The leaders' meeting is going on.

Mr Raj Bahadur is busy there.

SHRI ATAL BIHARI VAJPAYEE : Dr Kailas, what are you talking? the meeting is discussing a different matter.

MR. SPEAKER : That is a different matter, not about this.

SHRI S. M. BANERJEE : We have already written to you. There was a news item in the papers that Sheikh Mujibur Rahman has been released but that he is under house arrest. We want to know the correct position. Let there be a statement about this from the Government.

MR. SPEAKER : The Minister is not here. Let him come.