

[Mr. Speaker]

to the point. If I try to cut them short, I will appear to be rude and I am trying to avoid it. But only three questions for the entire Question Hour is too small a number. The moment some hon. Members get up to ask a supplementary I get a little nervous because they preface each question with a big speech. I may point out here that if they continue this practice it is they that lose. If they do not co-operate with me and I ring the bell, it will be a little rude. So, I want your co-operation. From tomorrow I will be a little quick in disposing of questions. I will only try. If I fail, I will have to revert to the present practice of two or three questions per day.

श्री मोल्लू प्रसाद (बांसगांव) : अगर सीनियर मेम्बर भूमिका न बाँधें और केवल प्रश्न पूछें, तो समय बच सकता है और अधिक प्रश्न पूछे जा सकते हैं।

MR. SPEAKER : That difficulty is there. Because, when seniors get up, the juniors on their part suffer because I am inclined to call the seniors when they get up. So, naturally, the juniors are suffering.

SHRI RANGA (Srikulam) : The seniors are not getting up at all.

MR. SPEAKER : Only some of them are doing it and then I cannot help it.

Then, Shri Hem Barua asked why this Calling Attention was admitted. I may point out that the other one has also been admitted. But there the Ministry wants time to get the particulars. In this case, being a matter connected with Delhi, they could get the information immediately. Actually, two or three important subjects are pending. This was put in today only to fill up a gap. In the normal course, this should have found a place later on, day after tomorrow. In regard to the teachers, the hon. Minister wants some time to collect information from UP and that is why this has been put up for today.

12.43 hrs.

#### RE. QUESTION OF PRIVILEGE

SHRI J. M. BISWAS (Bankaura) : Mr.

Speaker, Sir, having received your kind consent under rule 222 to raise a question of privilege arising out of my so-called arrest and detention between 19th and 20th September 1968 in Purulia district in West Bengal, I rise here to place the facts before the House. The facts of the case are as follows :

I was arrested by the police at Adra, Purulia District in West Bengal on 19th September 1968 at about 6.30 a. m. under section 147/353 IPC, section 5 of the Ordinance of September 1968 and section IOOB of the Indian Railway Act. I was then produced before Shri S. K. Ganguli, Magistrate 1st Class, Purulia at about 4 p. m. The Magistrate immediately released me on the ground that the investigating officer did not send copy of case diary add the first information report of the case (*vide* Parliament Bulletin Part II No. 856). But I was kept under detention by the police unlawfully till 1.00 a. m. on 28th September 1968. At 4 p. m. I was released by the Magistrate but the police detained me up to 1.00 a.m. without any authority and without any warrant of arrest.

While under unlawful detention by the police I was re-arrested at about 1 A. M. on 20th September, 1968, and produced before the sub-divisional magistrate, Purulia, at about 2.20 A. M. on 20th September, who ordered for my release on PR bond at about 2.30 A. M.

From the above it will be seen that I was held in custody by the police even after my release at 4.00 P.M. on the 19th September till 1 A. M. on the 20th. It appears that no information was set to the Lok Sabha Secretariat about this arrest and the illegal detention. The magistrate who released me on PR bond did not also inform the Lok Sabha Secretariat. All these constitute a clear breach of privilege of a Member of the House and the House itself.

In this connection I would invite your attention to rules 229 and 230 of the Rules of Procedure and Conduct of Business in Lok Sabha. The matter may, therefore, kindly be referred to the Privileges Committee.

THE MINISTER OF HOME AFFAIRS

(SHRI Y. B. CHAVAN) : We will give all the details in the course of the day.

MR. SPEAKER : Tomorrow.

SHRI Y. B. CHAVAN : Certainly, tomorrow.

श्री मधु लिमये (मुंगेर) : अध्यक्ष महोदय, जब 20 नवम्बर को मैं प्राग से मिला था, तो मैंने आपसे यह कहा था कि यह विशेषाधिकार का मामला सदन की मान-हानि का मामला है ; उसका धौर मेरे द्वारा सुप्रीम कोर्ट के सामने रिट पेटिशन दाखिल करने का कोई सम्बन्ध नहीं है ; जो कागजात मैंने आपके सामने भेजे थे, यह सदन उनके आधार पर फैसला कर सकता है कि, मैंने यहां पर मेज पालियामेंटरी प्रैक्टिस से जो उद्धरण दिया था, उसके अनुसार मेरे विशेषाधिकार का भंग धौर इस सदन की मान-हानि हुई है या नहीं। आप ने मुझसे कहा था कि कम से कम सुप्रीम कोर्ट को निर्गम्य तो करने दिया जाये ; जब वह मेरी रिहाई का हुक्म देगी, तो उससे यह जाहिर हो जायेगा कि मेरी गिरफ्तारी के लिए कोई बंध या कानूनी आधार नहीं था।

उस वक्त भी मैंने पूरे विश्वास के साथ कहा था कि मैं सुप्रीम कोर्ट में तो शान्ति जितने वाला हूँ, मैं शान्ति छूट जाऊंगा। लेकिन आपने कहा कि फिर भी आप चाहते हैं कि मैं सुप्रीम-कोर्ट के निर्गम्य का इन्तजार करूँ। कल सुप्रीम कोर्ट का निर्गम्य हुआ है। मुझे बड़ा अफसोस हुआ कि मेरे खिलाफ उच्च-न्यायालय का एक भूतपूर्व मुख्य न्यायाधीश ही नहीं बल्कि एक संसद-सदस्य खड़ा हुआ। जब न्यायालय के सामने संसद की मान-हानि धौर सदस्यों के विशेषाधिकार-भंग का सवाल आया, तो श्री बागला मेरे खिलाफ खड़े हो गये। कोई बात नहीं है।

लेकिन दो घंटे की बहस के पक्ष में बागला साहब को कबूल करना पड़ा कि दफा 151 में पुलिस के द्वारा जो मेरी गिरफ्तारी हुई, उसमें कोई कानूनीकेबल धारण का धरेशा नहीं था, इसलिए मेरी गिरफ्तारी धरैध धौर धर-कानूनी

थी। उन्हें यह भी कबूल करना पड़ा कि जब कोई मुकद्दमा धौर जांच शुरू नहीं हुई है, तो मजिस्ट्रेट के द्वारा क्रिमिनल प्रोसीजर कोड की दफा 344 के तहत मुझे हिरासत में रखना भी धर-कानूनी था। तीसरी बात उन्हें यह भी कबूल करनी पड़ी कि मेरी गिरफ्तारी का धौर हिरासत में रखने का कोई कारण नहीं बताया गया, जब कि संविधान के धनुच्छेद 22 के धनुसार हर एक व्यक्ति को—इसमें केवल संसद-सदस्यों की बात नहीं है—जल्द से जल्द गिरफ्तारी का कारण बताना चाहिए।

इसके बाद मैंने सुप्रीम कोर्ट से यह बिनती की कि जब हमारे सदन में मान-हानि की कार्य-वाही होती है, तो अध्यक्ष या सदन कारणों सहित एक स्पीकिंग धरैंडर जारी करता है। इस पर जस्टिस जे० सी० शाह हंस पड़े धौर उन्होंने कहा कि हम आपको स्पीकिंग धरैंडर देने के लिए तैयार हैं। वह धरैंडर उन्होंने सुरक्षित रखा है, जो कि बाद में मिल जायेगा। लेकिन आपने जो यह शर्त रखी थी कि सुप्रीम कोर्ट मुझे धन्तरिम तौर पर नहीं, स्थायी तौर पर छोड़ दे, वह पूरी हो गई है।

मैंने सुप्रीम कोर्ट में पूछा कि मेरे 110 साथियों का क्या होगा। इस पर जस्टिस शाह ने कहा कि आपके बारे में जो फैसला हुआ है, उसकी रोशनी में मुझे उम्मीद है कि सरकार उचित फैसला करेगी। धौर फिर बागला साहब ने धारवासन दिया मुझको कि 110 लोगों को भी छोड़ दिया जायेगा। तो सुधमन्त्री जी यहां पर हैं। मैं उनसे यह भी जानना चाहूंगा कि क्या मेरे 110 साथियों को रिहा करने का धरेशा दिया है ? (Interruption)

MR. SPEAKER : Order, order. I do not want anybody to explain Mr. Madhu Limaye's case.

On that day, we said that let the Supreme Court judgment come. We have read in the papers that they have reserved the judgment. Of course, you have been released. The detailed judgment, on what grounds you have been released, should be got before that. I should also see it ; the Government should also see it. I also ex-

[Mr. Speaker]

pect the Minister later on, after seeing the judgment, to say something about it. A copy of the judgment will come. It is a matter of a few hours or one or two days, whatever it is. The judgment must be seen. I have already said on that day that after the judgment is given, we shall examine this case. I shall look into it and give my ruling after I hear the Government, the Home Minister and the Law Minister. As I said, we should not take it as Mr. Madhu Limaye's case at all. We should take it as a case of the hon. Member of this House to whichever party he may belong. There are different Governments belonging to different parties in different States. We shall see what we should do in the matter. The Papers to be laid.

12 51 hrs.

**PAPERS LAID ON THE TABLE**

**Report of Railway Accidents Inquiry Committee**

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI R. L. CHATURVEDI) : On behalf of Shri C.M. Poonacha, I beg to lay on the Table a copy of the Report of the Railway Accidents Inquiry Committee, 1968—Part I. [Placed in Library. See No. LT-2462/68]

**Export of Minerals and Ores Amendment Rules**

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI MOHD. SHAFI QURESHI) : On behalf of Shri Dinesh Singh, I beg to lay on the Table a copy of the Export of Minerals and Ores—Group II (Inspection) Amendment Rules, 1968, published in Notification No. S. O. 3978 in Gazette of India, dated the 12th November, 1968, under sub-section (3) of section 17 of the Export (Quality Control and Inspection) Act, 1963. [Placed in Library. See No. LT-2460/68].

**Cotton Textile Companies (Amendment) Rules Notification under Forward Contracts (Regulation) Act etc.**

SHRI MOHD. SHAFI QURESHI : I beg to lay on the Table—

- (1) A copy of the Cotton Textile

Companies (Management of Undertakings and Liquidation or Reconstruction) (Amendment) Rules, 1968, published in Notification No. G. S. R. 1918 in Gazette of India dated the 2nd November, 1968, under sub-section (2) of section 10 of the Cotton Textile Companies (Management of Undertakings and Liquidation or Reconstruction) Act, 1967. [Placed in Library. See No. LT-2461/98].

- (2) A copy of Notification No. S. O. 4098 (English version) and S. O. 4099 (Hindi version) published in Gazette of India, dated the 15th November, 1968, issued under section 5 of the Forward Contracts (Regulation) Act, 1952. [Placed in Library. See Nos. LT-2456 and LT-2457/68].

- (3) A copy each of the following Notifications under sub-section (2) of section 18A of the Industries (Development and Regulation) Act, 1951 :

(i) S. O. 3246 published in Gazette of India dated the 14th September, 1968. [Placed in Library, See No. LT-2463/68].

(ii) S. O. 3746 published in Gazette of India dated the 26th October, 1968, containing corrigendum to S. O. 3246 published in Gazette of India, dated the 14th September, 1968. [Placed in Library. See No. LT-2464/68].

- (4) A copy of the Audited Accounts of the Central Silk Board for the year 1966-67. [Placed in Library. See No. LT-2458/68].

- (5) A copy of the Annual Report of the Central Silk Board for the year 1967-68. [Placed in Library. See No. LT-2459/68].

12.52 hrs.

**STATEMENT RE. THREATENED STRIKE BY LIC EMPLOYEES**

**MR. SPEAKER : Shri Morarji Desai.**