

MR. SPEAKER : We have already fixed up a Debate on Flood.

SHRI S. M. BANERJEE (Kanpur) : The Business Advisory Committee decided that 2 or 3 hours should be devoted to floods in U.P., Bengal, Bihar and other places, immediately after the Grants are over. I would request you about it, Sir. In UP, more than 2,000 villages are washed off. Let the Minister make a statement on that. I would request you kindly to fix up that discussion also.

MR. SPEAKER : We are quite used to understand each other now.

SHRI S. M. BANERJEE : You may ask the Minister, Sir.

12.03 hrs.

RE : QUESTION OF PRIVILEGE

SHRI KRISHNA HALDER (Ausgram) rose—

MR. SPEAKER : The hon. Member may mention briefly the point of privilege.

SHRI KRISHNA HALDER : Mr. Speaker, Sir, I would like to present before the House the factual background to the privilege motion which I am going to move under rule 222 of the Rules of Procedure and Conduct of Business of Lok Sabha.

The incident which I am narrating happened on the 15th July in Durgapur, which is a part of my constituency. On that day, I went to the workers' colony of the AVB factory of Durgapur, in order to make some enquiries regarding retrenchment and police atrocities. I was told that 47 workers of the factory had been retrenched and out of this number 20 were members of the executive committee of the workers' union and 6 were members of the works committee. I considered it as a case of victimisation against the representatives of workers and my views were strengthened when I came to know that eight workers had been arrested on various charges, and one of them is being held under the PVA Act.

In the workers' colony I was told in detail about the brutal way the local police under Shri Atin Mukherjee who is the ASI are dealing with them. I was told about periodic raids on the workers, beatings and tortures and even cases where women had been molested by the savage policemen of that area. During the course of my enquiry as the representative of the people of that area to the Lok Sabha, I was shocked and surprised by the stories about the inhuman methods which are employed by the police in that area for harassing and torturing the innocent people.

It is against this background of police oppression and my visit to this colony that subsequent incidents can be properly understood.

I went to the colony at about 5.30 in the evening and at approximately 7.30 p.m. I left that place. I was travelling in a car with four companions, the driver and his assistant.

My car was stopped near the Apprentice Hostel of the AVB, by the police and CRP led by the same Atin Mukherjee, about whom I was told so much by the people of the workers' colony. The police officer who was in plain dress ordered me to get out of the car and to go with them. I then showed my card of the Parliament to him, but that infuriated him. He started shouting at me saying that the fact that I was an MP made absolutely no difference, as far as he was concerned, and again ordered me to leave the car. His behaviour was very insulting, rude and uncivilised, and he was all the time shouting and using filthy language. He then brought me out of the car by force and did the same in a much more insulting way to my companions.....

MR. SPEAKER : He may mention just those points on which he claims privilege.

SHRI KRISHNA HALDER : I was then forced to go to the police station, in spite of my repeated insistence that it was improper, that it was infringing my rights and privileges as a Member of the Parliament. All my arguments were ignored, and Shri Atin Mukherjee, the ASI, treated all that I said with either indifference or contempt.

[Shri Krishna Halder]

After being taken to the MAMC investigation centre, I was interrogated by the sub-inspector in charge of that centre, and it was not before one hour passed that I was released. One of my companions beaten up by the police, but they also were released with me. The officer who interrogated us expressed regret for the whole incident. Subsequently I saw a press report which stated that the SDPO had said that one dagger was found in my car. Let me state this categorically and with full responsibility that this was a big lie and this story was given to the press in order to justify our detention. Nothing was found or seized by the police from my car. This story was given in order to tarnish my image as a public figure.

Mr. Speaker, Sir, I am sure that all hon. Members would appreciate the seriousness of my complaint. I was detained and interrogated for more than one hour, but this matter was not reported to the Hon. Speaker. I consider this as a matter of privilege, and the persons responsible for my arrest and detention are *prima facie* guilty of breach of privilege.

My complaints against Shri Atin Mukherjee the ASI, are as follows :

- (1) He filthily abused me, along with the CRP personnel, although I showed him my identity card;
- (2) He threatened me while arresting me, and forced me out of the car;
- (3) He unlawfully restrained my movement and compelled me to go to the investigation centre, and detained me there against my wishes; and
- (4) All these amounted to molestation on his part.

I also accuse the sub-inspector in charge of the investigation centre and the SDPO of Durgapur for being a party to this molestation, and particularly the latter for giving out a fabricated story to the press.

I would like to make two further points in this connection.

Firstly, this action on the part of the police denied me of the right to serve my constituents, apart from its being a matter of privilege for the reasons that I have given so far.

Secondly, it raises another question of crucial importance which, I hope, member would consider in all seriousness. I am an MP and a former Minister of Cabinet of the West Bengal Government. If the police can be so insulting, so rude and abusive towards me, you can well imagine what is happening every day to the ordinary citizen, to the common man, who cannot move a motion of privilege in this House. This incident shows only a fraction of the kind of government we are having in West Bengal these days, a police raj with complete denial to the people of their fundamental rights. I appeal to all members of the House, irrespective of their party affiliations.....

MR. SPEAKER : He need not go into all that.

SHRI KRISHNA HALDER : This is a matter concerning the entire House, this is something which constitutes an attack on the rights and privileges of individual members.

SHRI M. KALYANASUNDARAM (Tiruchirappalli) : I want to make a submission. The hon. member has categorically stated in this House that he was under duress in the police station for more than an hour. May I know whether that fact was communicated to the hon. Speaker by the police ?

MR. SPEAKER : He had discussed this with me. He has raised certain issues which can be split up like this. There was a certain situation as alleged breach of law or any other offence.

SHRI KRISHNA HALDER : I would request you to send it to the Privileges Committee.

MR. SPEAKER : Secondly, he was detained, shown some disrespect.....

SHRI FILOO MODY (Gadchra) : And molested.

MR. SPEAKER : Molested. He used that word also.

AN HON. MEMBER : It is a wrong word to use.

MR. SPEAKER : So far as one side of the offence is concerned, if he was arrested, the communication should have been immediately sent to me either by express letter or telegram. I have ascertained from my office that it has not been received. So I am sending this to the Home Minister to verify the facts as to what is the version from his side. When it comes, I will lay it before the House.

SHRI M. KALYANASUNDARAM : Government itself is a party to this.

SHRI P. K. DEO (Kalahandi) : May I say.....

MR. SPEAKER : No (*Interruptions*) Why he is cackling like that? Everyday he behaves like this. I am not going to tolerate it. I have not given my consent yet. I am sending it to the Home Minister. The moment I receive his reply, I will lay it before the House.

SHRI R. V. BADE (Khargone) : Can we not say that it should be sent to the Privileges Committee?

MR. SPEAKER : I am asking from the Home Minister as to what is the situation.

SHRI P. K. DEO : May I submit that you are adopting a very novel procedure?

MR. SPEAKER : No novel procedure; that is the normal procedure.

SHRI P. K. DEO : On a similar occasion like this in Shri Karshik's case.....

MR. SPEAKER : He is speaking without my permission. As I said, I will bring it before the House again.

SHRI PILOO MODY : I want to say something.

MR. SPEAKER : About what?

SHRI PILOO MODY : About the procedure of this House. You have given a ruling. There is nothing depriving a member from making a submission in connection with a ruling. Thereafter, you may rule it out again.

MR. SPEAKER : When I give my consent to it.

SHRI PILOO MODY : If you do not allow us to make submissions, I do not see how any member can express his opinion in this House.

MR. SPEAKER : Only when I give my consent to it.

SHRI DINEN BHATTACHARYYA (Serampore) : What is your ruling?

MR. SPEAKER : I am sending it to the Home Minister. Let him give the facts.

SHRI DINEN BHATTACHARYYA : You have heard a specific statement from the member that he had been arrested by a police authority. What is the use of sending it to the Minister now? You do not believe the member's statement?

MR. SPEAKER : It is not a question of not believing. I want to know the facts from him. (*Interruption*)

SHRI PILOO MODY : There is nothing to do with your knowing the facts.

SHRI M. KALYANASUNDARAM : You may have full faith in us. That is not disputed. That is a different matter. But about this question of behaviour of the police, I am sure the police would not have got any record about the arrest and tomorrow they will say "We have not at all arrested you." So, the statement of the Member should be taken into account rather than a verification through the Home Ministry. (*Interruptions*)

MR. SPEAKER : After all, I have to ascertain the facts.

श्री शशि सुबन (दक्षिण दिल्ली) : अध्यक्ष महोदय, इसे प्रिविलेज कमेटी को भेज दीजिए। पिछली बार भी ऐसा ही केस था, जिसे आपने भेजा था।

MR. SPEAKER : Last time also, we had it. We had their version and then I sent it to the Committee. You know the procedure. We follow that procedure.

SHRI P. K. DEO : You have to take note of what the hon. Member has said. *(Interruption)*

SEVERAL HON. MEMBERS *rose*—

MR. SPEAKER : Why do you presume that I am not in favour of sending it to the Committee ? *(Interruption)* We have to follow the procedure.

SHRI H. N. MUKERJEE (Calcutta—North East) : In the case of Shri Tul Mohan Ram, a member of this House, we have proceeded—the House has proceeded—and referred the matter to the Privileges Committee in the last Parliament as well as in this Parliament on the basis of information which was no whit different from the information presented by the hon. Member.

MR. SPEAKER : We got the facts because after all we have to enquire what happened. I am not going to send anything else except about the fact of the arrest. As far as other points such as disrespect having been shown to the Member are concerned, I am one with him. It should not have been done.

SHRI P. K. DEO : They can ask for the facts—*(Interruption)*

MR. SPEAKER : There is no other fact. I want to know the facts about why it was not conveyed to the Speaker. As for other matters, I say that they are not being referred. There is a procedure. After all, I have to ask for the facts.

SHRI S. M. BANERJEE (Kanpur) : You have already said that only in the matter of arrest, you are going to verify. But apart from arrest, there is the question of manhandling the Member.

MR. SPEAKER : I am not asking them anything about it. That, I am dealing with, myself. Leave it to me.

SHRI DINEN BHATTACHARYYA : But what is the protection that we have to

seek from you ? What is the protection from you for the Member who has raised this question now. *(Interruption)*

MR. SPEAKER : Order please. As far as the other matters are concerned, I am not sending. I want to know the facts about the arrest. As far as other matters are concerned, I will lay it before the House.

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar) : Sir, are we to understand from you this way ? You have split the motion into two parts. You have referred only one part to be confirmed by the Home Minister. The other part, you have referred it to the Privileges Committee.

MR. SPEAKER : This is an august House. You are all Members of this House. *(Interruption)* So far as any disrespect that is shown to a Member of this august House is concerned, I feel much more concerned about it. So far as the contempt of the House is concerned, because of non-intimation about the fact of arrest, I want to know about it.

SHRI TRIDIB CHAUDHURI (Berhampore) : Let me make one submission. With all due respect, I would like to point out that if you have followed the statement made by Mr. Halder, he has said the police never claimed, never said that he was placed under arrest. They have never said that he was arrested ; the police know. A similar thing happened with me and Mr. Madhu Limaye in the third Lok Sabha ; we were put in a car, taken down from the place, and then tucked away to Moghul Sarai. These things happen. That matter was referred to the Privileges Committee of the Third Lok Sabha but the Third Lok Sabha was dissolved and that matter could not be pursued.

If this case he is not saying that he was arrested. He was not arrested. He was kept under duress and wrongful detention while discharging his duties as a Member of Parliament. He was never arrested ; the police will never say that he was arrested. There is no necessity for verifying or ascertaining that fact. You can straightaway on the basis of the statement that he has made send the question to the Privileges Committee.

DR. MELKOTE (Hyderabad) : If the police do not arrest him, how can they take him to the police station? They cannot take him to the police station. That is the first thing. They always say detained, etc. All that comes later on. Without arrest they cannot take him to the police station. But that is the method of the police.

Secondly, we represent nearly a million people. Here *prima facie* you have got to believe a Member of Parliament what he says on this question here. You have got to protect the right of Members. That is my submission.

MR. SPEAKER : I have already said that I want to know whether he was arrested or not.....(*Interruptions*). So far as the other matters are concerned, if he was not arrested if he was taken to the police station and detained there, we shall deal with it. It will come before you ; all of you will see that it is done. But I must know whether he was arrested.....(*Interruptions*).

SHRI TRIDIB CHAUDHURI : If this is the attitude of the Chair to the privileges of Members, when they are manhandled by the police and forcibly detained at the police station, I at least do not like to take part in the proceedings of the House.

Shri Tridib Chaudhuri then left the House.

SHRI P. K. DEO : You cannot reduce this House to a farce.

Shri P. K. Deo and some hon. Members then left the House

SHRI DINEN BHATTACHARYA : You are playing into the hands of the Government..... (*Interruptions*).

MR. SPEAKER : I am sorry if you do not like it..... (*Interruptions*).

SHRI SHYAMNANDAN MISHRA (Begusarai) : You are perfectly right in collecting as much information as is necessary for the consideration of this matter, but my humble submission is whether the facts that you want to gather are material to the consideration of the question namely, whether this is a privilege issue or not. Even if it is denied by the other party that he was

not detained and was not put under restraint, would that prejudice the consideration of the matter as a privilege issue ?

MR. SPEAKER : I have not rejected this motion ; I have not refused my consent. All I say is that I want to know from the Home Minister whether he was arrested or not..... (*Interruptions*). I have not given my decision. If you do not allow even this much to me, what is the use ?

SHRI SHYAMNANDAN MISHRA : That is not material.

MR. SPEAKER : It is pending for my consideration. Before giving my final consent, I have the right to ascertain whether he was arrested or not.

SHRI SHYAMNANDAN MISHRA : Nobody quarrels with that, but that will only increase the enormity of the offence. That will not materially alter the nature of the case.

MR. SPEAKER : It has always been the practice, when a Member is arrested and intimation is not given to me, for me to ask why that has not come to me.

SHRI SHYAMNANDAN MISHRA : We leave the House because we feel very strongly in the matter.

Shri Shyamnandan Mishra and some hon. Members then left the House.

MR. SPEAKER : I think it is very unfair.

SHRI S. M. BANERJEE : Once a Member makes a statement—he is as honourable as anybody else—the matter should be referred to the Privileges Committee. Once it is verified by the Government, the other report will come. Let the report come. Let the Privileges Committee be seized of the matter, and they can consult the Home Minister and ask the other Ministers also to come. Otherwise, this will be setting up a wrong precedent, and it will be an encouragement to the CRP and the police who will even beat our Members without any fear, and if we approach, the Home Ministry will intervene. Kindly revise your position.

MR. SPEAKER : I have not withheld my consent. I have not given my decision. As far as molestation, as you say, or any disrespect shown to him is concerned, I said I was one with you. I said it in the very beginning. But so far as contempt of the Chair or the House is concerned, that is before me as to why his intimation was given to me as the Member says he was arrested. I have to get the information from them. We have been getting it in the House, we will keep on getting it.

SHRI M. KALYANASUNDARAM : There is a *prima facie* case. It is a case of obstruction of a Member in the discharge of his duties.

MR. SPEAKER : I want to get that information along with this.

SHRI M. KALYANASUNDARAM : But that is not necessary for holding that there is a *prima facie* case.

श्री जगन्नाथ राव जोशी (शाजापुर) : माननीय अध्यक्ष महोदय, जहाँ तक माननीय सदस्य के साथ रांगफुल रेस्ट्रेंट का सवाल है, जहाँ तक उनके साथ किए गए दुर्व्यवहार का सवाल है और जहाँ तक भद्दी गाली देने का सवाल है वह तो विधेयसमिति में जा सकता है—मैं जानना चाहता हूँ इसको स्वीकार करने में क्या आपत्ति है ?... (व्यवधान)...

अध्यक्ष महोदय : यह इतने दिन से पंडिंग है। यह 19 तारीख को हुआ था और आज अन्तर में इसके बारे में पूछता हूँ तो एक दिन में क्या फर्क पड़ जायेगा ?... (व्यवधान)...

SHRI M. KALYANASUNDARAM : If you tell us here and now that there is a *prima facie* case, you would have done your duty properly. Kindly excuse me. If you concede there is a *prima facie* case, you can make any other enquiry you want.

MR. SPEAKER : Do you remember or not that in the very beginning I said that so far as the disrespect and other matters are concerned, I am one with him ? But so far non-communication of this arrest is concerned, I am asking why it was not communicated.

SHRI M. KALYANASUNDARAM : The failure of the police to inform the Speaker is a different matter.

MR. SPEAKER : I want to treat it as a whole. (Interruptions)

SHRI SAMAR GUHA (Contai) : It involves the privilege not only of one member but of all the members of the House. Already a press report has come that Mr. Krishna Chandra Haider has been arrested. The second report has come that a dagger has been found in his car. As it has been reported, if he was arrested, the communication should have been sent to you. You have not received that communication. Already it has come to the press from that source that he has been arrested. On the second day, to cover this wrongful act, another report came in the press that a dagger was found in his car. This is a *prima facie* case.....

MR. SPEAKER : I have not got a copy of any report. I have already made my observations on this.

SHRI SAMAR GUHA : You are not referring it to the Privileges Committee ; as a protest, I also join the walk-out.

Shri Samar Guha then left the House.

SHRI R. V. SWAMINATHAN (Madurai) : Sir, I feel that some confusion has been created in this matter. The honourable member says, he was not arrested ; he was only taken by the police. You said, "I am referring it to the Home Minister to find out whether he was arrested or not". Where is the necessity to find it out when he says he was not arrested ?

MR. SPEAKER : This is what we have been following in the past.

SHRI R. V. SWAMINATHAN : We do not like the opposition benches to be empty over a small matter like this. You can reserve your ruling and give your decision in the afternoon.

SHRI N. K. SANGHI (Jalore) : We are sorry that the opposition has walked out, but this is a procedural matter. Under rule 222, a matter of privilege has to be referred

to you and sanction has to be accorded by you. In this particular matter, before it was brought before the House, it would have been advisable if you had asked the minister as to what the facts were, instead of asking him here on the floor of the House.

MR. SPEAKER : He was not there at that time. (*Interruptions*). The member himself said that he was arrested. So, I wanted to ask the minister why that communication was not sent to me. So far as disrespect and other matters are concerned, I have said I am one with the members. But so far as the factum of arrest is concerned, I was asking the minister why it was not communicated. Let me know the reasons and along with that, I wanted to send it to the privileges committee.

SHRI R. V. SWAMINATHAN : What is the communication you are expecting ?

MR. SPEAKER : I want to know why I was not informed.

SHRI K. LAKKAPPA (Tumkur) : When you are ascertaining the facts of the matter, they want to coerce you and influence your decision.

MR. SPEAKER : I am not influenced by any coercion. I am following my own judgment. I am doing whatever I think proper, according to my best judgment and my conscience. I tell you that I am not going to be bought. It can never be done. I cannot be coerced. I will do whatever is fair and just.

THE MINISTER OF PARLIAMENTARY AFFAIRS, AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : We express our full confidence in the fairness and impartiality of the Speaker. Sir, we have every confidence that you will protect the rights and privileges of every member of the House and I am sure we will co-operate with you. We are sorry that our friends have walked out of the House. This is not a matter which they should have taken in that light. Sir, you are the custodian of the rights of every member and you will certainly see to it that our rights and privileges are protected. We shall certainly co-operate with you there.

MR. SPEAKER : When they met me in my chamber I told them that I take it as a breach of privilege but I want to know from the Minister about the fact of the arrest. But here it took a different turn. I am really surprised at what has taken place. I have already told them that I fully sympathize with them and that I quite appreciate that he was shown some disrespect. But, so far as other matters are concerned, I cannot just be cowed down like that. It is not the proper method.

श्री रामचन्द्र बिकल (बागपत) : अध्यक्ष महोदय, मैं इस सम्बन्ध में कुछ निवेदन करना चाहता हूँ।

अध्यक्ष महोदय : अब इसको छोड़िये।

श्री रामचन्द्र बिकल : मेरा व्यवस्था का प्रश्न है। अभी आप ने कहा कि मैं इस को विशेषाधिकार का प्रश्न मानता हूँ। आप एक मिनट का मौका मुझे अपनी बात कहने का दें।

अध्यक्ष महोदय : मैं दूसरे घाइटम पर चला गया हूँ।

श्री रामचन्द्र बिकल : अध्यक्ष महोदय, प्रत्येक माननीय सदस्य का सम्मान या अपमान आप से जुड़ा हुआ है, और आप के अन्दर वह शक्ति निहित है, आप सक्षम हैं कोई भी निर्णय यहां देने के लिये। जैसा अभी आप ने स्वीकार किया कि विशेषाधिकार का प्रश्न है। लेकिन यह मानते हुए भी आप गृह मंत्रालय से कुछ इस बारे में जानना चाहते हैं, केवल इसलिये कि आप को कोई तार या खत द्वारा सूचना नहीं दी गई। मैं समझता हूँ कि माननीय सदस्य का जो बख्तव्य सदन में हुआ है वह तार और चिट्ठी से कहीं ज्यादा महत्व रखता है बनिस्बत तार और चिट्ठी के जिस पर आप भरोसा करना चाहते हैं।

अध्यक्ष महोदय : यह बरोसे की बात नहीं है। यह प्रोसीजरल मैटर है। यह तो प्रोवाइड है। According to the rules the speaker must be informed. It is not a question of believing or disbelieving a member.

श्री रामचन्द्र बिकल : जब माननीय सदस्य का एक वक्तव्य सदन में हो गया तो उस वक्तव्य के मुकाबले में, तार नहीं मिला यह आप ने एक कभी बताया, और केवल इसी विषय को आप यह मंत्रालय को सौंपना चाहते हैं। मेरा निवेदन है कि यह स्वस्थ परम्परा होगी कि माननीय सदस्य के वक्तव्य के बाद आप निर्णय ले सकते हैं कि विशेषाधिकार का प्रश्न नहीं है। लेकिन विशेषाधिकार मानते हुए भी फिर जो आप टाल रहे हैं, मैं समझता हूँ यह बात पूरे सदन के हक में नहीं होगी।

अध्यक्ष महोदय : इस में मेम्बर को बिलीव और नान-बिलीव करने का सवाल नहीं है। इस में एक लीगल प्रोवीजन है that the Speaker must be informed about the arrest. I am asking whether that is a fact or not and if it is a fact, why that was not sent to me.

जहाँ तक दूसरी बातों का सम्बन्ध है पिछले सदन में इस से भी ज्यादा जबरदस्त मामले आये हैं। तो इस बारे में प्रोसीजर है, प्रीसीडेंट्स हैं, उन के मताधिकार चलेंगे। अभी नये मेम्बर आये हैं उन को पिछली बैकग्राउन्ड का पता नहीं था, इसलिये उन को समझाना पड़ा। तो आप भी उसी तरह कर रहे हैं, इस तरह कैसे काम चलेगा, फिर तो परमात्मा जाने।

श्री शशि भूषण : अध्यक्ष महोदय, हम आप की इज्जत करते हैं, और दोनों पहलुओं को सुनने की आप ने जो बात कही उस की भी हम इज्जत करते हैं। माननीय सदस्य विरोधी हम के चले गये हैं, सिर्फ उन की एक भावना

यह हो गयी है कि उन के एक माननीय सदस्य की बात नहीं मानी गयी।

अध्यक्ष महोदय : किस ने कहा नहीं मानी ? मैं कुछ जानकारी चाहता हूँ।

श्री शशि भूषण : लेकिन माननीय मंत्री महोदय कितना समय लेंगे आप को इतका देने में। जिस अपारिटी ने आप को इतका नहीं दी आप उस के बारे में कार्रवाई करें और इस को प्रिविलेज कमेटी को भेजें।

अध्यक्ष महोदय : मुझ को और कुछ पूछना नहीं है। सिर्फ मंत्री महोदय से यह पूछना है कि why was not the Speaker informed about it. I have not given my decision over it.

श्री शशि भूषण : कितना वक्त लगेगा यह बतलाने में ?

अध्यक्ष महोदय : चैम्बर में उन से मिला। खुल कर बातें हुई। हाउस में यह बातें कुछ और टन ले लेती हैं तो क्या किया जाये ? जब मेम्बर मुझ से मिले तो उन से खुल कर बातें हुई।

12.42 hrs.

PAPERS LAID ON THE TABLE

REVIEW AND ANNUAL REPORT OF N.C.D.C.

THE MINISTER OF STEEL AND MINES (SHRI MOHAN KUMARAMANGALAM) : On behalf of Shri Shahnawaz Khan, I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :—

- (i) Review by the Government on the working of the National Coal Development Corporation Limited, Ranchi, for the year 1969-70.