

MR. SPEAKER : I cannot commit myself.

12.40 hrs.

QUESTION OF PRIVILEGE *RE.* ALLEGED MISBEHAVIOUR OF POLICE WITH SHRI K. C. HALDAR
—Contd.

MR. SPEAKER : Shri Pant to make a statement with reference to the privilege matter raised by Shri K. C. Halder.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : We have received the following information from the Government of West Bengal. One car coming from Calcutta side was searched by the police at Durgapur on 15th July, 1971, and a dagger with a nine inch long blade was recovered from one of the inmates of the car who gave his name as Shri Kalachand Bhattacharji. In that car there were three or four other occupants including Shri K. C. Halder, Member of the Lok Sabha. On being questioned, Shri Kalachand Bhattacharji offered the explanation that the dagger was being carried for the security of the M. P. He was taken by police jeep to the Durgapur police station. Shri Halder followed the police jeep in his car entirely on his own. In regard to the recovery of the dagger from Shri Bhattacharji an entry was made in the General Diary in the police station. No one was put under arrest. After the entry had been made in the General Diary, the party resumed their journey.

SHRI KRISHNA HALDER (Ausgram) : I want to say that he is stating only the police version which is untrue and baseless and a big lie. My car was not coming from the Calcutta side. I went to visit the AVB Colony as I stated in my letter of the 22nd and in my statement also. The statement made by the police is baseless and untrue, and the hon. Minister is giving their version.

I also wrote a letter to the Editor *Statesman*. Calcutta edition. He published my letter on 23rd July. So, I beg to submit that it may be sent to the Privileges Committee. Let the Committee go into the matter. This

is my submission and appeal to all the members. I oppose strongly the statement given by the Minister in this House, which is the police version which is untrue and baseless.

MR. SPEAKER : He has referred to some statement in the *Statesman*.

SHRI K. C. PANT : He did make a statement to the press which appeared in the *Statesman*. I have not got the full version here, but one portion of it says that the officer concerned expressed apology at the end of the whole thing. It is my duty to report here the statement as conveyed by the West Bengal Government. Whatever information they give, that is the authoritative statement I have to make.

श्री अटल बिहारी वाजपेयी (ग्वालियर) : अब तो यह सारा सबाल प्रिविलेज कमेटी के पास भेज देना चाहिए।

SHRI SHYAMNANDAN MISHRA (Begusarai) : There is no other course.

MR. SPEAKER : So far as the question of arrest is concerned, this is denied by them. I called a meeting of the General Purposes Committee. I read the position as it was laid in Mr Koushik's case. The other day they were asking me not to send it to the minister for verification. But in Mr Koushik's case, as late as 1970, it was laid down that when such a question about privilege is brought up, the position from the other side should also be known. The facts of the arrest are denied. So far as disrespect and misbehaviour shown to the member are concerned, the position laid down was in that case, the Speaker should leave it to the House to decide. So, I leave it to the House to decide whether this should be sent to the committee or not. (*Interruptions*).

SHRI ATAL BIHARI VAJPAYEE : I formally move :

"That this matter be referred to the Committee of Privileges."

SHRI K. C. PANT : I have located this statement which appeared in the *Statesman* and if you permit me, I can read it.

SHRI A. K. GOPALAN (Palghat) : What is the use of that statement ?

MR. SPEAKER : He referred to that statement. Please read it.

SHRI K. C. PANT : This is what the West Bengal Government have written about the statement, the text of which is quoted below :

"According to a report in your paper (July 16-17), I was taken to Thana at Durgapur on July 15 and when my car was searched, a dagger was found. Together with my companions, I was arrested by the CRP Unit which led by a ASI was guarding the approaches to the AVB Colony just because I was trying to look into the grievances of the workers, some of whom complained that they have been unjustly retrenched. The story of the dagger is incorrect. After interrogation, we were released by the O.C. who regretted the incident."

SHRI H. N. MUKERJEE (Calcutta-North East) : Could I submit that in the case of Shri Tul Mohan Ram, which is now being gone into by the Committee of Privileges, it was decided that this House, the present Parliament, also reiterate the same old commitment in regard to reference of the matter to the Committee of Privileges, and we are dealing with it. There again there is a contradiction between what the member had said and what the Government of Bihar or UP had to say. In this case also, in view of the discrepancy, naturally this matter should go to the Committee of Privileges. We cannot decide it and we cannot accept Shri Pant's version.

MR. SPEAKER : The old decision was that in the case of misbehaviour or disrespect shown the House might decide it. That was the decision taken at that time. Now also a motion is moved that this matter, so far as misbehaviour and disrespect are concerned, should be referred to the Committee of Privileges.

SHRI INDRJIT GUPTA (Alipore) : What about his arrest ?

MR. SPEAKER : This question was very much discussed in the Committee itself. So far as the fact of arrest is concerned, if it is unlawful restraint or anything of that nature, something which is not arrest, the legality of the arrest cannot be gone into by the Privileges Committee. This was discussed in very much detail and though it was disputed it has been decided that the Privileges Committee cannot go into the legality of it. Shri Madhu Limaye

went to the court on the question of the legality of arrest.

SHRI H. N. MUKERJEE : Though the arrest is denied, it could be ascertained.

MR. SPEAKER : The motion before the House is that the matter be referred to the Committee of Privileges. I take it that the House approves of it.

SOME HON. MEMBERS : No.

SHRI ATAL BIHARI VAJPAYEE : It is true that they are entitled to oppose it. But here it is a question of privilege and the convention is not to oppose it because the whole House is concerned with the question of privilege ...(*Interruptions*)

THE MINISTER OF PARLIAMENTARY AFFAIRS, AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : So far as the question of the protection of the privileges of the members are concerned, I would certainly say on behalf of my party that we are second to none in this House. In this particular case the allegation that has been made, the point that has been made, by the hon. Member is that he along with two companions were taken from the car to the police station, they were interrogated and sent back. Whether legally it comes within the definition of "arrest" is a point which is disputed by the police authorities.

The second question is about the behaviour. Without going into the merits of the question since the question of privilege has been raised, I do not know how the Privileges Committee will come to a decision...(*Interruptions*) Despite the fact that many members in this House are not in favour of referring it to the Privileges Committee, we offer that it may be referred to the Privileges Committee. We do not mind it...(*Interruptions*)

MR. SPEAKER : Tul Mohan Ram's case is a similar one. I hope the Committee will go into all the aspects of the question so that there will be on doubt.

SHRI SHYAMNANDAN MISHRA : Sir, may I make one submission with your permission? We do not consider the decision taken by the General Purposes Committee as binding and as a holy writ for permanent guidance. We want

this matter to be gone into on merits and not to submit to an earlier decision of the General Purposes Committee. I want to make this quite clear for the future guidance of the House—we are not going to be guided by that decision. We would go into the merits of the case and we would believe the member rather than the other side because we function here on oath whereas the other party does not function on oath. So, whenever any member makes a statement it must be believed by the Speaker and referred to the Privileges Committee.

MR. SPEAKER : The privileges of the House and the member are not matters which we can mould as we like. We have a long list of privileges. So long as our privileges are not codified we follow the privileges of the House of Commons. There is no such thing which is left to our option.

SHRI RAJ BAHADUR : We endorse the decision taken by the General Purposes Committee and we would not accept the position taken by Mr. Mishra. (*Interruption*).

SHRI A. K. GOPALAN : If the General Purposes Committee has already taken a decision and the Member also gives a statement—would you uphold the position taken by the Member or the decision of the Committee, (*Interruption*)

MR. SPEAKER : I did not want to say so far as the legality of the arrest is concerned whether it is an unlawful restraint or restriction and all that in this House. In all these matters Members have been going to the courts. Suppose you hold something as 'arrest' and they go to the court and the court holds it is not then it is a delicate matter. Therefore, we submit it to the Privileges Committee.

SHRI SHYAMNANDAN MISHRA : Here mis-behaviour is also involved.

MR. SPEAKER : It is mis-behaviour, conduct and dis-respect shown that is to be examined. The question is :

"That this matter be referred to the Committee of Privileges".

The Motion was adopted.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, इस बारे में क्या निर्णय हुआ ?

MR. SPEAKER : It goes to the Privileges Committee.

श्री अटल बिहारी वाजपेयी : संसद कार्य मंत्री ने समझदारी से काम लिया है। धन्यवाद।

अध्यक्ष महोदय : यह तो रिपोर्ट आने पर पता चलेगा।

12.50 hrs.

PAPERS LAID ON THE TABLE

MR. SPEAKER : Papers to be laid. Shri Moinul Haque Choudhury.

SHRI SIDDHESHWAR PRASAD *rose*.

AN HON. MEMBER : He is not Moinul Haque Choudhury.

MR. SPEAKER : He is authorised.

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औद्योगिक विकास मंत्रालय में उप-मंत्री (श्री सिद्धेश्वर प्रसाद) : श्री मोइनूल हक चौधरी की ओर से मैं निम्नलिखित पत्र सभा पटल पर रखता हूँ :

- (1) उद्योग (विकास और विनियमन) अधिनियम, 1951 की धारा 7 की उप-धारा (4) के अन्तर्गत कागज, लुगदी तथा सम्बद्ध उद्योग विकास परिषद के वर्ष 1969-70 के वार्षिक प्रतिवेदन (हिन्दी तथा अंग्रेजी संस्करण) की एक प्रति। [*Placed in Library. See No. LT-736/71*].
- (2) कम्पनी अधिनियम, 1956 की धारा 619 क की उपधारा (1) के अन्तर्गत