

[Shri Nath Pai]

absolutely to the Constitutional and procedural irregularity. Having said that, may I request you not to brush aside our request on the ground that he must have consulted the Attorney General on this point. We are the people who need to be satisfied and it is our right which you are called upon to uphold. I hope you will do the needful.

SHRI S. M. BANERJEE : Sir, I would only confine myself to the specific point raised by Shri Mishra. My friend Shri Nath Pai has already said that when compulsory deposit scheme was introduced in this House, objection was raised on the ground whether it was reasonable restriction or not. It has to be defined not by the Finance Minister and therefore the Attorney General was summoned. He made some observations and we were allowed to put questions, though we were not fully satisfied. Still we did it. Now the Finance Minister said that the Attorney General has been consulted. We want two things

AN HON. MEMBER : From the Government ?

SHRI S. M. BANERJEE : From the Government or the AICC, I do not know.

This particular question has created a furore within the Ruling Party. Some said that it is for the States to legislate on this particular point.

I would only say that in this case either the written opinion of the Attorney General should be laid on the Table and circulated—or that will be something—or he should be asked to come to the House and explain it.

SHRI NATH PAI : At the earliest possible moment.

SHRI S. M. BANERJEE : There was another instance. You were a member of the House then, but not the Deputy Speaker.

SHRI NATH PAI : But you were a very distinguished member of the Opposition.

SHRI S. M. BANERJEE : That was in connection with the Land Acquisition Bill piloted by Shri S. K. Patil. There was a Supreme Court decision and this was in

connection with property which was taken over. Then the Minister said, 'I have consulted the law officer'. We put a specific question to him as to who was that law officer. There are so many law officers—yesterday we heard a statement from the Deputy Minister of Law who is also a law officer. We wanted to hear the opinion of the Attorney General on the point. Then a Committee was appointed and the opinion of the Attorney General was shown to the Committee.

Here a motion has been moved requesting Government to ask the Attorney General to appear before us, and I have seconded it.

SHRI MORARJI DESAI : If the House wants to hear the Attorney General, I have no objection. He will come and address it when the clause comes up for discussion.

SHRI NATH PAI : That was very good of him.

SHRI S. M. BANERJEE : Another point remains. You have not given your ruling on the point of order raised by Shri Madhu Limaye. He asked what are we discussing? This is not a Finance Bill. Can we discuss *Ramayan* without Sita? We want your ruling on the point.

MR. DEPUTY-SPEAKER : The House will now adjourn for lunch till 2.15 P.M. when I shall give my considered opinion.

13.12 hrs.

The Lok Sabha adjourned for Lunch till quarter past Fourteen of the clock.

The Lok Sabha re-assembled after Lunch at sixteen minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER ⁶ in the Chair.]

RE. : ARREST OF MEMBERS

SHRI UMANATH (Pudukkottai) : A grave contempt of the House has been committed. If Members of Parliament arrested while proceeding to attend the session of the House, it is a grave contempt of the House. Shri Gopalan, Shri Chakrapani and Shri Jyotirmoy Basu were arrested

this morning at 11.30 hours near Windsor circle while they were proceeding to this House and taken into custody by the police. They were proceeding to this House by the Raisina Road and in the corner where it meets the Windsor circle all the three were taken into custody.

Secondly, a batch of about 56 persons, unemployed youth who belong to the Socialist Youth Federation had come all the way from Kerala to represent to this House because this is the sovereign body. They had also been rounded up by the police and they are thus prevented from being able to make representation to this House. This question must be taken up seriously and the hon. Minister concerned should make a statement. You must direct the Government to release immediately all the three hon. Members who were arrested and they must permit them to attend the House. This should also be taken up as a matter of contempt of this House.

SHRI S. M. BANERJEE (Kanpur) : May I draw your attention to rule 229 ? "When a member is arrested on a criminal charge or for 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."

In this case, have they done anything ? When Mr. Biswas who was a Member of this House was detained in West Bengal this House took exception to it and even referred the matter to the Privileges Committee and the magistrate or whoever it was had to apologise to the House. Naturally, we have forgiven that. Now in this particular case, these men who have come from Kerala are unemployed youth; some of them are engineers, doctors, and so on. They wanted really to present a petition to this House. I would request you to consider this matter. Have you received any intimation about it, and if you have not received any intimation as yet,—it has happened in Delhi—it is a shame on the Members of Parliament. Today, there is voting taking place to the three Committees of Parliament. Should we take it that the Congress Government has deliberately

detained these three Members of Parliament and prevented them from voting ?

SHRI E. K. NAYANAR (Palghat) : They have to come and vote in the elections to the Committees.

MR. DEPUTY-SPEAKER : So far as the three Members of Parliament are concerned, I shall find out from the Minister and ask them to place the facts before the House. Secondly, so far as the intimation part is concerned, I do not know, and I will have to find out from them whether they have received any intimation or not. About those who have come from Kerala, well-educated and all that, I am helpless because that does not fall within my province. You have brought it to the notice of the Government and the Government will take note of it.

SHRI E. K. NAYANAR : Those three MPs should vote before 4-30 p.m.

MR. DEPUTY-SPEAKER : I shall ask the Minister of Parliamentary Affairs to look into it. What else can I do ?

SHRI UMANATH : It is not merely a question of a statement from the Minister. It is a question of three Members who are in Delhi and who were coming to attend the session this morning. They are being continuously prevented from attending the session. My question is, whether they are in custody and if so, they must be immediately permitted to attend the session. They must be enabled to attend the session. If you call for the statement of the Minister, that will not help us. Those Members should not be prevented from coming here; they must be enabled to be present in this House, and apart from the elections which are taking place and in which they should be enabled to vote, they must be allowed to participate in the proceedings of this House today. That question cannot be solved by a statement by Government and immediately they must be enabled to attend the session.

MR. DEPUTY-SPEAKER : I have to ascertain the facts. Otherwise, how can I give a ruling ? I will have to get the facts from the Minister of Parliamentary Affairs who is here. He will place the facts before the House. If something has happened which constitutes a contempt of the House, we shall take note of it.

SHRI INDRAJIT GUPTA (Alipore) : What about the three Members of Parliament ? If they are not enabled to come out by 4.30, they will not be in a position to exercise their votes in these very important elections to the three Committees of Parliament. The voting time ends at 4.30 p.m. They must be released before that time. Otherwise, it is a breach of privilege.

SHRI SURENDRANATH DWIVEDY (Kendrapara) : The matter is really urgent if, as has been stated by Mr. Umanath, they were arrested while they were proceeding towards the House. If there was any cause of action in between that is a different thing altogether. But if they were arrested while they were proceeding to the House, then I think immediately some steps have to be taken to see that they at least come to participate in the proceedings of the House; and the other proceedings in respect of them may be carried on in due course.

MR. DEPUTY-SPEAKER : You know there is no immunity from arrest if they have committed any breach of the law. For breach of the law, there is no immunity. *(Interruption)* It may be outside the precincts of the House. Order, order. I am replying to the point made by Shri Dwivedy. If they were arrested within the precincts of the House then certainly no policemen could enter and arrest any Member. There is immunity, but outside, the House, in case they have committed an offence, is there any immunity ? I am not clear on that point. I do not think they enjoy that immunity from arrest.

As far as the question of intimation is concerned, so far I can say that no intimation has come. The Minister is taking note of it and he will take necessary steps.—That is a

SHRI UMANATH : Immediately, within 10 to 15 minutes.

SHRI INDRAJIT GUPTA : How long are we going to pay for the sins committed by the Sadhus three years ago ? These people who have come—are they never going to be allowed to go on the streets ? They are being arrested. *(Interruption)*.

SHRI VASUDEVAN NAIR (Peermade) : Sir, the point raised by Shri Indrajit Gupta is a wider one.—Is this not the House of the People ? The people are coming here to represent a vital and urgent matter and there is this Government, this satanic Government, which is suppressing the people. The Members of Parliament are arrested. What is going to happen ? It is not only a question of three MPs. Large numbers of People are coming from other places and they are arrested. What is happening in this country ?

SHRI H. N. MUKERJEE (Calcutta North East) : How does the House reconcile itself to the fact that in the morning three Members of this House are arrested and no intimation is given, Ministers do not seem to know anything and we alone are keen that they must come to this House ? This House on principle should be keen that the information should have been made available.

MR. DEPUTY-SPEAKER : Could you tell me what time this happened ?

AN. HON. MEMBER : At 11 O'Clock.

MR. DEPUTY-SPEAKER : Under the rules they should have given intimation. That I can say very well. If in this city three Members of Parliament were arrested, for whatever reason, intimation should have been given to us immediately. There is no doubt about it. I am going to find out if there is any intimation.

THE DEPUTY PRIME MINISTER AND MINISTER OF FINANCE (SHRI MORARJI DESAI) : May I say that the Home Minister, Shri Chavan, is out of station ? The Minister of State for Home Affairs, Shri Shukla, is just now replying in the Rajya Sabha to a Calling Attention notice. We have asked him to come here as soon as he is free so that he can say something about it. I myself do not know anything about it.

MR. DEPUTY-SPEAKER : When the Minister of State for Home Affairs is here, We will take it up.....*(Interruptions)*.

SHRI S. KUNDU (Balasore) : Sir, the proceedings of the House should stand

adjourned until it is taken up. The Minister can be called here even by telephone.

MR. DEPUTY-SPEAKER : We can take any action against the authorities as they have not acted properly. But we will not adjourn the process for that. That is not possible.

श्री मधु लिमये (मंगेर) : उपाध्यक्ष महोदय, इसी के बारे में पहले मैं आप की मदद करना चाहता हूँ। मैं आप को सही बात बता रहा हूँ इस के बारे में। आप की यह बात सही है कि अगर कोई सदस्य कोई जुर्म करता है और उनको गिरफ्तार किया जाता है, या अगर उस को यह जो नजरबन्दी का कानून है उसके तहत अगर गिरफ्तार किया जाता है तो यह बात ठीक है कि विशेषाधिकार का मामला नहीं आता। लेकिन क्या आप यह नहीं मानते कि अगर उन को ऐसे अपराध और जुर्म के अन्तर्गत गिरफ्तार किया है कि जिस में जमानत हो सकती है तो क्या उन को तत्काल जमानत पर रिहा नहीं कर देना चाहिये ताकि वह वोट दे सकें। तीन वोट कोई मामूली चीज है।

MR. DEPUTY-SPEAKER : All these things have been said on the floor of the House. Everything will be ascertained and necessary action will be taken. Now, Shri Ranga.

SHRI VIKRAM CHAND MAHAJAN (Chamba) : Sir, you should look to this side also.

MR. DEPUTY-SPEAKER : I have already called Shri Ranga.

SHRI SHEO NARAIN (Baṣṭi) : Sir, you must listen to us also. We are also equally members of this House. Why do you allow them alone to say whatever they want ? (Interruptions)

MR. DEPUTY-SPEAKER : I listened very patiently to that particular question which was raised.

SHRI SHEO NARAIN : Sir, how could you be guided by their statement that

some Members of Parliament have been arrested ? Have you got any information from some magistrate ? (Interruptions)

SHRI K. ANIRUDHAN (Chirya-kil) : Sir, you should not allow them to behave as if they are in Faridabad. They should remember that they are now in Parliament.

SHRI SHEO NARAIN : Sir, have you got any information from any magistrate about these arrests ?

MR. DEPUTY-SPEAKER : When this matter was raised, I made it very clear that if they were arrested outside the precincts then no immunity is involved. I will ascertain the facts from the Minister concerned. As the Deputy Prime Minister has said, he is in the other House and would be here soon.

14:30 hrs.

FINANCE BILL, 1969—Contd.

SHRI RANGA (Shrikakulam) : Mr. Deputy-Speaker, Sir, on the point of order that was raised by our friends saying that the wealth-tax on agricultural land ought not to be included in this manner, I would like to say these few words.

Sir, you may be a lawyer but I am not; but we were all there in the Constituent Assembly and we looked at those deliberations and proposals that were being placed before us as ordinary people would do with a bit of commonsense, some experience and also interest of the country at their heart. We understood at that time quite clearly that when land was put in the State List, all that pertains to land as property, as income-yielding property, source of living, source of employment, an avenue from which crops could be raised, and including residential buildings, cattle sheds and such other things were included in it. Therefore we thought that it was being kept within the province of the States.

What is more, we were doubly assured about it when we found in the Central List the clear expression "excluding taxes on land".