

[Mr. Deputy-Speaker]

or much less myself, can arrogate to ourselves the powers given to the Supreme Court under the Constitution.

Shri Vallatharas (Pudukkottai): May I seek information on a particular point? It is an important point.

Mr. Deputy-Speaker: Order, order. While I am on my feet no hon. Member should stand up.

This matter is disposed of. I do not think I can give my consent to this motion. I shall take up another matter.

Shri Vallatharas: The House must know the basis, whether it is arrest and remand or detention.

Mr. Deputy-Speaker: The hon. Member is a lawyer. And he has heard so far. It is unnecessary to raise the question. It is not a detention. The hon. Minister has said there has been a violation under section 188 of the Indian Penal Code. That means violation of an order promulgated in due course of law by a Magistrate. Any contravention of a lawful order passed comes within the pale of section 188. And a case has been filed. It is not a matter of detention. It has been expressly stated for fifteen minutes till the hon. Member starts once again.

Shri Vallatharas rose—

Mr. Deputy-Speaker: Let us not take up the time of the House unnecessarily.

BAN ON PROCESSIONS IN DELHI

Mr. Deputy-Speaker: I have received another adjournment motion in the name of Babu Ramnarayan Singh, Dr. A. Krishnaswami and Kumari Annie Mascarene—I think the hon. Minister must have got a copy of it—to discuss:

“The tense situation in different parts of the country consequent on the issue of a prohibitory order banning processions in Delhi on March 6th at the instance of or with the knowledge of the Government of India, such order having been re-imposed within twenty-four hours of revoking a previous prohibitory order misleading the public to believe that such imposition of orders will not be continued and imposing it further without adequate notice and without showing the courtesy of informing responsible leaders and Members of Parliament who had announced that they would lead such processions”.

Prima facie it is out of order. There is an Assembly and there are a set of Ministers who are in charge of law and order in the State of Delhi. I would like to know how this is in order.

Dr. Krishnaswami (Kancheepuram): The hon. the Home Minister, in answer to a question by Pandit Hirday Nath Kunzru in another place, pointed out that it was his consent that was obtained before this Order was re-imposed.

Mr. Deputy-Speaker: That was only in an advisory capacity.

Shri S. S. More: Let the hon. Minister say it.

Mr. Deputy-Speaker: This is in the ordinary course of administration. This only shows—the promulgation of an order under section 144, the withdrawal of the order, and re-promulgation only shows—the cautious manner in which the authorities seem to have proceeded. Instead of continuing the ban for two months in the metropolis and trying to find out whether things will settle down and then withdrawing it, it seems much more attention has been brought to this matter. That is normally what any Magistrate would do under these circumstances.

Shri V. G. Deshpande (Guna) rose—

Dr. N. B. Kharé (Gwalior): Is it not a fact that all Part C States' Police, including Delhi, are working under the direct supervision and orders of the Home Minister of the Government of India?

Mr. Deputy-Speaker: I know that in Part C States law and order is constantly being reviewed or supervised by the hon. Home Minister but the Administration cannot be expected to review or interfere with every order passed under section 144. No Government, under these circumstances, will be able to do this.

Kumari Annie Mascarene (Trivandrum): Section 144 is not mandatory but discretionary, and this is an indirect application of section 144.

Mr. Deputy-Speaker: I am glad.

Shri S. S. More: My submission is, for a Part C State the Home Minister of the Government of India is supposed to be the technical boss of the whole apparatus. It may not be possible for him to supervise every order but technically, legally and constitutionally.

he is supposed to be in charge of the whole thing.

Mr. Deputy-Speaker: I agree. Though I was in the middle of the statement of my decision regarding this matter, having regard to the interest shown by hon. Members, I listened to hon. Members also and I have the benefit of their advice but what I feel is that while law and order will be the ultimate responsibility in a Part C State, every order

Babu Ramnarayan Singh (Hazari-bagh West) *rose*—

Mr. Deputy-Speaker: I do not think there is anything so far as this matter is concerned. It is not the previous one. It need not be therefore referred to. I heard that matter and disposed of the same. Then, regarding the tense situation created in different parts of the country consequent on the issue of a prohibitory order banning processions in Delhi, that is not only in Delhi, in different parts of the country, in Madras where Mr. Rajagopalachari is there, very many hon. Members, Ministers of first rank, in charge of various administrations are there! We have to exercise jurisdiction contrary to what has been laid down in the Constitution. That portion is out of order?

So far as Delhi State is concerned, to impose a ban and withdraw it from time to time, I think, to do all this, we will have to have 100 Home Ministers if this matter has to be looked into almost every day. It is ordinary law and order. I do not think, therefore, it is right for the Home Minister to interfere with law and order at every stage. It is purely a local matter. I am not going to give consent to this motion being moved.

Kumari Annie Mascarene: May I raise a point of order?

Mr. Deputy-Speaker: I am coming to the point of order.

INTERFERENCE WITH RIGHTS OF THREE MEMBERS

Mr. Deputy-Speaker: So far as Shri Umashankar Muljibhai Trivedi's motion is concerned, I do not think I need call upon him to tell us anything. It is certainly out of order. It reads:

"The tense situation created by the Government of India in several parts of India such as Delhi, Amritsar, Jullundur, Ambala, Banaras and Calcutta by the un-

imaginative and communally-minded interference with the fundamental rights of the citizens of India particularly of three Members of this House who were arrested at 6 P.M. on 6th March, 1953 in Delhi."

If commotion arises on account of these arrests, I am not prepared to give my consent. I am afraid I have to give them only this advice that they must be careful in future.

Shri U. M. Trivedi (Chittor): May I be permitted to explain this?

Mr. Deputy-Speaker: It is sufficiently explanatory.

Shri U. M. Trivedi: If you will allow me to explain this

Mr. Deputy-Speaker: This is sufficiently explanatory. It is in English which I can understand. The subject matter is there.

LATHI CHARGE AND TEAR GAS ON PUBLIC MEETING IN BARA TUTI

Mr. Deputy-Speaker: Shri V. G. Deshpande's motion is:

"The uncalled for and unwarranted lathi charge and use of tear gas on a peaceful and legally constituted public meeting in Bara Tuti, Delhi, on Sunday the 3th of March 1953, resulting in injuries to over a hundred persons".

Has the hon. Member to say anything more than what he has said here? I do not want the House to be burdened with a discussion over this matter.

Shri V. G. Deshpande: In Delhi, yesterday, we made enquiries and the District Magistrate informed us that a public meeting could be held in Delhi again on the spot. People collected at that place without any provocation and that legal and constitutional meeting was assaulted with lathi charges and tear gas. Men and women were told that they could form processions. They were again lathi charged when they formed processions. I myself was on the dais. Without informing us, all of us were lathi charged. Two hon. Members of the Delhi Legislative Assembly were also addressing the meeting. Mr. J. D. Sharma a Magistrate of Delhi, was there (*Interruptions*). Hon. Members ought not to laugh at such a serious matter, they ought to be ashamed that their Government is indulging in such assaults. (*Interruptions*).