

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Wednesday, 13th May, 1953

The House met at a Quarter Past
Eight of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-15 A.M.

MOTION FOR ADJOURNMENT ✓

LATHI CHARGE BY POLICE IN DELHI

Mr. Deputy-Speaker: I have received notice of an adjournment motion: a motion for the adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance namely "the brutal and unprovoked lathi charge on the bystanders, passers-by, and shoppers yesterday at 7-45 p. m. near the Dewan Hall in Delhi and the unprovoked assault by the Delhi police on Shri V. P. Joshi an advocate of Delhi".

Has the hon. Home Minister any information? ✓

The Minister of Home Affairs and States (Dr. Katju): I have not got any precise information. Whatever information I have is quite contrary to the insinuations made in this motion. But I suggest that a Short Notice Question may be put and then I shall be able to put all the real facts before the House as to what is happening in Delhi so that the Members of the House may know.

Shri U. M. Trivedi (Chittor): I agree to that.

Mr. Deputy-Speaker: Therefore, consent is not granted. ✓

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QUESTION OF PRIVILEGE

ARREST OF A MEMBER

Mr. Deputy-Speaker: Regarding the question of privilege, under the rules, in view of the statement made yesterday and the telegram that was received regarding Dr. Mookerjee's arrest from the Chief Secretary to the Kashmir Government, I think no more questions of privilege arise. Under rule 201, the right to raise a question of privilege shall be governed by the following conditions:

"(i) not more than one question shall be raised at the same sitting;

(ii) the question shall be restricted to a specific matter of recent occurrence."

The specific matter that was referred to was the arrest of Dr. Mookerjee. As was decided by the Committee of Privileges in connection with the arrest of Mr. Deshpande, it was laid down that there ought to be no special privilege in the case of a Member of the House as opposed to any ordinary person. No discrimination or no special privilege of freedom from arrest was granted to him. In the usual course he is arrested. All that is required is that the arresting authority must intimate the factum of arrest to the House. That was done and I read it out to the House. I called for any other matters or points. The hon. Member has written to me that there are a few points to urge in justification of the privilege. I am not prepared to admit it now because he has to give a statement. Under the rules, not more than one question shall be raised at the same sitting. So far as that question is concerned, that has sufficiently been answered. I received a telegram and I read it out to the House. Therefore....

Shri N. C. Chatterjee (Hooghly): Would you give me a chance?

Mr. Deputy-Speaker: Before I give my consent. I must be satisfied. It is

[Mr. Deputy-Speaker]

for that purpose that I wanted to know. He has not given me anything. Therefore.....

Shri N. C. Chatterjee: May I...

Mr. Deputy-Speaker: Order, order. Apart from what I am going to do in respect of this matter, normally, matters must be brought to my notice. Then, I must look into them and if there is no question, I need not give my consent and take up the time of the House.

Shri N. C. Chatterjee: May I respectfully point out, Sir, that with regard to Shri Deshpande's matter, the Privileges Committee Report was never considered by the House.

Mr. Deputy-Speaker: What is the question of privilege, I want to know first of all?

Shri N. C. Chatterjee: The question of privilege is this: It is the privilege of every Member of Parliament to visit any part, any State or territory of India. You know, under article 19, clause 1.....

Mr. Deputy-Speaker: And he should not be arrested whatever he may do?

Shri N. C. Chatterjee: I do not say that. Every citizen of India has freedom of movement throughout the territory of India and that is a guaranteed right. Certainly a Member of Parliament is a citizen of India. The Government of India, as the reports show, allowed Dr. Mookerjee to proceed to Jammu and Kashmir. As a matter of fact—I am reading from the *Hindustan Times*.....

Mr. Deputy-Speaker: We are not going into the merits of the case.

Shri N. C. Chatterjee: I am pointing out that the Deputy Commissioner of Gurdaspur informed Dr. Mookerjee.....

The Prime Minister (Shri Jawaharlal Nehru): That is not correct. May I intervene? That report is wrong.

Shri N. C. Chatterjee: May I tell the Prime Minister the facts reported and may I complete my sentence? The Deputy Commissioner told Dr. Mookerjee that he had instruction from the Government of India that in spite of the permit system or the passport system, there will be no difficulty created and he can march into the State of Kashmir. As a matter of fact, he took him upto the border. Then he entered Kashmir. Then, straightway, the Government of Jammu and Kashmir arrested him. Is it not the duty, is it not the right of every Member of Par-

liament to visit any State? And the State of Jammu and Kashmir under article 1.....

Some Hon Members: It is the duty of the Member to obey the law first.

Shri N. C. Chatterjee:...Jammu and Kashmir State is a Part B State and is part of the territory of India.

Shri S. C. Samanta (Tamluk): On a point of order, Sir,.....

Shri N. C. Chatterjee: Therefore, I maintain that it is the right and privilege of every Member of Parliament to visit any State, especially when our Government have not put any fetter or embargo. If that is so, is it not a breach of privilege of a Member to go and visit any State, see things for himself and report to Parliament or fight for the redress of any grievances there? Is it not his right? Is it not his duty? There is no territorial limitation with regard to a Member of Parliament that he can only represent the grievances of his own constituency and of no other part or territory. That is my question of privilege which, I think, is worthy of consideration by the House. The report in Mr. Deshpande's case never came up before this House. Dr. Katju simply placed it on the Table. We had no chance to discuss it. You know, Sir, there was a strong dissentient note that a different view should be taken.

Mr. Deputy-Speaker: I understand that the fact is, as the Prime Minister said, so far as permission from the Deputy Commissioner is concerned, that was not granted. Apart from that matter, it is open to this Deputy Commissioner to think that it was all right. But, it is for the Government of the particular State to consider whether permitting any Member or any other person will seriously jeopardise the law and order situation there or the sense of security there. We are not sitting in judgment as to whether meticulously the apprehension that the entry of any hon. Member, even be he a Member of this House, might provoke or create a situation which they expected ought not to arise in the State, is right. We are not sitting in judgment over that matter. There is no question of special privilege so far as a Member is concerned. If he is detained like any other person, he can have recourse in the ordinary course, to placing his case and getting a decision. All that is there. All that we are concerned with is whether in the due course he was detained or whether any exception was made in his case, which

would not be made in the case of an ordinary person. From the telegram, it is seen no such thing has been done. All that has to be done so far as this House is concerned is to keep this House informed regarding the arrest of any Member so that this House may keep a watch over that matter. That has been done. I am advised, having regard to the facts here, I am not called upon to give my consent. There is no special privilege so far as this matter is concerned.

Shri U. M. Trivedi (Chittor): On a point of order, Sir. I would like to know whether you received any communication other than by telegram? Is communication by telegram sufficient communication to the House?

Mr. Deputy-Speaker: I have treated it as such, unless the hon. Member thinks that there is something wrong as set out in the telegram. Even without waiting for a telegram, questions of privilege are raised. Therefore, the telegram is the one thing which we go by. We have no communication to the contrary.

Sardar Hukam Singh (Kapurthala-Bhatinda): Please refer to the second objection.....

Shri Syed Ahmed (Hoshangabad): In that case, Dr. Mookerjee's arrest might not have taken place; we have got only a telegram.

Sardar Hukam Singh: You have not been pleased to refer to the second objection of Mr. Chatterjee. You were pleased to refer to Mr. Deshpande's case. Certainly the Committee did report that there was no exemption so far as Members of Parliament are concerned, from arrest. But that has never been adopted by this House. I want to know whether that report only could form a precedent or an example to be followed by the House for all time or whether that has to be adopted or approved by the House before we can follow that.

Mr. Deputy-Speaker: Whether it was approved by this House or formally placed before the House or not, according to the precedents in *May's Parliamentary Practice*, no Member has got any special privilege which is not granted to any other citizen of India. There cannot be any discrimination. This is also based on fundamental rights. No special privilege is granted in the same Constitution which enacts fundamental rights to all citizens irrespective of their position. Therefore, I cannot make any such discrimination. Whether that report has been formally adopted or not, the general principles are there and I follow those principles.

LEAVE OF ABSENCE

Mr. Deputy-Speaker: I have to inform hon. Members that I have received the following letter dated the 9th May, 1953 from Shri Baddam Yella Reddy:

"I arrived in Delhi today by G. T. Express from Hyderabad. I do not think that my absence from the House exceeded the sixty days period. In any event if my absence exceeds sixty days the absence may be condoned as it was not deliberate but because of my ill health during the said period."

Shri Baddam Yella Reddy was unable to attend the sitting of the House on the 9th May, 1953 and completed 60 days of continuous absence from the sittings of the House on the 10th May, 1953. He has been attending the sittings of the House since the 11th May, 1953.

Is it the pleasure of the House that the absence of Shri Baddam Yella Reddy for 60 days from the 11th March to 10th May, 1953, be condoned?

Absence was condoned.

MESSAGES FROM THE COUNCIL OF STATES

Secretary: Sir, I have to report the following two messages received from the Secretary of the Council of States:

(i) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to inform the House of the People that the Council of States, at its sitting held on the 12th May, 1953, agreed without any amendment to the Industries (Development and Regulation) Amendment Bill, 1953, which was passed by the House of the People at its sitting held on the 5th May, 1953."

(ii) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to inform the House of the People that the Council of States, at its sitting held on the 12th May, 1953, agreed without any amendment to the Patiala and East Punjab States Union Legislature (Delegation of Powers) Bill, 1953, which was passed by the House of the People at its sitting held on the 30th April, 1953."