

12.43 hrs.

RE. ASSAULT ON MEMBER

PROF. MADHU DANDAVATE (Rajapur): Sir, before you call on the Minister to lay the papers on the Table, I want to make a submission. One of the members of our House was assaulted in Calcutta. Sir, you should allow me to raise it either under rule 377 or under some other rule.

MR. SPEAKER: We should not introduce something which may become a precedent which may perhaps be quoted later on in cases of this nature. If Shri Samar Guha was there in connection with the performance of some service to this House, certainly I will take note of this. But if he was just addressing a meeting and then something happened, he will be treated like any other citizen under the ordinary administration of law. Of course, I would be the last man to approve of any assault even otherwise in a public meeting which has nothing to do with the performance of the duties of the House, because that is not in consonance with the democratic spirit in the country. But to make it a question of privilege it has to be proved that he was there in the performance of his duties towards this House. We have a number of meetings going on throughout the country and all the time Members address such meeting and sometimes may be facing such situations. They should not be brought to this House in the form of a privileges because they are dealt within the ordinary administration of law.

PROF. MADHU DANDAVATE: Sir may I ask for a clarification for future guidance?

MR. SPEAKER: What I said just now will apply to the future also.

PROF. MADHU DANDAVATE: I want guidance so that we may not

bring to the notice of the House incidents unnecessarily. Suppose some members of the House are assaulted outside and as a result of that a situation arises where they are unable to come and attend the session, then will it become a subject matter of privilege? When Shri Samar Guha was addressing the public meeting he was attacked by some members of the public with lethal weapons. Fortunately, they did not succeed in their attempts. If they had succeeded in their attempts, this House would have lost a member. Such a situation can very well arise. I want to bring this to your notice so that you can pull up the authority for what had happened and for the failure of the police in protecting him.

SHRI TRIDIB CHAUDHURI (Bengaluru): Sir, I rise because I am apprehensive that the observations that you have just now made might be interpreted very prejudicially against the performance of their duties by Members of Parliament. When a Member of Parliament addresses a public meeting or does any political work, he does this in his capacity as a Member of Parliament and so his political work is his duty to the public. So, if you draw a distinction that only his movements in connection with the performance of duties on the floor of the House will be considered as proper duties and, otherwise, anybody is free, taking the state of law and order in the country as a whole, to assault a Member of Parliament, how can he function as a Member of Parliament effectively?

MR. SPEAKER: As I said, I do not approve of it. It is not in keeping with the spirit of democracy. But we cannot keep ourselves away from the rules and conventions. The question of privilege comes in only when there is there in connection with the performance of his duties to this House. Last time, when a Member was coming by train to attend the session, I allowed it as a privilege

[Shri Tridib Choudhury]

matter. If I stretch it, as you say, very liberally, I can say, it happened at the week-end and the next two days were holidays.

You must be there as a citizen like other citizens of the country. The M.Ps are citizens also. A privilege can arise only if an M.P. is there in connection with the performance of his duties towards the House. Even the Speaker is not exempted from it; even the Minister is not exempted from it.

SHRI SHYAMNANDAN MISHRA (Begusarai): There are so many security people for the Ministers. There is so much expenditure incurred on security of the Ministers. That is not needed at all.

MR. SPEAKER: Do you want to establish it that wherever an M.P. happens to be, he is in the service of the House? Then, I am prepared to accept it. Suppose he beats another fellow and the other fellow hits a little more, or anything, or he commits a murder. If you say, he was there for performing the duties of the House, I am sorry I cannot admit that interpretation.

SHRI SHYAMNANDAN MISHRA: If I go to my constituency and want to do my duty, and I am prevented from doing that by the Government of the State, what view would you take?

MR. SPEAKER: If anybody prevents you, please take me along with you and I will suffer along with you.

श्री हुकमचन्द्र कच्छराय: अध्यक्ष महोदय, मेरा इलाका डाकू इलाका है, भिण्ड-मुटेना डाकू क्षेत्र है। मैं वहाँ जाता हूँ और हर समय संकट बना रहता है...।

अध्यक्ष महोदय : आप डाकूओं से क्यों डरते हैं, आप तो खुद ही उनसे तगड़े हैं।

SHRI SAMAR GUHA (Contai): Sir, it is with the blessings of God that I am here today. While I was addressing a meeting, more than a hundred people who trained themselves as Congress volunteers with Congress flags immediately pushed me out of the rostrum. They assaulted me and for 2½ hours, they kept me surrounded. I never heard such abusive language that they were indulging in. They tried to spit at me. I said, "This is my fundamental right. If you have a right to address a meeting, it is also my right to address a meeting here." Then, I said, "Over my dead body only you can deny that right to me." I stood there with all my patience for 2½ hours. Ultimately, my fundamental right to address a meeting was vindicated. Those people went away. I addressed a meeting, about a thousands of people, for over an hour there.

I want to draw your attention that even Members of Parliament are being denied to exercise their fundamental right to address the people and say, what they want to say. It is being denied forcibly in the presence of police and others. The Police wanted that I should comply with the laws. I refused to comply with the laws. I also refused to take the protection of the Police. My anguish was all the more because some of those, I found, were my old students. They used to read my books in the schools and colleges. I found they were using such an abusive language that I wondered to what level the morality, the principles, and political scruples have gone down. They pushed me, assaulted me and tried to spit on me. I could have addressed them for two hours but I could do only for one hour.