

12 hrs.

ARREST AND CONVICTION OF MEMBER

MR. SPEAKER: I have to inform the House.... (Interruptions) I am making some announcement, Mr. Ghosh. I have to make some announcement. Then I will listen to your point of order, if there is any.

(Interruptions)

MR. SPEAKER: I have to inform the House that I have received the following two wireless messages dated 9 and 10 July, 1980, from the S.D.J., Meerut, and Judicial Magistrate First Class, Meerut, respectively, on 11 July, 1980:

(i)

"Shri Rasheed Masood, M.P., admitted today in jail U/S 188 IPC PS Baghpat."

(ii)

"Reference case No. 1199/80 U/S 188 IPC PS Baghpat, Shri Rasheed Masood, M.P., has been convicted for the period already undergone in jail in connection with the case."

(Interruptions)

MR. SPEAKER: According to Rule 229 of the Rules of Procedure and Conduct of Business in Lok Sabha, the intimation regarding the arrest etc. of a member on a criminal charge should indicate the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the Third Schedule of the Rules of Procedure.

State Governments and Administrations have been specifically asked by the Ministry of Home Affairs to issue instructions to all the authorities concerned that telegrams etc., to Speaker about the arrest|detention|release of

members must be completed in all respects and must give full information on all the points as required in the appropriate form set out in the Third Schedule to the Rules of Procedure. Further, the telegrams should be sent immediately after the arrest|detention|release of the members concerned and should be confirmed by copies sent by post.

Copies of the notices of question of privilege given by Sarvashri Jyotirmoy Bosu, Jaipal Singh Kashyap, Ram Singh Shakya, Chandrajit Yadav, Ram Vilas Paswan and R. P. Yadav in the afternoon of 9 July, 1980, regarding incomplete intimation of the arrest of Shri Rasheed Masood were sent to the Minister|Ministry of Home Affairs on 9 July, 1980, for furnishing a factual note on the matter. The Ministry of Home Affairs have also been reminded in the matter and the requisite information is still awaited from them. The Ministry of Home Affairs have informed me today that the factual information is still awaited from the Government of Uttar Pradesh|District Magistrate, Meerut, and would be communicated to us immediately on receipt.

(Interruptions)

MR. SPEAKER: I received a letter from Shri George Fernandes late in the afternoon on 10 July, 1980, enclosing a letter dated 9 July, 1980, from Shri Rasheed Masood regarding the treatment meted out to him while under arrest. Immediately, the matter was referred to the Minister/Ministry of Home Affairs for furnishing a factual note on the matter. The Ministry of Home Affairs have also been reminded to expedite the information. The Ministry of Home Affairs have today informed me that the factual information is still awaited from the Government of Uttar Pradesh|District Magistrate, Meerut, and would be communicated to us immediately on receipt. I hope that the requisite information would be sent to me during the course of the day.

SHRI CHANDRAJIT YADAV
(Azamgarh): I want to say....

MR. SPEAKER: Under what rule?

(Interruptions)

MR. SPEAKER: I will not allow that practice. One by one I can allow; I am going to listen to you, but please be patient.

SHRI CHANDRAJIT YADAV: As you have rightly mentioned that I have given, along with other friends, a notice of the privilege motion, I want to raise an issue of the privilege of the members, the privilege of the House; and as I said in my privilege motion that Meerut District Authorities have decided to make this government helpless. *(Interruptions)* No, Sir, this is a serious matter. You have written to the Home Minister and the Home Minister took note of it. Meerut is only one hour road drive from Delhi. But the Home Ministry and your office should not be helpless in this matter.

MR. SPEAKER: I have taken note of this? Mr. Yadav. *(Interruptions)*

SHRI CHANDRAJIT YADAV: I am glad that you have taken note of this.

MR. SPEAKER: I have already assured this whole House that I shall be concerned for the safety, honour and respect of all the members concerned. I have taken a serious note of it and I have informed the Home Ministry. When it comes, we shall take appropriate steps.

SHRI CHANDRAJIT YADAV: Whether the Home Minister is taking a serious note of that. I know you are taking a serious note of it. Whether the Home Ministry is taking a serious note of it or not. I would like to know from the Home Minister: he should tell the House. The Member was arrested.....

SHRI GEORGE FERNANDES
(Muzaffarpur): I am on a point of order.

MR. SPEAKER: I would like the Home Minister to say something.

SHRI CHANDRAJIT YADAV: Let the Home Minister say.

(Interruptions)

MR. SPEAKER: You are all speaking, all at one time.

SHRI EDUARDO FALEIRO (Mormugao): We are all concerned with the safety of the Members. I would like you to keep this incident and the affairs of treatment, bad treatment or otherwise of Mr. Masood in proper perspective. I would like to remind you of a precedent in this House.

MR. SPEAKER: You are all speaking: I know the precedent.

SHRI EDUARDO FALEIRO: It is not fair: only one side is going....

MR. SPEAKER: It is to be decided yet; nothing has been said, on one side. What is there on one side? It is the Home Minister who will have to say, not you. You cannot say.

SHRI EDUARDO FALEIRO: I have to say something.

MR. SPEAKER: The Home Minister will say; I have asked the Home Minister to say.

SHRI EDUARDO FALEIRO:....**

MR. SPEAKER: Not allowed. Without any reason; how can I? Not allowed.

SHRI K. LAKKAPPA (Tumkur): We are going to create a wrong precedent. How can the Home Minister.....

(Interruptions)

MR. SPEAKER: No, not at all. You are creating unnecessary trouble for me.

(Interruptions)

MR. SPEAKER: Let the Home Minister reply. He will say something. I cannot allow anything without a factual note. I cannot give any ruling on one sided version. The Home Minister is here. He will give me factual information. Then only I can do. You are not to do it.

SHRI K. LAKKAPPA....**

MR. SPEAKER: Nothing should be recorded without my permission. What opportunity? You are not concerned; the Home Minister is concerned. He will say. Mr. Lakkappa, when there is no debate on it, what is it? It is not a debate on it.

SHRI N. KUDANTHAI RAMALINGAM (Mayuram): I was arrested. There is a precedent in last Parliament....**

MR. SPEAKER: You are not allowed; not at all. When the time comes for a debate you can do it.

SHRI N. KUDANTHAI RAMALINGAM: ...**

MR. SPEAKER: When the time comes for a debate, you can do it.

(Interruptions)

अध्यक्ष महोदय . जब तक कोई डिबेट न हो, जब तक कोई मसला न हो, आप पहले कैसे बोलेंगे? अभी तक तो फंक्चुशल नोट मागा गया है, वह फंक्चुशल नोट होम-मिनिस्ट्री दे सकती है, न आप दे सकते हैं और न मैं दे सकता हूँ। जब तक वह यह नहीं कहेंगे कि उन के पास इन्फर्मेशन है या नहीं है या वह कब तक देंगे, उस के बाद पक्ष या विपक्ष के डिबेट की बात होगी। आप पहले से क्या बात कहना चाहते हैं, मेरी समझ में नहीं आ रहा है।
(व्यवधान)....

(Interruptions)

MR. SPEAKER: There is no debate. No, there is no debate on it.

(Interruptions)

MR. SPEAKER: Why do you not say something?

गृह मंत्री (श्री जैल सिंह) . आनरेबिल स्पीकर साहब, जिस वक्त हम को हात्तिला मिली, मेरे महकमे ने आप के सेक्रेटेरियट को लिखा है कि स्टेट गवर्नमेंट से पूछा गया है। जब भी स्टेट गवर्नमेंट हम का इन्फार्म करेगी, उसी वक्त हम डिटेल्स आप के सामने रख देंगे ...

(व्यवधान)

श्री राम बिलास पासवान (हाजीपुर) अध्यक्ष महोदय, मेरा नियम 229 के अन्तर्गत प्वाइंट ऑफ आर्डर है

श्री सतीश अग्रवाल (जयपुर) अगर नहीं आयेगी तो क्या होगा ?

अध्यक्ष महोदय यह बात तो नहीं है कि नहीं आयेगी।

It is a very hypothetical question.

इन्फर्मेशन तो आयेगी।

श्री राम बिलास पासवान . नियम 229 के अन्तर्गत मेरा प्वाइंट ऑफ आर्डर है।

अध्यक्ष महोदय मैंने पूरा पढ़ा है।

श्री रामबिलास पासवान अध्यक्ष महोदय, रिहाई का जो मामला है, उस के सम्बन्ध में न होम मिनिस्टर ने बतलाया है, न आप ने बतलाया है

अध्यक्ष महोदय . बतला तो दिया है। जो मेरे पास आया था, मैंने पढ़ कर सुना दिया है

श्री रामबिलास पासवान : क्या बतला गया है यह नहीं बतलाया है। मेम्बरस भी यहा बैठे हुए हैं, होम मिनिस्टर साहब भी बैठे हैं और स्पीकर साहब भी हैं न गिरफ्तारी की पूरी रिपोर्ट आती है, न रिहाई की पूरी रिपोर्ट आती है .

अध्यक्ष महोदय . इसीलिये तो भेजा है (व्यवधान) .. इसी लिए भेजा गया है।।

I have taken note of it.

प्रिब्लेज मोशन भी उन को भेजा गया है। मैंने सरकार को सब बतला दिया है . (व्यवधान) ..

I have taken note of it.

उनका भी जवाब आयेगा

SHRI GEORGE FERNANDES: I would like to make a submission.

MR. SPEAKER: No, no submission.

SHRI GEORGE FERNANDES: Kindly listen to my point of order. My point of order is that the Home Ministry wrote to the U.P. Government. (*Interruptions*). You are the custodian of these rules. Under Rule 229, the detaining authority....

MR. SPEAKER: I have read, Mr. George. (*Interruptions*) I have gone through every word of it. I have asked for it. That is why I have taken action.

SHRI GEORGE FERNANDES: My point is, under Rule 229 the Government....

MR. SPEAKER: I have already taken action. I have already initiated action.

SHRI GEORGE FERNANDES: You are the custodian of the rules.

MR. SPEAKER: That is why I am doing, Mr. George.

SHRI GEORGE FERNANDES: Where does he figure? You have received notice. It is not according to the Third Schedule

MR. SPEAKER: I have initiated the matter. I have taken action. Let us see what they do.

(*Interruptions*)

MR. SPEAKER: I have taken note of it. I have done my job. I know my job and I am doing it:

SHRI GEORGE FERNANDES: You have received the notice.

MR. SPEAKER: That is why I have initiated action. I am going according to the rules.

SHRI GEORGE FERNANDES: It is not in accordance with the rules.

Where does the Home Minister figure in this?

MR. SPEAKER: I have asked for the facts. I am doing it. Don't worry.

(*Interruptions*)

SHRI N. KUDANTHAI RAMALINGAM: There is a precedent in this House. You announced the arrest of the member as soon as you got information from the concerned authorities. In the last Lok Sabha, I was beaten up by the police; I was arrested by the police and I was under detention for three days. That was not at all announced in the House. So, there is a precedent for this. So, the Home Minister need not reply to this.

MR. SPEAKER: You come with a proper motion; not like this. What can I do about that time? I was not in the Chair at that time. I am doing my job according to the rules which are prescribed. I am going to abide by the rules. I cannot be held responsible for what happened two or three years back. (*Interruptions*). You can give any motion you like under the rules. (*Interruptions*) What is this? The whole House is being subjected to something unprecedented I do not know what is happening. If anything happens to any member, if there is any provision in the rules and procedures, please come to me. I will try to help. How can you expect me to go two or three years back? As I have said, according to the rules if any grievance can be put up to me, then bring it to me. I am ready to listen and go through it. I am ready to listen to anything under the rules. Come with anything under the rules. I will listen, I will act and I will be guided by the rules as laid down by you and by this House in this book. I am not going to violate that. Whatever action I have initiated, that is also according to the rules; I am not going outside the rules; I am not showing favour to them or to you.

(*Interruptions*)

श्री रशीव मसुदा (सहारनपुर). मुझे भी बोलने की इजाजत दीजिए ।

...व्यक्त महीदय . इन की रिपोर्ट आने दीजिए, फिर आप को भी मौका देगे ।

Now, papers to be laid.

12.18 hrs.

PAPERS LAID ON THE TABLE

CORRIGENDUM TO AUDIT REPORT OF COFFEE BOARD FOR 1976-77

THE MINISTER OF COMMERCE AND STEEL AND MINES (SHRI PRANAB MUKHERJEE): I beg to lay on the Table a 'corrigendum' (Hindi and English versions) to the Audit* Report of the Coffee Board for the year 1976-77. [Placed in Library. See No. LT-1052/80].

DETAILED DEMANDS FOR GRANTS, 1980-81 OF MINISTRY OF HOME AFFAIRS

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA): I beg to lay on the Table a copy of the Detailed Demands for Grants (Hindi and English versions) of Ministry of Home Affairs for 1980-81. [Placed in Library. See No. LT-1053/80].

NOTIFICATIONS UNDER CUSTOMS ACT, 1962, ANNUAL REPORT OF AGRICULTURAL REFINANCE AND DEVELOPMENT CORPORATION, BOMBAY FOR THE YEAR ENDED 30-6-79 AND REPORT OF COMMITTEE ON TAXATION OF AGRICULTURAL WEALTH AND INCOME

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI MAGANBAI BAROT): I beg to lay on the Table:

(1) A copy each of the following Notifications (Hindi and English

versions) under section 159 of the Customs Act, 1962:—

(i) GSR 384(E) published in Gazette of India dated the 30th June, 1980 together with an explanatory memorandum extending upto 31st August, 1980 the Customs Duty concessions to repatriates of Indian origin coming back from certain countries contained in Notification No. 347-Customs dated the 2nd August, 1976.

(ii) GSR 394(E) published in Gazette of India dated the 4th July, 1980 together with an explanatory memorandum regarding enlargement of list of materials allowed to be imported duty free against Advance Licences for execution of export orders.

(iii) GSR 701 published in Gazette of India dated the 5th July, 1980 together with an explanatory memorandum making certain amendment to Notification No. 234-Customs dated the 5th December, 1979 extending the Customs duty exemption on waste paper when imported for use in the manufacture of paper board as well. [Placed in Library. See No. LT-1054/80].

(2) A copy of the Annual Report (Hindi and English versions) of the Agricultural Refinance and Development Corporation, Bombay, for the year ended the 30th June, 1979 along with the Audited Accounts, under sub-section (2) of section 32 of the Agricultural Refinance and Development Corporation Act, 1963. [Placed in Library. See No. LT-1056/80].

(3) A copy of the Report (Hindi** version) of the Committee on Taxation of Agricultural Wealth and Income. [Placed in Library. See No. LT-1056/801].

*The Audit Report of the Coffee Board for 1976-77 was laid on the Table on 21st March, 1980.

**English version of the Report was laid on the Table on 14th November,