

13.31 hrs.

RE: ARREST OF MEMBER

MR. SPEAKER: On the 7th May, 1974, I read out in the House a telegram dated the 3rd May, 1974, received from the Officer-In-charge, Ranaghat Police Station, West Bengal, regarding the arrest of Shrimati Bibha Ghosh Goswami.

2. Shri Jyotirmoy Bosu then pointed out that the intimation about the arrest of Shrimati Bibha Ghosh Goswami was incomplete inasmuch as the reasons for the arrest of the member had not been indicated.

I had then said that I would look into the matter.

3. The Ministry of Home Affairs have now forwarded a copy of the explanation of the District Magistrate, Nadia, sent to them by the State Government of West Bengal, which reads inter alia as follows.—

“Regarding the non-submission of a detailed report under Rule 229 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am to state that in this instant case Shrimati Bibha Ghosh Goswami, M.P., was arrested by the Police, the fact of which was immediately notified by the SDPO, Ranaghat, to the Hon'ble Speaker, Lok Sabha. There was an inadvertent omission on my part regarding sending of this immediate intimation to the Hon'ble Speaker by Radiogram as is normally done in such cases. This omission was due to a misunderstanding as to whether in this instant case Shrimati Bibha Ghosh Goswami, M.P., who was arrested by the Police and was presented immediately thereafter before the learned SDJM and was released within 2 hours, an immediate intimation needs to be sent over and above the intimation which was already sent by the Sub-Divisional Police Officer. This omission is deeply regretted

It has, however, now been noted for further guidance that whenever any such incident occurs such reports as per the Third Schedule will be sent by the District Magistrate irrespective of the fact whether this order was passed by the Judicial Authorities or by some other Authorities. I also express my deep regret over this omission which was only due to this interpretation of Rule 229 as mentioned above where in this instant case. I thought that the report as per the Third Schedule should be sent by the Judicial Authorities”.

4. The State Government of West Bengal have also expressed their deep regret for the lapse that has taken place and also stated that they are reiterating the instructions already issued in this regard to all concerned for their future guidance.

5. In view of the explanation and regrets expressed by the District Magistrate, Nadia, and the State Government of West Bengal, I feel that, if the House agrees, the matter may be treated as closed.

I take it that the House agrees.

SHRI JYOTIRMOY BOSU (Diamond Harbour): No, Sir. In how many instances during the last 3-1/2 years the CPI(M) M.P.s from West Bengal have been maltreated at the hands of the policemen and how many privilege motions have come before the House! This should act as an eye-opener for this House how the people's elected representatives from West Bengal are being harassed, humiliated and insulted in a planned manner by the Government. I oppose your suggestion that the matter be dropped. I suggest that the person who has committed this lapse be severely reprimanded and brought before the bar of this House. If this House treats police officers who take the liberty of insulting and humiliating M.P.s with this sort of leniency, the country would be judged not as a democratic country but as a fascist

[Sari Jyotirmoy Bosu]

country. I beg of you, Sir, not to drop the matter, but bring the culprits to book. Let them be brought before the bar of this House. This is my submission. It is for you to judge whether the Members of Parliament should enjoy the protection and privilege as far as parliamentary and constitutional activities are concerned or they should continue to be humiliated in the hands of the policemen and the executive authorities in this country because of their particular political affiliation, which is opposed to the ruling party.

SHRI DINEN BHATTACHARYYA (Serampore): The same police officer on 14th November, 1973 detained the same member in the same place Ranaghat and no intimation was sent to the Speaker.

SHRIMATI BIBHA GHOSH GOSWAMI (Nabadwip): On 14th November 1973 during the food movement I was detained for four hours in the same place Ranaghat and no intimation whatsoever was sent to the Lok Sabha. When I was arrested this time, I warned him that "At that time you sent no intimation to the Lok Sabha. Please ensure this time that intimation is sent to the Speaker." He said, "Yes; we will do it". After that, this thing has happened.

श्री राम देव सिंह (महागजगंज) :
अध्यक्ष महोदय, सारे देश में एमा हो रहा है ।
हाउस को इंटिमेशन नहीं दी जाती है ।
मेरे साथ भी ऐसा हुआ है । जब मैं रलीज
हुआ तो उस की सूचना हाउस को नहीं दी
गई ।

MR. SPEAKER: The regrets of the police officer and the regrets of the State Government have come. It is for the House to accept it or not.

SHRI SHYAMNANDAN MISHRA (Begusarai): Would you kindly consider whether an officer should be allowed to go scot free with mere expression of regret although he had been repeating the same offence?

SHRI JYOTIRMOY BOSU: My humble submission is, let the matter be sent to the Privileges Committee.

MR. SPEAKER: After this regret has come, should we pursue it?

SHRI SEZHIYAN (Kumbakonam). The same police officer has done this. We can understand it the first time. If it is repeated, we have to see what we should do.

PROF. MADHU DANDAVATE (Rajapur): In the case of Shri Dhote an identical procedure was followed. It was sent to the Privileges Committee. In this case also it can be sent to the Privileges Committee.

SHRI INDRAJIT GUPTA (Alipore). I would suggest to my friend, Shri Jyotirmoy Bosu, that he should bring forward a formal motion of privilege as the hon. Member herself has complained that it has happened twice, let there be a proper motion.

श्री अटल बिहारी वाजपेयी (ग्वालियर)

इस में मोशन की जरूरत नहीं है, आप चाहे तो खुद इस मामले को प्रिविलेज कमेटी को भेज सकते हैं । आप ने अभी कहा है कि इस मामले को खत्म कर दिया जाय । हमारा निवेदन यह है कि खत्म करने के बजाय मामला प्रिविलेज कमेटी को भेज दीजिये । प्रिविलेज कमेटी इस मामले को देख सकती है, इस में मोशन की जरूरत नहीं है, आप स्वयं इस मामले को प्रिविलेज कमेटी को भेज सकते हैं ।

MR. SPEAKER: I was not very sure of the details. I am informed that in this case the intimation of arrest was read in the House. Then he raised objection. As the practice goes, we sent it for verification and further information. There is no motion pending. It was done independently and not as a privilege motion. If they think that it should be brought, there should be a motion.

SHRI INDRAJIT GUPTA: The objection raised by Shri Bosu was that in the information sent to you by the police authority they have omitted to mention the reasons, the grounds on which the member has been arrested. That is a different point. What we want to send to the Privileges Committee is a different matter, namely, what the hon. Member has just now complained, that the same officer on two successive occasions has behaved in this manner.

SHRI SEZHIAN: Sir, rule 227 says:

“Notwithstanding anything contained in these rules, the Speaker may refer any question of privilege to the Committee of Privileges for examination, investigation or report”.

MR. SPEAKER: How can I refer it when there is no motion? Shri Bosu can give a motion formally. The point raised by Shri Indrajit Gupta is that intimation was not given in detail. It must contain something which could be raised as a matter of privilege. Let the motion come. Then we will see what should be done.

PAPERS LAID ON THE TABLE

POST OFFICE SAVINGS BANKS (EIGHTH AMENDMENT) RULES, 1974 AND POST OFFICE SAVINGS CERTIFICATES (SECOND AMENDMENT) RULES, 1974.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH): I beg to lay on the Table—

(i) A copy of the Post Office Savings Banks (Eighth Amendment) Rules, 1974 (Hindi and English versions) published in Notification No. G. S. R. 791 in Gazette of India dated the 27th July, 1974, under sub-section (3) of section 15 of the Government Savings Banks Act, 1873.

(ii) A copy of the Post Office Savings Certificates (Second Amendment) Rules, 1974 (Hindi and English versions) published in Notification No. G. S. R. 792 in Gazette of India dated the 27th July, 1974, under sub-section (3) of section 12 of the Government Savings Certificate Act, 1959.

[Placed in Library Sec No. LT—8|49|74].

STATUTORY INVESTIGATION INTO RAILWAY ACCIDENTS RULES, 1973.

THE MINISTER OF STATE IN THE MINISTRY OF TOURISM AND CIVIL AVIATION (DR. SARAJINI MAHISHI):

I beg to lay on the Table a copy of the Statutory Investigation into Railway Accidents Rules, 1973 (Hindi and English versions) published in Notification No. G. S. R. 587 in Gazette of India dated the 2nd June, 1973, issued under section 84 of the Indian Railways Act, 1890. [Place in Library Sec. No. LT—8|50|74].