

LOK SABHA DEBATES

1

2

LOK SABHA

Thursday, December 23, 1971/
Pausa 2, 1893 (Saka)

The Lok Sabha met at Ten
of the Clock

[MR. SPEAKER in the Chair]

RE : QUESTION OF PRIVILEGE

श्री धाम सिंह शौरा (भटिंडा) : अध्यक्ष महोदय
मैंने एक प्रिविलेज मोशन दिया था। उसका मुझे उत्तर
मिल गया है। लेकिन मुझे अफसोस के साथ कहना
पड़ता है कि सिक्रेटेरिएट ने जो लिखा है वह वाक्यात
से बिल्कुल उलट है। उन्होंने कहा है कि तीन लड़के
जो मेरी कार से पकड़े गए वे पहले एक केस में इनवा-
ल्व्ड थे। यह गलत है। मेरे पूछने पर न तो वेस बताया
गया और न ही नाम बताया गए। बाद में केस कनकावट
किया गया। श्री कृष्ण कान्त, मੈम्बर राज्य सभा गए
वे और उनका स्टेटमेंट भी आपने पढ़ा होगा। उन्होंने
भी कहा है कि कार का हँडल नहीं तोड़ा। इसको सब
लोग जानते हैं। सब लोग इसको जानते हैं, वकीलों ने
स्टेटमेंट किया है, गवर्नर को लिख कर दिया है। इस
में जो बातें कहीं गईं हैं वे बिल्कुल उलट हैं। मैं आप
से प्रार्थना करता हूँ कि इस मामले को आप प्रिविलेज
कमेटी को रेफर कर दें।

DR. SARADISH ROY (Bolpur) :

Sir, what about my privilege motion?

MR. SPEAKER : I have examined the
whole case. When they are matters not
connected with the House, even though
the happening of such things is unfortu-
nate, the remedy is at the official level.
So far as the rights of this House are con-
cerned, the difference between one MP and
citizen is very narrow, so far as incidents

outside the House are concerned. We
have settled it in the Committee when it
went into the question that the member
could mention it, I could send it to the
Minister and the reply could come. But
if he thinks that it is a matter of privilege,
I do not think it is a matter of privilege.

SHRI S.M. BANERJEE (Kanpur) :
Sir, you will remember that you in your
wisdom had allowed a privilege motion in
the past. Some hon. Member belonging
to the Swatnatra Party, who has not been
elected this time, was staging a demon-
stration on the platform of a railway station
when Rashtrapathi's train was passing that
way. He reported in this House that
he was man-handled by some police offi-
cials.

The House took a note of it. Two
police officers were brought before the bar
of the House and reprimanded.

Then, there was another matter. Shri
Madhu Limaye and Shri Tridib Chaudhuri
were detained in Patna aerodrome, whether
illegally or legally....(Interruption)

MR. SPEAKER : Shri Madhu Limaye
went to the court.

Shri S.M. BANERJEE : If you take a
decision here that unless it is connected with
the work of this House there will be no
privilege involved, in that case the function-
ing of the MPs outside the House will be-
come very difficult.

MR. SPEAKER : The MPs are not
above law.

SHRI S.M. BANERJEE : I agree with you. I do not claim any privilege. I am a citizen and other citizens should have the same right as I have. In that case, I would only request you to codify what the privileges are. Otherwise, we are under the impression that we are privileged persons. But police officers may beat us *(Interruptions)*

MR. SPEAKER : It is upto the House. I have studied it. A number of things happen to citizens.....*(Interruptions)*

SHRI S.M. BANERJEE : Let the Ministers and MPs not claim any privileges. Let there be no privileges at all. I do not mind that.

MR. SPEAKER : But you cannot extend the privileges to each and every step that an MP takes outside the House.

SHRI S.M. BANERJEE : In that case, Shri B.S. Bhaura and Shri Saradish Roy are strong enough to fight the police outside. Let us take the law in our own hands.*(Interruption)*

SHRI DINI'N BHATTACHARYYA (Serampore) : How do you define the duties and the functioning of the MPs? If I visit my place and I am prevented..... *(Interruption)*

MR. SPEAKER : Don't take MPs as super human beings. An M.P. outside the House is just an ordinary citizen like any other citizen. If he is prevented from performing his duties of the House, that is a different matter. If he is moving outside, he is subject to the law and subject to other remedies available. He can have the same remedies as are available to an ordinary citizen. If I sit outside and I say, "I am the Speaker and I can punch anybody", I do not think I have that privilege

SHRI S.M. BANERJEE : A feeling has been created that we have some privileges outside, and we want protection under those privileges.

MR. SPEAKER : It is upto the House to formulate the privileges. So far as the privileges at present go, they are not covered by it.

श्री अटल बिहारी वाजपेयी (स्वास्थ्य) सदन की बैठक आज स्थगित हो रही है। मैं चाहता हूँ कि युद्ध विराम और उसके बाद की परिस्थिति पर चर्चा करने का मौका दे दिया जाए। कम से कम सरकार यह आश्वासन दे कि ससद् की पीठ के पीछे फौजों की वापसी के बारे में कोई फैसला नहीं किया जाएगा। ऐसा न हो कि हम अगली बार ससद् में आ कर बैठें और तब फेट एकमपली रख दी जाए। चौदह दिन युद्ध चला। ससद् को चर्चा करने का मौका नहीं मिला। आज युद्ध विराम की बात हो रही है। विद्वान मंत्री ने यु० एन० ओ० में कुछ प्रोजेक्ज रखी हैं। ससद् को विश्वास में लिया जाना चाहिये, हमने चर्चा का मौका दिया जाना चाहिये। कम से कम सरकार इतना आश्वासन दे कि फौजों की वापसी के बारे में कोई फैसला पार्लियामेंट की पीठ के पीछे नहीं किया जाएगा।

श्री दीनेन भट्टाचार्य : सदस्यों के कोई प्रिविलेज नहीं है। ससद् सदस्य को पुलिस ने पीटा है। सदन का कोई महत्व नहीं है सरकार की नजरों में।

MR. SPEAKER : I have given my ruling.

SHRI S.M. BANERJEE : I agree with you. In that case, when you go to a foreign country, you get a diplomatic passport. Why should you get it?

MR. SPEAKER : Don't involve other issues with this. You also get diplomatic passport.

SHRI S.M. BANERJEE : I don't get it.

MR. SPEAKER : All the Members get diplomatic passport when they go out to a foreign country.

SHRI S.M. BANERJEE : I am capable of fighting the police outside. We have been beaten by the police from the age of 12 years.....*(Interruptions)*

MR. SPEAKER : Mr. Banerjee, I will tell you about this. I had been a Member for many years in the State, as also here. When we were in the Opposition, we had a worse treatment, but we could deal with it outside.

SHRI S. M. BANERJEE : In that case, the Parliament is not...

MR. SPEAKER : I can show you the scars of wounds I received at my back.

SHRI S. M. BANERJEE : I can also show you.

MR. SPEAKER : That does not mean that you can go on with the demonstrations and if somebody pushes you in the demonstration, you keep running to this House saying that 'I was selected out of 50 other demonstrators and was beaten. They have no remedy but I have a remedy because I happen to be an MP' With that I cannot agree.

SHRI S. M. BANERJEE : I completely agree with you that the Members of Parliament should not have any privilege which the ordinary citizens do not have ...*(Interruptions)*

MR. SPEAKER : Unless the privilege extends to the performance of the functions connected with the House. That is all.

SHRI S. M. BANERJEE : Then, about the privileges of the Press. Mr. Karanjia wrote something. He was brought here. Then again, why were the Police officers brought here if there was no privilege? That I want to know.

MR. SPEAKER : I am so sorry.

SHRI DINEN BHATTACHARYYA : You are creating a very dangerous precedent ...*(Interruptions)* If the Police know that they can beat us, then we will have to come everyday to you.

MR. SPEAKER : If you tell the Policeman that you are coming to the House and the Policeman says that 'I won't allow you to enter the House' then that is a privilege.

SHRI S. M. BANERJEE : I would only request that there should be a ruling. Let there be a discussion about our privileges. We should know it. It should be codified because there has been no codification.

MR. SPEAKER : The House is the master of its own procedure.

SHRI S. M. BANERJEE : May I submit, Sir, that the privileges may be codified.

MR. SPEAKER : We should not enter into a debate now.

SHRI S. M. BANERJEE : I do not want any privilege from this House. I am against all sorts of privileges

MR. SPEAKER : Mr. K. R. Ganesh.

SHRI ATAL BIHARI VAJPAYI : They may make a statement during the course of the day.

DR KAILAS (Bombay South) : The leaders' meeting is going on.

Mr Raj Bahadur is busy there.

SHRI ATAL BIHARI VAJPAYI : Dr Kailas, what are you talking? the meeting is discussing a different matter.

MR. SPEAKER : That is a different matter, not about this.

SHRI S. M. BANERJEE : We have already written to you. There was a news item in the papers that Sheikh Mujibur Rehman has been released but that he is under house arrest. We want to know the correct position. Let there be a statement about this from the Government.

MR. SPEAKER : The Minister is not here. Let him come.