

Shri Bhogendra Jha (Jainagar): Sir, my point of order is very relevant. I will not rise anything which is not to the point.

Mr. Speaker: Order, order. I am not prepared to hear anything now. Let us hear the hon. Minister of Home Affairs on the Privilege Motion.

12.08 hrs.

QUESTION OF PRIVILEGE RE:
ARREST OF MEMBER

The Minister of Home Affairs (Shri Y. B. Chavan): Sir, yesterday, when this question of privilege was under consideration, you gave me some time to collect all the information. I asked the Chief Secretary, Delhi Administration, yesterday, to make an enquiry. He met Shri Bramhanand at the crossing near the north gate of Parliament House and recorded his statement. He also recorded the statements of the District Magistrate, the Additional District Magistrate, the Watch and Ward Officer of the Parliament House, the SDM, Parliament Street and police officers concerned in the affair. The Chief Secretary's conclusions are: (1) that Shri Bramhanand and his followers had been trying to court arrest; the magistrate and the police, however, did not consider their arrest necessary....

Shri Hem Barua (Mangalore): What do you mean by trying to court arrest?

Shri Y. B. Chavan: I will explain everything. Please have patience. .. By getting into the police trucks at about 3 p.m. on 5th April, Shri Bramhanand and his followers were under the erroneous impression that they had succeeded in getting themselves arrested. There was, in fact, no arrest and they were not forced to get into trucks. Shri Bramhanand and his followers were treated with courtesy at Parliament Street Police Station. They remained in the Police Station for about two hours with a view to getting themselves arrested. When they did not succeed, they dispersed. These are the conclusions of the Chief Secretary.

Some hon. Members: Shame, shame.

Mr. Speaker: Let him finish his statement.

श्री हुकूम खन् कल्याण (उज्जैन) : क्या मंत्री महोदय ने अधिकारियों की इन बातों पर विश्वास कर लिया है ?

Shri Y. B. Chavan: You will have to see the whole background. I am as keen and as jealous of the rights of the Members of Parliament as every member should be. But here is a very different background of the question. The procedure of informing Parliament about the arrest of a member is there because a Member will have to attend the session of Parliament. But here is a Member of Parliament who wanted to be arrested and, therefore, the facts get confused. So, really speaking, the question is whether in fact the member in question was arrested or not. The conclusion of the Chief Secretary which I read is that he was not in fact arrested.... (Interruptions). Please listen to me, because I am making a statement. I am in your hands. I am in the hands of the House. If really speaking, the House wants and you want that the whole question should be gone into by the Privileges Committee, I would welcome it, because it is much better that these inquiries fix the responsibility. Because, the responsibilities of the Members of Parliament are also then made clear. Otherwise, the law and order agencies get confused. How are they to function? Here was a Member of Parliament who wanted to get himself arrested and, looking to their own responsibilities, they refused to arrest him. This has been made the issue of privilege. Therefore, I do not want to take a position as if I want to come in the way of the Privileges Committee going into the facts of the case. I am completely in your hands. If you feel that it should be referred to the Privileges Committee, I have no objection.

श्री बदल बिहारी पाण्डेबी : (बलरामपुर)
अध्यक्ष महोदय, आपने कल प्राणवीर सदस्य,

[श्री अटल बिहारी वाजपेयी]

श्री कंवर लाल गुप्ता, को इजाजत दी कि वह विशेषाधिकार का मामला यहां उठाये। गृह मंत्री ने अपने उत्तर में कहा है कि वह इस बात के लिये तैयार हैं कि यह सारा मामला विशेषाधिकार समिति को सौंप दिया जाये। इसलिये मैं यह प्रस्ताव करता हूँ कि यह मामला विशेषाधिकार समिति को जांच के लिये सौंप दिया जाये।

Mr. Speaker: He can move the motion then.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मैं प्रस्ताव करता हूँ :

'कि दिल्ली की पुलिस के द्वारा 5 अप्रैल, 1967 को इस सदन के माननीय सदस्य, स्वामी ब्रह्मानन्द, की गिरफ्तारी तथा रिहाई की सूचना लोक मभा अध्यक्ष को न देने के सम्बन्ध में सदन क विशेषाधिकार के हनन का जो मामला माननीय सदस्य, श्री कंवर लाल गुप्ता, ने पेश किया है, उसको सदन की विशेषाधिकार समिति को सौंप दिया जाये और यह निर्देश दिया जाये कि समिति अपना प्रतिवेदन आगामी सत्र के पहले दिन पेश करे।

Shri A. K. Sen (Calcutta North West): There should be a little change; it should be "alleged arrest" because it is not admitted that he has been arrested.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मुझे यह शब्द जोड़ने में कोई आपत्ति नहीं है, लेकिन. . . .

Mr. Speaker: Will you kindly sit down. We are sending the case to the Privileges Committee. It is the Privileges Committee that has to establish the truth or otherwise of this case. We have not decided it. It is only an allegation now. Now if the House takes a decision, why should

it go to the Privileges Committee? There will actually be nothing to refer to the Privileges Committee. Then there will be nothing to go to the Privileges Committee. Therefore you should yourself accept the amendment and put in that word "alleged" because it is going to the Privileges Committee.

श्री ए० के सेन : हिन्दी में होगा :
"तथा-कथित ।

श्री अटल बिहारी वाजपेयी : 'कथित' ।

Shri H. N. Mukerjee (Calcutta North East): Mr. Speaker, I am putting in only because after 15 years in this House I am floundering in this formidable company and I do wish you to give us some guiding ideas. What I discover is that the Home Minister comes and makes a statement in which he tells us to believe that there has been a Member of Parliament, who was going on a joy spree, just trying to get arrested. . . . (Interruption). I want you please to take a more serious view of this matter.

We have a very definite convention not merely a convention but, I am sure, very much better than a rule, that when intimation is not given by an officer of Government regarding the arrest and detention of a Member of Parliament, it becomes *ipso facto* and immediately a violation of the privilege of this House.

Mr. Speaker: I am not allowing any discussion.

Shri H. N. Mukerjee: What I wish to point out to you is that I find myself completely unable to function in this House if everything is conducted in this manner not only on one side but on every side.

What I discover is that statements were made—you call it an allegation: I do not mind—that a Member of Parliament has been arrested and detained; therefore, intimation not having been furnished to you, the privilege has been attracted. That is

the proposition made. The Home Minister took his time over it and after cogitation over last night he makes a statement here the purport of which is making fun of Members of Parliament.... (Interruption).

Mr. Speaker: What is the point you want to make? The whole case has been explained.

Shri H. N. Mukerjee: Are we in this case to trundle down to ministerial pronouncements which imply that Members of this House and perhaps any other citizen are at liberty to jump into police vans, to be taken to Police headquarters and treated courteously and then to be let off somewhere? He says that there was no arrest and no detention; nothing has happened. Have we to swallow this kind of a thing? I want to know if we are going to be treated by Ministers to this kind of exhibition of bad manners.... (Interruption). You make an appeal to us to behave with dignity, but there must be some reciprocity about this. We are expected surely to behave with dignity and all that sort of thing, but dignity is a two-way game. If reflections are made by Ministers, I can understand the Minister coming to this House and saying, "I apologise".....(Interruption).

Shri Y. B. Chavan: Why?

Mr. Speaker: He has moved the motion. I hope that word has been incorporated. Now I shall put the motion to the vote of the House.

Shri D. C. Sharma (Gurdaspur): Sir, I want to speak on it.

Mr. Speaker: No I am not allowing any debate.... (Interruption).

The question is:

"That the question of privilege raised by Shri Kanwar Lal Gupta regarding the failure of the Delhi Police to inform the Speaker, Lok Sabha, about the alleged arrest and release of Swami Brahmanand, a member of this House, on the 5th April, 1967, be referred to the Committee of Privileges with instructions to report by the First day of the next Session."

The motion was adopted.

12.19 hrs.

PAPERS LAID ON THE TABLE

EXPORT (QUALITY CONTROL AND INSPECTION) ACT

The Deputy Minister in the Department of Parliamentary Affairs (Shri Muthyal Rao): On behalf of Shri Dinesh Singh,

I beg to lay on the Table a copy of the following Notifications under sub-section (3) of section 17 of the Export (Quality Control and Inspection) Act, 1963:—

- (i) The Export of Cashew Kernels (Quality Control and Inspection) Second Amendment Rules, 1966, published in Notification No. S.O. 3603 in Gazette of India dated the 26th November, 1966.
- (ii) The Export of Rubber Belts (Inspection) Rules, 1966, published in Notification No. S.O. 80 in Gazette of India dated the 5th January, 1967.
- (iii) The Export of Electric Cables and Conductors (Inspection) Rules, 1967, published in Notification No. S.O. 836 in Gazette of India dated the 10th March, 1967.

[Placed in Library. See No. LT-320/67.]

POST-GRADUATE INSTITUTE OF MEDICAL EDUCATION AND RESEARCH, CHANDIGARH, RULES.

The Minister of Health and Family Planning (Dr. S. Chandrasekhar):

Sir, I beg to lay on the Table a copy of the Post-Graduate Institute of Medical Education and Research, Chandigarh, Rules, 1967, published in Notification No. G.S.R. 460 in Gazette of India dated the 29th March, 1967, under sub-section (3) of section 31 of the Post-graduate Institute of Medical Education and Research, Chandigarh, Act, 1966. [Placed in the Library. See No. LT-321/67.]