

12.36 hrs.

RE: QUESTION OF PRIVILEGE

PROF. MADHU DANDAVATE (Rajapur): Please do not call for the Papers to be laid.

I have given you notice. I have got one submission to make.

MR. SPEAKER: That was settled. I am not allowing it.

PROF. MADHU DANDAVATE: I do not want to go into the merits of the case. The officer already informed me that you do not want me to take up that issue . . .

All that I want to submit is this. I do not want this House to go into the merits of the case just now. I only want to make an appeal to you. On the 15th July I sought permission to allow me to move the privilege motion against the Deputy Commissioner of Police at Borabay who arrested me and others. You rightly asked for the explanation from the Maharashtra Government. I have been furnished with a copy of the note which has been given by the Maharashtra Government from A to Z. On the basis of the taperecorded evidence—I am prepared to play it before the Privileges Committee—I can say that the orders that are sought to be issued were only an after-thought; it was not publicity and in not a single paper it was declared that there was a prohibitory order in Bombay. That was not pasted at all in Bombay. In the note which was circulated by the Police Commissioner he has given a wrong version. I have with me the taperecorded conversation that I had with him. I and Shri George Fernandes had played that tape-recorded version before the rally of 50,000 people. So, the verbatim record that appeared in the paper circulated by Maharashtra Government completely belied what is contained in the tape-recorded version.

Therefore, I would make an appeal to you—I do not insist that it should immediately be referred to the Privileges Committee to please permit me to refer the matter—the evidence that I have—to the Privileges Committee. I shall give the taperecorded version and if it is found that I raised a wrong issue, I am prepared to resign from Parliament. I have got with me the taperecorded version. I only express my sentiments. I do not know why you are not prepared to allow me to refer the matter to the Privilege Committee.

MR. SPEAKER: Why should you resign?

श्री मधु दानवटे (वाका) अध्यक्ष महोदय जी  
यह टैप रिकॉर्ड है टैप रिकॉर्डेड वॉल बोल करूँगा है?

PROF. MADHU DANDAVATE: The Deputy Commissioner says that I and Shri Fernandes told him that we had to go to the railway workshop; the taperecorded version says that we told the Deputy Commissioner that we were not interested in going to the railway workshop.

MR. SPEAKER: You can send a complaint. This thing has happened outside this House. You say you wanted to go there. How does it become a privilege when it has happened outside this House? You were not coming to Parliament House. And if somebody obstructs you, it is not a question of privilege. Even by touching a Member of Parliament, if it becomes a privilege, I do not agree with you.

PROF. MADHU DANDAVATE: No, Sir. I have not said that. You have misinterpreted. If I am arrested I shall never raise the privilege issue. Here, after the arrest, the Deputy Commissioner of Police sent a telegram. And if the Deputy Commissioner sends a telegram recording the wrong facts, then that is supposed to be a privilege. If I am arrested hundred times, I shall never come before the House. (Interruptions) I shall

never raise my arrest as a privilege issue. But, if the Deputy Commissioner of Police gives a wrong statement, it becomes a privilege issue. (Interruptions).

SHRI B. V. NAIK (Kanara): rose—

MR. SPEAKER: Mr. Naik, what are you doing? Why don't you sit down?

SHRI B. V. NAIK: Sir, I am raising a point of order. I shall sit down when you are standing.

MR. SPEAKER: You will please sit down. The privilege is involved only if you are coming to attend the meeting of the House and if somebody on the way obstructs you. So many other things happen with the Members, with the public and with everyone everywhere. In that case, there are other remedies also available. Everything that happens to an M.P. outside the House does not form the basis of a privilege. How does it come within the definition?

PROF. MADHU DANDAVATE. This is an identical case as that of Shri Dhote. In the case of Shri Dhote, when a wrong statement was made by the police authorities you did accept Shri Limaye's contention and the matter was investigated and it was admitted that a mistake was committed.

SHRI P. K. DEO (Kalahandi): Sir, it is a very serious matter. There has been a discrepancy in the report of the Maharashtra Government. In view of this discrepancy we cannot decide this issue in a dispassionate manner here. The proper forum for this is the quasi judicial body, the Privilege Committee. I respectfully submit that the Privilege Committee would be the proper forum to go into all aspects of this issue.

SHRI H. N. MUKERJEE (Calcutta—North-East): Sir, we have heard from the hon. Member here that the Police Commissioner of Bombay has sent you a communication which is completely inaccurate. I do not know anything about it. It is on record.

This is already communicated to the rest of the country.

It appears that a communication from the Commissioner of police in regard to the arrest of a Member contains inaccuracies of an essential nature . . .

MR. SPEAKER: He has not alleged arrest; he is alleging obstruction.

SHRI H. N. MUKERJEE: He has alleged, as far as I can see; he can confirm or deny. The Police Commissioner has sent you a communication which, he says, can be proved to be false by referring to direct evidence which he has got. I do not know a thing about it. This matter has gone on record.

MR. SPEAKER: I shall get a copy of the transcript. I want to see that also.

PROF. MADHU DANDAVATE: The Police Commissioner while arresting me said: you are under arrest. I asked him what are the orders? Which is the section? He said: I cannot give any details, I said: I want to raise a legal issue; tell me under what section I have been arrested. They did not say that. After that now they are putting an order which did not exist at all.

MR. SPEAKER: You better send the transcript to me; I want to see it.

SHRI SHYAMNANDAN MISHRA (Begusarai): Whatever has fallen from your lips about privilege must not go in that form on record. Because what you have been pleased to say is that a Member is complaining about arrest or about touching or something of that kind. That is not the issue. The issue is that a false communication has been sent. When you make a remark of that kind you belittle the issue which is sought to be raised . . . . . (Interruption).

श्री मधु दानवटे : मेरी व्यवस्था का प्रश्न है। मैंने नोटिस दी है फिर भी आप मुझे नहीं सुन रहे हैं।

**SHRI SHYAMNANDAN MISHRA:** There is grave injustice done to Members of Parliament. They are not afraid of arrests.

**MR. SPEAKER:** The privileges of Members are clear to my mind.

**SHRI DINEN BHATTACHARYYA (Serampore):** Will you believe evidence tendered by the Member or will you believe the evidence tendered by the Police Commissioner? That is the point in dispute. Every time it comes up, the Police send some report and you are supposed to believe that. Here the Member himself says that he has specific evidence

**PROF. MADHU DANDAVATE** He has said that they asked where Sarvasri Dandavate, Fernandes, etc. were going and he says that he was told that they were going to the workshop to talk to the workers. The tape record actually gives the evidence. The Deputy Commissioner asks: where are you going and the reply, we are not going to the workshop but we are going to the railwaymen's colony; has not a citizen the right to go to the railway colony? The Deputy Commissioner says: A citizen has the right, but you are not allowed. My next question is: when you say that a citizen has the right but 'you are not allowed', do you consider me a human being and a citizen; when I am a Member of Parliament, I am a citizen of the country. All that has appeared in the tape record and I shall produce the tape in the Chamber.

**MR. SPEAKER:** Where is the question of arrest in this statement?

**PROF. MADHU DANDAVATE:** I have mentioned two points. The Deputy Commissioner said: if you are proceeding to the colony, you are under arrest: get into the van. These words also appear. When I went to the police station, I asked him: under what section and under what order have you arrested me? They refused to tell me. I said that I wanted to bring the matter before the court and try to put my case before the court.

After that they were afraid; then they said that there was a prohibitory order. Then we asked them: When hundreds of us went to the same colony, how is it they were permitted to enter that colony if there was a prohibitory order?

**MR. SPEAKER:** After you give the transcript, I shall look into it.

**श्री मधु लिमये:** पहले आप मुझ को मुनिये मने नोटिस दी है। मैं भ्रम से खड़ा हो रहा हूँ। मैंने इस मामले में प्रिविलेज की नोटिस दी है लेकिन जो मुख्य सवाल है उसको आप सुनना नहीं चाहते हैं।

**MR. SPEAKER:** How could I ask you to speak when he was already speaking? You better ask your colleague. After all we have been following this practice. When such things come I refer them to the Government for information and when the information is received it is given in the bulletin of the House and now he says that . . .

**SHRI MADHU LIMAYE.** I have said that in the notice.

**MR. SPEAKER:** You should have patience. After all you are hon. Members:

**श्री मधु लिमये:** नियम के अनुसार जब किसी सदस्य को गिरफ्तार किया जाता है तो उसको जानकारी देनी पड़नी है और आपकी बुलेटिन में जो जानकारी आयी थी उसके आधार पर मैंने अपना प्रिविलेज का नोटिस दिया था। चूंकि मैंने खुद अपने कानों से टेप सुना है इसलिए मुझे ऐसा लगा कि आपको जो जानकारी दी गई है जो कि बुलेटिन न० (2) में आई है वह नरासर गलत है। इसी के आधार पर मैंने यह प्रश्न दिया था। हमारा कहना यह नहीं है कि हमको कोई रोके नहीं कोई गिरफ्तार न करे लेकिन सदन का यह विशेषाधिकार बनता है कि

सदन को सही जानकारी मिलनी चाहिए सदस्य की गिरफ्तारी के बारे में । आप यह सीधी सादी बात सुनना नहीं चाहते हैं और निर्णय करना चाहते हैं ।

(Interruptions)

**अध्यक्ष महोदय :** उन का भी नहीं, और आप का भी नहीं आयेगा रेकार्ड पर ।

These words which started from Mr. Madhu Limaye and right back to this moment will not stand on record.

**PROF. MADHU DANDAVATE:** Sir, I have only drawn your attention to the fact that the intimation sent to you by the police is false.

**अध्यक्ष महोदय :** आप बैठिए । मेरी बात सुन लीजिए । आप भेज दीजिए तो मैं देख लूंगा ।

**SHRI P. G. MAVALANKAR (Ahmedabad):** Sir, Mr. Madhu Limaye had given to you a notice in writing before this Monsoon Session of the Lok Sabha started. How is it that you say the matter has been brought to you now? The whole point at issue is not that Members of Parliament are arrested but if they are arrested, punished or taken to jail an intimation is sent to you. The point is that intimation which has been sent to you is false. This matter is not brought to your notice just today, but sufficiently in advance by Mr. Madhu Limaye.

**अध्यक्ष महोदय :** अगर आप पार्लियामेंटी रखना चाह तो रखिए ।

**श्री पीलू मोदी (गोधरा) :** हाँ, रखना चाहिए, काफ़ी \*\* हाउस में होती है ।

**MR. SPEAKER:** When this matter was referred to the Government for information a reply came. That was put in the bulletin. After that it is

today that I see that he is not satisfied. It is brought today and the reason as to why he is not satisfied is, he says, that he has tape-recorded it. I have asked him to show me the transcript.

**PROF. MADHU DANDAVATE:** I am satisfied. This is what I said in my communication.

**SHRI SHYAMNANDAN MISHRA:** Sir, how have you expunged the word \*\*. Is that word unparliamentary?

इसका इस्तेमाल कई बार हुआ है । उस शरफ से नानसैस का इस्तेमाल हुआ है ।

**अध्यक्ष महोदय :** नानसैस का तो हुआ है, लेकिन दूसरा जो है उस को भी रखना चाहते हैं ? क्या आप चाहते हैं कि इस शब्द को भी रखा जाय ?

**SHRI SHYAMNANDAN MISHRA:** Our first Prime Minister used to say "fantastic nonsense" and it is being repeated by the present Prime Minister also. Why do you say \*\* is unparliamentary? Both these words \*\* and \*\* cannot be on a par \*\* is never unparliamentary.

**MR. SPEAKER:** You will agree it is not in good taste.

**PROF. MADHU DANDAVATE:** An identical expression was used in the House of Commons. About Mr. Churchill's speech, Mr. Attlee said, "Mr. Churchill's voice is meaningless noise". Its translation is \*\* (Interruptions).

**MR. SPEAKER:** Papers to be laid. Shri Ganesh.

**SHRI SAMAR GUHA (Contai):** On a point of order, Sir. You have said, it is no in good taste. It was a classi-

cal remark of Pandit Jawaharlal Nehru not once but repeatedly—"fantastic nonsense". Our present Prime Minister also is saying, "As my father used to say, it is a fantastic nonsense". (Interruptions).

MR SPEAKER: This word is not to be used in Parliament.

12.27 hrs.

PAPERS LAID ON THE TABLE  
NOTIFICATION UNDER CUSTOMS ACT,  
1962 AND CENTRAL EXCISE RULES, 1944.

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

(1) A copy each of Notifications Nos. G.S.R. 355 (E) to 357 (E) (Hindi and English versions) published in Gazette of India, dated the 1st August, 1974, under section 159 of the Customs Act, 1962, together with an explanatory memorandum [Placed in Library. See No. LT-8132/74].

(2) A copy each of Notifications Nos. G.S.R. 346 (E) to 353 (E) (Hindi and English versions) published in Gazette of India dated the 1st August, 1974 issued under the Central Excise Rules, 1944, together with an explanatory memorandum. [Placed in Library. See No. LT-8133/74].

NOTIFICATIONS UNDER ALL INDIA  
SERVICES ACT, 1951

THE MINISTER OF STATE IN  
THE MINISTRY OF HOME AFFAIRS  
AND IN THE DEPARTMENT OF  
PERSONNEL (SHRI RAM NIWAS  
MIRDHA): I beg to lay on the Table  
a copy each of the following Notifi-  
cations (Hindi and English versions)  
under sub-section (2) of section 3 of  
the All India Services Act, 1951:—

(1) The Indian Administrative  
Service (Fixation of Cadre  
Strength) Tenth Amendment  
Regulations, 1974, published

in Notification No. G.S.R. 777  
in Gazette of India dated the  
27th July, 1974.

(2) The Indian Administrative  
Service (Pay) Ninth Amend-  
ment Rules, 1974, published  
in Notification No. G.S.R. 778  
in Gazette of India dated the  
27th July, 1974. [Placed in  
Library. See No. LT-8134/74].

INDIAN TELEGRAM (SIXTH AMENDMENT)  
RULES, 1974

THE DEPUTY MINISTER IN THE  
MINISTRY OF COMMUNICATIONS  
(SHRI JAGANNATH PAHADIA): I  
beg to lay on the Table a copy of the  
Indian Telegraph (Sixth Amendment)  
Rules, 1974 (Hindi and English ver-  
sions) published in Notification No.  
G.S.R. 571 in Gazette of India dated  
the 8th June, 1974, under sub-  
section (5) of section 7 of the Indian  
Telegraph Act, 1885. [Placed in  
Library. See No. LT-8135/74].

ANNUAL ADMINISTRATION REPORT OF  
GUJARAT ELECTRICITY BOARD FOR  
1972-73 AND A STATEMENT

THE DEPUTY MINISTER IN THE  
MINISTRY OF IRRIGATION AND  
POWER (SHRI SIDDESHWAR PRA-  
SAD): I beg to lay on the Table—

(1) A copy of the Annual  
Administration Report of the  
Gujarat Electricity Board,  
under sub-section (1) of  
section 75 of the Electricity  
(Supply) Act, 1948, read with  
clause (c) (iii) of the  
proclamation dated the 9th  
February, 1974 issued by the  
president in relation to the  
State of Gujarat.

(2) A statement (Hindi and En-  
glish versions) explaining  
the reasons for not laying  
the Hindi versions of the  
above Report. [Placed in  
Library. See No. LT-8136/74].