

[Shri S. C. Samanta]

to Third sittings of the Committee on Absence of Members from the Sittings of the House held during the current session.

MESSAGE FROM RAJYA SABHA

SECRETARY : Sir, I have to report the following message received from the Secretary of Rajya Sabha :—

"In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in Rajya Sabha, I am directed to return herewith the Central Board of Direct Taxes (Validation of Proceedings) Bill 1971, which was passed by the Lok Sabha at its sitting held on the 31st July, 1971, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

12.06 hrs.

CONVICTION OF MEMBERS

MR. SPEAKER : I have to inform the House that I have received the following two communications dated the 10th August, 1971, from the Judicial Magistrate, First Class, New Delhi :—

I—"I have the honour to inform you that Shri Laxmi Narayan Pandey, member of the Lok Sabha, was tried at New Delhi before me on charge under section 188 IPC as he contravened the prohibitory order under section 144 Cr.P.C. by A.D.M. New Delhi by raising slogans and staging demonstration in favour of recognition of Bangla Desh. "

SHRI S. M. BANERJEE (Kanpur) :
Mr. Speaker, Sir,

MR. SPEAKER : Please sit down so long as I am on my legs. Try to be a little considerate. Why do you show impatience ?

SHRI PILOO MODY (Godhra) : Because he is a Communist,

MR. SPEAKER : No crime to be a Communist.

"..To-day he was tried by me, I found him guilty on his own voluntary plea of guilt and sentenced him to undergo simple imprisonment for one day."

II—"I have the honour to inform you that undermentioned M.P's were sent up for trial under section 188 I.P.C. by the Police Station Parliament Street, New Delhi in case F.I.R. No. 1313 dated 10-8-1971 under section 144 Cr.P.C promulgated by ADM, South Delhi on 2nd July, 1971 by demonstrating and raising slogans in support of recognition of Bangla Desh

They were tried by me today and on their plea of guilt I found them guilty under section 188 I.P.C. and convicted and sentenced them for one day's simple imprisonment.

1. Shri Ram Chander Bade, M.P.
2. Ch. Mukhtiyar Singh, M.P."

But Mr. Kachwai is still missing here.

Mr. Banerjee, you raised this point and I have made my observations.

SHRI S. M. BANERJEE : I wanted to raise a question of privilege.

MR. SPEAKER : We cannot take cognizance of that. I have already made it clear.

SHRI S. M. BANERJEE : I am not raising the question of privileges, Sir. But I am just making a suggestion for your consideration.

MR. SPEAKER : If something is said by the court, how can we take cognizance of that ?

SHRI R. S. PANDEY (Rajnandgaon) : Sir, his submission is that the sentence is very little.

SHRI S. M. BANERJEE : Defying Sec. 144 may be a crime but conviction under Sec. 188 for raising slogans in favour of Bangla Desh is not correct, Sir. Is it not a shame on our judiciary that this is being

done ? This is a question of privilege. In the Prime Minister's meeting which she addressed, there were slogans shouted in favour of Bangla Desh.

SHRI VIKRAM CHAND MAHAJAN (Kangra) : It is not a question of shouting slogans. The conviction is for defying the ban. Don't take a perverse attitude of everything.

SHRI S. M. BANERJEE : To shout slogans in support of Bangla Desh is my privilege. The Magistrate should not be allowed to convict a person for this

SHRI R. V. BADE (Khargone) : I suggest that we may not waste our time on this.

MR. SPEAKER : Don't go again.

SHRI S. M. BANERJEE . Shouting slogan in favour of Bangla Desh is not a guilt (*Interruption*).

MR. SPEAKER : Mr Banerjee, there is a limit to it.

SHRI S. M BANERJEE This is a case of privilege. (*Interruption*)

श्री हुकम चंद कछवाय (गुरेना) : नो तारीख को साखो लोग एकत्र हुए और नारे लगाये। उनसे से किसी को नहीं पकड़ा। क्या कारण है कि जन संघ वालों को पकड़ा जाता है ?

अध्यक्ष महोदय : मेरा तो इसी बात में इन्टरेस्ट था कि सेशन के दिनों में दो चार दिन के लिए घायल चले जाते तो अच्छा होता ।

SHRI PILOO MODY : May I remind Mr. Banerjee that it is he who makes the laws and changes the laws ?

SHRI S. M. BANERJEE : It is not I who makes the laws, Sir. There is Sec. 144 Under this section you can arrest me, but not for shouting slogans for Bangla Desh. (*Interruption*).

MR. SPEAKER : Mr. Banerjee, may I request you—will you please keep sitting ? There is certain decorum in the House which should be observed. Why are you not listening to the Chair ? (*Interruption*).

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : On behalf of Shri Y. B. Chavan, I beg to move for leave to introduce a Bill to determine the conditions of service of the Comptroller and Auditor-General of India and to prescribe his duties and powers and for matters connected therewith or incidental thereto.

MR. SPEAKER : Please wait. There are two items before this. I am so sorry. When you make such a noise, I really wonder how the Chair can function. It has distracted my attention. I am very happy I did not put the question. Otherwise it will be very difficult. Shri K. N. Tiwary.

12.12 hrs.

ESTIMATES COMMITTEE

FOURTH REPORT AND MINUTES

SHRI K. N. TIWARY (Bettiah) : Sir, I beg to present the following Report and Minutes of the Estimates Committee :

- (1) Fourth Report on the Ministry of Labour and Rehabilitation (Department of Labour and Employment)—Workers' Education Programme.
- (2) Minutes of the sittings of the Estimates Committee relating to the Fourth Report on the Ministry of Labour and Rehabilitation, (Department of Labour and Employment)—Workers' Education Programme.

PUBLIC ACCOUNTS COMMITTEE

NINTH REPORT

SHRI SEZHIAN (Kumbakonam) : Sir, I beg to present the Ninth Report of the Public Accounts Committee regarding Audit Report (Civil), 1970 and Appropriation Accounts (Civil) 1968-69 relating to the Ministry of Education and Youth Services, University Grants Commission and Council of Scientific and Industrial Research.