

any amendment, the Constitution (Thirty-fourth Amendment) Bill, 1974, which was passed by the Lok Sabha at its sitting held on the 26th August, 1974."

- (iii) "In accordance with the provisions of rule 111 of the Rules of Procedures and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Payment of Bonus (Amendment) Bill, 1974, which has been passed by the Rajya Sabha at its sitting held on the 27th August, 1974."

PAYMENT OF BONUS (AMENDMENT) BILL

AS PASSED BY RAJYA SABHA

SECRETARY GENERAL: Sir, I lay on the Table of the House the Payment of Bonus (Amendment) Bill, 1974, as passed by Rajya Sabha.

**RULES COMMITTEE
MINUTES**

SHRI SEZHIAN (Kumbakonam): I beg to lay on the Table Minutes of the sitting of the Rules Committee held on the 21st August, 1974

12.21 hrs.

QUESTION OF PRIVILEGE

Alleged hand-cuffing of Shri Ishwar Chaudhury, M.P., by Bihar Police

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): On August 6, 1974, a reference was made in the House to a news-report published in the 'Nav Bharat Times' about the alleged handcuffing of Shri Ishwar Chaudhury, M.P., when he was taken to a court at Patna on August 5, 1974.

The matter was again raised in the House on August 14, 1974. The facts, as reported by the State Government, are as follows.

Shri Chaudhury, along with 63 other satyagrahis, was arrested near the Bihar Legislative Assembly on June 10, 1974 for picketing and violation of prohibitory orders and they were remanded to custody in Phulwarisharif jail, Patna. A case was registered in this connection under sections 143, 188 and 341 I.P.C. and section 7 of the Criminal Law Amendment Act 1932.

On June 17, 1974, the satyagrahis in prison started a relay fast proclaiming their objective of eradicating corruption inside and outside the jail.

Shri Chaudhury gave a petition to the jail authorities pointing out that some prisoners had threatened a clash with the "satyagrahis". According to the jail authorities, the other prisoners were angry with the satyagrahis because they were sitting on fast near the gate and had allegedly used undignified language towards some visitors to these prisoners. On July 2, 1974, there was a scuffle in the jail between two satyagrahis over some issue and this developed into a bigger clash involving other prisoners and also the jail staff. One of the satyagrahis by name Ashwini Kumar Chaubey received a burn injury, besides abrasions. A case under sections 147/307/323, IPC has been registered against the Jailor and some warders in this connection on a statement made by Shri Chaubey and is under investigation. Departmental action is also being taken against the concerned jail staff allegedly involved in the incident.

Shri Chaudhury had reported to the Inspector General of Prisons that two to three hours before the above incident the Assistant Jailor had given him some blows in his stomach. This allegation is being enquired into. Shri Chaudhury had also told the

[Shri F. H. Mohsin]

Inspector General of Prisons that at the time of the alleged assault by the warders he had gone inside his own ward and that he had not received any injury in the incident.

On August 5, 1974, when the prisoners were taken out from the jail to go to the court Shri Ishwar Chaudhury, along with other satyagrahis was hand-cuffed by the escorting party. This mistake occurred since the escorting party did not know the identity of Shri Chaudhury as an MP. This mistake was detected at the jail gate itself and the escorting party was asked by the officiating Jailor to immediately remove the handcuffs from Shri Chaudhury. Shri Chaudhury, however, insisted on remaining in handcuffs on the ground that the other satyagrahis were also in handcuffs.

The State Government have further reported that Shri Ishwar Chaudhury was discharged and released from custody on August 8, 1974

On February 21, 1968, the Government of India had issued detailed instructions to all State Governments regarding matters connected with service of summons on, and arrest of, Members of Parliament. These instructions, *inter alia*, referred to the general rule that prisoners should not be handcuffed as a matter of routine and that the use of handcuffs should be restricted to cases where there are reasonable grounds to believe that the prisoner may use violence or attempt to escape or where there are other similar reasons. It was stressed that this rule should be particularly observed in the case of Members of Parliament. These instructions were again referred to in another circular letter sent to all State Governments on February 4, 1974. It is most unfortunate that a mistake had occurred in the compliance of instructions in this case. The attention of all State Governments has once again been drawn to all the standing instructions

issued in this regard and they have been advised strictly to avoid such mistakes.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Mr. Speaker, Sir, this is nothing but repression by the police force. I have written to you about this. I now want to make a submission because this statement is full of concoction and untruth. (Interruptions) I have written to you.

श्री प्रदल बिहारी बाजपेयी (गवालियर)
मन्त्री जी ने जो कुछ कहा है उसमें दो बातें ग्राफ हैं। मन्त्री जी ने एक तो इस बात की गारंटी कर दी है कि श्री ईश्वर चाधरी का हथकड़ी लगाई गई। उन्होंने दूसरी बात यह भी मानी है कि भारत सरकार ने इस तरह का मॉडल भेजा था कि इस प्रकार के स्टैंडिंग मामला में हथकड़ी नहीं लगनी चाहिए। कौन एडजुकेटर को किताब में इन सर्कुलर का हवाला दिया है जिनका पत्र पढ़ते आपकी बताया था। लेकिन अब मन्त्री महोदय कहते हैं कि श्री ईश्वर चाधरी का हथकड़ी इसलिए लगाई गई कि जेल अधिकारी जानते हैं कि यह एम.पी. है। क्या आप चाहते हैं। हम उस बात पर विचार करें ? हथकड़ी लगाने की घटना के और मामले श्री श्री ईश्वर चाधरी का लकार हो चुके हैं। वह इन्फेक्टर जनरल को शिवायत भेद चुके हैं और सभी जेल वाले जानते थे कि यह रॉबिन्सॉन के मन्धर है। इसलिए जानबूझ कर हथकड़ी लगाई गई है उन्हें वेडजिन करने के लिए लगाई गई। मन्त्री महोदय को गारंटी देना। मार्ग है उन्होंने यह भी नहीं बताया कि क्या कौन कर रहा है।
(व्यवधान)

तो हमसे दो मांगें हैं। एक तो श्री ईश्वर चाधरी का व्यक्तिगत क्लेम मांगला है जिसमें हथकड़ी लगाने का एक बड़ा सबाल है। दूसरे जो गवर्नामैंट करते हैं उनको हथकड़ी क्यों लगनी चाहिए (व्यवधान)

श्री शंकर दयाल सिंह (चतरा) .
अध्यक्ष महोदय, इसमें कोई राजनीति का

प्रश्न नहीं है, इसमें ससत्सदस्यों की मर्यादा का प्रश्न है। जिस अधिकारी ने यह कार्य किया है उसके खिलाफ तुरन्त कार्यवाही होनी चाहिए, उसको सस्पेंड करना चाहिए। यह केवल ईश्वर चौधरी का मामला नहीं है, आज एक ससत्सदस्य के साथ यह घटना हुई है और कल दूसरे ससत्सदस्यों के साथ भी यही हो सकता है। (व्यवधान)

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, आप ईश्वर चौधरी के मामले का प्रिविलेज कमेटी के पास भेज देंगे। उसमें बड़ा सबूत हाथ में लगाने का है। उसमें एक आम नागरिक का सबूत है अगर वह भागता नहीं है तब तो उस पर उधार नहीं है तो आम नागरिक का इशारा लगा कर क्या बयान किया जाना चाहिए? सत्याग्रही का क्या इशारा लगाया जाएगा? और फिर ससत्सदस्य और स्टेट मन्त्री के सम्बन्ध के साथ क्या व्यवहार होना चाहिए? जो सर्कुलर था उसका पालन नहीं हो रहा है। आप मंत्री महादय से यह बयान सर्कुलर की बाग ट्विन्ग पर लें और आप इस मामले का प्रिविलेज कमेटी को सौंप दें जो उस बात पर विचार कर कि सर्कुलर की कार्यवाही किस तरह से की जानी चाहिए और यह जो घटनाएँ हो रही हैं उनका समाधान किस तरह से नजरान्दाज कर रही है। यह दाना चीजे मलज कर देनी चाहिए।

SHRI JYOTIRMOY BOSU. So, I want to make a submission. This incident took place on 2nd July, 1974. To-day is 30th August, 1974. I had already written no less than three letters to you asking for the statement of the Home Minister

MR. SPEAKER Everyday you are writing letters

SHRI JYOTIRMOY BOSU: I say, first of all, that this is a concocted statement. On page 1 of the statement, he says:

'On July 2, 1974, there was a scuffle in the jail between two satyagrahis over some issue and this developed into a bigger clash involving' How can this clash be developed into a bigger clash, we do not know.

MR. SPEAKER. May I request you to please sit down?

SHRI JYOTIRMOY BOSU. Whenever I speak, you get irritated.

MR. SPEAKER: You are very aggressive I have been tolerating it. I will not tolerate it in future. You speak whatever you like but do not address me like that.

SHRI JYOTIRMOY BOSU. Sir, if you look into the records it is a matter which I had first raised on August 5. Since that day I have written four letters to expedite the matter and the Home Minister had been sitting over it I wrote again today I am very seriously concerned about it. Sir, if you look at the statement you will find it stated that 'a bigger clash took place as a result of which one of the satyagrahis by name Ashwini Kumar Chaubey received a burn injury'

Sir, when a clash takes place how can a man get burn injury I want the Home Minister to clarify it. Secondly how is it that the Assistant Jailor had given him some blows in his stomach?

MR. SPEAKER You are going into the merits of the statement

SHRI JYOTIRMOY BOSU. The Home Ministry is trying to hookwink the issue. The Assistant Jailor gave him blows without also knowing that Mr. Chaudhury was an MP. He also handcuffed him without knowing that he was an MP. I want a categorical assurance and information as to whether the persons involved in this have been suspended or not. They should be suspended at once and a probe made

SHRI VASANT SATHE (Akola): Sir, this is a matter which is really very serious and let us not now waste time on angry exchanges and sidetrack the issue as Mr. Jyotirmoy Bosu is trying to do. We are all agreed on this side that this is a matter fit for being referred to the Privileges Committee and we support whole-heartedly that this matter be referred to the Privileges Committee without further delay.

MR. SPEAKER: If both sides want it then, I think, there is consensus in the House. With the consensus of the House it should be referred to the Privileges Committee.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I entirely agree that this is a very grave matter in which there should be no party consideration.

This may be referred to the Privileges Committee.

MR. SPEAKER: I am sending it to the Privileges Committee. It is already over. It is already decided.

SHRI H. N. MUKERJEE: I am making a submission, namely, as Mr. Vajpayee has said very rightly, not only our Members of Parliament have been hand-cuffed. Only the other day, I brought up before the House the case of the editor of a weekly called Desha Brati produced before the court hand-cuffed and some Andhra journalists produced before the court hand-cuffed. The Government has got circulated an order that normally, unless there are some very special circumstances, persons should not be hand-cuffed. This is a matter which has agitated everybody and he suggested that some ways and means should be found to put pressure on the Government to stop this practice. I hope you would give some indication of the mind of the House.

MR. SPEAKER: As far as Members of Parliament are concerned, I have given my indication on the very

first day. I gave my views on that. I very much hope that the Privileges Committee will take all aspects of this question into consideration.

I will be conveying your views to the Home Minister. My personal view is, those days have gone when hand-cuffs were used. About Members of Parliament, the position is very clear. You will examine this in all aspects, not only in regard to this particular case, so as also to lay down certain procedures for future guidance. As far as others are concerned, it is very much hoped that the views that are conveyed by you will be considered and some decision taken so that all respectable citizens who are voluntary satyagrahis or who occupy good positions in public life or who are good journalists, jurists, doctors, writers or educationists are treated well.

Don't introduce your own meaning to it. I have given a broad outline. They will consider it. I will convey it to the Home Minister.

12.38 hrs.

BUSINESS OF THE HOUSE

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): With your permission, Sir, I rise to announce that Government Business in this House during the week commencing 2nd September, 1974, will consist of:—

- (1) Consideration of any item of Government Business carried over from the Order Paper of Saturday, the 31st August, 1974.
- (2) Consideration and passing of the Interest Tax Bill, 1974.
- (3) Discussion on the Resolution seeking continuance of President's Rule in Gujarat.
- (4) Consideration and passing of the Untouchability (Offen-