

Central Excises and Salt Act, 1944:—

(a) The Central Excise (Twenty-seventh Amendment) Rules, 1963 published in Notification No. G.S.R. 1825 dated the 30th November, 1963.

(b) The Central Excise (Twenty-eighth Amendment) Rules, 1963 published in Notification No. G.S.R. 1826 dated the 30th November, 1963.

[Placed in Library. See No. LT-2089/63]

(iii) a copy each of the following Notifications under section 159 of the Customs Act, 1962:—

(a) Notification No. G.S.R. 1791 dated the 23rd November, 1963.

(b) Notification No. G.S.R. 1792 dated the 23rd November, 1963.

[Placed in Library. See No. LT-2090/63]

(iv) a copy of Notification No. F. 4(45)/63-Fin (E) published in Delhi Gazette dated the 7th November, 1963, making certain further amendments to the Delhi Sales Tax Rules, 1951, under sub-section (4) of section 26 of the Bengal Finance (Sales Tax) Act, 1941, as in force in the Union Territory of Delhi.

[Placed in Library. See No. LT-2091/63]

NOTIFICATION UNDER RESERVE BANK OF INDIA ACT

Shri B. R. Bhagat: On behalf of Shrimati Tarkeshwari Sinha I beg to lay on the Table a copy of Reserve Bank of India Notification No. 1 dated the 30th November, 1963, making certain amendment to the Reserve

Bank of India (Note Refund) Rules, 1935, under proviso to section 28 of the Reserve Bank of India Act, 1934.

[Placed in Library. See No. LT-2092/63].

12.25 hrs.

ARREST OF SHRI B. P. MAURYA

Mr. Speaker: I have to inform the House that I have received the following communication, dated the 12th December, 1963, from the Sub-inspector of Police, Allahabad, Camp, Police Station, Parliament Street, New Delhi:

"I have the honour to inform you that Shri B. P. Maurya, Member, Lok Sabha, was arrested at 8:30 A.M. on the 12th December, 1963 in case No. 707 under rule 41(c) of the Defence of India Rules and he is going to be produced before A.D.M., Delhi, with the request for transferring to Allahabad."

श्री रामसेवक यादव (बाराबंकी) :

अध्यक्ष महोदय, इस सम्बन्ध में मैं ने एक कार्रवाई अटेंशन मोशन दिया था। मेरा निवेदन है कि आज जब मैं सवेरे अखबार पढ़ रहा था तो श्री मौर्य का टेलीफोन मेरे पास आया और मुझे यह इतिला मिली कि उन्होंने ने ३० अप्रैल सन् १९६३ को जो एक भाषण इलाहाबाद में दिया था, जिस से जनता में रोष पैदा होने की सम्भावना थी पुलिस की राय में, उस के लिए उन को डिफेंस आफ इंडिया रूल्स के अन्तर्गत गिरफ्तार किया गया है। मेरा निवेदन है कि इस प्रकार डिफेंस आफ इंडिया रूल्स का उपयोग विरोधियों को दबाने के लिए किया जा रहा है। इससे तो जो हमारे व्यक्तिगत स्वतंत्रता के और मौलिक अधिकार हैं उन का हनन होता है। यह बड़े महत्व का विषय है। मेरा निवेदन है कि इस पर चर्चा की जाय।

Shri Nath Pai (Rajapur): I should like to avail myself of this opportunity to bring to the notice of the Prime

[Shri Nath Pai]

Minister and the Home Minister that countries which boast of having Parliaments worth the name of being called legislative assemblies have provided that the police shall not lay their hands on Members of Parliament without Parliament being consulted. May I point out that in Austria no Member of Parliament can be arrested unless the consent of Parliament has been obtained, whatever the offence, unless the offence be a crime and he is arrested in the commission of that crime. Here in a very casual way any policeman can come and arrest. I think it is not the individual who is concerned but the whole institution of Parliament comes into ridicule. We provided almost unanimous support to the passing of the DIR that was to stop anti-national activities and anti-social activities. Here is a Member of Parliament from the Opposition who made a speech nearly eight months ago. I think this is bringing Parliament into contempt. The Allahabad Police today think it necessary to lay their hands on him. I would like you to give your serious thought. I was myself twice arrested in spite of the fact that I belong to the highest legislature of India in the most casual and cavalier manner and dragged in the streets as if I was an ordinary prisoner. We feel very agitated over this; the police goes and uses the DIR to arrest a Member of Parliament for a speech made eight months ago. He does not belong to my Party but this can happen to anybody. I want the Congress M.Ps. who were victims of such atrocities in British days to apply their minds to this and see that an M.P. shall not be so easily marched off for an alleged speech delivered eight months ago. I hope the Prime Minister, the Home Minister and you, Sir, will apply serious thought and find out a remedy so that this cavalier treatment is brought to an end.

Shri H. N. Mukerjee (Calcutta—Central): Sir, I wish, if I may, to re-

inforce the arguments which were placed before you by my hon. friend Mr. Nath Pai and I wish to submit to you that perhaps it is necessary for us not to make a purely literary interpretation of whatever rules we have got. I know that on a technical interpretation of the matter, it could be said that the Magistrate concerned has sent you an intimation so that this House can be said to take notice of that intimation. But the fact is that here is an instance of the employment of the Defence of India Rules against a Member of Parliament during the pendency of a session of Parliament on account of a speech which, I am told, is said to have been made more than six months ago. We are at the present moment at a time when the Defence of India Rules should not in all conscience be employed in a manner that has been demonstrated. Emergency is as good as finished as far as a sense of urgency is concerned and Government is lacking in that sense of urgency but here we find, at a time when the emergency is hardly in the picture, at a time when Parliament is sitting, a Member of Parliament is arrested on account of what he is supposed to have said or done more than six months ago. Two Members of this House are still in detention under the Defence of India Rules in spite of a certain amount of jail delivery which the Government has chosen to perform in recent times. Apart from the question of the rights of Members of Parliament and the technical interpretation of the rules and the Members being treated in this cavalier fashion, apart from these aspects of the matter, there is the political significance of this kind of action being taken by Government. That is why I submit that the action against Mr. Maurya and other Members of Parliament from Tripura in particular who have been deprived of their right to serve their country through the Membership of this House should be taken into consideration and that you may whip up the Government to a realisation of its responsibility in

view of the changed atmosphere in the country today.

Shri Kapur Singh (Ludhiana): I would like to associate myself with the sentiments as well as the arguments which have till now been advanced by my hon. friends Shri Nath Pai and Shri H. N. Mukerjee. I wish to add that this House justly feels concerned about this matter. Though we bow to the ruling which you have given—disallowing the Call Attention Notice—and there are ostensibly good reasons for it because it is a matter which primarily concerns the States—the concern of this House proceeds from three grounds. Firstly, an hon. Member of this House is involved. Secondly, the action which has been taken, on the face of it, does not seem to be the kind of action that would appear to have been taken with justification. Thirdly, and lastly, this action has been taken under the Defence of India Rules which stem out of the proclaimed Emergency of which this Parliament is the sanctioner and maker. Therefore, this Parliament cannot divest itself of its interest and its moral responsibility as to how these Defence of India Rules are implemented. For these reasons, I would suggest that the Home Minister may send for the papers immediately and apprise this House of the real reasons and the grounds on the basis of which this action has been taken.

श्री बड़े (खारगोन): अध्यक्ष महोदय, अभी श्री नाथ पाई, श्री हिरेन मुकर्जी और श्री कपूर सिंह ने जो विचार प्रकट किये हैं उन का मैं पूरी तौर से समर्थन करता हूँ। आज सुबह हम को यह इत्तिला मिली कि माननीय सदस्य श्री मौर्य को आठ महीने पहले कोई स्पीच उन्होंने ने दी थी, उस के लिए पुलिस ने आज सुबह उन को गिरफ्तार कर लिया। यह भी अजीब बात है कि स्पीच उन्होंने ने आज से आठ महीने पहले की थी, अब तक तो सरकार को उन से कोई आशंका नहीं थी लेकिन आज आठ महीने बाद जबकि लोकसभा का सेशन चल रहा है, श्री मौर्य को ठीक आप की नाक के नीचे

से आठ बजे सुबह गिरफ्तार कर के ले जाते हैं, यह कहां तक उचित है? मुझे यह भी इत्तिला मिली है कि उन की गिरफ्तारी की इत्तिला आप को बाद में मिली। क्या ट्रेजरी बँचेज वाले डिफेंस आफ इंडिया रूल्स पास करा कर अपोजीशन वालों को इस तरह से गिरफ्तार कर के उन का मुँह बन्द करना चाहते हैं और सेशन के चलते पुलिस द्वारा विरोधी सदस्यों को गिरफ्तार करवा कर इस पार्लियामेंट को कंटेन्ट में लाना चाहते हैं? मेरी आप से विनती है कि उन के पेपर्स आप द्वारा अपने पास मंगवाये जायें और आप उस बारे में अन्तिम निश्चय करें। श्री मौर्य को लोकसभा के सेशन के दौरान पुलिस द्वारा गिरफ्तार करना कानून के खिलाफ है, यह कंटेन्ट ऑफ पार्लियामेंट है और साफ तौर से यह पार्लियामेंट की अवहेलना करना है और अध्यक्ष महोदय को इस दृष्टि से इस सवाल को देख कर अन्तिम निश्चय करना चाहिए।

Shri Jaipal Singh (Ranchi West): While I would fall in line with the sentiments of Shri Nath Pai, I am afraid I cannot endorse his political slant nor that of Shri H. N. Mukerjee and others who are arraigning the Government as though the Defence of India Rules were passed by this House, by Parliament, only to be used against the Opposition. I do not know what the merits of this particular arrest are; that is for the magistrate to decide. We are only conjecturing what he said eight months ago and we do not know what has happened since then. My point of view is—I humbly submit—that you and Parliament will seriously consider that as far as the duties of a Member of Parliament, during the session of Parliament, during the hours of the session of Parliament are concerned, and any committee work which he might have to perform, he should be at your disposal. Then they can lock him up or do anything they like after Parliament hours. In other words, his constituency, his constituents, should not

[Shri Jaipal Singh]

be deprived of the duties that are cast upon him. I submit that no legislator, either at the Centre or even in the States, should be deprived of his duty. We do not know the merits of the case. We are only talking about the things which have appeared—(Interruption).

Mr. Speaker: The merit should not be discussed.

Shri Bade: Is it not contempt of Parliament?

Shri Jaipal Singh: That is exactly what I am saying whether it is contempt of Parliament, and hon. Members should better realise what an hon. Member of Parliament is, sometimes. All that I am saying is, a Member of Parliament should not be prevented from doing his duty to his constituents, his constituency, in the Lok Sabha, and while the session is on, he should be enabled to attend the session and do any other work that is committed to him. As for the criminal aspect and other things, we are not concerned.

Shri Frank Anthony (Nominated—Anglo-Indians): With great respect, I want to dissociate myself from what Shri Jaipal Singh has said. I do not want to elaborate this question, but as a practising lawyer, I am worried about the principle involved. If we were convinced that an offence as such has been committed, or that there was specific evidence of something which would endanger the security of the State, nobody can question it. But what perturbs me is this: and I am glad that the Prime Minister is here. There is this steady recession of the legal spirit on the part of the Government, and I do not want Parliament also to become a victim of this increasing supersession of the rule of law. I would ask you at least to ensure that the arbitrariness of the Preventive Detention Act—as you know as a lawyer, even on no grounds, a magistrate can proceed—is not allowed. You should insist, or, at any

rate, let us get together and see that no Member of this House should be arrested under the Defence of India Rules until the grounds are supplied to you.

Shri Hari Vishnu Kamath: Immediately.

Shri Frank Anthony: The grounds must be supplied to you. I want the grounds to be supplied to you. I do not want them to say this as they can say under the Preventive Detention Act; any District Magistrate, however false it may be, can say that "in the public interest I will not disclose it." You must insist that at least to you the grounds must be disclosed. If you do not want to disclose them to us, that is a different matter. But might I suggest to you an Advisory Board? You must insist on the specific grounds to be disclosed to you. I do not know whether you can—you must make available legal aid to the hon. Member concerned.

श्री बागड़ी (हिसार) : अध्यक्ष महोदय, श्री मोर्य, हिन्दुस्तान के दलित लोगों के नेता और जोकि इस लोकसभा के एक माननीय सदस्य हैं, आज पुलिस द्वारा गिरफ्तार कर लिये गये। ऐसी परिस्थिति के अन्दर जबकि उन के खिलाफ एलेक्शन पटीशन चल रही हो और लोकसभा का यहां पर सेशन चल रहा हो, एक साधारण पुलिस का थानेदार इस माननीय सदन के किसी मँम्बर को बगैर आप से कोई पूछताछ किये गिरफ्तार कर ले, मैं कहूंगा कि यह हिन्दुस्तान की सब से बड़ी संसद् अर्थात् लोकसभा का अपमान करना है, यह किसी एक व्यक्ति विशेष का अपमान नहीं है। जनतंत्र को अगर जिदा रखना है तो ऐसी चीजों को रोकना होगा। अगर ऐसा होने दिया गया तब तो फिर कोई भी विरोधी पक्ष का व्यक्ति सरकार की आलाचना नहीं कर सकेगा। जबकि लोकसभा का सेशन चल रहा हो इस तरह से पुलिस एक पर्चा तैयार कर ले और लोकसभा

के किसी समय तो जॉर्ज जनता का यहाँ प्रतिनिधित्व करता है। उस को लोकसभा में अपना कर्तव्य पालन से इन तरह से वंचित कर देना और वह भी गिरफ्तारी एक उस भाग के लिए की जाय जॉर्ज आज से करीब न महीने पहले पुलिस के अनुसार उस ने वहाँ पर दिया था, इस का मतलब तो यह हुआ कि सरकारी बंधन चाहे वह यहाँ की हों अथवा राज्यों की, अपने विरोधी लोगों को हर संभव तरीके से कग कर देना चाहती है। अब इस तरीके तो पंजाब के अन्दर भ्रष्टाचार का बोलबाला है और . .

अध्यक्ष महोदय : बस और ज्यादा नहीं ।

श्री बागड़ी : मैं निवेदन करूंगा . . .

अध्यक्ष महोदय : बस निवेदन खत्म हो गया ।

श्री बागड़ी : एक बात और रही है और वह यह कि मैं आप से अर्ज करूंगा कि आप फौरन तोर पर उन को अपनी छत्रछाया में ले आर जब लोकसभा का सेशन खत्म हो जाय तब बेशक पुलिस उन को गिरफ्तार कर ले लेकिन अभी उन को गिरफ्तार कर के न रक्खा जाय । इस के साथ ही मैं चाहूंगा कि उस थानेदार के खिलाफ जिस ने कि यह नाजायज कार्रवाई की है, ऐक्शन लिया जाय ।

Mr. Speaker: Would the hon Minister like to say anything?

The Minister of Home Affairs (Shri Nanda): I have no more information than the Speaker has about this. All these questions which have been raised cannot be answered at once.

Shri Hari Vishnu Kamath (Hoshangabad): On a point of clarification. I want to know if the police or Magistrate has supplied the Home Minister at least the grounds on which the hon. Member has been arrested or not at

all? I want to know whether he is also kept in the dark.

Mr. Speaker: Order, order. I have listened to all the objections taken and the concern shown. I also got a telephone call from Shri Maurya in the morning. But so far as our present rules are concerned, the Members would have already realised that what they provide is that we give the Members immunities for the present, that is, when they are here in the House or when they are on their way to Parliament or are going back to their houses. That is how the present rules stand.

Shri Hari Vishnu Kamath: You should revise the rules.

Mr. Speaker: That is a different thing altogether. The Constitution also is there. If some change is needed and is desired, we can adopt ways and means. This concern has been expressed here by almost all the parties. We take it into consideration. Or, if it is desired, we can sit together. But as Members would realise, I could not do anything in the matter, and therefore, I just express my thoughts.

Shri Nath Pai: We knew you had no power. We only want you, since the rights of the House are involved, to take the initiative in the matter. (Interruption).

Mr. Speaker: I will see whether I can do anything in that matter.

12.40 hrs.

POINT OF CLARIFICATION

श्री बागड़ी : गृह मंत्री यहाँ . . .

अध्यक्ष महोदय : आप बोल चुके हैं ।

श्री बागड़ी : मैं बोलना नहीं चाहता ।
 हूँ, मैं तो केवल

अध्यक्ष महोदय : आप को अवसर दिया जा चुका है और आप बोल चुके हैं ।

श्री बागड़ी : मैं निवेदन करना चाहता हूँ . . .