

## [मधु लिमये]

इस लिये मैं यह स्पष्ट करना चाहता हूँ कि 25 अगस्त को उनका मूल भाषण लायब्रेरी से प्राप्त करने को मैंने कैंशिश की थी। परन्तु चूँकि यह मेज पर नहीं रखा गया था, लायब्रेरी से मिल नहीं सका। लेकिन मुझे याद था कि उस का उल्लेख विधाधिकार कमेटी की चतुर्थ रपट में है और इस लिये वह रपट मैंने मंगवाई और उससे मैंने ये जुमले शब्दशः उद्धृत किये। उसमें से कोई भी हिस्सा मैंने नहीं छोड़ा था। मुझे पता नहीं था कि प्रिविलेज कमेटी और उस के सदस्यों के बयानों में जो उद्धरण आते हैं वह पूरे नहीं होते हैं, अधूरे होते हैं, वरना मैं कभी उससे उद्धरण नहीं देता।

इसलिये इस मामले में मेरा कोई कसूर नहीं है। फिर भी चूँकि संसद कार्य मंत्री के दिल में प्रिविलेज कमेटी की चौथी रपट में उद्धृत किये जुमलों के कारण दर्द पैदा हुआ है, मैं उसके लिये अफसोस प्रकट करता हूँ।

साथ ही साथ अश्वथ महोदय, मैं आप के मार्फत उनसे नियम 368 के मातहत मांग करता हूँ कि चूँकि उन्होंने अपने बंगलीर के भाषण का एक हिस्सा पढ़ कर सुनाया है, वे अपना विचार परिष्कृत भाषण तथा सचतक सम्मेलन के फंसले सदस्यों की जानकारी के लिये मेज पर रखने की मेहरबानां करे।

**संसद कार्य तथा संचार मंत्री (श्री सत्य नारायण सिंह) :** मैं और कुछ नहीं कहना चाहता हूँ अपना भाषण सदन की मेज पर रखता हूँ।

I beg to lay on the Table a copy of the Presidential Address by me at the Fifth All-India Whips Conference, Bangalore, on the 4th January, 1966. [Placed in Library. See No. LT-7027/66].

13-57 hrs.

**DETENTION OF MEMBERS**  
(Shri Dasaratha Deb and Shri Biren Dutta)

**Mr. Speaker :** I have to inform the House that I have received the follow-

ing telegrams dated the 3rd September, 1966 from the Sub-divisional Magistrate, Sadder, Agartala :—

(1) "I have the honour to inform you that I have found it my duty in exercise of my power under Section 167, Code of Criminal Procedure, to direct that Shri Dasaratha Deb, Member, Lok Sabha, arrested by the Kotwali Police Station under sections 147/149/364 read with 120B of the Indian Penal Code be detained in Agartala Central Jail till the 12th September, 1966 as he is alleged to have taken active part in abetting the Commission of offence of conspiring and inciting the mob in a planned way to resort to violence to do away with the life of the Chief Minister, Tripura."

(2) "I have the honour to inform you that I have found it my duty in exercise of my power under section 167, Code of Criminal Procedure, to direct that Shri Biren Dutta, Member, Lok Sabha, arrested by Kotwali Police Station under sections 147/149/364 read with 120B of Indian Penal Code be detained in Agartala Central Jail till 12th September, 1966, as he is alleged to have taken active part in abetting the commission of offence of conspiring and inciting the mob in a planned way to resort to violence to do away with the life of the Chief Minister, Tripura."

**Shrimati Renu Chakravarty (Barackpore) :** That means that the charges under the DIR have been removed? I do not know what the correct position is.

**Mr. Speaker :** This is the information that I have got, and I could not add anything.

**Shrimati Renu Chakravarty :** These people were arrested under the DIR. Then, the question was raised in this House that when it was a question of manhandling, as was stated by the Home Ministry, it was a criminal offence, and as such criminal charges should have been framed. We want to

know what this statement today means. What is the situation there? We were told first that they were arrested under the DIR . . .

**Mr. Speaker:** If the hon. Minister has got any information, he may give it.

**The Deputy Minister in the Ministry of Home Affairs (Shri Vidya Charan Shukla):** As far as my information goes, he was arrested under DIR and all those sections of the Criminal Procedure Code which you have just now read out.

**Shrimati Renu Chakravartty:** That means that you have been misinformed . . .

**Mr. Speaker:** I have only to read out the telegram . . .

**Shrimati Renu Chakravartty:** You have been misinformed. That means that what he says now is . . .

**Mr. Speaker:** I shall find out whether the original arrest was under all those sections.

**Shrimati Renu Chakravartty:** You will only go by what you have been informed of. You had read out to us the other day that they were arrested under the DIR. Then, because we challenged the arrest under the DIR, much was said in this House. We want to know whether you were misinformed by the police or the Agartala Administration or else what the position is. They are trying to mislead us . . .

**Mr. Speaker:** I have read out both the telegrams that I had received the other day and also today . . .

**Shri S. M. Banerjee (Kanpur):** Kindly hear my submission. The other day when you read out the telegram, we got the clear idea that these two Members, namely Shri Dasaratha Deb and Shri Biren Dutta were arrested under the DIR, and then on the short notice question or the calling-attention notice which was replied to by Shri Vidya Charan Shukla, a number of questions were asked, and he was asked particularly whether . . .

14 hrs.

**Shrimati Renu Chakravartty:** Why were they arrested under the DIR first?

**Shri S. M. Banerjee:** . . . he was going by the report of the police administration or he had his own information. If you would kindly read the telegram once again you will find that the charges which have been levelled by Shri Vidya Charan Shukla against these two Members to justify their arrest have been repeated in this. What I am afraid of is this that after this question was raised here and after Shri Vidya Charan Shukla was subjected to a barrage of questions here by the Opposition, these charges are now being made against these two Members that they entered the Assembly Hall, they manhandled the Chief Minister and so on . . .

**The Deputy Minister in the Ministry of Home Affairs (Shri P. S. Naskar):** That is correct.

**Shri S. M. Banerjee:** My submission is only this that this telegram is only to justify that statement here which was resented by the House and in regard to which it was said that a question of breach of privilege of the Member had arisen and so on. This is a simply telegram intimating you about the remand and nothing else, but it is only to justify that statement here that so many sections of the code of Criminal Procedure have been mentioned there, only because of that. I should, therefore, like to request that there should be a thorough probe into this matter.

**Shri Kapur Singh (Ludhiana):** All of us seem to remember it very clearly that, the other day when this matter came up before the House, you read out a communication to us in which it was mentioned that these hon. Members had been arrested under the DIR, and the hon. Deputy Minister of Home Affairs also made a statement which concurred with that and which said that, they had been arrested under the

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DIR, for they had done this, that etc. Then, there was a reaction from this side of the House, and a strong exception was taken to the use or abuse of the DIR. On that occasion, there was no mention whatsoever of the other sections of the IPC under which they might have been arrested. But now the hon. Minister changes the position basically and fundamentally and he says that even then it was the case that they were arrested under these other sections . . .

**Mr. Speaker :** He does not say that it was stated here; he only says that they had been charged with these offences also at that time.

**Shri Kapur Singh :** In that case, this House would like to know whether the other offences, namely the offences other than those mentioned under the DIR, were applied to their case already or they have been applied subsequent to the proceedings in this House.

14 hrs.

**Shri H. N. Mukerjee (Calcutta Central) :** All this trouble arises because of this discrepancy appearing in the report to you, which is a very important matter. In substance, it may not be too terribly important, but in form it is absolutely important that the report to you is a truthful report. The report was that they were arrested under the DIR. Whether it was right or wrong is a different matter. We protested strongly. But that is a different matter.

Then, the Minister added certain other observations which made many of us protest that it appeared that the DIR had been used very wrongly, because if one wanted to arrest a man for assault and battery one did it otherwise. Now, the charges given there in the further communication to you are these other charges. The hon. Minister now says that the DIR charges as well as the other charges under the Criminal Procedure Code have been formulated against them. We want to know whether these charges were also made simultaneously or whether it is an after thought that these sections of the

Criminal Procedure Code are being applied. That is a matter which causes us suspicion. What happens is that after the discussion in Parliament, some fresh charges are brought against the Members of Parliament. Members of Parliament are held up under the DIR for God knows what reason. Then, certain other criminal charges are brought against them, and the hon. Minister says something which does not correspond with the report sent by the officer concerned to you. The officer concerned will never have the daring to send you a wrong report; so, what the Minister says now does not seem to be correct. This is the most unfortunate position.

**Shri Bade (Khargone) :** It is not a question of the Communists or the Jan Sangh Members, but it is a question of the rights of Members of Parliament. The question is whether the police or the magistrate has informed you that the offences under these section were involved or not. If they have not been mentioned, then I would submit that the Deputy Minister has made a greater mess of the whole thing.

**Shri Vidya Charan Shukla :** There was no question of quoting all these sections and imposing these charges on the two hon. Members after this matter was discussed in this House. This was done, to begin with. These Members were charged with these offences under the IPC that you have just mentioned here, at the time they were arrested, and this was also stated in the message that you received from the Government of Tripura that the Members had been arrested under this provision of the DIR plus these sections.

**Shrimati Renu Chakravarty :** The other sections which you have mentioned now, I do not think were mentioned earlier.

**Shri Vidya Charan Shukla :** I want to strongly repudiate the suggestion that anything was done subsequent to any discussion in this House.

**Shri U. M. Trivedi (Mandsaur) :** I want to make a submission because this is a very serious thing.

**Mr. Speaker :** It is not a question of any dispute or debate. It is a matter of record. We can see the original thing also and see whether these other sections have been mentioned there.

**Shri Hari Vishnu Kamath (Hoshangabad) :** As far as I remember, it was only DIR which was mentioned at that time.

**Mr. Speaker :** It reads:

"I have the honour to inform you that I have found it my duty in exercise of my power under section 167 of the Criminal Procedure Code . . .

**Shri Nambiar (Tiruchirapalli) :** That is all.

**Mr. Speaker :** I should sit down?

"...to direct that Shri Biren Dutta, Member, Lok Sabha, arrested by Kotwali Police Station under sub-rule (5) of rule 41 of the Defence of India Rules, 1962, be detained for nine days for subversive activities and action likely to endanger the safety and stability of the State and inciting agitations against public servants Shri Biren Dutta, Member, Lok Sabha, was accordingly taken into custody . . ."

**Shri Kapur Singh :** This is a very serious matter.

**Mr. Speaker :** One question arises that if these sections were already there and they were charged with them, was it not their duty to send that information also to me?

**Shri Priya Gupta (Katihar) :** Not only that.

**Shri Vidya Charan Shukla :** I shall find out why these other sections were not mentioned and I shall send the report to you.

**Shrimati Renu Chakravartty :** The Deputy Minister said they were mentioned.

**Shri Nambiar :** If we also failed, what would have happened?

**Mr. Speaker :** Let him submit the report and then we can see.

**Shri Nambiar :** Our memory is correct, not his memory.

**Mr. Speaker :** No question of memory, it is a question of record.

**Shri Nambiar :** Question of life and death.

**Shri Priya Gupta :** On a point of order.

**Mr. Speaker :** What is the point of order?

**श्री प्रिय गुप्त :** अध्यक्ष महोदय, मेरा प्वाइंट ऑफ ऑर्डर है। उस दिन जब उनको पकड़ा गया और यह बताया गया कि डिफेंस ऑफ इंडिया रूलज के मातहत उनको पकड़ा गया है तो जो चांजिज उनके खिलाफ सरकार की तरफ से लाये गये हैं क्रिमिनल प्रोसीजर कोड के वे वही चांजिज हैं जिन के बारे में उस दिन मैंम्बर साहिबान ने पूछा था। वे वही धाराये हैं जिन का जिक्र मैंम्बर साहिबान ने उस दिन किया था। उस वक्त सरकार ने कुछ नहीं कहा कि इन शंकाज के अन्दर क्रिमिनल प्रोसीजर कोड के उनको पकड़ा गया है। इनको याद होना चाहिये था यह सब कुछ।

**अध्यक्ष महोदय :** यह क्या प्वाइंट ऑफ ऑर्डर हुआ और मैं क्या इस पर रूलिंग दूँ।

**Shri Hari Vishnu Kamath :** On a point of order under rule 229. If I heard the Minister aright, he just now said he was arrested under the DIR plus something, I do not know what that plus is. If he was arrested originally under the DIR and those criminal

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charges, the rule is clear. What does the rule say? It obliges the executive authorities to act according to that rule. How does the rule read?

"When a Member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the committing judge, magistrate or executive authority...

—the police also—

"...as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out..."

If I heard him aright, and I am sure the other Members also heard him aright, he did say that he was arrested under DIR plus something—plus means other charges. Under this rule.....

**Mr. Speaker:** What have I said? This is the only thing I have said, that it was their duty to inform.

**Shri Hari Vishnu Kamath:** Then he is guilty, not the Minister but the executive authority.

**Mr. Speaker:** I will see. This is exactly what I have said. Mr. Kapur Singh.

**Shri Hari Vishnu Kamath:** He is liable. Let us have it in this session.

**Shri Priya Gupta** rose—

**Mr. Speaker:** I have called Mr. Kapur Singh.

**Shri Kapur Singh:** I am afraid that the real point which is agitating us is being missed by the procedure that is being missed by the procedure that is worrying us is this. You have called for a report from the Minister. What-

ever that report might be, whether the report says that these 'plus' charges were initially there or whether the report says that these 'plus' charges were subsequently added, the fact is already established that a wrong report was sent to you, and therefore a breach of privilege has already occurred. This is the point which is agitating us.

**Shri Vidya Charan Shukla:** May I clarify this a little bit more? When I answered the question on the calling attention notice I said the hon. Members had been arrested under such and such section of DIR and they have been charged with certain offences under the sections that you have mentioned. The arrest was made under DIR and they have been at the same moment also charged with offences under the sections.

**Shri M. N. Swamy (Ongole):** We are not concerned with what he has said, we are concerned with what you have received.

**Shri Vidya Charan Shukla:** As I have already promised, I shall find out why these sections were not mentioned when the initial message was sent to you, and I shall send the report to you.

**Shri Nambiar:** It is an afterthought.

**Mr. Speaker:** Bills to be introduced.

14.10 hrs.

#### DELHI PANCHAYAT SAMITIS AND NYAYA PANCHAYATS BILL\*

**The Deputy Minister in the Ministry of Home Affairs (Shri Vidya Charan Shukla):** On behalf of Mr. Nanda I beg to move for leave...

**Shri J. B. Kripalani (Amroha):** May I submit?

**Mr. Speaker:** After he has finished

**Shri Vidya Charan Shukla:**

"...to introduce a Bill to provide for the constitution of Panchayat Samitis and Nyaya pancha-

\*Published in Gazette of India, Extraordinary Part II, Section 2, dated 5-9-66.