

[Mr. Deputy-Speaker.]

thing more. I have heard sufficiently about this matter. There must be an end to all this. (*Interruption*). There is no good interrupting me.

What I find is this. The original order of arrest has not been declared to be illegal by the Supreme Court. It is still pending under Section 188. If the Magistrate, in pursuance of Section 344 Criminal Procedure Code had written that he was still remanding the accused in custody, for another period of 15 days, then according to law, the order would have been quite legal. The Supreme Court, in that case, would not have interfered with it. Now, the court is not an executive authority, directly responsible to this Government. Even the Government is only one of the suitors to a particular case. Under these circumstances, even if there be any mistake or otherwise, the court not being under the control of the executive, this Parliament has no jurisdiction, and the executive has no jurisdiction over every court which commits mistakes. The Government is responsible only for such acts as they themselves do, or their subordinates do, over whom they have control. I am sorry, that whatever might be the unfortunate manner in which those three hon. Members have been prevented from coming to this hon. House during the period when without a remand order, they were detained, this is not the forum for ventilating that. I am, therefore, unable to give my consent to this adjournment motion.

Kumari Annie Mascarene (Trivandrum): On a point of order, Sir.

Mr. Deputy-Speaker: On my ruling?

Kumari Annie Mascarene: No, Sir.

Mr. Deputy-Speaker: There is no other thing now.

POINTS OF PRIVILEGE

DETENTION OF THREE M.P.'s

Mr. Deputy-Speaker: I have received notices in the same matter, from other hon. Members.

The first one is by **Sardar Hukum Singh**, **Shri Krishnaswami**, and **Kumari Annie Mascarene**, which reads:

"We hereby give notice of our intention to raise the question involving a breach of Privilege of

three Members of the House of the People, namely, **Dr. Syama Prasad Mookerjee**, **Shri N. C. Chatterjee** and **Shri Nand Lal Sharma**, who were prevented from discharging their duties as Members of the Parliament and from attending the Parliament on account of their being wrongfully detained in the District Jail, Delhi, from 7th March to 12th March 1953, when the Supreme Court released them holding that their detention was illegal and repugnant to the Constitution."

This notice has been given in accordance with the rules. I have to look into this matter and see whether there is any question of breach of privilege involved in this matter. I will take time to consider this matter, but I shall consider this matter.

I have received notice of another motion under rule 172, from **Shri R. N. S. Deo**, and **Sardar Hukum Singh**, which reads:

"We hereby give a notice under rule 172 of a motion to discuss a matter of general public interest, namely:

"The revelation of serious irregularities and non-compliance with mandatory provisions of the Constitution and law by the authorities as disclosed in the *habeas corpus* petition filed by **Babu Ram Narayan Singh, M.P.** in the Supreme Court of India'."

I have just received a copy of the judgment of the Supreme Court. I shall consider and find out what I can do in this matter. If I give my consent, I shall place this matter before the House later on.

The House will now take up Legislative Business.

EXPUNCTION OF A REMARK

Shri V. P. Nayyar (Chirayinkil): On a point of submission, Sir. I have just seen your orders on the question of privilege which I intended to raise today. The office has shown me the order, and I submit that it is a very delicate question which involves your ruling as also my duty and honour. And as such, I request and beg of you that you should not take exception in this case. I also hope, you will be kind enough to go by the general