

[Shri A. C. Guha]

against whom a reasonable suspicion exists of his having been so concerned. A Rakshak can arrest any person anywhere. So, I want to limit their authority to within the railway limits as has been done in sub-clause (b). Why that limitation of within the railway limits has been omitted in sub-clause (a) I cannot understand. I think this limitation will be all the more necessary here. So, I hope he will accept this amendment of mine.

Of course, in clause 13 they have wider powers, I do not mind that, but I humbly request the hon. Minister to accept this amendment to put a limitation on the authority of the Rakshak or the Class IV staff to arrest any person anywhere.

QUESTION OF PRIVILEGE

Mr. Speaker: May I interrupt the proceedings of the House for a time?

A serious breach of privileges of the House occurred this morning, when a person by the name of Mr. Majumdar took the oath as a member of this House. His name was not in Secretary's list and when the Secretary pointed it out to him, he replied that he had been elected a member and that a Member of Parliament, Mr. Khuda Baksh, knew him. He then immediately proceeded to shake hands with the Chair and signed the Roll of Members. Immediately an enquiry was made whether in fact he was a member and whether an intimation had been received from the Returning Officer. Meanwhile, on further questioning the person concerned, it appeared that he was mentally not sound. An enquiry was also made from Mr. Khuda Baksh, who confirmed about his mental state and said that although Mr. Majumdar had contested the election he had lost it. A further enquiry was made by the Watch and Ward Officer in the matter and that report also confirms the same conclusion. In view of this, the name of Mr. Majumdar may be expunged

from the list of members who have taken oath this morning and also his signature may be expunged from the Roll of Members.

The action of Mr. Majumdar is a serious affront to the dignity of the House and constitutes a contempt.

I suggest that the House may take cognizance of the matter and take such further action as it deems fit.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Mr Speaker, as you have rightly said, this is a serious matter involving a contempt of this House. With your permission, I would beg to move the following motion for adoption by this House:

"This House is of opinion that Shri Majumdar who posed as an elected Member of this House and took oath and signed the Roll of Members this morning has committed contempt of this House and the Speaker is authorised to send him to a Medical Board for examination of his mental state and to take such further action as the Speaker may think fit on receipt of the report of the Medical Board."

Shri S. N. Dwivedy (Kendrapara): What is his full name? Is it only 'Shri Majumdar'?

Shri Mohamed Imam (Chitadrug): Has he given his genuine name, or any other assumed name?

Shri Jawaharlal Nehru: May I suggest an amendment to this? It may be said:

"that a person who gave his name as Birendra Kumar Majumdar."

That will be more proper.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): The words 'and who has signed as such' may be added.

Shri Jawaharlal Nehru: Yes; we may say:

"who gave his name as Birendra Kumar Majumdar and signed as such."

Mr. Speaker: I shall put the motion to the vote of the House.

The question is:

"This House is of opinion that a person who gave his name as Birendra Kumar Majumdar and posed as an elected member of this House and who signed the Roll of Members as such this morning has committed contempt of this House and the Speaker is authorised to send him to a Medical Board for examination of his mental state and to take such further action as the Speaker may think fit on receipt of the report of the Medical Board."

The motion was adopted.

Shri Jawaharlal Nehru: May I say one word? And it is this, that you might be pleased to consider, perhaps, some amendment of the rules so as to prevent the possibility of such a thing happening in future.

I believe in some other Houses of Parliament, there are definite rules about the presentation of credentials. I believe, in the House of Commons, two Members actually present a new Member. I do not suggest that we should copy that rule. But some presentation of credentials should be considered necessary.

Shri Bimal Ghose (Barrackpore): I am told that that person came with his bedding into the House, and nobody objected to it. Is that so?

Mr. Speaker: Sometimes, the Watch and Ward cannot be so keen.

I have already suggested, and I have already given this instruction to the office today. Hereafter, I shall not call all hon. Members who have not taken oath to come and take the oath. Before any hon. Member is called upon to take the oath, he must be

called upon by the Secretary, and in the morning he must give indication in the Notice Office or to the Secretary that he has come here and wants to take the oath. We shall have sufficient time then to verify and ask him about his credentials and so on indirectly.

I shall also investigate the possibility of having rules on this subject later on. But immediately this will be put into practice. Whichever hon. Member wants to take the oath must intimate to the Secretary half an hour before—he comes here by eleven o'clock; so, he must intimate by 10-30 a.m.—that he intends taking the oath, and on his name being called, he can come and take the oath; otherwise, not.

Sardar Hukam Singh (Bhstinda): May I bring to your kind notice that the Watch and Ward people also feel nervous when they question a Member whom they do not know? We the Members also should try to accommodate them and should appreciate their difficulties. Some cases have happened here in our House, where when some Watch and Ward officers questioned the Member, he felt offended and said that unless those people apologised to him, he would not forgive them. So, we shall also cooperate with them, and when any hon. Member is questioned, whom they do not know, and who appears to be new, he should not be shy of giving his name and satisfying him that he is a Member of this House. We should not feel that that is an insult to the Member.

This is what happened this morning. When I reached here, that gentleman was already occupying this seat. I questioned him. I felt doubtful whether he was a Member. I questioned him and asked him 'Are you a Member? Are you elected from some constituency?' He said 'Yes'. But he was very reserved. He would not answer. Ordinarily, when a new Member comes, rather he feels delighted to get introduced to other Members. But when I put two or three questions to him, he would hardly

[Sardar Hukam Singh]

answer one. Then, I asked him whether he was a member of the Congress Party. He said, 'No'. Shri A. K. Gopalan was sitting behind me, and I asked him whether he was a member of his party. Shri A. K. Gopalan said, 'No'. Then, I asked him which party he belonged to, and he told me that he was an Independent. Then, I told him that this seat had already been allotted to the Leader of the Communist Party; I asked him why he was occupying this seat, and I told him that he should have gone to some other seat. He told me that the Speaker had put him there.

Meanwhile, you entered in; if we had a couple of minutes more, perhaps, we would have discovered him. But then there was no time, and when you called on Members to take oath, he at once came, and he was the first to move out and take the oath.

An Hon. Member: Because he was the first man who sat there.

Shri Radhelal Vyas (Ujjain): Moreover, he had come with a carpet.

Shri S. A. Dange (Bombay City—Central): I have one remark to make, following the expression of sentiments by my hon. friend Sardar Hukam Singh, and it is this. As the affair has now been more or less closed, the authorities concerned will see that the Watch and Ward Department is not victimised for this.

RAILWAY PROTECTION FORCE BILL—contd.

Clause 12— contd.

Mr. Speaker: We shall now resume the discussion on the Railway Protection Force Bill.

Faedit Thakur Das Bhargava: I have two amendments to this clause, namely amendments Nos. 37 and 38. The first amendment reads:

Page 4, line 24, for 'or' substitute 'and'.

The second amendment reads thus:

"Page 4, line 25, before 'any person' insert 'Any superior

officer or member of the Force above the rank of a Rakshak may without an order from a magistrate and without a warrant of arrest".

I shall now read out from section 54 of the Code of Criminal Procedure the relevant provision on the subject. It is as follows:

"Any police officer may, without an order from a Magistrate and without a warrant arrest— first, any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned;".

Then, the powers of any police officer to arrest are given in respect of others also, with which we are not concerned.

But so far as the powers given under clause 12(b) are concerned, they are to be found in section 55 of the Code of Criminal Procedure, which says:

"(1) Any officer in charge of a police station may, in like manner, arrest or cause to be arrested—

(a) any person found taking precautions to conceal his presence within the limits of such station, under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence;".

Now, kindly look at the definition of an officer in charge of a police station. You will be pleased to find that he is defined as a person who is there in charge of a police station or any persons, when he is not there, next in rank to him; or in other words, he must be above the rank of a constable; so that, a constable as such has not got this power which is being given to a rakshak. This power