

RAJYA SABHA

(1967)

Point of privilege

Alleged molestation of members of Parliament by police.

Facts of the case and ruling by the Chairman

On the 31st July, 1967 Sarvashri Bhupesh Gupta and Rajnarain, members, sought to raise a question of privilege on the ground that on the 29th and 30th July, 1967, Delhi Police obstructed without authority, molested and abused the members of Parliament, who had gone to the Prime Minister's House to protest against the action of the Government regarding inadequate allotment of foodgrains to Kerala. This they felt, constituted a breach of privilege of the members.

2. The Minister of Home Affairs (Shri Y. B. Chavan) explained the position as follows:-

"Sir, the facts are the police have got certain responsibility under the Act itself. It is not necessary that on each and every occasion the police have to be instructed and there is no question of their taking any order from the Home Minister or Prime Minister or anybody. Certain duties are obligatory under the Act.

In this matter the facts are that they came to know that-and the word used by the members who went there in their previous statements etc, and in the news item that appeared in the papers was picketing there was going to be picketing at the Prime Minister's House. The word picketing was there and naturally it was the duty of the police to see that the entrance and the exit of the Prime Minister's House are not blocked. It is the legal responsibility not because it was Prime Minister's House, Even if it was Mr. Bhupesh Gupta's house, they would have done that.....

It was estimated that about 70 to 80 persons also would go along with the members of Parliament. Naturally they were going to represent a popular cause and it is quite possible that the Members of Parliament might be accompanied by some more people. Therefore, some 200 policemen were employed and in this matter I must bring this particular fact to the notice of the House that they did not carry any weapons with them, not even their usual batons which they carry in their hands. They just went there to put up a human wall if any attempt was made to block the entrance and exit of the house of the Prime Minister.

.... It is the normal arrangement for security purposes. When the members of Parliament reached there, the police officer approached them and wanted to find out from them whether they wanted to meet the Prime Minister . They said, no. Then the Prime Minister sent one of her Private Secretaries or Somebody from her personal staff to meet the members of Parliament and ask them whether they wanted to see the Prime Minister and he was told that they met the Prime Minister every day in Parliament. They said, 'We do not want to see her'.

.... Then, Sir, the Prime Minister herself came out and she tried to find out from them what they would like. Later, on, they were offered coffee. They said, 'We do not want coffee, we want rice.' Naturally they had gone there for it. There was nothing wrong. Then they were offered a duree on which they could sit but they said, 'No, we do not want it'. That way water was offered, coffee was offered; whatever can be done by any hospitable person in this country was done by the Prime Minister and the Prime Minister's staff. What more considerate could be expected in these circumstances. Whatever they wanted to do, at one stage the in-gate was blocked, They were on the approach road itself and at one stage when the Prime Minister went out of the residence she had to take her car not through the approach road but on the, foot path...

I am only mentioning that it was the duty of the police to function and under the Act they had made the preparations as it was their duty to make preparations in the discharge of their duties. If we interfere with them simply because somebody has some special status somewhere else, certainly it will be foolish. This House really speaking is supposed to safeguard the legitimate functioning of the Government and the legitimate implementation of all the Acts. If we say that somebody is an hon. member of the House and therefore he is privileged to see that the legal machinery does, not function, that is the end of the functioning of Parliament itself. As I understand the facts, Sir there is therefore no question of any privilege."

3. The Chairman reserved his ruling.

4. On the 2nd August, 1967, the Chairman (Shri V.V. Giri), disallowing the question of privilege, observed² :

"I have carefully considered the points raised by Shri Bhupesh Gupta and Shri Rajnarain and some other members in the matter of the alleged breach of privilege arising out of certain incidents that took place in front of the Prime Minister's House involving some members of Parliament on July 29th and 30th. The main point of complaint of Shri Bhupesh Gupta and Shri Rajnarain seems to be directed against the conduct of the police. The Home Minister in his statement before the House made it clear that the members of Parliament were shown all consideration and the police were performing only their normal duties in the present instance.

I have no doubt that the members of Parliament from Kerala went to the Prime Minister's pursuant to a cause which is most vital to the people of Kerala and I am happy that they met the Prime Minister and received satisfactory assurances from her. It is needless to reiterate that members of Parliament are entitled to the utmost consideration and respect and the police or other authorities should not do anything which is likely to impede them in the proper discharge of their duties.

I do not think there is any need to pursue this matter further as in any case I am satisfied after hearing all concerned that there is no breach of privilege involved in this case."

1. R.S. Deb., dt. 31-7-1967

2. Ibid., dt. 2.8.1967

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