

RAJYA SABHA

(1969)

Point of privilege

Alleged arrest of a member and thereby preventing him from attending the sitting of the House

Facts of the Case and ruling by the Deputy Chairman

On the 23rd December 1969, the Minister of State in the Ministry of Home Affairs (Shri Vidya Charan Shukla) made a statement regarding the arrest of certain members of Parliament in connection with a demonstration outside the Parliament House on 22nd December, 1969. Shri Bhupesh Gupta a member, thereupon, alleged that the concerned members of Parliament had been arrested under Section 188, Indian Penal Code, for violation of the prohibitory orders issued under Section 144, Code of Criminal Procedure and this they had been prevented from attending the sitting of the Parliament that day. He specifically referred to the case of Shri Raj Narain, a member of Rajya Sabha, and alleged that he had been arrested because he had tried to enter the Parliament House and he was thus prevented from attending the sitting of the House.

Refuting the allegation, the Minister of State in the Ministry of Home Affairs stated that the concerned members of Parliament had been told that if they wanted to go to the Parliament House, they were absolutely free to go. He added that these members had been arrested for shouting slogan and violating Section 144, Code of Criminal Procedure.

2. Disallowing the question of privilege, the Deputy Chairman (who was in the Chair) ruled¹ as under:

"No doubt, as pointed out by many members, the privileges of Members of this House are important and definitely every effort should be made to uphold the rights and privileges of members of Parliament. The real question is, what are the circumstances? Under what circumstances has Mr. Raj Narain been arrested? It has been pointed out by the Leader of the House that there were certain abnormal conditions and abnormal circumstances under which Mr. Raj Narain was arrested.

Suppose, normally an individual member intends to come to the House for attending the Session. In that case had he been prevented from attending the Parliament Session, it would really be a very bad thing. Suppose a member, accompanied by thousands of persons, comes before Parliament House. Definitely members will agree with me that it is an abnormal condition. Therefore, if we are to distinguish or differentiate between normal conditions and abnormal conditions, we have to take into consideration all the circumstances."

1. R.S. Deb. Dt. 23.12.1969

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