

RAJYA SABHA

(1964)

Point of privilege

Alleged failure of the Police to send appropriate information to the Chairman about the arrest of a member.

Facts of the case and ruling by the Chairman

On the 25th September, 1964, Shri Faridul Haq Ansari, a member, drew¹ the attention of the Chairman that Prof. Mukut Behari Lal, another member, been arrested at Bulandshahr on the 19th September, 1964, but the House had not been informed about his arrest. Shri Haq said that it was a contempt of the House.

2. The Chairman (Dr.Zakir Husain) observed:-

"I am indeed very sorry that no appropriate information has been sent to me about this arrest. A wireless message was received here. But that is not considered sufficient by us because we want a letter. Probably the officer in question might say that he sent a wireless message and not a telegram. But that does not help. We have not received any letter from the Magistrate. The presumption is that he has been produced before a Magistrate. If he has not been produced before a Magistrate that would be atrocious, I am very sorry this has happened and I hope the officers will be pulled up.... In any case, I am seized of the fact.... I will take it up."

3. On the 28th September, 1964, after the Chairman had informed the House of the arrest and subsequent acquittal of Prof. Mukut Behari Lal, Shri Mulka Govinda Reddy, another member, sought to raise a question of privilege regarding delay in intimation of arrest of Prof. Mukut Behari Lal.

The Chairman then observed as follows :-

"Prof. Mukut Behari Lal was arrested at Bulandshahr at 3-30 p.m. on September 19, 1964. The same evening the Superintendent of Police Bulandshahr, sent a wireless message to me intimating that Prof. Mukut Behari Lal was arrested for an offence under sections 143 and 186 of the Indian Penal Code. In accordance with our Practice intimation of this to members was held over pending the receipt of a formal written communication. I have just now read out to the House the form a communication from the Magistrate which I received on the 26th morning. I have also informed the House that on the 27th morning a written communication was received from the Magistrate that Prof. Mukut Behari Lal was after a trial lasting for two days, acquitted by the Judicial Magistrate, Bulandshahr on September 25. I may further inform the House that the District Magistrate has in a written communication furnished

the facts relating to the arrest trial and acquittal of Prof. Mukut Behari Lal and has explained the steps taken by the authorities at Bulandshahr to give intimation of the arrest of Prof. Mukut Behari Lal to me. He has submitted that if any formality required by our rules has not been properly fulfilled the same has been due to inadvertence which he greatly regrets.

I expressed my concern over the matter in the House on 25th September, 1964. I hope and believe that the Ministry of Home Affairs will impress upon the authorities concerned that they should be very prompt in sending such communications. The Ministry would no doubt also impress upon all concerned that a written message or a telergraphic communication must invariably be followed by a formal communication in writing without any delay whatsoever.

In view of the fact that a wireless message was sent to me immediately after the arrest of Prof. Mukut Behari Lal and also in view of the explanation furnished and regrets expressed by the District Magistrate, I am of the view that we need not pursue the matter as a question of privilege."

5. The matter was not pursued further.

1. R.S. Deb., dt. 25.2.1964, cc.3028-30