

RAJYA SABHA

1981

Point of privilege

II. Arrest of Shri Hukmdeo Narayan Yadav, a member.

Facts of the case and reference to the Committee of Privileges

On 1st March 1981, Shri Hukmdeo Naryan Yadav M.P. was arrested in Partaratu Police Station District Hazaribagh (Bihar) under section 188 I PC and was later released on the same day. A wireless message dated March 3, 1981 received by the Hon'ble Chairman at 9.30 A.M. on March 4, 1981, from the Deputy Commissioner, Hazaribagh in the matter was notified in the Rajya Sabha Bulletin Part II No. 26246 on the same day.

2. On 5th March, 1981 several members raised in the House the matter of delay in sending intimation of arrest and relase of Shri Yadav. The Deputy Chairman (Shri Shyam Lal Yadav) observed¹ as follows:-

"He was arrested on the 1st March. They should have sent the message immediately, message itself is dated 3rd March it should have been done on the 1st March because he was arrested and released the same day. I think it requires an explanation from them."

3. On 5th March, 1981 Shri Hukmdeo Narayan Yadav gave notice of a quesion of privilege against the Deputy Commissioner and Superintendent of police, Hazaribagh. In his notice Shri Yadav inter alia contended that by arresting him and by not giving information to the House with proper despatch, the police officers had committed breach of privilege of the House and also his privilege as a member of Parliament. Shri Yadav also raised the matter in the House on March 6, 1981.

4. On the 10th April , 1981, the Chairman (Shri M. Hidayatullah) after considering the matter in the light of the complaint made by Shri Yadav and the explanation of the Superintendent of Police Hazaribagh, referred the matter to the Committee of Privileges for examination, investigation and report.

Finding and recommendation of the Committee

5. The Committee of Privileges, after considering the matter and the two communications received from the Deputy Secretary, Government of Bihar, respectively admitting that delay had taken place in informing the Rajya Sabha about Shri Yadav's arrest and the action taken by the State Government in this regard, in their Twenty First Report, presented to the House on 9 September 1981 reported, inter alia as follows :-

"The Committee notes that couple of days delay has occurred in sending intimation of Shri Yadav's arrest to the Chairman, Rajya Sabha. The Committee is constrained to observe that there has been a lapse on the part of the police officials in not sending information about the member's arrest and release promptly, However, in

view of the fact that the displeasure of the State Government has been communicated to the Additional Collector In-charge, Hazaribagh, for the lapse on his part and the Sub-Inspectors of Police, Bhurkunda and Patratu Police Stations having been awarded censure for delay in communicating the information of Shri Yadav's arrest the Committee recommends that the matter need not be pursued further.'

Action taken by the House

6. No further action was taken by the House in the matter.

1. R.S. Deb., dt. 5-3-1981.