

COMMITTEE OF PRIVILEGES

(SEVENTH LOK SABHA)

(THIRD REPORT)

(Presented on 3 November, 1982)



LOK SABHA SECRETARIAT
NEW DELHI

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES*

(1982-83)

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Chandulal Chandrakar
4. Shri Somnath Chatterjee
5. Shri George Fernandes
6. Shri Ram Jethmalani
7. Shri Jagan Nath Kaushal
8. Shri Y. S. Mahajan
9. Shri K. Ramamurthy
10. Shri P. Shiv Shanker
11. Shri Dharam Bir Sinha
12. Shri Krishna Prakash Tewari
13. Shri P. Venkatasubbaiah
14. Shri Vijay Kumar Yadav
15. Shri Zainul Basher

SECRETARIAT

Shri M. P. Gupta—*Chief Examiner of Bills and Resolutions*

*The Committee of Privileges was nominated by the Speaker on 18 June, 1982.

THIRD REPORT OF THE COMMITTEE OF PRIVILEGES

(SEVENTH LOK SABHA)

I. Introduction and Procedure

I, the Chairman of the Committee of Privileges, having been authorised by the Committee to submit the Report on their behalf, present this their Third Report to the House on the matters arising out of the reference¹ back of their Second Report by the House on 13 July, 1982.

2. The Committee held two sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. At their first sitting held on 10 August, 1982, the Committee considered the matter and arrived at their conclusions.

4. At their second sitting held on 27 September, 1982, the Committee considered their Draft Report and adopted it.

II. Facts of the Case

5. The Second Report of the Committee of Privileges was presented to the House on 21 April, 1982. The Committee in their Report had *inter alia* observed as follows :—

(i) "The Committee feel that taking into consideration the totality of the circumstances of the case, Shri Kunwar Ram, MP, had been ill-treated and abused in filthy language by Shri Abdul Sattar, Constable on duty, under the supervision of Shri Shiva Das Pandey, Jamadar, when he had gone to main gate of the New Secretariat, Patna, on 29 November, 1980, alongwith his son on a scooter for withdrawing some money from the Cooperative Bank, which is situated in the New Secretariat Building, Patna."

(ii) "However, in the present case, in view of the unconditional and unqualified regrets expressed by Shri Abdul Sattar, Constable, Shri Shiva Das Pandey, Jamadar, Shri Arun Pathak, the then Home Commissioner, Government of Bihar and Shri A. K. Pande, Senior Superintendent of Police, Patna, the Committee consider that no further action need be taken in the matter."

(iii) "The Committee recommend that no further action be taken by the House in the matter and it may be dropped."

6. The Second Report of the Committee of Privileges was considered^a by the House on 13 July, 1982, on a motion moved by Shri Ram Vilas Paswan, MP. After some discussion, the following motion was adopted by the House :—

“After consideration of the report of the Committee, the House accepts the findings of the Committee, but refers back to the Committee the report for a review of the quantum of punishment to be awarded.”

III. Conclusions of the Committee

7. The Committee considered the issues arising out of the following motion adopted by the House on 13 July, 1982, on the question of privilege raised by Shri Kunwar Ram, MP, regarding the harassment caused to him and alleged abusive remarks used against him by Police Guard at New Secretariat, Patna, on 29 November, 1980 :—

“After consideration of the Report of the Committee, the House accepts the findings of the Committee, but refers back to the Committee the Report for a review of the quantum of punishment to be awarded.”

8. The Committee observe that on 5 December, 1980, Shri Kunwar Ram, MP, had basically raised his question of privilege against the Police Constable on duty at the gate of New Secretariat, Patna, on the ground that he had harassed him and abused him in filthy language when he went there on 29 November, 1980, alongwith his son on a Scooter for withdrawing some money from the Cooperative Bank situated in the New Secretariat Building, Patna. In this connection, the Committee in their Second Report presented to the House on 21 April, 1982, had observed that “taking into consideration the totality of the circumstances of the case, Shri Kunwar Ram, MP, had been ill-treated and abused in filthy language by Shri Abdul Sattar, Constable on duty, under the supervision of Shri Shiva Das Pandey, Jamadar, when he had gone to Main Gate of the New Secretariat, Patna, on 29 November, 1980, alongwith his son on a Scooter for withdrawing some money from the Cooperative Bank, which is situated in the New Secretariat Building, Patna.”

9. Shri Kunwar Ram, MP, did not raise any question of privilege or made any complaint against Shri A. K. Pandey, Senior Superintendent of Police, Patna, and Shri Arun Pathak, the then Home Commissioner, Government of Bihar. It was during the course of examination of the matter, that the Committee observed that “the evidence given by Shri Arun Pathak, Home Commissioner of Bihar and Shri A. K. Pandey, Senior Superintendent of Police, Patna, before the Committee, was entirely unhelpful to the Committee in arriving at the truth” and that the Committee were not convinced by the written statements and the oral evidence given by them before the Committee. When this was brought to their notice by the Committee, both of them tendered their unconditional and unqualified regrets: The

^a. *Ibid.*

Committee felt that the regrets expressed by them were adequate and genuine and no further action was called for against them.

10. As regards the conduct of Shri Abdul Sattar, Constable on duty and Shri Shiva Das Pandey, Jamadar, the Committee observe that both of them promptly tendered their unconditional and unqualified apologies when they were apprised of the facts against them. The Committee felt that the regrets expressed by them were sincere and came from a repentant heart.

11. The question whether Sarvashri Abdul Sattar and Shiva Das Pandey, Constable and Jamadar respectively, had committed a breach of privilege and contempt of the House is a moot point as according to precedents both in India as well as in the U.K., it has been consistently held that a question of breach of privilege or contempt of the House arises only if a Member is harassed or obstructed while in the discharge of his Parliamentary duties. In view of the unconditional and unqualified regrets expressed by both of them, the Committee did not consider it necessary to go into this question.

12. It may be mentioned that the Select Committee on Parliamentary Privilege of House of Commons (U.K.), 1967, made the following recommendation :—

“The House should exercise its penal jurisdiction (a) in any event as sparingly as possible, and (b) only when it is satisfied that to do so is essential in order to provide reasonable protection for the House, its Members or its Officers from such improper obstruction or attempt at or threat of obstruction as is causing, or is likely to cause, substantial interference with the performance of their respective functions.”

Subsequently, the Committee of Privileges of the House of Commons in their Third Report (1976-77) reiterated this recommendation, and the House of Commons, U.K. adopted it on 6 February, 1978.

13. The above approach has normally been followed in matters of privilege by Lok Sabha as well as by House of Commons, U.K. Thus, the Committee of Privileges of Seventh Lok Sabha in their First Report presented to the House on 8 May, 1981, observed *inter alia* as follows :—

“The Committee feel that it adds to the dignity of one and all if power in a democratic system is exercised with restraint; the more powerful a body or institution is, the greater restraint is called for particularly in exercising its penal jurisdiction.”

14. After careful consideration of all aspects of the matter, the Committee consider that it would be consistent with the dignity of the august institution of Parliament to ignore such indiscretions committed by a Constable and a Jamadar.

15. The Committee would, therefore, commend to the House that in keeping with its past high traditions, according to which unqualified and unconditional regrets sincerely expressed by the persons concerned in such cases have invariably been accepted by the House, the House would best consult its own dignity by taking no further notice of the matter.

IV. Recommendation of the Committee

16. The Committee, therefore, recommend that no further action be taken by the House in the matter.

NEW DELHI;
September 27, 1982

HARINATHA MISRA
Chairman,
Committee of Privileges

MINUTES

MINUTES

I

FIRST SITTING

New Delhi, Tuesday, 10 August, 1982

The Committee sat from 16.00 to 17.15 hours.

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Chandulal Chandrakar
4. Shri Somnath Chatterjee
5. Shri Jagan Nath Kaushal
6. Shri Y. S. Mahajan
7. Shri K. Ramamurthy
8. Shri P. Shiv Shanker
9. Shri Dharam Bir Sinha
10. Shri Zainul Basher

SECRETARIAT

Shri M. P. Gupta—*Chief Examiner of Bills and Resolutions*

2. The Committee deliberated on the issues arising out of the following motion adopted by the House on 13 July, 1982, on the question of privilege raised by Shri Kunwar Ram, MP, regarding the harassment caused to him and alleged abusive remarks used in respect of Members of Parliament by Police Guard at New Secretariat, Patna, on 29 November, 1980 :—

“After consideration of the Report of the Committee, the House accepts the findings of the Committee, but refers back to the Committee the Report for a review of the quantum of punishment to be awarded.”

3. The Committee arrived at their conclusions and decided that a Draft Report on the matter be prepared and circulated to the members of the Committee for consideration at their next sitting.

4—6. ** ** ** ** **

7. The Committee then adjourned to meet again on 9 and 10 September, 1982.

**Paras 4—6 relate to other cases and have accordingly been omitted.

II

SECOND SITTING

New Delhi, Monday, 27 September, 1982

The Committee sat from 11.00 to 12.10 hours.

PRESENT

Shri Harinatha Misra—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Chandulal Chandrakar
4. Shri George Fernandes
5. Shri Jagan Nath Kaushal
6. Shri K. Ramamurthy
7. Shri P. Shiv Shanker
8. Shri Krishna Prakash Tewari
9. Shri P. Venkatasubbaiah
10. Shri Vijay Kumar Yadav
11. Shri Zainul Basher

SECRETARIAT

1. Shri K. K. Saxena—*Joint Secretary*
2. Shri M. P. Gupta—*Chief Examiner of Bills and Resolutions*

2. The Committee considered their draft Third Report on the matters arising out of the reference back by the House on 13 July, 1982, of their Second Report on the question of privilege raised by Shri Kunwar Ram, MP, regarding the harassment caused to him and abusive remarks used against him by Police Guard at New Secretariat, Patna, on 29 November, 1980.

The Committee adopted their Third Report and authorised the Chairman to present it to the House.

3. ** ** ** ** **

The Committee then adjourned.

**Para 3 relates to another case and has accordingly been omitted.