

# COMMITTEE OF PRIVILEGES

(TENTH LOK SABHA)

## THIRD REPORT

*(Laid on the Table on 21 December, 1993)*

*(Adopted on 22 December, 1993)*



**LOK SABHA SECRETARIAT  
NEW DELHI**

*December, 1993/Agrahayana, 1915 (Saka)*

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**PERSONNEL OF THE COMMITTEE OF PRIVILEGES\***  
(1991-92)

Shri Shiv Charan Mathur — *Chairman*

**MEMBERS**

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Das
- \*\*4. Shri Syed Masudal Hossain
5. Shri Santosh Kumar Gangwar
6. Shri Anna Joshi
7. Shri Venkata Krishna Reddy Kasu
8. Shri P.R. Kumaramangalam
9. Dr. Debi Prosad Pal
10. Shri Uttamrao Patil
11. Shri K. Ramamurthy
12. Shri Bhagwan Shankar Rawat
13. Shri Allola Indrakaran Reddy
14. Shri Tej Narayan Singh
- \*\*\*15. Prof. (Dr.) S.S. Yadav

**SECRETARIAT**

Shri G.L. Batra — *Additional Secretary*  
Shri J.P. Ratnesh — *Joint Secretary*  
Shri J.P. Sharma — *Under Secretary*  
Shri A.S. Chera — *Assistant Director*

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\*The Committee of Privileges was nominated by the Speaker on 25 November, 1991.

\*\*Nominated on 1 September, 1993 vice Shri Amal Datta resigned w.e.f. 12 July, 1993.

\*\*\*Nominated on 9 December, 1993 vice Shri Sharad Yadav resigned w.e.f. 3 December, 1993.

# THIRD REPORT OF THE COMMITTEE OF PRIVILEGES (TENTH LOK SABHA)

## I. Introduction and Procedure

1. 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 Speaker regarding request received from the Station House Officer, Police Station, Tughlak Road, New Delhi, for handing over of original documents in connection with a complaint from Shri Hari Kewal Prasad, MP.

The matter was referred to the Committee by the Speaker on 28 August, 1993 under rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha.

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

3. At the first sitting held on 9 December, 1993, the Committee considered the matter and came to their conclusions.

4. At the second sitting held on 20 December, 1993, the Committee considered and adopted the draft Report.

## II. Facts of the Case

5. The Station House Officer, Police Station, Tughlak Road, New Delhi in his letter<sup>1</sup> addressed to the Secretary-General, Lok Sabha, stated as follows:—

“I have the honour to inform you that on 27.1.1993 Shri Hari Kewal Prasad, Hon'ble MP, has made a complaint to Station House Officer, Tughlak Road, mentioning therein that Shri Ajit Singh, Hon'ble MP, has submitted a memorandum in Lok Sabha Secretariat in the month of August, 1992 on which his signature were forged and the same is reported still pending in Lok Sabha Secretariat. He has desired legal action on his complaint. It is, therefore, requested that if considered necessary, the memorandum and CFSL result, if obtained (both in original) may kindly be sent to SHO/Tughlak Road, so that legal action on the complaint of Shri Hari Kewal Prasad, MP, could be initiated.”

6. Subsequently, the Assistant Commissioner of Police, Chankyapuri, New Delhi, in his letter<sup>2</sup> dated 6 August, 1993 stated as follows:—

“Please refer to our telephonic conversations on 30.7.93 regarding documents pertaining to the complaint of Shri Hari Kewal Prasad, MP (Lok Sabha). The undersigned was informed that we can only

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<sup>1</sup>See Appendix I.

<sup>2</sup>See Appendix II.

examine the documents at the Lok Sabha Secretariat and further that at this stage documents cannot be handed over to the police as the matter has to be put up before the Privileges Committee. It may be mentioned here that we require the concerned documents in original so as to proceed further in the matter. You are, therefore, requested to complete the formalities for handing over the documents to enable us to take further legal action in the matter."

7. The request of SHO, Police Station Tughlak Road, was placed before the Speaker for his consideration. On 28 August, 1993, the Speaker directed that (i) the SHO may be informed of the procedural points (ii) he may take the photocopies (iii) the case may be referred to the Privileges Committee (iv) it may then be put up to the House alongwith the Report of the Privileges Committee for its decision and direction.

Accordingly, SHO, Police Station Tughlak Road, was informed of the position on phone. On 4 November, 1993, SHO, Police Station Tughlak Road, and ACP of that area came to the office. The procedural points were explained to them and they were also informed of Speaker's order that they may take the photocopies of the documents, if they so desire. After inspecting the original documents, they stated that the photocopies would not serve their purpose and they insisted that the original documents are required by them for investigation purposes. They also stated that they did not require the photocopies of the documents at this stage.

8. As per direction of the Speaker, the matter was placed before the Committee of Privileges for examination and report.

### III. Findings and recommendations of the Committee

9. The Committee note that the procedure for production in courts of documents connected with the proceedings of the House or its Committees had been laid down in the First Report of the Committee of Privileges of Second Lok Sabha which was adopted by Lok Sabha on the 13th September, 1957. The Committee had made the following recommendations:

"...The Committee are of the opinion that no member or officer of the House should give evidence in a Court of Law in respect of any proceedings of the House or any Committee of the House or any other document connected with the proceedings of the House or in the custody of the Secretary of the House without the leave of the House being first obtained.

When the House is not in session, the Speaker may in emergent cases allow the production of the relevant documents in Courts of Law in order to prevent delays in the administration of justice and inform the House accordingly of the fact when it reassembles. In case, however, the matter involves any question of privilege, especially the privilege of a witness, or in case the production of

the document appears to him to be a subject for the discretion of the House itself, he may decline to grant the required permission and refer the matter to the Committee of Privileges for examination and report.

The Committee recommend that whenever any document relating to the proceedings of the House or any Committees thereof is required to be produced in the Court of Law, the court or the parties to the legal proceedings should request the House stating precisely the documents required, the purpose for which they are required and the date by which they are required. It should also be specifically stated in each case whether only a certified copy of the document should be sent or an officer of the House should produce it before a Court of Law.

When a request is received during sessions for producing in a Court of Law, a document connected with the proceedings of the House or Committees or which is the custody of the Secretary of the House, the case may be referred by the Speaker to the Committee of Privileges. On a report from the Committee, a motion may be moved in the House by the Chairman or a member of the Committee to the effect that the House agrees with the report and further action should be taken in accordance with the decision of the House."

10. The Committee find that in a similar case in 1988 ~~there~~ requests were received from the Deputy Inspector General of Police, Central Bureau of Investigation, Special Investigation Cell, for handing over of two letters in original addressed to the Speaker by Shri S. Thangaraju, MP, for the purpose of investigation of a CBI case. The Committee of Privileges (Eighth Lok Sabha) to whom the matter was referred by the Speaker, in their First Report which was adopted by the House on 6 May, 1988 *inter alia* observed/recommended as follows:

"The Committee find that there is no indication in the request received from the Deputy Inspector General of Police, Central Bureau of Investigation, that the documents in question are required to be produced in a Court of Law. The procedure laid down in the First Report of the Committee of Privileges (Second Lok Sabha) relates to the documents required to be produced in a Court of Law.

*rel* The Committee, therefore, recommend that instead of handing over the required documents in original, the Deputy Inspector of Police, Central Bureau of Investigation, Special Investigation Cell-II, New Delhi, may be asked to come and inspect the relevant documents as also to take photocopies thereof, if he so desires. If at a later stage, the original documents are required for production in a Court of Law, a proper request may be made in accordance with the procedure laid down in the First Report of the Committee of Privileges (Second Lok Sabha)."

Subsequently, separate requests from the Deputy Inspector General of Police, CBI, Special Investigation Cell, and Superintendent of Police, CBI, were again received for handing over of a letter addressed by Shri S. Thangaraju, MP, to the Speaker and certain other documents, in original, relating to Shri S. Thangaraju's letter. The Committee of Privileges (Eighth Lok Sabha) to whom the requests were again referred, in their Second Report which was adopted by the House on 5 September, 1988 *inter alia* observed as follows:

"The Committee note that there is still no indication in the requests received from the Central Bureau of Investigation that the documents are required to be produced in a Court of Law. The Committee have, therefore, no reason to change the view expressed by them in their First Report adopted by the House on 6 May, 1988, reiterating the recommendation made by the Committee of Privileges (Second Lok Sabha) in their First Report, namely that the original documents may not be handed over unless the same were required to be produced in a Court of Law...

It is not the intention of the Committee to hinder or stop any investigation; the facility of inspection and examination of the original documents — which has already been extended to and availed of by an officer of Central Bureau of Investigation on the basis of recommendation contained in the First Report of the Committee is still available to the investigating agency and they can depute one of their officers to come and inspect and examine the original letter dated 24 February, 1988."

11. The Committee note that the present case is akin to the above case. The Committee also find that the police officers have already been afforded the opportunity of inspecting the documents in question and taking photocopies thereof and they have availed the opportunity of inspecting the documents.

12. The Committee see no reason to make a departure from the procedure laid down by the Committee of Privileges (Second Lok Sabha) in their First Report and the Committee of Privileges (Eighth Lok Sabha) in their First and Second Reports.

13. The Committee are of the opinion that the original documents may not be handed over to the police unless the same are required to be produced in a Court of Law.

14. The Committee, therefore, recommend that an officer, not below the rank of Deputy Commissioner of Police may still come and inspect the documents in question, namely, the application submitted to the Speaker by Shri Ajit Singh and 19 other MPs on 7 August, 1992 and the report of Central Forensic Science Laboratory once again and take photocopies thereof, if he so desires. If at a later stage the original documents are

required for production in a Court of Law, a proper request may be made in accordance with the procedure laid down in the First Report of the Committee of Privileges (Second Lok Sabha).

NEW DELHI;  
*20 December, 1993*  

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*29 Agrahayana, 1915 (Saka)*

SHIV CHARAN MATHUR,  
*Chairman,*  
*Committee of Privileges.*



**ORDERS OF THE SPEAKER**

*Approved for laying it on the Table*

Sd/-  
**SHIVRAJ V. PATIL,**  
20-12-1993

## MINUTES

### I

#### Twenty-ninth Sitting

*New Delhi, Thursday, the 9th December, 1993*

The Committee sat from 15.30 to 16.00 hours.

#### PRESENT

Shri Shiv Charan Mathur —*Chairman*

#### MEMBERS

2. Shri Santosh Kumar Gangwar
3. Shri Syed Masudal Hossain
4. Shri Anna Joshi
5. Shri Bhagwan Shankar Rawat
6. Shri Allola Indrakaran Reddy
7. Shri Tej Narayan Singh

#### SECRETARIAT

Shri J.P. Ratnesh —*Joint Secretary*

Shri A. S. Chera —*Assistant Director*

2. The Committee considered the request of Station House Officer, Police Station Tughlak Road, New Delhi for handing over of two documents in original in connection with the complaint made by Shri Hari Kewal Prasad, MP that his signatures were forged on a memorandum submitted by Shri Ajit Singh, MP to the Lok Sabha Secretariat in August, 1993. The Committee noted that the procedure for production in Courts of documents connected with the proceedings of the House or its Committees had been laid down in the First Report of the Committee of Privileges of Second Lok Sabha which was adopted by the Lok Sabha on 13 September, 1957. In a similar case in 1988 where requests for handing over of certain documents in original relating to Shri S. Thangaraju, MP were received from the Deputy Inspector General of Police, Central Bureau of Investigation, Special Investigation Cell and the Superintendent of Police, Central Bureau of Investigation, Special Investigation Cell were not acceded to. In that case, the Committee of Privileges of Eighth Lok Sabha in their first and second Reports adopted by the House on 5th May, 1988 and 5th September, 1988 respectively recommended that instead of handing over original documents, the Deputy Inspector General of Police, Central Bureau of Investigation might come and inspect the documents and take the photo copies thereof, if he so desired and, if at a later stage the original documents were required for production in a Court of Law, a

proper request might be made in accordance with the procedure laid down in the First Report of the Committee of Privileges (Second Lok Sabha).

3. The Committee found that the present case is akin to the above mentioned case. Moreover, in the present case, the document containing the signatures of Shri Hari Kewal Prasad, MP had already been examined by the Central Forensic Science Laboratory and they had given their opinion about the signatures of Shri Hari Kewal Prasad, MP. The Committee saw no reason to make departure from the procedure laid down by the Committee of Privileges (Second Lok Sabha) in their First Report.

4. The Committee, therefore, recommended that an officer not below the rank of Deputy Commissioner of Police, might still come and inspect the documents once again and take photo copies thereof, if he so desired and if at a later stage, the original documents were required for production in a Court of Law, a proper request might be made in accordance with the procedure laid down in the First Report of the Committee of Privileges (Second Lok Sabha).

5. \* \* \* \* \*

*The Committee then adjourned.*

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\* Para 5 relates to other case and has accordingly been omitted.

# MINUTES

## II

### Thirtieth Sitting

*New Delhi, Monday, the 20th December, 1993*

The Committee sat from 15.50 to 16.10 hours.

### PRESENT

Shri Shiv Charan Mathur — *Chairman*

### MEMBERS

2. Shri Ram Sundar Das
3. Shri Syed Masudal Hossain
4. Shri Anna Joshi
5. Shri Tej Narayan Singh
6. Prof. (Dr.) S.S. Yadav

### SECRETARIAT

Shri J. P. Ratnesh — *Joint Secretary*  
Shri J. P. Sharma — *Under Secretary*  
Shri A. S. Chera — *Assistant Director*

2. \* \* \* \* \*

3. The Chairman then welcomed Prof. (Dr.) S.S. Yadav, M.P., who had been nominated to the Committee on 9 December, 1993 *vice* Shri Sharad Yadav, M.P., who resigned with effect from 3 December, 1993.

4. The Committee considered the draft Third Report and adopted it.

5. The Committee authorised the Chairman to submit their Third Report to the Speaker and to recommend that it might be laid on the Table of the House.

6. The Committee also authorised the Chairman and in his absence Shri Anna Joshi, M.P., to lay their third report on the Table of the House

*The Committee then adjourned.*

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\*Para 2 relates to other case and has accordingly been omitted.

## APPENDIX I

(See para 5 of the Report)

To

The Secretary General,  
Lok Sabha,  
NEW DELHI

Respected Sir,

I have the honour to inform you that on 27/1/93 Shri Hari Kewal Prasad Hon'ble M.P. has made a complaint to Station House Officer Tughlak Road mentioning therein that Shri Ajit Singh Hon'ble M.P. has submitted a memorandum in the Lok Sabha Secretariat in the month of August, 1992 on which his signatures were forged, and the same is reported still pending in the Lok Sabha Secretariat. He has desired legal action on his complaint.

It is, therefore, requested that if considered necessary the memorandum and C.P.S.L. result if obtained (both in original) may kindly be sent to SHO/Tughlak Road, so that legal action on the complaint of Shri Hari Kewal Prasad M.P. could be initiated.

Yours faithfully,

Sd/-  
(PRATAP CHAND TANWAR)  
SHO, Tughlak Road,  
New Delhi.

## APPENDIX II

(See para 6 of the Report)

To

Shri T.S. Ahluwalia,  
Jt. Secy. Lok Sabha Sectt.,  
Parliament House, New Delhi.

Sir,

Please refer to our telephonic conversation on 30.7.93 regarding documents pertaining to the complaint of Shri Hari Kewal Prasad, MP (Lok Sabha). The undersigned was informed that we can only examine the documents at the Lok Sabha Secretariat and further that at this stage documents cannot be handed over to the police as the matter has to be put up before the Privileges Committee. It may be mentioned here that we require the concerned documents in original so as to proceed further in the matter.

You are, therefore, requested to complete the formalities for handing over the documents to enable us to take further legal action in the matter.

Faithfully yours,

Sd/-

(S. CHOUDHARY)  
Asst. Commissioner of Police,  
Chanakya Puri, New Delhi.

No. 1559/ACP-Ch. Puri, dated New Delhi, the 6.8.93.