

COMMITTEE OF PRIVILEGES

FOURTEENTH LOK SABHA

FIRST REPORT

(Presented to the Speaker, Lok Sabha on 24 August, 2005)

(Laid on the Table of the House on 25 August, 2005)

(Adopted by the House on 29 August, 2005)

seal

**LOK SABHA SECRETARIAT
NEW DELHI**

August, 2005/Bhadrapada, 1927 (Saka)

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES
(2005-2006)

Shri Pawan Kumar Bansal

- **Chairman**

MEMBERS

2. Shri Ananthkumar Hegde
3. Shri A. Krishnaswamy
4. Shri Nitish Kumar
5. Shri Varkala Radhakrishnan
6. Shri Rajendrasinh Rana
7. Shri D. Vittal Rao
8. Shri Kishan Singh Sangwan
9. Shri Iqbal Ahmed Saradgi
10. Shri Bijendra Singh
11. Shri Beni Prasad Verma
12. Shri Virendra Kumar
13. Shri Devendra Prasad Yadav
14. Shri Harihar Swain
15. Shri L. Ganesan

SECRETARIAT

1. Shri John Joseph - Secretary
2. Shri V.K. Sharma - Joint Secretary
3. Shri Ravindra Garimella - Under Secretary

4. Shri Ashok Sajwan

-

Under Secretary

**FIRST REPORT OF THE COMMITTEE OF
PRIVILEGES
(FOURTEENTH LOK SABHA)**

....

I. Introduction and procedure

I, the Chairman of the Committee of Privileges, having been authorised by the Committee to submit the Report in their behalf, present this their First Report to the Speaker regarding the request received from the Superintendent of Police, Central Bureau of Investigation, New Delhi for making available to them the original documents containing ‘admitted signatures’ of Shri Gangaram Koli, former member, Lok Sabha for investigation of case RC9(S)/2004-SIV.I/SCR/Central Bureau of Investigation, New Delhi u/s 420 IPC (illegal human trafficking case).

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 2 August, 2005, the Committee considered the matter. The Committee, in order to appreciate the facts of the case in proper perspective, for deciding the issue

before them, desired that a copy of the FIR registered against Shri Koli in the said case, might be first obtained from the concerned Superintendent of Police, Central Bureau of Investigation, for their perusal.

4. At the second sitting held on 18 August, 2005, the Committee considered the matter in the light of the FIR, a copy of which was furnished by the Superintendent of Police, Central Bureau of Investigation, New Delhi. The Committee, thereafter considered the matter and arrived at their conclusions.

The Committee authorised the Chairman to finalise the Report on behalf of the Committee.

II. Facts of the case

5. The Superintendent of Police, Central Bureau of Investigation/SCR.I/New Delhi *vide* his letter dated 13 December, 2004 addressed to Secretary-General, Lok Sabha informed that a case RC9(S)/2004-IU.I/SCR.I/Central Bureau

of Investigation/New Delhi u/s 420 IPC has been registered by the Central Bureau of Investigation for investigating into the allegation of illegal human trafficking by Shri Gangaram Koli, former member Lok Sabha and others. He requested that the following information/documents may be made available to the Central Bureau of Investigation for the purpose of investigation:-

- (i) Whether Shri Gangaram Koli was a member of Lok Sabha during February, 2003 from Bayana constituency of Rajasthan or from any other Lok Sabha constituency (Details thereof were requested for).
- (ii) Whether any official accommodation was allotted to Shri Koli during February, 2003 in Delhi (If accommodation was allotted, details thereof were requested for).
- (iii) Admitted handwritings and signatures of Shri Koli available in the Lok Sabha Secretariat for the purpose of comparison and opinion.

6. A communication dated 28 February, 2005 was sent to the Central Bureau of Investigation by the Lok Sabha Secretariat informing the Central Bureau of Investigation as follows:-

- (i) Shri Gangaram Koli was not a member of Lok Sabha during February, 2003. However, he was a member of 12th Lok Sabha from 10 March, 1998 to 26 April, 1999.
- (ii) No official accommodation was allotted to Shri Koli during February, 2003 in Delhi.

7. A copy each of the specimen signatures, Nomination Form and the Declaration made by Shri Gangaram Koli for the purpose of TA/DA were also made available to the Central Bureau of Investigation.

8. Thereafter, the Superintendent of Police, Central Bureau of Investigation, *vide* his further letter dated 20 April, 2005 made a request for 'original documents including nomination form and declaration form containing admitted signatures of Shri Gangaram Koli' for purposes of investigation by the Central Bureau of Investigation.

9. On 19 July, 2005, Speaker, Lok Sabha, in exercise of his powers under Rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha, referred the matter to the Committee of Privileges for examination and report.

III. Findings and recommendations of the Committee

10. The Committee note that the issue as to whether 'admitted writing' of a former member in connection with investigation of a case against him could be made available to the Central Bureau of Investigation, first came up for consideration before the Committee of Privileges (Fifth Lok Sabha). The Committee in their Eighteenth Report, took note of the recommendations made by the Committee of Privileges (Second Lok Sabha), in their First Report regarding procedure to be followed in cases where documents related to proceedings of the House or in the custody of the Secretary, Lok Sabha were required to be produced in a Court of Law. The Committee of Privileges (Fifth Lok Sabha) felt that though the documents sought for were required for investigation purposes and not for production in a Court of Law, it was quite possible that these documents may ultimately have to be produced in a Court of

Law. The Committee, therefore, recommended that the documents sought for, may, with the permission of the House, be made available in original, to the Central Bureau of Investigation.

11. The Committee also note that during the Eighth Lok Sabha, while examining the request by Central Bureau of Investigation for handing over of original letters and telegrams addressed to the Speaker, by an MP for investigation purpose, the Committee of Privileges (Eighth Lok Sabha) took a different stand. The Committee in their First Report recommended "...instead of handing over the required documents in original, the Deputy Inspector General of Police, Central Bureau of Investigation, Cell-II, New Delhi, may with the permission of the House, be asked to come and inspect the relevant documents and 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 (2 LS)".

12. The Committee further note that on a similar request received from investigating agencies, the Committee of Privileges (Eighth Lok Sabha) in their Second Report and the Committee of Privileges (Tenth Lok Sabha) in their Third Report reiterated the above recommendations, made by Committee of Privileges (Eighth Lok Sabha).

13. In the matter under consideration, the Committee on a perusal of the FIR, registered against Shri Gangaram Koli in case RC9-(S)/2004-SIV.I/SCR/CBI, furnished by the Superintendent of Police, Central Bureau of Investigation at the Committee's instance, find that a preliminary inquiry by Central Bureau of Investigation points to the commission of an offence of criminal conspiracy, cheating and illegal human trafficking on the part of Shri Koli. It is alleged that Shri Koli had cheated the Embassy of Netherlands for obtaining visas for nine persons by misrepresentation of facts and a case was registered under section 120B read with section 420 IPC against Shri Koli on a complaint submitted by the Additional Superintendent of Police, Central Bureau of Investigation, New Delhi.

14. The Committee understand that some original documents containing ‘admitted signatures’ of Shri Koli are required by the Central Bureau of Investigation for comparison with his signatures on documents, in their record, which are alleged to have been forged to obtain visas for nine persons from the Embassy of Netherlands.

15. The Committee also note that photocopies of documents containing “admitted signatures” of Shri Gangaram Koli which have already been made available by the Lok Sabha Secretariat to the Central Bureau of Investigation may not be adequate to meet the requirement of law for conclusive proof about the signatures. The Committee feel that documents sought do not normally contain any privileged information. Nor can such documents be said to be related, in any manner, to the proceedings of the House.

16. The Committee further note that in a similar case referred to in para 10 above, when “admitted writings” of a former member were required for investigation of a criminal offence, the same were made available, in original, on the

recommendation of the Committee of Privileges, with the permission of the House.

17. The Committee are of the view that any response of the House in such a case should not result in impeding investigation of a criminal offence.

18. The Committee, therefore, recommend that the originals of nomination form and declaration form containing 'admitted signatures' of Shri Gangaram Koli, available with the Lok Sabha Secretariat, may, with the leave of the House, be made available to the Superintendent of Police, Central Bureau of Investigation.

19. The Committee also recommend that the Deputy Superintendent of Police, Central Bureau of Investigation concerned with the investigation of the case may personally receive those documents from the Lok Sabha Secretariat and return the same to the Lok Sabha Secretariat

immediately after the necessary comparison of signatures is carried out.

New Delhi

**PAWAN KUMAR BANSAL,
CHAIRMAN,
Committee of Privileges**

**August, 2005
Bhadrapada, 1927 (Saka)**

MINUTES

MINUTES OF THE FIRST SITTING OF THE COMMITTEE OF PRIVILEGES HELD
ON TUESDAY, 2 AUGUST, 2005 IN COMMITTEE ROOM 'B', GROUND FLOOR,
PARLIAMENT HOUSE ANNEXE, NEW DELHI

The Committee sat from 1500 hrs. to 1530 hrs.

PRESENT

Shri Pawan Kumar Bansal — *Chairman*

MEMBERS

2. Shri Ananthkumar Hegde
3. Shri A. Krishnaswamy
4. Shri Varkala Radhakrishnan
5. Shri D. Vittal Rao
6. Shri Kishan Singh Sangwan
7. Shri Iqbal Ahmed Saradgi
8. Shri Devendra Prasad Yadav

SECRETARIAT

- | | | |
|----------------------------|---|------------------------|
| 1. Shri V.K. Sharma | — | <i>Joint Secretary</i> |
| 2. Shri Ravindra Garimella | — | <i>Under Secretary</i> |
| 3. Shri Ashok Sajwan | — | <i>Under Secretary</i> |

The Committee took up for consideration Memorandum No. 2 regarding request from the CBI for making available to them the original documents containing 'admitted signatures' of Shri Gangaram Koli, Ex-MP former member for investigation of case RC9-(S)/2004-SIV.I/SCR/CBI, New Delhi u/s 420 IPC (illegal human trafficking case).

2. The Committee in order to appreciate the facts of the case in proper perspective, for deciding the issue before it desired that a copy of the FIR lodged against Shri Koli in the said case, might be urgently obtained from the concerned Superintendent of Police, CBI, for their perusal.

The Committee then adjourned.

MINUTES OF THE SECOND SITTING OF THE COMMITTEE OF PRIVILEGES
HELD ON THURSDAY, 18 AUGUST, 2005 IN ROOM NO. 139, FIRST FLOOR,
PARLIAMENT HOUSE ANNEXE, NEW DELHI

The Committee sat from 1600 hrs. to 1630 hrs.

PRESENT

Shri Pawan Kumar Bansal — *Chairman*

MEMBERS

2. Shri A. Krishnaswamy
3. Shri Nitish Kumar
4. Shri Varkala Radhakrishnan
5. Shri Iqbal Ahmed Saradgi
6. Shri Bijendra Singh
7. Shri Devendra Prasad Yadav

SECRETARIAT

- | | | |
|----------------------------|---|------------------------|
| 1. Shri V.K. Sharma | — | <i>Joint Secretary</i> |
| 2. Shri Ravindra Garimella | — | <i>Under Secretary</i> |
| 3. Shri Ashok Sajwan | — | <i>Under Secretary</i> |

The Committee took up for consideration the matter regarding request from the CBI for making available to them the original documents containing 'admitted signatures' of Shri Gangaram Koli, Ex-MP former member for investigation of case RC9-(S)/2004-SIV.I/SCR/CBI, New Delhi u/s 420 IPC (illegal human trafficking case).

2. The Committee at the outset took note of the FIR registered against Shri Gangaram Koli, ex-MP, furnished by the SP, CBI at the Committee's instance. The Committee, thereafter, considered the matter and arrived at their conclusions.

3. The Committee authorised the Hon'ble Chairman to finalise the Report on behalf of the Committee and also to present the Report to the Hon'ble Speaker.

The Committee then adjourned.

APPENDICES

APPENDIX I

(See para 5 of the Report)

No. 6119/3/9/S/2004-SCU.I/SCR.I
Central Bureau of Investigation
Special Crime Region-I, C-I Hutments,
Dalhousie Road,
New Delhi-110 011
Tel. No. 011-23015229/218, 011-23013713
Fax No. : 011-23011334
Email: spsiu2dl@cbi.nic.in
Dated : 13.12.2004

To

SHRI G.C. MALHOTRA
Secretary General,
Lok Sabha, Parliament House,
New Delhi-1

**Sub. : Investigation of Case RC. 9(S)/2004-SIU.I/SCR.I/CBI/New Delhi
u/s 420 IPC (Illegal Human Trafficking Case).**

Sir,

Case (RC. 9(S)/2004-SCU.I/CBI/SCR.I/New Delhi) has been registered by CBI for investigation into the allegation of Illegal Human Trafficking by Sh. Ganga Ram Koli (Ex-MP) and others.

In connection with the investigation of above mentioned case, following information/documents are urgently required to CBI for the purpose of investigation:

1. Whether Ganga Ram Koli was an MP (Lok Sabha) of Bhartiya Janta Party during Feb. 2003 from Bayana (Rajasthan) or from any other Lok Sabha Constituency, if yes, the details thereof.
2. Whether any official accommodation was allotted to Sh. Ganga Ram Koli during Feb. 2003 in Delhi, if yes, the details thereof.
3. Admitted handwritings and signatures of Sh. Ganga Ram Koli available in Lok Sabha Secretariat may please be made available for the purpose of comparison and opinion.

It is, therefore, requested that the information/documents as requested above may please be made available to CBI at the earliest please.

Yours faithfully

Sd/-
Superintendent of Police
CBI/SCR. I/New Delhi.

APPENDIX II
(See para 6 of the Report)

LOK SABHA SECRETARIAT

Telegrams : LOKSABHA, NEW DELHI
Fax : 23010756

PARLIAMENT HOUSE ANNEXE
New Delhi-110001

F. No. 27/1/2005/MS

Dated : 28.2.2005

From

D.S. Malha
Under Secretary

To

The Superintendent of Police
CBI/SCR. I/New Delhi
Central Bureau of Investigation
Special Crime Region - I
C-1, Hutments, Dalhousie Road,
New Delhi-110 011

**Sub. : Investigation of Case RC. 9(S)/2004-SIU.I/SCR.I/CBI/New Delhi
u/s 420 IPC (Illegal Human Trafficking Case).**

Sir,

I am directed to refer to your letter No. 6119/3/9/S/2004-SIU.I/SCR.I dated 13.12.2004 on the above subject and to state that:

1. Shri Ganga Ram Koli was not a Lok Sabha Member during February 2003. However, Shri Ganga Ram Koli was a Member of 12th Lok Sabha from 10 March, 1998 to 26 April, 1999.
2. No official accommodation was allotted to Shri Ganga Ram Koli during February 2003 in Delhi.
3. A copy each of the specimen signatures, Nomination Form and the Declaration made by Shri Ganga Ram Koli for the purpose of TA/DA are enclosed herewith.

Yours faithfully

Sd/-

UNDER SECRETARY
Tel. No. 23034317

Encl. : As above.

APPENDIX III

(See para 8 of the Report)

No. 2028/3/9/S/2004-SCU.I/SCR.I
Central Bureau of Investigation
Special Crime Region-I, C-I Hutments,
Dalhousie Road,
New Delhi-110011
Tel. No. 011-23015229/218, 011-23013713
Fax No.: 011-23011334
Email: spsiu2dl@cbi.nic.in

Dated : 20.4.2005

To

The Under Secretary
Lok Sabha Secretariat,
Parliament House Annexe,
New Delhi-1

**Sub. : Investigation of Case RC. 9(S)/2004-SIU.I/SCR.I/CBI/New Delhi
u/s 420 IPC (Illegal Human Trafficking Case)**

Sir,

Kindly refer to this office letter No. 6119 dated 13.12.2004 and your office letter F. No. 27/1/2005/MS dtd. 28.2.2005 on the subject cited above.

It is to inform you that photocopies of nomination form and the declaration form submitted by Shri Ganga Ram Koli, the then M.P. (Lok Sabha) containing his admitted signatures were sent by your office to CBI for the purpose of investigation. In this regard, it is intimated that admitted signatures of Sh. Ganga Ram Koli, Ex. MP in original are required for the purpose of comparison and expert opinion.

Thus, it is requested that the original documents including nomination form and declaration form containing admitted signatures of Sh. Ganga Ram Koli may be provided to CBI for the purpose of investigation.

Yours faithfully

Sd/-

Superintendent of Police
CBI/SCR. I/New Delhi.