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**COMMITTEE OF PRIVILEGES  
(FIFTEENTH LOK SABHA)**

**FIRST REPORT**

*Question of privilege given notice of by Shri R.P.N. Singh, MP and  
Minister of State for Road Transport and Highways, regarding  
his detention at District Raebareli, UP*

*(Presented to Speaker on 28 February, 2011)*

*(Laid on the Table on 04 March, 2011)*



**LOK SABHA SECRETARIAT  
NEW DELHI**

*February, 2011/Phalguna, 1932 (Saka)*

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES  
(15TH LOK SABHA)

Shri P.C. Chacko — *Chairman*

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2. Shri Hansraj G. Ahir, MP
3. Shri Ananth Kumar, MP
4. Dr. Baliram, MP
5. Shri Kalyan Banerjee, MP
6. Shri Abu Hasem Khan Choudhury, MP
7. Shri Paban Singh Ghatowar, MP
8. Shri Syed Shahnawaz Hussain, MP
9. Dr. Manda Jagannath, MP
10. Shri Shailendra Kumar, MP
11. Shri Sanjay Nirupam, MP
12. Shri A. Sampath, MP
13. Shri S. Semmalai, MP
14. Shri Rajiv Ranjan Singh *alias* Lalan Singh, MP
15. Dr. Girija Vyas, MP

SECRETARIAT

1. Shri V.K. Sharma — *Additional Secretary*
2. Shri Ravindra Garimella — *Director*
3. Dr. Rajiv Mani — *Deputy Secretary*
4. Shri Bala Guru G — *Legislative Officer*
5. Shri Manish Kumar Thakur — *Executive Assistant*

FIRST REPORT OF THE COMMITTEE OF PRIVILEGES  
(FIFTEENTH LOK SABHA)

**I. Introduction and Procedure**

I, the Chairman of the Committee of Privileges, having been authorized by the Committee to submit the Report on their behalf, present this their First Report to the Speaker on the question of privilege given by Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways regarding his detention when he was going to inspect the construction work of a bridge at Dalmau on river Ganga at District, Raebareli, Uttar Pradesh.

2. The Committee held 10 sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. At their first sitting held on 7 April, 2010, the Committee considered the question of privilege given by Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways against police officials and district administration of Raebareli, UP and decided to hear the member at their next sitting. The Committee also decided to take the evidence of concerned officers of Police authorities and district administration of Raebareli, UP, subsequently.

4. At their second sitting held on 22 April, 2010, the Committee examined on oath Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways. The witness also handed over two documents *viz.* (i) Letter dated 17 February, 2010 from Ministry of Road Transport and Highways to Chief Engineer PWD, Government of UP informing about the inauguration of the bridge over river Ganga at Dalmau by Smt. Sonia Gandhi, Chairperson, UPA; and (ii) Newspaper clippings relating to his detention at Raebareli and the inauguration of the bridge from Lucknow by a Minister of the State Government of UP. These two documents were taken on record.

5. At their third sitting held on 14 May, 2010, the Committee examined on oath Shri Charanjeet Singh Bakshi, the then District Magistrate, Raebareli and Shri Om Prakash, the Additional District Magistrate, Raebareli. The Committee took note of fax message dated 12 May, 2010 received from Addl. S.P., Raebareli informing that Shri P.K. Mishra, SP Raebareli had proceeded on casual leave and later had been advised medical rest by the doctor of AIIMS, New Delhi. The Committee took a strong view and expressed their displeasure over the casual manner in which Shri P.K. Mishra had taken the summons of the Committee. The Committee however, in the interest of principles of natural justice provided him another opportunity to appear before the Committee on 7 June, 2010.

6. At their fourth sitting held on 7 June, 2010, the Committee examined on oath Shri P.K. Mishra, the then Superintendent of Police, Raebareli.

7. At their fifth sitting held on 16 August, 2010, The Committee examined on oath Kunwar Fateh Bahadur, Principal Secretary (Home), Government of UP.

8. At their sixth sitting held on 8 September, 2010. The Committee examined on oath Shri Atul Kumar Gupta, Chief Secretary Government of UP.

9. The Committee at their seventh sitting held on 16 September, 2010 deliberated on the recommendations of the report and in this regard decided to give in the interest of justice another opportunity to the DM and the then SP of Raebareli by personally informing them of its conclusions and hear them as to what they have to say in the matter. In furtherance thereof the Committee at its eighth sitting held on 27 September, 2010 heard both these officials.

10. At their ninth and tenth sittings held on 23 November, 2010 and 13 January, 2011 respectively the Committee considered the draft report and also sought the opinion of Department of Personnel & Training (DoPT). The Committee after some deliberations adopted the draft report with some modifications.

## II. Facts of the Case

11. On 4 March, 2010 Shri R.P.N. Singh, MP gave a notice<sup>1</sup> of question of privilege alleging that while he was proceeding for inspection of the ongoing construction work of a bridge over river Ganga at Dalmau, he was detained by the Superintendent of Police and the District magistrate, Raebareli. Elaborating, Shri R.P.N. Singh stated as follows:—

"I had been to Raebareli yesterday to inspect the ongoing construction work of the bridge on Ganga River at Dalmau, District Raebareli in Uttar Pradesh. Before reaching the inspection site, I was detained by the Superintendent of Police, Raebareli and the D.M., Raebareli. When the officers accompanying me enquired whether they have the orders to this effect, they were told that they have the orders of the Principal Secretary (Home), Government of Uttar Pradesh. This, I believe, is a definite breach of privilege enjoyed by the Members of Parliament."

12. The Minister *vide* his further communication<sup>2</sup> dated 4 March, 2010 stated that his Ministry had received several complaints about the poor quality of work being done on the under-construction bridge on the river Ganga in Dalmau, district Raebareli. To have a first hand account of the ground realities, he decided to make surprise inspection of the on-going work on the said bridge. On his way to the site, his motorcade was forcibly stopped by the police authorities. The District Magistrate and the Superintendent of Police, Raebareli were present at the site of his detention and they forcibly prevented him from carrying out his constitutional duties. They took the plea that section 144 Cr. P.C. was in force at the site of the bridge and even refused to escort the Minister alone when a request to this effect was made by him. He was detained for about three hours. The Minister contended that "this unwarranted

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<sup>1</sup>Pl. see Appendix I

<sup>2</sup>Pl. see Appendix II

and undue act of the district authorities of Raebareli has not only violated the spirit of the federal structure of the nation but has also hampered the discharge of the duties of a Minister of the Union as well as violated the privileges and immunities of a Member of Parliament."

13. Confirmation of the fact of detention of the Minister was sought from the District Magistrate and Superintendent of Police, Raebareli. The Superintendent of Police *vide* his fax message<sup>3</sup> dated 5.3.2010 *inter alia* stated as follows:

"On 3.03.2010 Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways, Government of India, arrived at District, Raebareli without any prior intimation by a private plane at the Indira Gandhi Rashtriya Udan Academy, Fursatganj, Raebareli and proceeded from there to Dalmau by private vehicles along with local workers and functionaries. At *Munshiganj Tiraha*, the local civil and police administration, on secretly coming to know of this visit informed the Private Secretary and through him to the Hon. MP and Minister about the adverse security situation which may result in breach of peace in the area and that in view of absence of any prior intimation anti-sabotage check of the area has not been carried out. In such a situation, a breach of peace and security may take place and it is not advisable for any VIP/VVIP to visit the Dalmau area. On bringing of this situation and facts to the knowledge of Shri R.P.N. Singh, he willingly along with his workers/functionaries and a large crowd of his supporters proceeded towards the Congress Public Relation Office (Pandey Kothi) and after addressing the Press Representatives present there, left for Indira Gandhi Rashtriya Udan Academy, Fursatganj for proceeding to New Delhi. Further, Hon. MP and Minister was accorded respect and security befitting his status and he was not detained in any manner."

14. In view of the contradiction between the allegation made by the Minister and the denial of the fact of detention by the district authorities, The Speaker, Lok Sabha on 5 March, 2010, in exercise of her 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, investigation and report.

15. A fax communication<sup>4</sup> dated 06 March, 2010 was received from the District Magistrate, Raebareli on 8 March, 2010 in which he reiterated the facts as stated by the Superintendent of Police, Raebareli as enumerated in para 3 above and further submitted that on being informed about the security scenario at Dalmau, the Minister felt satisfied and cancelled his visit. Further, the District Magistrate, Raebareli enclosed a copy of the communication dated 3 March, 2010 given by the Additional District Magistrate, Raebareli to the Private Secretary to the Minister, wherein it was stated that Section 144 Cr. PC had been imposed in the area and the visit of the Minister would be in violation of the said section and that no prior permission had been taken for holding of any function in the area.

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<sup>3</sup>Pl. see Appendix III (Original in Hindi).

<sup>4</sup>Pl. see Appendix IV (Original in Hindi).



### III. Evidence

#### **Evidence of Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways**

16. During his evidence before the Committee on 22 April, 2010, Shri R.P.N. Singh, MP *inter-alia* stated as follows:—

"Sir, on 3rd March I was going to inspect a bridge which was near completion in Raebareli district, ....bridge ...was being built on the river Ganga, the Dalmau bridge, ...(for which) funds were given by my Ministry under the Central Road Funds. ...(As) that bridge was going to be inaugurated in the second week of March, I had got some complaints that it was not completely ready and that there were some illegalities while making of the bridge; so, I was going to make a spot inspection of the bridge because we had given the date of it being inaugurated in the second week of March which I had already written to the State Government that the bridge will be inaugurated. The local MP from there is Shrimati Sonia Gandhiji and she has requested, because it was under her proposal in the UPA-1 Government that that bridge was sanctioned; so, she had asked to be there for the inauguration of that bridge...we had given the letter that it was going to be done in the second week; we have lot of MLAs and lot of other workers from there who had told me that there were some irregularities in the bridge and because it was going to be inaugurated in the second week of March; so, I was going to make a spot check up on the bridge and that is why I informed none of my officers also to go and look at the bridge as to in what condition it actually was in.

I landed in Fursatganj airport and I was proceeding to Dalmau where the bridge is located. On the way, from the National Highway the road which goes towards Dalmau, I was detained by the SP, the DM—both were there—and the whole National Highway got jammed. They detained me there. On enquiring about why was I not being allowed to go, he said —'No, Sir; you cannot go till the bridge'. I said—' I am going to inspect the bridge'. They said—'Sir, you will go an inaugurate the bridge'. I said—"I am a Central Minister; why would I go and inaugurate a bridge like this? The local MLAs or the local Party workers do this kind of a thing; if I had to inaugurate the bridge, I am fully entitled to inaugurate the bridge; I have already written to the State Government saying that the bridge will be inaugurated in the second week of March and it is 99 per cent complete; it is not even fully completed'. Anyhow, I was detained there.

On asking, .... as to, after all, why they detained me, they (after enquiring from the local SP and DM) said—'Sir, we have got orders from the top that you cannot go further than this and you have to remain here'. The local people from my Party and my organization who were there spoke to me. They said—"The Secretary, Home has stopped you—some Mr. Kunwar Fateh Bahadur has ordered us not to go ahead'. So, one of the people with

me called up the Principal Secretary, Home. He said—'Yes, you please speak to the SP'. In fact the people with me spoke to the Principal Secretary, Home also. He said—'We have given instructions to the SP'. The SP and the DM said—'No, Sir; you cannot go; you please come and let us go back from here'.

Then, they said—"There is the section 144; so many people cannot go; Section 144 has been put in place'. I requested the District Magistrate that 'you take me alone; I do not need more people to go with me; I can go alone with you and the SP; I can go in your car and let three of us go; we do not need anyone and no one was going with me; not necessary that everybody has to go with me'. They said, 'No Sir. You have to remain here. You cannot go.' While I was being detained, the whole media ...was there and it was shown on every television channel. In fact, next day, it was brought to the notice of the Lok Sabha Secretariat also. Everybody saw it on television that I was detained there for three hours.

What is more interesting is... while I was being detained, it was brought to my knowledge that this bridge was going to be inaugurated (on the following day) ...that is, on 4.3.10. Anyway, I said that if the inauguration was going to take place on 4.3.10, without taking our permission, there is no problem, but I am just going to inspect the bridge. You would be surprised to know that while I was detained for three hours continuously, the PWD Minister, who was supposed to be inaugurating the bridge on 4.3.10, was out of station and was not in Lucknow at that time. He was brought in to Lucknow and the bridge was inaugurated from Lucknow symbolically by pressing machine on some card-board. The moment he inaugurated the bridge from Lucknow symbolically, I was allowed to go. So, I was detained there till the time that PWD Minister did not come to Lucknow and symbolically inaugurated the bridge in front of the whole media....

After the ceremony was over, after three hours of detention, the whole National Highway from Allahabad to Lucknow was jammed for three hours—I said 'since he did the inauguration, can I go to see the bridge now?' They said 'No, Sir. You please go back.' Even after the symbolic inauguration of the bridge on 3rd March by the PWD Minister, I was not allowed to go to the bridge.

It is my privilege as a Member of Parliament to go anywhere. They said that section 144 was imposed there, but the Principal Secretary (Home) could not give my people any kind of reason as to why they stopped me. The SP or the DM could not give me any reason as to why they stopped me. It is my privilege to go and inspect even as an MP, ...(let alone my) being a Minister. It is ...My privilege as an MP to go and inspect any bridge, road or Government facility that is under construction, at any place in the country. So, it is privilege of an MP that he can go and visit these places. I have been stopped from doing my natural duty."

17. When categorically asked whether he had given to the District Authorities any prior information about his visit, Shri R.P.N. Singh replied:—

"The bridge was going to be inaugurated by the hon. Chairperson of the UPA. So, I had to take necessary steps. If the bridge is going to be inaugurated by the hon. Chairperson of the UPA, I thought that I have to go and make sure that there are no complaints, or it should not come to our notice after the inauguration that some things were not okay. Therefore, I personally wanted to go and check it myself. Generally, what happens is that when they come to know that the Minister is coming, they cover up everything and you get the impression that everything is well."

18. When further categorically asked whether any bureaucrats were involved in this incident, Shri R.P.N. Singh stated:—

"As you brought to my notice, while I was present there, the Principal Secretary (Home) Kunwar Fateh Bahadur was the person who was supervising my movement or detention or whatever was happening there and he was instructing the SP and DM (stationed there locally) to follow the orders and make sure that I did not reach that bridge. That is to the best of my knowledge."

19. On being asked whether he felt that the prohibitory orders under section 144 Cr. P.C. were issued with the sole purpose of stopping him, Shri R.P.N. Singh replied:—

"Sir, I precisely say that if anything had happened there, I would have told you. The officers of the State Government, who were present there, said that there might be a law and order problem. They detained me. We did not create any law and order problem. Despite my detention, there was nothing like law and order disturbance. Before that, neither any leader came nor one was coming and there was nothing in the air which might cause law and order problem. There were no riots or anything like that. We were told this only, that they have received the information that there could be a law and order problem. The State administration knew better. It would neither be possible nor appropriate for me to say anything about it."

20. On being enquired whether the Minister went for surprise, inspection on receipt of complaints, Shri R.P.N. Singh replied:—

"As I told you that bridge was going to be inaugurated after the 15 March. I have complaints from the local people of that area that there are some shortcomings, please come and see because you are going to inaugurate it because at the time of inauguration, we do not want any glitches saying that this bridge has been inaugurated and there is some shortcoming.

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**Evidence of Shri Charanjit Singh Bakshi, the then District Magistrate, Raebareli**

21. Shri Charanjit Singh Bakshi, the then District Magistrate, Raebareli during his evidence before the Committee on 14 May, 2010 when asked about his role in

arrangement of VVIP security stated as follows:—

"The SP is more in touch with the senior officers. The SP is doing the whole thing. I am just advising him regarding the security arrangements. It is the SP who does the VVIP security arrangements. Most of the security arrangements are taken care of by him."

22. When further asked about the receipt of information about the visit of Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways Shri Charanjit Singh Bakshi *inter alia* stated as under:—

"We came to know about it from some journalist. I was asked: Are you aware that the hon. Minister is supposed to come here? We said: No, we are not in the knowledge of it."

....."I did not go to the airport. I went to a place called Munshiganj. It is en route Dalmau. We had a diversion from Munshiganj going towards Dalmau. The SP and I saw some fleet of cars going towards that area."

23. When specifically asked what exactly was conveyed by him to the Minister, Shri Charanjit Singh Bakshi stated as under:—

"We requested the Minister not to go there because on 4th the PWD Minister of UP State, Shri Nasimuddin Siddiqui was supposed to come and inaugurate the bridge. A lot of BSP workers were there on the spot. So, we had requested him not to go to the spot because they were also there and if Minister's supporters/workers were to go there, the same may lead to tension."

24. When further clarification was sought from him as to whether he specifically conveyed the fact that the PWD Minister of UP was to inaugurate the bridge, Shri Charanjit Singh Bakshi stated as follows:—

"No, I did not tell him. But we requested him not to go because the BSP workers were already there. We just requested him, it is better if he holds the meeting some where in the PWD Inspection House. He said he wanted to hold the meeting there in Dalmau Bridge. We requested him not to go there. We told him that he can have a Press meeting or some other meeting in the PWD Inspection House."

25. When categorically asked whether the decision conveyed to Minister by him was his own or he received any instruction from Lucknow to stop the Minister on the road, Shri Charanjit Singh Bakshi stated as follows:—

"It was a decision taken by the SP and the DM. But we were told that it would be safer if the Minister does not go there."

26. On being specifically enquired as to which authority instructed him, Shri Charanjit Singh Bakshi replied:—

"By the superior officer." ..... "Principal Secretary (Home)."

27. When further asked about the mode of communication of the order of the Principal Secretary (Home), Shri Charanjit Singh Bakshi replied:—

"It was communicated through mobile."

28. When asked about the reaction of the Minister, Shri Charanjit Singh Bakshi stated as follows:—

"...I just requested him, it is better if he does not go there. He said that he would hold a meeting for a while and then come back. I said, 'if you want to hold a meeting, we can arrange a place for you in the PWD Inspection House. You may hold a meeting or a press conference if you like.' After some time, he said, 'Okay. But give me something in writing. I have to tell my people also. So, give me something in writing.' I said, 'Please relax in the PWD Inspection House. We will give that.' He said, 'No, you give it to me here. Any one from the administration side can give me this in writing.' There was not even a proper paper also. We took out the paper sheet from the note book and they noted it down. We gave it to the Principal Secretary to the hon. Minister.'...It was written on-the-spot. It was handwritten. It was written by ADM and Additional SP. We gave in writing."

29. When categorically asked about whether the DM is aware that the Minister is a public servant, and obstructing a public servant is a offence under IPC, Shri Charanjit Singh Bakshi stated as follows:—

"Sir, I would like to say two things. One is that we never virtually stopped him. We just requested him not to go. Secondly, we also did not have a prior intimation of his programme. Under the circumstances, we requested him do not go there."

30. On being specifically asked as to whether there had been any written order imposing section 144 and under whose signatures it was issued, Shri Charanjit Singh Bakshi replied as under:—

"It is under my signature. It is from 18th February to 10th of April...The order was issued because of so many festivals like Eid, etc, when many Muslim festivals were falling between these dates. So, we issued order in the month of February."

31. When further asked about the inauguration programme of the bridge by the State PWD Minister on the 4th March, 2010 inspite of imposition of section 144 of Cr. P.C., Shri Charanjit Singh Bakshi responded as under:—

"We had a VIP intimation that the Minister is coming on the 4th. The programme had already come. ... I am just telling that if someone seeks a permission on a particular day, we give him permission for that particular incident or event. Section 144 remained in force. ...There are so many things for which we can relax Section 144. It is not a blanket order."

32. When categorically asked whether he was holding any information from the Committee, Shri Charanjit Singh Bakshi replied:—

"I am not withholding any evidence. I will give you the correct information but I cannot give you any wrong information."

33. When specifically asked as to why he did not allow the Minister to proceed to the bridge alone as that would not have been violation of the provisions of section 144 of the Cr. P.C., Shri Charanjit Singh Bakshi replied as follows:—

"I would submit that there was not such demand from the side of the Hon. Minister that he would like to go alone. I do not recollect, Sir."

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**Evidence<sup>#</sup> of Shri Om Prakash, the then Additional District Magistrate, Raebareli**

34. When specifically asked about the provisions of section 186 of IPC, Shri Om Prakash replied as follows:—

"I do not remember."

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**Evidence of Shri P.K. Mishra, the then Superintendent of Police, Raebareli**

35. During his evidence before the Committee on 7 June, 2010, Shri P.K. Mishra the then Superintendent of Police, Raebareli *inter alia* stated as follows:—

"Regarding the visit of Hon. Minister to Distict Raebareli, no information was available either with the District Magistrate or myself as a result of which no arrangements could be made regarding his protocol and security arrangements. When the information regarding his visit to a bridge constructed over river Ganga, at Dalmau reached us the only thing that came over was the issue of his personal security and the escalation of tension which was prevailing in the area and resultant law and order problems in the District. In the circumstances, to ensure the personal security of Hon. Minister and in the interest of maintenance of Law and Order, the District Megistrate and myself requested the Hon. Minister that in view of the concerns stated above, he may not proceed to Dalmau, though that time he had already covered a distance of 20 kms from Fursatganj Airport. The Hon. Minister asked for some written order in this regard. The same was given to him (in writing). Thereafter the Hon. Minister returned."

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<sup>#</sup>The Committee took evidence of the then DM and ADM together. As ADM *per se* had a secondary role, most of the queries were directed to and responded by the DM.

36. When categorically asked whether section 144 Cr. P.C. was enforced in District on the basis of police report, Shri P.K. Mishra stated:—

"Section 144 of Cr. P.C. was not imposed in the District on the basis of police report but in view of the board exams the District Magistrate had imposed it in his wisdom."

37. Further asked as to why he obstructed a Central Minister and detained him for more then two hours when the Minister was discharging his duties as a public servant, Shri P.K. Mishra stated:—

"I apologetically submit that we had not received any tour programme of the Hon. Minister for official work in the district. Normally, it so happens that when a Central Minister visits a district, prior information about it has to be made available to the State Government and the administrative machinery, so that adequate arrangements can be made for ensuring the security of the Minister through out his visit. However, in this case we did not get any prior information on the visit of the Hon. Minister. Tension was already prevailing in the area and the visit of the Hon. Minister would have further escalated the tension. Thus in overall public interest and with a view to address the security of the Hon. Minister and for maintenance of law and order, the District Magistrate and myself decided to request him not to proceed with his visit and this is what we did."

38. When categorically asked whether the decision conveyed to the Hon. Minister was his own or he acted on the advise or instruction of any senior officer, Shri P.K. Mishra stated:—

"We were the Officers who were present on the spot and the ground realities were known to us. Accordingly, it was a joint decision of the District Magistrate and myself.... however, I cannot comment on behalf of the District Magistrate, but I did not receive any instructions in this regard from any superior officer. ....whatever decision was taken, was taken on the spot. I had the reports of my subordinate officers and I briefed the District Magistrate about the situation... however, whatever development, were taking place on the spot the same were conveyed by us to our superior officers."

39. When specially asked as to how come the bridge at Dalmau, was inaugurated by the State Minister on 4 March, 2010 when section 144 Cr. P.C. was imposed, Shri P.K. Mishra stated:—

"It is my humble submission that prior information for inauguration of the bridge on 4 March, 2010, was received earlier. We had called for Additional Police enforcement for smooth arrangements of the said programme. As a result of this, said inauguration programme passed peacefully. However, we have no information about the programme of 3 March, 2010. If we had such information, then as Executive Officer's, it is our duty to ensure that the said programme was conducted peacefully. ....further the order imposing section 144 Cr. P.C. in the District had exempted the holding of government functions and such functions were out side its purview."

40. When categorically asked about the reason for tension in the area, Shri P.K. Mishra replied:—

"...tension was prevailing because of the fact that the PWD Minister of the State Government had already sent his programme for inauguration of the bridge at Dalmau, on 4 March, 2010. Where as the local office of the Congress Party wanted the inauguration of the bridge to be done by a Congress leader."

41. When asked about the request about the Hon. Minister to facilitate his visit (alone) in some other vehicle, Shri P.K. Mishra replied:—

"The Minister did not make any such request to me personally. As regards the District Magistrate is concerned, I cannot comment about it, as he was directly interacting with the Minister."

42. When specifically asked that in case any Minister visits or has visited without any prior information, would permission be refused to him, Shri P.K. Mishra replied:—

"I would humbly submit that in case there is any threat perception to the Minister or his visit may vitiate the law and order situation, then definitely we would request him not to proceed, with his visit."

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**Evidence of Kunwar Fateh Bahadur, the Principal Secretary (Home), Government of Uttar Pradesh**

43. During his evidence before the Committee on 16 August, 2010, Kunwar Fateh Bahadur the Principal Secretary (Home), Govt. of UP *inter alia* stated as follows:—

"The inconvenience which has been caused to the Hon. Minister of State for Road Transport and Highways at Raebareli is regretted and that I tender apology on behalf of the District Administration. Further, whatever action was taken by District Authorities was keeping in view the law and order situation and the safety and security of the Hon. Minister."

44. When categorically asked as to what instructions he had given to the District Administration and what was its necessity at that point of time, Kunwar Fateh Bahadur stated:—

"A news item came on the electronic media in the news network that the Hon. Minister was coming to Raebareli. Then I asked the District Magistrate what was the problem. He told me about the situation. I told him clearly that the safety and security of the Hon. Minister was the prime thing. Inconvenience should not be caused to the Minister, that has to be ensured by the officers present on the spot."



45. When specifically asked whether he had directed the District Authorities that the Minister should not be allowed to go to Dalmau, Kunwar Fateh Bahadur replied:—

"Directly I did not tell them so. SP and DM are the persons on the spot. I asked them to decide whatever they want to do."

46. When further asked as to what was the purpose of his calling the District Authorities when the DM and the SP were duty bound to look after the safety and security aspects, Kunwar Fateh Bahadur stated as under:—

"As Principal Secretary (Home) it is my duty to see whether any tension is prevailing when any dignitary is visiting any district, especially in this case when an Hon. Minister is going and the same is being covered by the electronic media."

47. When further specifically asked as to whether he was aware that law and order problem was prevailing in that area and section 144 Cr. P.C. was imposed, Kunwar Fateh Bahadur replied as under:—

"When I talked (with the District Authorities) they told me about the law and order problem but I was not aware about the proclamation of section 144 in the area."

48. When further asked to clarify exactly about the instruction to the DM and SP regarding not allowing to the Minister to visit (Dalmau), Kunwar Fateh Bahadur stated as under:—

"No, I did not tell them that Minister should not be allowed to go to the site. I did not give any such direction to them. ...As Principal Secretary (Home), of course, it is my primary duty to tell them clearly that whatever they do, it should be done keeping in view the safety of the Hon. Minister. That goes without saying that it is their responsibility. ...I did not tell them not to allow the Minister to go to the site."

49. When further asked as to whether he had any prior information about the Minister's visit to area or that the bridge over river Ganga was to be inaugurated by the UPA Chairperson Smt. Sonia Gandhi, Kunwar Fateh Bahadur replied as follows:—

"I had no (prior) information about the visit of the Minister. I did not have any information that Smt. Sonia Gandhi is to inaugurate the bridge but I was aware that Minister of the State Government of UP was to inaugurate the bridge on 4th (March, 2010)."

50. When categorically asked whether he was a part of the drama enacted from Lucknow whereby the bridge was inaugurated symbolically while the Minister was detained for two hours, Kunwar Fateh Bahadur replied:—

"I was not present in that function but I was knowing about it."

51. When asked about whether he feels guilty about the whole episode, Kunwar Fateh Bahadur stated that:—

"I do not feel guilty at all, your Honour. My only submission is that I told those officer about the security and safety of the Hon. Minister. That was

your honour of prime concern to me, at that time. Certainly I talked to them on phone and I gave this direction that no inconvenience is caused to the Hon. Minister. ....Your Honour, the Hon. Minister was there but his programme was not there. Hon. Minister is a Category 'Y' security protectee. All these things are there. No protection was there from the District Authorities because the Hon. Minister's programme was not there. Because of that thing I told them to look in to it."

52. When specifically asked whether he remembers the happening of any unfortunate and untoward incident at that place, on that day during the imposition of section 144 Cr. P.C., Kunwar Fateh Bahadur replied:—

"No unfortunate incidents have happened."

53. When specifically asked why he did not appear before the Committee on two earlier occasions, Kunwar Fateh Bahadur replied:—

"Your Honour, I did not do it deliberately. I had requested the Hon. Committee that because of law and order problem, I will not be able to attend the meeting."

54. When further asked whether he was aware that the Hon. Minister had expressed his desire to visit the site of the bridge in the vehicle of the administrative or Police Authority, Kunwar Fateh Bahadur replied:—

"No Sir. The local administration did not inform me about this fact. I did not talk to them in such detail I had only told them to judge the circumstances prevailing in the area and take a decision keeping in view the law and order situation. I was also told that the District Authorities had not received any tour programme of the Hon. Minister and neither his staff contacted the District Authority even after he landed at the Fursatganj Airstrip. ...as per protocol, the Minister being a 'Y' grade protectee his programme should have come earlier or even at the time he reached the District."

55. When specifically asked to whether any action has been taken by him against his subordinates or officials who were responsible for the detention of the Minister, Kunwar Fateh Bahadur stated:—

"They reported that the Hon. Minister was there. There was a joint report from the DM and SP. They reported that the Minister has been made aware of the situation and he had asked for written intimation in this regard. Thereafter he was apprised of the situation in writing and he left safely. This was the report given by the District Authorities. That is why we did not take any action against them."

56. When asked whether the order for the detention of the Hon. Minister was specifically given by him, Kunwar Fateh Bahadur replied:—

"Sir it is my submission that orders for detaining the Hon. Minister was neither given by me or any superior authority. It was a decision taken as per the wisdom of the officers who were present on the spot."

**Evidence of Shri Atul Kumar Gupta, the Chief Secretary, Government of Uttar Pradesh**

57. During his evidence before the Committee on 8 September, 2010, Shri Atul Kumar Gupta the Chief Secretary, Govt. of UP submitted about his administrative role as under:—

"I report to the hon. Chief Minister and on matters which may be brought to my notice by other Hon. Ministers, I report to them also on those issues. As far as officers are concerned, including the Home Secretary, all the Secretaries and the Principal Secretaries of the State Government report to me, not exactly on a day to day basis, but on certain matters which they might construe as very important. But otherwise, as far the rules of business of the State Government, they report directly to their Hon. Minister but on certain matters of policies, and important matters, they are required to report to their hon. Ministers and to the Chief Minister through the Chief Secretary".

58. On categorically asked whether he has aware that Shri R.P.N. Singh MP and Union Minister of State for Road Transport and Highways was detained on 3 March, 2010 by the DM of Raebareli when the Minister was going to inspect the construction work of a bridge on river Ganga at Dalmau, Shri Atul Kumar Gupta replied:—

"District Administration had informed the State Government that the Hon. Union Minister of State was proceeding to Dalmau and since they had no information before the arrival of Hon. Minister, they could not make adequate arrangements for his safety and since there was some tension in the area, in the interests of safety of the Hon. Minister and also, because of the fact that Section 144 was enforced in the area, they requested the Hon. Minister not to proceed to Dalmau. That was the background the State Government was informed."

59. When further asked as to whether he received any information and report on this incident and when did it actually reach him, Shri Atul Kumar Gupta replied as under:—

"They sent the report to the Government which was addressed to the Principal Secretary (Home), DGP, Addl. DGP (Intelligence), Commissioner of the Lucknow Division, IG of Lucknow Division..... It did not come to me and I did not see it when it was received but after this incident happened the next day (4 March, 2010) when this matter came up in the newspapers, I enquired from the Principal Secretary (Home) about some details of this matter. Then, he informed me of these facts. This Report came to me while I was preparing for appearance before this Hon. Committee."

60. When specifically asked whether he was aware that when the Minister was detained on way to Dalmau the inauguration of the bridge was done symbolically from Lucknow by the concerned Minister, Shri Atul Kumar Gupta stated:—

"No Sir, I was not aware of this on 3rd. I was aware of the fact that one Hon. Minister of PWD of the State Government was to inaugurate the bridge."

61. When further asked whether the Principal Secretary (Home) reported the development involving the Union Minister at Raebareli and whether it was done under his specific instruction, Shri Atul Kumar Gupta replied:—

"No (he, did not report)..... I enquired from him... as I said I had no information. There was no communication with him, between me and the District Administration and it is absolutely incorrect that I gave any such instruction. It is not correct."

62. When further asked as to whether he was aware that this bridge was to be inaugurated by Smt. Sonia Gandhi and that a letter was written to this effect to the State Government that she would be inaugurating this bridge during the second week of March, Shri Atul Kumar Gupta replied:—

"At that point of time, I was not aware that Hon. Sonia Gandhi ji was planned to inaugurate this. I was aware that the Hon. Minister of PWD of the State Government was to inaugurate it. But subsequently when this thing came up in the newspapers then of course, I checked up on some of these facts at that time about who was to inaugurate and what were the procedures, etc."

63. When categorically asked as to whether he was aware of the law and order problem in the District (Raebareli) and the imposition of section 144 of Cr. P. C. and whether it was important to be brought to the notice or knowledge of the Chief Secretary, Shri Atul Kumar Gupta Stated:—

"No Sir. Till I was told about it, I was not aware because normally these things do not come to the notice of the Chief Secretary unless there is something very critical; but usually whenever the District Magistrate invokes section 144, normally it does not come to the notice of the Chief Secretary. I would not say that they were not as important but certainly it was not brought to my notice earlier. When I came to know of it, I enquired into the facts of this incident from the Home Secretary."

64. When further asked as to what was his reaction subsequent to the information received by him on the 4th March about the detention of the Minister, what did he feel about the action taken about the officers on the field and whether they were right in taking that action, Shri Atul Kumar Gupta stated:—

"As I said, I strongly believe that the man on the spot, the man who is responsible for maintaining law and order, it has to be his decision and not the decision of someone sitting in the State Government Headquarters; and therefore, I inquired about the circumstances and since I was told that there was no information, the District Magistrate and the District Administration was taken by surprise so, they had no prior information and therefore, they had absolutely no preparation for the visit of the Hon. Union Minister and therefore, they acted in the manner they acted."

65. When further asked whether he thinks that there were sufficient grounds for the District Authorities to come to a conclusion they reached regarding the detention

of the Minister, Shri Atul Kumar Gupta replied:—

"I believe Sir, If the District Magistrate, under the circumstances, feels that things might take a particular turn and he believes that he ought to take certain action, then I suppose that he is entitled to do that...I would not like to make a judgement on that issue because I am not aware of what the ground situation was what were the circumstances in which he was acting, what was the information that he was receiving from various other sources, etc. Therefore, I do not feel to substitute my judgement and come to some conclusion. I would say that I should not come to a conclusion on that issue."

66. When categorically asked regarding the Rules and Procedure relating to opening of a bridge constructed from Central Road Fund (CRF), Shri Atul Kumar Gupta replied:—

"I wanted to quote from a communication from the Government of India dated 13th May, 2003 which provides that for any work under centrally sponsored scheme of Interstate connectivity and economic importance, inauguration would be done by the Central Government or any other person authorized by them. I was told that this project did not come under the category of interstate connectivity or economic importance. It was a State road."

67. When further asked whether he informed the Central Government that the bridge was about to be ready and it was required to be opened by any Central Government Officer or a Minister and whether the Central Minister had written a letter intimating the bridge was going to be inaugurated by Smt. Sonia Gandhi during the second week of March, Shri Atul Kumar Gupta stated:

"The issue of inauguration and the decision about who would be inaugurating it did not come nor was routed through the Chief Secretary and therefore, it was not in my knowledge as to what is being planned about its inauguration. It was a normal matter for the PWD to handle...Principal Secretary, PWD did tell me that there was a request received by the Engineer-in-Chief of the PWD, sometime in February, about this plan of inaugurating the bridge by Hon. Smt. Sonia Gandhi but the State Government had taken a view based on the communication that I was referring to para 64 above). The State Government took a view that this bridge is not one which as per the instruction of the Central Government needs to be inaugurated under the authority of the Central Government."

68. When pointedly asked as to whether he considers this issue to be a normal issue or serious issue and whether the judgement of the District Authorities in detaining the Minister was correct, Shri Atul Kumar Gupta replied:—

"Sir, in itself, it is an important and serious issue that such an incident had happened...the judgement of the District Authorities in this regard was correct."

69. When specifically asked that when he became aware that this matter is under the consideration of the Committee of Privileges, Lok Sabha, did he call any meeting with the concerned officers of this case, Shri Atul Kumar Gupta replied:—

"As I had stated, I discussed the matter with Principal Secretary (Home) and gathered the facts of the case from him. I had also discussed the matter regarding the inauguration of the bridge with Principal Secretary (PWD) particularly with regard to the Rules and Instructions about the inauguration of such a bridge."

70. When categorically asked about what he felt about the right of freedom of movement available to a Central Minister and whether there was a lapse in this whole episode, Shri Atul Kumar Gupta stated:—

"I regret that he (Minister) could not visit (Dalmau)...I will not say that whatever happened was wrong but I feel sorry that such a situation developed. It is felt that if prior information about the visit of the Minister would have been available such a eventuality would not have occurred. However, as a stated earlier the local administration is authorized and responsible for taking decision in the matter."

71. When further asked as to whether subsequently on becoming aware of the facts of the case did he try to contact the hon. Minister to apologize or pacify him and ensure that such incident did not occur again, Shri Atul Kumar Gupta replied:—

"Sir you are absolutely right. Looking back, I certainly feel that I should have called on the hon. Minister and apologized for the inconvenience that he had to go through. I should have done that. Looking back, I do feel sorry for that lapse. I do feel that I should have done that...Sir, as I said earlier, on that particular day, the matter did not come to my notice. I could not act upon that. But on the next day when the whole thing came to my notice, although I did not held the meeting as such, yet I went into the details of the incident from both the angles—from the angle of not allowing the hon. Minister to proceed or the request of the Central Government about the inauguration could not be accepted by State Government. Those aspects I did not look into. Feeling satisfied that the District Magistrate was competent to take the decision and the explanation given to me by the Principal Secretary of the Department, which decided on the issue of inauguration, the guidelines particularly, I felt that probably there is no further need to pursue the matter. I do agree and I apologies for that. On behalf of the State Government, I should have called upon the hon. Union Minister and conveyed apologies for the inconvenience that he had to go through."

72. When pointedly asked whether he was a party to collective decision about inauguration of the bridge Shri Atul Kumar Gupta replied:—

"The Department of Public Works under the hon. Minister had decided and taken this decision... the matter was not decided through me. The file did not go through me. I said the file need not have gone through me."

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#### IV. Findings and Conclusions

73. The Committee at the threshold would like to take note of the thrust of the complaint of Shri R.P.N. Singh. MP and Minister of State for Road Transport and Highways. The main points emerging from the Minister's complaint are:—

He was on a surprise visit to Dalmau, Raebareli to inspect the construction of a bridge over river Ganga which was nearing completion. The bridge has been constructed in the area from the fund sanctioned by his Ministry. When he reached Raebareli:—

- (i) He was detained by the district administration so as to stop him from inspecting the bridge, thereby also hampering in discharge of his duties as a public servant; and
- (ii) His detention was as per the orders of the Principal Secretary (Home), Government of Uttar Pradesh and the bridge was symbolically inaugurated from Lucknow during his period of detention.

74. The Committee note that broadly the following pleas were taken by the DM, ADM and SP district Raebareli, and The Principal Secretary (Home) and the Chief Secretary, Government of Uttar Pradesh, before the Committee, namely:—

- (i) No prior information was available with the district/state authorities about the visit of the Minister. As a result, the district authorities were not in a position to make adequate security arrangements to facilitate his visit.
- (ii) Tension was prevailing in the area relating to inauguration of the bridge. The State PWD Minister was stated to inaugurate the bridge on 4 March, 2010, whereas the Ministry of Road, Transport and Highways had communicated to the State Government about the programme of inauguration of the bridge in the second week of March, 2010 by Smt. Sonia Gandhi, local MP and Chairperson of UPA.
- (iii) Further, section 144 Cr. P.C. was imposed in the entire district of Raebareli from 18 February to 10 April, 2010 keeping in view of the board exams and festivals. In this regard, the visit of the Minister and his supporters would have violated the said prohibitory order.
- (iv) The Minister was never detained by the district authorities. He was merely requested not to proceed with his visit to the site of the bridge as the district administration was not in a position to provide him with adequate security and also that section 144 Cr. P.C. was imposed in the area. Further, as desired by the Minister the above fact was conveyed to him in writing, by the district authorities.
- (v) The Minister, as claimed, did not volunteer to go alone to the site of the bridge, in view of the imposition of section 144 Cr. P.C. in the area.
- (vi) The decision not to allow the Minister to proceed to the site of the bridge, on the ground of lack of adequate security at that point of time,

was taken by the officers at the spots in their wisdom, keeping in view the prevailing law and order situation in the area.

- (vii) Neither the Minister, nor his staff had given any intimation regarding his visit, either prior to or even on reaching the district. As a result, no arrangements, as required could be made to facilitate the visit of the Minister in the direct by providing him with the requisite security cover. In the circumstances it was unsafe for him to proceed further.
- (viii) The DM did mention that he had been instructed by a superior officer on mobile to see that the Minister was not allowed to visit the site of the bridge. When further probed, the DM submitted that the said superior officer was the Principal Secretary (Home), Government of Uttar Pradesh and that he (the DM) was acting as per his instructions.
- (ix) However, the Principal Secretary (Home) said that no orders/instructions were given by him to the DM and SP to detain the Minister so as to prevent him from visiting Dalmau to inspect the bridge over river Ganga.
- (x) The Principal Secretary (Home) admitted talking to the district authorities three times during the period when the Minister was held up. He denied giving any instructions to the district authorities to detain the Minister and stop him from proceeding further and submitted that it was a decision of the officers present on the spot in the fitness of the things.
- (xi) The Chief Secretary, Government of Uttar Pradesh denied his role or complicity in the matter and submitted that the matter was not brought to his knowledge on the day of the incident at Raebareli. Only on the follow in day when the news about the detentions of the Minister at Raebareli was reported in the print media, did he enquire from the Principal Secretary (Home) about the incident and the Principal Secretary (Home) briefed him about.

75. Having taken note of the allegations made by the Minister in his notice of question of privilege and the plea taken by the officers complained against, the Committee are of the view that the matter primarily involves the following two issue:—

- (i) Whether Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways was prevented from proceeding towards Dalmau for inspection of the ongoing construction work of a bridge on river Ganga and whether this has resulted in a breach of his privilege as a member of the House?

And

- (ii) Whether he was detained by the Superintendent of Police and the District Magistrate, Raebareli and intimation with regard to the same was not given to the Speaker Lok Sabha as required under the Rules thus constituting breach of privilege of the House?

**Issue No. (i)**

**Whether Shri R.P.N. Singh, MP and Minister for Road Transport and Highways was prevented from proceeding towards Dalmau for inspection**



**of the ongoing construction work of a bridge on river Ganga and whether this has resulted in a breach of his privilege as a member of the House?**

76. The Committee note that this entire episode owes its origin to the issue of inauguration of the bridge over the river Ganga at Dalmau. The said bridge was constructed by the State PWD from the funds allocated to it under the Central Road Fund (CRF) being operated by the Ministry of Road Transport and Highways. Further, a letter had already been issued by the Ministry on 17 February, 2010 to the Chief Engineer PWD, Government of Uttar Pradesh informing that the said bridge is to be inaugurated by Smt. Sonia Gandhi, Chairperson of the United Progressive Alliance (UPA) and local MP from Raebareli in the second week of March. It was in this connection that the Minister was visiting Raebareli to have an on the spot surprise check about the preparedness of the bridge and also to check the complaints received in the Ministry of Road Transport and Highways about the quality of construction. The purpose of the visit being a surprise on the spot inspection, the Minister did neither publicise his visit to Raebareli nor informed the district authorities about the same. It was only after the Minister had landed at Fursatganj Airport and was proceeding to Dalmau that the district authorities got the news from some journalists about the visit of the Minister and chased his vehicle, overtook it at the Highway and blocked his further journey to Dalmau. According to the DM and the SP, as the visit of the Minister was unannounced and without any prior intimation, it was not advisable for him to visit the bridge as tension was prevailing in the area and adequate security could not be provided to him in the situation. Further, they also informed that section 144 Cr. P.C. had also been imposed throughout the district in view of the prevailing law and order situation and the visit of the Minister alongwith his supporters would have violated the same. When the Minister and his accompanying staff requested for a written intimation, the Additional District Magistrate Raebareli informed in writing about it to the Private Secretary to the Minister as under:—

"This is to inform you that hon. Minister has arrived at Fursatganj Airport in Raebareli by a private aircraft without prior intimation to the State Government/district administration, Raebareli due to which requisite security and other arrangements could not be made for the visit of hon. Minister. It has also come to the knowledge of district administration that hon. Minister proposes to visit Dalmau area of the district. Tension is already prevailing there due to workers of Congress party and hon. Minister's visit might further deteriorate the situation. This is also informed that Section 144 is imposed in the district and it would be violation of Section 144 if the hon. Minister visits the area accompanied by a large crowd.

In such a situation, hon. Member's visit to the area might not only put in jeopardy his own personal security and peace of the area but would also amount to violation of the legal provisions because prior permission has not been obtained for the said programme as is required under Section 144.

Therefore, in such a situation, permission could not be given to the hon. Minister to visit Dalmau. Kindly apprise the hon. Minister of above mentioned facts."

As the Minister could not proceed ahead towards Dalmau, he was forced to return to Raebareli.

77. After having noted the position as obtaining from the Minister's allegations and the evidence of the concerned district and state officials, the Committee feel that the Minister was indeed prevented by the district authorities of Raebareli from proceeding towards Dalmau to inspect the bridge over river Ganga.

78. Having settled the point that the Minister was prevented from proceeding towards Dalmau, the Committee would now address the issue whether the above incident gave rise to breach of privilege of the Minister in any manner.

79. The Committee would like to dwell upon the legal position obtaining in the matter.

80. **Practice & Procedure of Parliament by Kaul & Shaktiher (6th ed.)** provides as follows:—

"In Parliamentary language the term privilege applies to certain rights and immunities enjoyed by each House of Parliament and Committees of each House collectively, and by members of each House individually. The object of parliamentary privileges is to safeguard the freedom, the authority and the dignity of Parliament. Privileges are necessary for the proper exercise of the functions entrusted to Parliament by the Constitution. They are enjoyed by individual members, because the House cannot perform its functions without unimpeded use of the services of its members; and by each House collectively for the protection of its members and the vindication of its own authority and dignity." (p 219)

"In interpreting these privileges, therefore, regard must be had to the general principle that the privileges of Parliament are granted to members in order that they may be able to perform their duties in Parliament without let or hindrance. They apply to individual members only insofar as they are necessary in order that the House may freely perform its functions. They do not discharge the members from the obligations to society which apply to him as much and perhaps more closely in that capacity, as they apply to other subjects. Privileges of Parliament do not place a member of Parliament on a footing different from that of an ordinary citizen in the matter of the application of laws unless there are good and sufficient reasons in the interest of Parliament itself to do so." (p 219)

81. **According to Erskine May's Parliamentary Practice (20th ed.)**

"The distinctive mark of a privilege is its ancillary character. The privileges of Parliament are rights which are 'absolutely necessary for the due execution of its powers.' They are enjoyed by individual Members, because the house cannot perform its functions without unimpeded use of the services of its Members; and by each House for the protection its Members and the vindication of its own authority and dignity." (pp70-71)

82. **It, therefore, follows that Privileges are granted to members in order that they are able to perform their parliamentary duties without any obstruction or hindrance.**

83. It is well settled that unimpeded participation in the proceedings of the House and its Committees, unobstructed access to the House for participating in the proceedings of the House and its Committees and right to return to their place of residence without any obstruction after attending sittings of the House or its Committees, is a basic privilege of the members of Parliament.

84. It is also well established that "The privilege against assault or molestation is available to a member only when he is obstructed or in anyway molested while discharging his duties as member of Parliament. In cases when members were assaulted while they were not performing any parliamentary duty it was held that no breach of privilege or contempt of the House had been committed." (Kaul & Shakdher, 6th ed. p 300)

**85. Ministers do not enjoy any special privileges over and above and other than those enjoyed by them as members of Parliament.**

86. In the instant case the Minister was performing an executive function in his capacity as a member of the Union Cabinet. His visit to Raebareli was with regard to the discharge of responsibilities as such Minister. Thus, he may not be said to be performing any parliamentary duty, while proceeding for a surprise on the spot inspection of the bridge constructed over river Ganga at Dalmau.

87. There is no gainsaying the fact that at the relevant point of time prohibitory order under Section 144 Cr. PC was imposed in the district of Raebareli. Violation of prohibitory orders under Section 144 is a criminal offence and no privileges are available to members in criminal cases.

88. The Committee, therefore, find themselves unable to hold that any breach of privilege arose due to restraint placed on the Minister by the district authorities.

89. The Committee are, however, not at all convinced that the Minister was prevented from proceeding towards Dalmau merely for security reasons as stated by the DM and the SP, Raebareli. The Committee feel that this sordid drama was played out at the behest of Principal Secretary (Home), UP, to enable the PWD Minister of U.P. to inaugurate the Dalmau Bridge from Lucknow without any interference, while the Minister was detained during the said period.

90. The role of Principal Secretary (Home), Govt. of UP in the matter is all too apparent and transparent. He admittedly spoke to DM and the then SP, Raebareli for as many as 3 times while the Minister was held up for 3 hours. There was no apparent reasons for him to speak to the district authorities three times unless it was for the purpose of ensuring that his orders not to allow the Minister to proceed to Dalmau were being followed in letter and spirit. It clearly shows the complicity of Principal Secretary (Home) in this whole episode. The Committee strongly deprecate such behaviour and action on the part of a senior Civil Servant who is supposed to maintain strict neutrality in the discharge of his official duties. The Committee strongly disapprove and condemn the role of Principal Secretary (Home) in this unsavory incident. Moreover senior officers are supposed to behave more responsibly and own the decisions which they have imposed upon their subordinates and which the subordinate are bound to obey.

**Issue No. (ii)**

**Whether he was detained by the Superintendent of Police and the District Magistrate, Raebareli and intimation with regard to the same was not given to the Speaker, Lok Sabha as required under the Rules thus constituting breach of privileges of the House?**

91. Under the provisions of Rule 229 of the Rules of Procedure and Conduct of Business in Lok Sabha, when a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, a duty is cast upon the detaining authority to send an intimation in this regard to the Speaker, Lok Sabha in the appropriate form set out in the Third Schedule to the Rules.

**92. It is well established that non-intimation of detention/arrest of a member by the concerned authorities to the Speaker, Lok Sabha is a breach of privilege and contempt of the House.**

**It is also well established that even when a member has not been arrested within the strict legal meaning of the term "arrest" but has been detained by the police for sometime and then let off, failure on the part of the authorities concerned to send the necessary intimation in the matter to the Speaker has been held to constitute, technically, a breach of privilege of the House. (Kaul & Shakhder 6th ed. p 264)**

93. The Committee on going through all the evidence and records and the documents submitted by the Minister and the witnesses, have after due deliberation, **come to a conclusion that even through Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways might not have been arrested but he was definitely detained on 3 March, 2010 for about 3 hours by District Magistrate and the then Superintendent of Police, Raebareli with a view to preventing him from proceeding to Dalmau to inspect the bridge on river Ganga.**

94. The intimation regarding detention of the Minister was not given to the Speaker, Lok Sabha by the concerned officers as required under the provisions of Rule 229 of the Rules of Procedure and Conduct of Business in Lok Sabha.

95. The Committee have therefore come to a conclusion that Shri Charanjit Singh Bakshi, the District Magistrate, Raebareli and Shri P.K. Mishra the then SP, Raebareli being the concerned officers, have committed a breach of privilege and contempt of the House for not having sent the intimation regarding detention of Shri R.P.N. Singh on 3 March 2010 to the Speaker, Lok Sabha as required under the Rules.

96. The Committee in keeping with the principles of natural justice, again called the DM and the then SP and informed them of its conclusion and asked them to state what they may have to say in the matter.

97. The DM and SP appeared before the Committee on 27 September, 2010 and tendered their "unconditional apology" but only after maintaining that the Minister was never detained and even tried to justify their stand.

98. It has been the well-established tradition for the Committees of Privileges to take due cognizance of all such apologies which have been tendered with genuine remorse and acceptance of a guilt.

An apology when tendered should sound and *mean* to be *an apology* in its actual sense of the term. An apology lacking genuineness, is nothing but a hollow and shallow utterance of words.

99. In the said case neither the tone and the tenor and nor the demeanor and the manner in which Shri Charanjit Singh Bakshi and Shri P.K. Mishra tendered their "So called apologies" indicated any kind of remorse or repentance on their part. Besides the manner in which Shri P.K. Mishra tendered his apology, it appeared to be more conditional rather than unconditional.

100. As already held by the Committee a breach of privilege and contempt of the House has been committed by Shri Charanjit Singh Bakshi and Shri P.K. Mishra. Further they did not make any suitable amends for the same.

101. The penal powers of the House for breach of privilege or contempt of the House are, however, exercised only in extreme cases where a deliberate attempt is made to bring the institutions of Parliament into disrespect and undermine public confidence in Parliament.

102. While appreciating the laudable objective behind the espoused magnanimity shown by the Committee of Privileges in past while considering punishments for contempt, the Committee wish to firmly emphasise the need for according due regard to Parliament, its institutions and its members, Parliamentary privileges need to be respected, which is a *sine qua non* for the credibility of Parliament.

103. The Committee, therefore, are of the firm view that each and every wanton attack on Parliamentary privileges should invariably be viewed very seriously and the contemnors need to be suitably punished.

104. Coming to the matter under consideration, as already held by the Committee Shri Charanjit Singh Bakshi and Shri P.K. Mishra have committed a breach of privilege and contempt of the House and even after having been afforded an opportunity they did not make suitable amends and rather compounded their offence. Under the circumstances, the Committee are of the considered view that appropriate punitive action is called for against them which is commensurate with their grave act of contempt.

105. The Committee have all through taken a judicious stand in the matter and towards this end have sought to analyse the root cause of this unfortunate incident. The Committee would, therefore, be failing in their duty if they don't identify and condemn the role of the real culprit in the case namely Kunwar Fateh Bahadur, Principal Secretary (Home), Government of Uttar Pradesh. The DM and the SP, Rae Bareilly were in manner of speaking pawns in a larger game, who had no option but to dance to the tune of Kunwar Fateh Bahadur. His conduct has brought infamy to the entire bureaucratic service and set up. That he had scant regard for parliamentary institutions and authorities was even discernable in the cavalier manner in which he deposed

before the Committee. The Committee feel that civil servants need to be suitably sensitized and appropriate corrective measures are also called for to check his errant behavioural trait. Conduct such as the one exhibited by Kunwar Fateh Bahadur calls for an exemplary punishment which would deter him from behaving in such an irresponsible manner.

#### V. Recommendations

106. In view of Committee's foregoing discussion and the findings and conclusions the Committee hold that Shri Charanjit Singh Bakshi, the District Magistrate, Raebareli and Shri P.K. Mishra, the then Superintendent of Police, Raebareli had committed a breach of privilege and contempt of the House in not intimating the detention of the Minister of State for Road Transport and Highways to the Speaker, Lok Sabha as required under provisions of Rule 229 of the Rules of Procedure and Conduct of Business in Lok Sabha.

**The Committee recommend that their severe displeasure over this dereliction of duty by Shri Charanjit Singh Bakshi and Shri P.K. Mishra which resulted in a breach of privilege and contempt of the House may be communicated to Secretary, Ministry of Personnel, Public Grievances and Training; and Secretary, Ministry of Home Affairs, as well as the Chief Secretary, Government of Uttar Pradesh for appropriate action in this regard.**

107. **The Committee strongly deprecate the conduct of Kunwar Fateh Bahadur, Principal Secretary (Home), Government of Uttar Pradesh. The grave displeasure of the Committee may be communicated to his cadre controlling authority i.e. Secretary, Ministry of Personnel, Public Grievances and Pensions for appropriate action.**

108. **Regard for Institutions is *sine qua non* for the credibility of Democratic polity. The fraternity of legislators have not shied away from taking action against their own brethren for misconduct. It is high time that all blatant actions constituting breach of privilege and contempt of the House and wanton disregard for Parliamentary Institutions and elected representatives, are meted out with exemplary punishments. The Committee, therefore, recommend that the concerned authorities as referred to in paras 106 and 107 take requisite corrective action (against Shri Charanjit Singh Bakshi, the then DM, Raebareli, Shri P.K. Mishra, the then SP, Raebareli and Kunwar Fateh Bahadur, Principal Secretary (Home), Government of Uttar Pradesh) in the matter.**

NEW DELHI;  
24 February, 2011  

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5 Phalgun, 1932 (Saka)

P.C. CHACKO,  
Chairman,  
Committee of Privileges.

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**MINUTES OF SITTINGS**

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## MINUTES OF THE THIRD SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Wednesday, the 7 April, 2010 from 1500 hrs. to 1610 hrs. in Room No. '139', Parliament House, New Delhi.

### PRESENT

Shri P.C. Chacko — *Chairman*

### MEMBERS

2. Shri Hansraj G. Ahir
3. Shri Ananth Kumar
4. Dr. Baliram
5. Shri Kalyan Banerjee
6. Shri Paban Singh Ghatowar
7. Dr. Manda Jagannath
8. Shri Shailendra Kumar
9. Shri A. Sampath
10. Shri S. Semmalai
11. Shri Rajiv Ranjan Singh *alias* Lalan Singh

### SECRETARIAT

1. Shri V.K. Sharma — *Additional Secretary*
2. Shri Ravindra Garimella — *Additional Director*
3. Shri Raju Srivastava — *Deputy Secretary*
4. Dr. Rajiv Mani — *Under Secretary*

At the outset, the Chairman welcomed the members. The Committee then took up for consideration Memorandum No. 1 regarding question of privilege given notice of by Shri R.P.N. Singh, MP and Hon'ble Minister of State for Road, Transport and Highways, regarding his detention at District Raebareli, Uttar Pradesh.

2. The Committee, after deliberation, felt that in order to arrive at a correct conclusion, it was necessary to examine in person the complainant, *viz.*, Shri R.P.N. Singh, MP and also the officers who were alleged to have detained him.

3. The Committee accordingly, decided to have their next meeting on 22 April, 2010 at 1500 hrs. for hearing Shri R.P.N. Singh, MP.

*The Committee then adjourned.*



## MINUTES OF THE FOURTH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Thursday, the 22 April, 2010 from 1500 hrs. to 1610 hrs. in Committee Room 'E', Parliament House Annexe, New Delhi.

### PRESENT

Shri P.C. Chacko — *Chairman*

### MEMBERS

2. Shri Hansraj G. Ahir
3. Shri Kalyan Banerjee
4. Shri Abu Hasem Khan Choudhury
5. Shri Paban Singh Ghatowar
6. Dr. Manda Jagannath
7. Shri Shailendra Kumar
8. Shri Sanjay Nirupam
9. Shri A. Sampath
10. Shri S. Semmalai
11. Shri Rajiv Ranjan Singh *Alias* Lalan Singh
12. Dr. Girija Vyas

### SECRETARIAT

1. Shri V.K. Sharma — *Additional Secretary*
2. Shri Ravindra Garimella — *Additional Director*
3. Shri Raju Srivastava — *Deputy Secretary*
4. Dr. Rajiv Mani — *Under Secretary*

### WITNESS

Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways.

At the outset, the Chairman welcomed the members. The Committee then took up for further consideration the matter regarding detention of Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways at District, Raebareli, Uttar Pradesh when he was going to inspect the construction work of a bridge on river Ganga.

2. The Committee examined Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways on oath. The witness also handed over two documents *viz.* (i) letter dated 17 February, 2010 from Ministry of Road Transport and Highways

to the Chief Engineer PWD, Govt. of UP informing about the inauguration of the bridge over river Ganga at Dalamau by Smt. Sonia Gandhi, Chairperson of UPA; and (ii) newspaper clippings relating to his detention at Raebareli and the inauguration of the bridge from Lucknow by the State Govt. of U.P. These two documents were taken on record.

*(Verbatim record of the evidence was kept)*

*(The witness then withdrew)*

3. The Committee thereafter decided to hear the District Magistrate, Superintendent of Police and the Additional District Magistrate, Raebareli, UP at their next sitting.

*The Committee then adjourned.*

## MINUTES OF THE FIFTH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Friday, the 14 May, 2010 from 1430 hrs. to 1545 hrs. in Committee Room No. 62, Parliament House, New Delhi.

### PRESENT

Shri P.C. Chacko — *Chairman*

### MEMBERS

2. Shri Hansraj G. Ahir
3. Dr. Baliram
4. Shri Kalyan Banerjee
5. Shri Paban Singh Ghatowar
6. Shri Syed Shahnawaz Hussain
7. Dr. Manda Jagannath
8. Shri Shailendra Kumar
9. Shri A. Sampath
10. Shri S. Semmalai
11. Shri Rajiv Ranjan Singh *Alias* Lalan Singh
12. Dr. Girija Vyas

### SECRETARIAT

1. Shri V.K. Sharma — *Additional Secretary*
2. Shri Ravindra Garimella — *Additional Director*
3. Dr. Rajiv Mani — *Under Secretary*

### WITNESSES

Shri Charanjit Singh Bakshi, District Magistrate, Raebareli, UP.

Shri Om Prakash, Additional District Magistrate, Raebareli, UP.

At the outset, the Chairman welcomed the members. The Committee then took up for further consideration the matter regarding detention of Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways at District Raebareli, Uttar Pradesh when he was going to inspect the construction work of a bridge on river Ganga. The Chairman informed the Committee regarding the absence of one witness (Shri P.K. Mishra, the then S.P., Raebareli, UP). In this context the Chairman further

informed the Committee that a fax communication was received by the Secretariat from Shri Salig Ram Verma, Additional S.P., Raebareli intimating that Shri P.K. Mishra, S.P., Raebareli had been advised medical rest for two weeks by the doctors of AIIMS, Delhi. The communication was however, silent about attendance of Shri P.K. Mishra before the Committee for evidence. The Committee observed that the period of two weeks' rest stated to have been advised by the doctors of AIIMS expired on 13 May, 2010, *i.e.*, a day prior to the day on which the S.P. was required to appear. The Committee expressed its strong displeasure regarding the absence the said witness.

2. The Committee examined Shri Charanjit Singh Bakshi, District Magistrate, and Shri Om Prakash, Additional District Magistrate, Raebareli, UP on oath. The Committee directed the District Magistrate to place on record certain documents regarding the imposition of sec. 144 Cr. P.C. promulgated by the District Magistrate in the district and relaxations made thereto by him if any on 4 March, 2010.

*(Verbatim record of the evidence was kept)*

*(The witness then withdrew)*

3. The Committee thereafter decided to hear the Principal Secretary (Home), Government of UP, Lucknow and give another chance to the then Superintendent of Police Raebareli, UP for appearing before the Committee at their next sitting on Monday, the 7 June, 2010.

*The Committee then adjourned.*

## MINUTES OF THE SIXTH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Monday, the 7 June, 2010 from 1400 hrs. to 1600 hrs. in Committee Room No. 62, Parliament House, New Delhi.

### PRESENT

Shri P.C. Chacko — *Chairman*

### MEMBERS

2. Shri Hansraj G. Ahir
3. Dr. Baliram
4. Shri Kalyan Banerjee
5. Shri Paban Singh Ghatowar
6. Dr. Manda Jagannath
7. Shri Shailendra Kumar
8. Shri Sanjay Nirupam
9. Shri A. Sampath
10. Shri S. Semmalai
11. Shri Rajiv Ranjan Singh *alias* Lalan Singh
12. Dr. Girija Vyas

### SECRETARIAT

1. Shri V.K. Sharma — *Additional Secretary*
2. Shri Ravindra Garimella — *Additional Director*
3. Dr. Rajiv Mani — *Under Secretary*

### WITNESSES

Shri P.K. Mishra, the then S.P., Raebareli, UP.

At the outset, the Chairman welcomed the members. The Committee then took up for further consideration the matter regarding detention of Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways at a District Raebareli, Uttar Pradesh when he was going to inspect the construction work of a bridge on river Ganga. The Chairman informed the Committee regarding the absence of one witness [Shri Fateh Bahadur Singh, Principal Secretary (Home), Govt. of UP, Lucknow] on his request in this regard.

2. The Committee examined Shri P.K. Mishra, the then S.P., Raebareli, UP on oath. The Committee also directed the witness to furnish a record of his postings in his capacity as S.P.

*(Verbatim record of the evidence was kept)*

*(The witness then withdrew)*

3. The Committee thereafter decided to call the Principal Secretary (Home), Government of UP, Lucknow for his oral evidence at their next sitting on Monday, the 5 July, 2010.

*The Committee then adjourned.*

MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Monday, the 16 August, 2010 from 1500 hrs. to 1645 hrs. in Committee Room No. 62, Parliament House, New Delhi.

PRESENT

Shri P.C. Chacko — *Chairman*

MEMBERS

2. Shri Hansraj G. Ahir
3. Shri Abu Hasem Khan Choudhury
4. Dr. Manda Jagannath
5. Shri Shailendra Kumar
6. Shri Sanjay Nirupam
7. Shri A. Sampath
8. Shri S. Semmalai

SECRETARIAT

1. Shri Ravindra Garimella — *Additional Director*
2. Dr. Rajiv Mani — *Under Secretary*

WITNESS

Kunwar Fateh Bahadur, Principal Secretary (Home), Government of Uttar Pradesh, Lucknow, UP.

At the outset, the Chairman welcomed the members. The Committee then took up for further consideration the matter regarding detention of Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways at District, Raebareli, Uttar Pradesh when he was going to inspect the construction work of a bridge on river Ganga.

2. The Committee examined Kunwar Fateh Bahadur, Principal Secretary (Home), Government of Uttar Pradesh, Lucknow, UP on oath.

*(Verbatim record of the evidence was kept)*

*(The witness then withdrew)*

3. The Committee thereafter decided to call the Chief Secretary, Government of UP, Lucknow for his oral evidence at their next sitting on Wednesday the 8 September, 2010.

*The Committee then adjourned.*

## MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Wednesday, the 8 September, 2010 from 1400 hrs. to 1600 hrs. in Committee Room No. 53, Parliament House, New Delhi.

### PRESENT

Shri P.C. Chacko — *Chairman*

### MEMBERS

2. Shri Hansraj G. Ahir
3. Dr. Baliram
4. Shri Kalyan Banerjee
5. Shri Abu Hasem Khan Choudhury
6. Shri Paban Singh Ghatowar
7. Shri Syed Shahnawaz Hussain
8. Dr. Manda Jagannath
9. Shri Shailendra Kumar
10. Shri Sanjay Nirupam
11. Shri A. Sampath
12. Shri S. Semmalai
13. Shri Rajiv Ranjan Singh *alias* Lalan Singh
14. Dr. Girija Vyas

### SECRETARIAT

1. Shri V.K. Sharma — *Additional Secretary*
2. Shri Deepak Mahna — *Joint Secretary*
3. Shri Ravindra Garimella — *Director*
4. Dr. Rajiv Mani — *Under Secretary*

### WITNESS

Shri Atul Kumar Gupta — Chief Secretary, Government of Uttar Pradesh,  
Lucknow, UP.

At the outset the Chairman welcomed the members. The Committee then took up for further consideration the matter regarding detention of Shri R.P.N. Singh, MP



and Minister of State for Road Transport and Highways at District Raebareli, Uttar Pradesh when he was going to inspect the construction work of a bridge on river Ganga.

2. The Committee examined Shri Atul Kumar Gupta, Chief Secretary, Government of Uttar Pradesh, Lucknow, UP on oath. The Committee directed the witness to submit certain documents at the earliest for the perusal of the Committee.

*(Verbatim record of the evidence was kept)*

*(The witness then withdrew)*

3. The Committee thereafter decided to have their next sitting for further consideration and deliberation on this matter on Thursday, the 16 September, 2010.

*The Committee then adjourned.*

## MINUTES OF THE NINTH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Thursday, 16 September, 2010 from 1400 hrs. to 1530 hrs. in Committee Room No. 62, Parliament House, New Delhi.

### PRESENT

Shri P.C. Chacko — *Chairman*

### MEMBERS

2. Shri Hansraj G. Ahir
3. Dr. Baliram
4. Shri Kalyan Banerjee
5. Shri Paban Singh Ghatowar
6. Dr. Manda Jagannath
7. Shri Shailendra Kumar
8. Shri A. Sampath
9. Shri S. Semmalai
10. Shri Rajiv Ranjan Singh *alias* Lalan Singh

### SECRETARIAT

1. Shri V.K. Sharma — *Additional Secretary*
2. Shri Deepak Mahna — *Joint Secretary*
3. Shri Ravindra Garimella — *Director*
4. Dr. Rajiv Mani — *Under Secretary*

At the outset, the Chairman welcomed the members. The Committee then took up for further consideration the matter regarding detention of Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways at District, Raebareli, Uttar Pradesh when he was going to inspect the construction work of a bridge on river Ganga.

2. The Committee considered the matter in-depth, taking into account the obtaining legal position, facts of the case, issues emerging in the case and material on record. Insofar as issue relating to obstruction caused to the Minister and the privilege implications thereof, a considered view emerged that Ministers do not enjoy any special privilege over and above those of a member of Parliament and that Privileges are available to members only for performing parliamentary duties and not executive functions.

3. The Committee further were of a categorical view that the Minister was detained and in this regard information of this fact was required to be given to Speaker, Lok Sabha under Rule 229 of the Rules of Procedure and Conduct of Business. As no intimation about the same was furnished, a case of breach of privilege is made out against the DM and the then SP Raebareli.

4. The Committee decided that in the interest of natural justice another opportunity may be provided to DM Raebareli and the then SP Raebareli for making submission, if any, by them on the findings of the Committee about their committing breach of privilege of the House.

5. The Committee thereafter decided to have their next sitting for hearing the DM Raebareli and the then SP Raebareli on Monday, 27 September, 2010.

*The Committee then adjourned.*

## MINUTES OF THE TENTH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Monday, 27 September, 2010 from 1400 hrs. to 1500 hrs. in Committee Room No. 62, Parliament House, New Delhi.

### PRESENT

Shri P.C. Chacko—*Chairman*

### MEMBERS

2. Shri Hansraj G. Ahir
3. Shri Kalyan Banerjee
4. Shri Paban Singh Ghatowar
5. Shri Syed Shahnawaz Hussain
6. Dr. Manda Jagannath
7. Shri Shailendra Kumar
8. Shri Sanjay Nirupam
9. Shri A. Sampath
10. Shri Rajiv Ranjan Singh *alias* Lalan Singh

### SECRETARIAT

- |                            |   |                             |
|----------------------------|---|-----------------------------|
| 1. Shri V.K. Sharma        | — | <i>Additional Secretary</i> |
| 2. Shri Deepak Mahna       | — | <i>Joint Secretary</i>      |
| 3. Shri Ravindra Garimella | — | <i>Director</i>             |
| 4. Dr. Rajiv Mani          | — | <i>Under Secretary</i>      |

### PERSONS APPEARING

1. Shri Charanjit Singh Bakshi, District Magistrate, Raebareli, UP.
2. Shri P.K. Mishra, the then Superintendent of Police, Raebareli, UP.

The Committee took up consideration of the question of privilege given notice of by Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways.

2. Shri Charanjit Singh Bakshi, DM Raebareli, UP and Shri P.K. Mishra the then SP, Raebareli were then called in and examined on oath.

*(Verbatim record of their submissions was kept)*

*(The officers then withdrew)*

3. The Committee, thereafter deliberated on the matter. Members were not satisfied with the apology tendered by the two officers. The Committee thereafter directed the Secretariat to prepare a draft report keeping in view the circumstances of the case and the role of the officers and circulate it a week before the next meeting of the Committee.

4. The Committee thereafter decided to have their next sitting for deliberation and adoption of the report on Friday, 22 October, 2010.

*The Committee then adjourned.*

## MINUTES OF THE ELEVENTH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Tuesday, 23 November, 2010 from 1500 hrs. to 1610 hrs. in Committee Room No. 63, Parliament House, New Delhi.

### PRESENT

Shri P.C. Chacko — *Chairman*

### MEMBERS

2. Shri Hansraj G. Ahir
3. Shri Kalyan Banerjee
4. Shri Paban Singh Ghatowar
5. Dr. Manda Jagannath
6. Shri Shailendra Kumar
7. Shri Sanjay Nirupam
8. Shri A. Sampath
9. Shri S. Semmalai
10. Shri Rajiv Ranjan Singh *alias* Lalan Singh
11. Dr. Girija Vyas

### SECRETARIAT

1. Shri V.K. Sharma — *Additional Secretary*
2. Shri Ravindra Garimella — *Director*
3. Dr. Rajiv Mani — *Under Secretary*

The Committee at the outset took up consideration of the draft first Report on the question of privilege given notice of by Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways regarding his detention at District, Raebareli, UP. The Committee deliberated upon the recommendations made in the draft Report. The Committee directed the Secretariat to seek the opinion of the Ministry of Personnel, Public Grievances and Pensions (through the Administration Branch of the Secretariat) on the various aspects of implementation of recommendation pertaining to adverse entries in the service book of concerned officers. The Committee decided to meet again on 1 December, 2010 to further consider the matter.

*The Committee then adjourned.*

## MINUTES OF THE TWELFTH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Thursday, 13 January, 2011 from 1500 hrs. to 1530 hrs. in Committee Room No. 53, Parliament House, New Delhi.

### PRESENT

Shri P.C. Chacko — *Chairman*

### MEMBERS

2. Shri Hansraj G. Ahir
3. Dr. Manda Jagannath
4. Shri A. Sampath
5. Shri S. Semmalai
6. Shri Rajiv Ranjan Singh *alias* Lalan Singh

### SECRETARIAT

1. Shri V.K. Sharma — *Additional Secretary*
2. Shri Ravindra Garimella — *Director*
3. Dr. Rajiv Mani — *Deputy Secretary*

The Committee took up further consideration of the draft First Report on the question of privilege given notice of by Shri R.P.N. Singh, MP and Minister of State for Road Transport and Highways regarding his detention at District, Raebareli, UP. Chairman apprised the members of the opinion received from Department of Personnel & Training, Ministry of Personnel, PG and Pensions regarding procedure to issue a warning/displeasure/reprimand to officers of Civil Services. As directed by the Chairman copies of the opinion were also circulated to members.

2. After some deliberations a view emerged that it might be appropriate to recommend a strongly worded displeasure of the Committee over the respective conducts of Shri Charanjit Singh Bakshi, the then DM, Raebareli, Shri P.K. Mishra, the then SP, Raebareli and Kunwar Fateh Bahadur, Principal, Secretary (Home), Government of Uttar Pradesh. The Chairman thereafter read out the revised recommendations to be made in the Report (*see* Appendix). Members concurred with the revised recommendations. The Committee, adopted the draft report as modified.

3. The Committee authorized the Chairman to present the Report to Speaker, Lok Sabha.

4. \*\*\*

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*The Committee then adjourned.*

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\*\*\*Omitted as para relates to another case.

## APPENDIX

(See Para 2 of the Minutes)

Sl. No.	Recommendations in draft report (original) Para	Revised Recommendations
1	2	3
1.	104. In view of Committee's foregoing discussion and the findings and conclusions summarized at paras 102 and 103 above, the Committee recommend that entries may be made in the service book of Shri Charanjit Singh Bakshi, the District Magistrate, and Shri P.K. Mishra, the then Superintendent of Police, Raebareli for detention of the hon'ble Minister and not intimating the detention of the Minister to the Speaker, Lok Sabha as required under provisions of Rule 229 of the Rules of Procedure and Conduct of Business in Lok Sabha. This amounts to dereliction of duty on their part.	106. In view of Committee's foregoing discussion and findings and conclusions the Committee hold that Shri Charanjit Singh Bakshi, the then District Magistrate, Raebareli and Shri P.K. Mishra, the then Superintendent of Police, Raebareli had committed a breach of privilege and contempt of the House in not intimating the detention of the Minister of State for Road Transport and Highways to the Speaker, Lok Sabha as required under provisions of Rule 229 of the Rules of Procedure and Conduct of Business in Lok Sabha. The Committee recommend that their severe displeasure over this dereliction of duty by Shri Charanjit Singh Bakshi and Shri P.K. Mishra which resulted in a breach of privilege and contempt of the House may be communicated to Secretary, Ministry of Personnel, Public Grievances and Training; & Secretary, Ministry of Home Affairs, as well as the Chief Secretary, Government of Uttar Pradesh for appropriate action in this regard.
2.	105. The Committee, as already discussed in para 103, express their resentment over the conduct of Kunwar Fateh Bahadur, Principal Secretary (Home), Government of Uttar Pradesh and express their severe displeasure over his conduct as he was the officer who instructed the District Magistrate and the then Superintendent of Police over telephone to take a particular course of action so as to facilitate the State PWD Minister to inaugurate the bridge from Lucknow. The displeasure of the Committee may be communicated to his	107. The Committee strongly deprecate the conduct of Kunwar Fateh Bahadur, Principal Secretary (Home), Government of Uttar Pradesh. The grave displeasure of the Committee may be communicated to his cadre controlling authority, Secretary, Ministry of Personnel, Public Grievances and Pensions for appropriate action.



1	2	3
<p>cadre controlling authority — Secretary, Ministry of Personnel, Public Grievances and Pensions.</p>	<p>3. 106. The Committee recommend that an adverse entry be made in his service book about scant regard and respect shown by him for parliamentary system and the elected representatives of the people and over his unprofessional conduct as referred to in paras 103 and 105 above.</p>	<p>108. Regard for institutions is <i>sine qua non</i> for the credibility of Democratic polity. The fraternity of legislators have not shied away from taking action against their own brethren for misconduct. It is high time that all blatant actions constituting breach of privilege and contempt of the House and wanton disregard for Parliamentary Institutions and elected representatives, are meted out with exemplary punishments. The Committee, therefore, recommend that the concerned authorities as referred to in paras 106 and 107 take requisite corrective action [against Shri Charanjit Singh Bakshi, DM, Raebareli, Shri P.K. Mishra, the then SP, Raebareli and Kunwar Fateh Bahadur, Principal Secretary (Home), Government of Uttar Pradesh] in the matter.</p>
<p>4. 107. The Committee further recommend that the action taken on Committee's recommendations as at paras 104 to 106 may be communicated to the Lok Sabha Secretariat.</p>		

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## **APPENDICES**

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APPENDIX I

आर० पी० एन० सिंह  
R. P. N. SINGH



राज्य मंत्री  
सड़क परिवहन एवं राजमार्ग मंत्रालय  
भारत सरकार  
नई दिल्ली-110 001  
MINISTER OF STATE  
IN THE MINISTRY OF  
ROAD TRANSPORT &  
HIGHWAYS  
GOVERNMENT OF INDIA  
NEW DELHI-110 001

Respected Ma'am,

04th March, 2010

I had been to Raebareli yesterday to inspect the ongoing construction work of the bridge on Ganga River at Dalmau, District Raebareli in Uttar Pradesh. Before reaching the inspection site, I was detained by the Superintendent of Police, Raebareli and the D.M., Raebareli. When the people/officers accompanying me enquired whether they have the orders to this effect, they were told that they have the orders of the Principal Secretary (Home), Government of Uttar Pradesh. This, I believe, is a definite breach of privilege enjoyed by the Members of Parliament.

I would like to table a Privilege Motion in the House in this regard.

With kind regards,

Yours sincerely,

Sd/-

(R.P.N. SINGH)

**Smt. Meira Kumar**  
Hon'ble Speaker of Lok Sabha,  
Parliament House,  
New Delhi.

## APPENDIX II

आर० पी० एन० सिंह  
R. P. N. SINGH



राज्य मंत्री  
सड़क परिवहन एवं राजमार्ग मंत्रालय  
भारत सरकार  
नई दिल्ली-110 001  
MINISTER OF STATE  
IN THE MINISTRY OF  
ROAD TRANSPORT &  
HIGHWAYS  
GOVERNMENT OF INDIA  
NEW DELHI-110 001

04th March, 2010

**Subject:** Unlawful detention by the District Authorities of Raebareli at Munshigunj  
Tiraha on 3.3.2010

Respected Ma'am,

This Ministry has received several complaints from the Hon'ble MP's/MLA's about poor quality of work being done on the under construction bridge on the river Ganga in Dalmau falling under Raebareli District. This work was sanctioned by this Ministry in July, 2004 at a cost of Rs. 30 crores. The Public Works Department, Govt. of Uttar Pradesh is the executing agency of the said work. Several such complaints about misuse of CRF funds/poor quality of work under Centrally Sponsored Schemes in U.P. have been received in the past. Enquiries have been ordered and in some cases, the State Govt. of U.P. has taken administrative action against erring officials and contractors.

In line with this Ministry's Gazette Notification on CRF (State Road) Rules, 2007 dated 10.10.2007, I decided to make a surprise inspection of the ongoing work on the said bridge. The PWD, U.P. Government had been violating clauses of the sanction order of the Government of India, in particular of the point Nos. (7) and (8) of the Ministry's Letter dated 23.07.2004. On the way to Dalmau bridge, my motorcar was forcibly stopped by the police force of Raebareli District. The District Magistrate, Raebareli, Sri Charanjit Buxi and the S.P., Raebareli, Sri P.K. Misra were personally present on the spot to detain me and to prevent me from carrying out my constitutional duties of inspecting the ongoing work on the said bridge. On being queried about the reasons for resorting to such an unprecedented and unauthorised act of detaining a Minister of the Union, the D.M. and the S.P. failed to give any convincing reply and submitted that they had received orders from the Principal Secretary (Home), U.P. Shri Kunwar Fateh Bahadur.

The D.M., Raebareli took a plea that Sec. 144 was enforced near the bridge. It was politely submitted that in that case, the District Authorities can escort me alone

to the spot but the unlawful detention continued. I was illegally detained for about 03 hours.

I take this opportunity to inform you that this unwarranted and undue act of the district authorities of Raebareli have not only violated the spirit of the federal structure of the nation but have also hampered the discharge of the duties of a Minister of the Union as well as violated the privileges and immunities of a Member of Parliament.

Yours sincerely,

Sd/-

**(R.P.N. Singh)**

**Smt. Meira Kumarji**  
Hon'ble Speaker,  
Lok Sabha,  
New Delhi.

### APPENDIX III

#### Office of Superintendent of Police

**Letter No. P-59/2010**

Raebareli  
Date: March 05, 2010

To,

Shri V.K. Sharma,  
Additional Secretary,  
Parliament House,  
New Delhi.

Please take reference of your letter No. 4/5/2010-P&E dated 5.3.2010 regarding providing report about arrival of Shri R.P.N. Singh, Hon'ble Member/Minister of State in the Ministry of Road Transport and Highways in Raebareli district on 3.3.2010.

It is to submit with regard to the above matter that on 3.3.2010 Shri R.P.N. Singh Hon'ble Member/Minister of State in the Ministry of Road Transport and Highways, Government of India arrived at Indira Gandhi National Aviation Academy, Fursatganj, in Raebareli by private plane without any prior intimation from where he was going to Dalmau with local workers and office bearers in private vehicles when it came to the notice of local police and administrative officers. They apprised the Hon'ble Minister of State of the situation through his personal secretary at Munshiganj T-point that a difficult situation might arise from the point of view of security and requested him that anti-sabotage check could not be done at the place of visit (Dalmau region) and proper security arrangements could not be made at that place due to not having any prior intimation. In this situation visit of any VVIP/VIP to Dalmau was not safe keeping in view peace and security arrangements.

When Shri R.P.N. Singh Hon'ble Member/Union Minister of State was apprised of the above facts, he himself went to Raebareli Congress Public Relations Office (Pandey Kothi) with his workers, office bearers and supporters from where he returned to New Delhi from Indira Gandhi National Aviation Academy, Fursatganj, Raebareli after addressing a press conference. Arrangements were made for the security of Hon'ble Member/Union Minister of State according to his dignity. He was not detained in any way.

All these facts are submitted for your kind information.

**Enclosure:** As above (one copy)

-Sd-  
(Superintendent of Police)  
Raebareli

#### APPENDIX IV

From,

Fax: 011-23010706

The District Magistrate,  
Raebareli

To,

Shri V.K. Sharma,  
Additional Secretary,  
Lok Sabha Secretariat,  
Parliament House,  
New Delhi.

Letter No. 4214/ST-DM/Camp./2010

Date 6th March, 2010

**Subject:** Regarding notice given by Shri R.P.N. Singh, Hon'ble Member, Union Minister of State in the Ministry of Road Transport and Highways about his detention in Raebareli district on 04.03.2010.

Sir,

Please take reference if your Fax/Letter No.: 4/5/2010 P&E dated 5 March, 2010 regarding above mentioned subject through which details regarding detention of Shri Singh have been sought.

It is to submit regarding above matter that we had not received any information regarding visit of Hon'ble Minister and suddenly without any prior intimation, he landed from private plane at Indira Gandhi National Aviation Academy, Fursatganj in Raebareli and was going towards Dalmau with local workers and office bearers on private vehicles. In this regard Hon'ble Minister of State was apprised of all the facts through his personal secretary that difficult situation might arise from the point of view of security and was urged that there are no adequate security arrangements at his place of visit (Dalmau) due to not having any prior information regarding his visit. In this situation keeping in view peace/security arrangements, the visit of any VIP/VVIP to that place was not safe. Having known the said facts and after being satisfied with the pleas of administration, Hon'ble Minister postponed his said visit and reached the Congress Public Relation Office (Pandey Kothi) in Raebareli about 5.00 pm. DM with his workers, office bearers and supporters from where he left for New Delhi by plane from Indira Gandhi National Aviation Academy Fursatganj, Raebareli after addressing a press conference.

Hon'ble Minister was not detained. So the question of his release, period of detention or legal provisions do not arise.



Hon'ble Minister was requested by the district administration politely that whenever he would arrive with prior intimation, proper protocol arrangements would be made according to his dignity.

With Regards,

Yours Sincerely,

**(Dr. Charanjit Singh Bakshi)**  
**District Magistrate,**  
Raebareli.

Enclosures:

Copy of request letter given by Addl. S.P. and ADM (Administration) to P.S. to Hon'ble Minister.

To,

The Private Secretary to the Hon. Minister of State  
in the Ministry of Road Transport and Highways.

Sir,

This is to inform you that hon. Minister has arrived at Fursatganj Airport in Raebareli by a private aircraft without prior intimation to the State Government/district administration, Raebareli due to which requisite security and other arrangements could not be made for the visit of hon. Minister.

It has also come to the knowledge of district administration that hon. Minister proposes to visit Dalmau area of the district. Tension, is already prevailing there due to workers of Congress party and hon. Minister's visit might further deteriorate the situation.

This is also informed that Section 144 is imposed in the district and it would be violation of Section 144 if the hon. Minister visits the area accompanied by a large crowd.

In such a situation, Hon. Members visit to the area might not only put in jeopardy his own personal security and peace of the area but would also amount to violation of the legal provisions because prior permission has not been obtained for the said programme as is required under Section 144.

Therefore, in such a situation, permission could not be given to the hon. Minister to visit Dalmau. Kindly apprise the hon. Minister of above mentioned facts.

Yours Sincerely,

Sd/-  
(ADM)  
03.03.2010