

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

2

**SECOND REPORT**

**Notice of question of Privilege dated 12 March, 2015 given by Shri R. K. Singh, MP against Shri Sudhir Kumar, Member (PPP), National Highways Authority of India for allegedly misleading the members in a meeting by making false statements and insulting remarks.**

*(Presented to the Speaker, Lok Sabha on 11 March, 2016)*

*(Laid on the Table on 15 March, 2016)*



**LOK SABHA SECRETARIAT  
NEW DELHI**

March, 2016/*Phalguna, 1937 (Saka)*

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(SIXTEENTH LOK SABHA)

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**Notice of question of Privilege dated 12 March, 2015 given by Shri R. K. Singh against Shri Sudhir Kumar, an officer in the Ministry of Road Transport & Highways (National Highway Authority of India) for allegedly misleading the members in a meeting by making false statements and insulting remarks.**

*(Presented to the Speaker, Lok Sabha on 11 March, 2016)*

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**LOK SABHA SECRETARIAT  
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# CONTENTS

## PAGE

Personnel of the Committee of Privileges . . . . . (iii)

Report . . . . . 1

Minutes \* . . . . .

*\*Will be appended later.*

PERSONNEL OF THE COMMITTEE OF PRIVILEGES  
(2015-2016)

**Shri S. S. Ahluwalia - Chairperson**

**MEMBERS**

2. Shri Anandrao Adsul
3. Shri Kalyan Banerjee
4. Shri Anant Kumar Hegde
5. Smt. Meenakashi Lekhi
6. Shri Kesineni (Nani)
7. Shri J.J.T. Natterjee
8. Shri Jagdambika Pal
9. Shri Konda Vishweshwar Reddy
10. Shri Tathagata Satpathy
11. Shri Jyotiraditya M. Scindia
12. Shri Raj Kumar Singh
13. Shri Rakesh Singh
14. Shri Sushil Kumar Singh
15. Dr. Kirit Somaiya

**Secretariat**

- |    |                         |   |                            |
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| 2. | Shri Ravindra Garimella | - | Joint Secretary            |
| 3. | Shri M.K. Madhusudhan   | - | Director                   |
| 4. | Dr. Rajiv Mani          | - | Additional Director        |
| 5. | Shri Bala Guru G.       | - | Under Secretary            |
| 6. | Dr. Faiz Ahmad.         | - | Senior Executive Assistant |

# SECOND REPORT OF COMMITTEE OF PRIVILEGES

(SIXTEENTH LOK SABHA)

## **I. Introduction**

I, the Chairperson of the Committee of Privileges, having been authorized by the Committee to submit the report on their behalf, present this second report to the Speaker, Lok Sabha on the question of privilege given notices of by Shri R. K. Singh, MP against Shri Sudhir Kumar, Member (PPP) in the National Highways Authority of India (NHAI) for allegedly misleading the members in a meeting chaired by the Minister of Road Transport and Highways by making false statements and insulting remarks.

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

3. The Committee at their sitting held on 26 June, 2015 considered the Memorandum on the subject. The Committee after deliberations decided to hear Shri R. K. Singh, MP in the matter first. The Committee also decided to call the concerned official, Shri Sudhir Kumar, Member (PPP), National Highways Authority of India to tender his evidence before the Committee.

4. At their sitting held on 10 July, 2015, the Committee examined Shri R. K. Singh, MP on oath.
5. The Committee at their next sitting held on 24 August, 2015 examined Shri Sudhir Kumar, Member (PPP), National Highways Authority of India, on oath.
6. The Committee, at their sitting held on 11 September, 2015, further deliberated on the matter and directed the Secretariat to prepare a draft report in the matter for their consideration.
7. At their sitting held on 16.02.2016, the Committee considered the draft report and after some deliberations adopted the same. The Committee then authorized the Chairperson to finalize the report accordingly and present the same to the Speaker, Lok Sabha and thereafter, cause to lay the same in the House.

## **II. Facts of the Case**

8. Shri R. K. Singh MP *vide* his notice<sup>1</sup> (signed by 32 other members also) alleged breach of privilege against Shri Sudhir Kumar, Member, (PPP), NHAI (National Highways Authority of India, a statutory body under the Ministry of Road Transport & Highways) for allegedly misleading the member(s) by making false statements in a briefing meeting regarding progress of road works in Bihar.

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<sup>1</sup> Appendix I

The Member(s) stated that on 3 March, 2015 at 1730 hrs, the Minister for Road Transport and Highways had called a meeting of the Members of Parliament from Bihar to brief them about the progress of road works in Bihar under the National Highways Development Programme. In the meeting, which was held in the Parliament Library Building, Shri Sudhir Kumar made false statements, thereby misleading the members. His tone and tenor was insulting. He allegedly made statements like '*Imandari kisi ki bapauti nahin hai*'. Shri Sudhir Kumar made several other false statements to exonerate himself and the contractors for the lapses in timely completion of the Highways. He sought to mislead the members in the course of discharge of their responsibilities, which is a breach of their privileges. Further, members have a right to get correct information from the Government Departments, so that they can raise the matters appropriately in Parliament; as also they have a right to dignity while engaged in their duties.

9. The Member(s) had also appended an illustrative list of the false and misleading statements made by Shri Sudhir Kumar during the meeting and requested Speaker that the matter may be examined by the Committee of Privileges for further action.

10. A copy of notice was sent to the Ministry of Road Transport & Highways for a factual note in the matter. The factual note was, however, not received till the reference of the matter by Speaker to the Committee of Privileges.

11. In view of the allegations made by the Member(s) and the alleged abusive remarks made by the officer, the Speaker, Lok Sabha, on 07 May, 2015, in exercise of her powers under Rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha, referred the notice of Shri R. K. Singh, MP dated 12 March, 2015 to the Committee of Privileges for examination, investigation and report.

12. Subsequently a factual note dated 24 April, 2015 as furnished by Shri Sudhir Kumar, Member, (PPP), NHAI was forwarded by the Ministry of Road Transport & Highways to the Lok Sabha Secretariat *vide* their letter dated 12 May, 2015.

### **Reply of Shri Sudhir Kumar, Member (PPP), NHAI**

13. Shri Sudhir Kumar *vide* his reply dated 24 April, 2015 submitted as follows:-

“At the outset, it is respectfully submitted that I have the highest regard for Hon’ble MPs and in my entire career of over 32 years in IAS in Govt. of Bihar/Govt. of India, I have never insulted nor misled any Hon’ble Member of the Bihar Assembly or of Parliament. In the instant case also, I have neither supplied any wrong information nor made any insulting remarks or used insulting tone and tenor in my submissions before Hon’ble Minister of Road Transport & Highways in replies to the queries



made by Hon'ble MPs in the meeting on 03 March, 2015. However, if any of my remarks have been mis-interpreted or misconstrued as showing disrespect to the dignity of Hon'ble MPs, I offer my unconditional apology for the same.

The meeting referred to in the Notice was called by Hon'ble Minister for Road Transport & Highways in Parliament Library Building to review the progress of highway projects in the State of Bihar with Hon'ble Bihar MPs and officials of MoRTH and NHAI. It is humbly submitted that this was not a meeting of any of the Parliamentary Committees, and nor the statements made by me were by way of any 'deposition' before such Committee. The allegations made by Shri R. K. Singh, Hon'ble Member of Parliament and 32 other MPs in the Notice of Question of Privilege are two fold, namely (i) that I have supplied false information to queries raised by Shri R.K. Singh, Hon'ble M.P, as specified in the Annexure to the Notice of Question of Privilege dated 12.03.2015, and (ii) that my tone and tenor was insulting, in which regard he has referred to statements like 'Imandari kisi ki bapauti nahin hai'.

With regard to allegedly false informations stated to have been given by me in the aforesaid meeting chaired by the Hon'ble Union Minister for Road Transport & Highways, it is respectfully submitted that, as far as I can recollect, some of the alleged statements

attributed to me like ‘*Shri Kumar stated that the construction (of Digha Bridge) could not begin because the geometry was deficient*’ and ‘*he further made false statement that the Chapwa-Raxaul section could not be completed because of land issues*’ etc., were not made by me in that meeting, though these issues were discussed in replies sent by NHAI to MoRTH regarding VIP references of Hon’ble MPs Shri R.K Singh and Dr. Sanjay Jaiswal. Moreover, none of the statements made by me either in the aforesaid meeting or in replies to VIP references sent to MoRTH were false. I had, on the other hand, furnished replies regarding availability of land, payment of compensation etc. based on information supplied by field officers like RO, PD of NHAI at various points of time. It may be noted that the process of land acquisition, obtaining various regulatory clearances like forest and environment clearance etc., for these projects has been going on for the last few years and their status keeps changing over a period of time.”

### **III. Evidence**

#### **Evidence of Shri R. K. Singh, MP**

14. Shri R. K. Singh, MP, during his evidence before the Committee on 10 July, 2015, *inter alia* stated as follows:-

“Hon’ble Chairperson Sir, I would refer to the letter which I wrote to Madam Speaker requesting initiation of privilege proceedings. I

would like to state that, that may be taken as my statement. I would only add two or three more points I would like to bring one point to your notice. This was a meeting of all the hon. Members from Bihar which had been called by the Minister of Road Transport and Highways. Most of the Members from Bihar have signed this. Before I came here, some Members from Bihar said that they would also like to depose before this Committee. You may take that into consideration. Sir, I would like to submit that not only myself but in fact this was filed at the initiation of a large number of Members of Parliament from Bihar, who protested immediately when the meeting was going on at the tone and tenor of the statement given by the concerned officer. The Minister had said that he will take action. But subsequently, a number of Members approached me and said that privilege proceedings should be initiated. This is not something that only I myself am the party but a number of Members of Bihar said that privilege proceedings need to be initiated. Basically, the charges are two. One is the fact that not only myself but most of the Members from Bihar felt that the tone in which the officer was addressing the Members was sounding disrespectful, that a particular statement which has been quoted is totally disrespectful and is a personal remark which tends to bring down the prestige of not only one particular Member of Parliament but Members of Parliament in

general and therefore, the Parliament in general. That is one charge. The second charge is that wrong statements were made thereby misleading the Members of the House. The Members of the House depend upon the information provided by the officers in order to raise issues in the Parliament. Therefore, if wrong statements are made before the Members of the House or if the Members are misled, I feel that it is a question of breach of privilege. I must also inform this Committee that subsequently the officer has expressed a desire through other officers who were my batch mates and he made a request that he would like to see me and express his apologies. Large number of officers have interceded on his behalf that I should see him and accept his apology. But a number of Members of Parliament who were signatories said that it is not only my personal case and that they were also signatories, and therefore, I myself had no right to take any decision in this matter. Thank you.”

15. When the Committee wanted to know as to why the meeting was convened and whether it was in furtherance of any parliamentary work, Shri Raj Kumar Singh stated as follows:-

“Sir, this meeting was convened by the Minister of Road Transport and Highways to inform the Members of Parliament regarding the progress of the works in their respective constituencies. I would like to submit for the consideration

of this Committee that the definition of work or the responsibilities of the Members of Parliament has expanded overtime. Now, Members of Parliament are expected not only to assist in framing laws but also to initiate or to progress the development works in their constituencies. They are supposed to represent the aspirations of their constituencies or the people of their constituencies for development. They are supposed to be held accountable for that...The parliamentary functions of the Members of Parliament are discharged on the basis of information which they get or which is provided to them by the Government and their officers. This was a meeting to provide information to the Members of Parliament, so that if they had any questions which they wanted to raise in the House or if they wanted to raise any debate in the House, they would be informed and that would be an informed debate."

16. When the Committee enquired about the statement which was misleading the Member of Parliament, Shri Raj Kumar Singh *inter alia* stated as follows:-

“Sir, one fact pertained to my constituency, besides other constituencies like Buxar and Sasaram. That was four laning of Patna – Ara – Buxar National Highway. It was said that the contract had to be rescinded because enough right of way was not available. Now, I have documentary evidence to show

that enough right of way was available and an independent Engineer found that to be correct."

17. When the Committee sought to understand the circumstance which prompted the official to make the insulting remarks, Shri Raj Kumar Singh stated as follows:-

"Sir, this statement was made in the context of two factors. Regarding the first factor, rather than my stating, you may find out from other Members of Parliament from Bihar. Why I did not want to say was that I have the reputation in Bihar of an honest, upright and non-compromising officer. That is what he meant when he said: '*Imandari kisi ki bapauti nahin hai*' As soon as he said that, every Member of Parliament from Bihar who was present realised that it was an insulting remark made against me. So, that was one factor. The second factor, of course, was I had written to the Department saying that the cancellation of the contract for the Patna – Buxar road project in my constituency in which the contractor was allowed to go after withdrawing Rs 700 crore and escalating the project cost due to his delay with only one per cent penalty merited vigilance inquiry."

18. When the Committee sought to know whether the reasons for holding the meeting was in the public interest and to find a solution to the unresolved issues, Shri R. K. Singh, MP replied in the affirmative

and submitted that the delayed execution of projects by the contractors has added to the misery of the people of the area.

19. When the Committee enquired that besides the impugned insulting remark made by the official whether there was any other statement which was insulting and abusive Shri R. K. Singh replied.

"I do not recall. No."

**Evidence of Shri Sudhir Kumar, Member (PPP), National Highways Authority of India**

20. Shri Sudhir Kumar, Member (PPP), National Highways Authority of India, during his evidence before the Committee on 24 August, 2015, *inter alia* submitted as follows:-

“Sir, I may respectfully submit that at the outset I offer unconditional apology for any knowing or unknowing statement made by me, which has hurt the feelings of any hon. MP. With this unconditional apology, I may kindly make my brief presentation. Sir, in my 33 years of service in the IAS in Bihar, my Cadre, and the Government of India, I have never ever insulted or cast aspersion on any hon. MP or hon. Members of the Legislative Assembly of Bihar nor have I supplied any false information to any hon. MP or hon. MLA. In this particular case, broadly, there

are two kinds of allegations against me. One is that my tone and tenor has been insulting, and I made some insulting remarks like *'Imandari kisi ki bapauti nahi hai'* and this has hurt the feelings of the hon. MP. I may respectfully submit, Sir, that in my 33 years of service I have always regarded hon. MP, Shri R. K. Singh, as one of our role models. This was explained to hon. MP in the meeting, which was called at the instance of Chairman, NHAI with him in the Ministry of Road Transport and Highways and whatever issues had been raised by the hon. MP in that letter that he had written to the Hon'ble Minister, Road Transport and Highways and Chairman, NHAI as well as the Secretary, Ministry of Road Transport, all the issues were explained to the hon. MP along with the Model Concession Agreement, which was the document signed by the Concessionaire, M/s. GAMON Infra for execution of Patna-Buxar project. After that meeting with the hon. MP, the decision for deemed termination of the contract was taken by the NHAI Board in which meeting I was not present. I had gone for another meeting, and in that particular meeting many other projects including the Patna-Buxar project was deemed terminated for want of achieving financial closure or appointed date over a long period of time. In the specific case of Patna-Buxar project, the Concession Agreement was deemed terminated with forfeiture of bid security, which is equivalent to 1 per cent of EPC. Sir, unlike the EPC



contracts, in the PPP contracts and concessions, the obligation of either party, that is, NHAI and the Concessionaire is limited to forfeiture of the bid security. If the damages have to be paid by NHAI for want of fulfilling of condition precedent, then they have to pay 1 per cent to the Concessionaire. This is the upper limit, and same is the case with the Concessionaire also. Hon. MP, Shri R. K. Singh, in the meeting, which was held in the Ministry as well as in his letters and in the meeting, which was being taken by the hon. Minister, Road Transport and Highways in which this alleged statements were made by me, was explained these provisions of the Concession Agreement and that other clauses of the Concession Agreement does not become effective unless all the conditions / precedents laid-down in clause 4 of the Concession Agreement are fulfilled by both the parties. Either they have to be fulfilled or they have to be mutually waived, and unless the appointed date is declared either party cannot charge damages exceeding 1 per cent of EPC, which is the bid security in this particular case. In my respectful submission before this Committee as well as in my reply, I have submitted the relevant clauses of the Concession Agreement. Despite repeated reminders to the concessionaire, he was neither willing to take the appointed date nor willing to waive the conditions precedent of the Authority. In this particular case, since the appointed date was not being taken

by the concessionaire, the appointed date could not be declared. The NHAI Board, in its wisdom, decided to terminate the Concession Agreement with forfeiture of bid security. In this meeting held by the hon. Minister of Road Transport, and also in previous correspondences and meetings, hon. Member of Parliament, Shri R.K. Singh, had submitted that whatever cost escalation has been there in this Patna-Buxar Project due to delay in declaration of the appointed date by about 2.5 years to 3 years, the entire increase in capital cost which will be far in excess of one per cent of Total Project Cost should be recovered from him. Sir, in the traditional EPC contracts, this escalation in capital cost can be recovered from the contractor after the date of commencement has been given, but in the PPP contracts and the concessions, this escalation in cost beyond one per cent of TPC cannot be recovered from the concessionaire.”

21. To the specific query as to why the instant meeting was convened and who had called it, Shri Sudhir Kumar stated as follows:-

“Sir, the meeting was called by the Minister of Road Transport and Highways it was meant to apprise the Members of Parliament from Bihar about the progress of projects in their related constituencies.”

22. On the Committee desiring to know as to whether he as well as the other member were attending the meeting in their official capacity, Shri Sudhir Kumar stated as follows:-

“Sir, you are right. We were attending the meeting in our official capacity.”

23. To a pointed query by the Committee as to what was his question and what was the answer with which the Member was not satisfied, Shri Sudhir Kumar stated as follows:-

“Sir, the sum and substance of his question was this. In that earlier meeting, the concessionaire was present and also some land owners whose land was to be acquired were also present; apart from them, some other hon. Members of Parliament of that particular area were also present. This particular stretch falls in the area of hon. Minister of State, Shri Ram Kripal Yadav and the hon. Member of Parliament, Shri R.K. Singh. In that meeting, as also in his earlier letter, the question was that the appointed date should have been declared by NHAI as sufficient land was available for construction. This is the sum and substance of the statement.”

24. On being enquired whether he was aware of the guidelines on official dealings between the Administration and Member of Parliament issued by the Government, Shri Sudhir Kumar replied in the affirmative.

25. On being specifically asked as to whether the phrase '*Imandari kisi ki bapauti nahin hai*' was the right thing to be quoted in this context, Shri Sudhir Kumar stated as follows:-

“Sir, in retrospect I feel that I should not have done this. Therefore, I have expressed unconditional apology for this..... Neither have I done this in the past, nor will I do it in the future.”

#### **IV. Findings and Conclusions**

26. The Committee note that the thrust of allegations of the instant notice of question of Privilege are mainly two fold:-

- (i) Shri Sudhir Kumar, Member, (PPP), NHAI, made insulting remarks against Shri R. K. Singh, MP; and
- (ii) Shri Sudhir Kumar made misleading statements regarding the progress of road projects in the related constituencies of the Members of Parliament from Bihar.

27. The Committee note that the main plea taken by Shri Sudhir Kumar before the Committee is as under:-

- (i) He has the highest regard for Hon'ble MPs and in entire career of over 32 years in IAS wherein he served the Government of Bihar and the Government of India, he never insulted nor misled any Hon'ble Member of the

Bihar Vidhan Sabha or of Parliament. In the instant case also, he stated that neither did he furnish any misleading or false information nor made any insulting remarks or used insulting tone and tenor during his submissions in the meeting chaired by Hon'ble Minister of Road Transport & Highways on 03 March, 2015. He offered his unconditional apology for any of his remarks having been misinterpreted or mis-construed as showing disrespect to the dignity of Hon'ble MPs.

- (ii) He also furnished updates on the ongoing NHAI projects in Bihar with regard to availability of land, payment of compensation etc.

28. Before proceeding to comment on merits of the case, the Committee wish to emphasize that a notice of question of privilege as per the Rules of Procedure and Conduct of Business in Lok Sabha needs to be signed by a single signatory i.e. one member only. Multiple signatures on a single complaint is neither permissible under Rules nor in any way it reflects on the merits of the notice. This in fact is a departure from rationale behind provisions of the Rules governing privileges and the practice as such needs to be discouraged.

29. The Committee further wish to put on record that since Shri R. K. Singh, MP happens to be a member of the Committee, therefore, in compliance of the principles of natural justice of *nemo judex causa sua i.e.* one cannot be a judge in *one's own cause*, requested Shri R.K. Singh to recuse himself when the matter was taken up for examination. Accordingly Shri R.K. Singh, MP gracefully recused himself from the deliberation of the Committee on the matter, save his appearance as a witness to assist the Committee by way of his deposition. Further, Shri Sushil Kumar Singh, MP who is also a Member of the Committee of Privileges was also a signatory on the instant notice of question of privilege. He also, on all such occasions when the Committee took up the matter for examination, recused himself from the sittings and deliberations.

30. Having taken note of the allegations made by the member in his notice of question of privilege and the plea taken by the officer alleged to have breached his privileges, the Committee are of the view that the matter primarily involves the following issues for determination:-

- (i) *Whether Shri R.K. Singh, MP could be said to be performing any parliamentary duty the discharge of which was in any way prevented by the official of NHAI ? ; and*

(ii) *Whether the alleged insulting remarks and actions of Shri Sudhir Kumar, Member,(PPP), NHAI are justified in the context.*

### **ISSUE NO. I**

**Whether Shri R.K. Singh, MP could be said to be performing any parliamentary duty the discharge of which was in any way prevented by the official of NHAI ?**

31. The Committee would like to recall and restate that Parliament as an institution has evolved over a period of time in England and in India the 'Westminster' Model of democracy has been adopted. Since the coming into force of the Constitution of India on 26 January 1950, law making or legislation is the primary task of Parliament besides passing the budget and making the executive accountable to the Legislature by utilizing the various devices available to the Members under the Rules of Procedure and Conduct of Business in Lok Sabha along with the debates and deliberations on matters falling in its domain. A great deal of scrutiny of executive work is done by the Parliamentary Committees which are referred to as "Mini-Parliaments". Basically the tasks assigned to the Parliament are discharged by it through the individual members of the House. This brings us to the moot point as to what acts of a Member can be said to fall within the ambit of his parliamentary duties or in other words may be construed as "Proceedings in Parliament". As per **Erskine**

**May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament** it has been stated-

*"The primary meaning of proceedings, as a technical parliamentary term, which it had at least as early as the seventeenth century, is some formal action usually a decision, taken by the House in its collective capacity. While business which involves actions and decisions of the House are clearly proceedings, debate is an intrinsic part of that process which is recognised by its inclusion in the formulation of article IX. of the Bill of Rights. An individual Member takes part in a proceeding usually by speech, but also by various recognized forms of formal action, such as voting, giving notice of a motion, or presenting a petition or report from a committee, most of such actions being time-saving substitutes for speaking. Officers of the House take part in its proceedings principally by carrying out its orders, general or particular. Members of the public also may take part in the proceedings of a House, for example by giving evidence before it or one of its committees, or by securing the presentation of a petition". (24<sup>th</sup> edn. pp. 235-36)*

**Further as per Practice and Procedure of Parliament by Kaul & Shakhder :**



*"The term 'proceedings in Parliament' or the words 'anything said in Parliament' have not so far been expressly defined by courts of law. However, as technical term, these words have been widely interpreted to mean any formal action, usually a decision taken by the House in its collective capacity, including the forms of business in which the House takes action, and in the whole process, the principal part of which is debate, by which it reaches a decision. The term thus connotes more than mere speeches and debates". (6th edn. pp. 240-41)*

32. The Committee take note of the well established position that "in cases where members were not performing any parliamentary duty it was held that no breach of privilege or contempt of the House had been committed." ('Practice and Procedure of Parliament' by Kaul & Shakdher 6th edn. p. 300).

33. The Committee therefore, find it imperative to decide at the threshold the moot question, whether the interaction of the Members of Parliament from Bihar with the Minister of Road, Transport and Highways can be covered within the definition of the term "proceedings in Parliament".

As may be seen the meeting was held in Parliament Library Building on 03 March, 2015 when the Parliament session was going on. It is an undeniable fact that this meeting could have been held at any place outside the Parliament premises but for the fact that during the

session, it was convenient for the Minister of Road, Transport and Highways as well as the members of Bihar to meet in the Parliament precincts, in the given circumstances. The meeting apparently was an informal one, chaired by the Minister of Road, Transport and Highways and not by any Parliamentarian. Hence it cannot as such be viewed as Parliamentary Committee meeting. The concerned officials of RT&H as well as the NHAI were in attendance to merely assist the Minister and provide clarifications in response to the queries of the Members. The meeting was so important for the Members of Bihar that all had attended it in strength to emphasize upon the issues on the ground, which were delaying the ongoing road projects in the State.

34. The Committee note that Members of Lok Sabha, who are directly elected by the people are by and large responsible to their constituents in a democratic polity even though it is an unwritten edict. In this endeavour they are required to meet the executive authorities who are *inter alia* responsible for the execution of the development projects in the parliamentary constituencies of the members. Highlighting the lacunae/deficiencies and inefficiencies in the execution of the projects and focusing attention thereto to the executive for remedial/corrective action is the prime endeavour of the public representatives. The resultant fall out of any hindrance caused to them by the executive functionaries in this regard would be hampering the proper discharge of their

obligations towards the constituency and may at times affect their performance as Members in the House.

35. The Committee are, however, constrained to note that when an issue of breach of privilege is raised in the context of false information furnished by an executive functionary to a member which he may likely use for further elucidations in the House by means of a Procedural device, the powers and privileges available to them are not attracted unless and until the misleading information is communicated by the concerned Minister to the House, or is made by a witness before a Parliamentary Committee with an intention to mislead the Committee, which as per the settled position amounts to a breach of privilege of the House and of the Committee as the case may be .

36. The Committee further note that in the instant case the location of the meeting although was in the precincts of Parliament but the venue *per se* cannot raise the status of the said meeting as being equivalent to Parliamentary Committee meeting. The Parliament Estate and its precincts are used as a functional venue for several meetings organized by parties/groups as well as by Ministries, wherein invariably Members of Parliament are invited and they participate. However, merely the venue and the class of attendees cannot be said to qualify all such meetings falling within the domain of parliamentary duties or even remotely being linked to any sort of parliamentary proceedings.

37. The Committee would also like to draw attention to the Resolution adopted by Seventh Lok Sabha on 7 May 1981 which while rescinding the third Report of the Committee of Privileges (Sixth Lok Sabha) upheld that *"If Parliamentary privileges and immunities were to be extended to all those civil servants from Secretary down to the messenger who were engaged in collecting, scrutinising or carrying information for the Ministers to be used by them in answering questions, practically everyone including the whole administration and lakhs of Government employees would be covered and Parliamentary privileges and immunities will lose their meaning"*. Going by this Precedent set by the House it cannot be construed that officials who were assisting the Minister of Road, Transport and Highways in his interaction with the Member of Parliament from Bihar can be said to be a part of any parliamentary duty even though the information furnished by them to the members through the Minister could be used by the MPs in asking questions etc., in the House.

**38. The Committee, therefore, find it appropriate to conclude that the instant meeting was neither a sitting of Departmentally Related Standing Committee nor any other Parliamentary Committee. The meeting in question was a briefing meeting convened by the Minister of Road transport and Highways wherein Members of Parliament from State of Bihar and officers of Ministry of Road Transport and Highways and officers of NHAI were asked to attend**

**to discuss matters relating to constituencies of MPs pending with the Ministry/NHAI . Under the circumstances no privilege implications as such, can be said to have arisen in the instant matter.**

39. At this juncture the Committee feel it pertinent to reiterate the settled position that privileges are available to Members only when they are obstructed or, in any way, molested while discharging their core obligations as a Member of Parliament as enumerated in para 31 above. Thus, it would be a breach of privilege and contempt of the House to obstruct or molest a Member while in the execution of his duties as a Member i.e. while attending the House or any sittings of its Committees or when coming to, or going from the House, or any of its Committees.

## **ISSUE NO. 2**

**Whether the alleged insulting remarks and actions of Shri Sudhir Kumar, Member,(PPP), NHAI are justified in the context?**

40. The Committee note that the crux of the complaint of Shri R. K. Singh, MP is the insulting remark made against him by Shri Sudhir Kumar, Member,(PPP), NHAI and that no action has been taken against him by the Minister who was a witness to this incident. The Members when protested against those remarks of the official were assured of action against him. The Committee in the given situation are of the firm view that meetings between Ministers and Members on matters of public interest should be given due consideration, regard and priority by

officials who assist the Minister in this regard. It is needless to say that due courtesy and protocol has to be extended to the Members by the officials who need to be extra cautious with the usage of words in their replies and clarifications sought by the Members.

41. The Committee are of the view that the usage of the words '*Imandari kisi ki bapauti nahin hai*' by Shri Sudhir Kumar, Member,(PPP), NHAI **was not within the limits of standard etiquette of discussions in the presence of the Minister In-charge of a particular Ministry/Department, Members of Parliament and senior Government officers.**

42. **The Committee wish to firmly emphasise that Members of Parliament are entitled to command utmost respect, dignity and due consideration at the hands of public servants. The administrative or any other authority should act in a manner which facilitates the Members of Parliament in their effective functioning as public representatives.**

43. *The Committee strongly desire that Govt. officials need to be sensitized at frequent intervals as to how to deal with the people's representatives in a manner befitting their status.*

44. Coming to the case under consideration, the Committee also note the expression of regret made by the official alongwith the tendering of his unconditional apology on his transgression.

## **RECOMMENDATIONS**

45. In view of the foregoing discussions, and the findings and conclusions, and keeping in view the unconditional and unqualified apology tendered by Shri Sudhir Kumar, the then Member,(PPP), NHAI for the hurt caused to Shri R. K. Singh, MP, the Committee, recommend that the matter be treated as closed.

March, 2016  
New Delhi

S. S. AHLUWALIA  
Chairperson,  
Committee of Privileges