

21. No. 7

14/8/1973

1236
H.P.(IV)



HARYANA VIDHAN SABHA

REPORT

OF THE

COMMITTEE OF PRIVILEGES

(Regarding alleged criticism by Chaudhri Ram Lal, M.L.A.,
of the conduct and ruling of the speaker).

HARYANA VIDHAN SABHA SECRETARIAT, CHANDIGARH
SEPTEMBER, 1973.

CONTENTS

1236
N.P. (iv)

	Pages
1. Composition of the Committee of Privileges	.. iii
2. Report	.. 1—4
3. Minutes of Dissent	.. 5—6
4. Appendices—	..
(I) Privilege Motion given notice of by Chaudhri Ishwar Singh, M.L.A.	.. 8
(II) First written statement of Chaudhri Ram Lal, M.L.A.	.. 10—19
(III) Second written statement of Chaudhri Ram Lal, M.L.A.	.. 12—15

(iii)

COMPOSITION OF THE COMMITTEE

(1972-73)

1. Shri Gulab Singh Jain	Chairman
2. Chaudhri Brij Lal	Member
3. Shri Dhaja Ram	„
4. Shah Hakumat Rai	„
5. Chaudhri Peer Chand	„
6. Chaudhri Pokhar Ram Godara	„
7. Shri Prem Sukh Dass	„
8. Chaudhri Shiv Ram Verma	„
9. Chaudhri Shyam Lal	„
10. Chaudhri Surjit Singh Mann	„

(1973-74)

1. Shri Gulab Singh Jain	Chairman
2. Chaudhri Brij Lal	Member
3. Shri Charan Dass	„
4. Shri Fateh Singh	„
5. Chaudhri Peer Chand	„
6. Shri Prem Sukh Dass	„
7. Rao Abhai Singh	„
8. Rao Bansi Singh	„
9. Chaudhri Shiv Ram Verma	„
10. Chaudhri Surjit Singh Mann	„

SECRETARIAT

1. Shri Raj Kumar Malhotra	Secretary
2. Shri Raj Krishan	Deputy Secretary

REPORT OF THE COMMITTEE OF PRIVILEGES

1. INTRODUCTION

1. I, the Chairman of the Committee of Privileges, having been authorised by the Committee to submit this Report on their behalf, present the same to this House.

2 On the 3rd October, 1972, Chaudhri Ishwar Singh, M.L.A., raised a question of Privilege (Appendix I) against Chaudhri Ram Lal, M.L.A. alleging that on the 24th September, 1972 during the course of his public speech at Karnal, Shri Ram Lal, M.L.A., criticised the conduct and the ruling of the Speaker given by him in the House in the discharge of his duty.

3. The matter was referred by the House to the Committee of Privileges on the 3rd October, 1972 for examination and report to the House by the 1st March, 1973. The Committee could not, however, finalise the examination of this issue by the stipulated date and submitted their report in this behalf to the Speaker on the 27th February, 1973 as the Vidhan Sabha was not in Session at that time. Later, on the 6th March, 1973 this report (Preliminary) was presented to the House by the Chairman and on a motion moved by him the same day, the House extended the period for the presentation of the final report upto the 5th October, 1973. The Committee to which this Privilege issue was referred, could not complete the work during their term which expired on the 31st March, 1973 for want of sufficient time. The unfinished work of the previous Committee was thus taken over by the present Committee.

4. The Committee held their sittings on the 4th October, 29th November, 26th December, 1972, 15th January, 2nd February, 27th February, 14th August and 26th September, 1973 and examined the matter in detail. In all the Committee held 8 sittings.

5. A brief record of the proceedings of each sitting of the Committee has been kept separately in the Vidhan Sabha Secretariat.

II. FACTS OF THE CASE

6. On the 3rd October, 1972, Chaudhri Ishwar Singh, M.L.A., raised a question of privilege against Chaudhri Ram Lal, M.L.A. alleging that he, during the course of his public speech made at Karnal on the 24th September, 1972,

criticised the conduct and ruling of the Speaker and the following words uttered by him tended to lower the dignity of the Speaker in the eyes of the public :—

“श्री राम लाल ने कहा कि मैं इकट्टा प्रस्ताव दित्ता बनारसी दास नू जेडा कि बसी लाल दा चमचा है। एह प्रस्ताव सी महगाई उत्ते। अज जनता महगाई दे नाल पिस रही है। . . . मैं स्पीकर साहव नू किहा कि मेरे दो प्रस्तावा दा जवाब दो। स्पीकर साहव कहन लगे कि तुहाडे प्रस्ताव विचार अधीन हन! तुहानू जवाब दे दित्ता जावेगा। असैम्बली दा आखीरला दिन सी ते मैं किहा कि मेरे प्रस्तावा दा जवाब नही मिलिया। कहन लगे कि तुहाडे घर भेज दित्ता गया है। मैं किहा सी कि मैं ता जीन्दा-जागदा हू मैं नू ऐत्थे जवाब देदे !

7. After some discussion on the 3rd October, 1972, the House, on a motion moved by Chaudhri Ishwar Singh, M L A , referred the question of privilege to the Committee of Privileges for examination and report by the first March, 1973

III FINDINGS OF THE COMMITTEE

8. The Committee, after considering the points involved, decided to first record the statement of Chaudhri Ishwar Singh, M.L A., who had raised the question of privilege

9. Chaudhri Ishwar Singh, M.L A., appeared before the Committee on the 4th October, 1972, and reiterated his allegation that Chaudhri Ram Lal, M.L.A., criticised the conduct of the Speaker in the discharge of his duty as such in the Akali Kisan Conference held on the 24th September, 1972 at Karnal and uttered the words contained in his privilege motion (Appendix I) and which had been objected to by him. He further stated that he could produce the tape-recorded version of the speech of Chaudhri Ram Lal, M.L.A., as also some other witnesses in support of his allegation, if so desired by the Committee.

10. The Committee decided to give an opportunity to Chaudhri Ram Lal, M.L.A., the person complained against, to appear before the Committee to have his say in the matter.

11. Chaudhri Ram Lal, M.L A , appeared before the Committee first on the 29th November, 1972, and requested the Committee to postpone his oral examination to some other date as he had not been able to collect the necessary information relating to his speech which was the cause of action against him. This request was duly acceded to by the Committee and Chaudhri Ram Lal, M L.A., was summoned to appear before the Committee on the 26th December, 1972. He however, failed to appear before the Committee on the said date on ground of

illness. It was on the 2nd February, 1973 when he appeared before the Committee and submitted a written statement (Appendix II) explaining his position in the matter. As he wanted to supplement his statement he, therefore, requested the Committee to give him some further date for this purpose. The Committee acceded to his request and fixed 27th of February, 1973 as the date for his appearance before them and submission of his further detailed statement in the matter.

12. Chaudhri Ram Lal, M.L.A., accordingly appeared before the Committee on the 27th February, 1973 and submitted a further written statement (Appendix III).

13. Chaudhri Ram Lal, M.L.A., in his written statements (Appendices II & III) raised certain preliminary objections with regard to the legality and admissibility of the question of breach of privilege after it had been referred by the House to the Committee of Privileges for examination and report. The Committee are of the view that these objections do not merit their consideration, as it is only the prerogative of the Speaker to determine whether a particular question of privilege sought to be raised by any member is in order or not. Similarly, it is the sole prerogative of the Speaker as also of the House to refer any question of alleged breach of privilege to the Committee for examination and report. The main point which merits the consideration of the Committee is as to whether the words alleged to have been uttered by Chaudhri Ram Lal, M.L.A., tend to lower the dignity of the office of the Speaker and therefore prevent him from the discharge of his official duty in the House.

14. From the perusal of the two statements of Chaudhri Ram Lal, M.L.A., dated the 2nd February and 27th February, 1973, it is noted by the Committee that he feels sorry and regrets for what might have been said by him in the heat of the moment because he admits that an Akali Kisan Conference was held as alleged by the member, Chaudhri Ishwar Singh, and he also admits that he did deliver a speech in that conference. The extracts from his written statements which, in the opinion of the Committee, are more relevant to the issue, under reference, are given below :-

- "1. It is admitted that an Akali Kisan Conference was held at Karnal in the month of September, 1972 and I addressed that Conference on 24th September, 1972.
2. So far as my memory goes I did not utter any such wordings as alleged in the question of breach of privilege. I have also enquired from other sources in the matter, which support my contention. There was neither any occasion nor intention to say such words. *If, however, during the flow of my speech some words having any relevancy with the matter*

might have been uttered, I feel regret for the same. I have great regard for the Hon'ble Speaker."

(See Appendix II)

"ON MERITS.

1. * * * * *

2. It is denied that I criticised the conduct of the Hon'ble Speaker as there was no occasion nor an intention to say such words as alleged. In my speech there was only a reference of talk made in the House regarding the fate of my motions. Even if the alleged words were spoken, there was absolutely no intention to criticise the conduct of the Hon'ble Speaker. I am really sorry that the alleged wordings have created misunderstanding in a certain section of the House."

(See Appendix III)

15. In view of the above, the Committee are of the opinion that the impugned part of the speech constitutes a breach of privilege and contempt of the House as it casts reflections on the conduct of the Speaker in the discharge of his duty.

Recommendation of the Committee

16. As the Speaker represents the whole House and the House, in turn, the whole State of Haryana, Chaudhri Ram Lal's act of casting reflections on the conduct of the Speaker in the discharge of his duty, which constitutes a breach of privilege and contempt of the House, should be viewed with concern and, therefore, recommend that Chaudhri Ram Lal, M.L.A., be reprimanded by the Speaker so that he may be careful in his public utterances in future.

Chandigarh;
The 26th September, 1973.

}	Gulab Singh Jain	(Chairman)
	Charan Dass	
	Prem Sukh Dass	
	Rao Abhai Singh	
	Rao Bansu Singh	
	Surjit Singh Mann	
	*Peer Chand	
}	*Shiv Ram Verma	

*Subject to minutes of dissent.—Appended

N.B.—Chaudhri Brij Lal and Shri Fateh Singh did not attend the meeting Hence their signatures are not appended.

MINUTE OF DISSENT

आज की मीटिंग में जो विचार हुआ है, मैं समझता हूँ कि यह जल्दबाजी है और उसको एक मौका और दिया जाना चाहिए ताकि वह इस कमेटी के सामने अपने विचार अच्छी तरह से रख सके जो कि लिखित के मुताबिक हो। जो कुछ उसने लिखकर भेजा है वह विस्तार से यहां बता सके कि उनका क्या भाव है। क्या वह इससे इन्कारी करता है या उनको एक्सेप्ट करता है। मेरे खयाल के मुताबिक जो कुछ उसने लिखकर भेजा है उन भावों का यहां पर स्पष्टीकरण नहीं हुआ है। इसलिये मेरे विचार से उसको ~~ह~~ मौका और दिया जाना चाहिए जिससे कि तफसील में वैरीफाई किया जा सके।

मैं इस रिपोर्ट से सहमत नहीं हूँ जो की गई है।

दिनांक :
26 सितम्बर, 1973

ह/—पीर चन्द

MINUTE OF DISSENT

मेरी राय मे श्री राम लाल वधवा को फिर बुला कर, यह जो लिखित ब्यान दिया है उस के बारे में उन्हें तफसील में सारी बाते खोलकर कहने का मौका मिलना चाहिए, ताकि लिखी हुई हर बात के बारे मे वह कमेटी के रूबरू अपने भाव बता सकें कि मेरा यह लिखने का क्या मतलब हो सकता है। आज ही रिपोर्ट तैयार करके, मै समझता हूं थोड़ी सी शीघ्रता बरती गई है। इसलिये इसके बारे मे जो भी प्रिलिमिनरी ऑब्जैक्शन उठाए है, चाहे वे मैरिट के बारे में हों, चाहे उन्होंने जो स्टेटमेंट दी है उस के बारे मे हों, उन सारी बातों का कहने का मौका उन्हें मिलना चाहिए।

आज रिपोर्ट मुकम्मल करके खत्म करने की बजाये इस मामले की तह में जाना चाहिए। इसलिए यह जो रिपोर्ट आज की जा रही है, उससे मै सहमत नहीं हू।

दिनांक :
26 सितम्बर, 1973

ह/—शिव राम वर्मा,
एम.एल.ए.,

APPENDICES

APPENDIX—I

To

The Secretary,
Haryana Vidhan Sabha,
Chandigarh.

I beg to give a notice of breach of privilege against Shri Ram Lal, M.L.A., on the ground that he, while addressing a public meeting at Karnal on 24.9.72, criticised the conduct and ruling of the Speaker in the discharge of his duty and the words uttered by him tended to lower the dignity of the Hon'ble Speaker in the eyes of the public. The words which are considered objectionable by me are as under :—

“श्री राम लाल ने कहा कि मैं एक दूजा प्रस्ताव दित्ता बनारसीदास नू जेडा कि बन्सी लाल दा चमचा है। एह प्रस्ताव सी महगाई उक्ते। अज जनता मंहगाई दे नाल पिस रही है। मै स्पीकर साहब नू किहा कि मेरे दो प्रस्तावा दा जवाब दो। स्पीकर साहब कहन लगे कि तुहाडे प्रस्ताव विचार अधीन हन। तुहानू जवाब दे दित्ता जावेगा। असैम्बली दा आखीरला दिन सी ते मै किहा कि मेरे प्रस्तावा दा जवाब नही मिलिया। कहन लगे कि तुहाडे घर भेज दित्ता गया है। मै किहा सी कि मै तां जीन्दा जागदा हा, मैनू एत्थे जवाब दे देदे”।

Sd/-Ishwar Singh

M.L.A.

3.10.1972

APPENDIX—II

**Before Hon'ble Chairman and Members of the Committee of Privileges of the
Haryana Vidhan Sabha, Chandigarh**

In the matter of question involving breach of privilege of the Haryana Vidhan Sabha against Chaudhri Ram Lal, M.L.A., regarding his alleged criticism of the conduct and ruling of the Speaker.

Sir,

With reference to Haryana Vidhan Sabha Secretariat No. CB/Priv-6/72-73/20734, dated 6th October, 1972, and No. CB/Priv-6/72-73/786, dated 16th January, 1973. I respectfully submit my written reply as under:—

1. It is admitted that an Akali Kisan Conference was held at Karnal in the month of September, 1972 and I addressed that Conference on 24th September, 1972.
2. So far as my memory goes I did not utter any such wordings as alleged in the question of breach of privilege. I have also enquired from other sources in the matter, which, support my contention. There was neither any occasion nor intention to say such words. If, however, during the flow of my speech some words having any relevancy with the matter might have been uttered, I feel regret for the same. I have great regard for the Hon'ble Speaker.
3. In case the Committee may like to go further into the merits of the question, I would take an opportunity to raise the following preliminary objections in regard to the legality and admissibility of the motion of breach of Privilege, which may be decided first before going into the merits of the matter :—
 - (i) Whether the alleged wordings constitute a breach of Privilege ?
 - (ii) Whether the alleged wordings of my speech tantamount to criticism of the conduct of the Hon'ble Speaker ?
 - (iii) Whether the question moved by Hon'ble Shri Ishwar Singh, M.L.A., is valid and in order and whether the document attached with the motion is in fact a document as required under the Rules of Procedure and Conduct of the Haryana Vidhan Sabha ?
 - (iv) Whether the question has been moved by the Hon'ble M.L.A., and referred by the House to the Committee is in accordance with

the provisions of Article 194 of the Constitution of India and whether the conventions of the House of Commons (U.K.) have been followed in this case ?

(v) Whether the question raised by the Hon'ble Member, Shri Ishwar Singh, is not belated and whether the delay is not fatal to the alleged breach ?

(vi) Whether the question of breach of Privilege on hearsay evidence is admissible and liable for enquiry ?

Under the circumstances explained above it is respectfully submitted that the matter may be dropped.

With regards

Yours faithfully,

Chandigarh.

2nd February, 1973

Sd/-RAM LAL CHAUDHRI
M.L.A.,

D-96, Krishan Gate.,
Karnal. (Haryana)

APPENDIX—III

Before Hon'ble Chairman and Members of the Committee of Privileges of the Haryana Vidhan Sabha, Chandigarh.

In the matter of question involving breach of privilege of the Haryana Vidhan Sabha against Chaudhri Ram Lal, M.L.A., regarding his alleged criticism of the conduct and ruling of the Speaker of the Vidhan Sabha.

Sir,

As decided in the meeting of the Privilege Committee of the Haryana Vidhan Sabha held on 2nd February, 1973, I beg to submit below further detailed reply in the matter cited as subject :—

PRELIMINARY OBJECTIONS

(i) Whether the alleged wordings constitute a breach of privilege ?

The alleged wordings as stated in the notice of breach of privilege constitute two separate paras, and there is a gap between both of them. This gap shows that the Hon'ble Member, Shri Ishwar Singh did not like to give full version of my speech for the reason best known to him which could indicate the real sense and meaning of my speech. Had full context of my speech with regard to this subject, been given, there would have been no misunderstanding to the House or the Privilege Committee. Some wordings chosen from the speech could easily lead to misunderstanding. Such chosen wordings cannot be the basis for raising a question involving a breach of privilege under the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.

(ii) Whether the alleged wordings of my speech tantamount to criticism of the conduct of the Hon'ble Speaker ?

Even if it may be presumed for the sake of argument that such wordings were spoken, these words cannot be taken as criticism on the conduct or ruling of the Hon'ble Speaker, because the alleged wordings could be merely a reference to the talk made in the House. The alleged wordings show that I only asked for reply to my motions from the Hon'ble Speaker. These do not indicate that I showed any disrespect to the ruling of the Hon'ble Speaker. The wordings as alleged by the Hon'ble Member cannot, in any way, amount to any sort of criticism on the conduct or ruling of the Hon'ble Speaker.

- (iii) Whether the question moved by Hon'ble Shri Ishwar Singh, M.L.A., is valid and in order and whether the document attached with the motion is in fact a document as required under the Rules of Procedure and Conduct of Business of the Haryana Vidhan Sabha ?

In this connection it may be submitted that no document on which the question moved by the Hon'ble Member, Shri Ishwar Singh, is based was attached by him along with the notice of Privilege as required by rule 269 *ibid*. The question was raised by him on 3-10-1972 and the House referred it to the Privilege Committee on the same day. The Privileges Committee examined the mover on the next day. *i.e.* on 4-10-1972, wherein he admitted that he had heard the tape-recorded speech of mine and that the tape-record was in his possession. This so called tape-record was the document on which the question was based, and as such the notice must have been accompanied by this document, which was not done. Non-compliance of the requirement provided in rule 269 *ibid* makes the question invalid and void. The giving of the alleged wordings of speech merely on a piece of paper cannot be treated as a document required by law.

- (iv) Whether the question has been moved by the Hon'ble M.L.A., and referred by the House to the Committee is in accordance with the provisions of Article 194 of the Constitution of India and whether the conventions of the House of Commons of U.K. have been followed in this case ?

In Article 194 (3) of the Constitution of India, it is laid down that until powers, privileges and immunities of a House of the Legislature of a State and of the members and the Committee of a House of such Legislature are defined by the Legislature by law, these shall be those of the House of Commons of the Parliament of U.K. are applicable. According to the conventions of the House of Commons of the Parliament of U.K. which are followed by the Lok Sabha, when a complaint of an alleged breach of privilege is made by a member, a notice is given to him before hand, and the Speaker, before giving his consent to the raising of the matter to the House, gives an opportunity to the member complained against to place before the Speaker or the House such facts as he may have on the question. In this case neither a notice was given to me before raising the question of breach of privilege nor any opportunity was given to me to controvert the allegation before the consent for raising the question was given.

When the question was brought before the House, it was essential, according to the conventions, that I should have been heard in the House before the matter was referred to the privileges Committee. But I was not allowed to speak in the House in the matter, though I repeatedly requested for it and some other Hon'ble Members also stressed the Hon'ble Speaker to permit me to speak, as is evident from the proceedings of the House of that day. Since the mandatory provisions of law, conventions and precedents followed by the Lok Sabha in this regard, were not observed, the privilege motion becomes illegal, ultra-vires and invalid.

- (v) Whether the question raised by the Hon'ble Member, Shri Ishwar Singh, is not belated and whether the delay is not fatal to the alleged breach of privilege ?

The speech against the so-called wordings of which the question of breach of privilege has been raised was made by me at Karnal on 24.9.1972, whereas the notice for raising the question was given by the Hon'ble Member, Shri Ishwar Singh to the Speaker on 3.10.1972 in the House. The said Hon'ble Member has admitted before the Privileges Committee that the matter was well in his knowledge as he had a tape-record of my speech. He should have given the notice for raising the question earlier, well in time, so that the matter could be examined properly by the Speaker before placing it before the House. According to the conventions and procedure of the Lok Sabha the delay made in moving the question is fatal to the allegation regarding breach of privilege. The delay shows that this privilege motion is an after thought with some political motives and the motion has no force in the eyes of law.

- (vi) Whether the question of breach of privilege on hearsay evidence is admissible and liable for Inquiry ?

As stated in sub-para (iii) above, the document on which the question was based was not submitted along with the notice for raising the question, which was a mandatory requirement for the Hon'ble Member to comply with. In the non-production of any authenticated evidence the question is based on a hearsay evidence. The Hon'ble Member in the course of his oral examination stated before the Privileges Committee on 4-10-1972 that a number of persons who had been present at the time of my speech and heard me saying so had told him about this. The hearsay evidence has no force in the eyes of law, and no person

can be convicted on the allegations based on hearsay. It is not possible that the number of persons, who are alleged to have talked to the Hon'ble Member in the matter, could remember the exact and the same wordings as alleged in the notice of motion.

PRAYER

As already submitted in my previous reply dated 2.2.1973, it is again prayed that the above-noted preliminary objections, which go to the root of the case and touch the legality and admissibility of the question of breach of privilege, may kindly be decided in the first instance before going into the merits of the case.

ON MERITS

1. As already stated in my previous reply dated 2.2.73, it is admitted that I made a speech in the Akali Kisan Conference on 24-9-72 at Karnal. I once again submit that so far as my memory goes I did not utter any such wordings as to criticise the conduct and ruling of the Hon'ble Speaker. Such words, even if spoken do not constitute any breach of privilege. I never criticised on any occasion, the conduct of the Hon'ble Speaker, for whom I have always a great regard. It appears that the Hon'ble member has taken the alleged wordings in some other sense, which may be due to political and ideological differences and party affiliations.

2. It is denied that I criticised the conduct of the Hon'ble Speaker as there was no occasion nor an intention to say such words as alleged. In my speech there was only a reference of talk made in the House regarding the fate of my motions. Even if the alleged words were spoken, there was absolutely no intention to criticise the conduct of the Hon'ble Speaker. I am really sorry that the alleged wordings have created mis understanding in a certain section of the House.

3. My previous conduct as member of the Assembly shows that I have always been respectful to the Chair. I have a great regard for the Hon'ble Speaker and I will always maintain it.

PRAYER

In view of the circumstances explained above it is prayed that the matter may kindly be dropped.

With regard.

CHANDIGARH

27th February, 1973.

Yours faithfully,

Sd/-RAM LAL CHAUDHRI

M.L.A.

D-96, Krishan Gate,
Karnal (Haryana)

1236
N.P.

© (1973)

Published under the authority of the Haryana Vidhan Sabha and printed
by the Controller, Printing and Stationery, Haryana, Chandigarh.