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HARYANA VIDHAN SABHA

REPORT

OF THE

COMMITTEE OF PRIVILEGES

(Regarding publication of two booklets entitled, "A Chief Minister Runs Amuck—Indian Democracy in Danger" and "Emergence of Rough and Corrupt Politics in India—Anatomy of a Chief Minister", written and published by Chaudhri Hardwari Lal, M.L.A. casting reflections on the high office of the Speaker, the House and its Members.)

HARYANA VIDHAN SABHA SECRETARIAT, CHANDIGARH
JANUARY, 1975.

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COMPOSITION OF THE COMMITTEE

(1973—74)

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

SECRETARIAT

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| 1. | Shri Raj Kumar Malhotra | Secretary |
| 2. | Shri Raj Krishan | Deputy Secretary |
| 3. | Capt. S. S. Ahlawat | Research Officer. |

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(v)

COMPOSITION OF THE COMMITTEE

(1974-75)

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|------|----------------------------|----------|
| 1 | Shri Gulab Singh Jain | Chairman |
| 2. | Chaudhri Brij Lal | |
| 3. | Shri Charan Dass | |
| 4. | Shri Fateh Singh | |
| 5. | Dr. Omparkash Sharma | |
| 6. | Shri Prem Sukh Dass | |
| 7. | Rao Abhai Singh | |
| 8. | Rao Bansi Singh | |
| 9. | Chaudhri Surjit Singh Mann | |
| *10. | Chaudhri Shiv Ram Verma | |

SECRETARIAT

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|----|-------------------------|------------------|
| 1. | Shri Raj Kumar Malhotra | Secretary |
| 2. | Shri Raj Krishan | Deputy Secretary |
| 3. | Capt. S.S. Ahlawat | Research Officer |

*Chaudhri Shiv Ram Verma, M.L.A., resigned from the membership of the Committee on 1st July, 1974 and no other M.L.A. was nominated by the Hon. Speaker in his place till the presentation of this Report to the House.

REPORT OF THE COMMITTEE OF PRIVILEGES

I. 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 12th November, 1973, Sarvshri Jagjit Singh Tikka and G. C. Joshi, M.L.As raised a question of privilege (Appendix I) against Chaudhri Hardwar Lal, M.L.A alleging that Chaudhri Hardwar Lal, M.L.A has published the two booklets entitled "A Chief Minister Runs Amuck—Indian Democracy in Danger" and "Emergence of Rough and Corrupt Politics in India—Anatomy of a Chief Minister" The perusal of contents of the booklets reveal that derogatory remarks have been made against the Hon Speaker, the House and Members of Haryana Vidhan Sabha, thereby lowering the dignity of the Hon. Speaker, House and Members of Haryana Vidhan Sabha in the eyes of public.

3. The matter was referred by the House to the Committee of Privileges on 12th November, 1973 for examination and report to the House by the 31st January, 1974. The Committee could not, however, finalise the examination of this issue by the stipulated date and submitted its first report on the 18th January, 1974 to the House seeking for further time.

4. On the 18th January, 1974 a preliminary report was presented to the House by the Chairman and on a motion moved by him on the same day the House extended the period for the presentation of the final report upto 31st July, 1974.

5. On 16th July, 1974, second preliminary report was presented to the House by the Chairman and on a motion moved by him on the same day, the House extended the period for the presentation of the final report up to the 28th February, 1975.

6. The Committee to which this privilege issue was referred to could not complete the work during their term. The unfinished work of that Privileges Committee was taken by the present Committee.

7. The Committee held their sittings on the 12th November, 1973, 13th November, 1973, 22nd November, 1973, 18th December, 1973 (two sittings Morning & Evening) 4th January, 1974, 8th January, 1974, 15th January, 1974, 19th March, 1974 and 15th July, 1974, 6th January, 1975 (two sittings) and 7th January, 1975 and examined the matter in detail. In all the Committee held thirteen sittings.

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

II. Facts of the case

9. On 12th November, 1973, Sarvshri Jagjit Singh Tikka and G. C Joshi, M.L.As raised a question of privilege against Chaudhri Hardwar Lal alleging that Chaudhri Hardwar Lal, M.L.A. had published two booklets entitled "A Chief Minister Runs Amuck—Indian Democracy in Danger" and "Emergence of Rough and Corrupt Politics in India—Anatomy of a Chief Minister" which are available in the market. They further alleged that the perusal of the contents of these booklets revealed that derogatory remarks had been made against the Hon. Speaker, House and the Members of Haryana Vidhan Sabha, thereby lowering the dignity of the Hon. Speaker, House and Members of Haryana Vidhan Sabha in the eyes of public. The paragraphs which have been quoted by the movers of the privilege motion and which form the subject matter of the present privilege motion under consideration of this Committee taken from the two booklets are as under —

Derogatory remarks against the Hon. Speaker.

1. "The Speaker is the authority to allot flats. But a person whom Mr. Bansilal does not like can expect no accommodation from the Speaker in the matter."

(Page 37 of the booklet "A Chief Minister Runs Amuck")

2. "The present Speaker is an old and close associate of Mr. Bansilal. He has been given a better limousine than had been given to his predecessor and he is often out on tour of the State as his predecessor used to be It appears that the marriage between him and Mr. Bansilal would last. He is being gradually made a part of the actual power—structure of the State."

(Page 40 of the booklet "A Chief Minister Runs Amuck")

3. "A Member of the House was alleged to have said at a public meeting that the new Speaker was merely a tool of the Chief Minister. This speech annoyed Mr. Bansilal as being calculated to damage the position of the Speaker. But even if the allegation was true it would be an open question whether the erring Member or Mr. Bansilal himself has damaged the position of the new Speaker and debased the Speaker's office itself."

Mr. Bansilal cannot put up with the State Assembly and with the Speaker of the Assembly unless they are thoroughly tamed things." (Page 70 of the booklet "Emergence of Rough and Corrupt Politics in India".)

Derogatory Remarks against the Assembly and its Members.

4. "But who can prevent Mr. Bansi Lal from making it an innocuous and even subservient ? If the ... members are all right, the Vidhan Sabha can really be a convenient cover for everything that Mr Bansi Lal may like to do with public money and Government power "
(Page 36 of the booklet "A Chief Minister Runs Amuck")
5. "Chaudhri Rizak Ram, the Leader of the Congress (O) Legislature Party which is the largest group in the opposition in the Vidhan Sabha, is on Mr. Bansi Lal's pay-roll." (Page 40 of the booklet "A Chief Minister Runs Amuck".)
6. "Mr. Bansi Lal has used all the corrupt and rough methods to mould the State Assembly." (Page 49 of the booklet "Emergence of Rough and Corrupt Politics in India..")
7. "It was the first State where the State Assembly was made into his personal handmaid by the Chief Minister." (Page 61 of the booklet "Emergence of Rough and Corrupt Politics in India".)
8. "But how long could the Commission have held out after Mr Bansi Lal had subjugated the State Assembly". (Page 73 of the booklet "Emergence of Rough and Corrupt Politics in India")
9. "He thought of ways to put the Members in his pocket through corruption and appeasement. Exhibiting a large-heartedness of rare order, he invited them to share the spoils. Lucrative jobs were created for the Members who defected, at his instance, from the Opposition. Improvement Trusts were created here and there and the defectors as also some of the restive Members of his own party were given good salaries as Chairmen of these Trusts. There were then Boards and Corporations. One of the defectors was appointed Chairman of State Agricultural Marketing Board, another the Chairman of Agricultural Industrial Corporation, still another as Chairman of Minor Irrigation Corporation and so on. (Page 54 of the booklet "Emergence of Rough and Corrupt Politics in India..")
10. "Mr. Bansi Lal then got another six or seven independent members, whom he had at his beck and call, to enter the Progressive Independent Group of six M.L.As on the condition that the Group would pursue a policy of constructive opposition. Within a few minutes of the occurrence of these developments he got the Speaker of the Assembly to recognise the Progressive Independent Group as the official Opposition

and its leader as Official leader of Opposition in the Assembly although the Assembly was not in session. To throw dust into the eyes of people, Mr. Rizak Ram remained critical of this new development as long as estrangement between the six members who had been expelled from the Congress (O) at his instance, and the Congress (O) Party did not become complete. As soon as he felt that the estrangement for which he had been working was complete, he became an open supporter of Mr. Bansī Lal, though he continued to remain the Leader of Congress (O) group. Mr. Bansī Lal appointed him as the Chairman of the Resources Committee which he specially created to accommodate him and gave him most of the facilities which go with the office of a Cabinet Minister. To Congress (O) and its Members in the Assembly Mr. Rizak Ram gave the assurance that he was their own man and had accepted the Chairmanship of the Resources Committee only to secure secrets which they could use to bring down Mr. Bansī Lal.

As Chairman of the Resources Committee, Mr. Rizak Ram recommended additional taxation of Mr. Bansī Lal's suggestion at which the Congress (O) group became restive. The group expelled Mr. Rizak Ram and his one solitary associate and thus reduced its own strength to four. Mr. Rizak Ram had done his part of the job. Mr. Bansī Lal, on his part, had already taken steps to elevate Mr. Rizak Ram to something higher. The Planning Commission had advised the States to set up Planning Boards under permanent Deputy Chairman, Mr. Bansī Lal decided to give this job to Mr. Rizak Ram. Without disclosing his intention he got the State Assembly to pass a Bill that the office of the Deputy Chairman of the proposed Board would not be an office of profit. Sometime after the passage of the Bill, Mr. Rizak Ram was appointed the Deputy Chairman of the State Planning Board. This was adequate compensation for the help he had given to Mr. Bansī Lal in weakening the Congress (O) Party in the Assembly. Mr. Rizak Ram now enjoys the status and all the privileges of a Cabinet Minister. . . . But the question of morals troubles neither him nor Mr. Bansī Lal.

The new opposition party of Progressive Independents into which Mr. Bansī Lal had inducted his purchased men, has also been liquidated. . . . And within a matter of days Mr. Bansī Lal made his men in the Independent Group (the spare tyres kept for use in the emergencies) disown the group and its leader." (page 83 and 85 of the booklet "Emergence of Rough and Corrupt Politics in India.")

11. "Large sums of money are being earned by M.L.As. close to Mr. Bansi Lal for securing appointments for various persons. M.L.As. namely, Parshann Devi, from Karnal District reported to have been having an average assured income of Rs 4,000 each per mensem during last two years." (page 65 of the booklet "Emergence of Rough and Corrupt Politics in India.")

The movers of the motion have stated that the above mentioned derogatory words and the paragraphs have lowered the dignity of the Hon. Speaker, House and Members of the Haryana Vidhan Sabha and also cast aspersions on them. By the publication of these booklets, the image of the Hon. Speaker, Members and House has gone down very low in the eyes of the public. Publication of such derogatory remarks in the above said booklets and casting aspersions on them puts an hindrance in the day-to-day discharge of their duties by the members and also constitutes a breach of privilege and contempt of the Vidhan Sabha, Hon. Speaker and the Members. The libellous reflections have brought into disrepute the august body i.e. Vidhan Sabha, to which they belong. They further urged that Chaudhri Hardwari Lal had committed violation of rights and privileges of Haryana Vidhan Sabha which causes obstruction in the performance of its functions by diminishing the respect of the Hon. Members due to them. The two booklets referred to in the motion were also attached with the motion and were made available to this Committee.

After some discussion on 12th November, 1973, the House on a motion moved by Sarvshri Jagjit Singh Tikka and G.C. Joshi, M.L.As. referred the question of privilege to the Committee of Privileges for examination and report.

The Committee examined the movers of the motion and also Chaudhri Hardwari Lal, the person complained against. On a suggestion by Shri Surjit Singh Mann, a Member of the Committee, copies of the booklets were supplied to all the Members of the Committee and on request by Chaudhri Hardwari Lal, the Chairman directed the office to supply the copies of the two booklets to Chaudhri Hardwari Lal also. The orders of the Chairman were complied with and the copies of the booklets were supplied to all concerned.

The Committee examined Chaudhri Hardwari Lal who appeared before it on 22nd November, 1973 and at the outset handed over a written statement (interim reply). Copies of the interim reply were circulated amongst the Members of the Committee. The statement of Chaudhri Hardwari Lal was recorded by the Committee on 22nd November 1973. (see Appendix II).

While examining Chaudhri Hardwari Lal, the Chairman put the following question to him :—

“Mr. Chairman . Mr. Hardwari Lal, I put before you two booklets named (1) . A Chief Minister Runs Amuck, printed by the Printing Promoters, 3338, 21-D, Chandigarh ; and (2) Emergence of Rough and Corrupt Politics in India, printed at New Bharat Press, Karol Bagh, New Delhi Do you admit that these booklets have been written by you and printed and circulated at your instance.”

To which, Chaudhri Hardwari Lal, M.L.A. replied in affirmative (Certainly Yes). In answer to one of the questions of the Chairman, Chaudhri Hardwari Lal admitted that the two booklets had been widely circulated. On another question by the Chairman, Chaudhri Hardwari Lal further admitted that he had also sent complementary copies to the Haryana Vidhan Sabha Library.

In this meeting, Chaudhri Hardwari Lal requested for further time to enable him to submit a detailed reply and after some discussion, the Committee decided to allow time as requested by him to enable him to submit his detailed reply. The Committee also decided that Chaudhri Hardwari Lal may be examined again orally in person after the submission of the final reply.

The Committee also examined the movers of the motion, Sarvshri Jagjit Singh Tikka and G .C. Joshi who have reiterated their allegations contained in the motion of privilege moved by them before the House which *inter-alia* was referred to this Committee for its consideration and examination.

Chaudhri Hardwari Lal in his written statement and in his oral examination has raised a number of points :—

1. He has raised the objection to the propriety of admission of the motion by the Speaker and the consideration of the same by the House
2. The Committee should not proceed with the consideration of the motion of privilege since he has filed a writ petition in the Punjab and Haryana High Court at Chandigarh.
3. The Privilege Committee should not proceed with the consideration of the motion since a civil suit for damages has been filed against him by Chaudhri Dal Singh, M.L.A., on practically the same facts as are alleged in the Privilege Motion under consideration of the Committee.
4. That whatever he has written in the two booklets are true and correct.

5. The Privilege Motion in question was admitted against the Rules of Procedure and Conduct of Business of Haryana Vidhan Sabha and the Rules governing such matters in the Parliament.
6. Whatever is stated in the two booklets is based on facts duly verified and he is in a position to prove the truth of all that he has said.
7. The British House of Commons recognises the right of citizen (which would naturally include M.P.s) to criticise it outside the House even in the staunchest terms.
8. He has the right to criticise the conduct of the Leader of the House and the Speaker, as they have been abusing the process of the House and their executive authorities as the Chief Minister and the Speaker.
9. As a Member of the House, he has the right to attack both inside and outside the House the modus operandi of the Leader of the House.
10. The Privilege Motion belongs to the House in its corporate capacity and their every purpose to ensure that the House could transact its business freely, smoothly and without any interference from any quarter, and that the Privilege relates only to the proceedings of the House and not to anything said or done outside the House and not related to the proceedings of the House.
11. Finally, he has stated that nothing to which exception has been taken by the movers of the Privilege Motion would constitute reflections on the institution of the Vidhan Sabha, the high office of the Speaker and any member of the Vidhan Sabha in his or her capacity as a Member of the House.

The Committee has given its cool consideration to all the objections and assertions made by Shri Hardwar Lal. The Committee's conclusions are as under —

Findings of the Committee

The Committee cannot go into the propriety or impropriety of the Speaker's admission of the motion or the acceptance of the motion by the House. It is an established principle that it is for the Speaker to decide whether there is a *prima facie* case of breach of privilege and after having considered the motion from that point of view, if the Speaker admits the motion and allows it to be moved in the House and the House takes a decision to refer the same to the Privileges Committee for its consideration, the matter ends there and the Privileges Committee has no jurisdiction to examine and decide as to whether the Speaker should have admitted the motion and

allowed the moving of the same in the House and as to whether the acceptance of it by the House was proper or not. This Committee also does not have any power to examine whether the motion was admitted against the rules and hence this objection is over-ruled.

The Committee also cannot go into the question as to why and how the Privilege Motion originated, rather it takes a strong objection to the words, "The Privilege motion in question had its origin in the personal animosity of M/s Bansī Lal and Banarsī Das Gupta and in their proveable malafides", used in para 5 of the reply by Chaudhri Hardwarī Lal dated 18th December, 1973. The imputation of malafides on the part of the Speaker in admitting the Privilege Motion would by itself constitute a breach of privilege as it casts great reflections on the impartiality of the Speaker in the discharge of his duties as such

The Committee is not concerned with the purpose or the circumstances which led to the publication and circulation of the two booklets referred to in the privilege motion. The Committee admits that every citizen has a right to criticise but nevertheless the Committee is of the opinion that writing and the criticism should not interfere with due and proper procedure of the House and should not show disregard and disrespect for parliamentary decorum, practice and procedure. It should not also seek to lower in the estimation of the public the authority and dignity of the House and its Speaker (Refer to the case of breach of privilege moved in Bombay Vidhan Sabha against Marathi newspaper "Prabhat" in 1957)

The Committee feels that the booklets have not been written with the laudable purpose which is alleged in the written statement but with the ulterior motive to malign and blackmail the Members and the Speaker of the House. The Committee, however, feels that he could have criticised the conduct of the Chair generally without casting or suggesting any reflection on impartiality of the Chair. Writings reflecting on the impartiality and the conduct of the Chair is not justified. (Refer to the motion of privilege moved in Assam Vidhan Sabha in 1954 in the case of Hareshwar Goswami, Leader of the Opposition)

Shri Hardwarī Lal has laid great stress that whatever he has stated is based on facts and truthfulness. The Committee has considered this aspect of the question in depth and find it hard to accept his assertions.

At page 140 of Report from the Select Committee of Parliamentary Privileges (1967-House of Commons), it is said as under .—

"There is no reason to suppose that the truth of libel would have been a defence in proceeding for contempt of Parliament in the 17th and 18th century, any more than it would have been a defence at common law in criminal prosecutions for libel. On the contrary, the fact that it was the practice in such cases for the House to decide whether the

writing complained of was reliable without hearing the party/parties or any of them who had published libel proves or any of them who had published libel proves that the truth of the libel was not a defence. It is, therefore, for those who maintain that proof of the truth of the libel is a defence in such proceeding to show that the practice has changed and thus, I submit, they cannot do. The precedent go nowhere near proving any such contention."

Chaudhri Hardwari Lal has tried to scandalise the whole House and the Committee is unable to find any case in which a party accused of scandalising the Speaker, the House and its Members sought to prove that his allegations were true.

It has been invariably held that the truth of allegations is no defence in proceeding for contempt and that the defender cannot lead evidence to establish its truth. It has rather been held further that every attempt to justify the contempt constitutes a new offence of contempt. Reference may be made to Surrender Nath Bannerjee case reported in 1883 in the Indian Law Court, Calcutta series, Vol. 10, page 109 and Ram Mohan Lal Aggarwal reported in 1935, Allahabad series, page 411 and also the case of M.G. Kadim *versus* Kesri Narain Jatley and others reported in Indian Law Reports (1955, Allahabad Series, page 7).

Shri L.A. Abraham, C.B., C.B.E. in his memorandum submitted before the Select Committee on Parliamentary Privileges stated "In my submission, the precedents afford little support for the contention that where a person is charged with contempt of the House by publishing libel on, or speaking words defamatory of a member or members, named or unnamed, in his or their capacity as such a member/members proof of the truth of writing or words will provide a defence."

It would not be out of place to mention here that defendant in the prosecution for libel was never allowed in common law to allege the truth by way of justification (Refer to Halsbury Law of England, 3rd edition, Vol. 25, page 4).

The Committee feel that it does not lie in the mouth of Shri Hardwari Lal to assert that since the matter written is based on truth, so no breach of privilege is involved.

Before examining whether the writings in question constitute breach of privilege or not, it would be proper to state succinctly the law on the point.

The Committee of Privileges of the House of Commons (U.K.) in the well-known Allingham case stated "it has long been recognised that the publication of imputations reflecting on the dignity of the House or any Member in his capacity as such is punishable as a contempt of the Parliament. Reflections upon Members, however, even where individuals are not named may be so framed as to bring into

disrepute the body to which they belong and as such reflections, therefore, have been treated as equivalent to reflections on the House itself."

It is a breach of privilege and contempt of the House to make speeches or to print or publish any book of libels reflecting upon the character or proceedings of the House or its Committees, or any Member thereof.

Reflections on the character and impartiality of the Speaker in the discharge of his duties constitute breach of privilege. (See case of Amrit Bazar Patrika and Indian News Chronicle)

Shri Madhu Limaya was held to have committed a breach of privilege and contempt of the House by attributing malafides to the Speaker, Lok Sabha, in the discharge of his duties in the House. It may be of interest to note that Shri Madhu Limaya was a Member of the Lok Sabha.

This Committee is of the opinion that paragraph Nos. 1, 2 and 3 under the heading "Derogatory Remarks against the Hon. Speaker" in the Privilege Motion quoted from the booklets published by Chaudhri Hardwar Lal, impute partiality on the part of the Speaker in the discharge of his duties as such, and also convey the impression that the Speaker does not act independently and his actions are motivated by considerations other than justice and fair play.

In para 3, Chaudhri Hardwar Lal has repeated the words "A Member of the House was alleged to have said at a public meeting that the new Speaker was merely a tool of the Chief Minister." The words underlined have already been the subject of a privilege motion against Shri Ram Lal and this Committee *vide* its Report submitted to the House on 26th September, 1973, held that the words constituted breach of privilege and contempt of the House and, therefore, recommended that Shri Ram Lal be reprimanded.

The words which are printed at page 36 of the booklet "A Chief Minister Runs Amuck" clearly cast reflections on the conduct of the Members of the House in the discharge of their duties as Members while taking part in the proceedings of the House. In all, paragraph 4 also conveys the impression that the Members do not act freely according to their conscience and are tools in someone else's hands.

Para 5, the words of which are taken from page 40 of the booklet "A Chief Minister Runs Amuck" is highly derogatory of the then Leader of Opposition (Chaudhri Rizak Ram) and accuse him of accepting bribe and consequently acting in a particular manner as Leader of Opposition of the august House. There could not be more a serious offence than casting derogatory and damaging reflections on the person of the Leader of the Opposition.

The paragraphs 6, 7, 8 and 9 quoted from pages 49, 61, 73 and 54 of the booklet "Emergence of Rough and Corrupt Politics in India" again cast disgraceful reflections on the working of the House as a whole.

The wording of the paragraphs 9, 10 and 11 taken from pages 54, 83, 85 and 65 of the booklet "Emergence of Rough and Corrupt Politics in India" impute motives on the part of Members of this House in the discharge of their duties and functions as Members of this House. The Committee is of the opinion that the use of such words is highly deprecable.

From the reading of these paragraphs, the impression which is created in the minds of the public at large would be that the Members of this august House accept bribe to act in particular manner in the discharge of their duties as Members. Such imputations are highly libellous and constitute breach of privilege of the Members.

The Committee might have taken a lenient view of the whole affair if the Member complained against had been new to the House and inexperienced in the method of parliamentary democracy and had possibly been not aware of the serious consequences of his indiscretion in writing such highly derogatory remarks against the House as a whole, the high office of the Speaker and the Members of this august House.

The Committee might have also taken a lenient view of the whole matter if the Member complained against was remorseful and repentant of his action ; but after going through the citations of the privilege motion and lengthy reply submitted to the Committee by him, the Committee is of the view that motives of Chaudhri Hardwari Lal in publishing two booklets is to blackmail and coerce the Speaker and Members of this august House. The writings cannot be stated to be a fair comment on the working of the Vidhan Sabha. Chaudhri Hardwari Lal cannot be said to be unaware of the seriousness of the consequences of what he has written in his booklets. Since the matter is of very serious nature and the writings are deliberately libellous and derogatory and the honour and reputation of the whole house is involved and the writings have brought into disrepute the high office of the Speaker and cast uncalled for reflections and preclude the Members from acting freely and independently in the discharge of their duties as Members of this august House, the Committee is of the opinion that Shri Hardwari Lal would deserve exemplary punishment.

The Committee recommends to the House that Shri Hardwari Lal be expelled from the House and his seat be declared Vacant, as in the opinion of the Committee

he is guilty of breach of privilege and contempt of the House, the Members and the Speaker.

Chandigarh
Dt 7-1-1975

Sd/- Gulab Singh Jain
Sd/- Prem Sukh Dass
Sd/- Fateh Singh
Sd/- Brij Lal
Sd/- Surjit Singh Mann
Sd/- Abhai Singh
Sd/- Bansri Singh
Sd/- Om Parkash Sharma
*Shri Charan Dass

*Shri Charan Dass, M.L.A did not append his signature because he was absent on the day when the Report was finalized and signed by other Members.

APPENDICES



APPENDIX-I

To

The Secretary,
Haryana Vidhan Sabha,
Chandigarh.

Sir,

Privilege Motion

We beg to give notice of this question of breach of privilege that Chaudhri Hardwari Lal, M L.A. has published the booklets entitled "A Chief Minister Runs Amuck—Indian Democracy in Danger" and "Emergence of Rough and Corrupt Politics in India—Anatomy of a Chief Minister", which are available in the market. The contents and perusal of these booklets will reveal that derogatory remarks have been made against the Hon. Speaker, House and Members of Haryana Vidhan Sabha, thereby lowered the dignity of the Hon. Speaker, House and Members of Haryana Vidhan Sabha in the eyes of public. Extracts taken from the above said booklets are as under :—

Derogatory Remarks against the Hon. Speaker.

1. "The Speaker is the authority to allot flats. But a person whom Mr. Bansilal does not like can expect no accommodation from the Speaker in the matter."
(Page 37 of the booklet "A Chief Minister Runs Amuck".)
2. "The present Speaker is an old and close associate of Mr. Bansilal. He has been given a better limousine than had been given to his predecessor and he is often out on tour of the State as his predecessor used to be. . . It appears that the marriage between him and Mr. Bansilal would last. He is being gradually made a part of the actual power—structure of the State".
(Page 40 of the booklet "A Chief Minister Runs Amuck").
3. "A Member of the House was alleged to have said at a public meeting that the new Speaker was merely a tool of the Chief Minister. This speech annoyed Mr. Bansilal as being calculated to damage the position of the Speaker. But even if the allegation was true it would be an open question whether the erring Member or Mr. Bansilal himself has damaged the position of the new Speaker and debased the Speaker's Office itself. Mr. Bansilal cannot put up with the State Assembly and with the Speaker of the Assembly unless they are

thoroughly tamed things." (Page 70 of the booklet "Emergence of Rough and Corrupt Politics in India")

Derogatory Remarks against the Assembly and its Members.

4. "But who can prevent Mr. Bansi Lal from making it an innocuous and even subservient? If the members are all right, the Vidhan Sabha can really be a convenient cover for everything that Mr. Bansi Lal may like to do with public money and Government power." (Page 36 of the booklet "A Chief Minister Runs Amuck")
5. "Chaudhri Rizak Ram, the leader of the Congress (O) Legislature Party which is the largest group in the Opposition in the Vidhan Sabha, is on Mr Bansi Lals' pay Roll". (Page 40 of the booklet "A Chief Minister Runs Amuck".)
6. "Mr Bansi Lal has used all the corrupt and rough methods to mould the State Assembly." (Page 49 of the booklet "Emergence of Rough and Corrupt Politics in India")
7. "It was the first State where the State Assembly was made into his personal handmaid by the Chief Minister". (Page 61 of the booklet "Emergence of Rough and Corrupt Politics in India".)
8. "But how long could the Commission have held out after Mr. Bansi Lal had subjugated the State Assembly." (Page 73 of the booklet "Emergence of Rough and Corrupt Politics in India".)
9. "He thought of ways to put the Members in his pocket through corruption and appeasement. Exhibiting a large-heartedness of rare order, he invited them to share the spoils. Lucrative jobs were created for the Members who defected, at his instance, from the opposition. Improvement Trusts were created here and there and the defectors as also some of the restive Members of his own party were given good salaries as Chairman of these Trusts. There were then Boards and Corporations One of the defectors was appointed Chairman of State Agricultural Marketing Board, another the Chairman of Agricultural Industrial Corporation, still another as Chairman of Minor Irrigation Corporation and so on" (Page 54 of the booklet "Emergence of Rough and Corrupt Politics in India".)
10. "Mr. Bansi Lal then got another six or seven independent members, whom he had at his beck and call, to enter the Progressive Independent Group of six M L.As on the condition that the group would pursue a policy of constructive opposition. Within a few minutes of the

occurrence of these developments he got the Speaker of the Assembly to recognise the Progressive Independent Group as the official Opposition and its leader as official Leader of Opposition in the Assembly although the Assembly was not in session. To throw dust into the eyes of people, Mr Rizak Ram remained critical of this new development as long as estrangement between the six members who had been expelled from the Congress (O) at his instance, and the Congress (O) Party did not become complete. As soon as he felt that the estrangement for which he had been working was complete, he became an open supporter of Mr. Bansī Lal, though he continued to remain the Leader of Congress (O) group. Mr. Bansī Lal appointed him as the Chairman of the Resources Committee which he specially created to accommodate him and gave him most of the facilities which go with the office of a Cabinet Minister. To Congress (O) and its Members in the Assembly, Mr. Rizak Ram gave the assurance that he was their own man and had accepted the Chairmanship of the Resources Committee only to secure secrets which they could use to bring down Mr. Bansī Lal.

As Chairman of the Resources Committee, Mr. Rizak Ram recommended additional taxation of Mr. Bansī Lal's suggestion at which the Congress (O) group became restive. The group expelled Mr. Rizak Ram and his one solitary associate and thus reduced its own strength to four. Mr. Rizak Ram had done his part of the job. Mr. Bansī Lal, on his part, had already taken steps to elevate Mr. Rizak Ram to something higher. The Planning Commission had advised the States to set up Planning Boards under permanent Deputy Chairman, Mr. Bansī Lal decided to give this job to Mr. Rizak Ram. Without disclosing his intention he got the State Assembly to pass a Bill that the office of the Deputy Chairman of the proposed Board would not be an office of profit. Sometime after the passage of the Bill, Mr. Rizak Ram was appointed the Deputy Chairman of the State Planning Board. This was adequate compensation for the help he had given to Mr. Bansī Lal in weakening the Congress (O) Party in the Assembly. Mr. Rizak Ram now enjoys the status and all the privileges of a Cabinet Minister. But the question of morals troubles neither him nor Mr. Bansī Lal.

The new Opposition party of Progressive Independents into which Mr. Bansī Lal had inducted his purchased men, has also been liquidated. . . . And within a matter of days Mr. Bansī Lal made his men in the Independent Group (the spare tyres kept for use in the emergencies) disown the

group and its leader". (Pages 83 and 85 of the booklet "Emergence of Rough and Corrupt Politics in India".)

11. "Speaker an Accomplice."

Large sums of money are being earned by M.L.As close to Mr. Bansi Lal for securing appointments for various persons M.L.As. namely Parsanni Devi from Karnal District reported to have been having an average assured income of Rs. 4,000 each per mensem during last two years." (Pages 64-65 of the booklet "Emergence of Rough and Corrupt Politics in India".)

These derogatory words and the paragraphs have lowered the dignity of the Hon. Speaker, House and Members of Haryana Vidhan Sabha and also cast aspersions on them. Publishing these booklets, the image of the Hon. Speaker, Members and House has gone down very low in the eyes of the public. Publishing such derogatory remarks in the above said booklets and casting aspersions on them definitely puts an hindrance in the day-to-day discharge of their duties, and also it is a breach of privilege and contempt of the Vidhan Sabha, Hon. Speaker and the Members. These libellous reflections upon members have brought into disrepute the august body i.e the Vidhan Sabha to which they belong Having published these two booklets containing the aforesaid libels, Shri Hardwar Lal, M.L.A, has committed violation of rights and privileges of Haryana Vidhan Sabha which causes the obstruction in the performance of its functions, by diminishing the respect of the Hon. Members due to them. This specific matter is of recent occurrence and requires immediate intervention by the Hon Speaker. As a matter of proof, we are enclosing a copy of the Booklets for your perusal and necessary action. Therefore, Sir, we request you that this matter may kindly be referred to the Privilege Committee at once for examination and report.

Sd/-

Girish Chander Joshi

12-11-73.

Sd/-

Jagjit Singh

12-11-73.

APPENDIX-II

Oral Examination of Chaudhri Hardwari Lal, M.L.A. on 22-11-1973

Mr. Chairman : Mr. Hardwari Lal, I put before you two booklets named

(1) A Chief Minister Runs Amuck, printed by the Printing Promoters, 3338, 21-D, Chandigarh, and (2) Emergence of Rough and Corrupt Politics in India, printed at New Bharat Press, Karol Bagh, New Delhi. Do you admit that these booklets have been written by you and printed and circulated at your instance ?

Chaudhri Hardwari Lal : Certainly yes.

Mr. Chairman : It has been pointed out by some Members that the price as printed on the booklet "A Chief Minister Runs Amuck" was Re. 1, but now the hand-written price is Rs. 2. Is it correct that the original price of this book was Re. 1 and now it has been raised to Rs. 2 ?

Chaudhri Hardwari Lal : Yes.

Mr. Chairman : Could you please tell the Committee why has the price of this booklet been raised ?

Chaudhri Hardwari Lal : Probably the copies of the booklet had run short and so the price thereof has been raised.

Mr. Chairman : The price of the other booklet "Emergence of Rough and Corrupt Politics in India" is Rs. 5. Could you please tell the Committee the number of copies of this booklet got printed ?

Chaudhri Hardwari Lal : In the first instance I ordered for five thousand copies of the Book "A Chief Minister Runs Amuck" but got about 1,850 to 2,100 copies. I do not remember the exact number of the copies received. I ordered for 2,000 (two thousand) copies of the book "Emergence of Rough and Corrupt Politics in India", and I got about that number.

Mr. Chairman : How many of these books have been circulated ?

Chaudhri Hardwari Lal : I do not know. But I hope they have been widely circulated.

Mr. Chairman : Did you send some complimentary copies to certain individuals and to certain libraries ?

Chaudhri Hardwari Lal : I have sent some complimentary copies but I do not now remember to whom I have sent them.

Mr. Chairman : Have you given any complimentary copy to the Vidhan Sabha Library ?

Chaudhri Hardwari Lal : Yes, I have.

APPENDIX-III

Oral Examination of the Witnesses , namely, Sarvshri Girish Chander
Joshi and Jagjit Singh Tikka, M.L.As on 6-1-1975

Mr. Chairman : Mr. Joshi and Shri Tikka ji, I put before you the privilege motion which was moved by you in the House on 12th November, 1973 alleging the breach of privilege committed by Chaudhri Hardwari Lal *vide* his writings in the two booklets namely, "A Chief Minister Runs Amuck" and "Emergence of Rough and Corrupt Politics in India". Do you admit that the contents of these two books, paragraphs of which have been referred to by you in the privilege motion, constitute breach of privilege ?

Shri Joshi and Shri Jagjit Singh : Certainly, Sir.

Mr. Chairman : Do you want to produce any further evidence in support of your contention ?

Shri Joshi and Shri Jagjit Singh : The writings in the books are self contained and are evidence by itself. We do not want to produce any further evidence.

Mr. Chairman : All right, thank you.

(At this stage the witnesses withdrew.)

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