

CONFIDENTIAL



HARYANA VIDHAN SABHA

REPORT

OF THE

COMMITTEE OF PRIVILEGES

(Regarding alleged obstruction in the discharge of duties of  
Col. Rao Ram Singh, M.L.A. (Speaker, Haryana Vidhan  
Sabha by Shri D. R. Garg, Executive Engineer, P.W.D.  
(Public Health), Division, Rewari, District Mohindergarh).

HARYANA VIDHAN SABHA SECRETARIAT

JULY, 1981

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(iii)

**COMPOSITION OF THE COMMITTEE**

**(1981-82)**

1. Chaudhri Har Swarup Bura	Chairman
*2. Lala Balwant Rai Tayal	Member
3. Chaudhri Birender Singh	Member
4. Dr. Brij Mohan Gupta	Member
5. Chaudhri Jagdish Kumar Baniwal	Member
6. Chaudhri Ran Singh (Bhattu Kalan)	Member
7. Chaudhri Rajinder Singh	Member
8. Shri Surinder Singh Aujla	Member
9. Chaudhri Tek Ram	Member
10. Chaudhri Ude Singh Dalal	Member

\*Note :—Lala Balwant Rai Tayal, M.L.A. resigned from the membership of the Committee w.e.f. 3-5-81 and Chaudhri Ishwar Singh, M.L.A. was nominated in the vacancy caused by the resignation of Shri Balwant Rai Tayal, M.L.A. w.e.f. 11-5-81.

**SECRETARIAT**

1. Shri Raj Krishan	Secretary
2. Capt. S. S. Ahlawat	Deputy Secretary
3. Shri Chander Parkash	Under- Secretary

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## REPORT OF THE COMMITTEE OF PRIVILEGES

### 1. INTRODUCTION

1. I, the Acting Chairman of the Committee of Privileges, having been authorised by the Committee, submit this Report on their behalf to the Hon'ble Deputy Speaker as the House is not in Session and the last date for submitting it is 31st July, 1981.

2. On 9th April, 1981, Col. Rao Ram Singh, M.L.A. (Speaker, Haryana Vidhan Sabha) gave a notice of Breach of Privilege against Shri D.R. Garg, Xen, P.W.D. (Public Health) Rewari in regard to alleged misconduct and misbehaviour with Col. Rao Ram Singh, M.L.A. (Speaker Haryana Vidhan Sabha).

3. The matter was referred by the Deputy Speaker to the Committee of Privileges on 16th April, 1981 for examination and report. As no time was fixed by the Deputy Speaker the Committee had to submit the report within one month under Rule 272(1) of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly. The Committee could not, however, finalise the examination of this issue by the stipulated date and requested the Deputy Speaker to extend the time upto 31st July, 1981.

4. The Committee held its sittings on the 1st May, 1981, 6th May, 1981, 15th May, 1981, 21st May, 1981, 29th, 30th and 31st May, 1981, 5th June, 1981, 12th June, 1981, 25th June, 1981, 2nd July, 1981, 8th July, 1981, 13th July, 1981, 16th and 17th July, 1981 and 23rd July, 1981.

In all the Committee held 16 sittings.

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

Dated : 23-7-81

( RAN SINGH )  
Acting Chairman

## II. FACTS OF THE CASE (THE ORIGINAL COMPLAINT IS APPENDIX)

Col. Rao Ram Singh, M.L.A. (Speaker, Haryana Vidhan Sabha) representing Rewari Constituency was receiving serious complaints regarding mal-distribution of water for Rewari Town. On the 9th April about 100 to 150 people from the town came to see Col. Rao Ram Singh at Rewari with serious complaints of water shortage and of misbehaviour and callousness by the Xen, Mr. D.R. Garg. The people of the town were adamant in taking out a procession and gheraoing the Xen. Col. Rao Ram Singh, M.L.A. advised the people of the Rewari Town to be patient and called a meeting of the Administrator, Municipal Committee and Xen (Public Health) to sort out the problem of water shortage in Rewari Town at 4.00 P.M. The people of the town and the Administrator, Municipal Committee turned up at 4.00 P.M. but the Xen failed to turn up till 4.25 P.M. As Col. Rao Ram Singh had another engagement he asked his P.A. to fix the meeting at 7.00 P.M.

At 7.00 P.M. about 35 to 40 people of the town, the Administrator and the Xen turned up and the meeting was started. The behaviour of the Xen from the very beginning of the meeting was most offensive. He misbehaved not only with the public but also with the Speaker who was in the chair and finally staged a walk out from the meeting. As he was unable to explain the debacle of the water shortage in the town whilst walking away the contemner, the Xen exchanged foul words with the public which remonstrated about his misbehaviour. The Xen further remarked that what can the Speaker do, the worst he can do is to get him transferred and he himself wanted to get out of this dirty place.

### WITNESSES EXAMINED

Twenty eight prosecution witnesses appeared before the Committee and were examined on different dates i.e. on the 29th, 30th and 31st May, 1981.

Two defence witnesses appeared before the Committee and were examined by the Committee on the 12th June, 1981.

The Complainant Col. Rao Ram Singh, M.L.A. (Speaker Haryana Vidhan Sabha) was also examined by a Commission appointed by the Committee to elucidate his complaint.

## FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

The Budget Session of the Haryana Vidhan Sabha commenced on 9th March, 1981, and adjourned sine die on 28th March, 1981. The House was prorogued by the Governor on 1st April, 1981.

The Haryana Vidhan Sabha normally holds two sessions in a year—one of about 3 weeks duration termed as the Budget Session and the other one of about a week's duration in September or October of the year. It is also well-known that the legislators have to maintain close contacts with their constituents during the inter-session periods to redress their genuine grievances and to mitigate their sufferings and to act as a liaison between the Administration/Government and the electorate.

As such, Col. Rao Ram Singh (Hon. Speaker—the complainant in this case) chalked out a programme to visit the constituency after the adjournment of the House sine die on 28th March, 1981. As per tour programme the Hon'ble Speaker reached Rewari in the afternoon of 8th April, 1981. Since for the last several months the people of Rewari were undergoing acute hardship on account of the acute scarcity of drinking water in the town and they were quite agitated, on this account, Col. Rao Ram Singh, M.L.A. decided to hold a meeting of the gentry of the town with the Administrator of the Municipality and the XEN, Public Health, Rewari on 9th April, 1981 to sort out this problem. (Appendix complaint by Col. Rao Ram Singh). The then XEN, Public Health, Rewari Shri D.R. Garg did not reach Col. Rao Ram Singh's constituency office in time that is the fixed time at 4.00 p.m. and hence Col. Rao Ram Singh had left the directions with his P.A. that the XEN may be advised to see him again at 7.00 p.m. that day. At the scheduled meeting on being asked about the reasons about his being late at 4.00 p.m. the attitude of the XEN from the very out-set was not only indifferent, rude and unhelpful but, virtually amounted to insubordination and indiscipline. The XEN made sarcastic, arrogant and derogatory remarks which even an ordinary laymen would not pocket easily. Further he left the meeting unilaterally without the permission of the M.L.A. (Col. Rao Ram Singh) leading to a virtual sabotage of the water supply scheme of the Rewari Town. Col. Rao Ram Singh had convened this meeting in view of the gravity of the problem, otherwise he could have easily rung up the XEN to do the needful or asked the people to see the concerned officers.

There can also be no denying of the fact that an M.L.A. continues as such right from the declaration of the result till the dissolution of the House. As such, it can never be presumed that he sheds his M.L.A. label after the adjournment of the House sine die or during the inter-session periods. In the light of all this, it will be agreed and appreciated that Col. Rao Ram Singh, M.L.A. Rewari while on tour to that town on 9th April, 1981, was definitely and positively discharging his duties and obligation as an M.L.A. of the constituency towards his constituents.

On page 178 of the book 'Practice and Procedure of Parliament' by Kaul and Shakhder, it has been stated as under :—

"When any individual or authority disregards or attacks any of the privileges, rights and immunities, either of the members individually or of the House in its collective capacity or of its committees, the offence is termed a breach of privilege, and is punishable by the House. Besides, actions in the nature of offences against the authority or dignity of the House, such as disobedience to its legitimate orders or libels upon itself, its members or officers are also punishable, although these actions are not breaches of any specific privilege. Such actions, though often called 'breaches of privilege' are more properly distinguished as 'Contempts.'

In view of this, Shri Garg's gross misdemeanour and mis-conduct obstructing the M.L.A. of the constituency in the performance of his rightful duty towards his constituency was a breach of privilege and he is guilty of this offence.

The gross mis-conduct and insubordinative attitude of this Government servant can also be gauged from the statements particularly of Shri Prabhu Dutt, H.C.S., then Administrator, Rewari Municipality who stated as under :—

..... जब स्पीकर साहब ने कहा कि इसकी इतलाह दे दी जानी चाहिए थी तब गग साहब ने कहा मिटिंग में आते हुए मेरा एक्सीडेंट भी हो सकता है और कोई घटना भी हो सकती है जिसकी इतलाह देना सम्भव नहीं हो सकता । .....

..... तो गग साहब ने कहा कि ठीक है आगे के लिए चाहे मुझे कोई मिनिस्टर भी मिलेगा मैं तो उन से यही कहूंगा कि मुझे कर्नल साहब ने बुलाया है इसलिए मैं आपसे बात नहीं कर सकता .....

Even XEN's own defence witness Shri V.P. Tuteja, S.D.E., Public Health, Rewari also stated that :

..... गग साहब ने कहा सर, बंसी सिंह भी तो एम0 एल0 ए0 है और उनको भी मैंने उतना ही ध्यान देना है जितना कि आपको देना है। तब कर्नल साहब ने कहा कि वह तो ठीक है but you should come in time. आपको मेरे से टाईम फिक्स हुआ था। ठीक है सर, अगर ऐसी बात है तो मैं गवर्नमेंट को लिख देता हूं कि अगर कोई बी0आई0पी0 मुझे रास्ते में मिलेगा तो मैं उसे अटेंड नहीं करूंगा अगर मुझे उससे पहले कर्नल साहब ने बुलाया होगा ।

Both of them also deposed that Shri Garg left the meeting in a hush without the due permission of Col. Rao Ram Singh who had summoned him for a specific purpose. It appears from the sequence of events that took place that Mr. Garg was pre-determined to insult Col. Rao Ram Singh from the very out-set. This can also be concluded from the observations of the complainant who stated as follows before the Commission constituted by the Committee to record his statement :—

“The XEN has deliberately made a mis-statement when he says that he did not ask me for the transfer of SDOs.”

“that no useful purpose would be served by this, as the XEN had been going around Delhi and Chandigarh and spreading false, malicious and defamatory stories to the effect that I had man-handled him and beaten him up during the meeting at Rewari.”

The offence of breach of privilege against Shri D.R. Garg does not rest here. To cover up his acts of omission and Commission, Shri Garg deposed as follows :

“Then he abused me. I said, kindly do not abuse me. Then he said, you will face consequences. I became nervous.”

“मैंने कहा, सर, आप मुझे गालियां न दो। मैं क्लास—I अफसर हूँ। यहां पर पब्लिक इमेज मेरा जो बना हुआ है, वह खराब हो जायेगा।

Then he said, you will face the consequences. Then I left that place.”

Further, he referred to a letter alleged to have been written by him to his Engineer-in-Chief on 15th April, 1981, giving a background of the incident which took-place in the meeting with Col. Rao Ram Singh as also soliciting the directions of the Government in dealing with VIPs. On a detailed scrutiny and examination by the Committee, it has been conclusively proved that the letter in question had been as a matter of fact, written as an afterthought to be used as a device to cover up his guilt.

On page 214 of the book, ‘Practice and Procedure of Parliament’ by Kaul and Shakhder, it has been stated that a person held guilty of, deliberately mis-representing facts and giving false evidence before a Parliamentary Committee, was summoned to the Bar of the House and reprimanded by the Hon. Speaker, Surely, the case of Shri Garg is on all fours with the above cited case, and Shri Garg being guilty of the above offence should be produced before the Bar of the House for being reprimanded by the Hon’ble speaker.

From the very out-set, when the proceedings were initiated by the Committee in this case, Shri Garg has been adopting dilatory tactics to gain time and prolong the matter. Firstly, he asked for extension of time on 6th May, 1981, which was granted to him. Again he sought extension of time for a month on 15th May, 1981, which the Committee could not grant to him. He also sought permission to engage a Counsel which was also granted to him, but he never appeared with a counsel before the Committee, but submitted a written reply to the notice on 15th May, 1981, itself in which he challenged certain powers of the Committee..



In one paragraph, he stated that the notice served on him was not under the rules. The committee has pursued the directions issued by the Hon'ble Speaker of the Haryana Vidhan Sabha under Rule 277 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly and found that the notice served on him was in conformity with the directions issued by the Hon'ble Speaker. In the succeeding paragraph, Shri Garg stated that the Committee has no jurisdiction to start proceedings on a matter of breach of privilege straightway rather the House should take cognizance of this matter. As per rule 278 of the Rules of Procedure and Conduct of Business of the Haryana Vidhan Sabha, it has been stated that notwithstanding anything contained in this Rule, the Speaker may refer any question of privilege to the Committee of privileges for examination, investigation or report. Accordingly, the Committee holds that there is nothing wrong in the Hon'ble Deputy Speaker referring this matter to the Committee of Privileges for examination, investigation and report. Shri Garg has further stated that misbehaviour or assault with a member not connected with Parliamentary work or mere discourtesy by the police officers of the Government are not matters of privilege. The Committee fail to agree with this view-point. The Committee feels that in convening a meeting by the Hon'ble Speaker of the concerned officers to sort out the problem of scarcity of water at a specific hour, when the selected people of the town had also been invited, the Hon'ble Speaker was surely and definitely discharging his duties as a legislator of the Rewari Constituency as Parliamentary work can never be confined to the floor of the House.

To sum up, the Committee holds Shri D.R. Garg, the then XEN, P.W.D. Public Health, Rewari guilty of breach of Privilege on the following two counts.

- (i) of obstructing a legislator in the performance of his rightful duties of redressing the just and genuine grievance of the people of Rewari Town by providing them the basic need of drinking water ;
- (ii) of perjury i.e. of making a false statement before the Committee about what transpired in the meeting on 9th April, 1981, and of forging the evidence of a letter addressed to the Engineer-in-Chief with a view to cheat the Committee as a device of self-defence.

The Committee, therefore, recommends that he may be produced before the Bar of the august House for being reprimanded by the Hon'ble Speaker in the name of the House.

The Committee observes that such a case of rude, arrogant and obstinate behaviour by a Government officer is unprecedented in the annals of Indian Parliamentary democracy, where an officer had the audacity to attempt to humble and humiliate the Head of the Legislature, one of the important wings of the Government. The Committee strongly recommends that strict maximum possible action must be

taken in this case to bring the contemnor to book by recommending to the Government that besides reprimand in the House, action for initiating departmental action against him be taken so as to deter recurrence of such unprecedented and unpleasent incidents in future, lest the very functioning of Parliamentary democracy and the Parliamentary form of Government is jeopardised and is allowed to founder. The privilege of honour and prestige of the fraternity of Legislators/Parliamentarians vis-a-vis bureaucracy all over the universe in general and in India in particular is in peril and at stake, which must be guarded with all vigour and zeal.

- |                                     |                          |
|-------------------------------------|--------------------------|
| 1. Sd./-Ran Singh (Acting Chairman) | 5. Sd./-Tek Ram          |
| 23-7-81.                            |                          |
| 2. Sd./-Ude Singh Dalal             | 6. Sd./-Brij Mohan Gupta |
| 3. Sd./-Jagdish Kumar Beniwal       | 7. Sd./-Rajinder Singh   |
| 4. Sd./-Surinder Singh Aujla        | 8. Sd./-Birender Singh   |

## APPENDIX

Since the last two or three months I have been receiving serious complaints regarding mal-distribution of water for Rewari Town. The Executive Engineer, P.W.D. (P.H.) has always been telling me that he was unable to do anything as none of his S.D.Os. worked according to his instructions. He assured me that plenty of water is available and if the present S.D.Os. could be changed he will make sure that adequate water is available. I had discussed this serious problem with S. Lachhman Singh, Minister of Public Health and he very kindly agreed and immediately changed two of the S.D.Os. as requested by the XEN. However, there was no improvement in the water supply position whatsoever.

Today, on the morning of 9th April approximately 100 to 150 people from the town came to see me at Rewari with serious complaints of water shortage and of mis-behaviour and callousness by the XEN, Mr. Garg. They were adamant in taking out a procession and gheraoing the XEN. However, I talked to them to be patient and called a meeting of the Administrator, Municipal Committee, Rewari and the Executive Engineer (P.H.) and also asked the people of the town to send 10 to 15 representatives to explain their grievances. The meeting was called by me for 4.00 P.M. The people of the town and the Administrator, Municipal Committee turned up at 4.00 p.m. but the XEN failed to turn up. I waited till 4.25 p.m. and then as I had another engagement, I asked my P.A. to fix the meeting for 7.00 p.m.

At 7.00 p.m. about 35 to 40 people of the town, the Administrator and the Executive Engineer turned up and the meeting was started. The Executive Engineer's behaviour from the very beginning of the meeting was most offensive. He misbehaved not only with the public but also with myself who was in the chair and finally staged a walk out from the meeting as he was unable to explain the debacle of the water shortage in the town. Whilst walking away the XEN exchanged foul words with the public, who remonstrated about this mis-behaviour. He further remarked that what can the Speaker do, the worst he can do is to get me transferred and I myself want to get out of this dirty place.

I consider this to be a gross mis-conduct on the part of the official. The official mis-behaved not only with the public but with myself the elected representative of the constituency and this too in the performance of my duty on persistent public complaints. I am of the opinion that this matter should be referred to the Privilege Committee. A list of the permanent citizens of Rewari who witnessed the whole incident, is also enclosed.

As the matter concerns a breach of privilege, as an MLA of the Area, I would like the question of its admissibility to be put up not to me but to the Hon'ble Deputy Speaker for a decision.

Sd/- (Col. Rao Ram Singh)  
Speaker. (9-4-81)

**LIST OF CITIZENS OF REWARI-WHO WITNESSED THE  
- INCIDENT -**

1. Master Hanuman Dass, Chawdhariwara, Rewari.
2. Sh. Ghansham Dass Gupta, Chawdhariwara, Rewari.
3. Sh. Radha Krishan, Cycle Merchant, Gokal Gate, Rewari.
4. Sh. Kanhiyalal Bodwal, Ex-M.L.A., Rewari.
5. Sh. Gyanendra Singh Saini, Tej Ram & Sons, Rewari.
6. Sh. Kishan Lal Saini s/o Sh. Mohan Lal, Balluwara, Rewari.
7. Sh. Mangal Singh, Advocate, Rewari.
8. Sh. Vijay Kumar Yadav s/o Sh. Muthra Dass, Moh: Bas Sital Rai, Rewari.
9. Sh. Mahabir Parsad Sharma, Arya Samaj Road, Rewari.
10. Sh. Ramesh Chand s/o Pt. Chiranji Lal, Moh : Rambass, Near Bharawas Gate, Rewari.
11. The Administrator, Municipal Committee, Rewari.
12. Rao Bhom Singh c/o Rao Cycle Store, Bharawas Gate, Rewari.
13. Sh. Banwari Lal, Director, Coop. Stores, Rewari.
14. Sh. Arjan s/o Sh. Banwari Lal, Moh : Balluwara, Rewari.
15. Sh. Banwari Lal c/o Dayal Tent House, Rewari.
16. Sh. Chandan Singh s/o Sh. Mohan Lal, Moh : Balluwara, Rewari.
17. Sh. Jitender s/o Sh. Chakarvarty, Moh : Balluwara, Rewari.
18. Sh. Pyare Lal c/o Ahuja Tent House, Rewari.
19. Sh. Kashmiri Lal Khanna c/o New Sabzi Mandi, Rewari.
20. Sh. Roshan Lal, President, Congress (I), Rewari City.
21. Sh. K.R. Khurana, Old Anaj Mandi, Rewari.
22. Sh. Ghanshyam c/o Bartan Bhandar, Moti Chowk, Rewari.
23. Sh. Dev Datt c/o Cement Pipe Factory, Bawal Road, Rewari.
24. Sh. Maman Singh Khatik, Maharwara, Dharuhera Gate, Rewari.
25. Sh. Udai Bhan, Grain Merchant, New Anaj Mandi, Rewari.
26. Sh. Keshav Ram Gupta c/o Gupta High School, Gokal Gate, Rewari.
27. Sh. Roshan Lal, Cloth Merchant, Old Anaj Mandi, Rewari.
28. Sh. Sher Singh c/o Krishi Sansar, Railway Road, Rewari.
29. Sh. Dayal Dass c/o Dayal Spare Parts, Gokal Gate, Rewari.
30. Sh. Sujan Singh Pardesi, Railway Road, Rewari.

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