

# COMMITTEE OF PRIVILEGES

## SECOND REPORT

(THIRD LOK SABHA)

(Laid on the Table on the 30th August, 1965)



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NEW DELHI

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# PERSONNEL OF THE COMMITTEE OF PRIVILEGES

## CHAIRMAN

Shri S. V. Krishnamoorthy Rao

## MEMBERS

2. Shri N. C. Chatterjee
3. Shri Sachindra Chaudhuri
4. Shri P. K. Ghosh
5. Sardar Kapur Singh
6. Shri Nihar Ranjan Laskar
7. Shri H. N. Mukerjee
8. Shri V. C. Parashar
9. Shri Purushottamdas R. Patel
10. Shri Shivram Rango Rane
11. Shrimati Yashoda Reddy
12. Shri Asoke K. Sen
13. Shri Satya Narayan Sinha
14. Shri Sumat Prasad
15. Shri Indulal Kanaiyalal Yajnik.

## SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

# SECOND REPORT OF THE COMMITTEE OF PRIVILEGES

(THIRD LOK SABHA)

## I. Introduction and Procedure

I, the Chairman of the Committee of Privileges, having been authorised to submit the report on their behalf, submit this report regarding the request from Shri Om Prakash Sharma, Local Commissioner, Punjab High Court, for permission to examine the Secretary, Lok Sabha, on Commission and also to examine certain records of Lok Sabha, in a case styled as *Jagannath Bajaj Vs. Firm Jamuna Devi*, pending in the Court of the District and Sessions Judge, Bikaner.

The matter was referred to the Committee by the Speaker on the 11th August, 1965 under rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha (Fifth Edition).

2. The Committee held two sittings.

3. At the first sitting held on the 24th August, 1965, the Committee considered the matter and came to their conclusions.

4. At the second sitting held on the 26th August, 1965, the Committee considered their draft report and adopted it.

## II. Facts of the case

5. Shri Om Prakash Sharma, Local Commissioner, Punjab High Court, has written to the Lok Sabha Secretariat that he has been appointed a Local Commissioner by the District and Sessions Judge, Delhi, to examine the Secretary, Lok Sabha, on Commission as a witness and also to examine certain records of Lok Sabha, in a case styled as *Jagannath Bajaj Vs. Firm Jamuna Devi*, pending in the Court of the District and Sessions Judge, Bikaner.

The factual information regarding the case *Jagannath Bajaj Vs. Firm Jamuna Devi*, as furnished by Shri Om Prakash Sharma, Local Commissioner, in his letter dated the 6th August, 1965, is reproduced below:—

“Shri Jagannath Bajaj Plaintiff filed a suit No. 10 of 1960 for the recovery of Rs. 27,440/- 35 Paise against Smt. Jamunadevi daughter of Shri Pannalal Barupal, M.P. and others on the basis of a promissory note and a receipt dated 11-4-60

alleged to be executed by Smt. Jamunadevi. Smt. Jamunadevi filed the written statement denying the execution of the said promissory note and the receipt of money. The plaintiff produced witnesses to prove his allegations. The witnesses stated that the promissory note and receipts were written and signed by Smt. Jamunadevi in the presence of Shri Pannalal Barupal on 11-4-60. One witness Shri Kodanath stated that he attested the alleged receipt on 11-4-60 on being called by Shri Pannalal Barupal. Smt. Jamuna filed an affidavit stating that Shri Pannalal was not present on 11-4-60 in Bikaner and he attended Lok Sabha on 11-4-60 and signed the attendance register maintained in the Lok Sabha. He got daily allowance for 11-4-60 from Lok Sabha. In support of these allegations she filed the letters\* dated 17-9-64 and 6-10-64 from the Deputy Secretary of the Lok Sabha. Smt. Jamunadevi wants to rebut the evidence of the plaintiff by proving that Shri Pannalal Barupal was not present in Bikaner on 11-4-60. In this connection she has requested the court to examine the Secretary, Lok Sabha, on commission for the purpose as stated above and to get produced the documents.

\* The documents are required to be produced in rebuttal to show that Shri Pannalal Barupal was present on 11-4-60 in the Lok Sabha, New Delhi."

6. It may be mentioned that Shri Pannalal Barupal, M.P., in his letter dated the 8th September, 1964, had requested the Lok Sabha Secretariat to send him "certified copies of the attendance record (of Lok Sabha) for the month of April, the Division photo and my attendance (in Lok Sabha) on the 11th and 12th April, 1960" so that he might be able "to reveal the true facts of this false suit."

In reply, Shri Pannalal Barupal, M.P., was informed (*vide* Lok Sabha Secretariat letter No. 21/7/2/64/T, dated the 17th September, 1964) as follows:—

".....the records of this Secretariat show that you signed the Attendance Register of Members of Lok Sabha both on the 11th and 12th April, 1960.

As regards the photo of the Division held on the 12th April, 1960, I am to state that the information contained therein is available in c. 11335 of the printed Debates of the day."

7. Shri Pannalal Barupal, M.P., subsequently requested the Lok Sabha Secretariat, in his letter dated the 2nd October, 1964, to send him "a certified and stamped statement of the D.A. and T.A. drawn

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\*See paras 6 and 7 *et seq.*

by me for the 10th, 11th and 12th April, 1960, in accordance with my attendance in Lok Sabha on those three dates only", so that he might get himself "freed from this false suit".

In reply, Shri Panna Lal Barupal, M.P., was informed (*vide* Lok Sabha Secretariat letter PF. No. 358-MSA/64, dated the 6th October, 1964) as follows:—

".....You have been paid daily allowance for 10th to 12th April, 1960 *vide* Bill No. 3065, dated 29-4-60 for Rs. 588 (net)."

8. From the copy of the interrogatories (issued by the District Judge, Bikaner, to examine the Secretary, Lok Sabha), furnished by Shri Om Prakash Sharma, Local Commissioner, it appears that the following records of Lok Sabha would be required to be produced before the Local Commissioner:—

- (1) Attendance Register of Members of Lok Sabha in which the attendance of the members on the 11th and 12th April, 1960, is marked and signed by the individual members of Lok Sabha.
- (2) The register and records showing the daily allowance given to Shri Pannalal Barupal, M.P., for 11th and 12th April, 1960.

### III. Recommendations of the Committee

9. The Committee of Privileges in para. 10 of their First Report (Second Lok Sabha), adopted by the House on the 13th September, 1957, had recommended that :

"When a request is received during sessions for producing in a Court of Law, a document connected with the proceedings of the House or Committees or which is in the custody of the Secretary of the House, the case may be referred by the Speaker to the Committee of Privileges. On a report from the Committee, a motion may be moved in the House by the Chairman or a member of the Committee to the effect that the House agrees with the report and further action should be taken in accordance with the decision of the House."

10. The Committee recommend that in the present case, the Speaker may, with the permission of the House, authorise the Secretary to designate an Officer/Officers of the Lok Sabha Secretariat, to produce the records of Lok Sabha mentioned in para. 8

above, and to give certified copies of the relevant extracts thereof, if so required, and also to answer relevant interrogatories, before the Local Commissioner appointed by the Court in the case, in a room in the Parliament House.

NEW DELHI;  
*The 26th August, 1965.*

S. V. KRISHNAMOORTHY RAO,  
*Chairman,*  
*Committee of Privileges.*

# MINUTES

## I

### First Sitting

*New Delhi, Tuesday, the 24th August, 1965.*

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The Committee met from 16.00 to 16.25 hrs.

#### PRESENT

#### CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

#### MEMBERS

- (2) Shri Nihar Ranjan Laskar
- (3) Shri H. N. Mukerjee
- (4) Shri V. C. Parashar
- (5) Shri Purushottamdas R. Patel
- (6) Shri Shivram Rango Rane
- (7) Shrimati Yashoda Reddy
- (8) Shri Sumat Prasad

#### SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered the request from Shri Om Prakash Sharma, Local Commissioner, Punjab High Court, for permission to examine Secretary, Lok Sabha, on Commission and also to examine certain records of Lok Sabha, in a case styled as *Jagannath Bajaj Vs. Firm Jamuna Devi*, pending in the Court of the District and Sessions Judge, Bikaner.

3. The Committee decided to recommend that the Speaker may, with the permission of the House, authorise the Secretary to designate an Officer/Officers of the Lok Sabha Secretariat to produce the



relevant records of Lok Sabha and to answer relevant interrogatories before the Local Commissioner appointed by the Court in the case, in a room in the Parliament House.

4. The Committee decided to meet again on Thursday, the 26th August, 1965, at 16.00 hours to consider their draft report.

*The Committee then adjourned.*

## II

### Second Sitting

*New Delhi, Thursday, the 26th August, 1965.*

The Committee met from 16-00 to 16-05 hours.

#### PRESENT

#### CHAIRMAN

Shri S. V. Krishnamoorthy Rao

#### MEMBERS

- (2) Shri P. K. Ghosh
- (3) Shri Nihar Ranjan Laskar
- (4) Shri V. C. Parashar
- (5) Shri Purushottamdas R. Patel
- (6) Shri Shivram Rango Rane
- (7) Shri Sumat Prasad.

#### SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered their draft report and adopted it.

3. The Committee authorised the Chairman to submit their report to the Speaker and to recommend that it may be laid on the Table of the House.

*The Committee then adjourned sine die.*



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