

COMMITTEE OF PRIVILEGES
THIRD REPORT
(Second Lok Sabha)

(Laid on the Table on the 24th April, 1958)



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LOK SABHA SECRETARIAT
NEW DELHI

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES

1. Sardar Hukam Singh—*Chairman*.
 2. Shri Satya Narayan Sinha
 3. Shri Asoke K. Sen
 4. Pandit Munishwar Dutt Uppadhyay
 5. Dr. P. Subbarayan
 6. Shri Nemi Chandra Kasliwal
 7. Shrimati Jayaben Vajubhai Shah
 8. Shri N. M. Wadiwa
 9. Shri Sarangadhara Sinha
 10. Shri Shivram Rango Rane
 11. Shri Hirendra Nath Mukerjee
 12. Shri Indulal Kanaiyalal Yajnik
 13. Shri Bimal Comar Ghose
 14. Shri Shraddhakar Supakar
 15. Shri Hoover Hynniewta.
- } **Members**

SECRETARIAT

1. Shri S. L. Shakhder—*Joint Secretary*.
2. Shri Avtar Singh Rikhy—*Deputy Secretary*.

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**THIRD REPORT* OF THE COMMITTEE OF PRIVILEGES
(SECOND LOK SABHA)**

I. Introduction

I, the Chairman of the Committee of Privileges, submit this report to the Speaker in the following case, which was referred, under rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha (Fifth Edition), to the Committee by the Speaker on the 21st April, 1958:

The Secretary of the Bombay Legislature Department, in his letter† No. 7436/Com. dated the 16th April, 1958 requested the Speaker to permit Shri L. V. Valvi, Member, Lok Sabha, to appear as a witness before the Committee of Privileges of the Bombay Legislative Assembly, at their sitting to be held on the 23rd April, 1958, at 10 A.M. in the Council Hall, Bombay.

The Secretary of the Bombay Legislature Department was, however, informed telegraphically that the Speaker had referred the matter to the Committee of Privileges of Lok Sabha and that the decision of Lok Sabha in the matter would be communicated to him as soon as it was reached.

2. The evidence of Shri L. V. Valvi, M.P. is required by the Committee of Privileges of the Bombay Legislative Assembly in connection with a question of breach of privilege in that Assembly arising out of the alleged failure on the part of police authorities in Bombay State to intimate to the Speaker about the fact of arrest of Dr. R. B. Chaudhari, M.L.A., on the 13th February, 1958, at Vadjai Village in Dhulia Taluka of West Khandesh District.

II. Facts of the Case

3. The brief facts of the case in which Shri Valvi's evidence is required by the Committee of Privileges of the Bombay Legislative Assembly are as follows:

On the 15th March, 1958, Shri V. D. Despande, M.L.A., while raising a question of privilege in the Bombay Legislative Assembly, alleged that the police authorities had not sent any intimation to the Speaker about the arrest of Dr. R. B. Chaudhari, M.L.A., on the

*Adopted by Lok Sabha on the 25th April, 1958.

†See Appendix

13th February, 1958. He cited the name of Shri Valvi, M.P., among others, as having been present at the time of the arrest of Dr. R. B. Chaudhari. The Speaker observed that he would ask the police authorities to give an explanation as to why the necessary intimation about the arrest of Dr. Chaudhari had not been communicated to him. On the 8th April, 1958, the Speaker informed the House that the police authorities had denied the fact of the arrest of Dr. Chaudhari. He then referred the matter to the Committee of Privileges for examination and report.

4. The Secretary of the Bombay Legislature Department in his letter stated that Shri Valvi, M.P., had agreed to appear before the Committee of Privileges of the Bombay Legislative Assembly to tender his evidence.

III. Findings of the Committee

5. According to May's Parliamentary Practice, "attending as a witness before the other House or any Committee thereof without the leave of the House of which he is a member or officer" would be regarded as a contempt of the House. (May's, 16th Edition, p. 117).

In all such cases, therefore, permission of the House is necessary before a member of the House can appear as a witness before the other House or a committee thereof.

6. The procedure to be followed in such cases in the United Kingdom, has been described by May as under:

"If the attendance of a Peer should be desired, to give evidence before the House, or any Committee of the House of Commons, the House sends a message to the Lords, to request their lordships to give leave to the Peer in question to attend as a witness before the House or Committee, as the case may be. If the Peer should be in his place when this message is received, and he consents, leave is immediately given for him to be examined, his lordship consenting thereto; if the Peer be not present, the House gives leave for his lordship to attend 'If he think fit.' Exactly the same form is observed by the Lords, when they desire the attendance of a member of the House of Commons....."

Whenever the attendance of a member of the other House is desired by a Committee, it is advisable to give him private intimation, and to learn that he is willing to attend, before a message is sent to request his attendance."

IV. Recommendations of the Committee

7. The procedure that may be followed in Lok Sabha for granting permission to a member to appear before the other House or another Legislature or a committee thereof, to tender evidence, has not so far been laid down.

8. The Committee consider that as in the present case the Secretary, Privileges Committee of the Bombay Legislative Assembly, has formally requested the Speaker, Lok Sabha, to permit Shri L. V. Valvi, M.P. to tender evidence before the Committee of Privileges of the Bombay Legislative Assembly, Shri Valvi may be permitted to appear before that Committee if he thinks fit.

NEW DELHI;

The 24th April, 1958.

HUKAM SINGH,
Chairman.
Committee of Privileges.

MINUTES**I****FIRST SITTING**

New Delhi, Wednesday, the 23rd April, 1958

The Committee met from 15·30 to 16·05 hours.

PRESENT

- | | |
|--|------------------|
| 1. Sardar Hukam Singh— <i>Chairman</i> | |
| 2. Shri Asoke K. Sen | } <i>Members</i> |
| 3. Dr. P. Subbarayan | |
| 4. Shri Nemi Chandra Kasliwal | |
| 5. Shri N. M. Wadiwa | |
| 6. Shri Shivram Rango Rane | |
| 7. Shri Hirendra Nath Mukerjee | |
| 8. Shri Indulal Kanaiyalal Yajnik | |
| 9. Shri Bimal Comar Ghose | |
| 10. Shri Shraddhakar Supakar. | |

SECRETARIAT

Shri Avtar Singh Rikhy—*Deputy Secretary.*

2. The Committee considered the request of the Secretary, Bombay Legislature for granting permission to Shri L. V. Valvi, Member, Lok Sabha, to appear as a witness before the Committee of Privileges of the Bombay Legislative Assembly.

3. The Committee decided to recommend that in the present case, Shri L. V. Valvi, M.P., might be permitted to appear as a witness before the Committee of Privileges of the Bombay Legislative Assembly, if he thinks fit.

4. The Committee felt that the question of evolving a procedure in such matters might be examined in greater detail and the opinion of the Attorney General of India be taken in the matter, if necessary.

5. The Committee then adjourned to meet again at 10·50 hours on Thursday, the 24th April, 1958, to consider the Draft Report.

SECOND SITTING

New Delhi, Thursday the 24th April, 1958.

The Committee met from 10·50 to 10·55 hours.

PRESENT

1. Sardar Hukam Singh—*Chairman*
 2. Shri Asoke K. Sen
 3. Dr. P. Subbarayan
 4. Shri Nemi Chandra Kasliwal
 5. Shri N. M. Wadiwa
 6. Shri Shivram Rango Rane
 7. Shri Indulal Kanaiyalal Yajnik
 8. Shri Shraddhakar Supakar.
- } *Members*

SECRETARIAT

Shri Avtar Singh Rikhy—*Deputy Secretary.*

2. The Committee considered the Draft Report and adopted it.

The Committee then adjourned sine die.

APPENDIX

(See para 1 of Report)

No. 7436/Com.

Bombay Legislature Department,
Council Hall,
Bombay, 16th April, 1958.

From

The Secretary,
Bombay Legislature Department.

To

The Speaker,
Lok Sabha, Parliament House,
New Delhi.

SUBJECT:—*Committee of Privileges—Dr. Chaudhari's arrest—
failure to intimate to the Speaker—evidence of Shri
L. V. Valvi, M.P.*

Sir,

I am directed to state that the Speaker has referred to the Committee of Privileges of the Bombay Legislative Assembly the question of breach of privilege arising out of the alleged failure on the part of Police to intimate to him the fact of arrest of Dr. R. B. Chaudhari, M.L.A., on 13th February, 1958 at Vadjai village in Dhulia Taluka of West Khandesh District.

The Committee has decided to examine Shri L. V. Valvi, M.P., as a witness in the matter and he has agreed to appear before the Committee to tender his evidence. A copy of the letter* addressed to Shri L. V. Valvi, M.P., is enclosed for your information.

I am, therefore, directed to request you kindly to permit Shri L. V. Valvi, M.P. to tender his evidence in the matter at the meeting of the Committee to be held at 10 A.M. on Wednesday, 23rd April, 1958, in the Council Hall, Bombay.

Yours faithfully,

Sd/-

(S. H. BELAVADI),

Secretary.

Bombay Legislature Department,
and
The Privileges Committee.

* See enclosure.

ENCLOSURE TO APPENDIX

No. 7380/Com.
Bombay Legislature Department,
Council Hall,
Bombay, 15th April, 1958.

From

The Secretary,
Bombay Legislature Department.

To

Shri L. V. Valvi, Member of Parliament, 31-A. South Avenue,
New Delhi.

SUBJECT: *Committee of Privileges—Dr. Chaudhari's arrest—
failure to intimate to the Speaker—evidence to be
tendered before the Committee.*

Sir,

In continuation of this Department letter No. 7092/Com. dated 10th April, 1958, I am to inform you that the Committee in its meeting held on 15th April, 1958 decided to examine you as a witness in the meeting of the Committee to be held at 10 A.M. on Wednesday, the 23rd April, 1958 in the Council Hall, Bombay.

I am, therefore, directed by the Chairman of the Committee to request you to attend the meeting of the Committee at the time and date as given above to tender your evidence in the matter.

Yours faithfully,

Sd/-
(M. J. TAMANE)
for Secretary,
Bombay Legislature Department.