

COMMITTEE OF PRIVILEGES  
(SEVENTEENTH LOK SABHA)

1

FIRST REPORT

Notice of question of privilege dated 25 November, 2019 given by Shri H. Vasanthakumar, MP for alleged non-intimation of his detention on 21.10.2019 by Police Authorities of Tirunelveli to the Speaker, Lok Sabha.

[Presented to the Speaker, Lok Sabha on *26* December, 2020]

[Laid on the Table on *05 February*, 2021]

AUTHENTICATED



LOK SABHA SECRETARIAT

NEW DELHI

....., 2021 / ....., 1942 (Saka)

*Book*  
Chairperson  
Committee of Privileges

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**COMPOSITION OF THE COMMITTEE OF PRIVILEGES  
(2019-2020)**

**Shri Sunil Kumar Singh - Chairperson**

**MEMBERS**

2. Shri T.R. Baalu
3. Shri Kalyan Banerjee
4. Shri Raju Bista
5. Shri Dilip Ghosh
6. Shri Chandra Prakash Joshi
7. Shri Naranbhai Bhikhabhai Kachhadiya
8. Shri Suresh Kodikunnil
9. Shri Meenakashi Lekhi
10. Shri Omprakash Bhupalsinh *alias* Pawan Rajenimbalkar
11. Shri Talari Rangaiah
12. Shri Achyutananda Samanta
13. Shri Janardan Singh Sigriwal
14. Shri Prathap Simha
15. Shri Ganesh Singh

**Secretariat**

- |    |                          |   |                     |
|----|--------------------------|---|---------------------|
| 1. | Shri P.C. Tripathy       | - | Joint Secretary     |
| 2. | Shri Raju Srivastava     | - | Director            |
| 3. | Shri Surya Ranjan Mishra | - | Additional Director |
| 4. | Shri Bala Guru G.        | - | Deputy Secretary    |
| 5. | Dr. Faiz Ahmad           | - | Legislative Officer |

**FIRST REPORT OF COMMITTEE OF PRIVILEGES**  
**(SEVENTEENTH LOK SABHA)**

**I. Introduction and Procedure**

I, the Chairperson, Committee of Privileges, having been authorised by the Committee to submit the report on their behalf, present this First Report to the Speaker, Lok Sabha on the question of privilege dated 25 November, 2019 given by Shri H. Vasanthakumar, M.P<sup>1</sup>, for alleged non-intimation of his detention on 21 October, 2019 by the Police Authorities of Tirunelveli, Tamil Nadu to the Hon'ble Speaker, Lok Sabha.

2. The Committee, in all, held five sittings in the matter. The minutes of these sittings form part of the Report and are appended hereto.
3. The Committee at their sitting held on 5 March, 2020 considered the Memorandum on the subject and also decided to hear Shri H. Vasanthakumar, M.P., in the first instance.
4. At their second sitting held on 17 March, 2020, the Committee examined Shri H. Vasanthakumar, M.P.
5. The Committee at their third sitting held on 11 August, 2020, examined Shri Arun Sakthi Kumar, the then Superintendent of Police, Tirunelveli, Shri Elangovan, the then Deputy Superintendent of Police and in-charge of the Nanguneri Sub-Division Police Station, Shri Sabapathy, Inspector and in-charge of Nanguneri Police Station and Ms. Markret Thresa, Sub-Inspector, Nanguneri Police Station.
6. At their fourth sitting held on 28 August, 2020, the Committee directed the Secretariat to prepare the draft report in the matter for consideration of the Committee.
7. At their fifth sitting held on 24 September, 2020, the Committee considered the draft report and after some deliberations adopted the same. The Committee, then, authorised the Chairperson to finalise the report and present the same to the Speaker, Lok Sabha and thereafter, to lay it on the Table of the House.

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<sup>1</sup> As intimated *vide* Notification dated 2 September 2020, Shri H. Vasanthakumar, Member of Parliament, Lok Sabha passed away on 28 August 2020.

## II. Facts of the Case

8. Shri H. Vasanthakumar, M.P., *vide* his above notice had alleged breach of his privilege for alleged non-intimation of his detention on 21 October, 2019 by the Police Authorities of Tirunelveli, Tamil Nadu to the Speaker, Lok Sabha.

9. The member stated that on 21 October, 2019, he was on his way to his constituency (from Tirunelveli to Nagercoil) but was detained by the local Deputy Superintendent of Police and Sub-Inspector of Police, Tirunelveli and a case was registered at 1420 hours u/s. 143, 171H of Indian Penal Code read with Section 130 of RP Act, 1951 in case CR. No. 369/19. However, the member alleged that the fact of his detention had not been intimated by the District Authorities concerned to the Office of Hon'ble Speaker as required under Rule 229 of the Rules of Procedure and Conduct of Business in Lok Sabha which is an explicit breach of privilege of the House.

The Member further alleged that the Officers concerned prevented him from carrying out his official work for his constituency and acted against the law and procedure, thereby, breaching his privilege. The member also enclosed a copy of the unsigned FIR with his notice.

10. As per available records, it was found that no intimation regarding the member's detention by the Police Authorities of Tirunelveli, Tamil Nadu had been received. Hence, it appeared that the provisions contained in Rules 229 and 230 of the Rules of Procedure and Conduct of Business in Lok Sabha had not been complied with in the instant case.

11. In exercise of powers under Rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha, Hon'ble Speaker *vide* his order dated 10 February, 2020 referred the matter to the Committee of Privileges, for examination, investigation and Report.

## III. Evidence

### **Evidence of Shri H. Vasanthakumar, M.P.**

12. During his evidence before the Committee on 17 March, 2020, Shri H. Vasanthakumar *inter alia* stated as under:-

*"Sir, on 21.10.2019 I was in Tirunelveli and I was going towards my constituency in Nagercoil. The by-election was held on that day. There are three ways available from Tirunelveli to Nagercoil. One is through Nanguneri, the other is through Moolakaraipatty area and the third one is through Kalakadu. There is no other way to reach Nagercoil. So, I was approaching to reach Nanguneri via Kalakadu to Nagercoil. In the meantime, the DSP stopped me and arrested me and brought me to the Police Station. He also detained me in the Police Station from 12'o clock to around 5'o clock. That day, they did not explain anything to me. That is what happened."*

13. On being asked whether he could apprise the Committee about his specific grievances which resulted in his Privilege Notice, the member stated as under:-

*"Sir, When I was approaching my own constituency, these people stopped me from doing work in my constituency. They also detained me illegally in the police station for four to five hours. So, people also were thinking why Vasanthakumar was arrested, whether it was for election or for default in anything because the people did not know the reason. The police personnel also filed the FIR after nearly 2-3 hours. At around 7 PM or 8 PM, they had given the FIR that I was crossing the place where elections were conducted. But there was no other way to reach my constituency of Nagercoil."*

14. On being asked whether he knew who were the officers responsible for non-intimation of information of his arrest to the office of the Speaker, he replied as under:-

*"I do not know that. The DSP should inform the Hon'ble Speaker. I do not know whether he informed the Hon'ble Speaker or not. But they did not tell anything about that information to the Hon'ble Speaker also."*

15. When further asked as to whether the DSP was alone or he was with some other officers and whether he met or spoke to any other higher officer regarding the non-intimation of fact of his arrest to the office of the Speaker, he replied as under:-

*"The DSP was there with two constables".*

16. On being asked whether he informed the Speaker in this regard, he stated that -

*"Yes, I have informed the Hon'ble Speaker."*

17. When asked whether he had asked the police officers for the reason of his arrest, he stated as under:-

*"When he arrested me, I raised the question, but the police officer did not reveal anything. He was just smiling and he told me to come and sit in the police station. After that, he informed me that he arrested me because there was a by-election in that area and I am disturbing the election. So, then only I came to know that they arrested me only because of the election."*

18. On being asked whether he had shown his ID card to the police officer identifying himself as a Member of Parliament and whether they enquired about his ID card, he replied that -

*"I did not show my ID card but I told them that I am Member of Parliament from Kanyakumari and it is on the way to my constituency. They did not enquire anything."*

19. On being asked whether the campaigning was going on that day, he stated as under:-

*"No, election was going on. It was polling day."*

20. When asked whether he stopped at any polling booth, he replied that -

*"On the main road, there is no polling booth. I was going on the State Highway. Up to Nanguneri, it is National Highways and then it is State Highway. I never stopped anywhere. I went straightaway."*

21. On being queried that if his car was not stopped anywhere, how the officials acted the way they did, he replied as under:-

*"They had received information that Vasanthakumar is passing on that way when the election was going on. So, they rushed and they asked me to stop and they arrested me. They forcibly stopped my car."*

22. When asked as to how long did the officials detained him under arrest and whether they registered any case and provided food, water etc., he stated as under:-

*"It was for nearly five hours. Yes, they registered a case."*

**Evidence of Shri Arun Sakthi Kumar, the then Superintendent of Police, Tirunelveli and other officials concerned**

23. During his evidence before the Committee held on 11 August, 2020, Shri Arun Sakthi Kumar, the then Superintendent of Police submitted as follows:-

*"Firstly, as regards prior communications being sent and no proper reply being sent from our side in Tamil Nadu, no communication seeking explanation has been received. Only day before yesterday, we received the communication of Hon'ble Chairman asking us to appear before the Committee. Otherwise, we are very much obliging the Hon'ble Committee as well as the Constitution of India. If any communication comes to our notice, we would have sent the same immediately. Regarding the delay in sending information of the arrest, the arrest was made on 21 October, 2019. Fax was sent on 25 October, 2019. Pardon me for the delay, if there is any delay. It was a bye-election.*

*Sir, it was a highly political and sensitive area, Nanguneri. All of us were dealing with the issue. There were small issues. Where results were declared, it was a very sensitive time. We were engaged in the activities. After that, we prepared a note and sent the same on 25 October, 2019. If the Hon'ble Chairperson and Members feel that we have made any mistake, kindly pardon us. We seek apologies for the same. We have sent all the communications. Due to the law and order situation, It took four days."*

24. On being asked about the reasons for arrest/detention of the Member of Parliament, the witness stated as under:-

*"With regard to the arrest, Hon'ble Member of Parliament was arrested not on the way to his constituency, it was actually an interior place in the bye-election constituency. In that interior place, the Hon'ble MP was showing a symbol and campaigning near the booth area along with five persons, which is prohibited,. As a result, a case was registered under Sections 143, 171H of IPC read with Section 131 of the Representation of the Peoples Act, 1951, after I got the call stating that Hon'ble Member of Parliament was arrested and taken to the police station. During inquiry also, Hon'ble Member of Parliament was given a comfortable chair; there was no bar for the Hon'ble Member of Parliament, who was speaking very comfortably. Water was provided to him. We have even offered snacks to the Hon'ble Member of Parliament. We have ensured that the Hon'ble Member of Parliament is not inconvenienced as he has been elected by the people as their representative. We have given utmost care while dealing with the Hon'ble Member of Parliament. After three or four hours, we have released him on bail. Hon'ble Member of Parliament was given respite near the police station itself. At that time also, Hon'ble Member of Parliament was very comfortable. We have given respite to his supporters also. There is no laxity on the part of police officers."*

25. When Shri Elangovan, the Deputy Superintendent of Police was asked whether he was there when the member was arrested, he replied that -



*"Pardon me Sir. Shri Sabapathy, Inspector, and in-charge of Nanguneri police station is the one who has arrested the Hon'ble Member of Parliament."*

26. On being asked why he arrested the member, Shri Sabapathy replied that -

*"Sir, he had visited all the polling booths. Election Special Squad officers lodged a complaint. As per the complaint, a case was registered. We asked the Hon'ble Member of Parliament to come to the police station. Otherwise, law and order problem would have arisen. So, I called him to the Police Station."*

27. On being asked what he had to say about the allegation of Shri H. Vasanthakumar, Member of Parliament that he was arrested on 21 October, 2019 on the ground that he was disturbing a bye-election at that time in that area and his further clarification that he was not even canvassing for the bye-elections but he was merely proceeding from Nagercoil via Odukoor, Shri Elangovan replied as under:-

*"Sir, on the day of polling, he was inside the Nanguneri constituency. From the Tirunelveli to Nanguneri road, a complaint was given to the police station; a case was registered. I received the information that he was canvassing in the booth areas. Then, I went to the area and requested him by saying, Sir, today is the polling day. You are away from the constituency, and you are canvassing today, which is a polling day... If a law and order problem was created, many problems might have been created at that time. They were requested to come to the police station, then the inspector arrested him."*

28. When asked to explain the background facts leading to arrest of the Member, the Superintendent of Police replied as under:-

*"The complaint was given by Shri John Gabriel, Election Officer, Flying Squad Team-3. He is the Sub-Registrar of the Cooperative Society, Tenkasi. He said that the Hon'ble Member of Parliament along with five supporters was campaigning in the area near the booth and there a law and order problem may have occurred. Based on the complaint received from the Flying Squad Team, the Police took action. The Police took all the necessary steps to avoid any law and order problem. The Hon'ble Member was initially requested both by the Deputy Superintendent of Police and the Inspector. They said that a complaint has been received, if the Hon'ble Member was still present in the constituency, it may create a law and order problem. The complaint itself states that the Hon'ble Member violated the law."*

29. On being asked whether all the polling booths were being video-graphed and whether the Presiding Officer made any comment on the issue of canvassing by the member, Superintendent of Police replied as under:-

*"Actually Sir, if any incident happens inside the polling booth, they will inform the Presiding Officer. The next senior in the rank to the Presiding Officer is the Flying Squad Officer. They are near the booth and it is actually in the booth area, less than 100 metre area. In this booth area only, the Flying Squad Officer can be seen. Flying Squad Officer is an Election Officer appointed as per the norms of Election Commission. After seeing that incident, the Flying Squad Officer has given the complaint actually."*

30. On being asked about any noting from the Election Commission or action taken by them in the matter, Superintendent of Police replied as under:-

*"If the particular officer found fault with him, he would have immediately gone to the nearest booth where the Member of Parliament was supposed to be canvassing. The nearest polling booth officer would be aware of things and polling booth officer should also be present there. Video cameras are everywhere."*

31. When asked whether the DGP and the Chief Secretary know about this incident, Superintendent of Police stated that -

*"We have informed the Chief Secretary and the DGP through senior officers like DIG and IGP, Sir."*

32. On being asked what action they had taken and what instructions they had issued in this regard, Superintendent of Police stated as under:-

*"We have informed that the Inspector and the Deputy Superintendent of Police have called the Hon'ble Member, in his vehicle, to the Police Station. In Inspector chamber itself, the Hon'ble Member was given the chair of Inspector. The Hon'ble Member was made to sit there. All the time the Hon'ble Member was there, another Hon'ble Member belonging to Tirunelveli constituency, Shri Gnanathiraviam also came and interacted with Hon'ble Vasanthakumar, Member of Parliament, Lok Sabha. While they were in the Inspector's room, the Hon'ble Member had a discussion. Since the election was about to conclude in four hours, the Inspector informed the Hon'ble Member that, as there is no other issue, after the election is concluded, he will release the Hon'ble Member on bail."*

33. The Committee having taken on record their submissions and asked the witness to submit the relevant documents to the Committee.

#### **IV. Findings and Conclusions**

34. The main issues before the Committee are to determine:-

- (1) Whether the delay in intimation of arrest of Shri H. Vasanthakumar, Member of Parliament, amounted to breach of privilege.
- (2) Whether a delay in furnishing a factual note to the Lok Sabha Secretariat by the authorities concerned of the Government of Tamil Nadu in the matter amounted to breach of privilege.

#### **Issue No. 1: Whether the delay in intimation of arrest of Shri H. Vasanthakumar, Member of Parliament amounted to breach of privilege.**

35. The Committee note that the main thrust of notice of question of breach of privilege given by Shri H. Vasanthakumar, Member of Parliament is that by delaying the intimation of arrest of the member by four days and not providing him with basic provisions like food and water, the then Senior Superintendent of Police, Tirunelveli, Shri Arun Sakthi Kumarput subjected him to inconvenience.

36. During deliberations, the Committee also noted the rule position as obtaining in the Rules of Procedure and Conduct of Business in Lok Sabha regarding "Intimation to Speaker regarding arrest, detention etc. and release of member" which states as under:-

*"229. When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the committing judge, magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the Third Schedule.*

*230. When a member is arrested and after conviction released on bail pending an appeal or otherwise released, such fact shall also be intimated to the Speaker by the authority concerned in the appropriate form set out in the Third Schedule.*

*231. As soon as may be, the Speaker shall, after receiving a communication referred to in rule 229 or rule 230, read it out in the House if in session, or if the*

*House is not in session, direct that it may be published in the Bulletin for the information of the members:*

*Provided that if the intimation of the release of a member either on bail or by discharge on appeal is received before the House has been informed of the original arrest, the fact of her or his arrest, or her or his subsequent release or discharge may not be intimated to the House by the Speaker."*

37. In his deposition before the Committee, the Superintendent of Police stated that due to non-receipt of communications from the Lok Sabha Secretariat, no reply has been sent. He mentioned that only one day before, they received the communication of Hon'ble Chairman asking them to appear before the Committee. Otherwise, they were very much obliging the Hon'ble Committee as well as the Constitution of India. If any communication had come to their notice, they would have sent the same immediately.

Regarding the delay in sending the information of arrest/detention, the official stated that the arrest was made on 21 October, 2019. Fax was sent on 25 October, 2019. He sought pardon for the delay, if there was any delay. He referred to the bye-election saying that Nanguneri was a highly political and sensitive area. There were small issues. Where results were declared, it was a very sensitive time. After that, they prepared a note and sent the same on 25 October, 2019. He sought apologies for the delay in intimation of arrest. They had sent all the communications. Due to the law and order situation, it took four days.

38. From the facts emanating from the case and the statements on record, the Committee find that Shri Arun Sakthi Kumar, the then Superintendent of Police was at fault for not having sent the required communication about the arrest of the member immediately, as per rule. Hence, there appears to be a breach of privilege on his part. In the light of the well settled position and based on the facts emerging in the instant case, the Committee find that though the member was not performing his parliamentary duties at the time when the incident took place, the act of arresting the member and delayed intimation thereof to the Office of Hon'ble Speaker, as ordained under the relevant rules 229-231 of the Rules of Procedure and Conduct of Business in the House, amounted to 'breach of privilege'. The Committee, therefore, cannot but conclude that a case of breach of privilege is made out in the instant case.

39. The Committee also take note of the fact that the then Superintendent of Police had expressed his sincere regrets for the incident and also expressed his apology to the Committee for his act of commission or omission on his part which might have hurt the

feelings of the Member. Apart from the apology tendered by the Superintendent of Police during the oral evidence, a copy of the 'unconditional apology' letter in writing sent by him is appended below as Appendix.

40. Taking into consideration the totality of the circumstances and facts of the case and in view of the unconditional apology expressed by Shri Arun Sakthi Kumar, the Superintendent of Police and other Police officers, the Committee feel that it has been the well-established tradition of the Committee of Privileges to take due cognizance of all such apologies which have been tendered with genuine remorse and acceptance of a guilt. The Committee, therefore, feel that in view of the genuine apology being tendered by the concerned official in the above matter, no further action is required in the matter.

**Issue No. 2: Whether a delay in furnishing a factual note to the Lok Sabha Secretariat by the authorities concerned of the Government of Tamil Nadu in the matter amounted to breach of privilege.**

41. In so far as the delay/non-furnishing of the reply to the communication sent by this Committee Secretariat is concerned, the Committee take a stern view of the fact that the required response from the authorities concerned of the Government of Tamil Nadu had not been received even after lapse of about eight months and stated that such an act amounted to disobedience to the rules/orders of the Committee which wields powers in the capacity of a 'Mini-Parliament' and its orders carry the same weight as the House itself. The Committee note the rule position in the matter which stands well reflected in the Parliamentary practice as under:-

*"A particular rule which, if disobeyed, may give rise to proceedings for contempt. Contempt can be committed by disobedience to general rules". (Erskine May, Parliamentary Practice, Page 292, 25<sup>th</sup> Edition).*

The relevant rule position in the matter as laid down in Practice & Procedure of Parliament, Page 230, 7<sup>th</sup> Edition states 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 contempt."*

42. The Committee note that inaction on the part of the authorities concerned of the Government of Tamil Nadu by way of not responding promptly to the communication of Lok Sabha Secretariat also amounted to breach of privilege/contempt of the House and express its unhappiness in this regard and insist on the need for the authorities concerned to take immediate note of the communications sent by this Secretariat.

#### **V. Recommendations**

43. The Committee, in the light of their findings and conclusions, recommend that in view of the unconditional apology tendered by the then Superintendent of Police, Tirunelveli, Tamil Nadu during his evidence before the Committee and his subsequent written submission of unconditional apology letter in the matter, the Committee recommend that no further action need be taken by the House in the matter and it be treated as closed. However, it directs the Police authorities to be alert and courteous while dealing with the Members of Parliament and promptly intimate the fact of arrest/detention/release of members to the office of Hon'ble Speaker as per rules provided in Rules of Procedure and Conduct of Business in Lok Sabha. They should strictly adhere to the rules prescribed without pleading the urgency of other works.

  
**SUNIL KUMAR SINGH**  
**CHAIRPERSON**  
**COMMITTEE OF PRIVILEGES**

**New Delhi**  
**Dated:**

## MINUTES OF THE THIRD SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Tuesday, 05 March, 2020 from 1500 hrs. to 1550 hrs. in Room Number 62, First Floor, Parliament House, New Delhi.

### PRESENT

Shri Sunil Kumar Singh – Chairperson

### MEMBERS

2. Shri T. R. Baalu
3. Shri Raju Bista
4. Shri Dilip Ghosh
5. Shri Chandra Prakash Joshi
6. Shri Naranbhai Bhikhabhai Kachhadiya
7. Shri Suresh Kodikunnil
8. Smt. Meenakashi Lekhi
9. Shri Omprakash Bhupalsinh Rajenimbalkar *alias* Pawan
10. Shri Janardan Singh Sigriwal

### SECRETARIAT

|                        |   |                  |
|------------------------|---|------------------|
| Shri P. C. Tripathy    | - | Joint Secretary  |
| Shri M. K. Madhusudhan | - | Director         |
| Shri Bala Guru         | - | Deputy Secretary |

At the outset the Chairperson extended a warm welcome to the members of the Committee.

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3. Thereafter, the Committee took up for consideration the memorandum on the notice of question of privilege dated 25 November, 2019 given by Shri H. Vasanthakumar, MP for alleged non-intimation of his detention on 21.10.2019 by Police Authorities of Tirunelveli to the Speaker, Lok Sabha. After some deliberation, the Committee decided to hear Shri H. Vasanthakumar, MP at the next sitting.

The Committee, then, adjourned.

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## MINUTES OF THE FOURTH SITTING OF THE COMMITTEE OF PRIVILEGES (SEVENTEENTH LOK SABHA)

The Committee met on Tuesday, 17 March, 2020 from 1500 hrs. to 1625 hrs. in Committee Room Number 2, Block 'A', Parliament House Annexe Extension, New Delhi.

### PRESENT

Shri Sunil Kumar Singh – Chairperson

### MEMBERS

2. Shri T. R. Baalu
3. Shri Kalyan Banerjee
4. Shri Dilip Ghosh
5. Shri Chandra Prakash Joshi
6. Shri Naranbhai Bhikhabhai Kachhadiya
7. Shri Achyutanand Samanta
8. Shri Janardan Singh Sigriwal
9. Shri Ganesh Singh

### SECRETARIAT

|                        |   |                  |
|------------------------|---|------------------|
| Shri M. K. Madhusudhan | - | Director         |
| Shri Bala Guru G.      | - | Deputy Secretary |

At the outset, the Hon'ble Chairperson welcomed the Members to the sittings of the Committee. The Committee then took up the Memorandum on the Notice of question of Privilege dated 25 November, 2019 given by Shri H. Vasanthakumar, M.P., for alleged non-intimation of his detention on 21 October, 2019 by the Police Authorities of Tirunelveli, Tamil Nadu to the Hon'ble Speaker, Lok Sabha for consideration.

*[Shri H. Vasanthakumar, M.P., was ushered in and examined on oath. The member, then, withdrew]*

2. After deliberations, the Committee decided to call the officials concerned of the Government of Tamil Nadu.

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7. A copy of the verbatim of the proceedings of the sitting of the Committee has been kept.

The Committee, then, adjourned.



## MINUTES OF THE FIFTH SITTING OF THE COMMITTEE OF PRIVILEGES (SEVENTEENTH LOK SABHA)

The Committee met on Tuesday, 11 August, 2020 from 1200 hrs. to 1530 hrs. in Committee Room Number 53, Parliament House, New Delhi.

### PRESENT

Shri Sunil Kumar Singh – Chairperson

### MEMBERS

2. Shri T. R. Baalu
3. Shri Raju Bista
4. Shri Chandra Prakash Joshi
5. Smt. Meenakashi Lekhi
6. Shri Suresh Kodikunnil
7. Shri Omprakash Bhupalsinh alias Pawan Rajenimbalkar
8. Shri Ganesh Singh

### SECRETARIAT

|                       |   |                     |
|-----------------------|---|---------------------|
| Shri R.C. Tiwari      | - | Joint Secretary     |
| Shri Raju Shrivastava | - | Director            |
| Shri S.R. Mishra      | - | Additional Director |

At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

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5. The Committee thereafter took up the next item of the agenda *i.e.*, notice of question of privilege dated 25 November, 2019 given by Shri H. Vasanthakumar, MP for alleged non-intimation of his detention on 21.10.2019 by the police authorities of Tirunelveli. In this connection Hon'ble Chairperson reminded the Members that Shri H. Vasanthakumar, MP has already presented his case before the committee. The Members were informed that on the request of Chief Secretary, Tamil Nadu due to Covid pandemic, the District Magistrate of Tirunelveli has been exempted from attending the meeting.

6. Hon'ble Chair drew the attention of the Members to the fact that when the Police authorities were directed to attend the instant meeting they informed the Committee Secretariat that they had arrested the Member on 21.10.2019 and faxed the

communication informing his arrest on 25.10.2019. This communication was not received in the Lok Sabha Secretariat. Thereafter, Hon'ble Chairperson asked to call in the police officers from Tamil Nadu.

7. Four police personnel were informed that they have been called to this meeting on the Notice of question of Privilege dated 25 November, 2019 given by Shri H. Vasanthakumar, M.P., for alleged non-intimation of his detention on 21 October, 2019 by the Police Authorities of Tirunelveli, Tamil Nadu. Rule 275 was read out to the witnesses.

*[All the witnesses took oath]*

8. *Each of the four witnesses were asked to explain their position on the notice of question of Privileges. The Committee apprised that the police authorities have committed a breach of privilege by not immediately intimating Hon'ble Speaker, Lok Sabha the arrest/detention of Shri H. Vasanthakumar, MP as per rule. The Committee asked the police authority to fix responsibility of this lapse and take suitable action against the concerned officer under intimation to this Committee.*

*[The witnesses then withdrew]*

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15. A copy of the verbatim of the proceedings of the sitting of the Committee has been kept.

The Committee, then, adjourned.

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**DRAFT MINUTES OF THE SIXTH SITTING OF THE COMMITTEE OF PRIVILEGES  
(SEVENTEENTH LOK SABHA)**

The Committee met on Friday, 28 August, 2020 from 11.00 hrs. to 14.00 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

**PRESENT**

Shri Sunil Kumar Singh – Hon'ble Chairperson

**MEMBERS**

2. Shri T. R. Baalu
3. Shri Kalyan Banerjee
3. Shri Raju Bista
4. Shri Chandra Prakash Joshi
5. Smt. Meenakashi Lekhi
6. Shri Omprakash Bhupalsinh Rajenimbalkar *alias* Pawan
7. Shri Talari Rangaiah
8. Shri Janardan Singh Sigriwal
9. Shri Ganesh Singh

**SECRETARIAT**

Shri Raju Srivastava – Director  
Shi S. R. Mishra – Additional Director  
Shri Bala Guru G. – Deputy Secretary

At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

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6. After some deliberation, Hon'ble Chairperson informed Members that in the case of Shri H. Vasanthakumar, MP who had given notice of question of Privilege dated 25 November, 2019 for alleged non-intimation of his detention on 21 October, 2019 by police authorities of Tirunelveli to the Hon'ble Speaker, Lok Sabha, the Committee has received a communication from the concerned officer seeking 'unconditional apology' in the matter. The Police Officers who attended the evidence on 11 August, 2020 had also apologised before the Committee for not sending information of detention of Shri H. Vasanthakumar, MP immediately as required under the rule. The Committee accepted the apology and decided to finalize the report on the matter and, therefore, directed the Committee Secretariat to submit the same for the consideration of the Committee.

The Committee, then, adjourned.

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## MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE OF PRIVILEGES (SEVENTEENTH LOK SABHA)

The Committee met on Thursday, 24 September, 2020 from 1130 hrs. to 1348 hrs. in Committee Room No. 3, Block 'A', Parliament House Annexe Extension, New Delhi.

### PRESENT

Shri Sunil Kumar Singh – Hon'ble Chairperson

### MEMBERS

2. Shri Raju Bista
3. Shri Dilip Ghosh
4. Shri Chandra Prakash Joshi
5. Shri Naranbhai Bhikhabhai Kachhadiya
6. Shri Omprakash Bhupalsinh Rajenimbalkar *alias* Pawan
7. Shri Talari Rangaiah
8. Shri Janardan Singh Sigriwal

### SECRETARIAT

Shri P.C. Tripathy - Joint Secretary  
Shi S.R. Mishra – Additional Director  
Shri Bala Guru G. - Deputy Secretary

At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

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5. After a brief discussion, the Committee, then, took up the next item of the agenda for discussion. Hon'ble Chairperson apprised the Members that the draft Report of the Committee of Privileges on the 'notice of question of breach of privilege dated 25 November, 2019 given by Late Shri H. Vasanthakumar, MP for alleged non-intimation of his detention on 21 October, 2019 by the Police Authorities of Tirunelveli, Tamil Nadu to the Hon'ble Speaker, Lok Sabha' was sent to all the Members on their portal. After a brief deliberation, the Report was adopted unanimously and the Committee also authorised the Hon'ble Chairperson to submit the Report to the Hon'ble Speaker, Lok Sabha.

6. Hon'ble Chairperson, thereafter, thanked all the Members who attended the meeting in spite of various Covid-19 related problems.

7. A copy of the verbatim of the proceedings of the sitting of the Committee has been kept.

The Committee, then, adjourned.

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# APPENDICES

APPENDIX I

Dated : 18.8.2020

No.1/Est./FRRO/2020 -61

From

P. Ve. Arunshakthikumar,  
Foreigners Regional Registration Officer,  
Chennai.  
(Formerly Superintendent of Police, Tirunelveli district, Tamil Nadu).

To

Shri Sunil Kumar Singh,  
Honourable Chairman,  
Parliamentary Privilege Committee,  
Room No.107, B Block,  
Extension to Parliament House Annex,  
New Delhi.


Sub : 1. MHA ref. no. 15013/19/2019-CSR-III dated 5.8.2020  
2. Lok Sabha Secretariat OM No.4/7/2019 P&E dt. 29.7.2020

Respected Sir,

With respect to the references cited above, the undersigned appeared before the Honourable Committee of Privileges (Lok Sabha Secretariat) on 11.8.2020 in connection with the arrest of honourable MP Shri H. Vasanthakumar in Tirunelveli district on 21.10.2019 for violation of election code of conduct. Because of the prevailing bye-election related sensitive bandobust and other law and order issues on those days, intimation in this regard to the Honourable Speaker, Lok Sabha was sent on 25.10.2019.

It is humbly submitted that I sincerely and deeply regret and tender my unconditional apology for the delay in sending the intimation and causing inconvenience to the Honourable Committee. It is again humbly submitted that in future, I will be more careful and prompt in reporting such incidents as per rules and regulations.

Yours faithfully,

  
(P.Ve. Arunshakthikumar)

APPENDIX II

To,  
The Secretary General,  
Lok Sabha,  
Parliament House,  
New Delhi.

**Subject: Notice of question of privilege under Rule 223 read with Rule 229 of Rules of Procedure & Conduct of Business in Lok Sabha.**

Sir,

On 21.10.19 at about 12 Noon, I was on the way to my constituency (from Tirunelveli to Nagercoil) at 1 P. M., I was detained by local DSP and Sub-Inspector of Police Ms. Margret Teresa near Nanguneri, Thirunelveli and the case was registered at 2.20 P. M. under section 143, 171H of Indian Penal Code read with Section 130 of Representation of People Act 1951 in case Cr. No. 369/19. However, it has not been intimated by the concerned Police Authorities and other authorities of the District so far to the Office of Hon'ble Speaker as required under Rule 229 of the Rules of Procedure which is clear case of breach of my privilege under Article 105 of the Constitution of India. The officers prevented to carry on my official work for my constituency. Thus the said officers violated my privilege and acted against the law and procedures. Further, they booked u/s 143. A copy of FIR is attached herewith.

2. In view of the foregoing, I wish to raise this matter as a breach of my privilege on 26 November, 2019 in the House after the Question Hour. I further request Hon'ble Speaker to refer this matter to Committee of Privileges for detailed examination, so that suitable punitive action is taken against the said Police Authorities and other District Authorities.

With regards,

Sd/-

(H. VasanthaKumar)