

RAJYA SABHA

(1967)

Point of privilege

Throwing of leaflets by two persons from Visitors' Gallery on the Floor of the House.

Facts of the case and action taken by the House

On the 21st December, 1967, at about 6.15 P.M., when the House was discussing the Official Languages (Amendment) Bill, 1967, a person in the Visitors' Gallery shouted slogans and threw some leaflets on the floor of the House. He was immediately removed from the Visitors' Gallery by the Watch and Ward Staff and shortly thereafter, the Leader of the House (Shri Jaisukhlal Hathi) moved the following motion: -

"That this House resolves that the person who has disclosed his name to be Sardar Baint Singh and who threw leaflets from the Visitors' Gallery on the floor of the House at about 6.15 P.M. today and whom the Watch and Ward Officer took into custody immediately has committed a grave offence and is guilty of gross contempt of this House.

This House further resolves that he be sentenced to simple imprisonment till the conclusion of the current session of the Rajya Sabha and detained in the Tihar Jail, Delhi."

2. While moving the motion, Shri Jaisukhlal Hathi said that the House should take a serious notice of such cases of misconduct on the part of the visitors who were allowed to enter the precincts of Parliament on the recommendations of the members of Rajya Sabha. otherwise the dignity of the House would suffer and the members would not be able to express their opinions in the House freely and fearlessly. He also urged that the members should be very careful in recommending visitors' cards and should ensure that the people for whom they recommend the cards would behave in a manner which befits the dignity of the House.

3. Shri Bhupesh Gupta, a member, said that the offender should not be converted by the House without having been heard. He suggested that the matter might be, referred to the Committee of Privileges for proper investigation.

4. Shri Jaisukhlal Hathi replied that in the House of Commons, U.K., in cases where contempt was committed in the actual view of the House, the House proceeded at once, without hearing the offender, to punish him for his contempt.

5. He also pointed out that while the discussion on his motion was going on, another similar incident had occurred. He, accordingly, moved the following motion in respect of the second incident: -

"That this House resolves that the person who has disclosed his name to be Mahendra Pratap Singh and who threw leaflets from the Visitors' Gallery on the floor of the House at about 6.55 P.M. today and whom the Watch and Ward Officer took into custody immediately, has committed a grave offence and is guilty of gross contempt of this House.

This House further resolves that he be sentenced to Simple imprisonment till the conclusion of the current session of the Rajya Sabha and detained in the Tihar Jail, Delhi."

6. Both the motions were then Put to the vote of the House and adopted on a division by 48 votes to 4 and 49 votes to 5 respectively.

7. In pursuance of the above resolutions, the Chairman. Rajya Sabha, issued warrants of commitment, addressed to the Superintendent, Central Jail, Tihar, Delhi, in the following form: -

"WARRANT OF COMMITMENT

WHEREAS the Rajya Sabha has adopted the following motion today the 21st December, 1967: -

"This House resolves that the person who has disclosed his name to be *** and who threw leaflets from the Visitors' Gallery on the floor of the House at about *** today and whom the Watch and Ward Officer took into custody immediately has committed a grave offence and is guilty of gross contempt of this House.

This House further resolves that he be sentenced to simple imprisonment till the conclusion of the current session of the Raiya Sabha and detained in the Tihar, Jail, Delhi."

NOW, therefore, I **** Chaiman. Rajya Sabha, in pursuance of the above decision of the

Rajya Sabha, by this Warrant of Commitment require the Superintendent, Central Jail, Tihar to take into custody the said *** and to keep him safely in the Central Jail, Tihar, till the conclusion of the current session of the Rajya Sabha.

Herein fail not.

Given under my hand at New Delhi, the 21st day of December, 1967.

Sd/-

Chairman, Rajya Sabha.

To

The Superintendent,

Central Jail, Tihar,

Delhi."

8. The offenders were, accordingly, taken by the Watch and Ward Staff to, and lodged in the Central Jail, Tihar, Delhi.

9. On the 27th December, 1967, Shri Jaisukhlal Hathi informed the House that the Superintendent of the Central Jail, Tihar, Delhi had asked the Secretary, Raja Sabha, as to the date and time when the two persons, namely, Sardar Baint Singh and Mahendra Pratap Singh, who had been committed to prison till the conclusion of that session of the Rajya Sabha, might be released from jail. Shri Hathi proposed that since the session of the Rajya Sabha was concluding that day, the Secretary might be directed to instruct the Superintendent of Jail to release the two persons concerned at 5 P.M. that day.

10. Shri B. K. P. Sinha raised the point that the session of the House would technically end with its prorogation by the President. Since the two persons concerned had been committed to prison by the House till the conclusion of the session, they could be released only after either the House was prorogued or a resolution was adopted amending the earlier resolutions committing them to prison.

11, Shri Jaisukhlal Hathi, thereupon, moved the following motion which was adopted by the House: -

"That Sardar Baint Singh and Shri Mahendra Pratap Singh be released at 5.00 P.M. today."

12. The Superintendent, Central Jail, Delhi was instructed. Accordingly through a letter by the Secretary, Rajya Sabha and the two persons concerned were released from jail