

Presented to the House on 10th March, 2014.



TRIPURA LEGISLATIVE ASSEMBLY
(ELEVENTH ASSEMBLY)

REPORT OF
THE COMMITTEE ON PRIVILEGES

46TH (Forty-sixth) REPORT

on

the question of alleged breach of privileges raised by **Shri Ratanlal Nath, Hon'ble Member** of Tripura Legislative Assembly against Dr. Ranjit Kumar Das of Agartala Govt. Medical College & G.B. Panth Hospital.



Tripura Legislative Assembly Secretariat
Agartala – 799010

MARCH, 2014

**COMPOSITION OF THE
COMMITTEE ON PRIVILEGES
(2013–14)**

HON'BLE CHAIRMAN

SHRI MADHAB CHANDRA SAHA

HON'BLE MEMBERS

- 2) Shri Niranjana Deb Barma,
- 3) Shri Basudev Majumder,
- 4) Smt. Bijoy Laxmi Sinha,
- 5) Shri Ratan Das,
- 6) Shri Ramendra Narayan Deb Barma,
- 7) Shri Shyamal Chakraborty,
- 8) Shri Gopal Chandra Roy,
- 9) Shri Asish Kumar Saha.

SECRETARIAT

1. Shri Subhas Bhattacharjee, Secretary
2. Smt. L. Debbarma, Dy. Secretary
3. Shri H. B. Debnath, Under Secretary (C).

46TH REPORT
OF THE COMMITTEE ON PRIVILEGES
TRIPURA LEGISLATIVE ASSEMBLY
(2013-2014)

I, the Chairman of the Committee on Privileges having been authorized by the Committee to present its 46th Report before the House. The Committee on Privileges for the year 2013-2014 was constituted by the Hon'ble Speaker on 20th March, 2013 in pursuance of Rules 202 and 204 of the Rules of Procedure & Conduct of Business in the Tripura Legislative Assembly with the following Members namely :-

- 1) Shri Madhab Chandra Saha, Hon'ble Chairman
- 2) Shri Niranjana Deb Barma, Hon'ble Member
- 3) Shri Basudev Majumder, Hon'ble Member
- 4) Smt. Bijoy Laxmi Sinha, Hon'ble Member
- 5) Shri Ratan Das, Hon'ble Member
- 6) Shri Ramendra Narayan Deb Barma, Hon'ble Member
- 7) Shri Shyamal Chakraborty, Hon'ble Member
- 8) Shri Gopal Chandra Roy, Hon'ble Member
- 9) Shri Aish Kumar Saha, Hon'ble Member.

The Committee in all had 3(three) meetings on 23/10/2013, 20/11/2013 and 07/02/2014 for examination of the question of alleged breach of privilege raised by Shri Ratanlal Nath, Hon'ble Member of the Tripura Legislative Assembly against Dr. Ranjit Kumar Das, Agartala Govt. Medical College and G. B. Panth

Hospital, Agartala as referred to the Committee on Privileges by the Hon'ble Speaker on 27th September, 2013. The Committee finalized this issue by circulation.

FACTS OF THE CASE

Shri Ratanlal Nath, Hon'ble Member gave a notice of breach of privilege on 27/09/2013 against Dr. Ranjit Kumar Das, Agartala Medical College and G. B. Panth Hospital, Agartala. In his complaint Shri Nath stated that a child of his constituency was expired on 18/09/2013 at G. B. Panth Hospital, Agartala due to negligence of treatment in the Hospital and the dead-body of the said child kept into the morgue for post-mortem on 19/09/2013. At the request of the guardian of the diseased child, Hon'ble Member Shri Nath was present to the Hospital during post-mortem. There he told to the concerned Doctors to do the post-mortem of the dead-body by forming a Board, in front of a Magistrate and by video recording the entire process of post-mortem as per demand of the father of the diseased child. In the meantime, Dr. Ranjit kumar Das of the said hospital came there and excitingly said that they will complete the process of post-mortem according to their desire and no word will be heard from anybody. He also said to the Hon'ble Member Shri Nath that you have no right to talk here, you may go out from here, otherwise problem may be created.

In support of the circumstances stated above, Mr. Nath submitted news cutting of various local newspaper on the matter.

It has been alleged by the Hon'ble Member that Dr. Das has ill-behaved with him and intervened to the privilege of the Hon'ble Member and also defamed the sanctity of the House. Shri Ratanlal Nath, Hon'ble Member, therefore, requested the Hon'ble Speaker to take necessary action against Dr. Ranjit Kumar Das, Agartala Govt. Medical College and G. B. Panth Hospital for misbehavior and for defamation the sanctity of the House by him.

REFERENCE TO THE COMMITTEE

On receipt of such notice, the matter was accordingly placed before the Hon'ble Speaker, Tripura Legislative Assembly on 27/09/2013 in the House and on that date the Hon'ble Speaker referred the matter to the Committee on Privileges for examination and report and acquainted the House therefore.

EXAMINATION OF THE CASE AND FINDINGS OF THE COMMITTEE

The Committee in its meeting held on 23/10/2013 discussed on the notice given by Shri Ratanlal Nath, Hon'ble Member and decided to go through the Rules & Regulation and the meaning of Parliamentary Works of a Member of the Legislative Assembly while determining the prima-facie of the case whether any breach of privilege is involved or not against Dr. Ranjit Kumar Das, of Agartala Govt. Medical College & G. B. Panth Hospital on the complaint raised against him by Shri Ratanlal Nath, Hon'ble Member. In this respect, the Committee directed the Secretary

of Tripura Legislative Assembly to furnish the related rules & regulations and any other guidelines on the matter in the next meeting of the Committee.

Next meeting of the Committee held on 20/11/2013. According to the decision of the Committee, the Secretary presented the following points/instances for kind consideration of the Committee :-

The term “Parliamentary Works” has not been defined either in the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly or Parliamentary Practice and Procedure. Therefore, the meaning of the terms may be understood in the ordinary course.

The “breach of privilege” means a disregard of any rights, privileges and immunities either of Members of Parliament individually, or of the House in its collective capacity. In India there are following categories of Parliamentary privileges firstly, freedom of speech in the House of Parliament, Secondly, the immunity from proceedings in any court in respect of anything said or vote given by a Member in Parliament or any Committee thereof and thirdly, immunity from liability in respect of publication by or under the authority of either House of Parliament, or any report, paper, votes or proceedings of either House.

A Member enjoys also the privilege of communication with the Speaker and the Secretary or Chairman of a Parliamentary Committee even while in custody but it shall not be a breach of privilege to withhold by the Govt. a letter written by a Member from Jail to another Member. **(Page -89 in Parliamentary Privileges in India by Dr. Ranjana Arora).**

Assaults on Members while they are on their Parliamentary duties, or when they are coming to or going from the House, constitute a breach of privilege. But for assaults un-connected with their Parliamentary duties, the Members of Parliament are treated as ordinary citizen and can avail themselves of only those legal remedies which are available to the ordinary citizen in such cases. **(Page -93 in Parliamentary Privileges in India by Dr. Ranjana Arora).**

Therefore, the assault on the Members does not constitute a breach of privilege of the House when the Members are not in Parliamentary duties. The Privilege Committee dropped several complaints of the Members of assault while they were not in the Parliamentary duties. For instance, Fulchand Verma, a Member of Lok-Sabha was dragged in to a Police Truck, beaten by the Police, his shirt was torn and got blood stained injuries while he participated in a demonstration at Madhya Pradesh. The Committee held that no breach of privilege was involved in the matter as the demonstration does not fall under category of Parliamentary duties. **(at Page – 95 in Parliamentary Privileges in India by Dr. Ranjana Arora).**

Successive Speakers have held that the assault on or misbehavior with a Member un-connected with his Parliamentary work or mere discourtesy by the Police or Officers of the Govt. are not matters of privilege and such complaints should be referred by the Members to the Ministers directly. **(Kauls Shakdher Practice and Procedure of Parliament at page- 311, 6th Edition).**

The above instances therefore, made it clear that any work related to the function of the Assembly House or Committees are Parliamentary works. Any other works may not be treated as “Parliamentary Works” and may be treated as a work of citizen .

The Committee discussed in details on the above mentioned points/instances and expressed that the works related to the function of Assembly House or Committees are parliamentary works and any other works may not be termed as Parliamentary works. If any officer or any other person defames a Member of Legislature when the Hon’ble Member performs the parliamentary works then a breach of privilege may arise by the Hon’ble Member. But, the complaint raised by the Hon’ble Member Shri Ratanlal Nath is not involved any breach of privilege as the matter not related with the Parliamentary works.

During discussion, Hon’ble Member of the Committee Shri Gopal Chandra Roy opined that the Committee may take final decision on the matter after more discussion. In this respect, the

Hon’ble Chairman of the Committee expressed the same opinion with the Hon’ble Member Shri Roy and requested him to submit documents/guidelines if any, on the matter available to him. Thereafter, the Committee decided to discuss in details on the matter in its next meeting.

The Committee in its next meeting held on 07/02/2014 discussed in details on the matter and referring to the aforesaid explanation of the terms “means of parliamentary works” and comments in the Practice and Procedure of Parliament and in the Parliamentary Privileges in India, the Committee observed that the complaint raised by the Hon’ble Member Shri Ratanlal Nath against Dr. Ranjit Kumar Das of Agartala Govt. Medical College and G. B. Panth Hospital is not involved in the breach of privilege.

Even if the matter does not attracts breach of privileges, the Committee feels that any ill-treatment by Govt. Officer to any people representative (MLA) is not encourageable and that there should be an appropriate enquiry with proper evidence and appropriate measure should be taken to stop recurrence of similar incident in future, if it is found that there is substance in the allegation.

The Committee also desired to bring the complaint of the Hon’ble Member to the notice of the authority of the concerned Department of the State Government through Tripura Legislative Assembly.

RECOMMENDATION OF THE COMMITTEE

In view of the aforesaid discussion, the Committee on Privileges of Tripura Legislative Assembly observed that the complaint of breach of privilege raised by Shri Ratanlal Nath, Hon'ble Member against Dr. Ranjit Kumar Das of Agartala Govt. Medical College & G. B. Panth Hospital, no prima-facie case has been established as breach of privilege to proceed further against Dr. Ranjit Kumar Das. Therefore, the Committee recommends that the matter may be dropped.



(MADHAB CHANDRA SAHA)

Hon'ble Chairman
Committee on Privilege

Tripura Legislative Assembly.

Dated, Agartala
the 6th March, 2014.