

2

3

Sl.No.	Particulars	Page No.
1	Counter Affidavit	1 - 68
2	Annexure I - Translation of proceedings of the Tamil Nadu Legislative Assembly dated 19.2.2015 & 31.3.2015	69 - 90
3	Annexure II - Extract of Rule 21 of the Tamil Nadu Legislative Assembly Rules	91 -
4	Annexure III - Extract of Tamil Nadu Legislative Assembly Rules relating to Committee of Privileges	92 - 96
5	Annexure IV - Copy of Letter No.1676/2015-4, TNLAS (B III) dated 20.2.2015 sent to the Petitioners	97 - 98
6	Annexure V - Copy of explanations received, from the Petitioners.	99 - 116
7	Annexure VI - Translation of the Report of the Committee of Privileges	117 - 177
8	Annexure VII - Translation of the extract of the relevant portions of the bulletin (Brief Record of Proceedings) of the Tamil Nadu Legislative Assembly dated 31.3.2015	178 - 180
9	Annexure VIII - News reports on suspension of the Petitioners following resolution passed by the House on 31.3.2015.	181 - 182

WRIT PETITION (CIVIL) NO. 455 OF 2015
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)
WITH

INTERLOCUTORY APPLICATION NO. 1
(APPLICATION FOR EXEMPTION FROM FILING OFFICIAL
TRANSLATION)

ALAGAAPURAM R. MOHANRAJ AND ORS. .. PETITIONERS

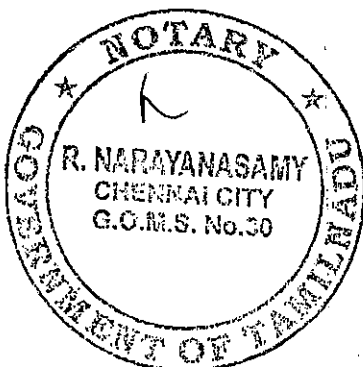
-VERSUS-


TAMIL NADU LEGISLATIVE ASSEMBLY
REP. BY ITS SECRETARY & ANR. .. RESPONDENTS

COUNTER AFFIDAVIT FILED BY THE FIRST RESPONDENT

I, A.M.P. Jamaludeen, S/o. A.M. Peer Mohammed (late),
aged 61 years, residing at No. 174/3, Golden Jubilee Apartments,
Anna Nagar West, Chennai-600 040, do hereby solemnly affirm
and sincerely state as follows:

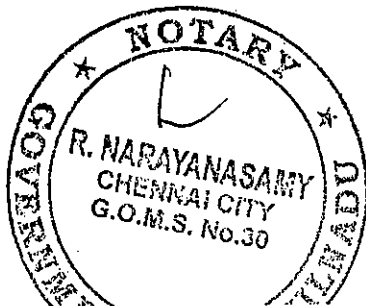
2. I am the first Respondent herein and discharging duty as
the Secretary, Tamil Nadu Legislative Assembly Secretariat. As
such, I am well acquainted with the facts of this case, based on the
records.





Secretary
Legislative Assembly Secretariat
Chennai-600 009

3. I perused the petitioners affidavit filed in support of the writ petition and deny the entire contentions made therein except those that are specifically admitted herein and put the petitioners to strict proof of the same.

4. The above writ petition arises out of an action taken by the Tamil Nadu Legislative Assembly against six of its Members for gross breach of privilege committed by intimidating and trying to assault the Hon'ble Speaker, for causing obstruction to the Watch and Watch staff thereby preventing them from discharging their duties and grave and continued disruption of proceedings of the Assembly on 19.2.2015. 19 Members of the DMDK who obstructed the proceedings willfully were suspended for the remainder of the session and the issue of attempted assault on the Speaker and watch and ward staff was referred to the Committee of Privileges. In pursuance of the recommendation of the Privileges Committee by a resolution of the Assembly passed on 31-3-2015, six Members belonging to the DMDK party were suspended from the service of the House from that date till completion of 10 days from the commencement of the next session and during the period they were made ineligible to receive salary, other benefits and facilities admissible to them as Members of the Assembly.

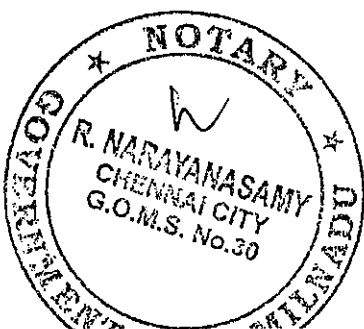


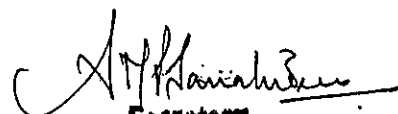

Secretary
Legislative Assembly Secretariat
Chennai-600 009

Members seeking orders for declaring the Assembly resolution null and void, for striking down the period of suspension beyond the session period, for permitting the petitioners to use the Constituency Office and Legislators Residential Quarters, for restoration of all benefits other than those connected with the House, calling for and quashing resolutions of the Assembly dated 19.2.2015 and 31.3.2015 (Marked as Annexure - I) awarding alleged multiple punishments and for declaring the entire proceedings relating to breach of privilege as illegal, against natural justice and violative of petitioners' statutory right under the Tamil Nadu Payment of Salaries Act, 1951,

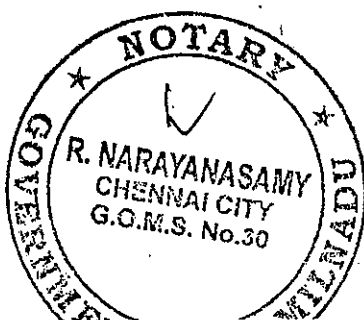
6. I submit that the statement in the Synopsis that the Petitioners were suspended for interrupting the Governor's speech on 19-2-2015 is incorrect. His Excellency the Governor has addressed the House on 17-2-2015. Further the First Petitioner is not the Vice President of the Assembly as wrongly claimed, but the Deputy Leader of the DMDK Party in the Legislative Assembly.


7. The incidents that happened during the Assembly sitting on 19-2-2015 are submitted below. During the discussion on the




Secretary
Legislative Assembly Secretariat
Chennai-600 009

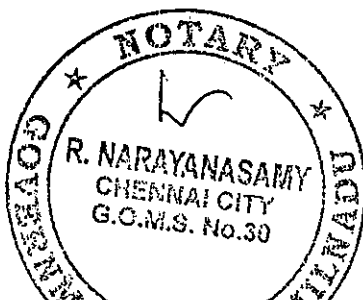
R. Mohanraj had made certain provocative remarks not related to the subject under discussion and the Hon'ble Speaker expunged those words under the authority vested in the Assembly Rules and asked him to speak on the discussion. However, despite repeated requests to continue the discussion without resorting to unnecessary issues, Thiru Alagaapuram R. Mohanraj persistently argued with the Chair and questioned his authority. Hon'ble Speaker ordered that his speech would not go on record and ordered his eviction for obstructing smooth conduct of proceedings. This was entirely within the powers of the Speaker as per the provisions of the Tamil Nadu Legislative Assembly Rules. However, even before he could complete his ruling, enraged at the order of eviction given by the Speaker, Thiru V.C. Chandhirakumar, Whip of DMDK Party, who was seated behind, whizzed past Thiru Alagaapuram Mohanraj who was standing before him, charged towards the Hon'ble Speaker in rage, gesturing and arguing angrily with the Speaker. Several DMDK Members left their seats and rushed towards the Speaker's podium simultaneously to stall the proceedings of the Assembly. Despite repeated requests by the Speaker to return to his seat, Thiru Chandhirakumar in an attempt to assault the Speaker

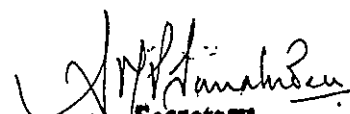



Secretary
Legislative Assembly Secretariat
Chennai-600 009

Thiru Mohanraj. Disappointed that his intention to assault the Speaker was thwarted by the Watch and Ward Staff who threw a protective cordon around the Speaker, he forced his way back to the seat of Thiru Alagaapuram R. Mohanraj in a frenzy, and wildly hurled the books and papers placed on his Table towards the Speaker breaking a mike in the process. Thiru V.C. Chandhirakumar was also supported by a few other DMDK Members during the unruly incidents around the Speaker's Chair and the DMDK Members assaulted the Watch and Ward staff cordon around Speaker's rostrum and prevented them from discharging their duty of evicting Thiru Alagaapuram R. Mohan Raj as per the Speaker's orders. In the melee and scuffle created by the DMDK Members, the Speaker's rostrum was pushed aside a few Watch and Ward staff lost balance and their caps were thrown. On the orders of the Hon'ble Speaker, all the DMDK Members who were on their feet and engaging in unruly conduct were evicted by the Watch and Ward staff with great difficulty.

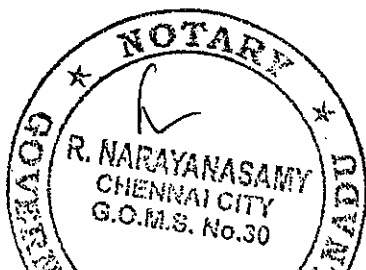
8. The evicted Members continued with their obstruction of the Assembly proceedings by shouting slogans from the lobby behind the Speaker's Chair where they staged a dharna sitting on the floor. As they refused to allow smooth conduct of





Secretary
Legislative Assembly Secretariat

they persisted, a Motion was moved by the Leader of the House under Rule 121 (2) **(Marked as Annexure - II)** for suspension of those Members who were indulging in pandemonium, causing obstruction to the business of the House and disruption of the proceedings, for the remainder of the session. The Motion was approved by the House by voice vote. The shouting Members were then removed from the Lobby by the Watch and Ward staff with great difficulty.

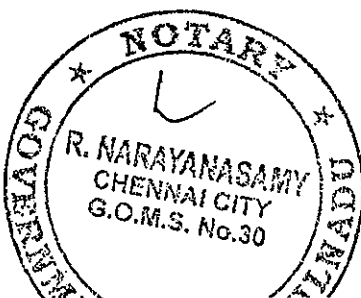
9. During the incident the Hon'ble Speaker observed that the DMDK members have intentionally rushed towards him in a deliberate attempt to assault him, have pushed the Speaker's rostrum aside and trampled and damaged documents. He further observed that the assault on the Watch and Ward staff was highly condemnable and that the House was an eye-witness to the incidents. Condemning the deliberate intention of the DMDK members to stall the conduct of proceedings through atrocious activities he observed that this has brought the House into odium. The Leader of the House pointed out that the DMDK members had exceeded the limit and Members of the House, especially those from the Opposition, were witness to the unprecedented murderous attack attempted on the Speaker, Thiru V.C.





Secretary
Legislative Assembly Secretariat
Chennai-600 009

and thrown books, papers and documents and have assaulted the Watch and ward staff and hurled their caps and by their action had brought the House into disrepute

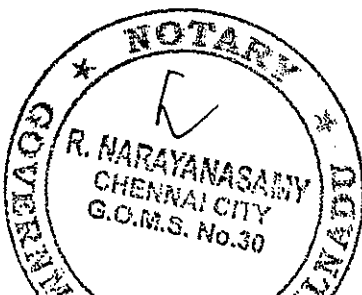
10. Later raising a breach of privilege issue the Leader of the House further observed that the Hon'ble Speaker who is a Constitutional authority and custodian of the dignity of the House was himself subjected to intimidation by Thiru V.C. Chandhirakumar and a few other DMDK Members. They had rushed to the Speaker's Chair, had threatened him with an intention to assault him endangering his safety and caused disrepute to the Office of the Speaker. Further, these DMDK Members, in defiance of the orders of the Hon'ble Speaker and in utter disregard of the Rules and conventions of the Assembly, have threatened and assaulted the Watch and Ward Staff, struck and dislodged their caps and obstructed them from discharging their duties. Such conduct was highly condemnable. He requested that the issue may be referred to the Committee of Privileges for consideration. As per the authority vested in him under Rule 226 of the Tamil Nadu Legislative Assembly Rules (Marked as Annexure - III), the Hon'ble Speaker referred the issue to the Committee of Privileges for examination and report.





Secretary
Legislative Assembly Secretariat
Chennai-600 009

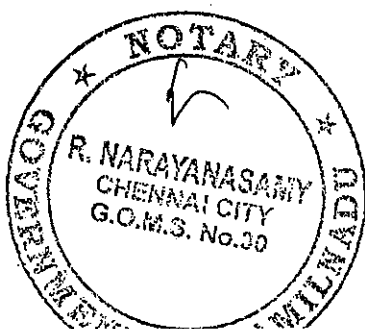
20-2-2015 as the first item in the Agenda, the Committee viewed the official video recording of the incidents on 19-2-2015 and identified Thiru V.C. Chandhirakumar, Thiru Alagaapuram R. Mohan Raj, Thiru S.R. Parthiban, Thiru L. Venkatesan, Thiru C.H. Sekar and Thiru K. Thinakaran as the Members who indulged in violent and indecorous acts in an attempt to assault Hon.Speaker. In the interests of natural justice and with a view to get the views of the concerned Members before proceedings in the matter, the Committee decided to seek explanation from the six Petitioners giving them a week's time. Accordingly, Letter No. 1676/2015-4, TNLAS (Bills-III) dated 20-2-2015 (**Marked as Annexure - IV**) was sent to them seeking their explanation on the incident; before 27-2-2015. The explanation dated 23-2-2015 from Thiru S.R. Parthiban, explanation dated 24-2-2015 from Thiru Thinakaran, explanations dated 25-2-2015 from Thiru Alagaapuram R. Mohanraj and Thiru L. Venkatesan and explanations dated 26-2-2015 from Thiru V.C. Chandhira- kumar and Thiru C.H. Sekar were received.


12. The explanations received from the 6 Members (**Marked as Annexure - V**) were thoroughly considered and deliberated upon in the next meeting of the Committee held on 27.03.2015




Secretary
Legislative Assembly Secretariat
Chennai-600 009

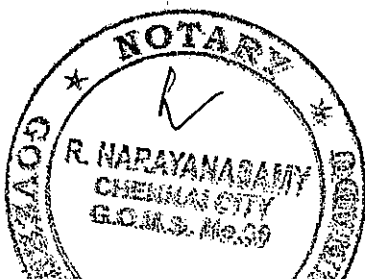
as Annexure - VI) It could be seen from the Report that the angry and violent behaviour of DMDK Members in running towards the Speaker intimidatingly, pushing of the Speaker's rostrum and throwing of papers at the Speaker have not been refuted by even a single member of the Committee. In fact, even the Opposition Members have acknowledged that the angry and emotional act of the DMDK members was quite evident from the video clippings and have condemned such behaviour. Most of the Committee Members pointed out that some DMDK members have been repeatedly indulging in acts of violence inside the Assembly despite several warnings and punishments of suspension handed over in the past and they have now gone to the extent of attempting to assault the Hon'ble Speaker himself and majority Members of the Committee requested that, in the light of habitual unruly behaviour of the DMDK Members, stringent punishment may be given to erring Members in order to uphold the dignity of the House and to ensure that such condemnable and unfortunate incidents do not recur. A few Members from the Opposition, while acknowledging the fault on the part of the DMDK Members, only appealed for lesser punishment in the light of the explanations and assurances given by the petitioners in





Secretary
Legislative Assembly Secretariat
Chennai-600 009

the Members in the Committee were recorded and they form part of the Report of the Committee. As per the canons followed in parliamentary democracy, based on the opinion of the majority of Members the findings and recommendations of the Committee were formulated in the form of a report and approved by the Committee during its sitting on 30-3-2015.

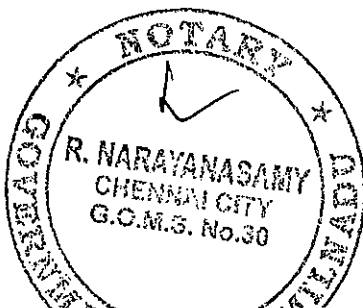
13. After recording the details of the issue and the views expressed by the Members, the Privileges Committee in its collective and conclusive decision held the Petitioners guilty of gross breach of privilege and recalled that despite several warnings issued to them earlier for indulging in such violent acts and punishment awarded in certain other instances, in utter disregard of the Assembly Rules, conventions and the honour of the House, the DMDK members acted emotionally and indulged in ignoble and disorderly acts as if they are not answerable to anyone or subject to any orderliness. They have now proceeded to intimidate and attempted to assault the Hon'ble Speaker himself and have further obstructed and prevented the Watch and Ward staff acting under his orders from performing their duty. Finally the Committee had the following words to offer by way of a recommendation:-





Secretary
Legislative Assembly Secretariat
Chennai-600 002

been repeatedly indulging in activities constituting contempt of the House, in order to restore the dignity and honour of the House, in order to make it clear that in future, representatives of the people, if they indulge in indecent and violent acts inside the Honorable Legislature, have to face severe consequences by way of disciplinary action, and in order to ensure that this serves as a lesson for such erring Members and for all other Members, the Committee concludes that the acts of DMDK Members Thiru V.C. Chandhirakumar, Thiru Alagaapuram R. Mohanraj, Thiru S.R. Parthiban, Thiru L. Venkatesan, Thiru C.H. Sekar and Thiru K. Thinakaran on 19.2.2015 viz. of surrounding and laying siege around the Hon'ble Speaker, trying to assault him, causing damage by pushing his rostrum, hurling documents, causing obstruction to the Watch and Ward staff thereby preventing them from discharging their duties with grave and continued disruption of the proceedings of the House, constitute gross breach of privilege of the House.

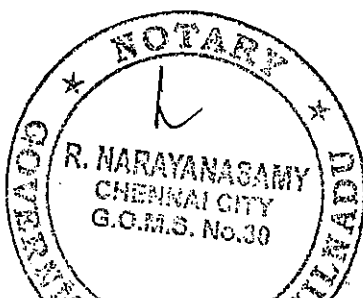
The Committee recommends that the above-mentioned six Members who are guilty of breach of privilege be suspended from the service of the House for a period up to

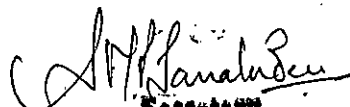



Secretary
Legislative Assembly Secretariat
Chennai 600 002

action be taken to make those Members ineligible to receive salary, any other benefit and facilities admissible to them as Members of the Legislative Assembly, during such suspension."

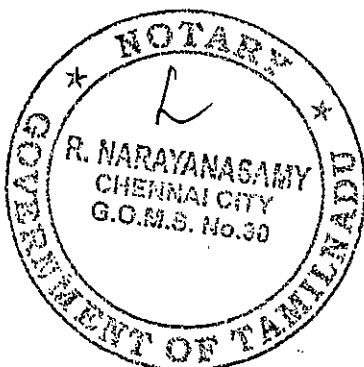
14. The Report of the Privileges Committee was presented to the House by the Chairman as per Rule 229 (a) of the Assembly Rules and as per Rule 229 (b) a motion was moved by the Leader of the House to take up the report for consideration. No amendment was given by any Member as provided for in Rule 229 (c). Immediately the Motion was discussed in the House and Members including those from the Opposition took part in the discussion. Though some Opposition Members requested remission of punishment, none of them had refuted the indulgence of the Petitioners in acts of violence endangering the Speaker and bringing the House into disrepute. After discussion the resolution was put to voice vote as per Rule 99 and the Members stood suspended as per the collective decision of the House. As the resolution was carried, Hon'ble Speaker announced in the House, that the above-named six DMDK Members were being suspended from the House from that date (31-3-2015) till completion of 10 days from the commencement of





Secretary
Legislative Assembly Secretariat

receive salary, other benefits and facilities admissible to them as Members of the Assembly.

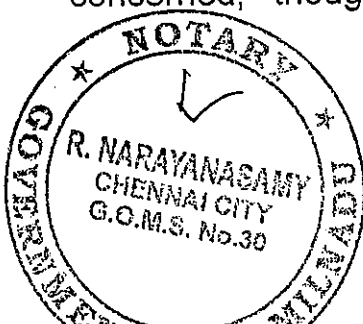
15. Thus, the six Members were suspended on 31-3-2015 through a resolution passed in the open House where Members of all the parties, including Members of the DMDK who were not suspended. Similarly all the representatives of the media including newspapers were present and the decision of the House was widely publicised by them. The passing of the resolution for their suspension after approval of the recommendations of the Privileges Committee finds a place in the Bulletin (Brief Record of business transacted) (Marked as Annexure - VII) copies of which were sent to all serving MLAs including the Leader of the DMDK Party. The fact that the Petitioners were aware of the widely published media reports of their suspension could be seen from the fact that their Party leader and Leader of the Opposition had issued Press statements against the resolution on the very next day. (Marked as Annexure - VIII) Therefore, the Petitioners are in no way disadvantaged due to lack of individual communications.

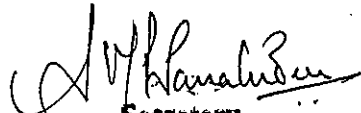



Secretary
Legislative Assembly Secretariat
Chennai-600 009

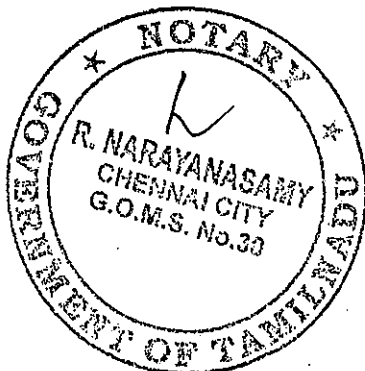
Speaker had suspended all the 19 Members of the DMDK, is not true. As far as the Legislative Assembly is concerned, the DMDK consists of 28 Members and no communication has so far been received either from the Leader of the Opposition or from the Whip of the DMDK. Legislature Party (2nd Petitioner) that certain Members of their party remain as disaffected members of the party and are behaving independently with an intention to cause split in the party. Out of 28 Members, only those Members who had obstructed the proceedings and disrupted the business of the House were suspended. Other DMDK Members who were not present on the day or who did not indulge in disruption were not suspended. The suspension of some Members for the remainder of the session is only a result of their disruption of proceedings and the Petitioners could not attribute any motives against it.

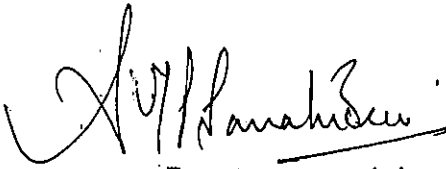
17. The charge that the impugned resolution shakes the very foundation of democracy and the elected representative system is refuted. On the contrary, it is based on the principles of democracy that the system of majority gains importance. All decisions of the House are to be made by voting and it could only be decided by majority. As far as the Hon'ble Speaker is concerned, though elected on the ruling party ticket, once




Secretary
Legislative Assembly Secretariat
Chennai-600 009

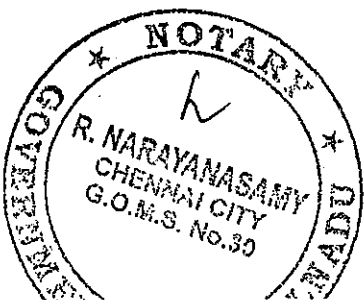
Similarly the decision and recommendation of the Privileges Committee could be only based on the view of majority of the Members. As per Rule 227 (3) of the Tamil Nadu Legislative Assembly Rules, the Hon'ble Deputy Speaker will be the ex-Officio Chairman of the Committee. The Assembly and the Committees function in a transparent and democratic manner and just because the decisions of the Committee and Assembly went against the Petitioners, malafide intent and political motives could not be attributed by the Petitioners against an august body like the Legislature or its Committee. As it may be seen, the necessity for the resolution arose due to the disorderly violent conduct of the Petitioners inside the Assembly on 19-2-2015 and this has nothing to do with party affiliation. There are several opposition parties other than DMDK in the Assembly and other party Members have not been subjected to such suspension in the instant case. Hence the allegations of bias or political enmity are totally refuted.

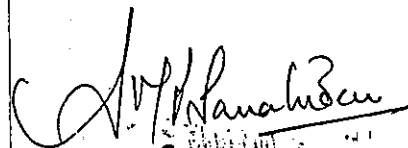



Secretary
Legislative Assembly Secretariat
Chennai-600 009

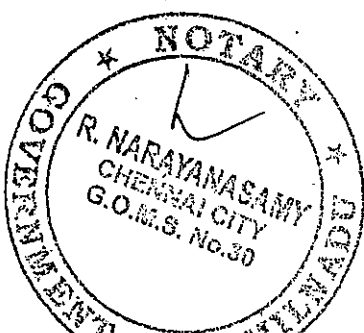
"twice for the same offence" is refuted. It may be clearly seen that the initially the DMDK Members were suspended for the remainder of the Session, for the obstruction of proceedings and disruption of business against rules, as per the penal provisions in Rule 121 (2) of the Assembly Rules. This had to be done to restore normalcy and continuation of peaceful conduct of proceedings during the session. The breach of privilege issue against the six Petitioners, referred to the Privileges Committee was for a different and very serious matter of intimidation and attempt to assault the Hon'ble Speaker, the custodian of the House and assault on Watch and Ward staff and preventing them from discharging their duties. This charge was proven and culminated in the suspension of the six Petitioners from 31-3-2015 till completion of 10 working days from the commencement of the next session. Thus these two matters are entirely different and the contention of the Petitioners that they have been suspended "twice for the same offence" is thoroughly misplaced and untrue.


19. Regarding the lodging of an FIR against Petitioners 4 and 5 for assaulting Thiru Vijayan, special S.I. of Police who was a Member of the watch and ward staff, it is submitted that the DMDK Members evicted from the Assembly Chamber continued with their obstruction of the Assembly proceedings by shouting




Secretary
Legislative Assembly Secretariat
Chennai-600 009

staged a dharna sitting on the floor. As they refused to allow smooth conduct of proceedings, they were ordered to be evicted from the Lobby. When the Watch and Ward staff tried to evict the Members, Thiru C.H. Sekar and Thiru K. Thinakaran (Petitioners 4 and 5) assaulted Thiru Vijayan who was on Assembly Watch and Ward duty and he fainted. He was later given first aid in the Secretariat dispensary and sent to the Rajiv Gandhi Government Hospital where he was admitted as an in-patient on the afternoon of 19-2-2015. The Hospital gave this information to B3 Fort Police Station. After visiting the hospital and taking the complaint and after enquiry, the Inspector of the jurisdictional Police Station requested in writing the permission of the Hon'ble Speaker to file FIR, since the scene of occurrence happened to fall within the precincts of the Assembly. Since the incident happened outside the Assembly Chamber but inside the precincts of the Assembly, the Respondent after getting orders of the Hon'ble Speaker replied that the matter may be proceeded as per law. The fact that the written complaint of the S.I. of Police to the Hon'ble Speaker separately, was not referred to the Privileges Committee for investigation stands testimony to the fact that the legal action for assault under the provisions of the IPC had been taken independently by the Police Department after investigation of the

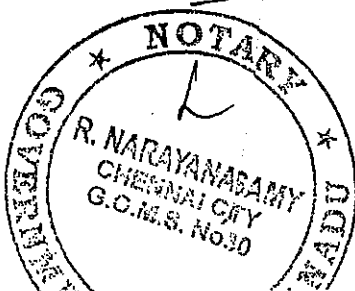


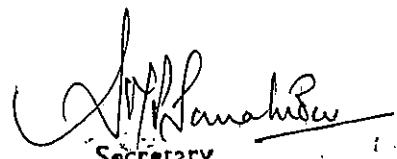

Secretary
Legislative Assembly Secretariat
Chennai-600 009

action pursued by the Legislature for incidents inside the Chamber which resulted in suspension of the six Petitioners. This may be seen from the observation made in the Report of the Privileges Committee that since the issue of assault on the Police Officer had been proceeded upon legally, the same was not under the consideration of the Committee. Thus filing of FIR and legal action for assault outside the Assembly Chamber is not related to the impugned resolution for which the six Petitioners have been suspended by the Assembly till completion of 10 days from the commencement of the next session.

20. The issues raised in this Petition viz, extent of judicial review in matters involving punishment for breach of privilege, following of due process by the Committee of Privileges, proportionality of punishment, etc. have been dealt with in several judicial pronouncements in cases involving Thiru A.K. Bose, MLA, Thiru Vijayakant, MLA, six DMDK MLAs and the Petitioners now try to open settled questions of law once again to suit their interest, which ought not to be countenanced.

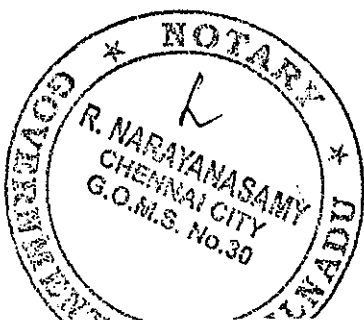
21. Regarding the question of reckoning of the period of session and its effect on the suspension, it is submitted that duration of a session is the period between the date of convening and prorogation of the session by H.E. the Governor. The Tenth

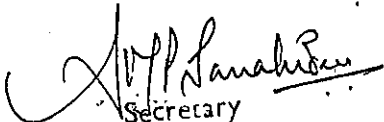



Secretary
Legislative Assembly Secretariat
Chennai-600 009

18-2-2015 after H.E. the Governor's Address on 17-2-2015. The duration of the session is decided by the Business Advisory Committee consisting of Members of all the Parties including the Opposition based on the business before the House and as per the decision of the Business Advisory Committee, the Assembly had been adjourned sine die on 1-4-2015 after general discussion on the Budget for the current financial year. The session has not been prorogued till date. The next sitting of the current Tenth Session commenced on 24-8-2015. (Thus the contention of the Petitioner that they have been suspended for more than one year from 19-2-2015 till January 2016 is hypothetical.)

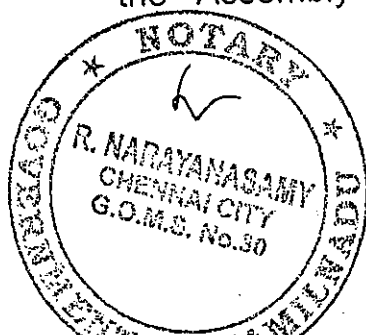
22. Regarding proportionality of punishment, both the Committee and the Assembly took into consideration the fact that during the term of the current Assembly the DMDK Members, who initially started with disruption of proceedings and making threatening gestures, have been emboldened to physically assault their fellow Members inside the Assembly on more than one occasion. Their repeated indecorous behaviour in the Assembly, misuse of their immunity as MLAs and abuse of the Rules and conventions of the Assembly had invited several issues of breach of privilege against them. While their Leader was suspended and other Members severely warned in the first instance, six of the

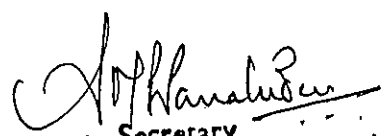



Secretary
Legislative Assembly Secretariat
Chennai-600 009

and other entitlements for assaulting a fellow Member. Several other issues are still under the consideration of the Privileges Committee. Despite previous warnings and suspension with loss of entitlements, the petitioners belonging to the DMDK again repeated their mistakes and on this occasion, in an unprecedented scale they exceeded all the limits and tried to assault the Speaker himself, who is the custodian of the House. The quantum of punishment was thoroughly discussed in the Committee meetings and the Committee recommended the present punishment which has been approved by the Assembly as a whole through a resolution dated 31-3-2015. Thus the punishment was entirely commensurate and proportional to the highly violent behaviour endangering the life of Hon'ble Speaker and constituted gross breach of privilege of the House, which the Speaker represents.

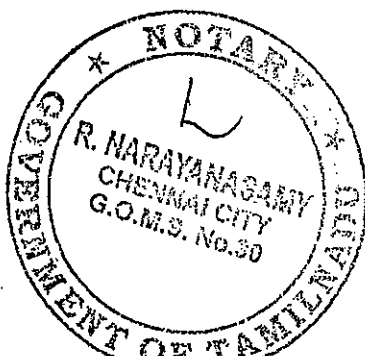
23. The statement that the Respondent had without prior notice or authority entered the premises of the Petitioners viz. the Legislators Residential Quarters and sealed the premises is totally against the truth. The petitioners are eligible to occupy the Residential Quarters only in their capacity as MLAs and this facility of residential accommodation is to enable them to attend the Assembly and Committee meetings in Chennai. The

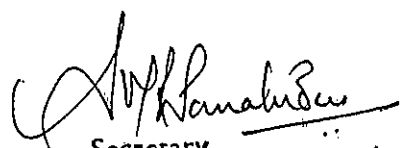



Secretary
Legislative Assembly Secretariat
Chennai-600 009

benefits and entitlements to the Petitioners as MLAs. This naturally includes residential accommodation. The resolution was passed on 31-3-2015 Forenoon and they were given time till 1-4-2015 night and their official residential premises were sealed only after permitting the petitioners to take out their important belongings. Thus sealing of the official residential premises admissible to them as MLAs. was well under the authority of the Assembly decision and was not sudden.

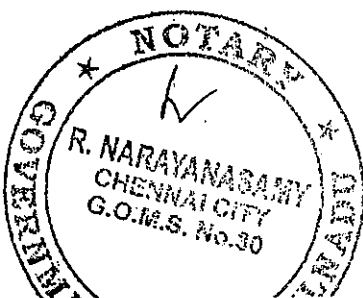
24. Acts of assault and gross disorderly conduct inside the four walls of the House constitute breach of privilege and contempt of the House and as such relate to the conduct of the proceedings of the Legislature. Moreover, trying to launch a physical assault on the Hon'ble Speaker himself, who is the custodian of the House and endangering his safety are acts which deserve the strongest condemnation, disapproval and punishment. Punitive action has therefore been taken against the petitioners based on the Resolution of the House. Hence, this petition seeking to quash the proceedings of the Committee of Privileges and the resolutions passed by the Assembly against some of its Members is *ex facie* not maintainable, without jurisdiction and is liable to be dismissed *in limine* as what is





Secretary
Legislative Assembly Secretariat
Chennai-600 009

25. It has been repeatedly held both by the Hon'ble Apex Court as well as the High Courts that under the well founded doctrine of separation of powers, each organ of the State has to exercise its rights and privileges without any infringement. Article 194 (3) of the Constitution of India enshrines that the Legislative Assembly has all powers, privileges and immunities enjoyed by the British House of Commons at the time of commencement of the Constitution.

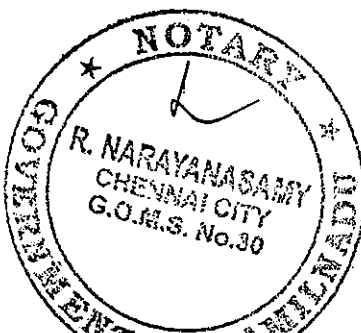
26. Under Article 212 of the Constitution, the House has powers to regulate its own proceedings and further it is the privilege of the House to conduct its internal proceedings within the walls of the House free from interference including its right to impose disciplinary measures against its Members for assault and disorderly conduct, as they constitute breach of privilege and contempt of the House. The Assembly has proceeded against six of its Members for intimidating and trying to assault the Hon'ble Speaker, assaulting the Watch and Ward staff, obstructing and preventing them from their discharge of their duties, which are in total contravention of the rules and conventions of the Assembly. The Petitioners have by such unbecoming conduct lowered the dignity of the House as a whole and brought the House into





Secretary
Legislative Assembly Secretariat
Chennai-600 009

the Privileges Committee of the House have acted in exercise of the powers lawfully vested in them and the proceedings have followed the provisions of the Constitution of India and the Tamil Nadu Legislative Assembly Rules framed thereunder duly and therefore it is respectfully submitted that the Petitioners cannot invoke Article 32 of the Constitution to quash the proceedings in the absence of any unconstitutionality or illegality as explained in the forthcoming paragraphs. It is submitted that the writ petition is unsustainable either in law or on facts and the same is liable to be dismissed.

27. It is submitted that in many cases like A.K. Bose case (2008 (2) LW 1001), Vijayakant case (2012 (3) CTC 449), V.C. Chandhirakumar & Others case (W.P. No. 10175 of 2013) the power of the Tamil Nadu Legislative Assembly to proceed against its Members for breach of privilege and contempt of the House by passing resolutions for suspension for a specific period exceeding the duration of the session, had been upheld by the Hon'ble High Court of Madras. Thiru V.C. Chandhirakumar, the second Petitioner in the present case is well aware of the fact that his Writ Appeal No. 1287 of 2013 against a single Judge Order in W.P. No.10175 of 2013 was dismissed by the first Bench of the Hon'ble High Court of Madras. **Further, Special Leave Appeal (C) No.**





Secretary
Legislative Assembly Secretariat
Chennai-600 009

Hon'ble Supreme Court of India was also dismissed. The incidents of violence, the nature of punishment provided by the Assembly against its Members for breach of privilege and the issues raised in aforesaid cases are exactly similar and the Petitioners have conveniently overlooked the orders in these judgements and sought to place reliance on cases like Sushanta Vs Speaker (AIR 1973 Orissa 111) and Om Prakash Chautala Vs State of Haryana (AIR 1998 P&H 80) which are materially different from the present case involving attempted assault on the Speaker. The scope of applicability of certain judgements like in Searchlight Case, UP Special Reference case etc. to a case involving expulsion of Members by the House for improper conduct has been thoroughly delineated and adjudicated upon by the Hon'ble Apex Court in Raja Ram Pal case and need no elaboration here.

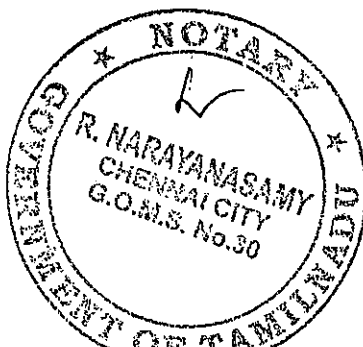
28. Regarding the Grounds contained in the Petition, it is submitted that most of them are repetition of Grounds which have already been adjudicated upon in Vijayakant case (2012 (3) CTC 449) and V.C. Chandhirakumar & Others case (W.P. No. 10175 of 2013) by the Hon'ble High Court of Madras. It may be noted that the Hon'ble Supreme Court also upheld the High Court Judgement in V.C. Chandhirakumar case by dismissing the

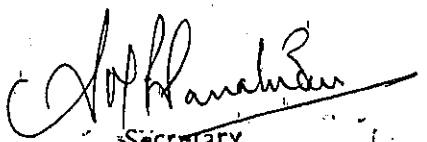



Secretary
Legislative Assembly Secretariat
Chennai-600 009

Parliament or Legislature to expel or suspend its Members and all related Constitutional issues have been thoroughly discussed and adjudicated upon by the Hon'ble Supreme Court of India in Raja Ram Pal case (2007 3 Supreme Court cases 184). The Petitioners have sought to raise settled matters of law again and again couched in different language and sought to project a huge number of grounds through this Petition. However, the counter to the Grounds raised by Petitioners is submitted in the following paragraphs in as concise a manner as possible.

29. Regarding Ground 1, it is submitted that the contention of the petitioners that in view of Article 194 read with the Assembly Rules made under Article 208, the scope of the proceedings of the House or the Privileges Committee is restricted to the four walls of the Legislature and not beyond it, is thoroughly misconceived and far from truth. The averment that such a resolution cannot curtail statutory benefits available to the Members under the provisions of the Tamil Nadu Payment of Salaries Act, 1951 and Rules and the Representation of People's Act, 1951 are quite contrary to the judicial pronouncements and precedents as detailed below. In similar instances in the past, the resolution of the Assembly suspending Members and depriving

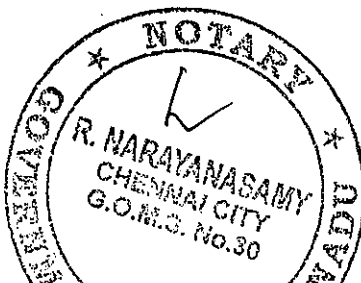


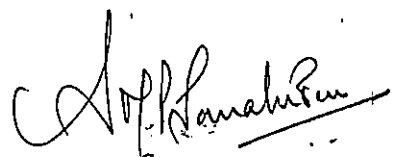

Secretary
Legislative Assembly Secretariat
Chennai-600 009

of suspension has been upheld by the Courts.

30. For example, a Member of the Thirteenth Assembly, Thiru A.K. Bose, was suspended for allegedly flinging the cap of a Watch and Ward Staff towards the Speaker on 18-10-2007. The video clippings were watched by the Speaker and party leaders and on the next day, 19-10-2007, the House itself dealt with the issue and passed a resolution suspending him immediately till the completion of first 10 days of the next session. The issue was not referred to the Privileges Committee. The benefits, salary, privileges and entitlements as Member of the Assembly were denied to him from the period 19-10-2007 to 28-2-2008 till completion of 10 days from the commencement of the next session. Thiru A.K. Bose was deprived of salary, all privileges and perquisites as an MLA for 132 days. The Hon'ble High Court of Madras did not accede to the prayer of the Member for quashing the resolution and dismissed the Petition. (W.P. No. 1526 of 2008 and M.P. Nos. 1 and 2 of 2008).

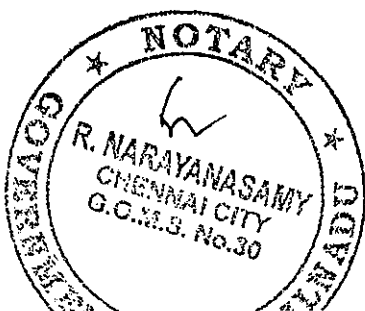
31. In the fourteenth Assembly, Thiru Vijayakant, founder of DMDK party and leader of the Opposition, was suspended by a resolution of the Assembly passed on 2-2-2012 for making angry and threatening gestures inside the House. This resolution was based on recommendation of the Privileges Committee. The video




Secretary
Legislative Assembly Secretariat
Chennai-600 009

on 1-2-2012 and on the next day, the House passed a resolution suspending him during that session and the next session continuously for a period of ten days and making him ineligible to get the salary, any other benefits, privileges or entitlements admissible to him as a Member of the Assembly and as Leader of the Opposition, during the said period. On completion of the period of suspension, his original position was restored from 2-4-2012. A writ petition filed by Thiru Vijayakant (W.P. No. 4149 of 2012) against his suspension was dismissed by the Hon'ble High Court of Madras stating that "None of the contentions raised by the petitioner are acceptable and I find that the parameters laid down by the apex court for the exercise of the power of judicial review are not satisfied." (W.P. No. 4149 of 2012).

32. Regarding the averment that the statutory right for salary, could not be taken away by a resolution of the House using punitive powers under law of privilege it is submitted that the benefits, privileges, salary and entitlement of the petitioners are admissible to them only on account of their membership in the Legislative Assembly and when such Membership itself is suspended for a specified period by a resolution passed by the House, suspension of salary and other entitlements follows as a consequence. It has been held in Vijayakant case (Para 58) that

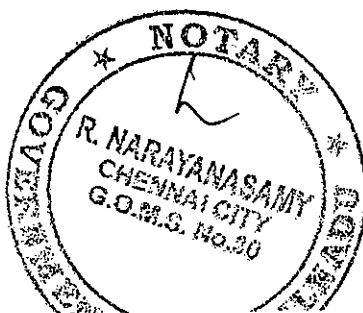


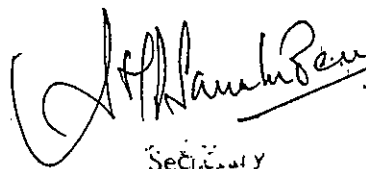

Secretary

Legislative Assembly Secretariat
Chennai-600 009

all other things were its consequences and a Member who has been debarred from discharging his duties and functions, has to suffer all the consequences that go with the office.

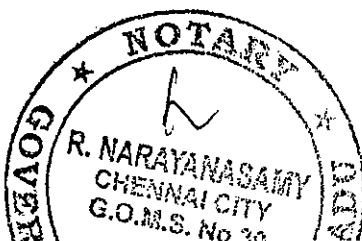
33. Further, the contention raised in Ground 1 has been clearly overruled by the Hon'ble Supreme Court in Raja Ram Pal case in paras 151 to 159. The Hon'ble Supreme Court has stated that "Secondly it has been argued that Article 106, which lays down provisions for the salary of the Member, is dependent upon the persons' membership. It is only as long as the person continues to be a Member that he can draw the salary. When the membership terminates, the provisions of Article 106 become inapplicable." (Para 153). It has been further held that "Further, as far as the provision relating to the salary of the Member is concerned, it is quite absurd to claim that because the Constitution makes a provision for salaries, the power of the House to expel is negated since the result would be that the Member would no longer be paid. Salaries are obviously dependent upon membership, and the continuation of membership is an independent matter altogether." (Para 158). It was held further that "Thus, in our view, the above provisions do not negate the power of expulsion of the House, and there is no

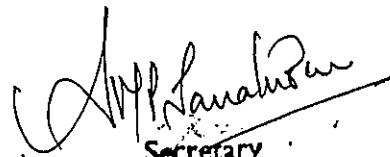



Secretary
Legislative Assembly Secretariat
Chennai-600 009

said provisions."

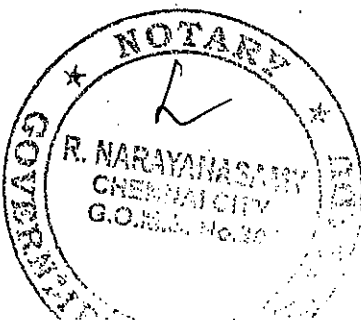
34. The same ground was again raised by Thiru V.C. Chandhirakumar (2nd Petitioner in the instant case) before the Hon'ble High Court of Madras in W.P. No.10175 of 2013. Citing the decision rejecting this contention by the Hon'ble Supreme Court in Raja Ram Pal case and the judgement in Vijayakant case, the single Judge had held that the argument that the impugned proceedings of punishment violate Article 195 and Sections 12 and 12(A) of the Tamil Nadu Payment of Salaries Act are untenable and unacceptable. The Hon'ble Judge also ruled that he cannot accept the submission that the right of the Petitioners under the Representation of People Act, 1951 had been impaired by the impugned proceedings. (Paras 53 and 54). In conclusion, the Hon. Judge had dismissed the case observing that all the questions that arose were already dealt with and answered by the Hon'ble Supreme Court in Raja Ram Pal's case and by the Hon'ble High Court of Madras in A.K. Bose Case and in Vijayakant's case and therefore no merit lay in the contentions. (Para 78). An appeal before the Hon'ble First Bench of the Madras High Court (W.A.1287 of 2013) was also dismissed. Similarly, a Special Leave Petition (Appeal (C) No. 14156/2014) filed before the Hon'ble Supreme Court was also dismissed.

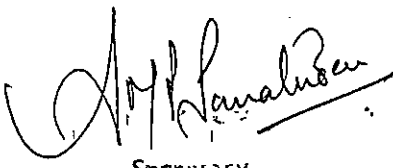



Secretary
Legislative Assembly Secretariat
Chennai-600 009

Members under Rule 121 (2) and subsequent action for breach of privilege have been dealt with in detail in Para 16 and 18 above. Thus immediate suspension by the House for remainder of the session for obstruction of proceedings and subsequent suspension of a few Members for a serious and proven charge of violent acts constituting breach of privilege are two different instances and the contention of the Petitioners that they have been suspended "twice for the same offence" is thoroughly misconceived and untrue. The power of the House to separately examine and identify Members for very severe violent acts like the attempted assault on the Speaker and award severe punishment to them is not diminished or curtailed by the fact that those Members have already been suspended for the session under Rule 121 for obstruction of proceedings.

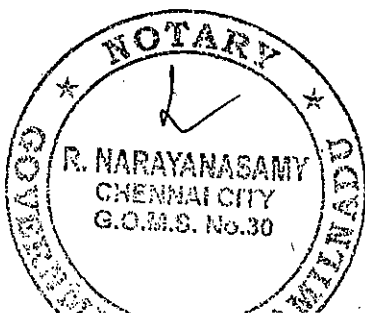
36. Regarding the charge that the suspension based on the Privilege Committee recommendation is ultra vires Article 190 of the Constitution of India, it is submitted that in Raja Ram Pal case the Hon'ble Supreme Court has held that the power of expulsion from Membership under Articles 101 and 102 (corresponding to Articles 190 and 191 for State Legislatures) was not exhaustive and the termination of membership through a resolution of the House cannot be held to be inconsistent with the above Articles.





Secretary
Legislative Assembly Secretariat
Channel-600 009

K. Anbazhagan Vs Secretary, Tamil Nadu Legislative Assembly (AIR1988 Madras 275), wherein some Members were expelled from Membership for burning copies of the Constitution. It is needless to say that suspension is less serious than expulsion. Thus, as it has been held by the Apex Court that even expulsion from the House cannot be inconsistent with Article 190, suspension for a specific period is not ultra vires Article 190 of the Constitution of India and therefore the above Ground has already been adjudicated upon and is devoid of merit.

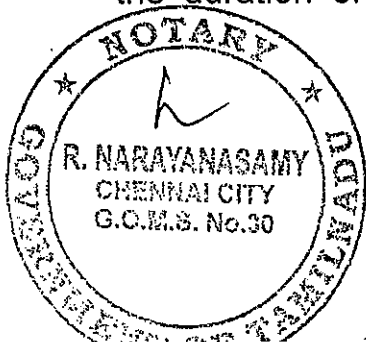
37. It is further submitted that Article 190 deals with disqualification of a Member and vacation of his seat. The period of sixty days fixed in the said Article is for absence from meetings of the House without the permission of the House. However, in the case of suspension of a Member on a specific charge of breach of privilege for indulging in violent acts inside the Assembly, it is the Assembly itself which has prevented the Member from attending the meetings for a specified period and the restriction of 60 days in Article 190 would not at all operate in case of such suspension. This is also be corroborated from the fact that Rule 120 of the Tamil Nadu Legislative Assembly Rules which empowers the Speaker to direct a member to be absent for disorderly conduct, provides that a Member so directed will not be




Secretary
Legislative Assembly Secretariat
Chennai-600 009

Constitution. In the instant case, the House itself has by resolution suspended the members and it is a natural corollary that Article 190 (4) would not operate in such cases.

38. Regarding Ground 3, in continuance of the rebuttals in Para 18 above, it is submitted that the same contention was raised in Vijayakant case and the Hon'ble Single Judge of the High Court of Madras had pointed out in Para 48 that the Constitution did not speak specifically of the suspension or expulsion of a Member of the House. In Paras 49 to 52, the Hon'ble Judge made a clear distinction between suspension of Members by the Speaker under Rule 121 for obstruction of proceedings and suspension based on the findings and recommendation of the Privileges Committee in a matter of breach of privilege and contempt of the House which are governed by Rule 229. The Hon'ble Judge had rightly pointed out that action under Rules 120 to 122 could be taken by the Speaker without reference to the Committee of Privileges and therefore limitation on suspension to a period not exceeding the remainder of the session may be a limitation on the power of the Speaker under Rules 120 to 122 but not a limitation on the power of the House. It has further been ruled that the phrase "not longer than the duration of the remainder of the session" is found only in



A handwritten signature in black ink, appearing to read "A. K. Hanumantharao".

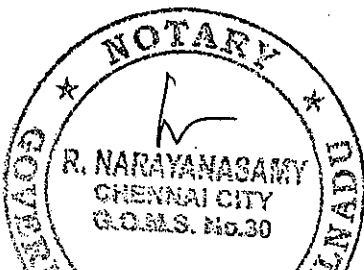
Secretary

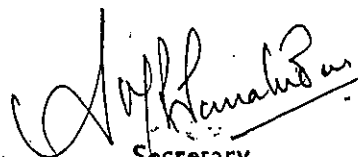
Legislative Assembly Secretariat
Chennai-600 009

consideration of the Report of the Privileges Committee by the Assembly. Therefore, the contention that the House is not entitled to suspend a member for a period exceeding the remainder of the session is ill-conceived, in view of the fact that the Rule to be applied in this case is Rule 229 and not Rule 121.

39. Regarding Ground 4, it is submitted that as briefly explained in Para 26 above and in a more detailed manner in Para 55 the Tamil Nadu Legislative Assembly and the Privileges Committee of the House have acted in exercise of the powers lawfully vested in them and the proceedings have followed the provisions of the Constitution of India and the Tamil Nadu Legislative Assembly Rules framed thereunder duly and therefore it is respectfully submitted that the Petitioners may not be permitted to invoke Article 32 of the Constitution to quash the proceedings in the absence of any unconstitutionality or illegality, in the light of the guidelines laid down in Para 143 in Ram Pal case.

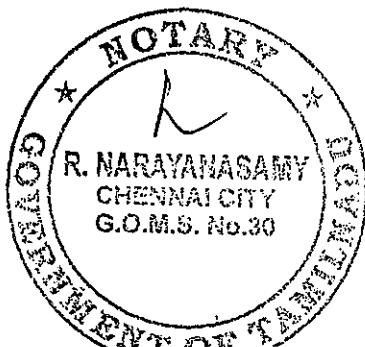
40. Further, it is humbly submitted that the circumstances of the case are similar to Vijayakant case in that both are disciplinary actions taken by the Assembly against its Members for breach of privilege by suspending for a duration extending to 10 days into the next session and depriving salary, benefits and entitlements





Secretary
Legislative Assembly Secretariat
Chennai-600 009

power of judicial review now brought up was raised in that case too and the Writ Petition was dismissed by the Hon'ble High Court of Madras stating that "None of the contentions raised by the petitioner are acceptable and I find that the parameters laid down by the apex court for the exercise of the power of judicial review are not satisfied." (W.P. No. 4149 of 2012). The same question has also been answered in the Judgement in V.C. Chandhirakumar case (W.P. No.10175 of 2013) in Paras 57 to 62 before dismissing the petition.

41. Regarding Ground 5, the contention about illegality of the passing of the impugned resolution of the House by voice vote despite alleged non-supply of copies of the Report of the Privileges Committee to the Members of the House, is strongly refuted as it is completely contrary to truth. On 31-3-2015, copies of the Report of the Privileges Committee were placed on the Table of the House well before the commencement of the day's sitting and made available to all the Members who were present in the House. As far as the suspended Members of the Assembly are concerned, they cannot take part in the proceedings of the Assembly and hence they cannot get access to the Report. Other Members of the DMDK who were not suspended from the House




Secretary
Legislative Assembly Secretariat
Chennai-600 009

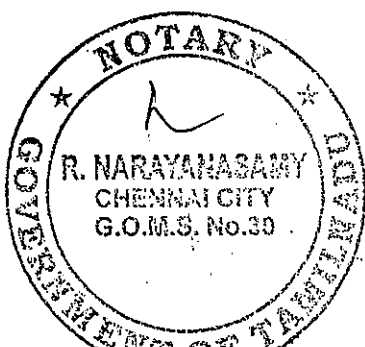
42. Regarding passing of resolution by voice vote, it is submitted that Rule 99 of the Tamil Nadu Legislative Assembly Rules states as follows-

"99(1) Unless otherwise provided in the Constitution or Acts, or these Rules, on the conclusion of the debate on a motion, the Speaker shall put the question to the vote of the House and decide it by votes and invite those who are in favour of the motion to say 'Aye' and those against the motion to say 'No'.

(2) The Speaker shall then say, "I think the 'Ayes' or the 'Noes' (as the case may be) have it". If the opinion of the Speaker as to the decision of the House is not challenged he shall say, twice, "the 'Ayes' or the 'Noes' (as the case may be) have it" and the question before the House shall be determined accordingly.

(3) If the opinion of the Speaker as to the decision of the House is challenged, he shall take the votes of the House by division...."

The Resolution was put to vote accordingly and declared carried. The decision on voice vote was not challenged by any Member in the House. Thus, in the instant case due procedure



Secretary

Legislative Assembly Secretariat
Chennai-600 009

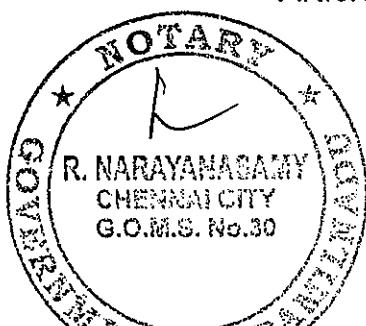
illegality in the issue.


43. Regarding Ground 6, it is submitted that the question of operation of a resolution of the House outside the four walls of the Assembly have been dealt with already in Ground 1 and has been replied to in Para 29. The very same ground was raised in Vijayakant case and the Hon'ble Judge ruled as follows:-

"The above contention proceeds on a presumptive dichotomy, between the status of a member when the House is in session and his status when it is not in session. I do not think any such distinction exists. An elected representative continues to be so irrespective of whether the House is in session or not. Inside the House he performs certain functions. He performs certain other functions outside the House. The payment of his salary and other perquisites, do not depend upon whether the House is in Session or not." (Para 58)

44. Regarding the functioning of the Member inside and outside the House, It was held as follows:

"Therefore from the date on which a member of the Legislative Assembly take his seat in terms of Article 188 after making and subscribing an oath or

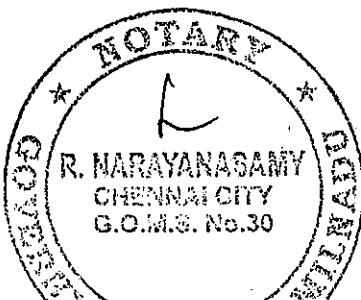




Secretary
Legislative Assembly Secretariat
Chennai-600 009

Schedule, he starts discharging his duties as an elected member both within and outside the House. His entitlement to function as an elected member, inside or outside the House, is by virtue of his holding the office. It is this entitlement of the Member that is actually made subject to the prerogative of the House, when the House passes a resolution to place him under suspension. (Para 60)

Further, it was pointed out in Para 61 that placing an elected member under suspension is the cause and all other things are its consequences and the Hon'ble Judge concluded by stating that the contention that suspension for a period spilling over to two session, would tantamount to the exercise of a power beyond the four walls of the Legislature and therefore impermissible, cannot be accepted.

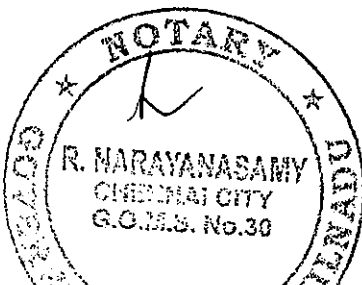
45. Regarding Ground 7, it is submitted that the Petitioners themselves have admitted that the House has the power to suspend or expel a person for breach of privilege or contempt of the House and that the same is not curtailed by any Rules of Procedure, such as Rule 121 of the Assembly Rules. In the instant case, the six Petitioners have been suspended for more than a session not under Rule 121 but on the basis of the report





Secretary
Legislative Assembly Secretariat
Chennai-600 009

by the Courts as stated in foregoing paragraphs.

46. Regarding Ground 8 it is submitted that the averment that there was gross violation of the principles of natural justice necessitating scope for judicial intervention is completely refuted. Right from the reference of the issue to the Privileges Committee till adoption of the resolution by the Assembly, all principles of natural justice and fairplay were scrupulously followed. The incidents inside the Assembly Chamber happened in full view of the House and in the presence of MLAs, media persons, officers and visitors in the galleries. The incidence of such an act is never in doubt. The House itself could have immediately proceeded against the evicted members who took part in such atrocious activities by passing a resolution providing such stringent punishment to the erring Members as it may deem fit. However, the issue was referred to the Committee of Privileges by the Hon'ble Speaker in order to ensure that the actual Members who took part in the attempted assault on Speaker and obstruction of the Watch and Ward staff acting under his orders, could be identified from the video recording of the incidents and in order to ensure that principles of natural justice are followed by affording an opportunity to the concerned Members to submit their explanations and also enable the Committee to take a proper

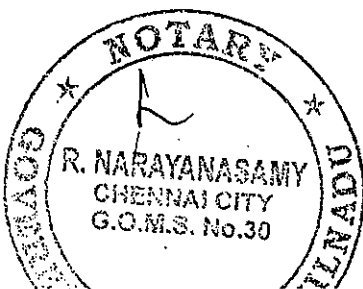




Secretary
Legislative Assembly Secretariat
Chennai-600 009

before it. The above position may be noted from the speech of the Chairman of the Privileges Committee during the sitting of the Committee on 20-2-2015.

47. As already explained in Paras 11 and 12 above, in the interests of natural justice the Committee decided to seek explanation from the six Petitioners giving them a week's time and all the explanations were deliberated upon in detail and the Report also summarises the view of the Committee on the contentions contained in the explanations given by the Petitioners.

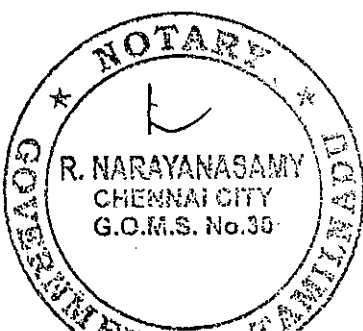
48. Regarding Ground 9, it is submitted that the undemocratic, unparliamentary and unruly behaviour of the six petitioners endangering the life of the Speaker was the root cause for the initiation of charge of breach of privilege against them and suspension was the punishment awarded after the charge was proven. Deprivation of salary and other benefits was only a natural consequence that flow from such suspension. The ground of right to Salary and allowances till term of office, right to represent the Constituency etc. were earlier raised in similar cases before the Hon'ble High Court of Madras. The Hon'ble Judge in Vijayakant case had clearly pointed out in para 61 that such a contention was answered from paragraphs 151 to 159 of the decision in Raja Ram Pal. After holding that the right acquired by an elected




Secretary
Legislative Assembly Secretariat

paragraph 158 that "salaries are obviously dependent upon membership." Therefore, it is clear that the validity of the suspension cannot be judged merely by the consequences that flow out of the same. An elected member who is debarred by virtue of an order of suspension, from discharging his duties and functions, may have to suffer all the consequences that go with the office. The same grounds were again raised in V.C. Chandhirakumar case and once again the Hon'ble High Court of Madras dismissed them vide observation in paras 51 to 54. The Petitioners went on Appeal raising the same grounds and the Hon'ble first Bench of the Court again dealt with each one of them and finally dismissed the appeal observing that "the questions/points urged by the learned Senior Counsel appearing for the appellants, are no longer res integra for the reason that in Raja Ram Pal's case, all the issues have been elaborately dealt with and the ratio laid down in the said case has been followed in the subsequent decision rendered in A.K.Bose's case and Vijayakant's case." (Para 5.2) The Special Leave Appeal (C) No. 14156/2014 filed before the Hon'ble Supreme Court was also dismissed.

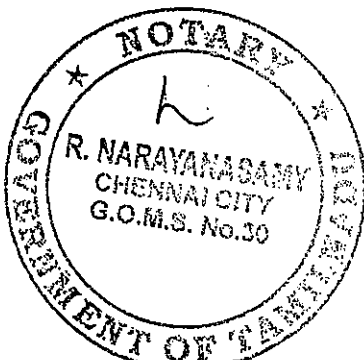
49. Thus it has been conclusively and repeatedly held that once it has been established that the House has authority to




Secretary
Legislative Assembly Secretariat

impugned consequential resolution could not be quashed citing deprivation of salary, allowances and other entitlements otherwise available to the Petitioners as MLAs. Hence, the petition seeking to project several grounds based on the same settled issues, deserves to be dismissed as devoid of merits.

50. Regarding Ground 10, the contentions have already been countered in Paras 36 and 37 above. Further, the same ground was raised in the V.C. Chandhirakumar's case, in which six Members of the DMDK were suspended by the Tamil Nadu Legislative Assembly for a period of one year initially and subsequently the period of suspension was reduced to six months by another resolution and the Hon'ble High Court of Madras has specifically ruled out this ground. Citing again the classic Raja Ram Pal case, the Hon'ble Judge had categorically ruled in para 50 that the argument that suspending a Member for more than 60 days would be ultra-vires Article 190(4) is far-fetched and misconceived and had held that the State Legislature has power and privilege to suspend a member for more than sixty days and it does not in any way offend Article 190(4) of the Constitution of India. This was also confirmed by the First Bench of the Madras High Court in para 4.30 of Writ Appeal No. 1287 of 2013. The



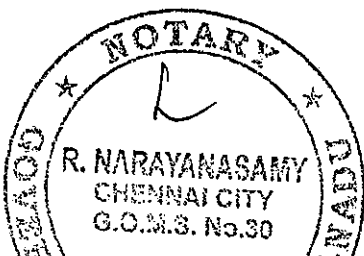
A handwritten signature in black ink, appearing to read "A. J. Samuel", written over a horizontal line.

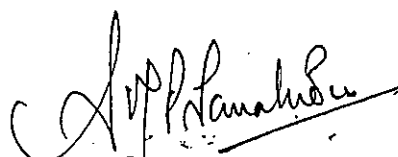
Secretary
Legislative Assembly Secretariat
Chennai-600 009

In the light of these settled judgements, the ground is untenable.

51. The question regarding term of the punishment and likelihood of extending up to March 2016 has already been dealt with in para 21 above.

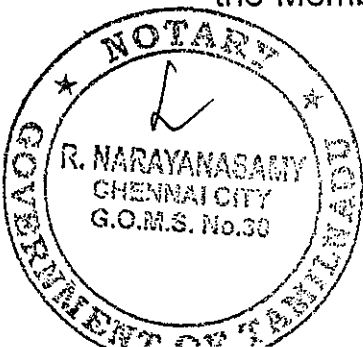
52. The averment in Ground 11 that the Privileges Committee of the Assembly which is only a fact finding body went overboard and recommended the type of punishment to the petitioners, is entirely contrary to facts. Rules 227 to 230 relate to the functions of the Privileges Committee. Rule 229 (d) provides for the methods of consideration of a Report of the Committee by the Assembly. It provides that "After the motion for consideration of the report has been carried, the Chairman or any member of the Committee or any other member as the case may be, move that the Assembly agrees or disagrees, or agrees with amendments, with the recommendations contained in the report." A reading of the above Rule shows that the report of the Committee may contain recommendations, with which the House may agree, with or without amendments or even disagree. Therefore, the power of the Committee to make a recommendation is explicitly recognised in Rule 229(d). In other words, the Committee is not merely a fact finding body, but a Committee invested with the power to make recommendations. It

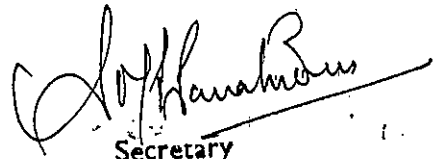



Secretary
Legislative Assembly Secretariat
Chennai-600 009

The House may even accept the recommendation with amendments. Therefore, it cannot be contended that the Committee has no power to recommend the nature of the penalty to be imposed. The contention in Ground 11 was raised in Vijayakant case itself in the year 2012 and the Hon'ble High Court of Madras had rejected contention on the above principle as evidenced in Para 45 and 46 of the Judgement.

53. Regarding Ground 12 it is submitted that as per Rule 227 of the Tamil Nadu Legislative Assembly Rules, Members of the the Privileges Committee are elected according to the principle of proportional representation by means of single transferable vote. The Hon'ble Deputy Speaker of the Assembly is, ex-Officio, the Chairman of the Committee. The Committee consists of Members belonging to the ruling A.I.A.D.M.K. party and Members of opposition parties like the D.M.D.K., the D.M.K., the C.P.I. (M), the C.P.I. and the Indian National Congress, The Leader of the Opposition, belonging to the D.M.D.K. is ex-Officio, a Member of the Committee. All the Members of the Committee who were present on the first sitting on 20-2-2015 were shown the video recording of the incident a few times before the Members who took part in the deplorable violent act were identified and all the Members including those from the Opposition agreed that the

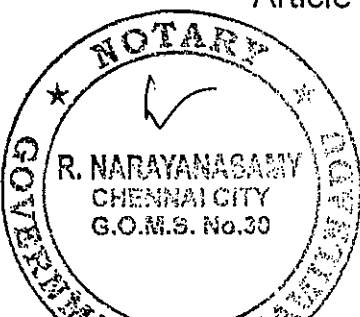


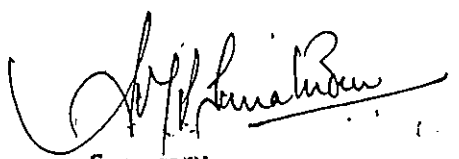

Secretary
Legislative Assembly Secretariat
Chennai-600 009

surrounding the Speaker and throwing of documents was condemnable. No Member refuted the actual occurrence of the incidents. There were divergent views only on the action to be taken against the Members. Only a few Members requested lesser punishment. As a democratic body, the Committee could formulate its collective recommendation and report only on the basis of the opinion which has majority support. As most of the Members had pressed for stringent punishment, the Committee had recommended punishment commensurate with the severity of misconduct. Thus, it is in tune with democratic principles. Incidentally it may be pointed out that the Leader of the Opposition of the DMDK and a Member of the Committee himself did not participate in the meetings of the Committee to defend the case of the Petitioners who belong to his party.

54. Regarding Ground 13, the averment is devoid of facts. On 27-3-2015, no leader of any party had spoken in the Assembly regarding the quantum of punishment because, the punishment itself was given only on 31-3-2015.

55. Regarding Grounds 14 and 15, which contend that the powers and privileges of Legislature are only temporary provisions in the absence of codification, it is submitted that Article 194 (3) of the Constitution of India provides that the



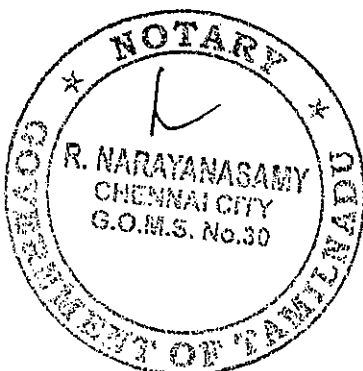

Secretary
Legislative Assembly Secretariat
Chennai-600 009

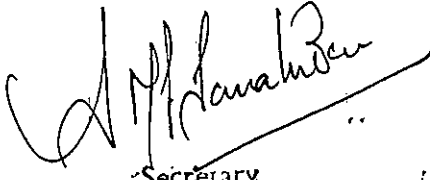
enjoyed by the British House of Commons at the time of commencement of the Constitution. Under Article 212 of the Constitution, the House has powers to regulate its own proceedings and further it is the privilege of the House to conduct its internal proceedings within the walls of the House free from interference and this includes the right to impose disciplinary measures against its Members for assault and disorderly conduct which constitute breach of privilege and contempt of the House.

According to Erskine May's Treatise on Parliamentary Practice, the act of obstructing or impeding a member in the discharge of his duty in the House would amount to contempt of the House. Further, "Any disorderly, contumacious or disrespectful conduct in the presence of either House or a committee will constitute a contempt, which may be committed by members of the public, parties, witnesses or by Members of either House."

(Page 251, May's Parliamentary Practice, 24th Edition)

May further states that "The House will proceed against those who obstruct Members in the discharge of their responsibilities to the House or in their participation in its




Secretary
Legislative Assembly Secretariat
Chennai-600 009

parliamentary conduct by threats is also a contempt."

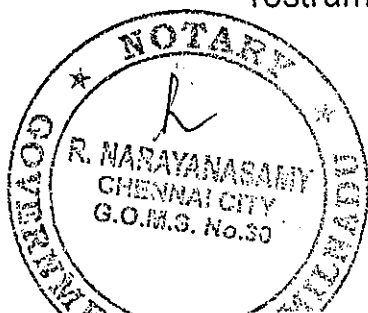
(Pages 261-262, 264)

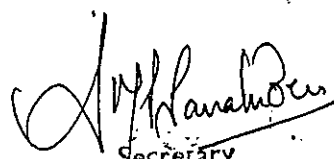
Regarding penal jurisdiction of Parliament, Erskine May states that "The power of both Houses to punish Members and non-Members for disorderly and disrespectful acts has much in common with the authority inherent in the superior courts 'to prevent or punish conduct which tends to obstruct, prejudice or abuse them' while in the exercise of their responsibilities.

The act or omission which attracts the penal jurisdiction of either House may be committed in the face of the House or of a committee, within the Palace of Westminster or outside it. Nor is it necessary that there should have been a breach of one of the privileges enjoyed, collectively or individually, by either House: anything done or omitted which may fall within the definition of contempt, even if there is no precedent, may be punished."

(May's Parliamentary Practice 24th Edition, Page 191)

Since obstruction or intimidation of a Member by an act of contempt, there is no doubt that the acts of angrily shouting and rushing towards the Hon'ble Speaker, the Presiding Officer of the House with view to intimidate and assault him, pushing his rostrum and throwing of documents at him are all highly

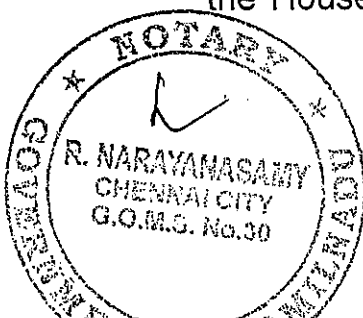




Secretary
Legislative Assembly Secretariat
Chennai-600 009

House.

Penal jurisdiction has been upheld in many instances. In this connection it is submitted that the Apex Court in Raja Ram Pal case citing Halsbury's Laws of England had specifically stated "A Member can be expelled by the legislature if his conduct renders him "unfit" to continue as such. (para 526) In para 539 Hon'ble Mr. Justice Thakker, citing the revised edition of May's Parliamentary Practice, had observed that "if the House considers conduct (misconduct) of a Member objectionable attracting sanction, appropriate punishment can be imposed on him. Over and above other penalties, 'expulsion' has been specifically and expressly mentioned herein." The Assembly has proceeded against six of its Members for intimidating and attempting to assault the Hon'ble Speaker and for assaulting and obstructing the watch and ward staff and preventing them from discharging their duty since these acts are considered as breach of privilege and have brought the House into disrespect and odium.

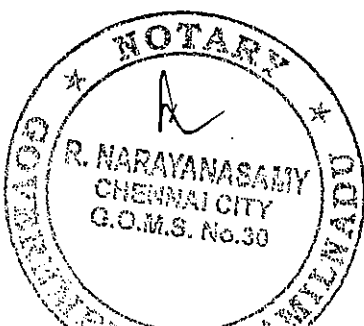
It is further submitted that the contention now raised by the Petitioners had already been discussed elaborately by the Apex Court in Ram Pal case and by majority judgement it has been conclusively ruled in Para 126 that the powers and privileges of the House of Commons of Parliament of the United Kingdom as

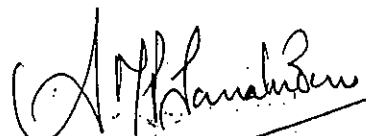



Secretary
Legislative Assembly Secretariat
Chennai-600 009

the powers and privileges available to Parliament before the amendment and that is the package which continues to be available post amendment.

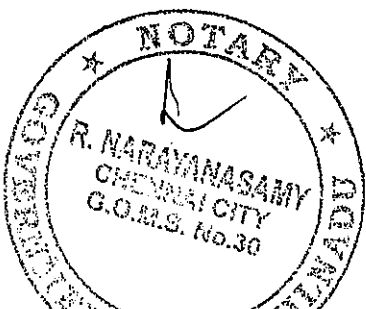
Similarly in Para 277, it has been held that the power to expel was in fact a privilege of the House of Commons at the commencement of the Constitution. It has again been mentioned in para 318 that the power of expulsion can be claimed by the Indian legislatures, as one of the privileges inherited from the House of Commons through Article 105 (3). It has also categorically held in para 149 that Article 105 (3) provides the power to make a law defining powers and privileges and all the privileges of the House of Commons vest in Parliament until such a law is passed. In para 150 the Apex Court declared that the power of expulsion is not negated by any of the constitutional or statutory positions dealing with vacancy, disqualification, salaries and allowances, term of office, citizens right to vote and right of representation and fundamental rights of the Members. When the same ground was raised by the Petitioners in V.C. Chandhirakumar's case, the Hon'ble Single Judge of the Madras High Court had quoted the above Apex Court judgement in paras 43 and 44 and held that when the Assembly has got power under Article 194(3) to even expel a Member, it cannot be said that it

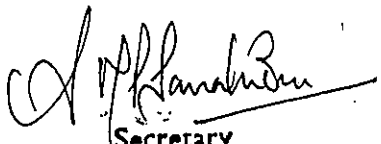



Secretary
Legislative Assembly Secretariat
Chennai-600 009

punishment than the punishment of expulsion. The appeal before the First Bench of the High Court and SLP before the Apex Court was also dismissed.

56. Despite clear judgements in the past, reliance has wrongly been placed by the petitioner on the decision by the Apex Court in Amarinder Singh Case (2010 (6) SCC 133) and this decision is not applicable in the case of suspension of a Member of the House, as pointed out by the Hon'ble Single Judge in V.C. Chandhirakumar case (Para 46). It was ruled -- "I am of the considered view that the observations made by the Hon'ble Supreme Court in Amarinder Singh's case is not at all helpful to the case of the petitioners herein, because in Amarinder Singh's case, a resolution was passed directing expulsion of a former Chief Minister of Punjab for his alleged conduct of exempting improperly vacant plots of land licensed to a private party from a pool of 187 acres of land notified for acquisition by Amritsar Lands Improvement Trust for a development scheme. Only on the basis of the above facts and circumstances, the Hon'ble Supreme Court in Amarinder Singh's case held that Punjab Vidhan Sabha exceeded its powers by expelling the former Chief Minister on the ground of breach of privilege when there existed none. The Hon'ble Supreme Court further held that alleged improper

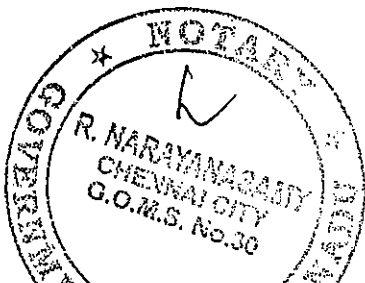


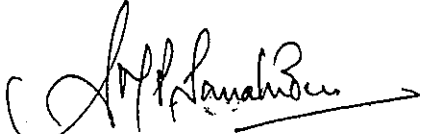

Secretary
Legislative Assembly Secretariat
Chennai-600 009

distort, obstruct or threaten the integrity of legislature proceedings in any manner. Hence, it was held that the action taken under Article 194(3) is not proper and the resolution directing expulsion is constitutionally invalid. Therefore, the law as decided in Amarinder Singh's case is not at all applicable to the facts of the present case". V.C. Chandhirakumar case and the present case are similar cases where Members of the House have been suspended by the House for improper and violent conduct and deprived for attendant benefits and therefore Amarinder Singh case which dealt with expulsion of a Member would not apply to the present case as well.

57. Regarding Ground 16, it is only a repetition of the contentions raised in Grounds, 1, 2, 4 and 10 and all the points have already been countered in the respective paragraphs citing relevant settled judicial pronouncements.

58. Regarding Ground 17, it is submitted that the contention regarding negation of the statutory right of payment of salaries is a repetition of Grounds 1 and 9 and it had been answered in paras 30 to 34 and para 48 above, citing relevant judgements. The question regarding the contention that expulsion was ultra vires Article 191 dealing with disqualification, the Apex Court had, in Raja Ram Pal case categorically ruled that in the case of

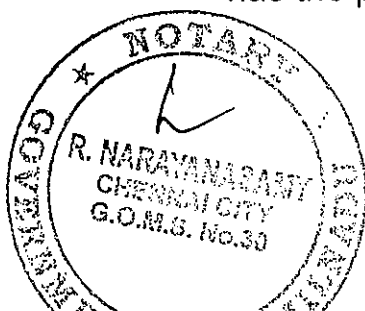




Secretary
Legislative Assembly Secretariat
Chennai-600 009

and vacation of seat operate independently of Article 105(3) which includes the power of expulsion. Hence, the Court in Para 145 ruled that the power of expulsion cannot be held to be inconsistent with these provisions. Thus, as far as a State Legislative Assembly, the corresponding position is the power to expel or suspend under Article 194 (3) is not inconsistent with Articles 190 and 191. In fact, in Para 660, the Court held "...Every legislative body has power to regulate its proceedings and observance of discipline by its Members. In exercise of that power, it can suspend a Member as also expel him, if the circumstances warrant or call for such action. It has nothing to do with disqualification or vacation of seat."

59. The same Ground was raised by the Petitioners in V.C. Chandhirakumar case and the Hon'ble High Court of Madras dismissed it stating--

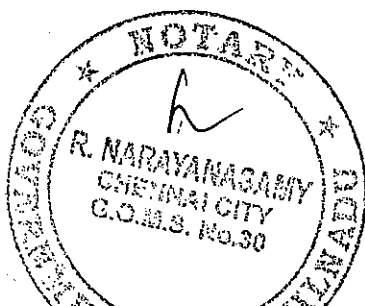
"Similarly, contending that the impugned proceedings are ultra-vires to Article 80(4) and 191 read with provisions relating to Representation of People's Act, 1951, is also not acceptable for the simple reason that placing a member under suspension is the cause and all other things are its consequences. Once it is held that the House has the power and privilege to expel or suspend a member





Secretary
Legislative Assembly Secretariat
Chennai-600 009

what would be the punishment that should be given to the member. Once a punishment is given and a resolution is passed thereafter and there is no violation of any constitutional and fundamental rights affecting the person who is to be suspended, then he / she has to face the consequences including the denial of salary, attending the House, function as a member of the House, etc. Once a Member is suspended for a period and during the period, if any intervening circumstances arise, then, as a suspended member, he is not entitled to participate in those events in his capacity as a member of the House. Denial of salary and the other privileges like voting in an election are not constitutional rights nor the fundamental rights and in such circumstances, it is not open to the petitioners to contend that as these rights are affected, the impugned proceedings are violated and are liable to be set aside. Therefore, the arguments advanced on behalf of the petitioners in this regard are rejected." (Para 56)

It is further submitted that the Petitioners have reproduced the Grounds in V.C. Chandhirakumar by including Article 80 (4) in the above Ground 17. Article 80 (4) relates to election of Members to the Council of States by Members of the Assembly. When the

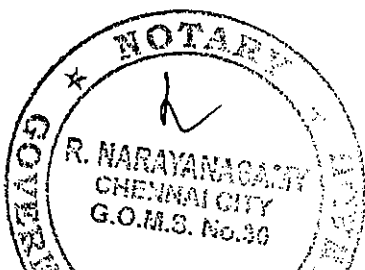


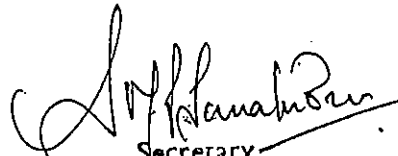

Secretary
Legislative Assembly Secretariat

an impending Rajya Sabha election to fill 6 seats from Tamil Nadu and therefore the question of the right of the suspended petitioner MLAs to vote in the election was raised. However, in the present case, Article 80 has no immediate relevance and has been mechanically included in the Grounds submitted before the Hon'ble Supreme Court.

60. Regarding Ground 18, it is again only a cosmetic variation of Ground 14 regarding lack of codification of privileges or enabling power and it is contended that even if the Assembly had an independent power of privilege, no proceeding can be taken against a Member in violation of Articles 190 (4), 191, 195 and 80. It is again submitted, the inherent right of Parliament or Legislature to proceed against a Member and even expel him has been recognised in Raja Ram Pal case in Paras 149, 150, 216, 236, 237 and 277.

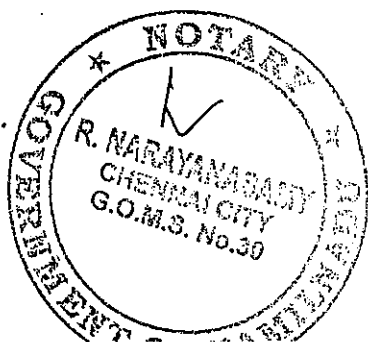
61. Regarding Grounds 19 and 21, it is submitted that the resolution of the House had arisen out of the misconduct of the Members inside the Assembly and the action taken by the Legislature against six of its Members is in consonance with the Constitutional rights and penal power available with the House against its Members for activities amounting to gross breach of its privilege. Such punishments have been upheld in similar cases in





Secretary
Legislative Assembly Secretariat
Chennai-600 009

fundamental rights has been dismissed stating that right of, representation, right to salary, term of office etc. are not fundamental rights and expulsion by the House was not against any of the above Constitutional provisions. Resolutions passed by the Assembly in similar issues have been upheld in A.K. Bose case, Vijayakant case and V.C. Chandhirakumar case.

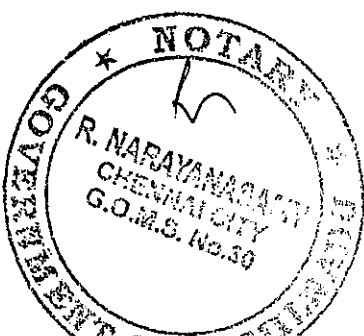
62. Further, in Raja Ram Pal case, the Hon'ble Supreme Court had made a clear distinction between freedom of speech to citizens under 19(1)(a) and freedom of speech inside the Legislature under Article 194 (1) available only to the Members. (Paras 129 to 131, 340 and 341) These cannot be equated, interchanged or interlinked. In A.K. Bose case it has been successfully contended on behalf of the Respondent that Article 19(1)(a) is subject to reasonable restriction under Article 19(2) and available to all citizens and the same is not the case in Article 194(1) of the Constitution since it is available only to a Member of a Legislature and more so, being a Member of a Legislative Assembly is not a fundamental right and hence, there is no violation of Article 19(1)(a) of the Constitution as has been held by the Supreme Court in the case of M.S.M. Sharma v. Sri Krishan Sinha reported in AIR 1950 SC 395 (Sharma-I), that the principle of harmonious construction must be adopted, and so construed,





Secretary
Legislative Assembly Secretariat
Chennai-600 009

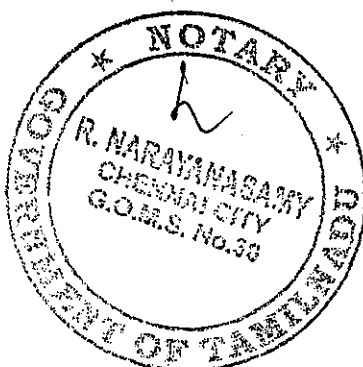
Article 194(1) and the latter part of its clause (3) which are special and as such, the freedom of speech of the petitioner under Article 19(1)(a) outside the House is not curtailed by the impugned resolution and in such a case, the petitioner cannot be heard to complain of violation of Article 19(1)(a) of the Constitution of India. Thus the same contentions raised by the petitioners in settled cases need to be dismissed.

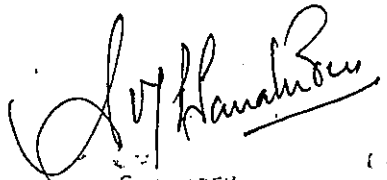
63. Ground 20 is an exact reproduction of Ground H identified for adjudication in Para 8 of the judgement in A.K. Bose Case. Most of the Grounds and contentions in later paragraphs of the Petition have been reproduced mechanically without taking into note a vital difference between the circumstances in A.K. Bose case and the present case. In A.K. Bose case, the House by itself dealt with the misconduct of the Member viz. namely of throwing the cap of a Ward and Ward staff towards the Speaker and awarded the punishment. The issue was not referred to the Privileges Committee. In the instant case, the matter was duly raised as a breach of privilege issue under Rule 220 and as prescribed in Rule 221 was taken up immediately. The issue here had been referred to the Privileges Committee under Rule 226 and the report of the Committee had been taken into consideration and approved by the House as required in Rule




Secretary
Legislative Assembly Secretariat

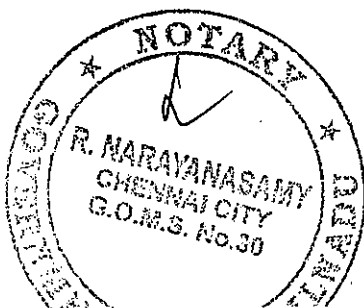
in the A.K. Bose Case, the petitioners were addressed by the Committee to send in their explanations on the charge against them within a week's time. The contention of malafide intention to wreak political vengeance is totally refuted. The acts of the petitioners on 19-2-2015 for which they have been suspended including angrily shouting, gesturing and rushing towards the Hon'ble Speaker and surrounding him with a view to intimidate and assault him, pushing aside his rostrum and throwing of documents at him were all incidents which happened inside the Assembly Chamber in full view of the House. All the Members of the House including the Speaker, members of the press and other media, Officers in the Galleries and public in the visitors galleries were witnesses to it. Moreover the incident was simultaneously being recorded officially by the Tamil Nadu Films Division, which system is in vogue since August 2001. The incidents which actually happened have been summarised in paras 7 to 9 above. Immediately after the incident, it has been raised not by extraneous means but properly as per Rule 220 of the Tamil Nadu Legislative Assembly Rules framed under Rule 208 of the Constitution and proceeded upon scrupulously as per the Rules 220 to 229. Hence the proceedings are fully valid.




Secretary
Legislative Assembly Secretariat
Chennai-600 009

(i) identified for adjudication in A.K. Bose case. The details of provision of reasonable and adequate opportunity and time to the Petitioners, proper following of due procedure in all stages etc. have already been in paras 11 to 15 and para 46 and 47 above. The Privileges Committee had gone into the issue thoroughly and all Members including those from the Opposition were given full opportunity to record their views in the Committee as well as in the House. Finally, the House has by majority opinion, passed the resolution as per Rule 99 and it is a decision of the House as a whole. Therefore, the claim of the Petitioners that no opportunity was given to them and the ruling front itself has passed the resolution in a concerted, arbitrary and unreasonable manner violative of Articles 14, 19(1)(a) and 21 of the Constitution is totally devoid of truth and is strongly refuted.

65. Regarding Ground 23 it is submitted that it is not correct to state that the petitioners' right to life and liberty under Article 21 have been grossly affected by the resolution. The contention is the same raised in Ground (I) identified for adjudication in A.K. Bose case and have already been dismissed. In Raja Ram Pal case the Hon'ble Supreme Court had dismissed the contentions that resolution for expulsion violated Article 19 and Article 21 and it had clearly ruled that "Even if it were to be assumed that these

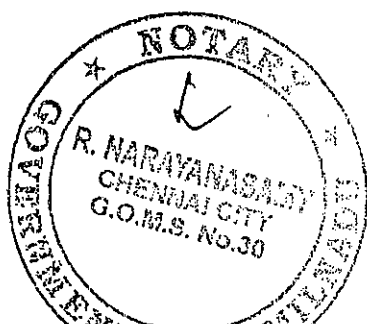




Secretary

Legislative Assembly Secretariat
Chennai-600 009

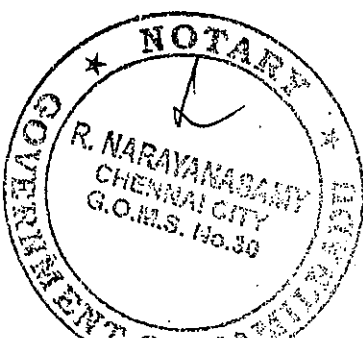
the power of expulsion within Article 105 (3)." (Paras 165, 167).

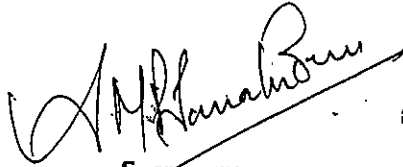
66. Regarding Grounds 24 and 25, the charge of arbitrariness, political enmity and exercise of power vested in the hands of a few resulting in curtailment of right of the petitioners is baseless and is totally refuted. The petitioners have been suspended as a consequence of their violent acts inside the Assembly and that too by proper procedure prescribed for breach of privilege. The Privileges Committee as well as the Assembly comprise of Members of all Political parties and the findings and recommendation of the Committee based on majority opinion had been approved by the collective decision of the House as a whole, expressed in the form of a resolution duly passed as per the Assembly Rules. As detailed in Paras 17 and 53, all the aspects of natural justice were fully followed before awarding punishment for gross breach of privilege. All the Members of the Committee, including those from the Opposition parties, accepted that the acts of these six Members were condemnable and said that they would never endorse such violent acts. One of the Opposition party Members said that more than 75% of the video clippings showing the undesirable behaviour of the DMDK Members were seen by people throughout the State through Television and such acts were deplorable. Another Opposition Member pointed out that




Secretary
Legislative Assembly Secretariat

people think that they have elected the wrong persons as their representatives. The above position has been amply summarised in Pages 11 and 18 of the Report. Most of the Committee Members pointed out that some DMDK members have been repeatedly indulging in acts of violence inside the Assembly despite several warnings and punishments of suspension handed over in the past and they have now gone to the extent of attempting to assault the Hon'ble Speaker himself and majority Members of the Committee requested that in the light of habitual unruly behaviour of the DMDK Members, stringent punishment may be given to erring Members in order to uphold the dignity of the House and to ensure that such condemnable and unfortunate incidents do not recur. A few Members from the Opposition, while acknowledging the fault on the part of the DMDK Members, only appealed for lesser punishment in the light of the explanations and regret given by the petitioners in their letters to the Committee. Thus, the resolution for punishment passed after due consideration and process was a collective decision of the House and not of a vested few as claimed by the Petitioners. It may be noted that though the Petitioners claimed in their explanation that they always treated the Speaker and the House with utmost respect, they along with other Members of their Party staged



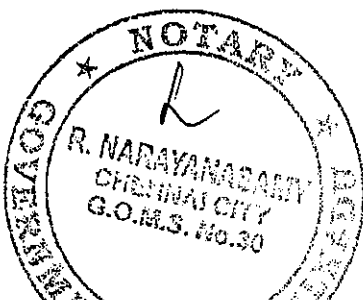

Secretary
Legislative Assembly Secretariat

Committee was presented to the House.

67. Ground 26 is a mechanical repetition of Ground (q) identified for adjudication in A.K. Bose Case and it has been decided in favour of the Respondent. The contentions in the ground are refuted. As stated in foregoing paragraphs in Raja Ram Pal case in para 150 the Hon'ble Apex Court had ruled that the power of expulsion of a Member is not negated by any of the constitutional or statutory positions dealing with vacancy, disqualification, salaries and allowances, term of office, citizens right to vote and right of representation and fundamental rights of the Members. Similar judgements had been given in matters involving suspension of Members of the Tamil Nadu Assembly as in A.K. Bose Case, Vijayakant Case and V.C. Chandhirakumar case.

68. Further Rules 219 to 230 of the Assembly Rules dealing with matters involving breach of privilege have been fully followed in the present case. The invoking of Rule 286 raised in A.K. Bose case has no relevance at all to the present case, because it deals with the discretionary power of the Speaker in matters not specially provided for in the Constitution or in the Assembly Rules.

In the instant case, raising of the Privilege issue immediately after the incident in the House, the referral of the issue to the Privileges

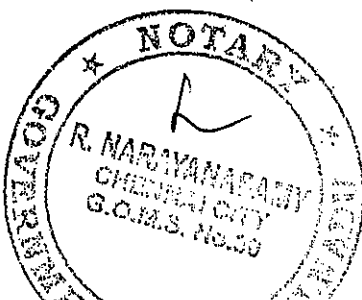


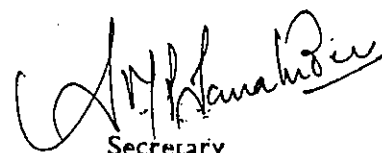

Secretary

Legislative Assembly Secretariat
Chennai-600 009

Report are all governed by Rules 219 to 230 relating to power of privileges and Rule 286 has not been invoked.

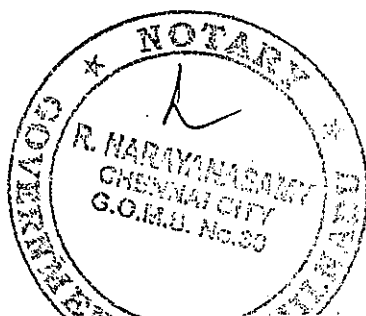
69. The charge that opportunity had not been given to the petitioners has been mechanically repeated and is totally refuted as it is devoid of truth. The point has been dealt with elaborately in paras 1 to 15, 46, 47 and 70 and need no repetition. Regarding lack of notice about punishment, it is submitted that as per the provisions in Rules 226 and Rule 229, the Privileges Committee could only examine the issue referred to it and make recommendation and it is for the House as a whole to accept it, reject it or accept it with amendments. The nature of punishment had been decided only by the House on 31-3-2015 and hence the question of giving notice about the nature of punishment does not arise. Members of the Assembly, especially most of them from the Opposition were given opportunity to speak on the Motion for acceptance of the recommendation of punishment made by the Committee. Their views were recorded and the House after such debate had, by majority opinion chosen to approve the punishment by voting in favour. As stated earlier, the Leader of the Opposition who is the leader of the DMDK party to which the suspended petitioners belong, as well as other unsuspended Members of the DMDK were free to speak on the motion but the





Secretary
Legislative Assembly Secretariat
Chennai-600 009

the Constitutional provisions and the Assembly Rules applicable as also all the tenets of natural justice have been duly followed before the House voted on the motion for suspension of the petitioners.

70. Regarding non-supply of video footage, it is submitted that simultaneous video recording of Assembly proceedings by the Tamil Nadu Films Division, a Government body, is in vogue since August 2001 and these have been part of the material evidence considered to identify the Members involved in violent acts in the past. The incidents had happened inside the Assembly Chamber with the Hon'ble Speaker and other Members as eye-witnesses. More over the video clipping was repeatedly shown to the Privilege Committee Members who were present in the meeting, including to those from the Opposition and the Committee had identified the six Members involved. Immediately after watching the video clippings showing Thiru V.C. Chandhirakumar and others angrily rushing towards the Speaker, surrounding him and arguing, pushing the Speaker's rostrum and throwing of documents etc., all the Members including those from the Opposition had condemned the angry and violent acts of the DMDK Members and no member had refuted the incident. The DMDK leader who happens to be the



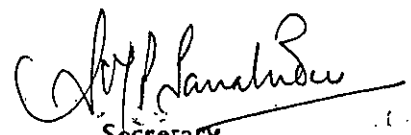

Secretary
Legislative Assembly Secretariat
Chennai-600 009

Committee, despite receipt of communications sent by the Respondent, failed to attend the Meetings of the Privileges Committee and thereby did not avail the opportunity to view the video clippings. The video footage had been seen by the people throughout the State on television on 19-2-2015 evening itself. In the absence of any doubt on the incidence of violence by DMDK Members in the Assembly, the necessity of providing video clippings to the petitioners does not arise. Since their explanations were duly considered and thoroughly deliberated upon in the Committee, the Petitioners have not been put to any disadvantage. Hence raising this contention at this stage could not be countenanced.

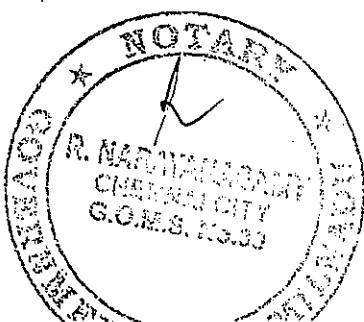
71. Regarding Ground 28, the contentions raised in para 22 and 24 have been repeated and these have already been countered and the fact how natural justice was followed in each stage of the privilege issue had been elaborated in foregoing paragraphs.

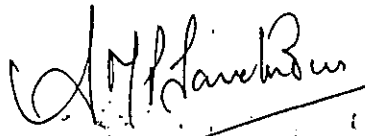
72. Regarding Grounds 29 and 30 it is submitted that the violent behaviour of the petitioners happened in full view of the House and witnessed by everyone in the House and the indulgence of the petitioners in such acts captured in the video clipping were seen and even condemned by all the Members of




Secretary
Legislative Assembly Secretariat
Chennai-600 009

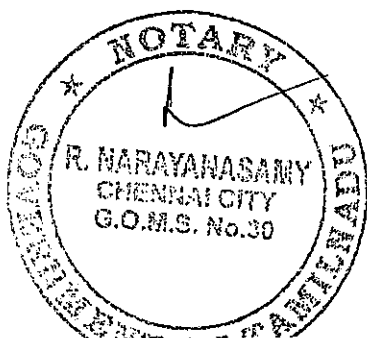
2015 went on smoothly before and after the incident and no other Party Members except the DMDK had indulged in such violent activity on 19-2-2015. This can be corroborated also from the reports published in the newspapers based on the feedback given by the accredited media representatives who witnessed the incident inside the Assembly Chamber. The extempore observations made in the Assembly, especially by the Hon'ble Speaker at the time of the incident which find place in the Official Record of Proceedings of the Assembly dated 20-2-2015 bear true testimony to the incident. The Hon'ble Speaker had specifically stated that the DMDK members have intentionally rushed towards him in a deliberate attempt to assault him, have pushed the Speaker's rostrum and trampled and damaged documents. He had further observed that the assault on the Watch and Ward staff was highly condemnable and that the House was an eye-witness to the incidents. Condemning the deliberate intention of the DMDK members to stall the conduct of proceedings through atrocious activities he observed that this has brought the House into odium. The Leader of the House while narrating the incident had also stated that in attempting an unprecedented murderous attack on the Speaker, Thiru V.C. Chandhirakumar and some others have pushed aside his rostrum

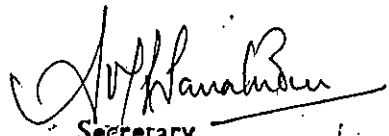



Secretary
Legislative Assembly Secretariat
Chennai-600 009

Watch and ward staff and thrown their caps. Thus the video clipping was not the sole evidence for the incident but the clipping had only helped in identifying the other five petitioners who with Thiru V.C. Chandhirakumar indulged in the violent acts from among the 19 DMDK Members who were on their feet simultaneously. In fact, the first item in the agenda for the Privileges Committee meeting on 20-2-2015 was the viewing of video clipping for identifying those DMDK members who actually participated in the indecorous acts. The Committee Members identified the six petitioners and subsequently explanations were sought for from them. The denials and reasons attributed by the petitioners in their explanations were also duly considered and disposed off by the Committee during its meetings.

73. The contentions in Grounds 31 to 35 are again a repetition of points regarding judicial review in matters involving exercise of powers and privileges of the House, which have already been answered in foregoing paragraphs. The judgements cited have been discussed elaborately in Raja Ram Pal case which upheld power of Parliament to expel members and also by the Hon'ble High Court of Madras in A.K. Bose case, Vijayakant case and V.C. Chandhirakumar case which upheld suspension of MLAs for periods exceeding the session. To sum up, all the

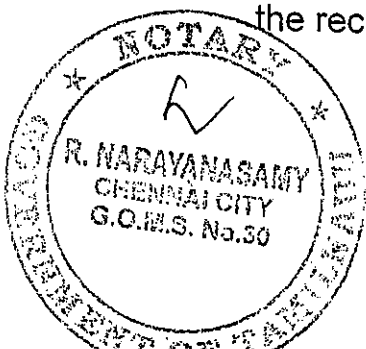




Secretary
Legislative Assembly Secretariat
Chennai-600 009

and principles of natural justice have been followed in the instant case and there is no illegality, unconstitutionality or violation of fundamental rights. Penal action adopted by the Legislature against six of its Members for indulging in attempting a violent assault on the Speaker and indecorous acts bringing the House into disrespect, which constitute the breach of privilege.

74. The contention in Ground 36 has been mechanically borrowed from the grounds raised in A.K. Bose case, where the Privileges Committee was not in the picture at all and House itself dealt with the matter. On the contrary in the instant case, the issue was referred to the Privileges Committee and all the Rules regarding breach of privilege issues from Rules 219 to 230 were scrupulously followed. Therefore, the contention is entirely refuted.

75. The contention in Ground 37 again have been exactly lifted from Para 14 of the A.K. Bose case and do not apply exactly to the facts and circumstances of the case as detailed in Para 68 of the counter and even in that case, the prayer of the petitioner to quash the resolution was dismissed. Similarly, these same grounds have been adjudicated upon and petitions dismissed in Vijayakant Case and V.C. Chandhirakumar case which involved the recommendation of the Privileges Committee as in the present

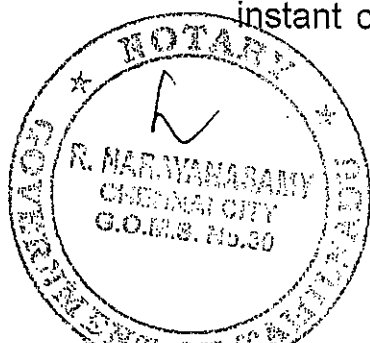


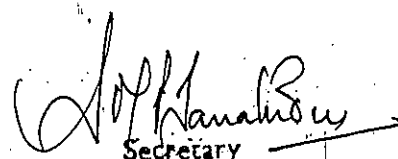

Secretary
Legislative Assembly Secretariat
Chennai-600 009

grounds, details of which are not repeated for brevity.

76. Regarding Grounds 38 and 39 regarding authenticity and supply of video clipping of incident, it is submitted that contrary to the averments in Ground 39, the video clipping seen by the Committee of Privileges was not from a private or unknown source as to entail question of authenticity and apprehension of mischief, doctoring and interpolation. As observed in A.K. Bose and Vijayakant case judgements, simultaneous video recording of Assembly proceedings by Government agency has been in vogue in Tamil Nadu from August 2001 and hence, the authenticity and veracity of the recording has never been and could not be in question. Further, the violent incidents on 19-2-2015 have been witnessed by all Members in the House including those in the Privileges Committee and thus videograph is not the sole basis for award of punishment.

77. Further supply of video recording to the Member in the Raja Ram Pal case is different because the facts and circumstances were entirely different and the Members were proceeded against on the basis of video evidence gathered by a private channel as part of its sting operation to expose "cash for query" scam involving certain members. But in the instant case, the House was a witness to the incident, the video



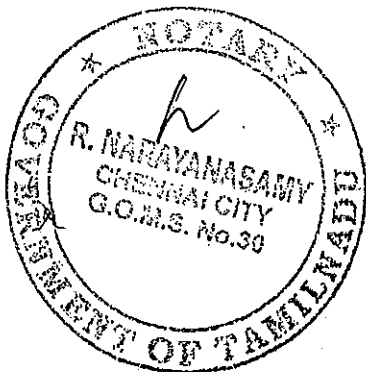

Secretary
Legislative Assembly Secretariat
Chennai-600 009

the video excerpts of daily proceedings given to all TV channels, the erring Members were identified by the Privileges Committee. Hence, question of authenticity and hence need for supply of video clippings to the Petitioners does not arise in this case. Contrary to the contention in the paras, enough opportunity has been given to the Petitioners to defend the allegations against them.

78. In view of the foregoing reasons it is prayed that the Hon'ble Court may be pleased to dismiss the above petition fully and thus render justice.

VERIFICATION:

Verified by me at Chennai on this day 25th of August 2015 that the contents of the above affidavit paras 1 to 78 are true to the best of my knowledge. No part of it is false and nothing material has been concealed therefrom. All the annexures are true copies of the respective originals.

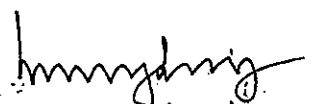



DEPONENT

Secretary
Legislative Assembly Secretariat
Chennai-600 009

Solemnly affirmed at Chennai on this the 25th day of August, 2015 and signed his name in my presence.

BEFORE ME


25/8/2015
R. NARAYANASAMY
ADVOCATE & NOTARY

**TRANSLATION OF PROCEEDINGS OF THE
TAMIL NADU LEGISLATIVE ASSEMBLY
DATED 19.2.2015 AND 31.3.2015**

19.2.2015

Discussion on Motion of thanks for the Governor for his address

THIRU ALAGAAPURAM R. MOHANRAJ: Hon'ble Speaker Sir, I begin my speech by saluting the Founder-President of the Desiya Murpokku Dravida Kazhagam and Leader of the Opposition in the Tamil Nadu Legislative Assembly, Hon'ble Puratchi Kalaigarn Captain, my political mentor, idol of hope for the youth and epitome of fearless honesty and philanthropy for having mould me as an M.L.A. and Deputy Leader of the Opposition and for providing me an opportunity to participate in the discussion on the Motion of thanks for the Governor's address for the year 2015 and to articulate in the Assembly the needs and basic issues of the people of Tamil Nadu.

11-45 a.m.

I wish to make a clarification to the Hon'ble Chief Minister and the Leader of the House. It is not my intention to find fault with you with relation to the Governor's Address. We wish to point lapses not known to you in order to find solutions for them. (Interruptions) We too can raise our voice; don't think that only you can raise your voice.

HON'BLE SPEAKER: Hon'ble Member, address the Chair while making your speech.

in the Governor's Address for the year 2015, we were expecting joyful announcements regarding welfare schemes for the people, announced last year and development schemes implemented in this financial year. On the contrary, the people of Tamil Nadu had not expected that not only many schemes announced last year have not been implemented but several schemes have not even been started. It is true that they have not been implemented. For example ** (Commotion)

HON'BLE SPEAKER: The word ** mentioned by the Hon'ble Member is expunged. (Commotion) It is not proper for a Member to mention specifically. It is expunged from the proceedings. (Commotion) It is not proper. You don't have authority to speak about such things. (Interruptions) You don't have the right to speak about such things. (Commotion) If you speak in such inappropriate manner, action might need to be taken. (Interruptions) I am standing. You resume your seat. (Commotion) Thiru Alagaapuram R. Mohanraj is not allowing the proceedings of the House to continue and is disrupting the House. (Interruption) If you can speak calmly, you can continue, or else, you don't have opportunity to speak. (Commotion) Since the words spoken by Thiru Alagaapuram Mohanraj are unpleasant (Commotion) they won't be on record. As Thiru Alagaapuram R. Mohanraj is persistently obstructing the conduct of the proceedings, I order the watch and ward staff to evict him. (Commotion)

Thiru D. Sureshkumar, Thiru K. Pandiarajan and Tmt. R. Santhi) came near the Speaker's podium and shouted]

As all of them have come near the Speaker's podium and are shouting, I order the watch and ward staff to evict them. (Commotion) I order the eviction of DMDK Members who have obstructed the proceedings of the House by pushing the Speaker's rostrum and are disrupting the proceedings of the House. (Interruptions) Evict them. (Commotion)

[DMDK Members (except Thiru Arun Subramanian, Thiru R. Sundarrajan, Thiru D. Sureshkumar, Thiru K. Pandiarajan and Tmt. R. Santhi) were evicted from the House by the watch and ward staff]

11-50 a.m.

I strongly condemn the premeditated and deliberate attempt by the DMDK Members to stall the House through their atrocious acts. I request the Hon'ble Leader of the House to state whether such conduct even needs to be referred to the Committee of Privileges.

HON'BLE THIRU NATHAM R. VISWANATHAN: Hon'ble Speaker Sir, all the Members here, including the Speaker and the Opposition Members have witnessed for ourselves the atrocity let loose by the DMDK Members. They have gone to such a violent extent and have obstructed the proceedings of the House and even the Speaker's rostrum...

HON'BLE SPEAKER: I request the Hon'ble Leader of the House to state what action may be pursued against them for having pushed aside and damaged the Speaker's rostrum and obstructed the conduct of the House in a disparaging manner.

I order the eviction of the DMDK Members from the lobby. I order the eviction of those who are sitting in dharna. Their acts today have brought disgrace to the House. They have not only struck the Speaker's rostrum and damaged it; they have also trampled upon and damaged many documents. Therefore, I strongly condemn this ignoble act of the DMDK Members. I request the Leader of the House to decide and let me know about further action that needs to be taken.

GOVERNMENT MOTION

SUSPENSION OF DMDK MEMBERS FOR THE REMAINDER OF THE SESSION

HON'BLE THIRU NATHAM R. VISWANATHAN: Hon'ble Speaker Sir, we were all witnesses to the atrocity and belligerence that happened here, especially, all the opposition Members have been a witness to this incident. Thiru V.C. Chandhirakumar, along with other DMDK Members, has directly proceeded towards the Speaker's podium with an attempt to assault the Hon'ble Speaker himself...

HON'BLE SPEAKER: They came like assaulting me. They came like assaulting the Speaker.

HON'BLE THIRU NATHAM R. VISWANATHAN: We were all witnesses to the murderous nature of the attack made by them in which the Speaker's rostrum was pushed, the watch and ward staff were assaulted and the caps worn by them were snatched and hurled and the books, documents and papers brought by them were all thrown. Thus, their atrocious activities disrupting the House are against the conventions of the House and are unprecedented in the entire history of this House. They

Hon'ble Speaker to take action against the DMDK Members who have committed such grave offence. With all your permission, I move a motion in this regard.

11-55 a.m.

Hon'ble Speaker Sir, I move --

"That the DMDK Members who have attended the House today and indulged in pandemonium may be suspended for the remainder of the session under Rule 121(2) of the Tamil Nadu Legislative Assembly Rules for wilfully obstructing the business of the House and disrupting the proceedings much against the rules of the House." (Thumping of desks)

I also move --

"That apart from suspending them for the remainder of the session, Thiru V.C. Chandhirakumar, Whip of the DMDK Legislature party and all of the Members who have crossed their limits and attempted to assault the Speaker himself and who have assaulted the watch and ward staff be suspended till the completion of the next session" (Thumping of desks)
(Interruption)

HON'BLE SPEAKER: I am about to put the motion to vote. After disposing off the motion, I will hear you.

HON'BLE THIRU NATHAM R. VISWANATHAN: Hon'ble Speaker Sir, I further request that action may also be taken to refer the acts of these Members to the Committee of Privileges.

justify the attempt to assault the Speaker? (Interruption) Wait, I will hear you later. After putting the motion to vote, I will hear you. You can speak after the motion is put to vote.

Their action of rushing towards the Speaker in a deliberate, planned attempt to attack me is highly condemnable. Assault of the watch and ward staff is highly condemnable. The House itself stands witness to this. Hence, I put the motion brought forward today by the Leader of the House to vote.

Those in favour, please say "Aye" (Ayes)

Those against, please say "No" (Noes)

I think the "Ayes" have it.

The "Ayes" have it. The motion brought forward by the Hon'ble Leader of the House is carried. (Thumping of desks)

SUSPENSION OF DMDK MEMBERS FOR THE REMAINDER OF THE SESSION - RECONSIDERATION

HON'BLE SPEAKER: Hon'ble Member, Thiru M.K. Stalin, may speak.

THIRU M.K. STALIN: Hon'ble Speaker Sir, accepting the motion brought forward by the Leader of the House regarding the incidents in the Assembly, you have given your ruling here. You have also received the approval of the House in this regard. Hence, kindly don't consider that I am intervening in that. However, what I want to state on behalf of the Dravida

speaking here, he unnecessarily...

HON'BLE SPEAKER: It is over. (Interruption)

THIRU M.K. STALIN: Only as he unnecessarily uttered a word, the Member belonging to DMDK, in an attempt to counter that word...

HON'BLE SPEAKER: Hon'ble Member. (Interruption) No. The Leader of the House brought forward a motion and it has been passed by the House. You need not speak on the motion carried. (Interruption) I have given my verdict. It is not proper for you to proceed further. (Interruption) Hon'ble Leader of the House.

HON'BLE THIRU NATHAM R. VISWANATHAN: Hon'ble Speaker Sir, the Hon'ble Member Thiru Kadambur Raju, while speaking, has not mentioned anyone's name and he has not used any objectionable words. However, on the contrary, Thiru Alagaapuram Mohanraj, Deputy Leader of the DMDK, had made specific mention while speaking. He specifically mentioned **. The Member who spoke initially without mentioning anyone's name and without objectionable remarks used certain words superficially. There were no objectionable portions in it. However, no cadre here can tolerate criticism directly referring to our leader, (Thumping of desks) the goddess of our hearts, people's Chief Minister Puratchi Thalaivi Amma whom we respect as God. Therefore, the Hon'ble Legislature Party leader of the DMK has to realize the difference between speaking by mentioning the name and not mentioning the name. He is a senior and experienced Member. I think he will accept this reasonable action. If they oppose the

* Expunged as ordered by the Chair.

12-00 noon

HON'BLE SPEAKER: Thiru M.K. Stalin, you were witnessing all that happened in the House. (Interruption) Don't make criticisms after the motion has been passed and after the Speaker has given his verdict. (Interruption) You need not criticize the motion. Be seated. (Interruption) The House itself stands witness to what has happened. (Interruption) The Leader of the House has given his explanation and no further debate is needed. (Interruption) I am about to call your party member to speak, resume your seat. (Interruption) Hon'ble Member Thiru M.K. Stalin, may speak.

THIRU M.K. STALIN: Hon'ble Speaker Sir, I do not want to intervene in your verdict on any account. I want you to reconsider and reduce the punishment of their suspension for the remainder of the session.

HON'BLE SPEAKER: You may resume your seat. Continuation of discussion on the Motion of Thanks to the Governor's Address. Hon'ble Member Thiru S.S. Sivasankar.

*** **

GOVERNMENT MOTION - Contd.

**SUSPENSION OF DMDK MEMBERS FOR THE REMAINDER OF THE
SESSION - Contd..**

HON'BLE SPEAKER: Hon'ble Leader of the House.

HON'BLE THIRU NATHAM R. VISWANATHAN: Hon'ble Speaker Sir, you have all witnessed the manner in which DMDK Members conducted themselves. I am stating this for the information of Hon'ble Members. I want to bring to your attention an information to indicate how the atrocity committed here has been extended even outside the House. I would like to inform the House that Thiru C.H. Sekar and Thiru K. Dinakaran of DMDK and a few Members of their party have assaulted the watch and ward staff outside the House and have launched a murderous attack resulting in injury. Appropriate action would be taken for the acts committed inside and outside the House. You might have realized that their atrocious and belligerent behaviour is not confined to the House but also extends outside. I request that all the parties should express their strong condemnation in this regard.

1-15 p.m.

Next, I wish to record an amendment to the motion which I already moved.

Hon'ble Speaker Sir, I move--

"That the motion may be so amended as to suspend the DMDK Members for the remainder of the session."

the House is put to vote.

Those in favour, please say "Aye" (Ayes)

Those against, please say "No" (Noes)

I think the "Ayes" have it.

The "Ayes" have it, the resolution as amended is carried.

I suspend the DMDK Members who created pandemonium in the House for the remainder of the session.

HON'BLE THIRU NATHAM R. VISWANATHAN: Hon'ble Speaker Sir, (Interruption) thank you for the support for the action taken against them.

**BREACH OF PRIVILEGE ISSUE AGAINST DMDK MEMBERS
INCLUDING THIRU V.C. CHANDHIRAKUMAR -- REFERRED TO THE
COMMITTEE OF PRIVILEGES**

HON'BLE THIRU NATHAM R. VISWANATHAN: Hon'ble Speaker Sir, the Speaker is the custodian of the proceedings of the House, the safety of the Members and dignity of the House and was a Constitutional authority. The DMDK Members have rushed to the Hon'ble Speaker's Chair with an intention to assault him, threatened him and have created a situation endangering the safety of the Speaker himself and brought disrepute to the Office of the Speaker. Further, in defiance of the orders of the Hon'ble Speaker and in utter disregard of the Rules and conventions of the Assembly, have intimidated and assaulted the Watch and Ward Staff, struck and dislodged their caps and obstructed them from discharging their duties. Further, Thiru V.C. Chandhirakumar of the DMDK and a few other

the proceedings of the House and this deserves condemnation. Since, there their action is considered to be breach of privilege of the House, I request that the issue may be referred to the Committee of Privileges.

HON'BLE SPEAKER: Under Rule 226 of the Assembly Rules, I refer this issue to the Privileges Committee for examination and report.

PRESENTATION OF REPORT

REPORT OF THE COMMITTEE OF PRIVILEGES ON DMDK MEMBERS

HON'BLE SPEAKER: Presentation of Reports of Committees.

Presentation of Report of Committee of Privileges. Hon'ble Thiru Pollachi V. Jayaraman, Deputy Speaker and Chairman of the Committee of Privileges.

HON'BLE THIRU POLLACHI V. JAYARAMAN (DEPUTY SPEAKER): Hon'ble Speaker, on behalf of the Committee of Privileges, I present to the House the Report of the Committee in the breach of privilege issue against Thiru V.C. Chandhirakumar, Thiru Alagaapuram R. Mohanraj, Thiru S.R. Parthiban, Thiru L. Venkatesan, Thiru C.H. Sekar and Thiru K. Dinakaran.

GOVERNMENT MOTIONS

ADOPTION OF THE RECOMMENDATIONS OF THE COMMITTEE OF PRIVILEGES IN THE BREACH OF PRIVILEGE ISSUE AGAINST DMDK MEMBERS

HON'BLE SPEAKER: Government Motions, Hon'ble Leader of the Opposition.

HON'BLE THIRU NATHAM R. VISWANATHAN: Hon'ble Speaker
Sir, I move--

"That the report of the Committee of Privileges, presented to the House today, regarding breach of privilege issue against DMDK Members

HON'BLE SPEAKER: The motion moved by the Hon'ble Leader of the House is put to vote.

Those in favour, please say "Aye" (Ayes)

Those against, please say "No" (Noes)

I think the "Ayes" have it.

The "Ayes" have it, (Thumping of desks). Hon'ble Leader of the Opposition.

12-35 p.m.

HON'BLE THIRU NATHAM R. VISWANATHAN: Hon'ble Speaker
Sir, I move--

"That this House accepts the recommendations contained in the report of the Committee of Privileges, presented to the House today, regarding breach of privilege issue against DMDK Members, under Rule 229(d) of the Tamil Nadu Legislative Assembly Rules." (Interruptions)

HON'BLE SPEAKER: No. All your Members have already spoken there. (Interruptions) No. (Interruptions) All that is in the Report. (Interruption) No. The Members have already spoken in the Committee. (Interruptions) No, despite that the decisions have been passed. (Interruptions) All of you be seated. (Interruptions) Those in the first row are speaking. Why do all of you stand up? Be seated. (Interruptions) No. (Interruptions) I will tell you, be seated. (Interruptions) All party members

minimized the Report and presented it to the House. (Interruptions) No. (Interruption) The decision of the Committee is in the form of Motion now. There is precedent. (Interruptions) No. There is precedent. Only as per precedent it is now before us. (Interruptions) We cannot hear all that fully because it has been debated thoroughly. (Interruptions) It won't be correct if we again have a debate here, after all of it had been discussed. (Interruptions) Be seated. Be seated. (Interruption) I will tell you, be seated. (Interruptions) Since all of you are requesting, each one of you can briefly state what you want to say. Thiru Stalin, what do you want to say?

THIRU M.K. STALIN: Hon'ble Speaker Sir, already it had been discussed in the Privileges Committee and the decision that has been recommended has been moved in the House by the Leader of the House in the form of a Motion with a view to pass it unanimously. I have already made my request in the House in this regard. Our party Member Thiru Kambam Ramakrishnan had expressed his disapproval in the Committee on behalf of the Dravida Munnetra Kazhagam in a detailed manner. Therefore, even though you have taken this action legally, the punishment is very very harsh. First it was announced that suspension was for only this session. However, it is regrettable to note that later in the Privileges Committee it has been decided to punish the Members till the next session. Therefore, on behalf of the Dravida Munnetra Kazhagam I request this House and the Hon'ble Speaker in particular to kindly reconsider this.

(interruption) Hon'ble Member Mr. Vijayadharani, are you not a member of the Privileges Committee? What is the need? What you have spoken has already been recorded. Be seated. Thiru A. Soundararasan may speak.

THIRU A. SOUNDARARASAN: Hon'ble Speaker Sir, the decision of the Privileges Committee recommending suspension of six members of the DMDK, viz., Tvl. V.C. Chandhirakumar, Alagaapuram R. Mohanraj, S.R. Parthiban, L. Venkatesan, C.H. Sekar and K. Thinakaran, for this session and ten days in the next session is like double life sentence. You have to consider remission. You have to rescind the suspension of the rest of the DMDK Members for the remainder of the session. Already, you have taken a decision regarding their conduct in the Assembly and you have decided a certain punishment. Let the period of punishment expire today. My only request is to allow them to attend the House. Such instances do take place in all Houses on certain occasions and at certain points of time due to anger. It would not be in tune with democratic principles if they are punished to such an extent that they are debarred permanently from the proceedings of the House and deprived even of the status of the Member. The Marxist Communist Party doesn't agree to this. You have to remit their punishment. Our view is that the punishment of suspension from the House till date is itself sufficient.

12-40 p.m.

HON'BLE SPEAKER: Hon'ble Member Thiru M. Arumugam.

THIRU M. ARUMUGAM: Hon'ble Speaker Sir, regarding the breach of privilege issue raised against DMDK MLAs, Thiru V.C. Chandhirakumar,

Thiru C.H. Sekar and Thiru K. Thinakaran, you have already announced about this in the House and suspension for this session has been given as punishment.

HON'BLE SPEAKER: It was decided by the House already.
(Interruption) It was the decision of the House. I did not take action in my individual capacity. It was the decision of the House.

THIRU M. ARUMUGAM: Thiru N. Nanjappan of our party has also reflected the view that the punishment given is stringent and that the punishment may be withdrawn now and action taken to admit them into the House. Therefore, on behalf of the Communist Party of India, I request that the punishment may be remitted and action taken to allow them to attend the House again.

HON'BLE SPEAKER: Hon'ble Member Dr. M.H. Jawahirullah.

DR. M.H. JAWAHIRULLAH: Hon'ble Speaker Sir, the punishment given to DMDK Members, Thiru V.C. Chandhirakumar, Thiru Azhagaapuram R. Mohanraj, Thiru S.R. Parthiban, Thiru L.Venkatesan, Thiru C.H. Sekar and Thiru K. Thinakaran, has to be reconsidered. Accepting the punishment so far undergone, you have to give them an opportunity to attend the House for the rest of the period. You have stated that their entitlements as Member, including salary and other benefits will be stopped. They are MLAs elected by the people. They have to perform their duties for their constituency people. Therefore, I kindly request you to reconsider the punishment and allow the principle opposition members to attend the House and perform their democratic duties.

THIRU P.V. KATHIRAVAN: Hon'ble Speaker Sir, the DMDK Members have acted in the House in a manner disrupting the proceedings of the House and a thorough examination has been done and after passing of resolution in the House in this regard, punishment has been given. They have also come forward and given a letter for performing their duties as Members of the Assembly. On behalf of the Forward Bloc Party, I request that it may be considered kindly and they may be given an opportunity to function again as Members of the Assembly. (Interruption)

TMT. S. VIJAYADHARANI: Hon'ble Speaker Sir...

HON'BLE SPEAKER: Hon'ble Member, have you not already spoken in the Committee? Only those who are not in the Committee are speaking here. (Interruption) No. You are not permitted to reproduce whatever you have spoken in the Committee again. (Interruption) Be seated.

THIRU N.R. RENGARAJAN: Hon'ble Speaker Sir...

THIRU J.G. PRINCE: Hon'ble Speaker Sir...

HON'BLE SPEAKER: Be seated. On what party basis can you speak? (Interruptions) On which party's behalf can you speak? Be seated. Hon'ble Member Thiru A.K. Bose.

TMT. S. VIJAYADHARANI: Hon'ble Speaker Sir...

HON'BLE SPEAKER: You are a member of the Committee. You have spoken there. Be seated.

HON'BLE SPEAKER: Hon'ble Member Thiru Prince, be seated. I will give you an opportunity. Thiru Bose, you can speak.

THIRU A.K. BOSE: Hon'ble Speaker Sir, during the last regime they raised the same allegation against me and similar to this my status as MLA was withdrawn for ten days which actually lasted for four months. My room in the Legislator's Residential Quarters was sealed and was kept under police escort. They said it was for ten days; it took four months for the session to start. When there is misconduct inside the House, the Speaker (Interruption) know you are wrong. For knocking down a cap with my hand, they gave stringent punishment. Only you have to decide in what way that was justified.

HON'BLE SPEAKER: Hon'ble Member Thiru J.G. Prince.

THIRU J.G. PRINCE: Hon'ble Speaker Sir **

HON'BLE SPEAKER: Don't say such things. The happenings in other Legislatures need not be raised here. (Interruption) No. They need not be raised here. It is expunged from the proceedings. Speak only about the precedence in this Assembly. (Interruptions) Hon'ble Leader of the House.

12-45 p.m.

HON'BLE THIRU NATHAM R. VISWANATHAN: Hon'ble Speaker Sir, you would have seen for yourselves the way in which the six DMDK Members, Thiru V.C. Chandhirakumar and five others, behaved during the

** Expunged as ordered by the Chair.

Privileges Committee. The view of the members of the Privileges Committee was that though the conduct of the DMDK Members in the House was wrong, the punishment may be made milder. That incident was unprecedented in the recent history of our Legislature and the conduct of the DMDK Members, in fact, amounted to a black mark on the Legislature's prestige. Those Members buried deep the Legislature's conventions and instead of upholding the honour of democracy, they completely ruined it. This is a serious offence. One of the Members who had earlier been punished for six months for committing similar misconduct and offence in the House, had returned to the House and indulged in a similar offence. As he goes on repeating this, there is no possibility of reform.

When Thiru Stalin of the Dravida Munnetra Kazhagam spoke, he stated that the period of punishment was not acceptable to them. During their regime, Thiru A.K. Bose was a member of the Assembly here. We were also Members. Poor man, he had difficulty even walking and used to move slowly. Could he assault anyone? Only he could be assaulted by a couple of people and even if he wishes to assault someone it will take half an hour for him to raise his hand. When he was removed from the House, he was slowly moving out. When the watch and ward staff tried to pull him out and when he bent down, the cap worn by him fell down on its own. The Member had not knocked it. In his own magnanimous style, he picked up the cap and returned it to him. (Interruption) He picked up the fallen cap and gave it to the watch and ward staff. What was the punishment given to such a responsible Member? Four months' punishment was given.

which he was staying in the Legislator's Quarters was hurriedly sealed. Did he commit any offence ever unheard of? Did he possess a bomb? Was he a terrorist? He did not commit any such serious offence. Thiru Bose did not commit any offence to the extent done by these Members. Still he was given stringent punishment and was deprived of his status as a Member for four months; he could not get his salary, use his letter pad as MLA and his apartment in the Legislator's Quarters was locked and sealed. The MLA Office in his constituency was also locked and sealed. What an atrocity? He did not behave like the DMDK Members but the DMDK Members have got punishment commensurate with their misconduct. Even Thiruvalluvar has said--

"By punishment of death the cruel to restrain,

Is as when farmer frees from weeds the tender grain."

What does this mean? Award of stringent punishment to a criminal for his serious crime is akin to deweeding to save the crop. (Thumping of desks)

Similarly, in order to protect the conventions of the Legislature, its honour and democracy, if only the weeds are removed, the crops can grow.

Hence, if other Members are to perform their democratic duties, such erring Members had to be given due punishment as stated by Thiruvalluvar 2,000 years back. So, following his principle, the punishment that has been given to them is a consequence of their mistake, as stated in the adage "You reap what you sow". Those who commit mistakes should endure the punishment is the universal law. They have committed an offence. On that

the punishment. Therefore, all the Members may accept the resolution and ensure that in future, such...(Interruptions) You have expressed your views.

12-50 p.m.

Hon'ble Member, Thiru J.G. Prince, please wait for sometime. Certain incidents happened inside the Legislative Assembly. The watch and ward staff who are here are in a position to implement the orders of the Hon'ble Speaker. When they were performing their duties, which was to implement the orders of the Speaker, the DMDK Members while leaving the Legislative Assembly, have punched a policeman on the ribs and another part of the body. Is the Legislative Assembly the venue for cinema shooting? Even in movies, they give only fake punches. But here they have actually punched him. They have severely assaulted him. This is an indecent act. Do you justify all these? Who is to give protection for the life and limb of the person who has been hurt grievously? It is only the Speaker who has to give protection. Should he not give them due protection? Should he not prevent recurrence of such offences in future? The affected policeman has given a complaint in the police station. They have attacked him to an extent that he needed admission in a hospital. How can all this be justified? Don't term this as double jeopardy. This punishment has been given only to six Members specifically and this is not a punishment given to all the DMDK Members. The six months' suspension given earlier is a closed incident. This punishment now recommended by the Privileges Committee is given to the six Members from today for the specific offence.

...ment be passed. (Interruptions)

HON'BLE SPEAKER: The motion moved by the Hon'ble Leader of the House is put to vote.

Those in favour, please say "Aye" (Ayes)

Those against, please say "No" (Noes)

I think the "Ayes" have it.

The "Ayes" have it, (Thumping of desks).

(Members of the Dravida Munnetra Kazhagam, Indian National Congress, Communist Party of India (Marxist), Communist Party of India and Manidhaneya Makkal Katchi walked out of the House)

As per the Resolution moved by the Hon'ble Leader of the House and passed by the Assembly, six Members of the DMDK, viz., Thiru V.C. Chandhirakumar, Thiru Alagaapuram R. Mohanraj, Thiru S.R. Parthiban, Thiru L. Venkatesan, Thiru C.H. Sekar and Thiru K. Thinakaran, who have committed breach of privilege are suspended from the service of the House from today till completion of ten days from the commencement of the next session. During this period, they cannot receive salary and any other benefits or facilities provided to them as Members of the Assembly.

**EXTRACT OF RULE 21 OF THE TAMIL NADU LEGISLATIVE
ASSEMBLY RULES**

121.(1) The Speaker may, if he deems it necessary, name a Member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof.

(2) If a member is so named by the Speaker, the Speaker, shall, on a motion being made forthwith without any discussion put the question that the member (naming him) be suspended from the service of the House for a period not exceeding the remainder of the session:

Provided that the House may, at any time, on a motion being made resolve that such suspension be terminated.

(3) A member suspended under this rule shall forthwith withdraw from the precincts of the House and shall do so till the expiry of the period of suspension.

If such member refuses to withdraw, the Speaker may order his removal from the House or prevent his entry into the House by force by the Sergeant of the Assembly.

EXTRACT OF TAMIL NADU LEGISLATIVE ASSEMBLY RULES
RELATING TO COMMITTEE OF PRIVILEGES

219. A member may, with the consent of the Speaker, raise a question involving a breach of privilege, either of a Member or of the House or of a Committee thereof.

220. Notice of a motion to raise a question of privilege together with a brief statement shall be given at least one hour before the commencement of the sitting on the day on which the question is proposed to be raised to (i) the Speaker (ii) the Secretary and (iii) the Leader of the House. If the question raised is based on a document, the notice shall be accompanied by the document :

Provided that the notice intended for the Leader of the House may be handed over to the Secretary for being forwarded to the Leader of the House :

Provided further that if it is against any other Member of the House (including a Minister) a copy of such notice shall be given to him through the Legislative Assembly Secretariat :

Provided further that in respect of a matter of privilege arising during the sitting of the House the Speaker may waive such notice and deal with the matter as he deems fit.

privilege it must be raised after the questions and before the list of business for the day is entered upon :

Provided that a question of privilege arising during the sitting of the House shall be entitled to immediate precedence over all other business.

222. The right to raise a question of privilege shall be governed by the following conditions, namely:—

(1) The question shall be restricted to a specific matter of recent occurrence;

(2) The matter, in the opinion of the Speaker requires the intervention of the House.

If these conditions are satisfied the Speaker may give his consent under rule 219.

223. The Speaker if he gives his consent under Rule 219 and holds that the matter proposed to be discussed warrants intervention of the House he may at his discretion call the Member concerned to make a short statement relevant thereto:

Provided that in a fit case before deciding whether the matter warrants intervention of the House, he may give an opportunity to the Member to explain briefly why the matter requires the intervention of the House :

Provided further the Speaker may give an opportunity to the Member against whom the matter is sought to be raised to briefly explain his case.

matter does not warrant cognizance by the House, the same shall be communicated to the Member concerned and that the matter shall not be raised in the House in any form thereafter.

225. If the Speaker, holds that the matter raised affects the privilege or amounts to a contempt of the House and requires the intervention of the House he may allow a motion to be made by any Member that the alleged breach of privilege be referred to the Committee of privileges or in the alternative that it be dealt with by the House itself.

226. Notwithstanding anything contained in these rules, the Speaker may suo motu refer any question of privilege to the Committee of Privileges for examination, investigation and report.

227.(1) A Committee of Privileges shall be constituted which will consist of the Leader of the House and the Leader of the Opposition and the Deputy Speaker who shall be Members ex-officio and fourteen other members to be elected by the Assembly on a date to be fixed by the Speaker according to the principle of proportional representation by means of the single transferable vote and in accordance with the regulations framed in this behalf by the Speaker.

(2) The Members of the Committee so elected will cease to hold office at the end of each financial year but any member shall be eligible for re-election. There shall be a fresh election before the end of the financial year for constituting the Committee for the ensuing financial year. If under any circumstances such an election is not held the existing members of the Committee will continue to hold office until new members are elected.

(4) In order to constitute a meeting of the Committee the quorum shall be five including the Chairman or the member presiding.

228.(1) A member of the Committee who has a personal or direct interest of such a character that it may prejudicially affect the consideration of the matter of privilege to be considered by the Committee shall not sit on the Committee when the matter is under consideration.

(2) Whether a member of the Committee has a personal or direct interest as stated in sub-rule (1) shall be decided by the Chairman of the Committee; if it involves the Chairman of the Committee himself the matter shall be referred to the Speaker and his decision shall be final.

229.(a) The report of the Committee of Privileges shall be presented to the Assembly by the Chairman of the Committee or by any member of the Committee so authorised;

(b) As soon as may be, after the report has been presented a motion in the name of the Chairman of the Committee or any member of the Committee may be made that the report be taken into consideration;

(c) Any member may give notice of amendment to the motion for consideration of the report referred to above in such form as may be considered appropriate by the Speaker:

Provided that an amendment may be moved that the question be recommitted to the Committee either without limitation or reference to any particular matter;

the Chairman or any member of the Committee or any other member as the case may be, move that the Assembly agrees, or disagrees, or agrees with amendments, with the recommendations contained in the report.

230. Except as aforesaid the rules applicable to a Select Committee of the Assembly shall apply.

* * * * *

Strictly Confidential

LEGISLATIVE ASSEMBLY SECRETARIAT

**D.O. LETTER NO. 1676/2015-4, TNLAS (BILLS III)
DATED 20-2-2015**

Dear Sir,

Sub: Breach of Privilege Issue - Breach of Privilege
Issue against DMDK Members for indulging
in pandemonium in the Assembly, intimidating
Hon'ble Speaker, assaulting the Watch and
Ward staff and obstructing the proceedings
of the House on 19.2.2015 - Seeking explanation -
Regarding.

On 19.2.2015, during the discussion on the Motion of Thanks to the Governor's Address, Hon'ble Speaker ordered the eviction of DMDK Members who indulged in grave pandemonium. When the Watch and Ward staff proceeded to evict the concerned Members from the House, you have obstructed the Watch and Ward staff who came in to execute the orders of the Hon'ble Speaker and assaulted them, laid a siege around the Speaker's podium, intimidated and tried to assault him, pulled down and damaged documents on the table, created an extraordinary situation in the House and brought disgrace to the dignity of the House.

Since the matter prima facie involves breach of privilege of the House, Hon'ble Speaker referred the issue to the Committee of Privileges for examination and report under Rule 226 of the Tamil Nadu Legislative Assembly Rules.

meeting held on 20.2.2015. The Committee has decided to seek, in the first instance, an explanation from you in this regard.

Therefore, I am directed to request you to send your written explanation to this Secretariat before 27.2.2015, Friday. If the explanation is not received within the said date, it will be presumed that you have no explanation to offer and the Committee will take its own decision in this regard.

I am to state further that these details should not be divulged in any manner till the Committee presents its Report to the Assembly on this issue.

Yours sincerely,

Sd/-

(A.M.P. JAMALUDEEN)

Secretary.

To

Thiru V.C.Chandirakumar, M.L.A.
Thiru Alagaapuram R. Mohanraj, M.L.A.
Thiru S.R. Parthiban, M.L.A.
Thiru L. Venkatesan, M.L.A.
Thiru C.H. Sekar, M.L.A.
Thiru K. Thinakaran, M.L.A.

**COPY OF LETTER DATED 26.2.2015 FROM
THIRU V.C. CHANDHIRAKUMAR, DMDK MEMBER AND
WHIP OF THE OPPOSITION**

To

Respected Secretary,
Legislative Assembly,
Secretariat, Chennai.

Dear Sir, regards.

I have received the D.O. Letter No.1676-2015-4, TNLAS (Bills III) dated 20.2.2015 sent by the Respected Secretary, Legislative Assembly Secretariat with regard to the breach of privilege issue. On 18.2.2015, Wednesday, I came to the Assembly to participate in the discussion on the Motion of Thanks to the Governor's Address and attended the proceedings of the Assembly. On 19.2.2015, Thursday I attended the proceedings of the Assembly as usual.

On that day, the Speaker called Thiru Alagaapuram R. Mohanraj, Deputy Leader of the Opposition to speak on behalf of the DMDK party on the Motion of Thanks to the Governor's Address. Accordingly the Deputy Leader of the Opposition began to speak and due to objection from the Ruling Party Members to a remark made by him, the Hon'ble Speaker expunged a word uttered by him, from the proceedings of the House. Following this, when the Deputy Leader of the Opposition proceeded to speak on

objection by shouting. Amidst the extraordinary situation that developed as a result, the Hon'ble Speaker order eviction of the Deputy Leader of the Opposition from the House.

At this stage, in order to know why the Speaker was evicting him even after expunction, as Whip of the Opposition, I rose up and was requesting the Hon'ble Speaker to reconsider his order and provide an opportunity to the Deputy Leader of the Opposition to speak again. Then the Hon'ble Speaker ordered the Watch and Ward staff to evict all the Members of the DMDK Party. The Watch and Ward staff numbering about 15 entered inside the Assembly and formed a cordon around the Speaker's podium and were evicting the DMDK Members one by one.

Obeying the orders of the Speaker, I had collected the books on my table and was moving fast to leave the House when the Watch and Ward staff tightly held both my arms and pulled me out. Even though I repeatedly said "I am in pain, spare me, I will leave by myself" the Watch and Ward were pulling me out. In the process, I lost balance and fell on the table of the Deputy Leader of the Opposition. As I was reeling under unbearable pain the books in my hands fell down. As Whip of the Opposition, I had gone to the Speaker only to represent for reconsideration of his order to evict all the DMDK Members as they had not committed any mistake. However, the Watch and Ward Staff surrounded me and sent me out of the Assembly. This was the actual incident.

not obstructed the Watch and Ward staff who came to execute the orders of the Speaker. I had not laid a siege around the Speaker, nor threatened him. I have also not attempted to assault him. I have not pulled down and damaged the documents on his table. I have not created an extraordinary situation. I have also not brought disgrace to the dignity of the House. The incident also did not happen because of me. As Whip of the Opposition in the Assembly, I had only requested reconsideration of the orders of the Speaker. Apart from this, I had no other intention. I had not entered into an argument with the Watch and Ward staff, nor acted in an undignified manner.

As soon as I requested reconsideration of the decision to evict all the Members of the DMDK, when the Watch and Ward staff held me I was reeling under unbearable pain and shouted. "Spare me, spare me" and if the Speaker had misunderstood this, I express regret for the same. I have no ulterior motive even to the slightest extent. I humbly submit that I had always acted with due respect to the Speaker, the Rules, conventions, honour and dignity of the House and would continue to abide by the Speaker's orders and the Rules in the future as well.

If the Committee of Privileges considered that he had acted in a manner bringing dishonour to the House, I am expressing my regret to the Committee of Privileges. I humbly request that as Members of the principal opposition Party, we may be permitted to

debate peoples' issues and discharge our democratic duty.

Yours faithfully,

Sd/-

V.C. CHANDHIRAKUMAR

Whip of the Opposition.

THIRU ALAGARAJU KRISHNAMOORTHY,
DMDK MEMBER AND DEPUTY LEADER OF THE OPPOSITION

To

Thiru A.M.P. Jamaludeen,
Secretary,
Tamil Nadu Legislative Assembly,
Secretariat, Chennai.

Dear Sir,

Regards. I have received your Office D.O. Letter No.1676/2015-4, TNLAS (Bills III) dated 20.2.2015 through Speed Post on 23.2.2015. In that letter it was stated that a breach of privilege issue had been raised and that the DMDK Members had caused such breach of privilege of the House by indulging in pandemonium in the House, by intimidating the Speaker, by assaulting the Watch and Ward Staff and by obstructing the proceedings of the House. In the letter sent seeking my explanation on these acts, it has been stated that I have to send my reply before 27.2.2015 (Friday). After the incident that happened in the House on 19.2.2015, I have received the letter (by Speed Post) only on 23.2.2015, after four days. An extraordinary situation of seeking explanation within such a short time has developed in Tamil Nadu.

In your letter it has been stated that during the discussion on the Motion of Thanks to the H.E. the Governor's Address, the Speaker had ordered eviction of all the DMDK Members who had indulged in grave pandemonium and the Watch and Ward staff who proceeded to evict the concerned Members were obstructed.

laid a siege around the Speaker's Chair, intimidated and attempted to assault him, pulled down and damaged documents on the table and created an extraordinary situation and thereby brought disgrace to the dignity of the Assembly. I would like to state that we have not indulged in any such acts stated above. As Deputy Leader of the principal Opposition Party who upholds the dignity of the Assembly and as one who respects the honour and conventions of the House without fail, I am bound to give below the events that happened during the occasion along with my detailed explanation.

We are functioning with due respect towards the honour of the House and the qualities of the Speaker. I humbly submit that we have not indulged in any act causing obstruction of the House. During the discussion on the Motion of Thanks to H.E. the Governor for his Address, the issue began only after ruling party Member Thiru Kadambur Raju indirectly cast a reflection on the leader of the principal Opposition Party, knowing fully well the convention of the Assembly of not referring to any person who is not in the House. To prevent this, I, our Party whip and our Party Members represented to the Speaker to expunge his remark and as usual the Speaker gave his ruling in favour of the ruling party stating that it was not necessary to expunge that word. Even today I believe that the Hon'ble Speaker would take action in the House neutrally so as to protect democracy.

Thanks to H.E. the Governor's Address, I made mention about a point stated in an order signed by the Hon'ble Speaker and by you as Secretary of the Legislative Assembly issued under Letter No.12246/2014-4, dated 8th November 2014 and sent to me as notification published in the Tamil Nadu Government Gazette and about Rule 110 statement by the former Chief Minister. As soon as I uttered this single word, the Hon'ble Chief Minister of Tamil Nadu, the Leader of the House, Ministers and ruling party members left their seats, moved forward towards me and uttered filthy words against me, raising their footwear, threw bunches of paper and created an extraordinary situation in the House. It would be quite clear from the video recording of the Assembly proceedings that all the ruling party members including the Leader of the House came before the podium of the Speaker and demanded that I should not be allowed to continue further and that I should be evicted from the House. They acted in a manner bringing disgrace to the dignity of the House. I request that a copy of the video clippings of the incidents recorded on that day may be provided to me.

Due to the pressure brought upon by the Hon'ble Chief Minister of Tamil Nadu, the Leader of the House, Ministers and ruling party Members, the Speaker initially only ordered my eviction for having uttered a single word found in the Government Gazette signed by the Hon'ble Speaker and the Assembly Secretary. To evict a single person, viz. the Deputy Leader of the Opposition, 10 or 15 Watch and Ward staff rushed into the House from different

Legislature Party Whip Thiru V.C. Chandhirakumar and other members of our party represented to the Hon'ble Speaker in a democratic manner, to reconsider and rescind his order to evict me.

The Watch and Staff who entered the House at that point twisted the arm of our Legislature Party Whip Thiru V.C. Chandhirakumar and hit him on his rib as a result of which he lost balance and the books in his hands flew and fell down. Shocked by this act of the Watch and Ward staff, we staged a dharna in a democratic manner outside the House, in the lobby behind the Hon'ble Speaker's Chair, demanding action against the Watch and Ward staff who acted in contravention of the conventions of the Assembly and in a manner bringing disgrace to the dignity of the House. We all left the place later. We had not committed any act bringing disrepute to the House as stated in your letter. If it is considered that we are at fault, I am ready to express regret for the same. I and my party Members behave with respect towards the Hon'ble Speaker and conventions of the House and accordingly I humbly submit hereby my initial explanation.

Further, I wish to kindly request that I may be permitted to offer my additional explanation, after getting the copy of the video recording of the incidents that happened in the House on that day.

Yours faithfully,

Sd/- ALAGAAPURAM R. MOHANRAJ,
Deputy Leader of the Opposition.

To

Thirumigu A.M.P. Jamaludeen,
Secretary,
Legislative Assembly Secretariat,
Secretariat, Chennai.

Sub: D.O. Letter No.1676/2015-4, TNLAS (Bills 3),
dated 20.2.2015 - Furnishing of explanation
on breach of privilege issue.

Dear Sir, regards.

Received letter dated 20.2.2015 from the respected Secretary, Legislative Assembly seeking explanation on the breach of privilege issue. I am in no way connected with the incident that happened in the House on 19.2.2015.

On 18.2.2015, Wednesday, the Hon'ble Speaker called me to speak and participate in the discussion on the Motion of Thanks to the Governor's Address. Accordingly, I expressed several points and put forth many requests relating to my Mettur Constituency. Following this I came to the Assembly on 19.2.2015 and attended the proceedings.

On 19.2.2015 as a result of the extraordinary situation that developed in the House, Hon'ble Speaker ordered the Watch and Ward staff to evict all the DMDK Members from the House. In compliance with the orders of the Hon'ble Speaker I was proceeding towards the exit door to leave the House. As more than

I had difficulty in leaving. Later, as soon as the Watch and Ward staff cleared the way, I had calmly withdrawn from the House.

I would like to state that I had not at all ventured near the Speaker's Chair nor uttered any word to the Watch and Ward staff or entered into argument with them.

However, if it had been recorded and found from the video clippings that I had indulged in undignified behaviour towards the Hon'ble Speaker or the Watch and Ward staff, I express regret to the Hon'ble Speaker. Further, I hereby wish to state that I have never behaved or would never behave in a manner bringing disgrace to the dignity of the House and that I would continue to obey the Hon'ble Speaker and abide by the Rules of the Legislative Assembly in my activities inside the House.

Sd/- S.R. Parthiban,

Member of Legislative Assembly,
Mettur.

THIRU L. VENKATESAN, DMDK MEMBER

To

Thiru A.M.P. Jamaludeen,
Secretary, Legislative Assembly,
Legislative Assembly Secretariat,
Chennai-9..

Dear Sir!

Sub: D.O. Letter No.1676/2015-4, TNLAS (Bills 3),
dated 20.2.2015 sent by you and received by
me on 23.2.2015 - Furnishing of explanation
on breach of privilege issue raised against me

Regards. I thoroughly read through each and every sentence
of the D.O. Letter No.1676/2015-4, TNLAS (Bills 3) dated
20.2.2015 sent by you and received by me on 23.2.2015.

In that letter you have mentioned that you have been directed
by the Privileges Committee to seek written explanation from me
before 27.2.2015, Friday. I therefore humbly request you to
convey the explanation given by me through this letter to the
Privileges Committee.

On 19.2.2015 the discussion on the Motion of Thanks to the
Governor's Address was on. DMDK Member and Deputy Leader
of the Opposition Thiru Alagaapuram Mohanraj was speaking. I
was in my allotted seat in the fifth row in the Assembly. The
Hon'ble Speaker announced that he was expunging the words
spoken by the Deputy Leader of the Opposition and ordered the
Watch and Ward staff to evict him from the House. Within a few

Ward staff to evict all the DMDK Members from the House.

Therefore, in compliance with the orders of the Hon'ble Speaker I tried to leave the House through the exit point situated to the right of my seat in the Assembly near the Press Gallery. As nearly 10 Watch and Ward staff entered the House simultaneously to evict us as per the orders of the Hon'ble Speaker and as other DMDK Members seated behind and in front of me were simultaneously trying to leave the House through the same aisle taken by me, there was some space crunch and I could move neither forward nor backward. I stood near the Presspersons and tried to leave the House little by little. I did not venture near the Watch and Ward staff or near the Hon'ble Speaker's Chair. Further, the Watch and Ward staff had not even turned towards the direction where I was standing. Even though there was space crunch I tried continuously only to move out. As soon I got a little leeway I had left the House even before a few DMDK Members left the House along with the Watch and Ward staff. I believe these things would be very clear from the video recording. If my body had moved, it would have only been to leave the House and not to indulge in any unpleasant act. I have been elected to the House for the very first time. I have therefore read and learnt about the Rules and honour of the House. I had understood the provisions of the Assembly Rules, specifically those like Rule 120, Rule 121 and its sub-rules and Rule 122. I have therefore obeyed the orders of the Hon'ble Speaker so far. Apart from obeying the orders of the

who, irrespective of party affiliations, welcome and greet all the Members who come to the House with a smiling face and open the doors for them during session time and I respect their service greatly I would therefore never behave in a manner that hurts them. I had on several occasions urged the Hon'ble Speaker to permit me to put forth my views and the people's issues in the Assembly. I had also got permission on a few occasions and on a few occasions I had not. I consider this as the right of a Member of the Assembly. I have also followed the duty of a Member to abide by the decision of the Hon'ble Speaker.

Therefore, what I wish to convey to Privileges Committee through you is that I have no connection, whatsoever, with the incident that happened in the House on 19.2.2015. I have not also caused breach of privilege of the House. Therefore, no disgrace has been brought upon the dignity and honour of the House by me. I also guarantee that no such disgrace would occur in the future too. I believe that all these events would be there in the video recording. If the Privileges Committee proceeds to seek further explanation, I am ready even to appear in person to offer my explanation. In case, it was considered that his actions have brought agony to the Speaker, I would humbly submit my regret for the same.

Yours,

Sd/- L. VENKATESAN,

Member of the Legislative Assembly.

THIRU C.H. SEKAR, DMDK MEMBER

To

Respected Secretary of the Legislative Assembly,
Legislative Assembly,
Secretariat, Chennai.

Dear Sir, regards.

I am in receipt of your letter dated 20.2.2015 seeking explanation regarding the breach of privilege issue. I refute all the allegations contained in your letter. It is my duty to explain the actual incidents to you.

I have been obedient towards the Hon'ble Speaker and have been acting in accordance with the Rules of the House. I am attending the sittings of the House continuously and participating in the proceedings. In the circumstances, I attended the proceedings of the House on 19.2.2015, Thursday. When the Deputy Leader of the Opposition was speaking, there was commotion in the House. The Hon'ble Speaker ordered expunction of his speech and ordered the Watch and Ward staff to evict him. Subsequently, he again ordered the Watch and Ward staff to evict all the DMDK Members.

In compliance with the orders of the Speaker, I proceeded to the aisle on the right side of my seat to leave the House. Since the Watch and Ward staff were crowding the aisle leading to the exit, I stayed for some time before leaving. At no point of time had I come near the Speaker's Chair. I had proceeded home after

newspapers the next day. I was also peeved after reading the news reports because it had been reported that I had assaulted a member of the Watch and Ward staff who was subsequently hospitalised. It is totally false.

I am an Engineer by education. I have learnt everything about the authority of the Hon'ble Speaker and the Rules of the Assembly. I have never conducted myself in such undignified manner. For the last four years, I have been efficiently discharging my democratic duties inside the Assembly and have been respecting the conventions of the House and obeyed the orders of the Speaker. I guarantee that I would abide by the Assembly Rules and the Hon'ble Speakers orders in future as well.

As there were persistent reports in the media that I had assaulted the Watch and Ward staff during the extraordinary situation that developed in the House on 19.2.2015, I was forced to take anticipatory bail from the Hon'ble High Court of Madras. I had never talked to Government staff in an undignified manner nor had I entered into an argument with them. In the light of the above, I felt pain and agony by the news reports that I had assaulted the Watch and Ward staff. If the Hon'ble Speaker and the Privileges Committee consider that the allegations against me are true, I whole-heartedly offer my regret.

Further, I had not indulged in such activities in the past and would not do so in the future too. Hence, I humbly request the Hon'ble Speaker and the Privileges Committee to reconsider the

participate in the proceedings of the House and discharge my
democratic duties.

Thanking you,

Yours faithfully,

Sd/-

C.H. SEKAR,
Member of the Legislative Assembly.

To

The Hon'ble Speaker,
Tamil Nadu Legislative Assembly,
Chennai.

Respected Sir, regards.

I had not indulged in any misconduct during the sitting of the Assembly on 19.2.2015. During the scuffle in the House I was in the last position. Even while raising slogans outside the entrance of the Assembly I could be seen only in the last position. I have not indulged in any untoward incident. I have enclosed a copy of the photographs that appeared in the newspapers on 20.2.2015, for your attention. Not even my fingers have touched the Watch and Ward staff but a false case of assaulting the Watch and Ward has been booked against me. Due to such developments, I have been subjected to great mental stress. Further, all the incidents that happened in the House would have been recorded in the camera installed there. You can come to know the truth even by watching such recordings. Thus I had not in any manner caused obstruction to the House. Regarding this issue, the Privileges Committee had sent a notice seeking explanation from six individuals including me. A false case has been booked against me for an act not done by me at all. I therefore request that in the

reconsidered.

Sd/- K. THINAKARAN,

Member of the Legislative Assembly.

**TRANSLATION OF THE REPORT
OF THE
COMMITTEE OF PRIVILEGES**

**TAMIL NADU LEGISLATIVE ASSEMBLY
(2014-2015)**

(FOURTEENTH ASSEMBLY)

REPORT OF THE COMMITTEE

**(Breach of privilege issue raised against MLAs Thiru V.C.
Chandhirakumar, Thiru Alagaapuram R. Mohanraj,
Thiru S.R. Parthiban, Thiru L. Venkatesan,
Thiru C.H. Sekar and Thiru K. Thirakaran)**

Presented to the House on: 31st March 2015

TAMIL NADU LEGISLATIVE ASSEMBLY

(Constituted on 13.08.2014)

CHAIRMAN

1. Hon'ble Thiru V. Pollachi V. Jayaraman,
Deputy Speaker

MEMBERS

2. Hon'ble Thiru Natham R. Viswanathan
Leader of the House (Ex-Officio)
3. Thiru Vijayakant
Leader of the Opposition (Ex-Officio)
4. Thiru R. Manoharan (Chief Government Whip)
5. Thiru N. Ramakrishnan
6. Thiru R. Rajendran
7. Thiru P.G. Rajendran
8. Tmt. S. Kanitha Sampath
9. Thiru R. Doraisamy (alias) Challenger Dorai
10. Thiru N. Nanjappan
11. Thiru Nainar Nagenthiran
12. Thiru B. Parthasarathy
13. Thiru K.P.P. Bhaskar
14. Thiru J.C.D. Prabhakar
15. Thiru A. Laser
16. Tmt. S. Vijayadharani
17. Thiru K.S.N. Venugopalu

SECRETARIAT

Thiru A.M.P. Jamaludeen	..	Secretariat
Thiru P. Subramaniam	..	Deputy Secretary
Thiru K. Ramesh	..	Under Secretary

ON THE CHAIRMAN OF THE DMDK AND SOME
MEMBERS OF THE DMDK FOR CREATING PANDEMONIUM,
ATTEMPTING TO ASSAULT THE SPEAKER, ASSAULTING THE
WATCH AND WARD STAFF AND OBSTRUCTING THEM FROM THE
DISCHARGE OF THEIR DUTIES ON 19.2.2015

To

The Tamil Nadu Legislative Assembly,
Chennai - 600 009.

As Chairman of the Committee of Privileges I present this
Report to the Assembly.

DETAILS OF THE ISSUE:

During the discussion on the Motion of Thanks to the Governor's Address, Thiru Alagaapuram R. Mohanraj, Deputy Leader of the DMDK Legislature Party persistently acted in defiance of the directions of the Chair, and against the rules of the Assembly and in a manner questioning the authority of the Chair. At that time, many other DMDK Members stood up simultaneously and shouted along with Thiru Alagaapuram R. Mohanraj, The Hon'ble Speaker repeatedly stated that Thiru Alagaapuram R. Mohanraj could continue if he was willing to speak calmly and he pointed out that speaking in an inappropriate manner, was improper and condemnable. Despite this, Thiru Alagaapuram R. Mohanraj persistently argued with the Chair and obstructed the conduct of the House and therefore, in exercise of the powers conferred on him in the Assembly Rules, the Hon'ble Speaker ordered the ordered the Watch and Ward staff to evict him for obstructing the proceedings of the House.

orders of the Hon'ble Speaker, Thiru V.C. Chandhirakumar, Whip of the DMDK Party left his seat and rushed towards the Speaker with uncontrolled aggression, livid with rage, pointing his hand towards the Speaker intimidatingly with an intention to assault him. At this juncture, all the DMDK Members present in the House (except Thiru Arun Subramanian, Thiru R. Sundarrajan, Thiru D. Sureshkumar, Thiru K. Pandiarajan, and Tmt. R. Santhi) left their seats and rushed towards the Speaker's podium simultaneously. Along with Thiru V.C. Chandhirakumar, Thiru Alagaapuram R. Mohanraj, Deputy Leader of DMDK and Members Thiru S.R. Parthiban, Thiru L. Venkatesan, Thiru C.H. Sekar and Thiru K. Thinakaran not only laid a siege around the Hon'ble Speaker's podium engaging in argument with the Speaker and obstructing the Watch and Ward staff from doing their duty, but also indulged in pandemonium in utter disregard of the orders of the Hon'ble Speaker and much against the Rules and conventions of the Assembly.

Thiru V.C. Chandhirakumar, pushed the Watch and Ward staff who proceeded to execute the orders of the Speaker, argued with the Speaker intimidatingly and jostled with the Watch and Ward staff who stood guard around in cordon and forced his way towards the seat of the Deputy Leader of the Opposition in a frenzy and wildly hurled the books and papers placed on his Table towards the Speaker, breaking a mike in the process.

When the Watch and Ward staff who were standing around the Speaker's table politely requested Thiru Alagaapuram R. Mohanraj to

pandemonium in the House by collectively engaging in heated argument with the Speaker and they knocked down the caps of the Watch and Ward staff, shoved aside the Speaker's rostrum and were speaking and shouting in a hysterical manner. The Hon'ble Speaker ordered the Watch and Ward staff to evict all the DMDK Members who indulged in pandemonium in the House.

When the Watch and Ward staff proceeded to execute the orders of the Hon'ble Speaker, DMDK Members Thiru V.C. Chandhirakumar, Thiru Alagaapuram R. Mohanraj, Thiru S.R. Parthiban, Thiru L. Venkatesan, Thiru C.H. Sekar and Thiru K. Thinakaran who were obstructing the Watch and Ward staff from performing their duties, refused to withdraw from the House and again laid a siege around the Speaker's podium, entered into argument with the Watch and Ward staff and continued to indulge in pandemonium. The Watch and Ward staff who came to evict the DMDK Members were not only prevented by the Members from discharging their duty but were also pushed against the Speaker's rostrum. In the incident a few Watch and Ward staff lost balance and fell down and their caps were also thrown. They managed to get up and evicted some DMDK Members who indulged in pandemonium with great difficulty.

A few DMDK Members again returned to the Speaker's podium and engaged in a heated argument with the Watch and Ward staff. The DMDK Members who were persistently indulging in such

effort.

The Hon'ble Speaker stated that the DMDK Members had come to the House in a premeditated manner and attempted to stall the House through their belligerent acts and they had not only pushed aside and damaged the Speaker's rostrum but have also trampled upon and damaged many documents and by such ignoble acts have brought disgrace to the House. He stated that the DMDK Members came like assaulting him and he condemned their ignoble acts. The Speaker further requested the Hon'ble Leader of the House to state whether such conduct needs to be referred to the Committee of Privileges and to state what action might be pursued against them.

The Hon'ble Leader of the House pointed out that all the Members including those from the Opposition were a witness to the anarchy and atrocities committed by them on that day and observed that Thiru V.C. Chandhirakumar and other DMDK Members had rushed towards the Speaker's podium in an attempt to launch a direct murderous attack on the Speaker himself and had pushed aside the Speaker's rostrum, assaulted the Watch and Ward staff, thrown their caps, hurled books and documents kept in the House and acted against the conventions of the House in an atrocious manner. He stated that such acts were unprecedented in the entire history of the House and requested action against the DMDK Members who have committed such grave offence and brought great disgrace to the prestigious House.

the DMDK Members who have attended the House that day and indulged in pandemonium be suspended for the remainder of the session under Rule 121(2) of the Tamil Nadu Legislative Assembly Rules for willfully obstructing the business of the House and disrupting the proceedings much against the rules of the House.

The Hon'ble Speaker announced in the House that the action of DMDK members, viz. rushing towards the Speaker in a deliberate planned attempt to attack him and the assault of the watch and ward staff was highly condemnable and pointed out that the House itself was a witness to this.

After the Motion of the Leader of the House was put to the vote of the House and declared carried, the DMDK Members who indulged in pandemonium were suspended from the service of the House for the remainder of the session.

In the mean time, the DMDK Members who were evicted with great difficulty, instead of withdrawing from the precincts of the House, sat down on the floor in the Assembly lobby behind the Speaker's podium and staged a dharna shouting slogans.

Following an order of the Hon'ble Speaker to evict the DMDK Members who were on dharna in the Assembly lobby, the Watch and Ward staff proceeded to evict them from the lobby and the DMDK Members obstructed and prevented them from discharging their duty. When the Watch and Ward tried to evict the DMDK Members from the lobby as per the orders of the Hon'ble Speaker, DMDK Members

Special Sub Inspector of Police who was on Watch and Ward duty and assaulted him to such an extent that he fainted. Thiru Vijayan who was assaulted was immediately taken to the Secretariat dispensary, rendered first aid and referred to the Rajiv Gandhi Government General Hospital, Chennai as per medical advice, where he was admitted as an in-patient on 19-2-2015 afternoon. Following the admission of Thiru Vijayan, the victim of assault, information was given by the Hospital authorities to the Fort Police Station and after proper investigation, a case was filed and action is being taken as per law.

Thiru Vijayan, the Special Sub Inspector of Police who was assaulted, in his complaint to the Hon'ble Speaker has requested action against the above-mentioned two Members who assaulted him.

The Hon'ble Leader of the House pointed out in the Assembly that the atrocities and belligerent behaviour of the DMDK Members were not only confined to the House but have also been extended outside the House and he informed that he had received information that among the DMDK Members evicted, Thiru C.H. Sekar and Thiru K. Thinakaran had assaulted a Watch and Ward staff in the lobby resulting in injury.

The Hon'ble Leader of the House stated that the Speaker was the custodian of the proceedings of the House, the safety of the Members and dignity of the House and was a Constitutional authority. The DMDK Members had rushed to the Hon'ble Speaker's Chair with

situation endangering the safety of the Speaker himself and brought disrepute to the Office of the Speaker. He further pointed out that, in defiance of the orders of the Hon'ble Speaker and in utter disregard of the Rules and conventions of the Assembly, they have intimidated and assaulted the Watch and Ward Staff, struck and dislodged their caps and obstructed them from discharging their duties. He added that Thiru V.C. Chandhirakumar of the DMDK and a few other DMDK Members have been persistently acting with an intention to disrupt the proceedings of the House and that deserved condemnation. Since, their action was considered to be a breach of privilege of the House, he requested that the issue might be referred to the Committee of Privileges.

Under Rule 226 of the Assembly Rules, the Hon'ble Speaker had referred this issue to the Committee of Privileges for examination and report.

MEETINGS OF THE COMMITTEE

In this regard, the first meeting of the Committee was held on 20.2.2015 evening and the issue was taken up for consideration. The Chairman of the Committee, in his speech, pointed out that even though all those in the House, including Hon'ble Members of the House, Presspersons and visitors had witnessed the incidents in the Assembly on 19.2.2015, which brought disgrace to the dignity and prestige of the Assembly, Members could first watch the video recording and identify the erring Members and then put forth their views. He also narrated the details of the incident which endangered

Members on the watch and ward staff who were evicting the Members following the orders of the Hon'ble Speaker.

Video clippings containing the recordings of the pandemonium created by the DMDK Members inside the House on 19.2.2015 was screened before the Members of the Committee. The Members of the Committee watched the video clippings which featured the following incidents:

During the discussion on the Motion of Thanks to the Governor's Address, DMDK Deputy Leader, Thiru Alagaapuram R. Mohanraj, was seen persistently acting against the rules of the Assembly, ignoring the orders of the Hon'ble Speaker and in a manner questioning his authority. Even after the Speaker had warned him that he could continue to speak only if he could speak calmly and action would have to be taken if he spoke in a manner inappropriate to the House, Thiru Alagaapuram R. Mohanraj was seen persistently obstructing the proceedings of the House after which the Hon'ble Speaker ordered his eviction. Following this, the Whip of DMDK Party, Thiru V.C. Chandhirakumar was seen running towards the Hon'ble Speaker in an attempt to assault him and further several other Members were seen leaving their seats and laying siege around the Speaker and indulging in pandemonium endangering his safety. Thiru V.C. Chandhirakumar was then seen forcing his way again towards the seat of the Deputy Leader of the Opposition and creating pandemonium by wildly hurling documents kept on his table towards the Speaker.

happened in the House, all the Members expressed their opinion on the above incidents, individually.

Tmt. S. Vijayadharani of the Indian National Congress pointed out in her speech that since 75% of the incidents shown in the video clippings were telecast by all the television channels in Tamil Nadu, people themselves knew about the incident that happened. She observed that it was quite evident from the video clippings that Thiru Chandhirakumar had vented his ire and the DMDK Members have deliberately indulged in unpleasant actions and it was possible to see them trying to shove the watch and ward staff and as a Member of the Opposition, she or her party members would never approve such unpleasant behaviour. She further added that her party men were firm that such unhealthy incidents should not recur in the Assembly. Though she was not arguing that what the DMDK Members had done was right, it was her view that they might be warned and given an opportunity to discharge their duties in the Assembly in the interest of the people of their constituencies. She added that only the party to which those Members belonged could take responsibility for their acts. In the first instance, explanation might be called for from the delinquent Members.

Thiru A. Laser of the Communist Party of India (Marxist) observed that having watched the video clippings, it could not be considered that the manner in which the DMDK Members had conducted themselves was in conformity with democratic and legislature conventions and that the incidents that happened could

He was of the opinion that such incidents have to be prevented in future. Following democratic traditions, no Member should use words hurting or provoking others and should express his views in a dignified manner and it was the duty of the Assembly and the Committee of Privileges to ensure that occurrence of such physical acts or incidents contravening legislature conventions are prevented in the Legislative Assembly. The action taken against such Members would help to guide Members in future, he said.

Though the Members had, by their conduct, made the people think that they had chosen the wrong persons and though the incident was unpleasant and needs to be prevented, he would request that the Committee while deciding on the punishment, should take into consideration the interests of the constituents who had elected those Members.

Among the Members of the AIADMK, Thiru J.C.D. Prabhakar, observed that the way in which the DMDK Members conducted themselves in the House was a classic example of how one should not behave in politics or public life and from the video clippings it could be seen that those party members had laid a siege around the Speaker and seen gesturing to and arguing against the Speaker himself, who is the custodian of the rights and safety of members. He pointed out that the DMDK members have been indulging in such acts repeatedly and despite the fact that several issues of breach of privilege had arisen and the Committee had already presented its reports in such cases, the members of that party have not reformed

endangering the safety of the Speaker and the Watch and Ward staff. Thus, Thiru Alagaapuram R. Mohanraj, Thiru V.C. Chandhirakumar, Thiru C.H. Sekar, Thiru K. Thinakaran, Thiru S.R. Parthiban and Thiru L.Venkatesan who indulged in atrocious activities, which brought disgrace to the proceedings of the House might be punished with suspension from the service of the House for the entire year as an effort to reform them and to uphold the dignity and prestige of the Speaker and the House.

Thiru Nainar Nagenthran in his speech pointed out that the incident in the House on 19.2.2015 involving attempted assault on the Speaker himself was a nightmarish and very unfortunate incident. The people of the State having watched the incident on television would only lament that they had elected such irresponsible members to the Legislature and would not in any way respect them. He recorded his opinion that stringent punishment might be given to the Members Thiru V.C. Chandhirakumar, Thiru Alagaapuram R. Mohanraj, Thiru K. Thinakaran, Thiru S.R. Parthiban, Thiru L.Venkatesan and Thiru C.H. Sekar, who indulged in such activities by suspending them from the service of the House for a period of one year.

Thiru K.S.N. Venugopalu stated that he had witnessed, both inside the Assembly and in the video clippings, the manner in which the DMDK members acted in the House and these members were following their Leader and the six members namely, Thiru V.C. Chandhirakumar, Thiru Alagaapuram R. Mohanraj, Thiru S.R.

Thinakaran, who indulged in such grievous acts may be suspended from the service of the House for a period of one year.

Thiru P.G. Rajendran stated that the above mentioned six members may be suspended from the service of the House for a period of one year and more. Thiru C.H. Sekar and Thiru K. Thinakaran who assaulted the Watch and Ward staff had to be imprisoned for a period of three months.

Tmt. S. Kanitha Sampath stated that having witnessed the DMDK members displaying rowdyism by damaging the Speaker's rostrum, hurling documents and making a brutal attack, she was of the opinion that the six members namely Thiru V.C. Chandhirakumar, Thiru Alagaapuram R. Mohanraj, Thiru S.R. Parthiban, Thiru L. Venkatesan, Thiru C.H. Sekar and Thiru K. Thinakaran have to be necessarily suspended from the service of the House for a period of one year.

Thiru R. Doraisamy (alias) Challenger Dorai stated that he witnessed the incident directly in the House and later again through the video clippings and pointed out that during the last four years, DMDK member Thiru V.C. Chandhirakumar had never followed the conventions of the House and in the present case, raising both his hands, he had acted in a belligerent manner. He added that the people have not elected the members for behaving in such a manner and thus members who had indulged in pandemonium in the Assembly forfeited their right to function in the Assembly, by virtue of their unpleasant activities and therefore they might be punished with

Thiru K.P.P. Bhaskar stated that in order to ensure that members who have to uphold the dignity of the House do not indulge in such unfortunate activities in future and keeping in account the fact that Thiru V.C. Chandhirakumar had already been punished for a similar incident in the past, they might be given stringent punishment of suspension for one year and stern action might be taken against the two members who had assaulted the Watch and Ward staff outside the House.

Thiru R.Rajendran noted that Thiru Alagaapuram R. Mohanraj had deliberately obstructed the proceedings of the House and Thiru V.C. Chandhirakumar despite getting punishment in a similar incident earlier had behaved in the same manner and the DMDK members had come to the House and acted in such a fashion with an intention to berate and provoke the Hon'ble Speaker. In view of the fact that the members have not reformed themselves, but have increased the scale of their audacious activities despite being punished in the past, the erring members might be suspended for a period of one year or more.

Thiru R. Manoharan stated that unlike other Opposition party members in the Assembly, it was only the DMDK members who were in the habit of laying siege around the Speaker and had indulged in jostling in a planned manner, they might be given stringent punishment in order to teach them a lesson and to ensure that the proceedings of the House are conducted with dignity in future.

House was an elected representative of the people and reminded that he had to conduct himself in the House with the responsibility of working for the people. The punishments they invited due to their wrong actions were the harm which they had brought upon themselves. He pointed out that the advocacy of punishment to them in the breach of privilege of the House was necessitated as a disciplinary measure, due to the pandemonium created by them in the House which was much against the rules. However, it was not the first time that DMDK members had indulged in such atrocious activities and despite getting punishment on similar acts, based on the recommendations of the Privilege Committee and despite the fact that those punishments have been upheld by the Court, the members of that party have, instead of reforming themselves, acted in an extreme manner, even worse than their earlier actions.

He further pointed out that the guilty need to be punished as per the Universal Law of Justice and if they were not so punished, it would not be possible to uphold the conventions of the House and it would become a black mark on democracy. The six members had gone to the extent of making an attempt to assault the Speaker and had used such physical force as to move the Speaker's rostrum and all the members had accepted the incident after watching the video clippings and had given their respective views regarding the punishment to be awarded.

Since the incident happened inside the House, the House had the authority to directly punish the members. However, as a gesture,

without taking unilateral decision and in order to take a decision democratically, the views of members, especially those of the Opposition have been respected and accordingly the members under charge might be addressed requesting them to send their explanations within a week and the explanations received during that period might be placed before the Committee and decided upon.

The Chairman of the Committee in his concluding remarks recalled the punishment given to a member in an incident which happened in the previous Assembly and pointed out that several times the DMDK members had indulged in violent incidents against the rules of the Assembly and had been punished despite that they had been repeatedly indulging in such acts. Though the Hon'ble Speaker himself could have awarded the punishment for the atrocious act of trying to assault him in full view of the House, following democratic principles the Speaker had referred the issue to the Committee for examination and report and as per the principles of natural justice, after viewing the video clippings, the Committee could seek explanation from the six members namely Thiru V.C. Chandhirakumar, Thiru Alagaapuram R. Mohanraj, Thiru S.R. Parthiban, Thiru L. Venkatesan, Thiru C.H.Sekar and Thiru K. Thinakaran regarding the pandemonium created by them in the House and the letter in this regard could be sent by the Legislative Assembly Secretariat on 20.2.2015 giving them a week's time.

As per the decision taken in the Committee meeting, letters were sent on 20.2.2015 to the above-mentioned six Members

from the Legislative Assembly Secretariat and the explanations received from the six Members in response are included in the Annexure.

The second meeting of the Committee was held at 5.00 p.m. on 27.3.2015. In that meeting the Committee examined the letters of explanation received from the six Members. The Members of the Committee recorded their views individually.

Tmt. S. Vijayadharani requested the Committee to consider the statement made by a few Members in their explanations that they did not figure in the video clipping and that not even their finger had touched the watch and ward staff. She further pointed out that the Members had stated in their explanations that they regret their action if the Committee considered that they had acted against the Speaker, in a manner inappropriate to the House causing agony.

Further, she stated that it was learnt that only very minor punishment had been awarded in such incidents in Kerala Legislative Assembly and in Parliament and since the six Members had expressed regret they could be strictly warned that they should not behave in a similar fashion in future. Since the punishment of suspension for the remainder of the session had already been awarded in the House on 19-2-2015 to all DMDK Members including the six Members, in order to avoid double jeopardy and to avoid oppression of Opposition parties, they might be warned, after getting an undertaking from them to prevent recurrence of such incidents and

the discussion on the Demands for Grants.

Thiru J.C.D. Prabhakar stated that the manner in which the DMDK Members acted on that day had put the Speaker to shock and dismay and the DMDK Members had indulged in unprecedented pandemonium in the House on 19-2-2015 and rushed towards the Speaker's podium in rage in an attempt to assault him.

He further stated that as far as the response regarding obstructions to proceedings of the House, the position prevailing in our Assembly and Parliament were different. In their explanations, contrary to truth, all the six Members had uniformly stated that it was the Watch and Ward staff who had pushed them. In the past four years, the DMDK Members had indulged in atrocious acts as seen in movie scenes and had conducted themselves like local rowdies and instead of participating fully in discussion on peoples' issues they had preferred to take the path of gaining cheap political publicity.

Thiru J.C.D. Prabhakar added that though a member had stated in his explanation that as soon as they were all evicted he had gone home calmly, from the copy of the photograph annexed by another Member, their participation in each one of these incidents was evident quite clearly. The Members by giving false information to the Committee had subjected themselves to another charge of breach of privilege and the six Members need to be given stringent punishment.

Ward had been assaulted and it seemed that the DMDK members had acted with an ulterior motive to take revenge on them and he requested that these Members should be given punishment so as to suspend them from the service of the House not only for the current session but for the rest of the sessions as well.

Thiru A. Laser pointed out that the incidents that happened on 19.2.2015 had set a bad precedent and such incidents had not only to be stopped but also fully prevented in future and these incidents were quite unfortunate. As soon as their Deputy Leader was ordered to be evicted, the speed with which Thiru V.C. Chandhirakumar rose from his seat, the way in which he moved towards the Speaker's podium, the manner in which he conducted himself were all not appropriate to the dignity of the House and the jostling was due to his rapid movement. He added that though a few members were speaking and gesticulating with their hands, it was a fact that many Members were only standing behind them. Though only 6 Members had been short listed, the Committee could consider the fact that all the DMDK Members had already been suspended for the remainder of the Session. As they had expressed regret, the punishment at present given to them would suffice and even though their acts were not acceptable, they might be permitted to discharge their democratic duties in the Budget session, considering the fact that they belonged to the principal opposition party.

Thiru N. Ramakrishnan stated that it was the duty of the Speaker to provide opportunity to the Members to express their views

independence. He stated that Members get irritable and indulge in such acts only because of the fact that Members without any relation to the Debate make mutual reference to leaders using words such as "citizen" and "elderly person". He added that the punishment hitherto given was sufficient and he was not in favour of awarding further punishment.

Thiru Nainar Nagenthran pointed out that the incidents that happened on 19-2-2015 were witnessed by the Members of the Committee both in the House and later through video clippings and the DMDK members had caused obstruction of the proceedings of the House not on one, but several occasions. He stated that the statement by Thiru V.C. Chandhirakumar that the books fell from his hands as a watch and ward staff pulled his hand is contrary to truth. Though Tmt. S. Vijayadharani had stated that they could be let off with a warning in the light of the regret expressed by them, just as there was no provision in law to pardon a person when an accused expresses regret before the Judge, in this case too the expression of regret by those Members could not be accepted and hence the six DMDK Members concerned should be awarded the maximum punishment.

Thiru R. Rajendran pointed out that Members had seen in the video clippings, the uncultured, indecent and aggressive actions of the DMDK Members. Even though Thiru R. Alagaapuram R. Mohanraj had stated in his explanation that the Watch and Ward staff had punched Thiru V.C. Chandhirakumar on his rib, the Member

assaulted him in such a manner. The V.C. Chandhirakumar had stated that the books fell down when the Watch and Ward staff held his arms tightly and thus the DMDK Members had made contradictory statements in their explanations. They had indulged in such offences despite the fact that the Privileges Committee had recommended punishment to them in the past and they had to be awarded stringent punishment.

Thiru R. Doraisamy alias Challenger Dorai pointed out that the DMDK Members had indulged in pandemonium in the House to such an extent that even the heavy rostrum before the Speaker was displaced by about two feet. Members had witnessed incidents in the House when the six Members concerned had persistently defied their Chair, argued with the Speaker pointing hands at him and had remained on their feet continuously without permission and keeping in view their activities, they need to be punished so as to keep them away from legislative duties for a period of one year.

Thiru K.P.P. Bhaskar stated that he concurred entirely with the views expressed by Thiru J.C.D. Prabhakar and requested that this might be recorded.

Thiru K.S.N. Venugopalu requested that stringent punishment might be awarded to the six Members.

Thiru R. Manoharan stated that Members had witnessed the happenings in the House on 19.2.2015 both directly and through video clippings and it was unfortunate that members of the

committed by the six DMDK members and considering the fact that other Members would not indulge in such actions in future only if the delinquent Members are punished, those Members should be awarded the maximum punishment.

Thiru P.G. Rajendran pointed out that in such cases, the position prevailing in neighbouring States should not be compared and the House in the State had a tradition of its own and the six DMDK members who had committed the offence should be awarded the punishment of suspension from service of the House for a period of one year.

The Hon'ble Leader of the House stated that on 19.2.2015 the DMDK Members had indulged in atrocious acts in an unprecedented manner and because of the reason that the Speaker ordered the eviction of their Deputy Leader who had persistently obstructed the proceedings of the House, they got enraged, ran towards the Speaker in an attempt to assault him, pushed the Watch and Ward staff who formed a cordon of protection around the Speaker, threw their caps, pushed and damaged the Speaker's rostrum besides wildly hurling the documents of the House towards the Speaker's Chair. The Watch and Ward staff who were duty-bound to execute the orders of the Speaker were prevented from discharging their duties and the DMDK members jostled and argued with them and these actions were witnessed by all the Members in the House. Such atrocious acts totally marred the dignity of the House and were a

the House.

He added that the DMDK Members had created unprecedented pandemonium in the House and had laid a siege around the Speaker's podium and had endangered the safety of the Speaker himself, who is the custodian of the House. However, in the explanation given to the Privileges Committee, they had covered all these up and stated that they had only stood up and requested the Speaker to provide an opportunity for the Deputy Leader of the Opposition to speak. This was akin to lying through one's teeth.

He further stated that Thiru V.C. Chandhirakumar, livid with rage, left his seat, rushed towards the Speaker and made a deliberate attempt to assault him. As it was thwarted midway by the Watch and Ward Staff, disappointed and dejected that his intention could not fructify, Thiru V.C. Chandhirakumar with uncontrolled aggression forced his way against all the Watch and Ward staff and returned to the seat of the Deputy Leader of the Opposition and wildly hurled the documents of the House on his Table towards the Speaker's Chair. This was directly witnessed by all the members inside the House and all the members of the Committee, including those in the Opposition, had not only watched it in the video clippings but also openly condemned the manner in which the DMDK members had vented their anger and aggression.

He pointed out that Tmt. S. Vijayadharani of the Congress party, while speaking in the first meeting of the Committee, had categorically stated that it was quite evident from the video clippings

Members had deliberately indulged in unpleasant actions and it was possible to see them trying to shove the watch and ward staff. She had further stated that she or her party members would never approve such unpleasant behaviour.

The Hon'ble Leader of the Opposition recalled that Thiru A. Laser, belonging to the Communist party of India (Marxist), while speaking in the first meeting of the Committee, had stated that the manner in which the DMDK members conducted themselves in the House was against the Legislature and democratic conventions and could not be considered to improve the faith the people had on the legislature. The Member was of the opinion that, indulging in such physical acts should be prevented. The Leader of the House also recalled that Thiru A. Laser did not refute the occurrence of the incident and had stated that it was unpleasant and need to be prevented.

The Hon'ble Leader of the Opposition opined that the DMDK members who had indulged in acts of violence and pandemonium against the Assembly rules, assaulting fellow members and depriving them of their democratic rights by atrocity and defied the Speaker and the Assembly rules, could be pardoned with a warning if it had been the first such occasion. In a similar incident of violence in the House in the year 2012, warning was given on behalf of the House to the DMDK members that stringent punishment would be given to them if they indulged in such activities again. He pointed out that, throwing this warning to the winds, Thiru V.C. Chandhirakumar and certain

their party again in February 2013. In that issue, though a Resolution was initially passed on 25.3.2013 to suspend six members including Thiru V.C. Chandhirakumar for a period of one year, following the magnanimous recommendation of Hon'ble Puratchi Thalaivi Amma, the period of punishment was reduced to six months next day.

The Hon'ble Leader of the House also pointed out that there were several breach of privilege issues pending against the DMDK members including Thiru V.C. Chandhirakumar, namely, intimidation of DMDK member Thiru R. Sundarraj, denigration of the office of the Speaker by giving a letter to the Speaker requesting him to fix an appointment with the Hon'ble Chief Minister, giving interview alleging withdrawal of room allotted to the Leader of the Opposition contrary to facts. Even while these issues were pending, the DMDK members had been emboldened to engage in a violent and atrocious incident involving an attempt to assault the Speaker himself.

The Hon'ble Leader of the House also brought to the notice of the Committee that, had not the Watch and Ward staff formed a security cordon around the Speaker on 19.2.2015, a grave, untoward incident would have happened in the House.

He pointed out that in a democracy, words should be countered only with words and the House should be only a place of debate. On the contrary, the DMDK members for the reason of being the principal opposition were, for the past four years, repeatedly behaving as if they could intimidate fellow members and even the Hon'ble Speaker and Watch and Ward staff, who act as per his orders, assault them,

Speaker and nobody could do anything about it and that they were under no one's control. If such acts were forgotten and no action taken against them even now, it would not only harm the House and democracy but also erode the faith of the people, who have elected and sent them for articulating their genuine demands in the House.

He stated that whether it be the majority of members who requested suspension of six delinquent members mentioned above, for a period of more than one year or the few members who stated that they might be let off with a warning, all of them had admitted that it was true that the DMDK members had committed the offence and that it was condemnable. The Leader of the House further pointed out that none of the members of the Committee had accepted the explanation given by the six members uniformly that they had not indulged in any undignified act and the punishment to be awarded to the above named DMDK members was only an unavoidable consequence of disciplinary action resulting out of cantankerous and violent acts of the members and nothing else.

In the circumstances, putting an end to the atrocious and violent acts of the members inside the House became unavoidable. The opinion that these members could be let off with a warning and permitted to discharge their democratic duties in the interests of the people in their constituencies, could not, therefore, be accepted.

The Hon'ble Leader of the House further pointed out that only if stringent action was taken against such atrocious activities, will the members of that party and all other members of the Assembly would

welfare of their constituents, participate in the Assembly debates and enrich democracy. Otherwise, the Legislature would become an arena for combat and the prestige and respect the Assembly and its members enjoy among the people, would be greatly diminished. In view of the attempted assault on the Speaker, pushing of the Watch and Ward staff, damaging the Speaker's rostrum and hurling of documents, the Speaker ordered the Watch and Ward staff to evict the DMDK members. Even after this, the DMDK members especially This V.C. Chandhirakumar, Thiru Alagaapuram R. Mohanraj, Thiru S.R. Parthiban, Thiru K. Thinakaran, Thiru C.H. Sekar and Thiru L. Venkatesan played an important part in the violent incidents which included, pushing of the Watch and Ward staff with an intention to prevent them from discharging their duties, entering into an argument and obstruction of the proceedings of the House. The Leader of the House stated that in the light of the above, the activities of these six members were highly condemnable and their audacious acts were to be considered by the Committee as breach of privilege and contempt of the House and by way of disciplinary action by the House against the members who committed such offences and in tune with precedents, the Committee might recommend that those members may be suspended from the service of the House till completion of ten days from the commencement of the next Session and made ineligible to receive any benefits as members of the House.

He pointed that as the DMDK Members have indulged in violent acts in the Assembly as seen in the movies, stringent punishment

themselves at least on this occasion.

The Chairman in his concluding remarks stated that on the basis of the views expressed by majority of the Committee members during its two meetings, the Privileges Committee had come to the conclusion that the manner in which the DMDK members Thiru V.C. Chandhirakumar, Thiru Alagaapuram R. Mohanraj, Thiru S.R. Parthiban, Thiru C.H. Sekar, Thiru K. Thinakaran and Thiru L. Venkatesan had conducted themselves in the House on 19.2.2015 constituted gross breach of privilege of the House and in order to totally prevent recurrence of such violent and atrocious incidents in the House in future, and in order that this remained a lesson for them, the Committee could recommend to the House that the above-named six members who had been found guilty of breach of privilege be suspended from the service of the House till completion of ten days from the commencement of the next Session and during such period be made ineligible to receive salary, other benefits and facilities admissible to them as Members of the Assembly.

The third meeting of the Committee on this issue was held on 30.3.2015 during which the Committee gave its approval to the draft report.

Brief excerpts of the views stated by the six members who were requested to send letters of explanation and the decision of the Committee after consideration of those letters are given below.

stated that, following the expunction of a remark made by the Deputy Leader of the Opposition, while speaking on the Motion of Thanks to the Governor's Address, when he proceeded to speak on peoples' issues, amidst an extraordinary situation where ruling party members were shouting against him, the Hon'ble Speaker ordered his eviction and as Whip of the Party he had risen from his seat and was requesting the Speaker to reconsider his decision and allow the Deputy Leader of the Opposition to speak. At that point the Hon'ble Speaker ordered eviction of his party members. The Watch and Ward staff numbering more than fifteen entered the House and stood around the Speaker's podium and evicted the DMDK members one by one. The member has further stated that obeying the Speaker's orders he had collected the books on his table and was moving fast to leave the House, when the Watch and Ward staff caught hold of both his hands and pulled him out. Despite his repeated statements, that he had pain in his hand and would leave the House himself, the Watch and Ward staff pulled him out and in the process he lost his balance and fell on the table of Deputy Leader of the Opposition. As he was reeling under unbearable pain, the books in his hands fell down. This was the version given by the member in his explanation.

As Whip of the party, he went to the Speaker only to represent that the DMDK members who had evicted had not done any mistake and hence the decision had to be reconsidered, He has stated that he had no intention to assault the Speaker and had not prevented the Watch and Ward staff from discharging their duties and had not

the table, entering into argument, nor engaged in any undignified act and he has refuted the allegation contained in the letter sent on behalf of the Privileges Committee.

In his letter, he has further stated that when the Watch and Ward staff held his arms, reeling under unbearable pain he shouted "Spare me, Spare me" and if the Speaker had misunderstood this, he was expressing regret for the same and he has further stated that he had always acted with due respect to the Speaker, the Rules, conventions, honour and dignity of the House would continue to abide by the Speaker's orders and the Rules in future as well.

If the Committee considered that he had acted in a manner bringing dishonour to the House, he was expressing his regret to the Committee and requested that as members of the principal opposition, his party members might be permitted to participate in the proceedings of the House so as to enable them to debate peoples' issues and discharge their democratic duty.

Thiru Alagaapuram R. Mohanraj, Deputy Leader of the Opposition in his letter dated 25.2.2015, has stated that an extraordinary situation of seeking explanation within a short time has developed in Tamil Nadu, and that the details mentioned in the letter sent on behalf of the Privileges committee were totally contrary to truth and he has proceeded to mention certain incidents which he claimed had actually happened in the House.

stating that he has acted with respect towards the honour of the House and the qualities of the Speaker. However, at the very outset, he has referred to the Speaker's ruling not to expunge the remarks made by ruling party member Thiru Kadambur Raju against the Leader of the Opposition, and has proceeded to attribute ulterior motive to the Speaker's ruling by stating that "as usual the Speaker gave his ruling in favour of the ruling party". Further, in his letter, he had repeated the statements made by him in the House on 19.2.2015 which had been expunged by the Speaker and had sought to deliberately record the expunged portion. He has stated that following his remarks, the Hon'ble Chief Minister, Leader of the House, Ministers and ruling party members moved towards him and uttered filthy words against him, raising their footwear and threw bunches of paper and created an extraordinary situation in the House. He has added that it would be quite clear from the video recording that the ruling party members including the Leader of the House had come before the podium of the Speaker and acted in a manner bringing disgrace to the dignity of the House with an intention to prevent him from speaking and evict him out of the House. He has requested a copy of the video clippings.

He has further stated in his letter that as soon as the Speaker ordered his eviction, 10 or 15 Watch and Ward staff rushed into the House from different entry points as if capturing a terrorist. Shocked at this, Thiru V.C. Chandhirakumar and other members of the party represented for reconsideration of the order to evict him.

twisted the arm of Thiru V.C. Chandhirakumar and hit him on his rib, the member lost balance and the books in his hands' flew and fell down. Demanding action against the Watch and Ward staff they had staged a dharna in the lobby behind the Speaker's chair and left the place later.

In his letter he has stated that, they have not obstructed the proceedings of the House and he and his party members always behaved with respect towards the Speaker and the conventions of the House and if it was considered that they were at fault, he was ready to express regret for the same.

Thiru C. H. Sekar in his letter dated 26.2.2015, had stated that the Speaker had first ordered the eviction of the Deputy Leader of the Opposition and later all his party men and accordingly he was leaving from the House. Since the Watch and Ward staff were crowding his way, he had stayed for sometime before leaving the House and had not come near the Speaker's chair and had proceeded home after leaving the Assembly. He further stated that the news reports published in the Press that he had assaulted the Watch and Ward staff, who was subsequently hospitalized were totally false.

Stating that he was an Engineer and was well aware of the authority of the Speaker and all the Rules of the House, the Member had mentioned that for the last four years he had been respecting the conventions of the House and obeyed the orders of the Speaker and guaranteed to do so in future. As there were repeated news reports that he had assaulted a Watch and ward staff, he had to seek

never behaved with Government employees in an undignified manner and had not entered into an argument with them. If the Committee considered that the allegations against him were true, he was wholeheartedly offering his regret and would not indulge in such activities in future. He has requested that the allegations against him might be reconsidered and he might be given opportunity to participate in the proceedings of the House and discharge his democratic duties.

Thiru S.R. Parthiban in his letter dated 23.2.2015 has stated that he was in no way connected with the incident that happened in the House on 19.2.2015 and as a result of the extraordinary situation that developed in the House, the Speaker ordered that all his party members be evicted and accordingly he was leaving the House. More than 10 Watch and Ward staff were crowding around the aisle and hence he had difficulty in leaving. Later, as soon as the Watch and Ward staff cleared the way, he had calmly withdrawn from the House. He had stated that he had not ventured near the Speaker's Chair nor uttered any word to the Watch and Ward staff or entered into argument with them. However, if it had been recorded in the video clippings that he had indulged in undignified behaviour, he would express regret to the Speaker. Stating that he had never behaved or would never behave in a manner bringing disgrace to the dignity of the House, he pointed out that it could be seen clearly from the video recording that he was only standing silently.

In the letter received from Thiru K.Thinakaran on 24.2.2015 the member has stated that on that day he had not indulged in any

photographs, he has claimed that during the scuffle inside the House he was in the last position and even while raising slogans outside the entrance of the Assembly, he could be seen only in the last row. He has pointed out that not even his fingers have touched the Watch and Ward staff and a false case of assaulting the Watch and Ward staff has been booked against him for an act not done by him at all. He added that he had not caused obstruction to the House and this truth could be seen from the recordings of the cameras inside the House and he has requested that the case against him may be reconsidered.

Thiru L. Venkatesan in his letter dated 25.2.2015 had stated that after the Speaker had expunged remarks of the Deputy Leader of the Opposition and first ordered the Deputy Leader's eviction and later the eviction of all his party members, in compliance with the Speaker's order, he had left his seat in the fifth row and tried to leave the House. As nearly 10 Watch and Ward staff members were standing in the aisle, and as the DMDK members were trying to leave the House simultaneously there was some space crunch and he had to leave little by little. He observed that he had not gone near the Speaker's chair or near the direction of the Watch and Ward staff. As he knew the provisions of Rules 120, 121 and 122 well, he had always acted in compliance with the orders of the Speaker and greatly respected the service of the Watch and Ward staff. He had added that he had no connection whatsoever to the incident which happened on 19.2.2015 and he had not caused breach of privilege of

disgrace to the House. All these events could be clearly seen in the video recording and if necessary he was ready to appear in person to offer his explanation. In case, it was considered that his actions have brought agony to the Speaker, he regretted the same.

Regarding the explanation given by Thiru V.C. Chandhirakumar in his letter, he had stated that being the Whip of the DMDK he had stood up and represented to the Hon'ble Speaker to permit the Deputy Leader of the Opposition to continue his speech and the Speaker ordered the eviction of all the DMDK members. This is totally contrary to truth.

The Hon'ble Speaker, after several warnings, ordered the Watch and Ward staff to evict the Deputy Leader of the Opposition, only because of the fact that he was acting in defiance of the directions of the Chair, against the rules of the Assembly and in a manner questioning the authority of the Chair causing obstruction to the proceedings of the House. Even before the Speaker completed his order, Thiru V.C. Chandhirakumar, bounced up from his seat and whizzed past the Deputy Leader of the Opposition who was standing in the front row and rushed aggressively towards the Speaker pointing his hand and entered into an argument. Despite repeated directions by the Chair to return to his seat, instead of turning back, with an intention to assault the Speaker, he pushed aside the Watch and Ward staff who came in to evict Thiru Alagaapuram R. Mohanraj as per the orders of the Speaker and created a fracas in the House. On noticing the member rushing towards the Speaker as if to assault

and tried to protect him and to ensure safety to his life and limb.

Before Thiru V.C. Chandhirakumar who rushed to assault the Speaker could reach him, the Watch and Ward Staff had formed a cordon around the Speaker. Disappointed and dejected that his intention could not fructify, Thiru V.C. Chandhirakumar aggressively forced his way and returned to the seat of the Deputy Leader of the Opposition in a frenzy and wildly hurled the documents kept there towards the Speaker's podium.

During this fracas, the DMDK members including Thiru S.R. Parthiban, Thiru L. Venkatesan, Thiru C.H. Sekar, Thiru K.Thinakaran, left their seats and rushed angrily towards the Speaker at the same time. Even as the three members of the Watch and Ward staff who entered the House to evict Thiru Alagaapuram R. Mohanraj as per the orders of the Speaker were politely requesting him to leave the House, the DMDK members came near the Speaker's podium and surrounded him and prevented the Watch and Ward staff from proceeding towards the Deputy Leader of the Opposition and they persistently prevented them from discharging their duties and created a commotion in the House. The Watch and Ward staff who were stopped and pushed lost their balance and fell on the Speaker's rostrum and it was displaced. The caps worn by the Watch and Ward staff were thrown.

Only after such pandemonium did the Speaker order the Watch and Ward staff to evict the DMDK members who indulged in pandemonium. Even after that, the DMDK members refused to leave

into an argument with the Watch and Ward staff who came to evict them as per the orders of the Speaker and prevented them from discharging their duties. The DMDK members by persistently causing obstruction to the proceedings of the House necessitated the entry of additional Watch and Ward staff into the House to evict them and they were forcibly removed from the House with great difficulty. This was the actual incident that happened on that day.

However, Thiru V.C. Chandhirakumar has stated in his explanation that , following the orders of the Speaker he was speedily leaving the House taking the books on his table and since the Watch and Ward staff had tightly held both his arms and pulled him out, he had repeatedly said "I am in pain, spare me, I will leave by myself" and that when the Watch and Ward staff pulled him out, he lost his balance and fell on the table of the Deputy Leader of the Opposition reeling under unbearable pain with the books in his hands falling down as a result. This explanation is not only totally contrary to the truth but is also an attempt to distort the actual happenings to his advantage.

Thiru Alagaapuram R. Mohanraj has commenced his letter by alleging ulterior motive to the letter sent on behalf of the Privileges Committee. He had tried to indirectly record again his remarks made in the House on 19.2.2015 which were subsequently expunged by the Hon'ble Speaker.

Thiru Alagaapuram R. Mohanraj, who is functioning in a responsible position as Deputy Leader of the principal Opposition

conduct inside the House by stating that "as usual the Speaker gave his ruling in favour of the ruling party". The statement of the Deputy Leader of the Opposition in his letter alleging ulterior motive by giving a political angle to the Speaker's conduct, is not only a breach of privilege of the Speaker but also a breach of privilege of the House as such.

Further, contrary to truth, Thiru Alagaapuram R. Mohanraj in his letter has alleged certain incidents in the House viz., that the Hon'ble Chief Minister, Hon'ble Leader of the House, Hon'ble Ministers and ruling party members moved towards him, uttered filthy words against him, raised their footwear, threw bunches of paper and created an extraordinary situation in the House. However, such incidents had not happened in the House.

The incidents that happened on 19.2.2015 in the House have been witnessed by the members in the Treasury benches and in the Opposition benches and also by the Presspersons and visitors. The video clippings of the incident were also seen by all the members of the Privileges Committee including those from the Opposition. No one had refuted the occurrence of such an incident. On the contrary, members who belong to the Opposition have themselves recorded the true position in the Privileges Committee by stating that it was quite evident from the video clippings that Thiru V.C. Chandhirakumar had vented his ire and the DMDK Members have deliberately indulged in unpleasant actions and it was possible to see them trying

Tamil Nadu had watched these incidents on television.

Therefore, fearing that their audacious acts would come to light and with an intention to mislead the Committee, the Deputy Leader of the Opposition, who occupies a responsible position, has portrayed certain incidents which have not all happened as the events that occurred in the House and under the guise of explanation has made counter allegations. This is totally unacceptable.

Further, contrary to truth, the Deputy Leader of the Opposition has stated in his letter that as soon as the Speaker ordered his eviction, 10 or 15 Watch and Ward staff rushed into the House from different entry points as if capturing a terrorist .

Thiru V.C. Chandhirakumar and other DMDK Members not only obstructed the three members of the Watch and Ward staff who politely requested the Deputy Leader of the Opposition to leave the House as per the orders of the Speaker to evict him, but also angrily rushed towards the Speaker's podium simultaneously, as if to assault him. Only at this stage, in order to avoid any untoward incident, a few more members of the Watch and Ward staff entered the House and formed a cordon around the Speaker and protected him. When the 6 DMDK Members obstructed them and angrily pushed them away, they fell on the Speaker's rostrum and it was displaced.

The Deputy Leader of the Opposition, contrary to the truth, has alleged in his letter that when 10 or 15 Watch and Ward staff rushed into the House, as if capturing a terrorist the shocked members

to the Speaker to reconsider his ruling. This statement of events, which is totally contrary to the facts, is not only unacceptable but also mischievous and unbecoming of the Deputy Leader of the Opposition who occupies a high position. There could be no two opinion that if additional Watch and Ward staff had not entered the House and formed a protective cordon to stop the DMDK members who rushed menacingly to assault the Speaker, a grave untoward incident could have happened in the House on that day.

Further the Deputy Leader of the Opposition has stated that since the Watch and Ward staff twisted the arm of Thiru V.C. Chandhirakumar and hit him on his rib, the member lost balance and the books in his hands flew and fell down. Demanding action against the Watch and Ward staff they had staged a dharna in the lobby behind the Speaker's chair and left the House later.

However, the concerned member Thiru V.C. Chandhirakumar himself had only stated that the Watch and Ward staff had tightly held his two arms and pulled him out and that he had repeatedly said "I am in pain, spare me, I will leave by myself". But the member has in no place mentioned that he was hit on his rib by the Watch and Ward staff. Further, none of the members in the Committee had referred to such an incident. It does not also find place in the video recordings of the proceedings of the House. Thus it is evident that again the Deputy Leader of the Opposition has concocted an incident which had not at all happened in the House and has made a grave

Other members Thiru C.H. Sekar, Thiru S.R. Parthiban, Thiru K.Thinakaran and Thiru L. Venkatesan who were requested to give their explanations by the Privileges Committee on this issue have stated that on 19.2.2015 following the extraordinary situation that developed in the House, the Speaker had ordered eviction of their party members and accordingly in order to comply with his orders they were calmly proceeding to leave the House and as the Watch and Ward staff had crowded along the aisle they had to wait for some time before leaving and that they had not come near the Speaker's podium or entered into argument with the Watch and Ward staff. Further, they have uniformly stated in their explanations, that they respected the Speaker and the rules of the Assembly and if the Committee felt that they were at fault, they were ready to express their regret. Apart from these explanations, on witnessing the incidents that happened in the House on 19.2.2015 both directly and later by way of video clippings screened before the Privileges Committee, it is quite evident that the DMDK members instead of debating welfare schemes for the people and grievances of the constituents during the discussion on the Governor's Address, had in a pre-meditated manner come to the House in order to disrupt the proceedings of the House and have created fracas and commotion in the House by raising matters not related to the discussion.

As per their plan, in contravention of the Assembly Rules, the Deputy Leader of the Opposition denigrated the authority of the

caused obstruction to the proceedings of the House and therefore the Speaker ordered his eviction. Even while three Watch and Ward staff were accordingly requesting him to leave the House, Thiru V.C. Chandhirakumar and other members left their seats in rage and rushed towards the Speaker's podium raising their hands before him with an intention to assault him. Thiru S.R. Parthiban, Thiru C.H. Sekar, Thiru L. Venkatesan and Thiru K. Thinakaran along with Thiru V.C. Chandhirakumar not only obstructed the Watch and Ward staff and entered into argument with them but also prevented them from evicting the Deputy Leader of the Opposition who in disregard and disrespect of the orders of the Speaker was standing and persistently disrupting the proceedings of the House. In this fracas, a few Watch and Ward staff who were pushed aside, lost their balance and their caps were thrown. The documents in the House were hurled and the Speaker's rostrum itself was displaced and damaged in the unprecedented pandemonium staged by the DMDK members on 19.2.2015. Despite the Speaker's orders to evict the DMDK members who were creating pandemonium, some members refused to leave the House and shouted at the Watch and Watch staff and entered into an argument with them. Later, only after other Watch and Watch staff entered the House in sufficient number was it possible to evict the DMDK members one by one with great difficulty.

the house as per the orders of the Speaker, but were delayed by the Watch and Watch staff standing in their way, is in no way acceptable.

Further, the DMDK members who were evicted from the Assembly chamber did not leave the House but in contravention of the Rules, sat on the floor in the lobby behind the Speaker's chair and staged a dharna shouting slogans against the Speaker. As they were persistently disrupting the smooth conduct of the House, the Hon'ble Speaker was forced to order their eviction from the lobby. When the Watch and Watch staff went to the lobby to evict them, the DMDK members refused to leave the House, shouted at them and entered into confrontation with them and indulged in indecorous activities to such an extent that Thiru Vijayan, a special Sub Inspector of Police was assaulted and had to be hospitalized as an in-patient.

Obstructing the Watch and Watch staff who tried to execute the orders of the Speaker is by itself a breach of privilege of the House. As per Parliamentary conventions, preventing officers of the House who act on the orders of the Speaker is also a contempt of the House. On that basis, it is clear that the action of the DMDK members especially Thiru C.H. Sekar and Thiru K. Thinakaran constitute contempt of the House.

Considering the fact that a case had been filed against those two members separately for indulging in violence and assaulting a member of the Watch and Watch staff of the House and action pursued as per law, the issue relating to this assault is not under the examination of the Committee.

House and is responsible for safeguarding their rights and privileges and as per the rules, is charged with the great responsibility of conducting the House. The actual truth is that the six members of the DMDK have caused breach of privilege and dignity of the House by preventing the Speaker himself from discharging his duties and even endangering his safety. By shouting hysterically and rushing towards the Speaker in a brazenly intimidating manner they have undermined the privilege of Hon'ble Speaker and the privilege of the House as a whole and were causing obstruction of the House.

In a democracy, each member of the Assembly has a great responsibility and duty to safeguard the exclusive authority, honour and sovereignty of the legislature. Especially, members of the Opposition should examine and deliberate on the schemes and performance of the Government and put forth their constructive views and criticisms in the House in order to ensure that the welfare schemes of the Government reach the people completely. Instead of this, members like the Deputy Leader of the Opposition, who are in a responsible position should not lose their dignity and self control and misuse the privileges extended to them. More specifically, it is not only unfortunate that the Deputy Leader and Whip of the principal Opposition party have themselves indulged in such atrocious acts and caused breach of privilege of the House, they have also set a bad precedent for the members of their party and other members as well.

had been elected to the House for the first time in the year 2011, were found indulging in violent misconduct bringing dishonour to the House.

There are several instances in the past, when charges of breach of privilege and contempt of the House made against the DMDK members for causing obstruction to the House by their unruly and indecorous action, were proved and they were punished. A few more issues of breach of privilege against them are also under the consideration of the Privileges Committee.

For example, a breach of privilege issue was raised against Leader of the Opposition and Leader of the DMDK Thiru Vijayakant and his party members for persistently obstructing and disrupting the proceedings of the House and for indulging in undignified acts inside the House on 1.2.2012. Explanations were called for from them by the Privileges Committee. The recommendation made by the Committee in its report formulated after examining video footage of the proceedings of the House and after deliberation on their explanations, was accepted by the Assembly on 2.2.2012 and accordingly Thiru Vijayakant was suspended during the current session and the next session continuously for a period of 10 days and he could not function as the Leader of the Opposition during the said period.

As far as the other DMDK members were concerned, considering the fact that it was the first occasion in which they had indulged in such acts, it was decided that the DMDK members who

be pardoned under the guarantee that they should not nenceioru misuse their position and privileges and should assist in upholding the dignity and decorum of the House and ensure that such situations did not recur. Further action on the breach of privilege issue against them was dropped, with a warning that they would be subjected to stringent punishment if they indulged in such activities in future.

On 8.2.2013 when the DMDK member Thiru K. Tamilalagan was expressing his thanks to the Government for having redressed the grievances of the people of his constituency, Thiru V.C. Chandhirakumar, Whip of the DMDK party, ignoring the orders of the Hon'ble Speaker, rose from his seat angrily and led other members menacingly to make an assault on Thiru K. Tamilalagan, a fellow member, who was speaking from the back row, with an intention to prevent him from speaking. Shouting at him using harsh and derogatory words, they proceeded to assault him and Thiru C. Michael Royappan of the same party, who intervened to pacify was assaulted. A breach of privilege issue was raised against six DMDK members namely, Thiru V.C. Chandhirakumar, Thiru P. Parthasarathy, Thiru D. Murugesan, Thiru K. Nallathambi, Thiru S. Senthilkumar and Thiru R. Arulselvan and after witnessing video recording of the proceedings of the House and examination of the explanations received from the members facing charge, the Committee submitted a report to the Assembly.

In order to put and end to such activities of members which could implant a wrong notion that the democratic duties of the

and unruly behaviour and in order that it would serve as a lesson for other Members and to prevent recurrence of such incidents, the Privileges Committee in that report recommended that the six MLAs of the DMDK be suspended from the service of the Assembly for a period of one year. The recommendation was put to vote of the House on 25.3.2013 and approved.

However, on 26.3.2013, citing the requests made in the House by other party leaders that the punishment be reduced, the Hon'ble Chief Minister magnanimously recommended that the period of punishment of one year might be reduced to six months. Accordingly, a Motion was passed in the House to reduce the period of suspension to six months and the punishment awarded to the DMDK members for assaulting their fellow member was reduced.

On 18.4.2012 an issue of breach of privilege was raised against the DMDK MLAs including the party Whip Thiru V.C. Chandhirakumar, for making a false allegation in an interview that the room allotted to the Leader of the Opposition had been withdrawn and for submitting a letter casting aspersions on the Speaker and it was referred to the Privileges Committee. It is under the consideration of the Committee.

Further, a complaint given by DMDK member Thiru R. Sundarrajan that his party members Thiru P. Parthasarathy and Thiru K. Thinakaran, while leaving the Assembly after the sitting of the House on 29.10.2012, had abused him in the lobby of the House using derogatory words and tried to assault him by holding his shirt,

consideration of the Committee,

Another breach of privilege issue was raised against Thiru V.C. Chandhirakumar and four other DMDK members, alleging that by giving a letter to the Speaker requesting him to fix an appointment with the Hon'ble Chief Minister, they had undermined the prestige of the office of the Hon'ble Speaker, indirectly denigrated the conduct of the Speaker and greatly affected the privilege of the Hon'ble Speaker. It was referred to the Privileges Committee on 31.10.2012 and is under the consideration of the Committee.

If in the opinion of the Speaker a member's conduct is grossly disorderly, he is empowered under Rule 120 of the Assembly Rules to order eviction of the member from the House. On that basis, on 19.2.2015 the Speaker had ordered the eviction of Thiru Alagaapuram R. Mohanraj from the House. Therefore the activities of DMDK MLAs viz., deliberately indulging in pandemonium in the House in order to prevent smooth conduct of the proceedings, attempting to assault the Speaker by laying a siege around him, obstructing the Watch and Ward staff who are duty-bound to execute the orders of the Speaker from discharging their duties, pushing them resulting in damage to the Speaker's rostrum, entering into an argument, hurling of documents in the House towards the Speaker's Chair, are not only atrocious acts undermining the dignity of the House but also constitute breach of privilege and contempt of the House.

explanations which are contrary to truth, no one is in doubt as to what actually transpired, because the incident occurred in full view of the House,. This has been confirmed by the video recording of the proceedings dated 19.2.2015 screened during the meeting of the Privileges Committee held on 20.2.2015.

It is the prerogative of the respective Houses of legislature to exercise the discretion as to when and in what manner the powers and privileges of the legislature are to be used. The power to legislate on such matters has also been given to the respective legislatures by the Constitution. Further the Hon'ble Speaker of the House who presides over the sittings of the Assembly, is vested with the onerous duty of regulating the conduct of proceedings and maintaining order in accordance with the Assembly Rules and conventions. Therefore when he is obstructed from discharging his duties deliberately by some members, when members indulge in fracas disregarding the orders of the Speaker and act in contravention of the Rules and procedures of the House and when members indulge in scuffle and angrily besiege him with an intention to assault him, the Speaker has the responsibility, duty and authority to stop such unruly acts and restore order and decorum in the House by taking such disciplinary action against the erring members as is necessary.

As per the provisions of Article 212 (2) of the Constitution, the Speaker is vested with powers for regulating the conduct of proceedings in accordance with the Rules of the Assembly framed under Article 208 of the Constitution and for maintaining order and

where such order is greatly affected, he has the power to take suitable action.

The Office of the Speaker carries great stature, respect and honour. The Speaker has the onerous responsibility of conducting the proceedings within the ambit of the Rules of the House and without deviating from the conventions of the House. Even though the Speaker is elected with the support of the ruling party, after assuming Office as Speaker, he is the leader for all the Members in the House and remains a trusted adjudicator of unswerving neutrality, charged with the responsibility of safeguarding the privileges of the House and its Members. It is his primary duty to maintain order and decorum in the House. When Members indulge in acts which are disorderly or are beyond the limit, he also has the powers to evict them. Accordingly the Speaker immediately ordered the eviction of the DMDK Members on 19.2.2015 as a measure to restore order in the House, and to prevent great damage to the reputation and tranquility of the House due to the atrocious speeches and pandemonium created by them.

Since the incident happened in full view of the Assembly, the House itself could have immediately passed a resolution and awarded punishment to the erring Members. However, in the surcharged atmosphere created in the House by the DMDK Members, during which many Members simultaneously rushed angrily towards the Speaker and laid a siege in an attempt to assault him, it was not possible to immediately identify each one of them

who had not taken part in such attempt should not be punished without an opportunity to explain their position, a Motion was moved under Rule 121 to suspend the Members for the remainder of the session and the Hon'ble Speaker referred the issue to the Privileges Committee which consisted of all party Members so that the issue could be examined without haste in a relaxed manner, the erring Members could be identified, the issue deliberated upon and suitable recommendations formulated in the form of a Report.

Thus, though the incident had happened in full view of the House, the Committee, with an intention to examine the issue in detail, had taken into full consideration the proceedings of the House on 19.2.2015, the video recording of the incident of pandemonium that happened in the House on that day, the views of the members of the Privileges Committee, the letters of explanation received from the members concerned, the decisions already taken in such cases of breach of privilege in the past, Parliamentary conventions and several instances in the past in which the DMDK members had indulged in such incidents. After detailed deliberation, by majority opinion, the Committee records the following as its opinion.

The emotional behaviour of the members of the principal Opposition party which was beyond limits, casting of aspersions on the decisions and conduct of the Speaker, who is in the position of a completely neutral adjudicator, laying siege around him and entering into an argument with him endangering his safety, angry display of aggression and intimidation to the extent of besieging him and

the House. As pointed out earlier, the Committee considers that as per the Rules of the Assembly and Parliamentary conventions and procedures, this ignoble act of the DMDK members not only constitutes contempt of the House but also greatly undermines the power of the Speaker, who has to act without fear or favour.

If a member who has been named by the Speaker under Rule 120 of the Assembly Rules refuses to withdraw from the House, the Speaker is empowered to order his removal by force as prescribed in the said Rules. Hence, as per these Rules, the Watch and Ward staff possess all the rights to evict the member as per the orders of the Speaker.

Kaul and Shakdher's treatise on issues involving Houses of Parliament and Legislatures, titled "Practice and Procedure of Parliament" has the following to state regarding obstruction of Officers of the House in the discharge of their duties:

"...It is a contempt of the House to obstruct any Officer of the House or any other person employed by the House, or entrusted with the execution of the orders of the House while in the execution of his duty. Following are the examples of this kind of contempt:

Insulting or abusing or assaulting or resisting an Officer of the House, or any other person entrusted with or acting in the execution of his duty."

In India we are till now adopting several conventions based on the procedures followed by the British Parliament. Erskine May in his

Practice" talks about such obstruction in the following words:

"Both Houses will treat as breaches of their privileges not only acts directly tending to obstruct their officers in the execution of their duty but also any conduct which may tend to deter them from doing their duty in the functions of the House."

Regarding contempt of the House, Erskine May states as follows:

"Any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence."

(vide Page 109 of May's Parliamentary Practice, 17th Edition)

Stating that the House also has the power to punish for such contempt, Erskine May further observes:

"Each of the two Houses of Parliament has power to punish its Members for disorderly conduct and other contempts committed in the House while it is sitting, and one method of punishment is committal, either to the custody of its own officers or to one of Her Majesty's prisons. The penal jurisdiction of the Houses is not confined to their own Members nor to offences committed in their immediate presence, but extends to all contempts of the Houses whether committed by Members or persons who are not Members,

beyond its walls.

It is necessary to emphasise the fact that the power possessed by each of the Houses is a general power of committing for contempt analogous to that possessed by the superior courts, and is not restricted to cases in which the privileges enjoyed by the House in its collective capacity or by its Members as such have been violated, lest a contrary inference should be drawn from the fact that in recent years nearly all the offences that have been punished by either House have been adjudged to be breaches of privilege."

(vide Pages 122 and 123 of Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament, Twentieth Edition)

In an earlier case involving breach of privilege (HCP 416 & 433 of 1999 Thiru O.S. Manian Vs State of Tamil Nadu), a Bench of the High Court of Madras had even upheld the punishment of commitment to prison awarded to a member by the Assembly and given a judgement as detailed below:

"We are of the considered view that the Legislative Assembly on whose floor the unfortunate incident occurred has the authority to take action. The Legislative Assembly in our considered view is the authority with respect to the resolution passed by it and such a resolution is a "a law" falling within the scope of the Article 21 of the Constitution and therefore it is a valid procedure by which the detenu had been detained by way of sentence in prison for his alleged misconduct and breach of privilege of the House."

Prime Minister of India Tmt. Indira Gandhi was committed to prison and expelled from membership of the Lok Sabha for breach of privilege and contempt of the House.

On 19th December 1978, a motion moved by the Prime Minister (Morarji R. Desai) was adopted which read in parts as under:

"The House resolved that Shrimati Indira Nehru Gandhi be committed to jail till the prorogation of the House and also be expelled from the membership of the House for the serious breach of privilege and contempt of the House committed by her."

On the same day, the following notification was issued by Lok Sabha Secretariat in an Extraordinary Gazette, dated 19th December 1978.

Consequent on the adoption of a Motion by the Lok Sabha on 19th December 1978, expelling from the membership of the Lok Sabha Shrimati Indira Nehru Gandhi, a Member elected to the Lok Sabha from the Chikmagalur Constituency of Karnataka, Shrimati Indira Nehru Gandhi has ceased to be a Member of the Lok Sabha with effect from the 19th December 1978 afternoon. A copy of the Notification was sent to Smt. Indira Nehru Gandhi at her Delhi address and a copy was also endorsed to the Election Commission for necessary action.

Members who have acted in contravention of Parliamentary conventions have been suspended from the House and have also been punished for breach of privilege.

in its judgement in this regard is extracted below:

"We hold that merely because the order of suspension of the Legislative Assembly Member R. Thamaraiikkani had been effected, the Legislature had not been denuded of its power or authority to take action for the contempt of the House or breach of privilege of the House or for other misconduct of the House and it would not amount to double punishment, nor it would be violative of fundamental rights or any provisions of the Constitution."

It has further been stated that the suspension of the detenu from the Assembly proceedings is not a punishment, but it only debars or excludes him from taking part in any of the proceedings during the period of suspension. The punishment imposed by the resolution of the Assembly will not amount to double punishment as sought to be contended and such a contention cannot be sustained at all. It is for the breach of privilege and / or contempt of the House of which the detenu is a Member and as seen from the resolution passed by majority of the Members present in the Assembly. The contention that the Legislature has no authority to impose the punishment after having suspended him also cannot be sustained."

(HCP No. 416 and 433 of 1999)

From the above judgement it is clear that even after suspension of the member, separate action may be initiated for breach of privilege and contempt of the House and he may be punished.

again that the indecent, disorderly and ignoble activities of the DMDK members have happened in full view of the House and have been confirmed by the video recordings and that concocted statements contrary to facts and unacceptable counter charges devoid of truth have been raised in the explanations given by the concerned members.

As stated earlier, on several occasions in the past, the DMDK members have acted in contravention of the dignity of members of the Legislature, Rules of the Assembly, Parliamentary procedures and conventions, leading to breach of privilege of the House and despite several warnings and punishments given through resolutions of the House on a few occasions, they have not still reformed themselves and continue to act emotionally and indulge in pandemonium and violent activities inside the House.

Whenever the question of penal action arises, they always stated that they respected the Assembly Rules and the Speaker and if the Committee considered their acts to be wrong, they would express regret. Such statements are nothing but empty rituals to extricate themselves from the legitimate repercussions they deserve to face for their audacious acts and never in their history have they demonstrated their genuine regret or remorse.

For example, even in the present case, even though they have been suspended from the service of the House for the remainder of the session through a resolution of the House, the DMDK members clad in black dress, holding placards and demanding that they be

sitting in dharna before the Assembly premises on 25.3.2015 when the House was in session, knowing fully well that their explanations in the breach of privilege issue against them were pending before the Privileges Committee.

This incident would itself reveal the kind of regard and respect they have towards the Rules of the Assembly and the Privileges Committee. Thus, their statements of regret mentioned in their letters are not genuine statements of penitence but a calculated ploy to escape from the consequences of their misdeeds.

After thorough examination and detailed deliberation of this issue collectively, the Committee by majority opinion recommends as follows:

Recommendation of the Committee

On 19.2.2015 the DMDK members, who had come to the House with a premeditated and deliberate intention to stall the proceedings and with the sole intention of preventing the orderly and smooth conduct of the House, caused commotion in the House and especially DMDK members Thiru V.C. Chandhirakumar, Thiru Alagaapuram R. Mohanraj, Thiru S.R. Parthiban, Thiru L. Venkatesan, Thiru C.H. Sekar and Thiru K. Thinakaran have come near the Speaker's podium, gesturing with their hands, in an attempt to assault him and engaged in argument with him using undignified and derogatory language. Despite repeated requests by the Speaker to return to their seats, without paying heed and in contravention of

tendency, they came near him intimidatingly in an attempt to launch a murderous assault, pushed down the Watch and Ward staff who were in the way, damaged the Speaker's rostrum and wildly hurled documents in the House. Further, they have audaciously prevented the movement of the Watch and Ward staff who came in to perform their duty of evicting the Deputy Leader of the Opposition as per the orders of the Speaker and impeded the discharge of their duties by pushing and entering into an argument with them. The above mentioned acts have not only brought great disrepute to the House in an unprecedented manner, but also resulted in breach of privilege and contempt of the House.

Despite several warnings issued to them earlier for indulging in such violent acts and punishment awarded in certain other instances, in utter disregard of the Assembly Rules, conventions and the honour of the House, the DMDK members acted emotionally and indulged in ignoble and disorderly acts as if they are not answerable to anyone or subject to any orderliness. They have now proceeded to intimidate and attempted to assault the Hon'ble Speaker himself and have further obstructed and prevented the Watch and Ward staff acting under his orders from performing their duty.

Therefore, considering the fact that these Members have been repeatedly indulging in activities constituting contempt of the House, in order to restore the dignity and honour of the House, in order to make it clear that in future, representatives of the people, if they indulge in indecent and violent acts inside the Honorable Legislature,

in order to ensure that this serves as a lesson for such erring Members and for all other Members, the Committee concludes that the acts of DMDK Members Thiru V.C. Chandhirakumar, Thiru Alagaapuram R. Mohanraj, Thiru S.R. Parthiban, Thiru L. Venkatesan, Thiru C.H. Sekar and Thiru K. Thinakaran on 19.2.2015 viz. of surrounding and laying siege around the Hon'ble Speaker, trying to assault him, causing damage by pushing his rostrum, hurling documents, causing obstruction to the Watch and Ward staff thereby preventing them from discharging their duties with grave and continued disruption of the proceedings of the House, constitute gross breach of privilege of the House.

The Committee recommends that the above-mentioned six Members who are guilty of breach of privilege be suspended from the service of the House for a period up to ten days from the commencement of the next session and action be taken to make those Members ineligible to receive salary, any other benefit and facilities admissible to them as Members of the Legislative Assembly, during such suspension.

Chennai-600 009

Date : 30.3.2015

Pollachi V. Jayaraman,

Chairman,

Committee of Privileges.

TRANSLATION OF EXTRACT OF RELEVANT PORTIONS
OF THE BULLETIN (BRIEF RECORD OF PROCEEDINGS)
OF THE TAMIL NADU LEGISLATIVE ASSEMBLY
DATED 31-3-2015

TAMIL NADU LEGISLATIVE ASSEMBLY
BRIEF RECORD OF PROCEEDINGS ISSUE NO. 8
2015, MARCH 31, TUESDAY

JAYA, PANGUNI 17, THIRUVALLUVAR AANDU - 2046

The Tamil Nadu Legislative Assembly met at 10.00 a.m. in the
Legislative Assembly Chamber under the Chairmanship of Hon'ble
Speaker.

* * * * *

1. QUESTIONS AND ANSWERS

* * * * *

2. SPECIAL MENTION

* * * * *

3. PRESENTATION OF COMMITTEE REPORTS

(1) Presentation of Report of the Committee of Privileges

Hon'ble Thiru Pollachi V. Jayaraman, Deputy Speaker of the
Assembly (Chairman of the Committee of Privileges) presented the
Report of the Committee of Privileges on the breach of privilege issue
raised against Thiru V.C. Chandhirakumar and five other MLAs of the
DMDK for attempting to assault the Hon'ble Speaker, indulging in

them in the discharge of their duties on 19.2.2015.

(2) Presentation of the Report of the Committee on Public
Accounts

* * * * *

(3) Presentation of the Report of the Committee on Government
Assurances

* * * * *

4. GOVERNMENT BILL (INTRODUCTION)

* * * * *

5. GOVERNMENT MOTIONS

The Hon'ble Leader of the House (Minister for Electricity, Prohibition and Excise) moved the following Motion:-

"That the report of the Committee of Privileges, presented to the House today, regarding breach of privilege issue against DMDK Members be taken up for consideration today under Rule 229(b) of the Tamil Nadu Legislative Assembly Rules."

The Motion moved by the Hon'ble Leader of the House (Minister for Electricity, Prohibition and Excise) was put to the vote of the House and carried.

The Hon'ble Leader of the House (Minister for Electricity, Prohibition and Excise) then moved the following Motion:-

"That this House accepts the recommendations contained in the report of the Committee of Privileges, presented to the House

under Rule 229(d) of the Tamil Nadu Legislative Assembly Rules."

Thiruvallargal M.K. Stalin, A. Soundararasan, M. Arumugam, Dr. M.H. Jawahirullah, P.V. Kathiravan, A.K. Bose and J.G. Prince took part in the discussion.

The Hon'ble Leader of the House (Minister for Electricity, Prohibition and Excise) gave his reply.

The Motion moved by the Hon'ble Leader of the House (Minister for Electricity, Prohibition and Excise) was put to the vote of the House and carried.

6. ANNOUNCEMENT TO THE HOUSE

The Hon'ble Speaker made an announcement in the Assembly that as per the Resolution moved by the Hon'ble Leader of the House and passed by the Assembly, six Members of the DMDK, viz., Thiru V.C. Chandhirakumar, Thiru Alagaapuram R. Mohanraj, Thiru S.R. Parthiban, Thiru L. Venkatesan, Thiru C.H. Sekar and Thiru K. Thinakaran, who have committed breach of privilege are suspended from the service of the House from today till completion of ten days from the commencement of the next session. During this period, they cannot receive salary and any other benefits or facilities provided to them as Members of the Assembly.

7. BUDGET FOR THE YEAR, 2014-2015

* * * * *

NEWS REPORTS ON SUSPENSION OF THE PETITIONERS
FOLLOWING
RESOLUTION PASSED BY THE HOUSE ON 31-3-2015

a) Report in THE HINDU dated 1-4-2015

6 DMDK MLAs suspended for next session too

Sruthisagar Yamunan

CHENNAI: The Assembly on Tuesday adopted a resolution suspending six DMDK MLAs for 10 days in the next session as well even, as the Opposition staged a walk-out calling the punishment "too harsh."

Speaker P. Dhanapal said DMDK Members V.C. Chandrakumar, R. Mohanraj, S.R. Parthiban, L. Venkatesan, C.H. Sekar and K. Dhinakaran would also lose the entitlements as MLAs.

The six are among the 20 DMDK MLAs who are under suspension for the ongoing session. The action followed proceedings of the Privileges Committee on the ruckus the House witnessed on March 19.

This resolution meant the suspended MLAs may have to

After a resolution was adopted in the House, Opposition Members staged a walkout.

forego their entitlements for months, since a session would be counted as new only after the current one is prorogued by the Governor.

When the resolution was tabled in the Assembly by House Leader Nathan R. Viswanathan, Opposition members, including those of the DMK, CPI, Congress and CPI (M) were on their feet objecting to the action recommended on the MLAs.

DMK treasurer M.K. Stalin said while he did not condone the action of the DMDK Members, the punishment was too harsh. For the sake of

democracy and to allow the MLAs to fulfil their responsibilities, the action should be reconsidered, he said. His views were echoed by leaders of other Opposition parties as well.

However, Mr. Viswanathan defended the move and said the action of the DMDK MLAs were a "black spot" on the image of the Assembly. He mentioned that the action was against the six alone and rest of the DMDK MLAs can attend the proceedings.

After the resolution was adopted through a voice vote, Opposition Members walked out of the Assembly.

Meanwhile, in a statement, DMDK president Vijayakant said such a harsh punishment would not be accepted by anyone respecting Assembly conventions.

b) Report in DECCAN CHRONICLE dated 1-4-2015

Speaker bars 6 DMDK legislators for 10 sessions

DC CORRESPONDENT
CHENNAI, MARCH 31

The Speaker of the Tamil Nadu legislative Assembly, P. Dhanapal, on Tuesday extended the suspension of six DMDK MLAs for another 10 assembly sessions. Barred for "bringing disgrace to the Assembly through their repeated unruly behaviour", the legislators will not be entitled to salary, perks and other entitlements.

Opposition parties protested the move by the Speaker. Cutting across party lines, all the opposition par-

ties including DMK, Congress, Left and Forward Block demanded that the Speaker revoke the suspension of DMDK legislators.

It all started when the recommendation of the assembly privilege committee came up for a discussion and the other political parties opposed the recommendations. Subsequently leader of the house Nathan R. Viswanathan said that the stern action against the erring MLAs was required to ensure that the decorum and peace of the Assembly was not disrupted.

Turn to P4

6 DMDK MLAs to Remain Suspended

Express News Service

Chennai: Tamil Nadu Assembly Speaker P Dhanapal on Tuesday announced that six DMDK MLAs — VC Chandhirkumar, R Mohanraj, SR Parthiban, L Venkatesan, CH Sekar and K Dinakaran — would remain under suspension till the first 10 days of the next session. The House Privileges Committee recommended the suspension.

Already, 19 DMDK MLAs were under suspension till the end of the ongoing session for disrupting the House proceedings on February 19. The Leader of the House, R Viswanathan moved a resolution to implement the House Privileges Committee recommendation. It was adopted by voice vote.

The members of DMK, CPM, CPI, Congress, MMK and AIFB appealed to the Speaker not to suspend the six MLAs as their work as people's representatives would be hit. As they were already suspended, the Speaker should recall them with immediate effect, he said. But EB Minister Viswanathan said not all DMDK MLAs had been punished and one of the six suspended MLAs had been suspended earlier for six months for unruly behaviour.

The members should accept the Privileges Committee's recommendation, said Viswanathan. Following this, the members of the DMK, CPM, CPI and MMK walked out in a huff.

The Speaker announced that while on suspension, the six DMDK MLAs would not get their salary and other entitlements being given to the members of the House.