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Dated:26.08.2015

To,

MR.B.BALAJI
Standing counsel of
State of Tamil Nadu
NEW DELHI

SUB WRIT PETITION © NO. 455 OF 2015
Alagaapuram R.Mohanraj & Ors.
Versus
Tamil Nadu Legislative Assembly rep.
Its Secretary & Anr.

Dear Sir,

This is to inform you that the above mentioned matter was listed for hearing 24.07.2015 before the Hon'ble Supreme Court of India. After hearing the matter the Hon'ble Court was pleased to issue notice and Dasti, in addition, was permitted.

As per the direction, the copy of the dasti notice was served to Respondent No.1 on 3.8.2015. Then the matter was shown in advance list on 17.8.2015 and which subsequent deleted. Hence, the counsel for the petitioner mentioned the above matter before the Court on 26.08.2015. The Hon'ble Court was pleased to direct the matter to be listed for hearing on 28.08.2015.

I kindly request you, to be present at the time of hearing. This is for your information.

Thanking you,

Yours faithfully,


ANIL KUMAR MISHRA

Dated:26.08.2015

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INDEX

RECORD OF PROCEEDINGS

[illegible]

INDEX

SL. NO.	PARTICULARS	PAGES
1.	Listing Proforma	A-A1
2.	Synopsis and List of Dates	B – V
3.	Writ Petition with Affidavit	1 – 29
4.	Annexure P/1 A true copy of the resolution dated 19.2.2015	30-34
5.	Annexure P/2 A true copy of FIR No. Cr. No. 09/2015 dated 20.2.2015	35-38
6.	Annexure P/3 A true copy of the chargesheet dated Nil Feb, 2015.	39-47
7.	Annexure P/4 A true copy of the Privilege Committee minutes of the meeting dated 20.2.2015	48-84
8.	Annexure P/5 A true copy letter sent by Petitioner No. 6 to Secretary of the Legislative Assembly dated 23.2.2015	85-86
9.	Annexure P/6 A true copy letter sent by Petitioner No. 5 to Secretary of the Legislative Assembly dated 24.2.2015	87-88
10.	Annexure P/7 A true copy letter sent by Petitioner No. 1 to Secretary of the Legislative Assembly dated 27.2.2015	89-93
11.	Annexure P/8 A true copy letter sent by Petitioner No. 3 to Secretary of the Legislative Assembly dated 25.2.2015	94-96

	A true copy of the letter sent by petitioner No.2 and 4 to Secretary of the Legislative Assembly dated 26.2.2015.	
13.	ANNEXURE-P10: A true copy of the Privilege Committee minutes of the meeting dated 27.3.2015.	105 - 142
14.	ANNEXURE-P11: A true copy of the Privilege Committee minutes of the meeting dated 27.3.2015.	143 - 149
15.	ANNEXURE-P12: A true copy of the resolution dated 31.3.2015.	150 - 164
16.	ANNEXURE-P13: A copy of the photographs where the MLS Hoster were sealed by the Respondents.	165 - 167
17.	I A. NO. of 2015 An Application for exemption from Official Translation.	168 - 170

PROFORMA FOR FIRST LISTING

SECTION X

The case pertains to (Please tick/check the correct box):

- ☐ Central Act : (Title) Constitution of India
- ☐ Section : NA
- ☐ Central Rule : (Title) NA
- ☐ Rule No(s) : NA
- ☐ State Act : (Title) People Act 1951
- ☐ Section :
- ☐ State Rule : (Title) TNLA Rules
- ☐ Rule No(s) : Article 225(1)
- ☐ Impugned Interim Order : (Date) NA
- ☐ Impugned Final Order/Decree : (Date) NA
- ☐ High Court : (Name) NA
- ☐ Names of Judges: NA
- ☐ Tribunal/Authority : (Name) NA

1. Nature of matter : ☒ Civil ☐ Criminal

2. (a) Petitioner/appellant No.1 : AZHAKAPURAM R. MOHARAJ S/O

(b) e-mail ID: NA

(c) Mobile phone number: NA

3. (a) Respondent No. 1: TNLA Rep. It is Secretary of

(b) e-mail ID: NA

(c) Mobile phone number: NA

4. (a) Main category classification: 08
 (b) Sub classification: 0819 Ors
5. Not to be listed before: N/A
6. Similar/Pending matter: N/A
7. Criminal Matters:
 (a) Whether accused/convict has surrendered: ☐ Yes ☒ No
 (b) FIR No. 09/2015 Date: 20/2/15
 (c) Police Station: B3. Ford
 (d) Sentence Awarded: N/A
 (e) Sentence Undergone: N/A
8. Land Acquisition Matters:
 (a) Date of Section 4 notification: N/A
 (b) Date of Section 6 notification: N/A
 (c) Date of Section 17 notification: N/A
9. Tax Matters: State the tax effect: N/A
10. Special Category (first petitioner/appellant only):
☐ Senior citizen > 65 years ☐ SC/ST ☐ Woman/child ☐ Disabled ☐ Legal Aid case ☐ In custody N/A
11. Vehicle Number (in case of Motor Accident Claim matters):
12. Decided cases with citation: N/A

Date:

AOR for petitioner(s)/appellant(s)

(Name) AMIL ICR. MISHRA-SRegistration No. 1731AMILKUMARADW@gmail.com

SYNOPSIS

This writ petition has been filed by six Members of the Legislative Assembly, who were elected to their respective constituencies from the DMDK Political party. The writ petition is filed by six MLAs of the DMDK Party, who have been suspended from the Tamil Nadu Legislative Assembly for interrupting the Governor's speech and allegedly attacking the speaker and injuring others on 19th February, 2015. On the same day the six members of the DMDK Party were suspended by the speaker. The first petitioner is the whip of the DMDK Political party which is the Opposition Party in the Legislature. The first petitioner is representing Salem (North) Assembly Constituency. He is the vice president of the Assembly.

The privilege committee had suspended the petitioner for an alleged breach of privilege inside the house of by way of the impugned resolution. They have been prevented from discharging his duties as an elected representative of their respective Assembly Constituency and the impugned resolution has been passed by the respondent. The privilege committee sent an notice a to the petitioners dated 20.2.2015, which was received on 23.2.2015 and sought explanation on/before 27.02.2015. Further, the committee without giving a proper opportunity had suspended the petitioners.

However, the official residence allotted to the petitioners, like any other Member of the Legislative Assembly, was closed, locked and sealed, none of the privileges or payments was issued to them. The petitioners

waited so far, hoping that some kind of order would be issued on them, but; till the date of filing of this writ petition, no order has been issued.

1. The relevant issues are:

1. *What is the extent of judicial review over decisions by the State legislature and it's Privileges Committee, whereby any person is found guilty of breach of privilege, and is punished?*

1. *If judicial review lies, does it extend to:*

a. *The due process followed by the Assembly and Privileges Committee?*

b. *The punishment and its proportionality?*

c. *Anything done outside the precincts of the Assembly and/or the House, pursuant to the finding of such breach of privilege?*

The petitioners also states that on the date of alleged incident 19 members of the DMDK Party has been suspended for the ongoing session by the speaker under Rule 121 (2) of the Tamil Nadu Legislative Assembly Rules. Further by way of the impugned resolution dated 30.3.2015 passed by the respondent, (i) the petitioners have been suspended from the Legislative Assembly with effect from 30.03.2015 onwards till the first ten days of the next Session likely to be convened on Jan' 2016 and (ii) they are not to have the benefit of any privilege or salary or indeed the very functioning as a Member of the Legislative Assembly and if the Session to be started on Jan' 2016 will not last for ten days, then the remaining unexpired days of

suspension have to be counted during the Budget Session likely to commence during March 2016; the period of ten days has to be counted not as per the Gregorian calendar but the ten days of actual sittings of the House. As a consequence of the impugned Resolution, they are deprived of their pay, Compensatory Allowance, Telephone Allowance, Constituency Allowance, Postal Allowance, Consolidated Allowance, Transit by Train Allowance and Medical Allowance and they cannot act as a representative of their Constituency which elected them as a Member of the Legislative Assembly.

There are 29 Members in the Legislature of the Assembly belonging to the DMDK Political Party. However, four of the Members without resigning from the party or the post of Legislature, remained as disaffected Members of the party and they started behaving independently with an intention to cause split in the DMDK Party.

The issue was already referred to the Privileges Committee of the House; the Hon'ble Speaker forwarded the written explanations to the Committee along with the video clipping of the scene of assault. As per Rule 227 of the Tamil Nadu Legislative Assembly Rules, the Privileges Committee was elected according to the Principle of proportional Representation by means of a single transferable vote. The Hon'ble Deputy Speaker of the State Assembly is Ex-officio, the Chairman of the Committee. The Committee consists of members belonging to the Ruling AIADMK Party and members of Opposition Parties like the DMDK, the DMK, the CPI(M), the CPI and the Indian National Congress. The leader of the Opposition belonging to the DMDK Party

is also an ex-officio member of the Committee. Thiru.S.R.Parthiban of the DMDK, who is a signatory to the explanation submitted by the first writ petitioner, is incidentally a Member of the Privileges Committee.

It is the case of the petitioners that no written order was ever issued by the Legislative Assembly Secretariat for the suspension on 19.2.2015 till the ongoing session. Based on the resolution passed by the Legislative Assembly and they are given to understand that it was done deliberately so as to prevent the petitioners from challenging the same in the court of law. Instead, it is so planned to make use of Article 212 of the Constitution of India in the event of any challenge to the resolution of the Legislative Assembly which has got nothing to do with the issue on hand; from 19.02.2015 to march 2016, i.e. for almost a period of one year, they are deprived of discharging his duties as an elected Member of the Legislative Assembly.

The impugned resolution shakes the very foundation of democracy and the elected representative system besides challenging the constitutional provisions, Representation of the People Act, 1951 and the Tamil Nadu Legislative Assembly Rules framed by virtue of Article 208(1) of the Constitution of India. It is submitted that in a simple majority governance of the country, if a party gets the chance of ruling, the State also could elect its elected member as the Speaker and in the same way, if the Committee of Privileges could consist of majority of that party, it looks that any kind of order could be passed, unmindful of the legal position in this regard; in a democracy, there will be a ruling party, the alliance parties and the opposition parties and a democratic form of

governance does not mean majority members of the front only but also includes opposition.

According to the petitioners, the impugned resolution virtually disqualifies them twice for the same alleged offence for the ongoing session and for a period of 10 days starting of the next session i.e., almost an year (19.02.2015- march 2016). A period of one year cannot be made even under the Constitution except by means of post-disqualification (after having got elected) by virtue of Article 194 of the Constitution of India and as an elected Member of the Legislative Assembly. The petitioners are authorized to function and discharge their duties to the electorate and the Constituency which returned them to the Assembly by virtue of the powers available under the Constitution and under the Representation of the People Act and not at the mercy of the chosen few who claimed to be the ruling front.

The Supreme Court and High Courts enjoy limited but significant powers of judicial review in relation to breach of privilege of the legislature. The privileges of Parliament and State Assemblies are contained inter-alia in Article 105 (3) and 194 (3) of the Constitution.

Article 105 (3) reads as follows:

"(3) In other respects the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, [shall be those of that House and of its members and committees

immediately before the coming into force of section 15 of the

Constitution (Forty-fourth Amendment) Act, 1978.]”

Article 194(3) is similar.

(ii) Each house of Parliament and the State Assemblies shall regulate their own procedure subject to the provisions of the Constitution “(Article 118 (1) and 208(1))”.

The constitution portrays an institutional comity between the legislature and the judiciary in that:

(i) No discussion shall take in Parliament or the State Legislation on the conduct of a judge in discharge of his duties “(Articles 121 and 211 of the Constitution)”.

(ii) Courts will not inquire into proceedings in Parliament and the State legislatures “on any ground of any alleged irregularity of procedure” (Articles 122 and 212 of the Constitution). Article 122 is reproduced below:

“Article 122. Courts not to inquire into proceedings of Parliament— (1) The validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure.

1. No officer or member of Parliament in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order in Parliament shall be subject to the jurisdiction of

any court in respect of the exercise by him of those powers."

A foundational principle was stated in Special Reference No.1 of 1964 (1965) 1 SCR 413 at pg. 445

"Our legislatures have undoubtedly plenary powers, but these powers are controlled by the basic concepts of the written Constitution itself and can be exercised within the legislative fields allotted to their jurisdiction by the three Lists under the Seventh Schedule; but beyond the Lists, the legislatures cannot travel. They can no doubt exercise their plenary legislative authority and discharge their legislative functions by virtue of the powers conferred on them by the relevant provisions of the Constitution; but the basis of the power is the Constitution itself. Besides, the legislative supremacy of our legislatures including the Parliament is normally controlled by the provisions contained in Part III of the Constitution. If the legislatures step beyond the legislative fields assigned to them, or acting within their respective fields, they trespass on the fundamental rights of the citizens in a manner not justified by the relevant articles dealing with the said fundamental rights, their legislative actions are liable to be struck down by courts in India. Therefore, it is necessary to remember that though our legislatures have plenary powers, they function within the limits prescribed by the material and relevant provisions of the Constitution."

JUDICIAL REVIEW IN RESPECT OF PARLIAMENTARY PRIVILEGE and the step to inquire if the privilege claimed by the legislature exists in law.

The first step :-

For example, in *Amarinder Singh v Punjab Vidhan Sabha* (2010) 6 SCC 113, the Court held that the former Chief Minister of Punjab could not be expelled before the rest of the 13th Vidhan Sabha for his conduct as a Chief Minister during the 12th Vidhan Sabha nor could it be said that the alleged act of corruption in allocating certain lands could be the subject matter of breach of privilege proceedings for lowering the dignity of the House. (at pr. 47, 65)

47. The observations cited above make it amply clear that the exercise of legislative privileges is not an end in itself. They are supposed to be exercised in order to ensure that legislative functions can be exercised effectively, without undue obstructions. These functions include the right of members to speak and vote on the floor of the House as well as the proceedings of various Legislative Committees. In this respect, privileges can be exercised to protect persons engaged as administrative employees as well. The important consideration for scrutinizing the exercise of legislative privileges is whether the same was necessary to safeguard the integrity of legislative functions.

65. We are unable to agree with this line of reasoning presented on behalf of the respondents. Expressions such as "lowering the

dignity of the House", "conduct unbecoming of a Member of the House" and "unfitness of a Member" are openly worded and abstract grounds which if recognized, will trigger the indiscriminate and disproportionate use of legislative privileges by incumbent majorities to target their political opponents as well as dissidents.

It is thus clear that in this case privilege did not exist.

The second step is to consider the limitation imposed by Article 122(1) and 212(1) whereby the Courts cannot question "the validity of any proceedings in (the House) on grounds of any alleged irregularity of procedure."

- In the Special Reference case (1965) 1 SCR 413, the Court clarified (at p 455-6)

"Art.212(1) seems to make it possible for a citizen to call in question in the appropriate court of law, the validity of any proceedings inside the legislative chamber, if his case is that the said proceedings suffer not from mere irregularity of procedure, but from an illegality. If the impugned procedure is illegal and unconstitutional, it would be open to be scrutinized in a court of law, though such scrutiny is prohibited if the complaint against the procedure is not more than this that the procedure was irregular".

The emphasis was on the word "mere". However it must be borne in mind that these Articles are concerned not only with question of the

privilege of the legislature, but with all the activities of the legislature including enacting legislation, passing resolutions, voting, no confidence motions and the like. (for other instances see *Mangalore Ganesh Bidi Works v State of Mysore (1963) Suppl 1 SCR 275*).

The third step is to consider the nature of the illegality and how it infringes the legality, constitutionality and especially fundamental rights.

No resolution of the House can interfere with the independence of the judiciary (as was sought to be done by the UP legislature in summoning the judges who had exercised their power to grant bail to contemnors before the House in *Special Reference (1965) 1 SCR 413*). Equally, proceedings which are without jurisdiction can be challenged (*Kihoto v Zachillhu (1992) Supp 2 SCC 651*, the interesting case of *State of Kerala v Sudarshan Babu AIR 1984 Kerala 1*, and *Om Prakash Chautala v State of Haryana AIR 1998 P&H (80)*). In *Raja Ram Pal v Hon'ble Speaker, Lok Sabha (2007) 3 SCC 184*, it was stated: (at pr 62).

"62. In view of the above clear enunciation of law by Constitution Benches of this Court in case after case, there ought not be any doubt left that whenever Parliament, or for that matter any State Legislature, claims any power or privilege in terms of the provisions contained in Article 105(3), or Article 194(3), as the case may be, it is the Court which has the authority and the jurisdiction to examine, on grievance being brought before it, to find out if the particular power or privilege

that has been claimed or asserted by the legislature is one that was contemplated by the said constitutional provisions or, to put it simply, if it was such a power or privilege as can be said to have been vested in the House of Commons of the Parliament of the United Kingdom as on the date of commencement of the Constitution of India so as to become available to the Indian Legislatures."

Initially the Court's protection in matters of fundamental rights seemed wide. In the BLITZ case, (*Ganpati v Nafisul Hasan AIR 1954 SC 636*) the Court enjoined the arrest of a correspondent without following the requirement of Article 22 (2) to produce him before a Magistrate within 24 hours. This judgment of 5 Judges is not reasoned. In the Searchlight case (*1959 Supp 1 SCR 806*), the newspaper's editor was summoned for printing portions of a speech that had been expunged. Eight judges decided that the benefit of constitutionally guaranteed free speech (Article 19 (1)(a)) was not available to him in the face of the legislature's privilege of exercising control over publication of its proceedings. The Searchlight case can be read as limited to the issue at hand (namely that the right of the House over its publication was unaffected by the fundamental rights protection of free speech). In the Special Reference matter (*1965 1 SCR 413*) the Court thought the parliamentary privileges and fundamental rights provisions would have to be harmonized (at p.444).

"In dealing with the effect of the provisions contained in Cl. (3) of Art. 194, where it appears that there is a conflict between the

said provisions and the provisions pertaining to fundamental rights, an attempt will have be made to resolve the said conflict by the adoption of the rule of harmonious construction."

The Searchlight case was then explained in its own context and on the basis of a wider constitutional principle: (at pr.451)

"It would thus be seen that in the case of Pandit Sharma ([1959] Supp. 1 S.C.R. 806), contentions urged by the petitioner did not raise a general issue as to the relevance and applicability of all the fundamental rights guaranteed by Part III at all. The contravention of only two articles was pleaded and they were Articles 19(1)(a) and 21. Strictly speaking, it was, therefore, unnecessary to consider the larger issue as to whether the latter part of Art. 194(3) was subject to the fundamental rights in general, and indeed, even on the majority view it could not be said that, the said view excluded the application of all fundamental rights, for the obvious and simple reason that Art. 21 was held to be applicable and the merits of the petitioner's arguments about its alleged contravention in his case were examined and rejected. Therefore, we do not think it would be right to read the majority decision as laying down a general proposition that whenever there is a conflict between the provisions of the latter part of Article 194(3) and any of the provisions of the fundamental rights guaranteed by Part III, the latter must always yield to the former. The majority decision,

therefore, must be taken to have settled that Art. 19(1)(a) would not apply, and Art. 21 would."

In Raja Ram Pal's case (2007) 3 SCC 184 explained the Special Reference case as follows: (pr.266-7).

266. Thus, in U.P. Assembly case (Special Reference No. 1 of 1964)⁹⁵ the Court was mainly concerned with the power claimed by legislature to issue general warrant and conclusive character thereof. There was no challenge in that case to the power to punish for contempt, much less the power to expel, these issues even otherwise being not inherent in the strict frame of reference made to the Court.

267. Indeed, the thrust of the decision was on the examination of the power to issue unspeaking warrants immune from the review of the courts, and not on the power to deal with contempt itself. A close reading of the case demonstrates that the Court treated the power to punish for contempt as a privilege of the House.

Further the Court in that case stated at (pr.270)

"there are many differences between U.P. Assembly case (Special Reference No. 1 of 1964) and the one at hand. The entire controversy in the former case revolved around the privileges of the House in relation to the fundamental rights of a citizen, an outsider to the House. The decision expressly states.

that the Court was not dealing with internal proceedings, nor laying down law in relation to Members of the House."

This sets the stage for Step Four: on the violation of fundamental rights. Assimilating earlier case laws, the court, in *Raja Ram Pal (2007) 3 SCC 184* stated at (pr. 351-352)

"351. We are unable to accept the argument of the learned counsel for the Union of India for the simple reason that what this Court "deliberately omitted" to do in U.P. Assembly case (Special Reference No. 1 of 1964) was consideration of the powers, privileges and immunities other than the contempt jurisdiction of the legislature. The views expressed as to the applicability of Article 20 and Article 21 in the context of manner of exercise of the powers and privileges of the Legislative Assembly are of general import and cannot be wished away. They would hold good not merely against a non-Member as was the case in that reference but even against a Member of the legislature who also is a citizen of this country and entitled to the protection of the same fundamental rights, especially when the impugned action entails civil consequences.

352. In the light of law laid down in the two cases Pandit Sharma (I) and Pandit Sharma (II)²⁰ and in U.P. Assembly case (Special Reference No. 1 of 1964) we hold that the broad contention on behalf of the Union of India that the exercise of parliamentary privileges cannot be decided against the touchstone of fundamental rights or the constitutional provisions

is not correct. In Pandit Sharma the manner of exercise of the privilege claimed by the Bihar Legislative Assembly was tested against the "procedure established by law" and thus on the touchstone of Article 21. It is a different matter that the requirements of Article 21, as at the time understood in its restrictive meaning, were found satisfied. The point to be noted here is that Article 21 was found applicable and the procedure of the legislature was tested on its anvil. This view was followed in U.P. Assembly case (Special Reference No. 1 of 1964) which added the enforceability of Article 20 to the fray."

Further, it should also be stressed that the application of Article 21 must take into account not the law as it stood in 1965, but as it stands now in the aftermath of the expanded due process laid down in various cases (Such as the Bank Nationalization Case (R.C. Cooper v Union of India (1970) 1 SCC 248 and Maneka Gandhi's case (1978) 1 SCC 248) and in the case of Raja Ram Pal (2007) 3 SCC 184

It is stated that the expulsion results in loss of membership of the House, Suspension does not. The relevant question for us is whether an order of suspension can travel from one session to the next and whether it extends to matters other than participation in the house. In the case of Sushanta v Speaker reported in AIR 1973 Orissa 111, this Hon'ble Court had held that a specific order of imprisonment lapsed at the end of the session.

"There seems to be no doubt that in United Kingdom by 1950 when the Constitution of India came into force the position was well settled that the House of Commons could pass an order for detaining a contemner for a fixed term but the unexpired portion of the sentence was to lapse as and when the session during which the detention order was made ended. That being the law applicable to India in view of the provisions under Art. 194 (3) of the Constitution, the petitioners were entitled to be released on 13-10-1969 when admittedly the autumn session of the Orissa Legislative Assembly came to an end and was prorogued."

It is submitted that, it is assumed that this applies to the end of a session whether by prorogation or otherwise. However, in Om. Prakash Chautala v State of Haryana reported in AIR 1998 P&H 80 has held that:-

"6. In the absence of such an order of prorogation issued by the Governor, the session will be deemed to be continuing. There is no provision in the Constitution to infer an order proroguing the Assembly. We scanned through May's Parliamentary Practice without any success to find out whether there can be a deemed order proroguing the House. In such a situation, the arguments advanced by the learned counsel representing the petitioners that the Haryana Vidhan Sabha must be deemed to have been prorogued when it was adjourned sine die on 21st March, 1997, cannot be accepted."

therefore, it is assumed that suspension relates to participation in the proceedings unless stated otherwise. It follows that a suspension cannot be treated as an expulsion to negate the rights of the suspended legislator altogether

LIST OF DATES

This petitioners herein are the Members of the Legislative Assembly from the DMDK Political party, who were elected to their respective constituencies in the state of Tamil Nadu. The first petitioner is the whip of the DMDK Political party which is the Opposition Party in the Legislature. The first petitioner is representing Salem (North) Assembly Constituency. He is the vice president of the Assembly.

19.2.2015 It is alleged that on 19.2.2015, during the debate on the motion of thanks giving to the Hon'ble Governor, 1st petitioner was acting continuously against the legislative assembly rules by ignoring the order of the speaker of the assembly. Along with him, few other members of the DMDK Part stood up at the same time and shouted. When the speaker asked the 1st petitioner to speak calmly, he stated speaking in non compatible words and involved in continuous argument with the speaker. He did not allow the house to function. Hence, the speaker directed the marshals to evict 1st petitioner out of the house.

Further alleged that, when the marshals tried to evict 1st petitioner, one Mr.V.C.Chandira Kumar (Petitioner No ...) got out of his seat angrily and ran towards the seat of the speaker in way to threaten and attack mode. Along with them 4 other members of the DMDK Party followed him and ran towards the seat of the speaker. Immediately all the petitioners along with their party members were evicted from the assembly.

On the same day, the speaker suspended all the 19 members of the Petitioner's party i.e., DMDK from the assembly as the immediate effect. The Speaker under Rule 121(2) of Tamil Nadu Legislative Assembly Rules put this resolution stating that all the 19 members of DMDK party attacked him, on motion for the decision of the house. The above said resolution was passed and accordingly all the 19 members were suspended for the ongoing session.

20.02.2015 One Mr.Vijayan, who was in charge of SI of B-3 Fort PS lodged an FIR against the Petitioner 4 & 5 under section 341, 353, 323 IPC. As per the FIR he was been deployed in the Tamil Nadu Assembly as protecting force for the Assemble session. On the date of incident the Petitioner 4 & 5 attacked him on his chest and abdomen black and blue. They both hand punch on his right eye and due to that his eyes shed tears. Due to this attack by the petitioner he fainted and was taken to

the assembly dispensary. Later, he was sent to Rajiv Gandhi Government Hospital for further treatment where he was admitted as in-patient.

20.02.2015. The first meeting of the committee took place. The meeting was held to debate on the issue happened on 19.2.2015. Further, the issue was taken for study of examining. After analyzing the issue, 6 members (the petitioners herein) out of 19, where found violated the privilege of the house.

On the same day the committee sent a letter to all the Petitioner's, requesting for the explanation for the breach of privileges in this issue on or before 27.2.2015.

Feb'2015 The charge sheet was filed against the petitioner 4 & 5 pertaining to the of B-3 Fort PS in crime No 09/2015 under section 341,332 r/w 34 of IPC.

23.02.2015 The Petitioner No 6 sent his reply to the letter seeking explanation by the Privilege committee.

24.02.2015 The Petitioner No 5 sent his reply to the letter seeking explanation by the Privilege committee.

25.02.2015 The Petitioner No 1 sent his reply to the letter seeking explanation by the Privilege committee. The letter was received by the Petitioner only on 23.2.2014, but the explanation was sought for on or before 27.2.2015.

Further, the petitioner sought permission to give further

explanation immediately when the video clipping of the incident.

The Petitioner No 3 sent his reply to the letter seeking explanation by the Privilege committee.

26.02.2015 The Petitioner No 2 & 4 sent their reply to the letter seeking explanation by the Privilege committee.

02.03.2015 The Petitioner 4 & 5 filed Crl.OP No.4597 of 2015, seeking bail before the High court of Madras. The High court by an order dated 02.03.2015 granted bail to both the petitioners.

27.03.2015 The second meeting of the committee was held on 27.3.2015 at 5.00 PM. It was recommended that these petitioners behaved in breach of the privilege of the house. Hence, the committee recommended to the house that these 6 petitioners may be removed for 10 days from the commencement of the next session.

30.03.2015 The third meeting of the committee was held on 30.03.2015. The draft report was prepared and placed before the committee. The Draft Report was approved by the committee and was forwarded to the House.

31.03.2015 The above recommendation by the committee was placed before the house and the following orders were passed:-

" These 6 members suspended from the house for 10 days from next session of the house and during

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this period action should be taken that they should not be paid the salary and other benefits which are issued to them as the members of Legislative Assembly."

March' 2015 The Respondents without any prior notice nor authority had entered the premises of the petitioners Residential Hostel i.e., MLA Hostel, and sealed the premises. This was allotted to the petitioner's in the capacity as a elected member of the legislative assembly. Further it was stated that it was sealed as instructed by the Hon'ble speaker.

07.05.2015 Hence the Writ Petition filed.

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO..... OF 2015

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF

1. Mr. Alagaapuram R Mohanraj, aged 62 years,
S/o. A. Ramaniathan,
R/o. 1/23, Sri Ram Nagar,
Reddiyur, Salem- 636016
TAMIL NADU

PETITIONER NO.1

2. Mr. V.C.Chandira Kumar , aged 48 years,
S/o. K.Chokkalingam,
Sri Captain Illam,
R/o. 51, Kiramadai, 2nd Street,
Surampatty (PO)
Erode-638009
TAMIL NADU

PETITIONER NO.2

3. Mr. L.Venkatesan, aged 47 years
S/o. V.Lakshmanan,
R/o. No. 67, M.R.K. Street,
V.Marudhur,
Villupuram-605605
TAMIL NADU

PETITIONER NO.3

4. Mr. C.H.Sekar, aged 36 years,
S/o. Late Ch. Appala Naidu,
R/o. No.1, Jai Hind Nagar,
Gummidipoondi-601 201
TAMIL NADU

PETITIONER NO.4

5. Mr. K.Dinakaran, age 36 years,
S/o. N.Kanthasamy,
R/o. Old 3/95 New 3/98,
Panapatti (PO)
Pollachi (TK),
Coimbatore-641202,
TAMIL NADU

PETITIONER NO.5

6. Mr. S.R. Parthiban, aged 44 years,
S/o. C. Rajamanikkam,
R/o. 133/3 Gayathiri Nagar,
Behind MDS Nagar,
Hasthamratty,
Salem-636007
TAMIL NADU

PETITIONER NO.6

VERSUS

- 2
1. Tamil Nadu Legislative Assembly,
Represented by its Secretary,
Secretariat,
Chennai-600009.
Tamil Nadu.
 2. The Speaker,
Tamil Nadu Legislative Assembly,
Secretariat,
Chennai- 600009
Tamil Nadu

Respondent No.1

Respondent No.2.

To,

The Hon'ble The Chief Justice and other
Hon'ble Justice of the Supreme Court of India

Humble petition of the petitioner above named.

MOST RESPECTFULLY SHOWETHH:

1. That the Petitioner prefers this Writ Petition under Article 32 of the Constitution of to issue a Writ of Mandamus directing the respondent Issue a writ of Declaration declaring the impugned resolution dated 31.03.2015 passed in the Tamil Nadu Legislative Assembly, as unconstitutional, illegal, null and void. The petitioners herein belong to the DMDK Political party in the state of Tamil Nadu. The first petitioner is the whip of the DMDK Political party which is the Opposition Party in the Legislature. The first petitioner is representing Salem (North) Assembly Constituency. He is the vice president of the Assembly. The writ petition is filed by six MLAs of the DMDK Party, who have been suspended from the Tamil Nadu Legislative Assembly for interrupting the Governor's speech and allegedly attacking the speaker and injuring others on 19th February, 2015. On the same day the six members of the DMDK Party were suspended by the speaker. further, the petitioner prays for Issue a writ of certiorari calling for the records pertaining to the resolution of the Tamil Nadu Legislative Assembly dated 19.02.2015 and 31.03.2015 in awarding multiple punishments to the petitioners on the file of the first respondent so as to quash the same.

1A. The petitioners had not approached any other authority or court with same or similar relief against the Respondent as prayed for in this petition.

1B. That the petitioners is, Members of the Legislative Assembly, who were elected to their respective constituencies from the DMDK Political party.

2. Question of Law:-

That the present Writ Petition raises substantial questions of law of general public importance for determination by this Hon'ble Court which need to be decided under Article 32 of the Constitution of India. Hence the petitioner is invoking the extraordinary original jurisdiction of this Hon'ble Court

- a. Whether the State Legislature has the power and privilege under Article 194 to suspend the petitioners twice for the same allege incident?
- b. Whether the State Legislature has the power and privilege under Article 194 to suspend the petitioners for the present session and the upcoming session for the alleged breach of privilege inside the house?
- c. Whether the power of the judicial review forms part of the basic structure of the Constitution and that therefore, any punishment imposed either on a member or on a non-member by a House of elected representatives can be the subject matter of judicial review
- d. Whether the parliamentary privileges are limited to what takes place in the House and its Committees.
- e. Whether denial of the right to comment on the video material would amount to breach of natural justice

- f. Whether the State Legislature and the speaker has the power and privilege to seize the office premises and his legislator's hostel which was allotted to the petitioner under his capacity as an Member of the legislative assembly?
- g. Whether Raja Ram Pal's case was dealing with a case of expulsion, it negated various provisions about an elected member's right to represent his constituency or the violation of Article 19(1)(g) to practice a profession or occupation (pr.164)?
- h. Whether an order of suspension can travel from one session to the next and whether it extends to matters other than participation in the house, which is contrary to the law passed in *Sushanta v Speaker* reported in *AIR 1973 Orissa III*, wherein this Hon'ble Court has held that a specific order of imprisonment lapsed at the end of the session
- i. Whether the State Legislature and the speaker has the power to take away the petitioners basic rights of being an member of the legislative assembly?
- j. Whether the Articles guaranteeing fundamental rights under the Constitution, the Rules framed by the Legislative Assembly under Article 208(1) of the Constitution of India and the principles of natural justice were followed by the respondent while suspending them on 19.2.2015 for the ongoing session and by further passing the resolution by suspending.
- k. Whether the respondent failed to act in accordance with the dicta as held by this Hon'ble Court in the case of

16, which was described as a facet of Article 14, is part of the basic structure of the Constitution of India?

3. FACTS OF THE CASE:-

3.1. This writ petition has been filed by six Members of the Legislative Assembly, who were elected to their respective constituencies from the DMDK Political party. The first petitioner is the whip of the DMDK Political party which is the Opposition Party in the Legislature. The first petitioner is representing Salem (North) Assembly Constituency. He is the vice president of the Assembly.

3.2 The privilege committee had suspended the petitioner for an alleged breach of privilege inside the house of by way of the impugned resolution. They have been prevented from discharging his duties as an elected representative of their respective Assembly Constituency and the impugned resolution has been passed by the respondent.

3.3. It is alleged that on 19.2.2015, during the debate on the motion of thanks giving to the Hon'ble Governor, 1st petitioner was acting continuously against the legislative assembly rules by ignoring the order of the speaker of the assembly. Along with him few other members of the DMDK Part stood up at the same time and shouted. When the speaker asked the 1st petitioner to speak calmly, he stated speaking in non compatible words and involved in continuous argument with the speaker. He did not allow the house to function.

Hence, the speaker directed the marshals to evict 1st petitioner out of the house.

3.4 Further alleged that, when the marshals tried to evict 1st petitioner, one Mr.V.C.Chandira Kumar (Petitioner No 2) got out of his seat angrily and ran towards the seat of the speaker in way to threaten and attack mode. Along with them 4 other members of the DMDK Party followed him. and ran towards the seat of the speaker. Immediately all the petitioners along with their party members were evicted from the assembly.

3.5 On the same day, the speaker suspended all the 19 members of the Petitioner's party i.e., DMDK from the assembly as the immediate effect. The Speaker under Rule 121(2) of Tamil Nadu Legislative Assembly Rules put this resolution, stating that all the 19 members of DMDK party attacked him, on motion for the decision of the house. The above said resolution was passed and accordingly all the 19 members were suspended for the ongoing session. A true copy of the resolution dated 19.2.2015 passed by the speaker is annexed herewith marked as ANNEXURE-P1. (Pgs. 33 to 34).

3.6 One Mr.Vijayan, who was in charge of SI of B-3 Fort PS lodged an FIR against the Petitioner 4 & 5 under section 341, 353, 323 IPC. As per the FIR he was been deployed in the Tamil Nadu Assembly as protecting force for the Assemble session. On the date of incident the Petitioner 4 & 5 attacked him on his chest and abdomen black and blue. They both hand punch on his right eye and due to that his eyes shed tears. Due to this attack by the petitioner, he fainted and was taken to the assembly dispensary. Later, he was sent to Rajiv Ghandhi Government Hospital for

lodged in FIR No. Cr.No. 09/2015 dated 20.2.2015 is annexed herewith marked as ANNEXURE-P2. (Pag. 35 to 38).

- 3.7. The charge sheet was filed against the petitioner 4 & 5 pertaining to the of B-3 Fort PS in crime No 09/2015 under section 341,332 r/w 34 of IPC. A true copy of the Charge Sheet filed on dated Nil Feb' 2015 is annexed herewith and marked as ANNEXURE-P3 (Pag. 39 to 47).
- 3.8. The first meeting of the committee took place. The meeting was held to debate on the issue happened on 19.2.2015. Further, the issue was taken for study of examining. After analyzing the issue, 6 members (the petitioners herein) out of 19, where found violated the privilege of the house. A true copy of the privilege committee minutes of the meeting of the committee dated 20.2.2015 is annexed herewith and marked as ANNEXURE- P4 (Pag. 48 to 84).
- 3.9. On the same day the committee sent a letter to all the Petitioner's, requesting for the explanation for the breach of privileges in this issue on or before 27.2.2015.
- 3.10. The Petitioner No 6 sent his reply to the letter seeking explanation by the Privilege committee on 23.2.2015. A true copy of the letter sent by Petitioner No.6 to Secretary of the Legislative Assembly dated 23.2.2015 is annexed herewith and marked as ANNEXURE-P5 (Pag. 85 to 86).
- 3.11. The Petitioner No 5 sent his reply to the letter seeking explanation by the Privilege committee on 24.02.2015. A true copy of the letter sent by Petitioner No.5 to Secretary of the Legislative Assembly dated 24.2.2015 is annexed herewith and marked as ANNEXURE-P6 (Pag. 87 to 88).

Privilege committee. The letter was received by the Petitioner only on 23.2.2014, but the explanation was sought for on or before 27.2.2015. Further, the petitioner sought permission to give further explanation immediately when the video clipping of the incident. A true copy of the letter sent by Petitioner No.1 to Secretary of the Legislative Assembly dated 27.2.2015 is annexed herewith and marked as ANNEXURE-P7 (Psg.89 to 93).

3.13 The Petitioner No 3 sent his reply to the letter seeking explanation by the Privilege committee on 25.2.2015. A true copy of the letter sent by Petitioner No.3 to Secretary of the Legislative Assembly dated 25.2.2015 is annexed herewith and marked as ANNEXURE-P8 (Pag. 94 to 96).

3.14 The Petitioner No 2 & 4 sent their reply to the letter seeking explanation by the Privilege committee on 26.02.2015. A true copy of the letter sent by Petitioner No.6 to Secretary of the Legislative Assembly dated 26.2.2015 is annexed herewith and marked as ANNEXURE-P9 (Pag. 97 to 104).

3.15 It is submitted that the Petitioner 4 & 5 filed CrI.OP No.4597 of 2015, seeking bail before the High court of Madras. The High court by an order dated 02.03.2015 granted bail to both the petitioners.

3.16 Further, The second meeting of the committee was held on 27.3.2015 at 5.00 PM. It was recommended that these petitioners behaved in breach of the privilege of the house. Hence, the committee recommended to the house that these 6 petitioners may be removed for 10 days from the commencement of the next session. A true copy of the privilege committee minutes of the meeting of the committee dated 27.3.2015 is annexed herewith and marked as ANNEXURE- P10 (Pag. 105 to 142).

3.17 The third meeting of the committee was held on 30.03.2015. The draft report was prepared and placed before the committee. The Draft Report was approved by the committee and was forwarded to the House. Amidst dissent by some Opposition members of the privileges Committee, some of whom walked out protesting that a lesser punishment be given, on 30th March 2015, the majority in the Committee decided that the:

"...the activities of this 6 members are very much condemnable and is an unfair act is the breach of privileges of the house and it is an offence of contempt of the House also. Hence he has recorded his opinion that it can be recommended that as a disciplinary proceedings to be taken on these members who committed the wrongs, taking into consideration of the Precedents, they may be punished to be removed for 10 days from the commencement of the next session from the doing the work in the House and should not be given any benefits as a member of the House."

It was added that:

"The severe punishment is giving with the expectation that they.

A true copy of the privilege committee minutes of the meeting of the committee dated 30.3.2015 is annexed herewith and marked as ANNEXURE- P11 (Pag. 430 / 49

3.18 It is submitted that on 31.03.2015, the above recommendation by the committee was placed before the house and the following orders were passed:-

" These 6 members suspended from the house for 10 days from next session of the house and during this period action should be taken that they should not be paid the salary and other benefits which are issued to them as the members of Legislative Assembly."

A true copy of the resolution dated 31.3.2015 is annexed herewith and marked as ANNEXURE- P12 (Page 15 to 164)

3.19 For our purpose it is important to examine whether parliamentary privileges are limited to what takes place in the House and its Committees. In the Special Reference Case (1965) 1 SCR 413 it was stated at 455-6.

"Art. 212(1) seems to make it possible for a citizen to call in question in the appropriate court of law the validity of any proceedings inside the legislative chamber if his case is that the said proceedings suffer not from mere irregularity of procedure, but from an illegality. If the impugned procedure is illegal and unconstitutional, it would be open to be scrutinised in a court of law, though such scrutiny is prohibited if the complaint against the procedure is no more than this that the procedure was irregular." (Emphasis added)

In *Tej Kiran Singh v Sanjiva Reddy* (1970) 2 SCC 272, in matters of a defamation suit, it was recognized: (at pr. 8)

"8. In our judgment it is not possible to read the provisions of the article in the way suggested. The article means what it

says in language which could not be plainer. The article confers immunity *inter alia* in respect of "anything said ... in Parliament". The word "anything" is of the widest import and is equivalent to "everything". The only limitation arises from the words "in Parliament" which means during the sitting of Parliament and in the course of the business of Parliament."

In *Raja Ram Pal* (2007) 3 SCC 184, the Court noted that Special Reference matters were outside the proceedings of parliament but reiterated (pr.386)

"386. Article 122(1) thus must be found to contemplate the twin test of legality and constitutionality for any proceedings within the four walls of Parliament. The fact that U.P. Assembly case (Special Reference No. 1 of 1964) dealt with the exercise of the power of the House beyond its four walls does not affect this view which explicitly interpreted a constitutional provision dealing specifically with the extent of judicial review of the internal proceedings of the legislative body. In this view, Article 122(1) displaces the English doctrine of exclusive cognizance of internal proceedings of the House rendering irrelevant the case-law that emanated from courts in that jurisdiction. Any attempt to read a limitation into Article 122 so as to restrict the court's jurisdiction to examination of the Parliament's procedure in case of unconstitutionality, as opposed to illegality would amount to doing violence to the

exclusio alterius" (whatever has not been included has by implication been excluded), it is plain and clear that prohibition against examination on the touchstone of "irregularity of procedure" does not make taboo judicial review on findings of illegality or unconstitutionality."(emphasis added)

3.20. It must, therefore, be assumed that the immunity afforded to the legislatures are in respect of and arising out of proceedings before them. It is submitted that, the Tamil Nadu Rules of Business.

3.21. The Respondents without any prior notice nor authority had entered the premises of the petitioners Residential Hostel i.e., MLA Hostel, and sealed the premises. This was allotted to the petitioner's in the capacity as an elected member of the legislative assembly. Further it was stated that it was sealed as instructed by the Hon'ble Speaker. A copy of the photographs where the MLS Hostel were sealed by the Respondents are marked as ANNEXUR-P/13 (Pgs. 165 to 167).

GROUND

That the petitioner is filing the instant Writ Petition on the following amongst other grounds inter-alia.

1. Because the impugned proceedings are liable to be set aside in consonance with Article 194 read with Rules made under Article 208 of the Constitution of India, as they restrict the scope of the

proceedings only to the four walls of the Legislature and not beyond the same. However, the impugned proceedings punishing the petitioners herein for the alleged breach of privilege inside the house for their other functioning outside the House like the statutory benefits available to them under the provisions of the Tamil Nadu Payment of Salaries Act, 1951 and the rules framed thereunder including the provision under the Representation of People's Act, 1951.

2. The petitioners states that suspending them on 19.2.2015 by the speaking under Rule 121(2) of the TNLR till the ongoing session and suspending then once again on 30.3.2015 for a period of 10 days from next session of the house by the privilege committee is ultra-virus to Article 190 of the Constitution of India. Further the petitioners are punished twice for the same incident, Firstly by the speaker and secondly by the privilege committee.
3. Because the Respondents while passing the Impugned order failed to consider the fact, that the power of the House to suspend a member, can be exercised only to the extent of suspending him for the remainder of the Session and not for a period which would spill over to the next Session
4. Because the power of the judicial review forms part of the basic structure of the Constitution and that therefore, any punishment imposed either on a member or on a non-member by a House of elected representatives can be the subject matter of judicial review
5. Because the impugned resolution is nothing but a mala fide exercise of power and amounts to gross or substantive illegality, in view of the fact that without even the report of the Privileges

Committee being made available to the members of the House, a resolution was passed by a voice vote

6. Because the respondents have failed to consider the fact that the power of the House to punish a person could be confined only to the precincts of the House and not beyond its four walls, and that therefore, the suspension for the period during which the Assembly is not in Session, virtually extends the arm of the Assembly beyond its four walls
7. Because the power of the House to suspend or expel a person for breach of privilege or contempt of the House has now come to be well recognised and the same is not curtailed by any Rules of Procedure, such as Rule 121 of the Tamil Nadu Legislative Assembly Rules;
8. Because the respondents have committed a gross violation of the principles of natural justice and hence, there is scope for intervention
9. Because the as a consequence of the impugned Resolution, the petitioners are deprived of their pay, Compensatory Allowance, Telephone Allowance, Constituency Allowance, Postal Allowance, Consolidated Allowance, Transit by Train Allowance and Medical Allowance and they cannot act as a representative of the Constituency which elected them as a Member of the Legislative Assembly.
10. Because Article 190 deals with disqualification of a Member and vacation of his/her seat. Article 190(3) states that either on disqualification or on resignation with the permission of the Chairman, the seat will become vacant. Article 190(4) states that if

for a period of sixty days, a Member of a House of Legislature of the State is without permission of the House, absent from all meetings thereon, the House may declare the seat vacant. In the present case, the petitioners were originally suspended on 19.2.2015 for the ongoing session (i.e., till Dec' 2015) and subsequently suspended by the privilege committee for a period of 10 days from next session of the house (i.e., Next session starts Jan'2016) . Basically the petitioners are being suspended from 19.2.2015 till the next session, which is almost one year suspension. Since Article 190 dis-qualifies a Member of the Assembly for more than sixty days, both under suspension for on-going session as well as suspension for 10 days from next session, there is an inherent restriction on the power of suspending the Member beyond sixty days.

11. Because the Privileges Committee, which is supposed to record only a finding on whether there was breach of privilege or not, went overboard and recommended what type of punishment was to be inflicted to the petitioners

12. Because As per Rule 227 of the Tamil Nadu Legislative Assembly Rules, the Privileges Committee was elected according to the Principle of proportional Representation by means of a single transferable vote. The Hon'ble Deputy Speaker of the State Assembly is Ex-officio, the Chairman of the Committee. The Committee consists of members belonging to the Ruling AIADMK Party and members of Opposition Parties like the DMDK, the DMK, the CPI(M), the CPI and the Indian National Congress. The leader of the Opposition belonging to the DMDK Party is also an

ex-officio member of the Committee. It being so, apart from the members of the ruling party, all the members of various political party, who were part of the privilege committee objected to the suspension of these 6 petitioners. Also, there was dissatisfaction amongst the other members for the harsh punishment taken by the privilege committee against these petitioners.

13. It is further stated that on 27.03.2015, the leaders of the parties spoke in the Assembly, acknowledging the right of the Privileges Committee and requested for remission of the quantum of punishment. This not at all taken into consideration by the speaker.

14. Because there is no alleged breach of privilege without the same being codified as required under Article 194(3) or by Rules under Article 228 and re-course to British Parliamentary Practice is not permissible pursuant to Constitution's 44th Amendment which did not save the law as stood on 1950 when the Constitution was enacted as per Section 7 of the General Clauses Act.

15. Because there is no alleged breach of privilege except as a temporary provision, the reliance on the power of breach of privilege available under British Parliament cannot be relied upon either on the ground that in Britain itself, the said power is diluted or on the ground that the Supreme Court took a view that recourse to British Practice of Parliament is not available in a decision reported in 2010 (6) SCC 133 (Amarinder Singh Vs. Special Committee, Punjab Vidhan Sabha and others).

16. Because the scope of approval is restricted to what happened inside the four walls of the Assembly and cannot travel outside the

assembly. Further, suspending a member of the Legislative Assembly twice for the same incident is ultra-virus of Article 190(4) of the Constitution of India, according to which, if for a period of 60 days, a member of House of Legislature of a State is absent without permission from the House from all meetings, the House may declare his seat vacant.

17. Because the denial of salary and the other benefits of a Member is ultra-virus to Article 195 read with the Provision of the Tamil Nadu Payment of Salaries Act, 1951. Also, the impugned order is violating Article 80(4) and 191 read with the provisions relating to Representation of People's Act, 1951.

18. Because whenever a disqualification has to be treated on par with a privilege proceeding under Article 194, the same requires legislation or constitutional sanction. When such an enabling power is not there, no privilege proceeding can be taken against any member in violation of Article 190(4), 191, 195 and 80 respectively, even if such power is construed as an independent power.

19. Because any excessive act of the Legislature cutting into the fundamental rights guaranteed under the Constitution is liable to be struck down by the Court as our country is governed by a written Constitution which is supreme and sovereign and the distinct and rigid separation of powers among the three pillars viz., the Executive, the Judiciary and the Legislature are entrusted with their respective roles in their place and whatever the power each may enjoy is always subject to the Fundamental Rights guaranteed under the Constitution.

20. Because the issue has been deliberately raised with mala fide intentions to wreak political vengeance, knowing fully well that such an issue cannot be raised either within the Rules or by any of the powers conferred under the Constitution or in any other manner and as such, the impugned resolution of the first respondent is void ab initio apart from being nullified at the very inception itself.

21. Because the petitioner has got freedom of speech and expression as guaranteed under Article 19(1)(a) of the Constitution of India and by the present resolution, his role as a Member of the House is deprived; the impugned resolution is violative of Article 21 of the Constitution of India and the Rules or the privilege of any Member cannot infringe the provisions of the Constitution of India.

22. Because before the award of any punishment, that too to the extent of deterring the petitioners from discharging their duties as an elected representative of their Constituency, they should have been given a proper opportunity and a reasonable time to state their case and no such opportunity has been given to them. Instead, he has been thrown out of the House and the ruling front itself, in a concerted manner, discussed among themselves and passed the impugned resolution which is arbitrary, unreasonable and violative of Articles 14, 19(1)(a) and 21 of the Constitution of India, apart from the non-existent power to the Assembly to deter an MLA from discharging his functions unless and until he is disqualified under Article 194 of the Constitution of India by reference from the Governor to the Election Commission of India.

23. Because the impugned resolution passed by the House is liable to be annulled as the one non-est in law and it is violative of Article 21 of the Constitution of India and the punishment has caused gross infringement of his fundamental rights apart from the agony and mental sufferings that have been caused to him due to the impugned resolution and hence, he is liable to be compensated with respect to the salary to which he is entitled.

24. Because there is no question of proper adjudication involved in this context since the petitioners were not heard properly and hence, this Court has to protect the fundamental rights guaranteed to them under the Constitution and under the Representation of the People Act; as an elected representative and as a citizen of this country. They are bound to function as a Member of the Legislative Assembly in the manner known to law and the gross infringement of their privileges and rights and duties to function as a Member of the Legislative Assembly have been curtailed due to political enmity without observing natural justice or without seeking any proper clarification or explanation from them.

25. Because the adjudication of any dispute as to whether the petitioners had acted contrary to the rules or convention of the House; shall be done only in such a manner known to law and not in an arbitrary manner by a fiat of the ruling front and the privileges, powers and immunities claimed or action taken in vindication. Thereof, cannot be the exclusive domain of a few or the sole or absolute discretion vested in the hands of a few and their fundamental right to function as the elected representative has been

curtailed and suspended at least for a period of one year (19.2.2015 to mar'2016) , which is nothing but non-est in law.

26. Because the punishment imposed on the petitioners results in negation of their functions as a Member of the Legislative Assembly and the Rules prescribe the procedure for dealing with the question of privilege of the House or its Members and the residuary powers of the Speaker vide Rule 286 were not followed properly and as such, the resolution is incorrect in law and is not sustainable.

27. Because the proceedings of the House leads no room for any doubt or any serious controversy wherein natural justice has been totally violated and no opportunity has been given to the petitioners to defend or state their case nor had they been put on proper notice about the nature of punishment. In spite of the repeated request made on behalf of the petitioners the respondents failed to show the video clippings and photographs of the alleged incident.

28. Because the Articles guaranteeing fundamental rights under the Constitution, the Rules framed by the Legislative Assembly under Article 208(1) of the Constitution of India and the principles of natural justice were not followed by the first respondent while passing the impugned resolution.

29. Because while questioning the involvement of the petitioners in the incident which is claimed to have occurred on 19.02.2015, that though several leaders had spoken on the floor of the House on 19.02.2015 on the subject issue. it is claimed that the no proper videograph were produced to indicate the role played by the petitioners. In this regard, it is pointed out that the way in which

the petitioners Attempt at a murderous attack on the speaker/pushed away his podium is not indicated anywhere. It has not been explained by anybody as to whether the petitioners pushed away the seat of the speaker and damaged it by or did they involve in the act of trampling several documents and damaged them. Further it is not stated by anyone in what manner, through what means and by what action.

30. Because the petitioner is disputing his role in the matter; his identity was not fixed as to how the petitioners acted has not so far been revealed anywhere in the entire record and the facts are neither explained to the petitioners nor admitted. The petitioners has also contended that whenever the matter is not admitted and it is disputed and the petitioners claims innocence, the duty of the accusers is to give an opportunity to state the petitioner's response on the allegations and this has not been followed in this case.

31. Because the Court's jurisdiction and intervention has been accepted in several of the judgments and if the Parliament or the Assembly does any act of illegality and acts in violation of the guarantees given in the Constitution under Articles 14, 20 and 21, certainly judicial review is permissible as held by the Supreme Court in its judgment reported in (2007) 3 SCC 184 in the case of Raja Ram Pal vs. Hon'ble Speaker, Lok Sabha & Others (Raja Ram Pal's case).

32. Because the prohibition contained in Article 212 of the Constitution will be applicable only with respect to irregularity and not with respect to illegality and if an Assembly commits an illegality and violates fundamental rights, certainly, the

proceedings can be analysed by means of judicial review under Article 226 of the Constitution by the High Courts and under Article 32 by the Supreme Court.

33. Because this court in many occasions held the manner in which the proceedings have been conducted can be examined by the Court if the proceedings of the Assembly make inroads of the fundamental rights and act contrary to them. While distinguishing the judgment in the case of K. Anbazhagan & others v. The Secretary, The Tamil Nadu Legislative Assembly, Madras & others reported in AIR 1988 Madras 275 (Anbazhagan case), it is submitted that the disqualification resulting in violation of Schedule III oath by burning the Constitution in the said case is not an issue that could be compared with the facts of this case. Further, the Constitution Bench judgment of this Hon'ble court in (2007) 3 SCC 184 in the case of Raja Ram Pal vs. Hon'ble Speaker, Lok Sabha & Others (Raja Ram Pal's case) makes a clear distinction between such matters and matters pertaining to violation of observance of natural justice and infringement of fundamental rights guaranteed under the Constitution.

34. Because this Hon'ble Court in to Raja Ram Pal's case, has clearly illustrated and guidelines have been given therein as to under what circumstances and in what manner, the Court can have judicial review by lifting the veil of Parliamentary privilege as against fundamental rights. In this context, the Member of Legislative Assembly like the petitioners, like any other citizen, is entitled to have their fundamental rights being protected. The

provision of the Constitution under Article 122 and paragraph 386 in Raja Ram Pal's case, held that,

"any proceedings leading to illegality or unconstitutionality wherein the principle of natural justice is not being followed, judicial review is always possible and Article 212 applicable to a Legislative Assembly which is equivalent to Article 122 in case of Parliament, will not stand in the way inasmuch as the entire judgment is relied upon by the petitioner, especially, with reference to the various guidelines as enunciated in paragraph 431 from (a) to (u) are guidelines issued by the Supreme Court which permit judicial review and warrant judicial interference".

35. Because there is a violation of Constitutional rights and the sweep of Article 21 of the Constitution has got developed vastly as it was understood from early 50s and 60s and as on date, it has changed to the extent that the rights guaranteed under Article 21 are not restricted only to life and liberty but also to other facets of law. This Hon'ble court reported in (2003) 8 SCC 361 in the case of State of Bihar v. Lal Krishna Advani & Others (L.K. Advani's case) wherein it has been held that right to reputation is a facet of right to life and is enshrined in Article 21 of the Constitution and if that right to reputation is inroad without providing an opportunity, certainly, the protection under Article 21 will come to the rescue. Therefore, it is a classic example for observation of principles of natural justice also; whereas, in the

case on hand, the petitioners were not given any opportunity nor a letter, notice or order was properly served on him and the explanation given by the petitioners were not at all considered.
Hence, the petitioners have been deprived of discharging his duties as a Member of Legislative Assembly.

36. Because the Rules framed by the Legislative Assembly under Article 208(1) of the Constitution with reference to Rules 219 to 230 were not followed by the first respondent while passing the impugned resolution. With regard to the failure on the part of the first respondent to comply with the Rules.

37. Because in so far as the principles of natural justice is concern, it is submitted that while the Rules do provide for observance of principles of natural justice, non-observance of those Rules and arbitrary exercise of power by the first respondent have prejudiced the petitioner to a great extent. Further, a matter where the fundamental rights are violated and natural justice not having been followed, the person approaching the Court need not show any separate prejudice independent to the violation of natural justice and fundamental rights. Whenever, civil consequences are visited, a Member is certainly entitled to have the protection of the Court as any other citizen and that the judgment of the Supreme Court in Raja Ram Pal's case is a treatise on the subject issue and the petitioner is entitled to the protection of principles of natural justice.

38. Because on the question of authenticity of videography and as to how far it can be pressed into service, further, the respondents never gave a copy of the alleged videography to the petitioner.

Whereas, in the case of Raja Ram Pal, the video recorded was given to the Member who appeared before the Committee and he cross-examined the witnesses, let in evidence and an opportunity was given to him.

39. Because the Rules of the Legislative Assembly, for its proceedings to be covered, there is no sanction by means of any authenticated rule that videography is a material object that could be pressed into service regarding the record of proceedings and therefore, an unauthenticated and unauthorised version, the authenticity of which is not free from doubt about doctoring, manipulating, interpolating or editing, could have been mischievously done by any interested person and as such, it cannot be the sole basis for award of punishment and at any rate, the incident having allegedly taken place on the floor of the House, an opportunity should have been given to the petitioner to defend the allegations against the petitioners.

40. The Petitioner submits that the Petitioner has not filed a similar or identical petition anywhere in the Hon'ble High court before any court.

PRAYER

IT IS MOST RESPECTFULLY PRAYED THAT THIS HON'BLE COURT MAY BE PLEASED TO:

- a. Issue a writ of Declaration declaring the impugned resolution dated 31.03.2015 passed in the Tamil Nadu Legislative Assembly, as unconstitutional, illegal, null and void.

IT IS MOST RESPECTFULLY PRAYED THAT THIS HON'BLE COURT MAY BE PLEASED TO;

- a. Issue a writ of *Order* declaring the impugned resolution dated 31.03.2015 passed in the Tamil Nadu Legislative Assembly, as unconstitutional, illegal, null and void.
- b. Issue a writ of *Order* and strike down the suspension beyond the second period.
- c. Issue a writ of *Order* and permit the petitioners to use the office and their residential premises.
- d. Issue a writ of *Order* and restore all benefits other than that which is connected with the house
- e. Issue a writ of certiorari calling for the records pertaining to the resolution of the Tamil Nadu Legislative Assembly dated 19.02.2015 and 31.03.2015 in awarding multiple punishments to the petitioners on the file of the first respondent so as to quash the same.
- f. Issue a writ of *Order* declaring the proceedings of breach of privilege against the petitioner herein, right from commencement of the proceedings by the 2nd respondent herein under rule 226 of the Tamil Nadu Legislative Assembly framed under Article 208 of Constitution of India to the subsequent proceedings carried out by the privilege committee under rule 229 of the rules including the resolution of the house under rule 229(d) dated 19.02.2015 and 31.03.2015 respectively are illegal, failure to comply with the principles of natural justice, perverse, irrational and violative of

salaries Act, 1951.

- g. Pass such other/further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

Filed by

Dated: 07/05/2015

(ANIL KUMAR MISHRA-I)

ADVOCATE FOR THE PETITIONERS.

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION © NO.....OF 2015

IN THE MATTER OF :

Mr. Alagaapuram R. Mohanraj

...Petitioner

Versus

Tamil Nadu legislative Assembly Respondents
Rep. it is Secretary & ANR.

AFFIDAVIT

I, Alagaapuram R. Mohanraj S/o A. Ramanathan
aged about 62 year and resident of 1/23, Sri Ram Nagar, Reddiyur,
SALEM-636 016, Presently at New Delhi, do hereby solemnly
affirm and sincerely state as follows:

1. That I am the Petitioner No. 1 and am also authorized signed on behalf of the petitioner No. 2 to 6 in the above writ petition and as such I am fully conversant with the facts and proceedings of the case and hence competent to swear the present affidavit.
2. That I have read and understood the contents of the accompanying Synopsis and List of Dates from pages B to V, Writ Petition page Nos. 1 to 27 and Applications and I say that the contents mentioned therein are true and correct to my knowledge and belief.
3. That the annexures filed along with the petition are true and correct copy of its originals.


DEPONENT.

VERIFICATION

29

I, the deponent abovenamed do hereby verify on the basis of record maintained in the office of the Petitioners, on this 27th day of April, 2015, that the contents of the above affidavit are true and correct to my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.


DEPONENT

TEMPORARILY SUSPENDING THE DMDK MEMBERS
FROM THE ASSEMBLY FOR THE WHOLE SESSION.

HON'BLE MR.NATHAM R. VISWANATHAN :- Mr.Hon'ble Speaker, we have seen all the atrocity and negligence. Particularly all the opposition leaders are also watching this incident. Mr.V.C.Chandrakumar along with DMDK Members straight away came near the seat of the speaker in such a way that they are attacking him.

HON'BLE SPEAKER :- they came like attacking me.. They came like attacking the speaker of the assembly.

Hon'ble Mr.Natham R. Viswanathan :- we have seen all the incidents that they came as if they are going to attack brutally and pushed off their chairs, attacked the police men and they threw the caps of the policemen and they threw the documents and papers kept over there. This way of behaving like doing atrocity in such a way disturbing the assembly and not maintaining the coram of the assembly which has never happened in the past history. They have

created a black mark to this hon'le assembly. I request the Hon'ble speaker to take action against the DMDK members who committed such a grave crime.

Noon 11.55

To Hon'ble speaker;

As per Rule 121 sub-rule (2) of the Assembly Rules, the DMDK Members, who obstructed the proceedings of the assembly and violated the rules, should be suspended from the assembly proceedings till the end of the session."

I am passing this resolution. (Table tapping sound)

Not only they are suspended temporarily till the end of this session, also the opposition party DMDK Leader Mr. V.C. Chandrakumar and his associated persons are suspended also from the next session.

I am passing this resolution. (Table tapping sound)

HON'BLE SPEAKER:- I leave the resolution for franchise. After completing this resolution, I am going to act as per your voice.

32

HON'BLE SPEAKER:- (interrupted) you are going to justify this? Whether you are going to justify the act of coming to beat the speaker. Wait I will hear it later. I leave the franchise of this resolution to the assembly. Let's speak by leaving the decision of the assembly regarding the resolution.

The act of coming as if they are attacking the speaker and removing my table aside and conspiring to attacking me is strongly condemnable. The assembly itself is a witness to this. So today I leave the decision regarding the resolution to the assembly.

The persons who welcome this, say "Yes"

The persons who object, say "No".

I consider that the persons who welcome is more.

The number of persons who welcome is more. The resolution passed by the Hon'ble speaker has come into force.

TEMPORARILY SUSPENDING THE DMDK MEMBERS
FROM THE ASSEMBLY FOR THE WHOLE SESSION.

(CONTINUATION)

HON'BLE MR.NATHAM R. VISWANATHAN :- today you have seen the atrocity of the DMDK Members. I am saying this for the information if the Hon'ble Members. For the information, this much of atrocity is not only inside the assembly but also outside. I also intimate that Mr.C.H.Sekar, Mr.K.Dinakaran who belong to DMDK and his other members attacked the assembly protection force members outside the house and severe action will be taken against them. You must have come to know about their atrocity both inide and outside the house. I request that all the parties should condemn it.

Afternoon 1.15

I request to make a small correction the previously made resolution.

Hon'ble Speaker,

"DMDK membesr should be removed from this whole session.

HON'BLE SPEAKER:- the correction of the Hon'ble speaker is

left to the Assembly's decision.

The persons who welcome this, say "Yes"

The persons who object, say "No".

I consider that the persons who welcome is more.

The number of persons who welcome is more. The correction made in the resolution by the Hon'ble speaker has come into force.

The DMDK members who created this confusion are been removed untill the session ends.

FIRST INFORMATION REPORT

[Under Section 154 C.P.C.]

35

1. District: Pookkadai P.S.: B3 Fort Year -2015 Cr.No.09/2015
date: 20.02.2015.

2. Act(s): Section(s)

(i). IPC 1860 341, 353, 323 IPC

(ii) -----

(iii) -----

(iv). -----

3. Occupation of Offence:

Occurrence of Offence Day :- 19.02.2015

(a). Date From: 12 hrs Date to :- -----

Date to:----- Time Period:-----

Time from: 23:30 Hrs. Time to: -----

(b) Information received at P.S. Date: 20.02.2015 Time: 21:30hrs

(c). General Diary Reference:

Time:

(4). Type of Information: ORAL

5. Place of Occurrence:

(a). Direction and Distance from P.S.: Around 1/2 Km east from the
Police Station.

(b). Address: North Lobby of the Assembly.

(c). In case, Outside the limit of the Police Station:

Name of P.S.

District:

6. Complainant /informant:

- (a). Name: Vijayan Male Aged 51
- (b) S/o
- (c). Date/year of Birth: --- Nationality: INDIAN
- (d). Passport No. Date of Issue: Place of Issue:
- (d). Occupation: Special Sub-Inspector
- (e). Address : No.4, W-Block, Kondithoppu Police quarters,
Chennai-79.

7. Details of Known/Suspect/Unknown accused with full particulars (attach separate sheet if necessary):

- 1) Mr.Dhinakaran, MLA Sooloorpettai Constituency
- 2) Mr.C.H.Sekar, MLA Gummidipoondi Constituency

8. Reasons for delay in reporting by the complainant/ informant:

9. Particulars of the properties stolen/involved (attach separate sheet if necessary):

(Annexed in a separate sheet)

10. Total value of property stolen: -----

11. Inquest Report/U.D. Case No. if any:

12. On 19.02.2015 When I was in charge of SI of B-3 Fort PS, on the basis of the information sent from Rajiv Ghandhi Government Hospital to the Polive station, I went to the Hospital and recorded theb affidavit of Mr.Vijayan aged 51, s/o kannan, No.4, W-Block, kondithoppu Police quarters, Chennai-79 who has been admitted as an in-patient and the content of the affidavit is as follows:-

Sir, I had joined in the Tamil Nadu Police as a second Grade Constable in 1986 and at present I am working as a Special Sub-inspector, Crime Branch, H-5, Pudhuvannarapettai PS, Vannarapettai Police District, North region, Chennai. From 17.02.2015 I have been deployed in the Tamil Nadu Assembly as protecting force for the Assembly session. When I was in the protection in the assembly today on 19.02.2015 noon at 12.00 when the debate for the Governors speech was going on and when the opposition party DMDK's vice president Hon'ble Mr.Mohanraj was speaking, he made a suspicious statement and immediately hue and cry happened in the assembly. The members of DMDK (Who participated today) surrounded the chair of the Speaker and spoken in a vehement way and so the Hon'ble speaker immediately ordered for sending Hon'ble Mr.Mohanraj out of the house. Then all the DMDK members stood in front of the table of the speaker nearly for 1 1/2 Hours and pushed his table and acted in such a way they are attacking. Then the speaker immediately ordered to send all the DMDK members. When we all tried to send them out, they pushed some of us. Due to this some of the guards' cap fell down. The house guards lost balance and fell on the table of the speaker. Then DMDK members who came out and were been raising slogans in the north side lobby of the assembly i.e. Back side of the speaker's lobby, and immediately the speaker ordered to send them out of the assembly premises. I went near Soolurpettai MLA Mr.Dhinakaran who was sitting and requested to go out. Then he and Gummidipoondi Constituency MLA Mr.C.H.Sekar who was sitting near to go out of the

house. At that time those MLAs who were sitting there vehemently said that "Are you in support?" And saying MLA Mr.Dhinakaran attacked and MLA Mr.C.H.Sekar attacked my chest and abdomen black and blue. Their hand punch was made on his right eye and due to that his eyes shed tears. Since I was been attacked, I got fainted and the other policemen made me to sit in a place. Later I got first aid in the assembly dispensary and later I have been sent him to Rajiv Ghandhi Government Hospital for further treatment and there I have been admitted as an in-patient and taking treatment now. You, the Inspector of B-3 PS, enquired me and I explained the incident that has happened. I have read the affidavit made to you. It is correct. (SD/- Vijayan)

I received the above said affidavit and regsitered a case in B-3 Fort Police station Crime No.09 of 2015 u/s 341, 353, 323 IPC and the copies of this FIR has been sent to the court and the concerned officials and taken up the case for investigation.

13. Action Taken :-

14. The signature/thumb impression of the Complainant/Informant.

15. The date and time on which they were sent to the court :

SD/-

S.Ravikumar,

Rank- Police Inspector, B-3, Fort PS.

- True copy -

The report filed u/s 173(2) (i) Cr.P.C. pertaining to the B-3, Fort PS
Crime No.09/15 u/s 341, 332 r/w 34 IPC.

A. Memo of parties:-

Prosecution,

Police Inspector,

B-3, Fort Police Station,

Chennai-09

..... Prosecution

Versus

A1-Mr.Dhinakaran aged 36 s/o Kandhasamy,

MLA, Sooloor Constituency,

Via Settupalayam, Panappatti PO,

Kinathukadavu Taluk, Coimbatore- 601 201

A2-Mr.C.H.Sekar aged 36 s/o Appal Naidu,

MLA Gummidipoondi Constituency,

No.1, Jaihind Nagar, Gummidipoondi,

Thiruvallur Dist-601201

B. When I, S.Ravikumar Police Inspector, was in charge of the
Police Station, the information of the hospital was sent at 15:45
to the B-3, Fort Police Station and I received it at 16:00 and
immediately went to Rajiv Ghandhi Government hospital and
when enquired Mr.Vijayan, Special Sub-Inspector, No-4, W-
Block, Kondithoppu Police Quaters, Chennai-79 who was been

admitted as an in-patient and he stated that on 19.02.2015 he was on-duty in the Tamil Nadu Assembly and when the debate for the Governors speech and when the opposition party DMDK's vice president Hon'ble Mr.Mohanraj was speaking, he made a suspicious statment and immediately hue and cry happered in the assembly and the members of DMDK surrounded the chair of the Speaker and spoken in a vehement way and so the Hon'ble speaker ordered for sending the DMDK members out of the house and as per the order when the House gaurds were trying to send them out, all the guards namely Amsaraja, Sivanandham and William Daniel's cap fell down and due to this the house guards lost balance and fell on the table of the speaker and then DMDK MLAs Dhinakaran, C.H.Sekar were been raising slogans in the north side lobby of the assembly I.e. Back side of the speaker's lobby. and immediately the speaker ordered to sent them out of the house and on that at basis, the Special Sub-Inspectr Mr.Vijayan, who was in the duty of hosue, requested Soolurpettia Constituency MLA Mr.Dhinakaran and Gummidipoondi Constituency MLA Mr.C.H.Sekar to go out of the house. At that time those MLAs who were sitting there, obstructed the Complainant who was a government official from performing his duty and Gummidipoondi MLA Mr.C.H.Sekar vehemently said that "Are you in support?" And MLA Mr.Dhinakaran attacked the complainant's chest black and blue using his right elbow and

both of them caught hold of his hands and MLA Mr.C.H.Sekar attacked the abdomen black and blue using his right elbow and when he treid to avoid, MLA Mr.Dhinakaran punched using his right hand and that punch was made on his right eye and due to that his eyes shed tears and since both the MLAs indiscriminately attacked, he got fainted and the House policemen immediately did first aid in the assembly dispensary and again sent him to Rajiv Ghandhi Government Hospital for further treatment and there he had been admitted as an in-patient in Ward No.201 and the affidavit of the Complainant was been received at 19.00 and at 19.30 I came to the statiton and in order to take further action, the advice of Assistant Commissioner, Pookkadai District through a special report and on the basis of the letters obtained from ACP Pookkadai District and Assistant Commissioner, Harbour Circle 20.02.2015 at about 21:30 a case in PS B-3 Fort crime No.09/2015 u/s 341,323,353 IPC and taken up for investigation. On the basis of the evidences and documnts received in the investigation, the FIR has been modified from sections 341, 323, 353 IPC into Sections 341, 332 r/w 34 IPC.

C. Whether the list of ocular and documentary evidences have been annexed.

Yes, the list of witnesses and their affidavits have been annexed seperately.

D. If crime has been committed, then by whom and what manner?

Yes, on 19.02.2015 he was on-duty in the Tamil Nadu Assembly and when the debate for the Governors speech and when the opposition party DMDK's vice president Hon'ble Mr.Mohanraj was speaking, he made a suspicious statment and immediately hue and cry happened in the assembly and the members of DMDK surrounded the chair of the Speaker and spoken in a vehement way and so the Hon'ble speaker ordered for sending the DMDK members out of the house and as per the order when the House gaurds were trying to send them out, all the guards namely Amsaraja, Sivanandham and William Daniel's cap fell down and due to this the house guards lost balance and fell on the table of the speaker and then DMDK MLAs Dhinakaran, C.H.Sekar were been raising slogans in the north side lobby of the assembly I.e. Back side of the speaker's lobby. and immediately the speaker ordered to sent them out of the house and on that at basis, the Special Sub-Inspectr Mr.Vijayan, who was in the duty of hosue, requested Soolurpettia Constituency MLA Mr.Dhinakaran and Gummidipoondi Constituency MLA Mr.C.H.Sekar to go out of the house. At that time those MLAs who were sitting there, obstructed the Complainant who was a government offcial from performing his duty and Gummidipoondi MLA Mr.C.H.Sekar vehemently said that "Are you in support?" And MLA Mr.Dhinakaran attacked the complainant's chest black and blue using his right elbow and both of them caught hold of his hands

and MLA Mr.C.H.Sekar attacked the abdomen black and blue using his right elbow and when he treid to avoid, MLA Mr.Dhinakaran punched using his right hand and that punch was made on his right eye and due to that his eyes shed tears.

So the Accused No.1 and 2 committed a crime punishable u/s 341, 332 r/w 34 IPC.

E. Whether the accused persons have been arrested?

NO.

F. Whether the Accused are in bail? Judicial Custody? Bail?

Yes, as per the order passed in Crl.OP No.4597 of 2015, they bail on 02.03.2015 and Accused No.1 Mr.Dhinakaran and Accused No.2 Mr.C.H.Sekar appeared before the VIIth Metropolitan Magistrate, George Town and on the basis of the order passed by the High Court, both had to pay Rs.15000/- and the accsued No.1 thorough the bail of two surities namely 1) Palanisamy Aged 44 s/o Rathinasamy r/o No.01/193, Kolarpatty, Pollachi Taluk, Coimbatore District, 2) V.Kumar Aged 46 s/o Venkatachalam, No.16/1, Thendral Nagar, Silukkuvaarpatty, Pollachi Taluk, Coimbatore District and Accused No.2 on the bail of two surities namely 1) Poornachandran aged 45, s/o Sengal Raj, No.258A, Pillakulam Village, Guruvarajapandigai, Gummidipoondi Village, Thiruvallur Dsitrict, 2) Saravanan Aged 39 s/o Ponnusaamy No.1, Periya Konbu Pandigai, Gummidipoondi, Thiruvallur District and on the condition that in a week on mondays and

Fridays, both the accused had to sign before the investigation officer.

G. Whether the Accused had been sent to Judicial Custody as per Section 170 Cr.P.C?

NO

It is requested before the Hon'ble VIIth Metropolitan Magistrate to take cognizance of this case.

SD/-

Inspector,

B-3, Fort Police Station.

Chennai-600 009.

List of Witnesses:-

B-3, Fort PS Crime No.09/15 u/s 341, 332 r/w 34 IPC

1. Mr.Vijayan aged 51, s/o Kannan, Special Sub-Inspector, No.4, W-Block, Kondithoppu Police quarters, Chennai-79.	He states about the incident, information given, treatment given to him and all the other details.
2. Mr.K.Sivalingam, Aged 55 S/o Kanniyappan, No.4, Kamarajar Street, Thiruvanchery, Selayur, Chennai-73	He states the facts about the incident which he had seen and also facts regarding the preparation of Observation Mahazar after inspecting the place of incident and preparation of site map and signing in it.
3. Mr.K.M.Subramanian, Aged 48, S/o Munusamy, No.23/12, Perumal Kovil Garden Street, Kondithoppu, Chennai-79.	He states in support of Witness No.2.
4. Mr.Amsaraja, Aged 43, s/o Vengusamy, HC.16583, V4, rajamangalam PS, Law and Order No.72, First Main Road, Thirumalai Priya Nagar, Pudhur, Ambattur, Chennai-53	He states about the incident that happened in the assembly and the fact that he had seen the witness No.1 was been attacked by the accused and all other details.

5. Mr.A.Sivanandham, Aged 48, HC.14753 s/o Annamalai, R-7, K.K.Nagar Police Station, Traffic Department, No.44 B- Block, Police Quarters, Muthaiyya first street, thenampettai, Chennai-86.	He states in support of the version of Witness No.4.
6. Mr.Williams Daniel, Aged 55 Special Sub-Inspector 14048 s/o Mariyadas, D-1, Triplicane PS, Crime Branch, No.53, mansion Site Police Quarters, Grims Road, Chennai-6.	He states in support of the version of Witness No.4.
7. Mr.Venkatesan HC.17552 Aged 42, s/o Kodhandaraman, C-2, Yanaikkavuni, Traffic PS, No.1, VOC Nagar 4th street, puliyantoppu, Chennai- 12.	He states in support of the version of Witness No.4.
8. Mr.Suresh, HC-19811 aged 40 s/o P.Govindhasaamy, H.4, Korukkupettai PS, Crime Branch, No.9, Block-I, Singara Garden Police Quarters,	He states in support of the version of Witness No.4.

Chennai-21.	
9. Mr.M.Sikkandhar, Police Sub-Inspector, Executive Office, Sargent, Tamil Nadu Assembly, Chennai-09.	He states in support of the version of Witness No.4.
10.Dr.Subburagavalu, Medicine Department, Rajiv Gandhi Government hospital, Chennai-03.	He states about that he regisitered out-patient receipt in the Assembly dispencery and made first aid to the witness No.1.
11.Dr.Rajesh, casualty ward doctor, Rajiv Gandhi Government General Hospital, Chennai-03.	He states about that he regaistered accident regsiter to the witness No.1 and admitted as an in-patient.
12.Dr.Mrs.Sathiya Priya MS, Emergency Medical Officer, Rajiv Gandhi Government General Hospital, Chennai-03.	He states about that he treated the witness No.1 and issued Wound Certificate.
13.Mr.S.Ravikumar, Sub-Inspector, B-3, Fort Police Station, St.George Fort, Chennai-09.	He states about the fact regarding the registration and ivestigation of the case and filing of the Final report.

SD/-

Inspector
B-3, Fort PS,
Chennai-09.

- True copy -

MINUTES OF THE MEETING OF THE COMMITTEE

JAYA, 8TH MASI, THIRUVALLUR YEAR - 2046

FRIDAY, 20TH FEBRUARY 2015

The Committee meeting of the Committee o Privilege was held in the Committee meeting hall in the Secretariat of Legislative Assembly on Friday, the 20th day of February 2015

The following members were present for the meeting:

CHAIRMAN

Hon. Thiru. Pollachi V. Jayaraman

Deputy Speaker

MEMBERS

Hon. Thiru. Natham. R. Viswanathan

Leader of the House (Official)

Mr. R. Manoharan

Government Chief Whip

Mr. R. Rajendran

Mr. P. G. Rajendran

Mrs. S. Kanitha Sampath

Mr. R. Challenger Dorai @ Doraisamy

Mr. Nainar Nagendran

Mr. K. P. P. Bhaskar

Mr. J. C. D. Prabhakar

Mr. A. Lasar

Mrs. S. Vijayadharani

Mr. K. S. N. Venugopalu

SECRETARIAT

Mr. A. M. P. Jamaludheen Secretary

Mr. P. Subramaniam Joint Secretary

Mr. K. Ramesh Deputy Secretary

SECRETARY:

Respected Chairman of the Committee of Privilege, respected Deputy Speaker of the House, respected Whip of the House, members of the Committee of Privilege, officers of the Secretariat, I heartily welcome you all on behalf of the Legislative Assembly.

We have held this meeting today to debate on the issue happened on 19.2.2015. Already small notes have been given to you for analyzing this issue. On 19.2.2015, during the debate on the motion of giving thanks to the Hon'ble Governor's Speech, the activities of some members of D.M.D.K. was in such a way breaching the privilege of the house and affecting the House, this issue has been forwarded to this Committee to study and analyze and send report to know

whether there is breach of Privilege of the House or not under Rule 226 of the Rules of the House

Our Chairman will now speak to us about the issue of breach of the privilege and what action should our committee be taken on the breach of Privilege issue. Already small notes have been given to the members about the breach of the privilege issue. Based on that after the speech of the Hon'ble Deputy Speaker is completed, the video recording of the the issues happened in the House is arranged to be viewed by the members. After viewing the video clippings each member can record their own opinion. I further inform you that your opinion should not be in such a way that intending any motive in the action of the Hon'ble Speaker of the House or interfering in that order. Hon'ble Speaker has referred this matter to the Privileges Committee for consideration and report. Hence I request that you should not investigate that the incident happened would have happened due to this or it would have happened like this and so on in such a way intending motive on the action taken by the Speaker of the House and now I invite Hon'ble Chairman of the Committee to address the meeting.

Chairman: The Hon'ble Leader of the House, members of the Committee, Secretary of the House, and officers I place my

salutation to you all. Since the newly selected members are there in this committee I wish to say about the meaning of the wordbreach of the Privilege of the House. The privilege of the House is the special privilege one which will not be obtained to an ordinary citizen. It is the nature of Privilege enjoyed by a particular group of people. If it is explained in the words of Parliamentary rules it is the privileges or right and the protection to be enjoyed by the both the Houses of the Parliament or together by the committees formed out of them and the members in them individually.

Breach of Privilege of the houses or contempt of the House, is the violation of the privilege by an MLA against a member who was raised with the consent of the Speaker of the House, or against the Committee, or against the Committee of the House.

In the issue of the Breach of Privilege of the House or Contempt of the house if the Speaker of the Assembly feels that intervention of the Committee is essential then the issue either has to be referred to the Privileges Committee Or to be intervened by the Speaker himself or based on the decision brought in motion also it is referred to the Privileges Committee.

Not only that if the Speaker of the House refers an issue with regard to the Breach of the privileges of the House on his own

under Article 226 also this committee has to receive it and consider and submit the report on it.

In this Committee meeting on 19.2.2015 the members of the D.M.D.K including Mr.V.C.Chandira Kumar has involved in activities in such a way causing deleterious to the functioning of the Houser, and against the rules of the house, and the custom and practice of the parliament, and in the way of threatening the Speaker of the House preventing him to execute his duties , came to the seat of the Speaker , threatened him ,and in the mode of attacking him , created an insecure atmosphere causing discredit to his office.

Further some Members of the D.M.D.K have breaching the order of the Speaker of the House, neglecting the Rules and custom of the House, threatening and attacking the marshals who tried to execute the order of the Speaker of the house, snatched their cap and threw away, flung away the documents of the House causing distraction to the functioning of the House , pushed away the podium of the Speaker of the House. in an attempt to attack him, and was involved in anarchism, and hence this issue was referred by the Hon'ble Speaker of the House to this Committee under Rule 226 of the Rules of House to consider and submit the report .

I request the members of the Committee that before recording your opinion I request to view the video recordings taken on 19.2.2015 in the House. I request you to record your opinions after viewing the video recordings.

This meeting is held to find out the members who are all have involved in the undue acts after viewing the video records and to decide as to what action can be taken against them.

The incident happened on 19.2.2015 was seen by all the members in the House in person. Similarly the journalists sitting in the Journalists gallery was also have seen this incident in live. The people in the visitor's gallery also have seen this incident in live. This activity is certainly in the way of diminishing the dignity, Honor and the prestige of the House.

Further they have involved in the activities of breaching the order of the Speaker of the House, neglecting the Rules and custom of the House, threatening and attacking the marshals who tried to execute the order of the Speaker of the house, snatched their cap and threw away.

If these types of activities are not prevented and not punished means the status of the Assembly will be diminished among the public.

Hence only this committee is held the meetings to find out the members who are all have committed the mistakes. I inform that based on that the members let first view the video footage and then the Committee shall come to a conclusion. The Legislative Assembly Secretariat notes have been given in respect to the above issue. The Committee shall analyze about this, and take a suitable decision, and will be submitted to the House and accordingly I inaugurate this meeting.

(The video Recordings of the incident happened on 19.2.2015 are screened before the members of the Committee)

In the motion of giving vote of thanks to the Speech of the His Majesty Hon'ble Governor, while the vice President of the D.M.D.K Party Mr. Azhagapuram R. Mohanraj was speaking, the opinion told was deleted by the Hon'ble speaker, objecting for the same Mr. Azhagapuram R. Mohanraj and other members of D.M.D.K came near the seat of the Speaker and made shouting, the Speaker ordered to evict them out of the House. At that time Mr. V. C. Chandira Kumar got out of his seat in a rage and in a speed and madly came near to the seat of the Speaker and tried to attack him. Along with him Mr. S. R. Parthiban, Mr. C. H. Sekar, Mr. K. Dinakaran, Mr. Azhagapuram R. Mohanraj, Mr. L. Venkatesan, were all joined the melee. They all came towards the seat of the Speaker.

of the House with the motive of attacking the Speaker which is not witnessed in the history so far, and involved in the commotion. Further they prevented the marshals of the House who were trying to execute the order of the Speaker of the house, and has denied going out, and was involved in the arguments with them by the above mentioned members. Further they attacked the marshals of the House, and threw away their cap, and threw the documents against the speaker on his table. Some of the marshals fell down losing control. While seeing the video we can see all this issues.

I request to place your opinion after seeing the video records shown here. Not only that the members of the D.M.D.K who were sent out did not go out of the House instead they sat in the Lobby behind the seat of the Speaker and involved in Dharna. Hence the Speaker ordered to remove those members from there and accordingly when the marshals went to remove them from there. At that time the members Mr. C.H Sekar and K. Dinakar jointly attacked the Sub inspector Mr. Vijayan. The said Vijayan after taking first aid from the pharmacy of the Secretariat, and as per advice of the doctor has been admitted as inpatient in the Rajiv Gandhi Government Hospital. On the complaint received against the above mentioned two member from the Sub Inspector, Flower bazar, Chennai addressed to

the Secretary of Legislative Assembly, Tamil Nadu Legislative Assembly Secretariat, Chennai - 600 009 by Na.ka.No. 65/S.I (Flower Bazar)/camp/ 2015 dated 15.2.2015 and I read that letter here.

"Sir, Today (19.2.2015) I received a special report from Mr.Ravi Kumar, Inspector of Police, Fort, B-3 .In that it is stated that Mr.Vijayan, the Special Sub Inspector of Police, New Washermenpeth H-5 Police Station who was on duty in the Legislative Assembly , as per the order of the Speaker of the House has removed the members of the D.M.D.K. out of the House , when they sat in the Lobby of the House and conducted Dharna , again as per the order of the Speaker of the house tried to remove them , the MLAs Mr.C.H Sekar and K.Dinakaran has attacked him on his chest and hands and due to the pain he has taken the first aid from the Government Hospital of the Legislative Assembly and since the pain was increased he was admitted in the Rajiv Gandhi Government Hospital as inpatient and is getting treatment and has requested to take action against the MLAs who have attacked him. Since the above incident has occurred in the Lobby of the Legislative assembly I require your kind advice for taking further action."

He has sent the letter as above.

Next I will read the letter sent by the Inspector of Police, Law & Order, B-3, Forte Police Station, Chennai Police to the Deputy Commissioner of Police, Flower Bazar Police Station, Chennai Police.

"Sir, I today (19.2.2015) was in duty in the police station, and at about 15.45 Hours I received a message from the Rajiv Gandhi Government Hospital. With respect to that I went and investigated Mr. Vijayan, son of Kannan, and came to know that he is working as the special sub Inspector of Police in New Washermenpet H-5, Police Station and that he has reported in the Legislative Assembly Protection Guard on 17.2.2015 and from on that day onwards he is working under the marshal of the House as protection marshal, and today (19.2.2015) at about 12.00PM noon as per the order of the speaker of the House, has removed the members of the D.M.D.K. out of the House, when they sat in the Lobby of the House and conducted Dharna, again as per the order of the Speaker of the house tried to remove them, the MLAs Mr. C.H Sekar and K. Dinakaran has pushed away the hands and attacked on the right side chest and on the upper shoulder of the hand alternately and it was paining and that he has informed the incident to the Assembly Secretary, and went to the Government Hospital in the Secretariat and entered Out

Patient slip , and took treatment and since the pain increased he went to the Rajiv Gandhi Government General Hospital and is taking treatment as inpatient and that has requested to take action against the MLAs who have attacked him. Thus he has given his statement. The said incident has happened in the Lobby of the Legislative Assembly, I request to give the suitable advice to go for the further action.

In this way he has sent eh letter.

While seeing all these incidents, we have got the fear that whether we are all are unsafe in the House of Legislature. I humbly request to each of the members of this committee to record your opinion to what action has to be taken against this members of D.M.D.K who has done the barbarian activities.

I will read the Statement given by Mr.K.Vijayan, Special Sub Inspector of Police, New Washermenpet Police Station, (Crimes).

"While I was in the duty in the Legislative Assembly, today on 19.2.2015, at about 12.00PM while the debate over the speech of the Hon'ble Governor was going on, and while the Vice President of the Opposition Party D.M.D.K Mr.Azhagapuram R.Mohanraj was speaking he used a word

which became a subject for the debate. Immediately there was shouting and confusion in the House. The members of the D.M.D.K (who came today) all of them went near the seat of the speaker and blockaded surrounding the speaker and spoke in aggression. Immediately the Hon'ble Speaker of the House ordered to evict Mr.Azhagapuram R.Mohanraj alone. But after that the remaining MLAs of the D.M.D.K surrounded the Speaker and pushed the table to an extent of 1 ½ feet, and shouted in such a way going to attack the Speaker and hence the Hon'ble Speaker ordered to evict all the MLAs of the D.M.D.K. When some of us tried to evict them they pushed away some of us. Some of us cap fell down out of it. Two of the police losing control fell on the table and chair of the Speaker. After that they came out of the House and sat in the lobby behind the seat of the Speaker and raised their slogans. Immediately the Speaker of the Assembly ordered to evict them out of the compound of the House. I went to the MLA Mr.K.Dinakaran, Sular Constituency, and asked him to please come out, who was sitting there. Immediately MLA Mr.C.H.Sekar, Gummudipoondi Constituency got up from there and asked to me rudely "what are you in support of them?" asking this he alternately hit on my chest and stomach. His hand was touched inside my eyes and my eyes became reddish. Since they have beat me severely I felt

00

giddiness the coworkers of me made me to sit in a place. After that I went to the treatment to the Government Hospital."

They have beaten him till he felt giddiness. This is the statement of Mr. Vijayan.

Mr. J. C. D. Prabhakar: Hon'ble Chairman of the Privileges Committee, Hon'ble leader of the House, Hon'ble Government Chief Whip, Committee members I salute all of you. In our Dignified Legislative Assembly, in order to protect our dignity of our House, our Ruling party members are behaving as per the Guidance of the Chief Minister of Tamil Nadu, our Goddess, revolutionary leader Amma, and they are the role model for how to behave in the House. But yesterday the whole country has seen how the members of the D.M.D.K sitting in the opposition row, have behaved in our dignified House.

If the entire incident happened on 19.2.2015 is seen how the members of the D.M.D.K are prepared and how they are brought up is understood. The activities made by them in the House itself are an example as to how should not be a person in the political public life. Once the MLAs come inside the House the Speaker is the protector for them. The Speaker of the House only is giving the privilege and protection to them. If

the said Speaker himself is not having protection means to whom shall we plead?

Here you showed the video recordings to the members clearly. The members have the privilege to debate and and to counter in the House. If we see the behavior of the MLAs of the D.M.D.K. we can understand that they have come to the House with a motive to speak wrongly and to attack the Speaker of the House and nothing more than that. Seeing the way they behaved surrounding the Speaker of the House we all are shocked here. Even after repeatedly the speaker has warned them , the without giving ears to it, and when the Speaker of the House ordered to evict them , we and everybody saw them stretching their hands against the Speaker of the House and talking. The whole country has seen it.

It is clearly understood that these types of breach of Privilege issues are done by only the MLAs of the D.M.D.K. Before this also we have studied and considered as to how they have talked with bellowed tongue and how they behaved and has submitted the report to the House. Always and again and again involving these types of issues by the Members of the D.M.D.K shows clearly that they are coming to the Assembly with some intention to create some problem in the Assembly.

The revolutionary leader sang "what is the use of the births

who never repent?" We have clearly seen how the members of the D.M.D.K behaved in the House through the Video clippings.

"Those who do wrong should be reformed and the offender should regret" these are the lines of the Revolutionary Leader. If the Wrongdoers have to be reformed they should be given punishment.

In order to protect the Dignity of the House in future and based on that the future generation should understand the Control of the House and should be in precaution, the Speaker of the House took action against the Members of the D.M.D.K and sent them out.

The speaker is saying the marshals to evict the members of the D.M.D.K. When the marshals who are in the post of executing his order, going towards the members of the D.M.D.K. To such marshals they have asked "what are you support?" and has behaved wrongly.

Hence these two Members C.H. Sekar and K. Dinakaran have behaved as an example as to how the members should not behave in unruly and in the way of anarchy. That Police man has given complaint that they have attacked him. The unsafe situation has arisen for these Police and Speaker who protect

65
us. What is this a cinema to behave as you like in anywhere? Their behavior is in such a way that you can do whatever you can. This committee has got the Responsibility of protecting the Privilege of the House. The police who underwent the attack have given the complaint. They have to receive the punishment for what they did.

Mr. Azhagapuram R. Mohanraj came running to the speaker of the House, and has warned him and has attempted to attack him inside the House. We are able to see Mr. Mohanraj, Mr. V. C. Chandira Kumar, Mr. C. H. Sekar, Mr. K. Dinakaran, Mr. S. R. Parthiban, Mr. L. Venkatesan. This incident has happened in such a way not seen in the history. These members of the D. M. D. K are behaving in such a way causing Stigma to the functioning of the House.

While this House is functioning with the happiness that for the past four years we have done a lot of Historical events, diverting it and behaving in such a way causing taint to the House and for Tamil Nadu should be taken action. They should be given punishment in such a way that they should not come to the House for the whole year. By this way only the dignity of the House and the Dignity of the Speaker can be protected and by saying this I am concluding my opinion.

Mrs.S.Vijayadharani: Respected Chairman of the Privilege Committee, Leader of the House, Secretary of the House, officers of the Privilege Committee I wish all of you my evening salute. The incident happened on 19.2.2015 is the one which is unlikely. Even then about 75% of the incident in the video clipping was able to see in the Televisions.

Even then what is my opinion is that if the functioning of the House is relayed directly in the televisions as done by the parliament then the public will be able to see and understand as to what their elected member is doing in the Assembly. Then those who are to protect the Honour of the House will be standing in front of the public in shame. I am of firm stand that the Dignity of the House has to be protected further.

Secondly as far as this issue is concerned, the people will think that they are punished for the opinion told by Mr.Azhagapuram R.Mohanraj in the House. The expressing of the anger by Mr.V.C.Chandira Kumar is very clearly seen from the video clipping.

It is able to see that the MLAs of D.M.D.K have done all these issues purposefully. They are trying to push away the police. It is also able to see. It is not new in the History of India that the members coming to the well of the House and making shouts and commotion. It is a usual happening of these kinds of

incidents in both the houses of Parliament either if it is Loksabha or RajyaSabha. The member of A.I.A.D.M.K has pulled the mike and has thrown away.

Chairman: Mrs.Vijayadharani, you talk on the subject.

Mrs.S.Vijayadharani: I have told it for an example.

Hon'ble Natham R.Viswanathan: If you have told the action of Mr.LakatapathyRajagopal of Congress member also means it will be good.

Mrs.S.Vijayadharani: It was that incident of spraying pepper spray in the Parliament. Why I told that means the members of Congress have showed their emotional feeling for the Telangana issue and for that they did like that. The Telangana issue is an emotional event. I told it for an explanation.

Chairman: The duty of the Speaker of the House is to give protection to the members who come to the House. If you are coming you should also be given protection. It is also is the duty of the Speaker of the House. You speak your opinion about only this issue. What we are talking is recording.

Mrs.S.Vijayadharani: As far as I am concerned the incidenthappened on 19.2.2015 is an unlikely event only. Similar events have occurred in Parliament also several

613
times. Even Dr. Mythreyan has pulled the mike and thrown away.

Chairman: Mrs. Vijayadharani you speak on the subject.

Mrs. S. Vijayadharani: The incident happened in our House is an unlikely one. But even if it is an unlikely event the punishment is high. If we give severe punishment to the representatives of the people means they cannot go to their constituencies and work there. They cannot do the justiciable work to the people.

Hon'ble Leader of the House: The member of the Legislative assembly is the representative of the people. The MLAs should have behaved with the responsibility in mind that they are working for the people. This event is the harm which is created by them for themselves.

Mrs. S. Vijayadharani: Even the members of Parliament Mr. Mythreyan and Mr. Rajagopal have not punished like this. The severe punishment may be reduced, and shall pardon them with great mercy and can warn them strictly.

Chairman: How many times would you forgive them?

Mrs. S. Vijayadharani: I have also seen the issues happened earlier. I am saying as the member of the opposition party that either I or the people depending on our party will not approve

these kinds of events. Those who are belonging to our party have suffered a lot to protect the democracy in the Parliament. We also are stubborn that these kinds of incidents should not happen in the Legislative Assembly also. In this instance, there will be a debunking among the people that we have punished Mr. Azhagapuram R. Mohanraj for the opinion he told in the House.

Chairman: We are not punishing him for talking in the House. What he has spoken in the Assembly is removed from the minutes of the House.

Mrs. S. Vijayadharani: Even then the news will come in the media this only.

Chairman: no, it is not a problem, this is known to everybody.

Mrs. S. VijayaDharani: But the opinion is among the people that the punishment is for speaking in the House.

Hon'ble Leader of the House: Can you take the responsibility that hereafter they did not repeat this?

Mrs. S. Vijayadharani: How can I take responsibility? They have to take the responsibility.

Hon'ble Leader of the House: Even after getting punishment also they have not reformed. Wrongdoers should undergo punishment. Those who ate salt have to drink water. This is

the Social justice. In that aspect if they are not given punishment these kinds of incidents cannot be controlled. Hence if severe punishment is not imposed we cannot protect our custom of our Legislative Assembly. This is not an incident to leave it go as it is. This is an organization existing till the democracy exists. This should not become a black mark in the democracy.

Mrs.S.Vijayadharani: We should be aware of our responsibility and should express our opinion. As far as I am concerned I don't find Mr.Azhagapuram R.Mohan raj has involved in the scuffle directly.All the other members of the D.M.D.K are not near V.C.Chandira Kumar and they are standing little away from him.

Hon'ble Leader of the House: This issue was started by Mr.V.C.Chandira Kumar only. He only talked to the Speaker of the House in a wrong way. After that Mr.Azhagapuram R.Mohanraj also tried to attack the Speaker of the House.

Mrs.S. Vijayadharani: Out of these two members only one is in the main point.

Hon'ble Leader of the House: Mr.V.C.Chandira Kumar only started this commotion. After that Mr.Azhagapuram R.Mohanrajalsoin supportive to Mr.V.C.ChandiraKumar

involved in this act. Along with that Mr.S.R.Parthiban, Mr.L.Venkatesan, Mr.C.H.Sekar, and Mr.K.Dinakaran joined them and came and tried to attack the speaker of the House. In that attempt they applied the force that moved the heavy table of the Speaker itself. Mainly these 6 members are involved in these activities.

Mrs. S.Vijayadharani: If the Speaker of the House has referred this matter to our committee and is seeking our opinion on this issue means I praise him. I am obliged to appreciate him. I am compelled to talk on behalf of all the opposition parties. The incident happened in the House is unlikely. I request that the punishment may be not severe and shall give it in such a way that they came perform their duties to their people of their Constituencies and I am requesting as a co member and avail a chance for them to do that.

Chairman: Your Opinion has been recorded.

Mr.NainarNagendran: Chairman of the Committee, Leader of the House, Secretary of the Legislative Assembly, Hon'ble Government Chief Whip, members of the Committee, I place my salutation to you all. The incident happened in the House is really a regretful one. Whether it is a Parliament or it is a legislative Assembly, in whichever level these kinds of incidents should not happen is the opinion of every one. We all of us

7
saw the incident happened yesterday in the video footage.

While Mrs. Vijayadharani spoke she has admitted that the incident happened in the House is a regretful one. But she says that the punishment to be given to be reduced to them. It is apparent for our vision that a person has exceeded his position and has done this act.

Under the situation that our Tamil Nadu State is shining as the model State due to the implementation of several special Programme, an untoward act has been done by some members of D.M.D.K. including Mr. V.C. Chandra Kumar in our house of Legislature.

While seeing all these things it is afraid to think or tell about all these things. The way the incident happened yesterday fearing that the situation happened to Mr. Vijayan, Sub Inspector of Police who is admitted in the Government Hospital and taking treatment due to the incident happened yesterday, would have happened to our Speaker of the House also. To that extent they attempted to attack the Speaker of the house.

The way the members of D.M.D.K. including Mr. V.C. Chandra Kumar and Mr. Azhagapuram R. Mohanraj behaved in the House was seen by the Public in Tamil Nadu in the Televisions. The public will only regret that we have elected

these kinds of members and have sent to the Assembly and instead they will not have any respect over these members. I record my opinion that in order taking strict action against these members who involved in this incident namely Mr. Azhagapuram R. Mohan Raj, Mr. V. C. Chandra Kumar, Mr. C. H. Sekar, Mr. K. Dinakaran, Mr. S. R. Parthiban, Mr. L. Venkatesan, they should be banned for one year in such a way that they are not participating in the functioning of the House and I take your leave.

Mr. A. Laser: Respected Chairman of the Committee, Hon'ble Leader of the House, members of the Committee, Secretary of the house, Government Chief Whip, I place my salutation to you all.

This meeting is held today by this committee to debate about an important issue. Our Hon'ble Speaker of our House has referred this issue to discuss on this issue and to take a decision on it. He has also sent us the video recording of the happenings of yesterday in the House. It cannot be considered that the way the members of the D.M.D.K behaved was in such a way that it was safeguarding the Legislature and democratic legacy of the Legislative Assembly. Hereafter we cannot consider that the incidents happened will increase the belief of the public on the Legislative Assembly in future. There

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is no chance of having difference of opinion in this opinion. We have seen the video footage with respect to that incident. Hence we are speaking here in the way that in this regard that hereafter these types of incidents should not happen.

What is my personal opinion is that normally all these kind of physically involved activities or exceeding the custom activities should be prevented happening in our Hon'ble Legislative Assembly. I wish that normally in the democracy, any member should express his opinion with dignity by using the words without hurting or provoking others. In some times while our members of House - I am not particularly saying that party's members or this party's members, whichever party's members let it be, it should be talked based on the issue, based on the incident happened and the opinions should be placed in dignified manner. That is what the procedure approved in the Democracy.

But I am able to see for the past four years of the experience in this House that sometimes when some members exceed the limits some issues are formed. I am also able to see that this Privilege Committee has got a very big responsibility. Though taking action by this Committee for punishing the members who involved in the offences is in one side, on the other side I

consider that whoever commits the same mistake to prevent it is the duty of the House and this Committee.

The incident happened in this issues are not acceptable. I also consider that this should not be allowed. But I also further inform that by giving severe punishment this House should not become a role model for that also. Based on the issue the punishment recommended by the members is little bit higher on one side but, we should not give space to others to say that we have done with a motivation.

Nobody should say that they would have taken a more fine decision. At the same time the decision should be in such a way that this committee is protecting the dignity custom and the honor of the House is also protecting the guidance to that.

Though these members have behaved in such a way that the people who have elected him have a thought that we have elected a wrong person, they should take the Government Projects and works to the people of their constituency for the remaining 1 ½ years and taking into consideration that the punishment imposed by this Committee should not be a hurdle for that, in such a way I request the punishment should be given to them. At the same time we also respect the people who have elected them. I also consider that the decision should be in such a way that it is told that this Committee has

77
given back the dignity and respect of the House. Some incidents have also taken place out of the house. The police department has registered cases. This incident is unlikely, avoided and to be prevented. Further, I request that This committee should take the decision taking into consideration of the welfare of the people who have elected these members to this House.

Hon'ble Leader of the House: Let the other members also record your opinions in a short way. If there is any other opinion apart from the opinions told here means let you tell it in short.

Mr.K.S.N.VenuGopalu: In this Government functioning under the guidance of the Hon'ble Chief Minister of the people Revolutionary Leader Amma, I saw from my seat that the incident happened yesterday on 19.2.2015 was very much brutal. We have again seen it in the video. The members of D.M.D.K are following the same way as their leader. I give the opinion that the 6 members who involved in this terrible act namely Mr. Azhagapuram R. Mohan Raj, Mr. V. C. Chandra Kumar, Mr. C. H. Sekar, Mr. K. Dinakaran, Mr. S. R. Parthiban, Mr. L. Venkatesan, should be suspended for one year in such a way that they should not come to the House.

73
Mr.P.G.Rajendran: I salute the Hon'ble Chief Minister of the people Revolutionary Leader Amma, Goddess. The Chairman of the Privilege Committee, Hon'ble Leader of the house, Chief whip of the Legislative Assembly, and the members of the Committee, I place my hearty Salute to all of you.

As stated the incident happened by the Senior Member of our Assembly Mr. J.C.D Prabhakar, I am placing my opinion that the members of the D.M.D.K namely Mr. Azhagapuram R. Mohan Raj, Mr. V. C. Chandra Kumar, Mr. C. H. Sekar, Mr. K. Dinakaran, Mr. S. R. Parthiban, Mr. L. Venkatesan, should be given punishment suspending them for one year in such a way that they should not come to the Legislative Assembly for the whole year and for attacking the policeman Mr.C.H.Sekar and K.Dinakaran should be given imprisonment for 3 months definitely.

Mrs.S.KanithaSampath:I salute the Hon'ble Chief Minister of the people Goddess Revolutionary Leader Amma.The Chairman of the Privilege Committee, Hon'ble Leader of the house, Chief whip of the Legislative Assembly, and the members of the Committee, I place my hearty Salute to all of you.

I have also seen the incident happened on 19.2.2015 in the House. The Chief Minister of the people Revolutionary Leader Amma has kept the members of A.I.A.D.M.K under strong

Control. while seeing the rowdy act of the members of the D.M.D.K. by damaging the podium of the Speaker and tearing off the documents and attacking the marshals of the house brutally by the members namely Mr. Azhagapuram R. Mohan Raj, Mr. V. C. Chandra Kumar, Mr. C. H. Sekar, Mr. K. Dinakaran, Mr. S. R. Parthiban, Mr. L. Venkatesan I request that all these 6 members should be definitely suspended for one year in such a way that they should not come to the House.

Mr.ChallengerDoraisamy @ Doraisamy: I salute the Hon'ble Chief Minister of the people Goddess, Amma. The Chairman of the Privilege Committee, Hon'ble Leader of the house, Chief whip of the Legislative Assembly, and the members of the Committee, I place my hearty Salute to all of you.

I saw the incident happened on 19.2.2015 in the House in person. We all of us are seeing the functioning of the House for the past for years.

We have also seen the incident in the video footage also. Whenever the member of D.M.D.Krises from his seat he never follows the Legacy of the House.As per the Legacy of the House whenever the Speaker of the House stands up all the other members have to sit. But he instead of that, he has violated that legacy and has stretched his both hands and was

aggressively behaving. As stated by Mrs.Vijayadharani, all of them were seeing it. The people have not elected them to behave like this.Hence, the members who spoke before me has given several good opinions. Hence due to their unlikelyactivities in the House, they are losing the eligibility to work in the House and for the people of the constituency further.Hence I request that they should be punished that they should be curtailed from taking part in the Activities of the House in the remaining Sessions of the House.

Mr.K.P.P.Bhaskar; Respected The Chairman of the Privilege Committee, Hon'ble Leader of the house, Chief whip of the Legislative Assembly, and the members of the Committee, and the officer sof the Legislative assembly I place my Salute to all of you.

The incident happened on 19.2.2015 is unfortunate. The members of the House who has to protect the Dignity of the House should protect the House to not to happen the incidents like this in future. Not only that a member has already committed this kind of offence and has obtained punishment and has again committed the offence. Respected member Mrs.Vijayadharani has requested to give low amount of punishment.Those who have got the punishment after the period of the punishment are over and have come to the House

and has repeated the same offence again. Hence in order to not to repeat this in the House and to protect the dignity of the House, they should be given one year suspension as the severe punishment and also requested that severe action should be taken against the two members who have attacked the marshals outside the House.

Mr. R. Rajendran: Respected The Chairman of the Privilege Committee, Hon'ble Leader of the house, Chief whip of the Legislative Assembly, and the members of the Committee, and the officer of the Legislative assembly I place my Salute to all of you.

As far as the incident happened is concerned Mr. Azhagapuram R. Mohanraj has deliberately spoken in the House in that way with the motive of speaking like that. After that, Mr. V.C. Chandira Kumar has already obtained a punishment for such behavior and has again taken part in this Session of the House. Hence we have seen that Mr. V.C. Chandra Kumar along joining with Mr. Azhagapuram R. Mohanraj has thrown away the books. And not only would that if those books thrown would have been fallen in the rows of the Ministers or in the rows of the members there a big issue would have happened.

The MLAs Mr. V.C. Chandra Kumar, Sekar, Venkatesan, Mohanraj, Dinakaran and Parthiban are acting with the

91

intention to create such incidents. It is understood from the way from they behaved in the House. They have come to the Assembly with an intention to the D.M.D.K. members have come to the House with the intention to offend and also with the intention to talk the Speaker ridiculously.

The members talked here have informed their opinions. As far as the period of the punishment since they were not proper in the past only they were subject to the punishment. Even after getting punishment, they are without repenting is continuing their undue act. Hence I record my opinion that as underlined by the other members that these members should be punished to be suspended not only for this session but also for one year or more than that.

Mr. R. Manoharan: Respected The Chairman of the Privilege Committee, Hon'ble Leader of the house, Secretary of the Legislative Assembly, and the members of the Committee, I place my Salute to all of you.

I would like to record that the incident happened yesterday is a planned one. Because that party do not have influence among the People. In the recent election conducted in SriRangam constituency they joined hands with BJP and has obtained the votes less than 5000, and due to the advice from the party from outside by creating melee inside the House they

can get influence among the people , they have done all this kind of melee. Since the ministers and the members of the House were in control to the order of the Hon'ble Chief Minister Amma, the incident they planned to carry out in the House was not able to do.

In the Legislative Assembly there are opposition members and Communist Party members. Even today they are sitting in the seats and are talking about the issues. Only the members of D.M.D.K are coming near to the speaker and blockading, and entering into scuffle. The incident happened yesterday was planned and done by them and hence the speaker should take the steps to give them the punishment immediately. There is history removing 10 members from the House during the ruling of the Hon'ble Revolutionary Leader. I would like to record that in the similar way if these members are also taught the lesson only in future the House can be functioned in dignity.

Mrs.S.Vijayadharanai: I request that before taking action against the members I request to send Show cause notice to eth members. The members are requesting to give the punishment for one year. If it is given like that their period of the post itself will be over. I request to give show cause notice to them.

Hon'ble Leader of the house; Respected Chairman of the Privilege Committee, Secretary of the Legislative Assembly, officers I place my Salute to all of you.

All the members present here all are included in the Legislative Assembly. Hence you would have seen the incidents happened with your eyes. Not only was that, the video recordings also shown. Since some of them would have forgot only the video recordings were shown again. All of you have accepted that it is wrong. You have also told that they may be given severe punishment also. Similarly some have told that less punishment may be given. Similarly you have told that to get explanation from them and then punishment may be given.

I have been the MLA for four times. I was as the member of the opposition I was the member in the Committee of Privileges also. I don't wish to underline and show that in the past how they have not given a chance to anyone and have taken decision in their own. But this committee meeting is held for taking a decision democratically by getting your opinion and giving respect to your opinions.

Similarly Mrs. Vijayadharani also told that if the Speaker of the House would have thought the punishment to the members could be given straight away in the House itself. Though there

is every right to give the punishment through the House itself, without taking the decision arbitrarily, based on the intention to take the decision democratically, the privilege Committee has been given respect and has sought for the opinions of the members and has referred the matter to this Committee magnanimously, and to take decision and this I take this opportunity to thank the Speaker of the House.

Similarly though the members assembled here has given various opinions, let the request of the opposite party also be accepted and seek for the explanation from them as Mrs. Vijayadharani pointed out let them also be given an opportunity to be heard. Hence the alleged members may be requested to send their explanation within one week and the explanation received within that period has been placed before the Committee and the decision can be taken. Accordingly I have recorded my opinion and I like hear the opinion of the Chairman of the Privilege Committee.

Chairman: While we were the opposition members last time when the Speaker of the House ordered to evict us from the House we were evicted by the marshals of the House. We were going out peacefully. Since for the reason that the cap of the Marshal of the house fell down automatically they gave the punishment to our party member Mr. A.K. Bose. From that to a

specific period all hiseligibility as an MLA was denied and before he reached leaving the House to his MLA hostel his room was sealed and locked . His all rights were taken awaySince the cap of the one marshal was removed this type of punishment was given to him.

While seeing the incident happened yesterday if the chair of the speaker of the House the staff of the house sitting nearby would have affected. The table of the Hon'ble Speaker of the house was protected by the marshals of the house. Even after seeing this type of action of anarchy, our speaker of the House would have given the punishment on that day itself. Without doing that he has referred the matter to the Committee of Privileges to take the decision after deep study an debate. I thank for that.

Hon'ble Leader of the House, Hon'ble members of the privilege Committee, you all placed your opinion. All the members including the opposition members also have told that this incident is an unlikely event and it I liable to be condemned.

It is the Principles of natural justice to seek for the explanation before taking any decision. I request to seek the explanation from Mr. Azhagapuram R. Mohan Raj, Mr. V. C.

Chandra Kumar, Mr. C. H. Sekar, Mr. K. Dinakaran, Mr. S. R.

Parthiban, Mr. L. Venkatesan for the act giving one week

time and I request to send the letter today itself seeking for the
explanation.

Secretary: As per the decision of the Committee we will send the letter today itself to the 6 members concerned in the incident. Even if they send explanation or not after seven days the committee meeting will be held on the day specified by the Chairman of the Committee.

In the meeting held today the Hon'ble Deputy Speaker, Leader of the House, Hon'ble Chief Whip of the Government and the members of the Committee of the privileges have placed their opinions. I say my thanks to all of you on behalf of the secretariat and I take leave. Thank You.

After that, the Committee was dispersed.

Copy of the letter sent by the Member of Legislative Assembly
Mr. S.R. Parthiban dated 23.2.2015.

To

Mr. M.P. Jamaludheen,

The Secretary of the Legislative Assembly,

Legislative Assembly,

Secretariat,

Chennai

Sub: Giving Explanation to the charge of breach of
Privilege of the House as per letter No.1676/2015
-4 LAP (LC-3)dated 20.2.2015 -Reg

Dear Sir,

Salutation!

I received the letter dated 20.2.2015 sent by the
respected Secretary of the Legislative Assembly seeking
explanation with respect to the issue of the breach of Privilege
of the House . There is no connection between me and the
alleged incident occurred on 19.2.2015 mentioned in your
letter.

On 18.2.2015, Wednesday, I took part in the functioning
of the House and I was called by the Speaker to speak on
behalf of the D.M.D.K. members over the debate in which the
resolution was to pass in the rendering of thanks to the
speech of the Hon'ble Governor. I also took part in the debate
and spoke various opinions and the demands of my Mettur
Constituency were placed before the House. After that I came

to the House on 19.2.2015 and took part in the functioning of the House.

On 19.2.2015, due to the extraordinary situation in the House the Speaker ordered to evict the D.M.D.K members out of the House to the marshals of the House. I obeying the order of the Speaker of the House tried to come out, more than 10 marshals of the House was standing on the way in crowded and hence I found difficulty to come out and when the marshals of the House gave way for me I silently came out of the House.

I would like to inform that I have not at all gone near the seat of the Speaker of the House and has not uttered any word to the marshals of the House, and has not involved in any argument.

Further if it is coming to know from the Video clipping that I have behaved in the way diminishing the dignity to the Speaker of the House, or to the marshals of the House, I like to render my regret to the Speaker of the House. I would further like to inform that I have never behaved tainting the dignity of the house and hereafter in future also I assure that will not do that.

Sd/-
S.R.Parthiban
Member of Legislative Assembly
Mettur

-True copy-

Copy of the letter sent by the Member of Legislative Assembly

Mr. K. Dinakaran dated 24.2.2015.

To

Mr. M.P. Jamaludheen,
The Secretary of the Legislative Assembly,
Legislative Assembly
Secretariat,
Chennai

Dear Sir, Salutation!

I have not involved in any sort of unruly activities in the Session of the House on 19.2.2015. During the scuffle in the House I was standing in the last only. While the Slogans were raised in the entrance of the Assembly also I was standing in the last only. I have not involved in any kind of untoward activities. Have attached the photo published in the newspaper dated 20.2.2015 for your perusal. Even my finger has not touched the marshals. But a false case has been registered against me that I have attacked the marshals. Due all these I have undergone great mental agony. Further all the scenes happened in the Assembly would have recorded in the camera there. Even if you view that also you will understand the truth. Hence in this way I have not involved in any action that caused deleterious to the functioning of the House. The Privilege Committee has sent me notice stating that I have also involved in the 6 members alleged to have involved in the said

80
incident. A false case has been registered against me for the
offence not committed by me. Hence I request to verify the
truths happened and review the case filed against me.

Sd/-

K. Dinakaran

Member of Legislative Assembly

- True Copy -

Copy of the letter sent by The Vice President of the Opposition Party and the Member of Legislative Assembly Mr. Azhagapuram R. Mohanraj dated 25.2.2015.

To

Mr. M.P. Jamaludheen,
The Secretary of the Legislative Assembly,
Legislative Assembly
Secretariat,
Chennai

Dear Sir,

Salutation! I received the call letter No.1676/2015 -4 LAP (LC-3) dated 20.2.2015 on 23.2.2015 sent by Speed post. In that letter it is stated that it is about breach of privilege of the House, and that involved in the melee in the House, and threatened the Speaker of the House, and attacked the marshals, and caused deleterious for the functioning of the House and hence the activities of the members of D.M.D.K. was of committing breach of Privileges of the Legislative Assembly. Your letter sent seeking explanation for the said activity within 27.2.2015 (Friday). After the incident occurred on 19.2.2015, after 4 days only I am receiving your letter under speed post on 23.2.2015. The situation of seeking explanation within this short span of time has been arisen in Tamil Nadu.

As stated in your letter that during the debate of passing resolution for expressing the Vote of thanks to the speech of His Majesty the Governor, that the Speaker has ordered to evict the members of D.M.D.K since they have involved in untoward acts, and that prevented and attacked the marshals who came to execute the order of the Speaker.

It was stated that we have surround the seat of the Speaker of the House and threaten him, attempt to attack him, push the documents from his table and damage it, created any extraordinary situation and involve in any sort of activities diminishing the dignity of the House and they are all against the truth . I state that the details mentioned in the letter sent by the Committee of Privileges are totally against the truth and has mentioned some incidents which is told happened in the House. I am obliged to follow the acting in the way respecting the Honor of the House and the attribute of the Speaker of the House as the Vice President of the Main Opposition Party.

We are acting according to the Honor of the House and the attribute of the Speaker of the House. I humbly submit that I have not involved in any sort of act causing Deleterious to the functioning of the House. The issue was started when during the debate of passing resolution for expressing the Vote of thanks to the speech of His Majesty the Governor first when

Kadambur Raju spoke about a person who is not in the House as per the legacy of the House, Knowing that we should not speak about the person who is not in the Sessions, he spoke about the Leader of the opposition party indirectly. In order to avoid that when I and the Whip of the opposition Party and other members of our party appealed to the Speaker of the Assembly the speaker of the House, as usual in support of the ruling party has decided in support of the ruling Party that the opinion told about the Leader of the opposition party need not be removed. I believe even today that the speaker of the assembly shall remain impartial based on the protection of the Democracy of the House.

On 19.2.2015 during the debate of passing resolution for expressing the Vote of thanks to the speech of His Majesty the Governor when I started to talk, about an opinion about the letter No.12246/2014-4 Tamil Nadu Legislative Assembly Secretariat dated 8th November 2015 published in the Government Gazette and was about to use a word as Former Chief Minister Rule 110, immediately the Chief Minister of the Tamil Nadu, The Leader of the House, Ministers, and the MLAs of the ruling party all got up and talked indecent words without any shame, and lifted the chappals and showed me and threw the paper bundles in the hands against me and

created an extraordinary situation. Further those who belonged to the ruling party told to not to allow to talk me and to evict me out of the House and all the ruling party members including the Leader of the House have come in front of the podium of the Speaker of the House and has demanded to send me out and has behaved in the way diminishing the dignity of the House and it can be viewed from the video recordings itself. I humbly request you to give one copy of the video recordings of the incidents on that day.

Since I have told the only word which was stated in the letter signed by the Leader of the House and the Secretary of the House which was published in the Gazette, and due to the pressure given by the Hon'ble Chief Minister, Leader of the Assembly, Ministers, and all the ruling party members the Speaker of the House has ordered to evict me from the House of the Legislature. Immediately after the Speaker of the House has ordered to evict me from, 10 to 15 marshals of the House came from the various corners of the House in such a way to catch a terrorist. At that time Mr. V.C. Chandira Kumar our party whip and other members of our Party was shocked and they have appealed to the Speaker of the House to review the decision of evicting me.

At that time since the Marshals of the House have tighten the hands of the Mr. V.C. Chandra Kumar and has attacked on his ribs he lost his control and fell down and hence the books in his hands has flown and fell down. Seeing this activity of the marshals of the House we were shocked and have done a protest sitting behind the Chair of the Speaker of the house democratically to take action against the marshals who have behaved exceeding the legacy of the House and diminishing the dignity of the House and we walked out. I would like to inform you that we have not involved in any sort of any sort of activities diminishing the dignity of the House. I am also ready to regret if it is felt that any wrong in my behavior. I submit this explanation as the persons me and my party members do respect the speaker of the House and the Legacy of the House.

Further I request you to permit me to give further explanation immediately when you give the video clipping of the incident.

Yours faithfully

Sd/-

Azhagapuiram R. Mohanraj

Vice President of the
Opposition Party of the House

- True Copy -

74
Copy of the letter sent by the Member of Legislative Assembly
Mr. L. Venkatesan dated 25.2.2015.

To

Mr. M.P. Jamaludheen,
The Secretary of the Legislative Assembly,
Legislative Assembly
Secretariat,
Chennai

Sub: Giving Explanation to the charge of breach of
Privilege of the House as per letter No.1676/2015
-4 LAP (LC-3)dated 20.2.2015 -Reg

Dear Sir,

Salutation!

I have received your letter No. No.1676/2015 -4 L.A.P (LC-3)
dated 20.2.2015 on 23.2.2015 and I have read each line of the
letter.

In that you have stated that you have been entrusted to
obtain the explanation within 27.2.2015, Friday. Hence I
request you to hand over this explanation letter given by me to
the Privilege Committee.

On 19.2.2015 the debate on the thanks giving to the
speech of the Governor was going on. Mr. Azhagapuram R.
Mohanraj, MLA of D.M.D.K and the Vice President of the main
Opposition party were speaking in the House. I was sitting in
the 5th row allotted to me in the House. At that time the
Speaker of the House told to remove the speech of the vice
President and to evict him from the House to the marshals of

the House. Within the next few seconds the Speaker of the House ordered to evict all the members from the Assembly to the marshals of the House.

Hence I tried to come out of the House through the door which is in right side of my seat and near the Journalist gallery at that time more than 10 marshals entered into the House to execute the order of the Speaker of the House and that when the other D.M.D.K members who were in front and back row of my 5th row came out at a time I was not able to go either forward or backward and I stood near the journalists for a while and I tried to go out slowly.

Hence I have not gone near the marshals or the seat of the Speaker. Further the Marshals of the House did not even to the side where I was standing. Since there was crowd I slowly tried to go out. When I got a small gap before the Marshals of eth House and other MLAs I went out of the House. I believe that all these things can be seen in eth video. If my body would have moved means it is for coming out of the House and not for any other thing. I have come to the House for the first time. Hence I have learned the Rules of the House especially the rules under Rule120, 121, and the clauses of the rule 122. Hence I have so far behaved as per the order of the speaker. Further not only as per the order of the Speaker

of the house I used to welcome the other members who come to the House and used to welcome them and open the doors from them irrespective of the party and I always respect the duty oriented marshal of the House. Hence I never behave with them as they feel for that. I have several times sought permission from the Speaker of the house in order to place my opinions and to demand the issues of the people. In that, sometimes I have got permission also. I think this as the privilege of a Member of the Legislative Assembly. I always follow the ruling to obey the order of the Speaker of the House.

Hence what I want to convey to the Privilege Committee through you is that I do not have any connection with the incident happened on 19.2.2015 happened in the House. I have not breached any privilege of the House. Hence there is no diminishing of dignity of the House due to me. I also assure that no deleterious activities will be done. I believe that all the happenings will be recorded in the Video tape. For giving further explanation I am ready to appear before the Privilege Committee. Further and if the Speaker of the House is embarrassed due to my behavior I regret for that.

Sd/-
L. Venkatesan
Member of Legislative assembly

-True copy -

Copy of the letter sent by the Opposition Party Whip and the Member of Legislative Assembly Mr. V.C. Chandira Kumar dated 26.2.2015.

To

The Secretary of the Legislative Assembly,

Legislative Assembly

Secretariat,

Chennai

Dear Sir,

Salutation!

I received the call letter No.1676/2015 -4 LAP (LC-3) dated 20.2.2015 sent by the Secretary of the Legislative Assembly, from the Secretariat of the legislative Assembly for the issue of breach of privilege of the House. I came to the House on Wednesday, 18.2.2015, and took part in the debate of passing resolution for expressing the Vote of thanks to the speech of Governor. I have taken part in the functioning of the House as usual on 19.2.2015 also.

On that day during the debate of passing resolution for expressing the Vote of thanks to the speech of Governor the Hon'ble Speaker of the House has invited the Vice President of the Opposition Party Mr. Azhagapuram R. Mohanraj on behalf of D.M.D.K. While he was speaking, the ruling party members objected for using one word and hence the Hon'ble speaker of

the House has ordered to remove it from the Minutes of the House. When the Vice President of the Opposition Party tried to talk about the issues of the people under the extraordinary circumstance where the ruling party members were shouting the Speaker of the House was ordered to evict the vice president of the Party.

Under this situation even after removing the word from the minutes of the House for knowing what reason is the Vice President of the Party is evicted as an opposition party whip I stood up and requested to review the decision and to give again an opportunity to the Vice President of the opposite party to talk and at that time the speaker of the House has ordered to evict all our Party members out of the House and more than 15 marshals of the House came and stood surrounding the table of the speaker of the house and evicted the MLAs of D.M.D.K one by one.

I obeying the order of the speaker of the House was coming fast by taking the books on the table to go out when the marshals got hold of my both hands tightly and dragged me out, and that even after telling several times that "Leave my hands, my hands are paining I will go myself", but even then they have dragged me and I lost my control and has fell on the chair of the opposition leader, and since I could not

control the pain the books in my hands were fallen down. I as an opposition party whip he has gone to the speaker of the House only to appeal to the speaker to review his decision of evicting the MLA s of the D.M.D.K ,who have not done any wrong and not with any motive but the marshals of the House have surrounded me and sent me as it is out of the House. This is the truth happened.

I deny the charge mentioned in your letter. Further I did not prevent the marshals of the House from doing their duty as per the order of the Speaker of the House and that I did not surround the seat of the Speaker of the House and threaten him, and did not attempt to attack him, or I did not push the documents from his table and damage it. Further I have not created any extra ordinary situation or involve in any sort of activities diminishing the dignity of the House and this incident has not happened due to me. I just insisted you as an opposition party whip I stood up and requested to review the decision and to give again an opportunity to the Vice President of the opposite party to talk. Apart from this I do not have any motive behind this. I have not involved in any sort of activities diminishing the dignity of the House and did not involve either in arguments with the marshals of the House.

If the Speaker of the House has mistaken my shouting to "leave, Leave" due to the pain when the marshals of the house got caught hold of me when I asked to review the order to expel all the members of the D.M.D.K then I regret for that. I do not have any motivation behind it. I used to give always due respect to the Speaker of the House, to the rules of the Legislative Assembly, to the Honor; Legacy, and dignity of the House and further I would like to inform you through this letter that I will be following the same in future also.

Further if the Committee of the privileges feels that I have behaved in such a way diminishing the dignity of the House then I regret for that to the Committee also I request to give the opportunity to take part in the functioning of the House in order to deliver my duties to the people by rendering our democratic work as a main opposition party.

Yours faithfully

Sd/-

V.C.Chandira Kumar

Opposition Whip of the Legislative Assembly

-True Copy-

Copy of the letter sent by the Member of Legislative Assembly
Mr. C.H. Sekar dated 26.2.2015.

To

Mr.M.P.Jamaludheen,
The Secretary of the Legislative Assembly,
Legislative Assembly
Secretariat,
Chennai

Dear Sir, Salutation!

I received the letter dated 20.2.2015 sent by you seeking the explanation for the incident of breach of privilege of the House. I deny all the allegations stated in your letter. I am obliged to explain as to what happened.

I am always obeying the Speaker of the house and the rules of the House. I am continuously present in the functioning of the House. Accordingly I took part in the functioning of the House on Thursday, 19.2.2015 also. At that time while the Vice President of the opposition party was speaking there was commotion and noise in the House. The Hon'ble speaker of the House removed the speech of the Vice President from the records of the house and asked to evict him from the House to the marshals of the House. After that he again ordered to evict all the members of the D.M.D.K. from the House to the marshals of the House.

In obedience of the order I got out of my seat and tried to come out of the House through the right side door. But in the way there was crowd of the marshals hence I waited there for some time and then came out. At any cost I have not gone near the seat of the Speaker of the House. After coming out of the House I went to my Home directly. On the next day when I saw the newspaper only I was surprised. After reading the newspaper I was worried also. Because the news given was that I have attacked the marshal of the House and he is taking treatment in the Hospital. It is utter false news.

I am an engineering graduate. I have understood the Privilege and rights of the Hon'ble Speaker of the House. In that aspect I have never behaved diminishing the dignity of the House and the Speaker of the House. For the past four years I have always obeyed the rules of the House and was working subject to the Legacy of the house and I was doing my democratic work in a good manner. Hereafter also I assure that I will follow the orders of the Speaker of the House and the rules of the House. Since the news came in the Medias that I have attacked the marshals of the House I was compelled to take anticipatory Bail from the Court. Further I have never talked without dignity to any Government Staffs and not involved in argument and if the Committee feels that

the charge framed against me is true one then I heartily regret for that.

Further I have not involved in such types of activities and hereafter I will not also do so. I request that to review the charges made against me and to give an opportunity to take part in the Session and to do the Democratic works for the people.

Thanking you

Yours faithfully

Sd/-

C.H.Sekar

Member of Legislative Assembly

- True copy -

MINUTES OF THE MEETING OF THE COMMITTEE

JAYA, 13TH PANGUNI, THIRUVALLUR YEAR - 2046

FRIDAY, 27TH MARCH 2015

The Committee meeting of the Committee o Privilege was held in the Committee meeting hall in the Secretariat of Legislative Assembly on Friday, the 27th day of March 2015.

The following members were present for the meeting:

CHAIRMAN

Hon. Thiru. PollachiV.Jayaraman

Deputy Speaker

MEMBERS

Hon. Thiru. Natham. R.Viswanathan

Leader of the House (Official)

Mr. R. Manoharan

Government Chief Whip

Mr.N.Ramakrishnan

Mr. R. Rajendran

Mr. P. G. Rajendran

Mr.R. Challenger Dorai @ Doraisamy

Mr. NainarNagendran

Mr. K. P. P. Bhaskar

Mr. J. C. D. Prabhakar

Mr. A. Lasar

Mrs. S. Vijayadharani

Mr. K. S. N. Venugopalu

SECRETARIAT

Mr. A. M. P. Jamaludheen Secretary

Mr. P. Subramaniam Joint Secretary

Mr. K. Ramesh Deputy Secretary

SECRETARY:

Respected Chairman of the Committee of Privilege, respected Leader of the House, respected Whip of the House, members of the Committee of Privilege, officers of the Secretariat, I heartily welcome you all on behalf of the Legislative Assembly.

On 19.2.2015, during the debate on the motion of giving thanks to the Hon'ble Governor's Speech, the activities of some members of D.M.D.K. was in such a way breaching the privilege of the house and affecting the House, this issue has been forwarded to this Committee to study and analyze and send report to know whether there is breach of Privilege of the House or not under Rule 226 of the Rules of the House. Accordingly the meeting of this Committee was held on the 20th of February 2015. In that meeting it was decided based on the opinions of the various members to send letters to the

107

alleged members seeking explanation from them giving one week time. Accordingly letters were sent to the above said 6 members on 20.2.2015. All the 6 members have sent their explanation. The copies of those explanation letters will be given to the members. We have held this meeting today to take a decision regarding this issue.

I invite the Chairman of the Committee of Privileges to inaugurate this meeting and give the speech, and I conclude my speech. Thank you and Salute.

Chairman: Hon'ble Leader of the House, members of the Committee, Secretary of the House, and other officers I place my salutation to you all..

On 19.2.2015 in the motion of giving vote of thanks to the Speech of the His Majesty Hon'ble Governor, while the vice President of the D.M.D.K Party Mr. Azhagapuram R. Mohanraj was speaking, since he violating the order of the Speaker, exceeding the rules of the House continuously, and have used the improper words, the Speaker of the house ordered the marshals of the house to evict Mr. Azhagapuram R. Mohanraj.

Before that itself the Hon'ble Speaker of the House has warned Mr. Azhagapuram R. Mohanraj to not to use improper words and to speak calmly, repeatedly and since he was talking

continuously causing deleterious to the functioning of the House the situation of evicting him out of the House was warranted.

As per the order of the Hon'ble Speaker of the House, when the marshals of the Assembly attempted to implement the order, Mr. V.C. Chandira Kumar, the D.M.D.K Legislative party Whip, got out of his seat angrily, out of control and frantically stretching his hand forward and ran to the seat of the Hon'ble Speaker of the Assembly aggressively. When the marshals of the Assembly tried to execute the order of the Speaker of the Assembly, the 6 D.M.D.K without going out of the assembly hall and in order to prevent from doing the duty by the Police Guards has threatened, and has stretched their hands towards the Speaker of the house and involved in argument in an aggressive manner and was causing deleterious for the functioning of the House.

When the marshals of the House attempted to execute the order of the Speaker of the house they violating the Rules have pushed away the marshals and went to the speaker and stretched their hands and were involved in the arguments. At that time the marshals were standing as a bulwark surrounding his seat of the Speaker..Mr. V.C. ChandiraKumar, banged the police persons who was standing

157
as a Bulwark for the Speaker of the House, shouted and surged in obsession and went to the seat of the Leader of the Opposition and took the books and the documents which was on the table of the opposition Leader in the House and threw against the Speaker of the House madly and broke the microphone.

As per the order of the Hon'ble Speaker of the House, when the Marshals of the Assembly attempted to implement the order to evict them out, the D.M.D.K members involved in the melee. After great difficulty the marshals sent them out of the House. The evicted members went and sat in the Lobby and were involved in Dharna. The Speaker of the house ordered to evict them from there also.

As per the order of the Speaker of the House when the marshals went to remove them from there, the members Mr. C.H Sekar and K. Dinakar jointly attacked the Sub inspector Mr. Vijayan leading him to fell unconscious. The said Vijayan has been admitted as inpatient in the Rajiv Gandhi Government Hospital. Accordingly since he was admitted in the hospital information about the attack has been conveyed from the hospital to the Forte Police Station, Chennai, investigation was conducted and a case was registered and action is taken on it.

The marshals who attempted to execute the order of the speaker of the house, preventing them to do their duty is the contempt of the house and that is under the perusal of this Committee.

It is mentioned in the book Practice and Procedure of Parliament written by M.N.Kaul and S.L.Shakder as follows:

"Any act or omission which obstructs or impedes either House of parliament, in the performance of its function 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".

The Video Recording set consisting of the video footage of the melee done by some members of D.M.D.K in the House during the debate on the Speech of the Governor on 19.2.2015 was screened before the Committee members in the meeting held by the Committee on 20.2.2015.

The Hon'ble members were told that to receive the explanation from the members alleged the offence in the last meeting. You have also expressed your opinion as to the extent of the punishment to be given to them. Even then the opposite member Mrs. Vijayadharani has asked to get the explanation

111
from the alleged members and then analyze the same and take the decision about the punishment. The explanation letters are received. The copies of the letters are given to the members now. I expect that you would have read it. I request to give your opinion as to what decisions can we take in this matter.

Mrs. S. Vijayadharani: Respected Chairman of the Privilege Committee, Leader of the House, Secretary of the House, Hon'ble government Chief whip, members of the Committee, officers of the Privilege Committee I wish all of you my salute.

I thank you for taking the decision as per my opinion to get the explanation and to take the decision. Accordingly we have obtained an explanation democratically. The 6 members have given various explanations in these letters. Some of them have stated that they have not seen in the video, and have not involved in the melee and have placed the request to consider this. One member among them has told that even his finger has not touched the marshal. Taking into consideration of them there are chances to consider their requests. Hence I inform that their requests can be considered and a decision can be taken. The explanations given by the 6 members it is seen that a common explanation is given by all of them. They all have told that if it is felt that they have behaved against the

112
Speaker of the assembly, or against the House of the Legislature, or in the way of hurting, they regret for that.

Accordingly, after the incident happened in our House, an unlikely incident happened in the Legislative Assembly of Kerala has to be considered. It is a terrific incident. Even those involved in that incident were prevented from coming to the House only for ten days. After that they were given the chance to come to the House. All this 6 members have expressed their anxious in their letters. Further in the Parliament also these kinds of incidents have happened. But here the punishment is told very high.

Hon'ble Leader of the house: In the Last ruling Mr. A.K. Bose who was evicted from the House was coming out normally out of the House. At that time the cap of the marshal was fell down on its own. For that he was punished for 6 months from coming to the house. They have also done that he did not get the salary for that 6 months. Further before he reach his house it was locked and sealed, and was also told to not to use the name as MLA.

Mrs. S. Vijayadharani: Here it was mentioned as to how the action was taken against Mr. Bose in the last House. Though he was given the punishment of not being as a MLA it is not necessary that the same punishment given to him can be

given here also. Why don't we think about giving a punishment even praised by the opposition party? While severe punishment is given it will reach the public as it is to totally suppress the opposition party. In Andhra State these kinds of issues have happened a lot. But there are no long days of suspension. We can give them warning in such a way that the members should not act in the way deleterious to the functioning of the House. They have expressed their regret. Let us accept it. They all have told that they feel for that from the heart.

Hon'ble Leader of the house: They have stated in the reply that they have not committed any wrong and if we have felt that they have committed wrong and they have not admitted their wrong.

Mrs.S.Vijayadharani: In Kerala Legislative Assembly an incident worse than this happened. In Parliament Mr.Mythreyan pulled the mike. The activities of our Legislative Assembly can be compared to that of the other Legislative Assemblies. The Hon'ble ministers are comparing the other States and giving the statistics in various subjects. We can compare the same way in these incidents also.

Chairman: The Hon'ble ministers while comparing they are comparing only about the development programme. But they

have committed this offence several times before. Mr. V.C. Chandira Kumar is doing continuously these kinds of acts.

Mrs.S.Vijayadharani: Some of the members have undertaken in their letters that they will take care that these kinds of incidents are not repeated in future.

Chairman: Even in the issues happened before also they have told that they will not to this in future only. But they are doing the same wrong again and again.

Mrs.S.Vijayadharini: My request is that you should take the proceedings of the parliament as example. It is continually happening raising slogans in the well of the House. Based on that, I request to deal this also in a lighter way. My request is that to get assurance to not to repeat the incident by giving strong warning and drop the proceedings.

Mr.J.C.D.Prabakaran :Respected Chairman of the Privilege Committee, Leader of the House, Secretary of the House, members of the Committee, officers of the Privilege Committee.

We can tell a lot of examples that the Hon'ble Speaker of the House is doing beautifully is handling the very big democracy of the State. He is giving sufficient time for the opposition party with great polite in democratic way and is giving more opportunities in all ways. It was able to understand from the

face of the Speaker of the house that the behavior of the D.M.D.K members has given a shock and dismay to him. Now the D.M.D.K members have given some explanations.

The Hon'ble Mrs. Vijayadharani has also told that we have to compare the incidents of the other States. We are protecting a legacy for our Legislative Assembly. We are assuring that the legacy and heritage of it should not be affected at any time. We all of us have seen the video clipping on 20.2.2015. When I saw it itself my heart was blowing.

This matter has been referred by the Hon'ble speaker of the house under rule 226 of the Rules of the house to the Privileges Committee. I request to deeply consider on two issues. The explanatory letters have been given by the 6 members. The explanation given by Mr. V.C. Chandira Kumar and Mr. Azhagapuram R. Mohanraj is the one attempt of diverting the direction of the incident happened. They have behaved in the Legislative Assembly to an extent not witnessed so far in the history of it. Mr. Azhagapuram R. Mohanraj has stated that he has received the letter only on 25th and that the unusual situation of giving explanation within a short span of time has arisen in Tamil Nadu.

He has bluntly suppressed the incidents happened in the presence of everybody. On that day they have come running in

an angry manner to the seat of the Speaker of the House and attempted to attack him. When one of the members of that party was telling he says that the marshals have pushed them by holding their hands. Our House is a Sovereign one. The offices of the House have run as per the order of the Speaker of the House. As far as the aspect of bearing the deleterious activities to the House by the members in parliament is different and the aspect of the bearing of our House is different. In our House of Legislature the marshals of the House is subject to the power of the Speaker of the House. If the Marshals of the House itself have faced this problem means what will be the situation of the Speaker of the House, members and other officers of the House?

In the explanatory letters they all have given the same mode of explanations as they have agreed to. They have told that the marshals only have pushed them off which is against the truth. We have seen the incident happened in live and in the video clipping. On what basis they have told like this is not known. The seeking of the explanation itself is the proof for to what extent we are safeguarding our democracy.

The members of the D.M.D.K say that they want to talk about the people issues in the legislative assembly. They are the members who have undergone to the issue of the breach of

114

privilege. During the new members come to the House they will be given 2 or 3 days classes in the House about the legacy of the House. I have even told to conduct those classes for them again. Now they have breached the privilege of the House and without respecting the Speaker of the house involving in the deleterious activities as in cinema scenes and are behaving in the cinema accent. I do not come to know that the members of the D.M.D.K have put forth the issues of the people in the House and have delivered a trustworthy work for them. What they do in the House is to create issues and cast cheap advertisements for them. I consider this as done with pre planned drama. One of the members has told in his explanation that immediately after he was evicted he has gone to his home. Another one member has sent a photo in which he is sitting in the Dharna. The member C.H.Sekar has told that he has read from the newspaper as to what happened in the House. But each of their role is clearly shown in those photographs. I think that by giving false facts and the news which is against the truth they are trying to involve in another breach of privilege issue.

The member spoke here about the happening in the Kerala Legislative Assembly. There is a heritage for our Tamil Nadu alone. We have to protect that heritage and the privilege of the

democracy. The punishment should be a lesson to others. If severe punishment is given to the members who are doing wrong they will do their duty with the sense of fear. The members of the DM.D.K Mr. Mohanraj, Mr. V.C. Chandira Kumar, Mr. C.H. Sekar, Mr. K. Dinakaran, Mr. S.R. Parthiban, Mr. L.Venkatesan who have done the wrong should be given severe punishment.

In particular, the police belonging to the marshals of the House was attacked is the regretful one. As per the order of the Speaker of the House they came into the houses, when the marshals came into the House to evict the members of the D.M.D.K without going out calmly, they have prevented the marshals and has pushed them out down. Personally, with the motive to take revenge only their act is seen. Hence I have already told my opinion to give them suitable punishment.

Hence I place my opinion that the members of D.M.D.K should be given the punishment in such a way that they are not only coming for this session but for the remaining sessions also to the House.

Mr. A. Laser: Respected Chairman of the Privilege Committee, Leader of the House, Secretary of the House, Government Chief Whip, members of the Committee, officers of the Privilege Committee I salute all of you.

We analyzed the incident happened on the On 19th February 2015 in the meeting held on the 20th of February 2015 has seen the video recordings also. We have also obtained the explanations for that. The incident happened on that day is giving an example for an unlikely event. There is no difference of opinion that it should be prevented.

There is no difference of opinion since the heritage of the Legislative Assembly of Tamil Nadu has to be protected these kinds of incidents should be prevented. I have also recorded that this incident is a regretful one. Nobody has any difference in opinion for that. When the vice president of their party was ordered to be evicted immediately the way Mr. V.C. Chandirakumar came the way he went near the seat of the Speaker of the Assembly, everything was seen by us in the video recording. He has not behaved in a proper way. I too do not have difference of opinion that his behavior is suitable to the dignity of the House. I understand that since he came in speed only the scuffle had occurred. At that time only when the Marshal came to prevent him his cap was fallen, and not because of throwing the paper. I have placed my opinion as the way I have seen the incident.

I do not wish to justify the incidents happened. It is true that the papers were spread away. I am recording what I have seen.

120

Mrs. S. Vijayadharani: We are also telling about what we have seen.

Mr. A. Laser: The incidents happened are not acceptable. It won't protect our heritage. We have seen that they came very fast from their seat. The substance is not that the specific members have stretched their hands but it is that all the members stood behind them.

Hon'ble Leader of the House: Don't you see the table of the Speaker of the Assembly moved?

Mr. A. Laser: Saw. Secondly, it is mentioned that two members have attacked the policeman. They have told the scenes which we have not seen in the video recording. I have not gone inside it. These type of incidents should be prevented. As the main opposition party we have to permit them to do their democratic duty in the House. Though it is not acceptable what they have done, but I do not think that unable to do the duty by the opposition will not add the prestige for us. Why even in Pondicherry Legislative Assembly also some issues were raised was able to see. There happened the scuffle. The issue was between the A.I.A.D.M.K and Congress. In several places these types of incidents are happening. There is no difference of opinion that these types of incidents are there as examples.

121

The opinion has given that that punishment should be given to these 6 specific members. In the list the name of the 6 members' names only are there. But all the D.M.D.K. members were already suspended. We have to think about that also. My opinion is that since they all got up in the House the giving of punishment to the other members also could be avoided. The punishment given to them is sufficient for doing their democratic duty in the remaining period in the functioning of the House.

All the 6 members have asked apology. They have explained the incident in their own way. They have regretted for the incident is also recorded. A fear has created among them that their acts have not been accepted. It is aim of this committee should be that the members who have committed the wrong should not do it again and it is not that making them standing in the box of the accused and punishing them will not add beauty to the heritage of the Democracy. The punishment given to them itself is sufficient. We should permit them also to do their duty in the remaining period. If we do so, the opinion that this committee has done the duty correctly will be recorded in the history of the House. I place my opinion that on behalf of the Marxist Communist party that since taking into consideration that all the 6 members have sought apology

the above members can be allowed to take part in the Session in the House to do their Democratic duty. Salutation>

Mr.N.Ramakrihnan; Respected Chairman of the Privilege Committee, Leader of the House, members of the Committee, officers of the Privilege Committee I salute all of you.

Normally in the democracy the duty of the speaker of the House is to give the opportunity to the MLA s to speak their opinion in the House without any fear, and to protect their right and freedom. Whether it is the ruling party or the opposition party this is the common rule. In that aspect our Vice President of the opposition party Mr.Azhagapuram R.Mohanraj has stated one opinion in his letter, that is while in the debate over eh speech of the His Majesty Governor....

Chairman: The Hon'ble member talk only on the issue, there is no relation between this incident and that member.

Mr.N.Ramakrishnan: The issue raised is about that only.

Mr.Kadambur Raju while he was stating in his speech, he told that he will not come to the House, He will talk only outside, He is a Senior citizen .

Chairman: We are talking about Azhagapuram R.Mohanraj, and not about Kadambur Raju.

Mr. Ramakrishnan: When he mentioned about Kadambur Raju we raised our objection at that time itself. If his leader is told as citizen don't we get angry?

Chairman: Citizen means it is citizen and not means drunkard.

Ramakrishnan: Sorry not it is drunkard, he mentioned as citizen.

What is the connection between the speech of the Governor, Senior, and Citizen? The Hon'ble leader of the House got up and told that he has not mentioned any particular name and don't mistake it.

Hon'ble Leader of House: The Rules of the Legislative Assembly has to be followed by us. You should not give meaning for a word according to your wish. He has clearly stated as citizen. Why they want to take it as though they did not know. They would have remained not taking it as an offence.

Mr. N. Ramakrishnan: If it is told that one member will not come to the House, he is a senior person, he is a citizen means won't we get angry? Won't we get aggressive? When Mr. Azhagapuram R. Mohanraj used that word won't you get angry? Don't you get aggressive?

Hon'ble Leader of House: You record only your opinion.

Mr.N.Ramakrishnan: On that day itself the 'Dalapathi' has told that this punishment is very high and it has to be reviewed. What is the opinion of D.M.K is that the punishment given already is enough, and we do not agree in giving further punishment.

Mrs.S.Vijayadharani: As told by the MLA Mr.Laser the members of the D.M.D.K has been given the punishment already Based on that they are not able to take part in this Session of the House.

Hon'ble Leader of House: It has been brought in motion in the House and has been passed as a resolution. The said punishment is given by the Legislative Assembly. The said decision has been brought under the Rules of the House and resolution has been passed. Even then the Hon'ble Speaker has referred this to the Privileges Committee to study whether the breach of the privileges has been committed or not.

Mrs.S.Vijayadharani: The incident happened is a single event only. Giving double punishment for that is not even there in the Criminal Procedure Code.

Hon'ble Leader of House: Various kinds of punishments are given for a similar kind of offence. 10 years rigorous imprisonment is also given, 6 months remand is also given. It

125
is legal for giving the punishment according to the nature of the offence and the role of the offender.

Chairman: Mrs. Vijayadharani, you tell your opinion.

Mrs. S. Vijayadharani; I place that; two types of punishment should not be given for a single offence.

Secretary: I say that the members of the Privilege Committee should not come for the wrong decision. As per rules 120, 121 the members who have behaved improperly was sent out of the Houses and the punishment that they should not come to the present Session of the Houses has been resolved in the house. Some members have come to the seat of the Speaker of the House and has spoken to the speaker in threatening, breaching the rules and heritage of the House, exceeding the order of the Speaker and has tried to spoil the honor of the House and since the marshals were attacked only it was considered as the breach of the House and has sent to the Privilege Committee. For behaving unruly the members of the D.M.D.K has been evicted from the House and the motion has been passed in the House. After that the Speaker has referred this matter to find out whether there is any breach of privilege of the House or not. Hence I request that taking into consideration of that eth Committee members should take the decision>s

126
Mrs. S. Vijayadharani: The members of the D.M.D.K have been given punishment already. They have taken part in the Debate of Income and Expenditure Debate. Hence they may be given the chance of taking part in the Subsidy demanding Session. I humbly request that the situation of suppressing the opposition in the assembly should not be raised.

Mr.NnainarNagendran: Respected Chairman of the Privilege Committee, Government Chief Whip, Leader of the House, members of the Committee, officers of the Privilege Committee I salute all of you. We have already seen the video records in the last meeting. While we see the video pictures Mr.Ramakrishnan did not come. We have seen it in person also. The incident happened is truthThe members of the D.M.D.K has behaved several times forgetting about the heritage of the House, and in such a way deleterious to the functioning of the House for several times.

The respected member Mrs. Vijayadharani is continuously speaking that they should be warned strictly and dropped the proceedings. But they are doing this wrong not for once but they are doing this wrong for more than several times.

Mr.V.C.Chandira Kumar has stated his opinion as hiding an ash guard in the plate of rice.He has stated that when the Police has caught hold of his hands he got pain in his hands.

127

and hence the books in the hands has fallen down and that when the police people came running the table of the Speaker has moved. It is not the truth They pushed away the table of the Speaker of the House, seeing that the speaker got up and stood. These types of incidents have come again and again..

They are telling that they did not push the table, did not push the chair, did not come running and attack, and if you feel like that I regret for that, this type of explanation cannot be accepted. If an accused stands before a Judge and prays for forgiveness, there is no provision in the law to not to give such pardoning. Without considering the offence if it is pardoned it will not be correct. This instance, is a happened one, cannot be forgotten. If it was told that he told about our leader and because of the affection towards him we did it will be nice. If it is told that we have not done any wrong if the Committee feels it as wrong we regret for that, and then it cannot be accepted.

Their reply is like mocking us. It is not appearing as a normal reply. We all saw the activities they have done in person. Hence their explanation cannot be acceptable.

Mr.R.Rajendran:

Hence the opinion told by our member J.C.D.Prabahakar is accepted by me and I also adopt the same opinion.

Mr.R.Rajendran:Respected Chairman of the Privilege Committee, Leader of the House, members of the Committee, and officers of the Privilege Committee I salute along with thanks to all of you.

We have seen the incident happened on the 19th February by the members of the D.M.D.K including Mr.V.C.Chandira Kumar and Azhagapuram R.Mohanraj without any culture and civilization in an aggressive manner.

In the explanation given by Mr.Azhagapuram R. Mohanraj has told that the Police of the House have hit on the ribs of Mr. V.C. Chandira Kumar. But that it was pointed out that the concerned V.C. Chandira Kumar himself has not told that any police security has hit on his ribs.He has only told that since the police caught hold of his hands due to the pain the books fell out of his hands.

Hence and in this way the members of D.M.D.K. have given the explanation contradictory to each other and have given the reply with an intention to escape from the punishment and enter into the House again. Here as stated by Mr.NainarNagendaran and others told, V.C.Chandira Kumar and other members are continuously doing the wrong. In this same. Hose they have obtained the punishment of the Committee, again they have brought the situation of obtaining

the punishment. Under these situations these wrongs are true. Hence as stated by the other members here I insist to give severe punishment as told by J.C.D.Prabhakar.

Mr.Challenger Doraisamy @ Doraisamy:Respected Chairman of the Privilege Committee, Leader of the House, Government Chief Whip, members of the Committee, and officers of the Privilege Committee I salute along with thanks to all of you.

The respected Mrs. S. Vijayadharani, Mr .A. Laser, Mr. N. Ramakrishnan have accepted the entire incident happened in the House. They have not denied it. At the same time the table of the Speaker of the House is too much of weight is known to all.Everybody knows that that table cannot be pushed off in that easy.We have to think that when that table was pushed if it is hit on the head what will be the situation? Similarly the members of D.M.D.K namely L.Venkatesan,V.C.Chandira Kumar, Azahgapuram R.Mohan raj, S.R.Parthian, C.H.Sekar, K.Dinakaran without obeying the Speaker of the House, has stretched their hands and talking, standing up and talking, and involving such commotion was seen by us. Mrs.S.Vijayadharani says that the punishment given by the resolution itself is enough for them,. We have not given the punishment yet to them.Hence I request that they may be given punishment in such a way that they should not come to

the House for doing the assembly work for one year, Thanking you ,Salutation.

Mr.K.P.P.Bhaskar:Respected Chairman of the Privilege Committee, Leader of the House, members of the Committee, and officers of the Privilege Committee I salute all of you. I record the opinion given by Mr. J.C.D Prabhakar.

Mr.K.S.N.Venugopalu:Respected Chairman of the Privilege Committee, Leader of the House, Government Chief Whip, members of the Committee, and officers of the Privilege Committee I salute all of you. I record the opinion that to give severe punishment to this 6 members.

Mr.R.Manoharan:Respected Chairman of the Privilege Committee, members of the Committee, and officers of the Privilege Committee I salute all of you

We all saw the incident happened on 19.2.2015 in the House. We have seen it through the Video recordings also in the meeting of the Committee. Even after that some oppositionmembers are talking in such a way justifying their actions is really regretful. The functioning of the House of Legislature should be a dignified one. Instead of that if the members are involved in attacking and if these members are punished then only in future the other members will not

involve in these types of activities. Those who have done the mistake should regret for that, and they should be given punishment is the social justice. I request the Chairman to give the maximum punishment to them and I take my seat.

Mr.P.G.Rajendran:Respected Chairman of the Privilege Committee, Government Chief Whip, members of the Committee, and officers of the Privilege Committee I salute all of you.

Already we have analyzed about this in the last meeting of the committee. My opinion is that all the 6 members of D.M.D.K should be suspended from the work of the House for one year should be given as punishment. Mrs.S.Vijayadharani told about the comparison of the neighboring States. There are naxalite terrorism is there but here it is not. The Hon'ble Chief Minister Amma has taken that much effort to prevent it. Hence we cannot compare for everything. Hence I request to give them punishment as per legacy of our House that all the 6 members of D.M.D.K should be suspended from the work of the House for one year.

Mrs.S.Vijayadharani; I have only one request. During the debate several words are exchanged by the members. The words are used by both the parties. Though such words are within the purview of the debates of the House, when the

words used by the ruling party members are used by the opposition party members it appears to un - parliamentary words. They have removed it. In the Session held before this we requested to remove the word used by the ruling party. It is not a good word. That word is there in the minutes of the house still. But I do not remember it now.

Hon'ble Leader of the House: Please leave the words which are not remembered.

Mrs.S.Vijayadharani: Even the D.M.K.members have walked out for using that word.

Mr.N.Ramakrishnan: We don't remember that we walked out for these types of words.

Chairman: Mr.N.Ramakrishnan,D.M.K.member also is here. He himself says that they did not know. You please talk about the subject which is before the Committee.

Mr.N.Ramakrishnan: I too wish to tell one thing. Kindly do not encourage talking mockingly.

Hon'ble Leader of the House: Sometimes you are taking the ordinary words also in a wrong way.

Mr.N.Ramakrishnan: If it is told about the party leaders whom we are relying means we will get angry and

aggressiveness only. I inform that it should not go beyond the limit. Strongly condemn for it.

Mrs.S.Vijayadharani: My opinion id to remove such words from the minutes of the meeting.

Hon'ble Leader of the House:Respected Chairman of the Privilege Committee, Government Chief Whip, members of the Committee, and officers of the Privilege Committee.

The members of D.M.D.K. have behaved in a way of Anarchism which the history has not witnessed , and when the speaker of the House has ordered to evict the Vice President who was deleterious to the functioning of the House to the marshals of the House, these members have come in a rage and came to attack the speaker and the police persons who were standing surrounding the speaker as the Bulwark, was pushed away , and has thrown away their caps and has pushed and damaged the table of the Speaker of the House, and not only that the document of the House was thrown against the Speaker of the House and has prevented the Marshals from doing their duty to execute the order of the Speaker, and was involved in the scuffle and involved in arguments are all the offence which was seen by all the members of the House and which diminishes the dignity of the House and is the one which

154
violates the privileges of the Speaker of the House and is an offence of contempt.

Further the D.M.D.K. members was involved in the melee surrounding the speaker of the House in such a way that the history has not witnessed, and hence have behaved causing danger to the speaker of the House who is the protector of the House and after doing like that in the written explanation all these facts have been suppressed and has told that they have stood up and requested the speaker a chance to speak by their Vice President, is looking like hiding a big ash guard inside a plate of rice.

The Hon'ble Leader of the house have pointed out that Mr. V.C. Chandira Kumar, when he sprang towards the seat of the Speaker of the House, leaving his seat in anger the marshals of the house have prevented him in the half way and hence feeling frustrated that he cannot fulfill his intention again went to his seat and took the papers and documents which was on the table of the opposition Leader and threw it against the seat of the Speaker of the House was seen by all the members of the Assembly within the House and also seen in the Video recording and all the members in the Committee including the opposition party members have seen it and has

not only that they have expressed their condemn for such an aggressive activities of the D.M.D.K. Members .

For example while Mrs.S.Vijayadharani was speaking has told that the expression of anger by Mr.V.C.Chandira Kumar is clearly seen and has accepted the truth. Further it can be seen that the Members of D.M.D.K are involving purposefully in the Barb activities, and attempting to push off the marshals of the House, and that the involving these types of barb activities by the opposition party will not be agreed by him and those who belonged to his Party . Hence the members of D.M.D.K was involved in the deleterious activities is not denied. She has given the opinion that taking into consideration of the welfare of the people of the concerned constituency without giving much punishment, give them strong warning and shall permit them to do their duty.

Similarly the speech of A. Laser, the Marxist Communist member that the way the members of the D.M.D.K behaved was in such a way that it was against the Legislature and democratic Legacy of the Legislative Assembly and that it cannot consider that the incidents happened will increase the belief of the public on the Legislative Assembly in future and should prevent these types of incidents which exceeds physical involvement. But he mentioned that giving maximum

punishment and becoming role model for that also should be avoided. Hence the incident happened is not denied and cannot deny by him also. Further he pointed out that though they have accepted the offence has been committed while giving punishment the welfare of the people who have elected should be considered.

The action of the Desiya Murpokku Dravida Kazhakam members, violating the Rules of the Legislative assembly, and involving in the violence, melee, attacking other members, behaving to them in such a manner their democratic rights are taken away, acting not binding to the Rules of the House and the Speaker of the House are all if it is the first time, can be warned and pardoned.

Already within one year of completion after elected as the member of the Assembly the Leader of the Party involved in the violence like this in the year 2012 the members of D.M.D.K. was already given warning that hereafter if involved in these types of violence severe action will be taken by the House. But they have fled away that warning in the air, and have in February 2013 Mr. V.C. Chandira Kumar and other two members together have attacked Mr. K. Tamilazhagan and Mr. Michael Rayappan belonging to their party by running after them inside the House. In that issue though the resolution

was passed in the House to remove 6 members including Mr. V.C. Chandira Kumar for one year on 25.3.2013 but due to the generous recommendation by the Hon'ble PuratchiThalaivi Amma the said punishment was reduced to 6 months by the House on the next day another resolution was passed on 26.3.2013 making the punishment as 6 months. These things would not have forgotten by anybody.

Similarly another breach of privilege case is pending before this Committee for giving interview by saying that the room of the opposition was taken away which is against the truth. Another one issue against the D.M.D.K members is after the Session of the House on 29.10.2012 their party member Mr.SundarRajan was threatened in the lobby of the House and has scolded and talked indecently, and this issue is also pending before the Privileges Committee. Further another breach of privilege case with respect to the issue that in the month of October 2012 giving letter to the Speaker of the House asking to get an appointment to meet the Chief Minister and thus reducing the dignity of the speaker of the House.

Hence in total I was telling this for that they are continuously involved in the breach of privileges activities. Above all this they have attempted to attack the Speaker of the Assembly. If the marshals of the House did not protect the Speaker as a

Bulwark on 19.2.2015 a big Untowardness would have happened in the House.

in the Democracy the Legislative Assembly should be a debate house where the scale should be speech to speech, and not that being the main opposition party are acting for the past four years that they can threaten the co members, even the speaker of the House, and the marshals who do their duty on the order of the Speaker of the House , can attack, can damage the properties of the House, can throw the documents of the House against the Speaker of the House , nobody can do us anything, we never bind to anybody ; forgetting all this and if they are left without taking any action against them , then it will be jeopardizing the Legislative Assembly and the Democracy and not only that it will affect the belief of the people who have elected these members to the Legislative Assembly .

The majority of the Committee members have told that the six members of the D.M.D.K who have committed wrong should be punished by removing them for one year from the house. The minority members who have told to give warning and give pardon to the above members, giving an opportunity to do their duty for the people elected them. Further the similar explanation given by all the 6 members stating that they have

not done any act which diminishes the dignity of the House was not accepted by any of the Committee members in whole. Hence the punishment to be given to the members of the D.M.D.K is the after effect of the outrageous violent act of them which is unavoidable disciplinary proceedings and nothing else.

Hence it has become unavoidable to put a full stop for the activities of the members involving in anarchism by violating all Rules and diminishing the Dignity within the Hon'ble Legislative Assembly, hence the opinion that let they be warned and forgiven allowing them to do the democratic work in the House on behalf of the people who elected them is not acceptable.

Only if severe punishment is given to these type of illegal activities, then only hereafter in future not only these members all the members will behave in the Assembly with dignity and will do their democratic work in the House calmly, taking part in the debates in the Assembly and will add weal to the democracy otherwise the Legislative Assembly will become a Violence Field, and the Majesty and Honour that the people have on the Legislative Assembly and their members will be decreased.

Hence I recommend that the activities of the members of the D.M.D.K has attempted to attack the Speaker of the House, pushed away the marshals of the Assembly, and when the documents were thrown away the Speaker of the Assembly have ordered to evict them from the House to the Marshals of the Houses, and even after that prevented and pushed away those marshals who tried to execute the order of the Speaker, argued, and deleterious to the functioning of the House and was involved in the violence especially Mr. V.C. Chandira Kumar, Mr. Azhagapuram R. Mohanraj, Mr. S.R. Parthiban, Mr. K. Dinakaran, Mr. C.H. Sekar, Mr. L. Venkatesan have played a major role in this violence and hence the activities of this 6 members are very much condemnable and is an unfair act is the breach of the privileges of the House and it is an offence of contempt of the House also. Hence he has recorded his opinion that it can be recommended that as a disciplinary proceedings to be taken on these members who committed the wrongs, taking into consideration of the Precedents, they may be punished to be removed for 10 days from the commencement of the next Session from doing the work in the House and should not be given any benefits as a member of the House.

Already they are behaving each other in a high - handed manner. They never act according to the Rules of the House. They also do not act as matured or experienced persons. They never follow what the seniors say to them. They never get the advice of the experienced seniors. They are acting on their own accord. They have behaved like this several times earlier..Already they have tried to attack Tamilazhakan. They several times have done violence inside the House like in Cinema. The severe punishment is giving with an expectation that they will repent.

Chairman:Respected Chairman of the Privilege Committee, Government Chief Whip, members of the Committee, and Secretary of the House, I salute all of you.

I am of the opinion that this Committee may recommend that, based on the majority opinion of the Committee members, this Committee has decided that on 19.2.2015 the way the members of D.M.D.K being Mr. V.C. Chandira Kumar, Mr. Azhagapuram R. Mohanraj, Mr. S.R. Parthiban, Mr. K.Dinakaran; Mr. C.H. Sekar, Mr. L. Venkatesan behaved in the House is a severe breach of the Privileges of the House, and hereafter these types of activities of Anarchism should not take place in the House and as a lesson for them, it can be recommended to the House that they may be removed for 10

142
days from the commencement of the next Session from the
Legislative Assembly activities and action should be taken that
during this period these members are not given salary and
any benefits given to a member of House

Mr.N.Ramakrishnan: I do not agree for this punishment.

Hence I walk out from this.

Secretary: I inform that the draft report of the decision of the
Committee will be prepared and will be placed for approval
before the Committee in the next meeting. I give my thanks to
the Chairman of the Privilege Committee, Leader of the House,
and the members of the Committee.

After that the Committee was dispersed.

- True Copy -

MINUTES OF THE MEETING OF THE COMMITTEE

JAYA, 16TH PANGUNI, THIRUVALLUR YEAR - 2046

MONDAY, 30TH MARCH 2015

The Committee meeting of the Committee o Privilege was held in the Committee meeting hall in the Secretariat of Legislative Assembly on Monday, the 30th day of March 2015.

The following members were present for the meeting:

CHAIRMAN

Hon. Thiru. Pollachi V. Jayaraman

Deputy Speaker

MEMBERS

Hon. Thiru. Natham. R. Viswanathan
Leader of the House (Official)

Mr. R. Manoharan
Government Chief Whip

Mr. N. Ramakrishnan

Mr. R. Rajendran

Mr. P. G. Rajendran

Mr. R. Challenger Dorai @ Doraisamy

Mr. N. Nanjappan

Mr. Nainar Nagendran

Mr. K. P. P. Bhaskar

Mr. J. C. D. Prabhakar

Mrs. S. Vijayadharani

SECRETARIAT

Mr. A. M. P. Jamaludheen Secretary

Mr. P. Subramaniam Joint Secretary

Mr. K. Ramesh Deputy Secretary

SECRETARY:

Respected Chairman of the Committee of Privilege, respected Leader of the House, respected Whip of the House, members of the Committee of Privilege, officers of the Secretariat; my hearty salute to you all.

As per the decision taken in the meeting held on 27.3.2015 by the Committee the draft report has been prepared and the copies of that are given to the members of the Committee. I request that the members should give approval for that draft report. Before that the Hon'ble Chairman will read the recommendation on that report.

Chairman: Respected Chairman of the Committee of Privilege, respected Leader of the House, respected Whip of the House, members of the Committee of Privilege, officers of the Secretariat; my hearty salute to you all.

145

I am now reading the recommendations of the committee based on the opinions given by you for the punishment to be given to the members of the D.M.D.K for the offence of committing violence inside the House of Legislature which is not seen in the history of the House and destroying the Honor of the House and based on the opinion given by you all in the meeting held on 27.3.2015.

Recommendation of the Committee:

On 19.2.2015 the members of D.M.D.K. have intentionally planned and with the motivation to prevent the working of the House, and with the main intention to not to allow to function the House peacefully and has come to the House and has created nuisance in the House especially the members of D.M.D.K. namely Mr. V.C. Chandra Kumar, Mr. Azhagapuram R. Mohan Raj, Mr. S.R. Parthiban, Mr. L. Venkatesan, and Mr. K. Dinakaran came running near to the seat of the Speaker of the House and in the mode of attacking him, extending hands towards the Speaker and talked in indecent and undignified words and entered with argument and even after the Speaker has repeatedly requesting them to go back to their seat and not giving ears to that, breaching the Rules and custom of the House and underwent in a deleterious manner in a way threatening the speaker of the House and has pushed away

174
the marshals of the House who were standing in between them, and damaged the podium of the Speaker and has thrown away the documents in the House against the Speaker. Further the marshals who came to remove the Vice President of the opposition party out of the House as per the order of the Speaker was prevented them from doing their duty and has pushed them off and has entered into arguments with them. The above said incident has created a stigma to the House of Legislature which is not witnessed in the History and also is the offence of the breach of privilege of the House and Contempt of the house.

Already the members of D.M.D.K. has involved in similar types of actions earlier also and has given warning several times also and in several other issues they are punished also without considering the Rules and Custom of the House, having a thought od that we are not bonded by any Rules and regulations and obeyed to anybody and becoming emotional and involved in indecent and unruly actions and now they have reached attempting to attack the Speaker itself and to prevent the marshals of the House from doing their duties in the House.

Hence taking into consideration since that they are involved in the actions of the breach of privilege of the house continuously

, in order to retrieve the Dignity and Hour of the house , and to bring to the notice of the members representing the people that if hereafter in future involved in indecent and unruly activities they will be liable to face the severe action against them , and that this should be a lesson for the members who committed the offence and for the all other members , the action of blockading the Speaker on 19.2.2015 by the members of D.M.D.K , tried to attack, pushed his podium and caused damage, flung the documents inside the House, prevented the marshals of the House from doing their duty, causing deleterious for the functioning of the House continuously this Committee decides that the members of D.M.D.K namely Mr. V.C. Chandra Kumar, Mr. Azhagapuram R. Mohan Raj, Mr. S.R. Parthiban, Mr. L. Venkatesan, and Mr. K. Dinakaran has committed a severe breach of privilege of the House.

Hence this Committee recommends that these 5 members mentioned above should be suspended from the House for 10 days from the next Session of the House and during this period action should be taken that they should not be paid the salary and other benefits which are issued to them as the Member of the Legislative Assembly"

Secretary: The Hon'ble Speaker has sent this issue to the Privilege Committee to study and analyze and submit the report about the issue happened on 19.2.2015 in the House of Legislature. Based on that the Committee meeting was held on 20.2.2015 and 27.3.2015. Based on the debate in those meetings and decision the draft report has been prepared. I request to give approval for the said draft report.

After some discussion and debate without any correction the draft report was approved by the Committee.

Further the committee has given approval to sign in the report on behalf of the Committee and to print the said report and to give it to the Legislative Assembly.

Mrs.S.Vijayadharanai: I would like to know that when this draft Report of the Privileges Committee will be filed in the House and when do the recommendations of the Committee will come into effect?

Secretary: The report approved by the Privileges Committee will be filed in the Legislative Assembly tomorrow (on 31.3.2015)s. The Decision will be proposed by the Hon'ble Leader of the House and the said decision will be let for voting by the Hon'ble Speaker of the House and after passing the decision the recommendations will come into effect.

I give my thanks to the Leader of the House, Chairman of the privilege Committee and the members of the Committee who took part in the meeting of the Committee on behalf of the Legislative Assembly. Salutation.

After that the Committee was dispersed.

-True copy-

HON'BLE MR.NATHAM R. VISWANATHAN :- you might have seen the activities of DMKD Members Mr.V.C.Chandrakumar and five others, and totally six members. That activity was also not been accepted by the assembly rights group. They have stated that the act of the DMKD members are bad but still requested to impose lesser punishment. The act of the DMKD members on that day was a such an incident which had never happened in the assembly's history and it became a black mark to the assembly's pride. They have behaved in such a way that it will burry the coram of the aseembly and instead of protecting the democracy, it was spoiling it. This a grave offence. These six members are already been suspended for six months for such an act and when again participating in the session, they have committed such a crime. So since they are again and again doing the same, there is no chance of reforming.

When DMK member Mr.Stalin spoke, he stated that they do not agree with the punishment. In your period, Mr.A.K.bose was a member. Even I was a member. He is such a poor man who can't

even walk easily. Such a person can attack whom? Any two other persons can attack him but for him if he wants to attack someone, it will take half-an-hour to raise his hands. When he was suspended, he walked slowly. At that time, the assembly police tried to pull him and when the police bent down, his cap fell down, his cap fell down. He did not push. Out of gratitude, he took the cap and gave it to the police. For such a responsible person, severe punishment was been given. Punishment of four months has been given.

Before the resolution has been passed against Mr.A.K.bose, his assembly accomodation was been locked. Had he committed a crime which has not been committed by anyone? Had he plotted any bomb? Terrorist? He did not commit any such henious crime.

Mr.Bose did not commit any such crime as committed by the DMDK members. But severe punishment was been given and for four months he could not serve as a member for 4 months. He cannot get salary. He cannot use the members' letter pad. His accomodation was been locked. What a pity. He did not behave like DMDK members. But DMDK members got punishment for their act.

"Heinous offender if punished by the king, then it would amount to uproot the weed in order to save the sappling"

Thiruvalluvar says so. Which means, if a king severely punishes an offender, then it is equal to uprooting a weed in order to save the sappling. (Table tapping sound)

So in order to save the coram and honor of the assembly and in order to save the democracy, these weeds should be uprooted and then only the sapplings will grow. So Thiruvalluvar near about two thousand years before itself stated that if the other members have to do their democratic duty properly, the persons like them should be punished. This punishment must be undergone as like " person who ate salt has to drink water" and this a universal law. They have committed a crime. The rights body enquired in detail and finalized this punishment. So this resolution should be accepted by all the members and in future..... (Interrupted) you have given your opinion.

Afternoon 12:50

Mr.K.G.Prince, please wait. Some incidents happened inside the assembly. The policemen working here are capable of obeying the order of the speaker. While they were performing the duty, they have been punched in the ribs and other parts. Is that the assembly is a shooting spot. Even in shooting, they don't punch in real. Bit here they have punched in real. They have attacked the policemen brutally. This is an indecent act. Are you saying this as a rational one? Who will give protection for their life? speaker only can give protection. Whether not a proper protection be given to them? Whether not the speaker can prevent such incidents in the future. The affected policeman has also lodged a complaint in the police station. They have attacked in such a way the policeman got treatment in the hospital. How we can say it as rational? Please do not say this as a double punishment. Only the said 6 members have been punished but not all members of DMDK. So I request to accept this minimum punishment given under this resolution.

(Interruptions)

HON'BLE SPEAKER:- the resolution has been let for the assembly's decision.

The persons who welcome this, say "Yes"

The persons who object, say "No".

I consider that the persons who welcome is more.

The number of persons who welcome is more. The resolution has come into force. (Table tapping sound)

(Dravida Mnnerra kalagam, Indian National Congress, Indian Communist (Marxist), Indian Communist, Manidhaneya Makkal Katchi members gone out of the house)

As per the resolution passed by the speaker Desiya Dravida Murpokku Kazhagam's six members V.C.Chandrakumar, Alagapuram R.Mohanraj, S.R.Parthiban, L.Venkatesan, C.H.Sekar and K.Dhinakaran are suspended starting from today to first 10 days of the next session. The hon'ble speaker also stated that during that period, they cannot get salary and any benefit and facilities as a member of the assembly.

Program synopsis

March 31st 2015 Morning 10.00.

-Item 1- as already stated.

2. Submitting the commission's report.(1) Assembly rights commission's report.

Hon'ble Mr. Pollachi V. Jeyaraman, Deputy Speaker (Head of the Assembly rights commission) will submit the report of the assembly rights commission regarding the incident happened on 19.02.2015 where Mr. V.C. Chandrakumar and 5 other members who belong to DMDK who came to attack the speaker and did atrocity and attacked the assembly police and did not let them to perform their duty.

The item Nos. 1 and 3 already mentioned will be read as sub items 2 and 3.

-Item No. 3- as already stated

4. Government's resolution:-

A. The violation of assembly rights made by

Mr. V.C. Chandrakumar and 5 other members who belong to

DMDK who came to attack the speaker and indulged in atrocity

156

and attacked the assembly police and did not let them to perform their duty and the enquiry should immediately be taken up as per Rule 229 (B) of the Tamil Nadu Assembly rules.

B. The recommendations made in the said report is been accepted under Rule 229 (D) of the Tamil Nadu Assembly rules.

The item Nos.4, 5 and 6 already mebtioned will be read as items 5, 6 and 7.

The books kept before the assembly:

-As already stated-

Tamil nadu assembly Proceedings' digest edition No.8.

31st march 2015.

The assembly assembled in the assembly building at 10.00 headed by the Hon'ble speaker.

The session started along with the kural:-

"A persons trargets a target if works with a dteremination to acheive the target; then he will ultimately be succesful in acheving the target"

(If a person thinks of achieving a target and if he is determined so much in achieving the target, then he will get a grand success in achieving the said target)

1. Questions and answers:-

The questions in serial No.91 to 105 have been answered.

2. Special attention seeking:-

Mr.M.K.Stalin, Mr.K.Thangavel, Mr.M.Aarumugam, Mr.A.Ganesh Kumar and Professor M.H.Jawaharulla sought special attention regarding the fact that the Thoothukudi Udankudi Nuclear Reactor agreement has been cancelled and fresh agreement has been sought for.

Hon'ble Minister for Electricity, Prohibition and Exercise answered to this.

3. Submitting the commission's report.

1. Assembly rights commission's report.

Hon'ble Mr.Pollachi V.Jeyaraman, Deputy Speaker (Head of the Assembly rights commission) submitted the report of the assembly

rights commission regarding the incident happened on 19.02.2015 where Mr.V.C.Chandrakumar and 5 other members who belong to DMDK who came to attack the speaker and did atrocity and attacked the assembly police and did not let them to perform their duty.

2. General Accounts commission's report. submitting.

Mr.P.V.Kadhiravan, the head of the General Accounts Commission submitted the report of the commission between the 239 to 258 for the year 2014-2015.

3. Government's oath commission's report:-

Mr.A.K.Bose, the head of the government's oath Commission submitted the report of the commission between the 127 to 141 for the year 2014-2015.

4. Government's legal structure (introducing).

The position in the 2015 Tamil Nadu Financial stage (Amendment)
ordinance.

Hon'ble chief minister asked permission to introduce the ordinance.

The Hon'ble chief minister let the decision for the resolution to the assembly and the ordinance has been introduced.

5. Government's resolutions:-

Hon'ble Minister for Electricity, Prohibition and Exercise put forward the following resolution:-

"The enquiry regarding Mr.V.C.Chandrakumar and 5 other members who belong to DMDK who came to attack the speaker and did atrocity and attacked the assembly police and did not let them to perform their duty should be taken up today itself".

The resolution of Hon'ble Minister for Electricity, Prohibition and Exercise has been let to the decision of the assembly and accepted.

Hon'ble Minister for Electricity, Prohibition and Exercise put forward the following resolution:-

The recommendations made in the said report is been accepted under Rule 229 (D) of the Tamil Nadu Assembly rules.

Mr.M.K.Stalin, Mr.A.Soundarrajan, M.Aarumugam, professor
M.H.Jawaharulla, P.V.Kadhiravan, A.K.Bose and J.G.Prince were
all participated in the debate.

Hon'ble Minister for Electricity, Prohibition and Exercise
answered:-

The resolution of Hon'ble Minister for Electricity, Prohibition and
Exercise has been let to the decision of the assembly and accepted.

6. A Note for the assembly:-

The resolution of the Hon'ble Minister for Electricity, Prohibition
and Exercise has been decided and as per the resolution the Desiya
Dravida Murpokku Kazhagam's six members V.C.Chandrakumar,
Alagapuram R.Mohanraj, S.R.Parthiban, L.Venkatesan, C.H.Sekar
and K.Dhinakaran are suspended starting from today to first 10
days of the next session. The hon'ble speaker also stated that during
that period, they cannot get salary and any benefit and facilities as
a member of the assembly.

7. The financial report for the year 2015 to 2016.

Debate on the financial report for the year 2015-2016 (Third day).....

The following members participated:-

14. Professor Se.Ku.Tamilarasan
15. Mr.M.K.Karuppanasamy
16. Mr.M.K.Stalin
- 17.Mr.P.V.kadhiravan
18. Mr.K.P.P.Bhaskar
19. Mr.A.Narayanan
20. Professor M.H.Jawaharulla
21. Mr.V.N.P.Venkatraman
22. Mr.A.Ganeshkumar
23. Mrs.S.Vijayatharani
24. Mr.M.Aarumugam
- 25.Mr.A.Soundarrajan

8. Government's resolution:-

Hon'ble Minister for Electricity, Prohibition and Exercise put forward a resolution to take up the inspection regarding the relaxation of Assembly Rules 30, 130 and 132 and the ordinance (Amended) (Assembly ordinance No.5/2015) of the Tamil Nadu Financial Administration for the year 2015 which has been introduced today.

The resolution if the Hon'ble minister has been let to the decision if the assembly.

9. Government's ordinance (Inspecting)

1. the ordinance (Amended) (Assembly ordinance No.5/2015) of the Tamil Nadu Financial Administration for the year 2015

Hon'ble cheif-minister required to take the inspection of the ordinance (Amended) (Assembly ordinance No.5/2015) of the Tamil Nadu Financial Administration for the year 2015.

The resolution of the Hon'ble Chief minister has been let to the decision of the assembly and accepted and taken up for inspection section wise.

No change in Section 2

The resolution that section 2 to be read as a part of the ordinance has been let to the decision of the assembly.

The resolution that the synopsis and explanation of section 1 to be read as a part of the ordinance has been let to the decision of the assembly.

Hon'ble cheif-minister required to accomplish the resolution.

The resolution of the Hon'ble Chief minister has been let to the decision of the assembly and accepted and accomplished.

2. The Tamil Nadu Value added tax (amendment) Act (Assembly Notification No.2/2015)

Hon'ble minister for commercial tax and Registration required that The Tamil Nadu Value added tax (amendment) Act (Assembly Notification No.2/2015) to be taken up for inspection.

The resolution of the Hon'ble minister for commercial tax and Registration has been let to the decision of the assembly and accepted and taken up for inspection section wise.

No changes in section 2 to 4.

164

The resolution that section 2 to 4 be read as a part of the ordinance has been let to the decision of the assembly.

The resolution that the synopsis and explanation of section 1 to be read as a part of the ordinance has been let to the decision of the assembly.

Hon'ble minister for commercial tax and Registration required to accomplish the resolution.

The resolution of the Hon'ble minister for commercial tax and Registration has been let to the decision of the assembly and accepted and accomplished.

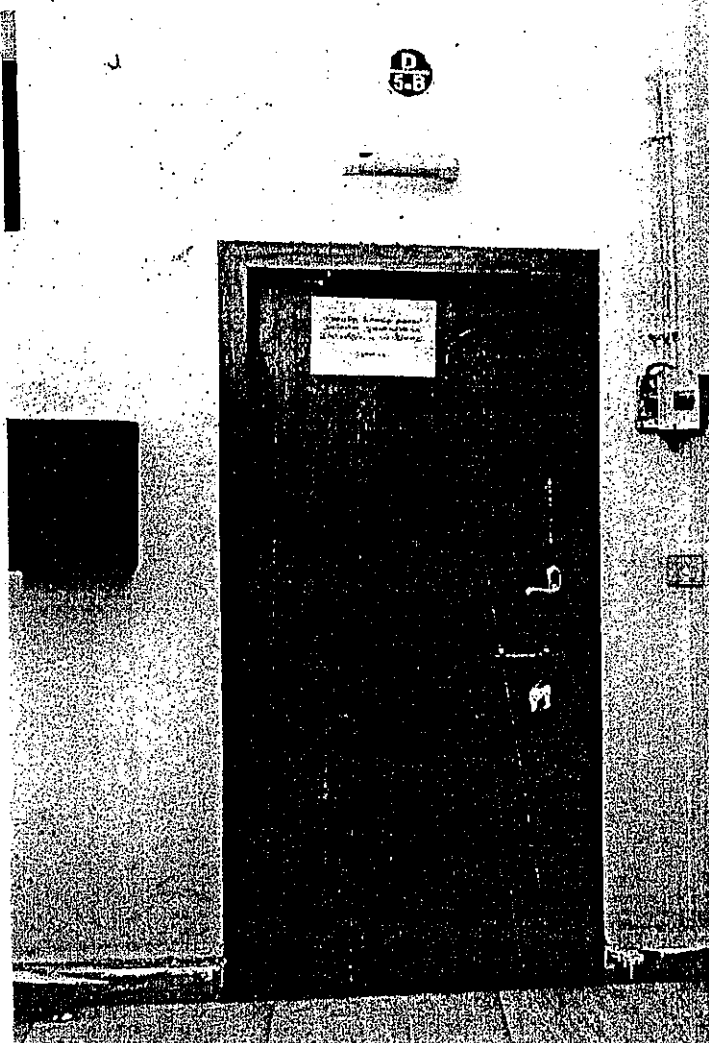
Assembly adjourned to evening 05.57.

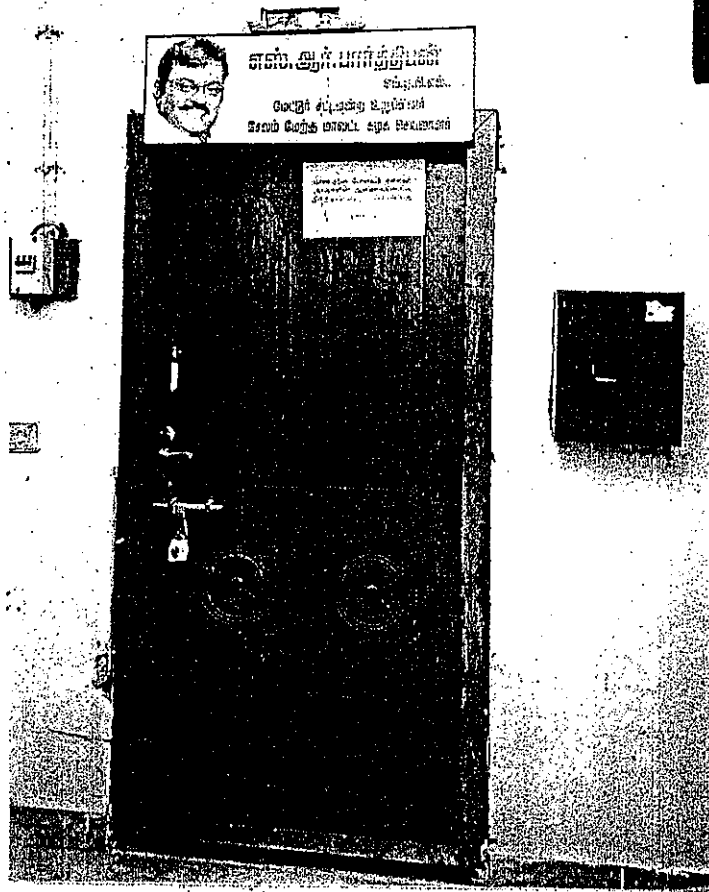
The assembly will again convene on 1st of April 2015 Morning at 10.00 a.m.

A.M.P. Jamaludeen,

Secretary,

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
I. A. No. OF 2015
IN
WRIT PETITION (CIVIL) No. OF 2015

IN THE MATTER OF:

AZHAKAPURAM R. MOHANRAJ & ORS ... PETITIONERS

VERSUS

TAMIL NADU LEGISLATIVE ASSEMBLY
REP. IT IS SECRETARY & ANR. ... RESPONDENTS

APPLICATION SEEKING EXEMPTION FROM FILING

OFFICIAL TRANSLATION OF ANNEXURES

TO
THE HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUDGES OF THE
SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE
PETITIONERS ABOVE NAMED

MOST RESPECTFULLY SHEWETH:

1. That the Petitioner prefers this Writ Petition under Article 32 of the Constitution of to issue a Writ of Mandamus directing the respondent Issue a writ of Declaration declaring the impugned resolution dated 31.03.2015, passed in the Tamil Nadu Legislative Assembly, as unconstitutional, illegal, null and void. Praying for Issue a writ of certiorari calling for the records pertaining to the resolution of the Tamil Nadu Legislative Assembly dated 19.02.2015 and 31.03.2015 in awarding multiple punishments to the petitioners on the file of the first respondent so as to quash the same.

2. That, the facts and averments contained in the abovementioned Writ Petition is not repeated herein for the sake of brevity. The Petitioner craves the leave of this Hon'ble Court to refer and rely upon the statements and averments made in the abovementioned Writ Petition.

3. That, the petitioner submits that documents marked as Annexures P-1, and originally in Tamil. As per the Rules of this Hon'ble Court, they required to be translated in English by a Translator appointed or approved by this Hon'ble Court.

4. That, since the matter is urgent, the appointment of the official translator for translation of the documents afore-mentioned into English would take considerable time, and consequently will delay the hearing of the matter. Thus, on account of paucity of time, the correct translated copy of the above mentioned documents, namely Annexures P-1, and , as supplied by the petitioner and annexed the petition before the Hon'ble High Court has been filed herein.

5. That, it is in the interest of justice that the English translation of the documents namely, Annexures P-1, and , which were originally in Marathi, and which have been filed along with the accompanying Writ Petition may be accepted for the purpose of hearing of the accompanying Writ Petition.

P R A Y E R

It is therefore most respectfully prayed that this Hon'ble Court may be pleased to:

i. Exempt the petitioner from filing official translation
of documents marked as Annexures P-1, and ; and / or

ii. Pass such other/further order as this Hon'ble Court may
deem fit and proper in the facts and circumstances of the present
case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN
DUTY BOUND, SHALL EVER PRAY.

FILED BY:

DATE:07.05.2015

(ANIL KUMAR MISHRA-I)

ADVOCATE FOR THE PETITIONERS