

DELHI VIDHAN SABHA

Bulletin Part-I

(Brief record of Proceedings)

Monday, March 18th, 1996/Phalgun 28, 1917 (Saka)

No. 71

11.50 A.M.

(National Song Vande-Matram)

Papers laid on the Table

1. Secretary laid on the Table of the House a copy of the Lt. Governor's Address to the Legislative Assembly, delivered by him on 18th March, 1996.

Introduction of Council of Ministers

2. (a) Speaker introduced to the House the Chief Minister, Shri Sahib Singh.
- (b) Chief Minister, Shri Sahib Singh introduced to the House the members of his Council of Ministers.

Announcement by the Speaker

3. Hon'ble Speaker informed the House about the writ petition filed in the Hon'ble Delhi High Court as under:-

"Hon'ble members would recall that in the previous session, on 20th December, 1995, the House had passed, by voice vote, a resolution awarding 7 days' imprisonment to four persons for shouting slogans and throwing leaflets from the visitors' gallery thereby committing the contempt of the House. I need not remind the House of the unpleasant incidents that had earlier taken place on the floor of this House as well as in the visitors' galleries on account of which the House was constrained to pass the Resolution in question.

In this connection, I have to inform the House that a writ petition under article 226 of the Constitution has been filed in the Delhi High Court. In this writ petition, the petitioners have inter alia challenged:-

- (i) that the Delhi Legislative Assembly while awarding the punishment to four contemners has acted without jurisdiction, as it cannot be said to enjoy the power, privileges and immunities listed in section 18 of the M.C.T. Act;

- (ii) that Delhi not being a State, its Legislative Assembly has no independent existence and is but an appendage of Parliament; as such there can be no contempt of a body like Delhi Vidhan Sabha;
- (iii) that the resolution passed by the House awarding 7 days' imprisonment to contemnners, be quashed; and
- (iv) that section 13 (3) of the Government of National Capital Territory of Delhi Act, 1991 being against the provisions of the Constitution, be quashed.

The persons who have filed the petition, are besides the four contemnners, one Shri Harphool Singh (who is father of two of the contemnners). The 5th petitioner is Shri Raj Kumar Chaudhan, a member of this very House.

Since this is the first case in which the powers and privileges of this House have been challenged in the court, I thought, and the Hon'ble Lt. Governor also agreed, that since important issues are involved, it would be in the fitness of things to accept the notice issued by the High Court so that the position is cleared once for all. Accordingly, on my direction, the Secretary, Vidhan Sabha, has now filed a reply in the court.

The next date of hearing of this case is now fixed for 25th April, 1996".

12.07 P.M. (The House was adjourned till 1400 hours on Tuesday, March 19, 1996).

DELHI
13th March, 1996.

P.N. GUPTA
SECRETARY