

**COMMITTEE OF PRIVILEGES
(SEVENTEENTH LOK SABHA)**

7

SEVENTH REPORT

Motion/resolution adopted by the House on 18 December, 2023 leading to suspension of Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth, MPs from the service of the House for creating grave disorder in the House and referring the matter to the Committee of Privileges for further investigation and report to the House.

[Presented to the Speaker, Lok Sabha on 30 January, 2024]

[Laid on the Table on 31 January, 2024]


AUTHENTICATED
Chairperson
Committee of Privileges



**LOK SABHA SECRETARIAT
NEW DELHI**

January, 2024/....., 1945 (Saka)

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**COMPOSITION OF THE COMMITTEE OF PRIVILEGES
(2022-2024)**

Shri Sunil Kumar Singh - Chairperson

MEMBERS

2. Shri T.R. Baalu
3. Shri Kalyan Banerjee
4. Shri Raju Bista
5. Shri Dilip Ghosh
6. Shri Chandra Prakash Joshi
7. Shri Naranbhai Bhikhabhai Kachhadiya
8. Shri Suresh Kodikunnil
9. Shri Omprakash Bhupalsinh *alias* Pawan Rajenimbalkar
10. Shri Talari Rangaiah
11. Shri Rajiv Pratap Rudy
12. Shri Achyutananda Samanta
13. Shri Janardan Singh Sigriwal
14. Shri Ganesh Singh

Secretariat

- | | | | |
|----|----------------------|---|------------------|
| 1. | Shri Raju Srivastava | - | Joint Secretary |
| 2. | Shri Bala Guru G | - | Deputy Secretary |

SEVENTH REPORT OF COMMITTEE OF PRIVILEGES (SEVENTEENTH LOK SABHA)

I. Introduction and Procedure

1. I, the Chairperson of the Committee of Privileges, having been authorized by the Committee to submit the report on their behalf, present this Seventh Report to the Speaker, Lok Sabha on motion/resolution adopted by the House on 18 December, 2023 leading to suspension of Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth, MPs from the service of the House for creating grave disorder in the House and referring the matter to the Committee of Privileges for further investigation and report to the House.

2. The Committee, in all, held two sittings in the matter. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. The Committee, at their sitting held on 12 January, 2024, examined on oath, Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth, MPs.

4. The Committee, at their second sitting held on the 30 January, 2024 considered and adopted the draft Report in the matter.

II. Facts of the Case

5. During the debate on 'Post Office Bill 2023' that was discussed and debated in the House on 18 December, 2023, Dr. K. Jayakumar and some other Members including Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth came near the well of the House and deliberately tried to disturb the House and obstruct the proceedings by raising slogans and by displaying placards. Thereafter, while other Members were standing near the well of the House and raising slogans and displaying placards, the three Members, namely Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth gradually advanced towards the 'podium' of the House and created grave disorder in the House in utter disregard to

the authority of the House. The Hon'ble Chair (Shri Rajendra Agrawal) requested the Members not to display placards in the well of the House. However, as the members continued to disregard the orders of the Chair, at 1500 hours, the Hon'ble Chair named the Members including Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth for abusing the rules of the House by persistently and willfully obstructing the Business of the House under Rule 374(1) of the Rules of Procedure and Conduct of Business in the Lok Sabha. Subsequently at 1503 hours on 18 December, 2023, the following resolution/motion moved by Hon'ble Minister for Parliamentary Affairs, Coal and Mines, Shri Pralhad Joshi was adopted by the House:-

“That Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar alias Vijay Vasanth, MPs be suspended till the Report of the Committee of Privileges for creating grave disorder in the House. The behaviour of the above said Members may kindly be referred to the Privileges Committee and they need to be suspended till the Committee gives its Report.”

6. A copy of the relevant verbatim proceedings of the House dated 18 December, 2023, wherein Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth were suspended is attached as Appendix-I for reference purpose.

III. Factual and Legal Analysis

7. In the above context, it may be pertinent to refer to relevant extract of Article 105 of the Constitution, which is reproduced as under:-

“Powers, Privileges and Immunities of Parliament and its Members:-

105. Powers, privileges, etc., of the Houses of Parliament and of the members and Committees thereof.

(1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament.

- (2) No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any Committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.
- (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.

8. In the above context, it may also be pertinent to refer to relevant extracts of Rules 349 & 374 of the Rules of Procedure and Conduct of Business in Lok Sabha, which are reproduced as under:-

"349. Whilst the House is sitting, a member—

- (ii) shall not interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;*
- (viii) shall maintain silence when not speaking in the House;*
- (ix) shall not obstruct proceedings, hiss or interrupt and shall avoid making running commentaries when another member is speaking;*
- (xi) shall not shout slogans in the House;*
- (xvi) shall not display flags, emblems or any exhibits in the House...;*

374. (1) *The Speaker, may, if deems it necessary, name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and willfully obstructing the business thereof. (2) If a member is so named by the Speaker, the Speaker shall, on a motion being made forthwith put the question that the member (naming such member) be suspended from the service of the House for a period not exceeding the remainder of the session: Provided that the House may, at any time, on a motion being made, resolve that such suspension be terminated.*"

9. The well established practice and procedure of Parliament in respect of misconduct of Members in the presence of the House *vide* Practice and Procedure of Parliament by M.N. Kaul & S. L. Shakhder, 7th Edn. (Page No. 302-303), is reproduced as under:-

"Disrespect to the House collectively is the original and fundamental form of breach of privilege, and almost all breaches can be reduced to it; Any misconduct in the presence of the House or a Committee thereof, whether by Members of Parliament or by members of the public who have been admitted to the galleries of the House or to sittings of Committees as witnesses, will constitute a contempt of the House; Such misconduct may be defined as a disorderly, contumacious, disrespectful or contemptuous behaviour in the presence of the House.

Some typical instances of misconduct in the presence of the House or Committees thereof, which have been treated as constituting contempt of the House, are –

interrupting or disturbing the proceedings of the House or of Committees thereof...

... Disobedience to the orders of the House, whether such orders are of general application or require a particular individual to do or abstain from doing a particular act is a contempt of the House."

IV. Evidence

Evidence of Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth, MPs

10. During his evidence before the Committee on 12 January, 2024, Dr. K. Jayakumar, regretted for creating grave disorder in the House during the debate in the House on 'Post Office Bill 2023' on 18 December 2023 and *inter alia* stated the following:-

"...I was MLA in the Assembly for 10 years; My conduct and behaviour were extremely well; I am sorry that this incident led to that situation; I am expressing sorry for that... I am a first-timer in the Lok Sabha... I am sorry, Sir."

11. Shri Vijayakumar *alias* Vijay Vasanth also during his evidence before the Committee on 12 January, 2024 regretted for creating grave disorder in the House during the debate in the House on 'Post Office Bill 2023' on 18 December 2023 and *inter alia* stated the following:-

"Sir, I am a first-timer... I regret for what I have done."

12. Shri Abdul Khaleque also during his evidence before the Committee on 12 January, 2024 regretted for creating grave disorder in the House during the debate in the House on 'Post Office Bill 2023' on 18 December 2023 and *inter alia* stated the following:

"Sir, as an MP, I am a first-timer; Earlier, I was MLA; But I regret."

V. Findings and Conclusions

13. The main issue before the Committee are to determine whether the conduct of Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth, MPs creating grave disorder in the House by way of raising slogans, displaying placards and advancing towards the podium of the House during the debate on 'Post Office Bill 2023' amounted to 'Breach of Privilege' and 'Contempt of the House'?

14. The Committee note that during the debate on 'Post Office Bill 2023' that was discussed and debated in the House on 18 December, 2023, Dr. K. Jayakumar and some other Members including Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth came near the well of the House and deliberately tried to disturb the House and obstruct the proceedings by raising slogans and by displaying placards. Thereafter, the three Members, namely Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth gradually advanced towards the 'podium' of the House and created grave disorder in the House in utter disregard to the authority of the House. In spite of repeated requests and repeated warnings from the Chair also, the three Members continued to shout slogans, display placards and disturbed the proceedings of the House. The Committee are of the view that any misconduct in the House or in a Committee thereof, by Members of Parliament will constitute a contempt of the House. The Committee further observe that interrupting or disturbing the proceedings of the House or of Committees thereof is a clear case of contempt of the House and accordingly, the motion/resolution adopted by the House on 18 December, 2023 leading to suspension of Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth, MPs from the service of the House for misconduct will instil high standards of decorum and ethical behaviour amongst some Members of the House who frequently disturb/interrupt/obstruct the proceedings the House in future. There has to be zero accommodation for disruption and disturbance of the proceedings of the House.

15. As mentioned above, Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth have expressed regrets in the matter. In this regard, it may also be stated that it is the well-established tradition for the Committee of Privileges, Lok Sabha to take due cognizance of all such regrets/apologies which have been tendered with genuine remorse. In the instant case, the regrets tendered by Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth, MPs appear to exhibit remorse and guilty feelings.

16. The Committee further note that it is the tradition of the House that regrets sincerely expressed by Members/persons guilty of 'Breach of Privilege' and 'Contempt of the House' are accepted by the House and the House normally decides in such cases by taking no further punitive action in such matters. The Committee is of the view that the suspension suffered by Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth so far, be taken as sufficient punishment and the House may consider discontinuance/revoking the suspension of Dr. K.

Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth, Members of Parliament at the earliest.

VI. Recommendations

17. The Committee, in the light of their findings and conclusions, observe that deliberate attempt on the part of Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth, Members of Parliament, Lok Sabha by way of creating grave disorder in the House including shouting slogans, displaying placards and advancing towards the 'podium' of the House during the debate on 'Post Office Bill 2023' thereof is a clear case of 'Contempt of the House'.

18. Nevertheless, in view of the regrets expressed by Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth, Members of Parliament during their evidence before the Committee, the Committee are of the considered view that no further punitive action is called for in the matter. The Committee, therefore, recommend that the suspension suffered by Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth so far, be regarded as sufficient punishment and the Hon'ble Speaker, Lok Sabha may consider discontinuance/revoking the suspension of Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth, Members of Parliament, Lok Sabha at the earliest.

SUNIL KUMAR SINGH
CHAIRPERSON
COMMITTEE OF PRIVILEGES

New Delhi

Dated: 30 January, 2024

MINUTES

**MINUTES OF THE THIRTY EIGHTH SITTING OF THE COMMITTEE OF
PRIVILEGES
(SEVENTEENTH LOK SABHA)**

The Committee met on Friday, 12 January, 2024 from 1500 hrs. to 1605 hrs. in Committee Room '2', EPHA, New Delhi.

PRESENT

Shri Sunil Kumar Singh – Hon'ble Chairperson

MEMBERS

1. Shri T. R. Baalu
2. Shri Kalyan Banerjee
3. Shri Raju Bista
4. Shri Achyutananda Samanta
5. Shri Suresh Koddikunnil

SECRETARIAT

Shi Raju Srivastava - Joint Secretary
Shri Bala Guru G. - Deputy Secretary

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee. Thereafter, the Committee took up for consideration, the motion/resolution adopted by the House on 18 December, 2023 leading to suspension of Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth, MPs from the service of the House for creating grave disorder in the House and referring the matter to the Committee of Privileges for further investigation and report to the House.

3. Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth, MPs were examined on oath.

(the witnesses then withdrew)

4. XXXXX XXXXX XXXXX

5. A copy of the verbatim of the proceedings of the sitting of the Committee has been kept.

The Committee, then, adjourned.

MEMBERS

1. Shri T. R. Baidya
2. Shri Kalyan Banerjee
3. Shri Kailash
4. Shri Abhishek Samanta
5. Shri Anand Kishore

SECRETARIAT

Shri Raju Shrivastava
Shri Bal Gaur G.
Joint Secretary
Deputy Secretary

**MINUTES OF THE THIRTY NINTH SITTING OF THE COMMITTEE OF
PRIVILEGES
(SEVENTEENTH LOK SABHA)**

The Committee met on Tuesday, 30 January, 2024 from 1500 hrs. to 1535 hrs. in Committee Room '2', EPHA, New Delhi.

PRESENT

Shri Sunil Kumar Singh – Hon'ble Chairperson

MEMBERS

1. Shri T. R. Baalu
2. Shri Raju Bista
3. Shri Suresh Kodikunnil
4. Shri Chandra Prakash Joshi

SECRETARIAT

Shi Raju Srivastava - Joint Secretary
Shri Bala Guru G. - Deputy Secretary

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee. Thereafter, Committee thereafter took up for consideration the draft report on the motion/resolution adopted by the House on 18 December, 2023 leading to suspension of Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijayakumar *alias* Vijay Vasanth, MPs from the service of the House for creating grave disorder in the House and referring the matter to the Committee of Privileges for further investigation and report to the House. The Committee after some discussion adopted the draft report.

3. XXXXX

XXXXX

XXXXX

4. A copy of the verbatim of the proceedings of the sitting of the Committee has been kept.

The Committee, then, adjourned.

MOTION RE: REFERRING QUESTION OF PRIVILEGE AGAINST DR. K. JAYAKUMAR, SHRI ABDUL KHALEQUE AND SHRI VIJAYKUMAR ALIAS VIJAY VASANTH, MPs TO COMMITTEE OF PRIVILEGES

1503 hours

THE MINISTER OF PARLIAMENTARY AFFAIRS, MINISTER OF COAL AND MINISTER OF MINES (SHRI PRALHAD JOSHI): Hon. Chairperson, Sir, with your permission, I beg to move:

“That Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijaykumar *Alias* Vijay Vasanth, MPs be suspended till the Report of the Committee of Privileges for creating grave disorder in the House. The behaviour of the above said Members may kindly be referred to the Privileges Committee and they need to be suspended till the Committee gives its Report.”

HON. CHAIRPERSON: The question is:

“That Dr. K. Jayakumar, Shri Abdul Khaleque and Shri Vijaykumar *Alias* Vijay Vasanth, MPs be suspended till the Report of the Committee of Privileges for creating grave disorder in the House. The behaviour of the above said Members may kindly be referred to the Privileges Committee and they need to be suspended till the Committee gives its Report.”

The motion was adopted.

माननीय सभापति: सभा की कार्यवाही मंगलवार, दिनांक 19 दिसम्बर, 2023 को प्रातः 11 बजे तक के लिए स्थगित की जाती है।

1504 बजे

तत्पश्चात् लोक सभा मंगलवार, 19 दिसम्बर 2023 / 28 अग्रहायण 1945 (शक)
के ग्यारह बजे तक के लिए स्थगित हुई।