

3

THIRD REPORT

(Presented to the Speaker, Lok Sabha on 31 December, 2012)

(Laid on the Table on 26 February, 2013)



LOK SABHA SECRETARIAT
NEW DELHI

February, 2013/Magha, 1934 (Saka)



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CONTENTS

PAGE

Personnel of the Committee	.(ii)
Report	...(1)
Minutes of sittings of Committee	

THE COMMITTEE OF PRIVILEGES*
(15TH Lok Sabha)
(2011-12)

Shri P.C. Chacko

Chairman

MEMBERS

2. Shri Pratap Singh Bajwa, MP
3. Dr. Baliram, MP
4. Shri Kaylan Banerjee, MP
5. Shri. T.K.S. Elangovan, MP
6. Shri Syed Shahnawaz Hussain, MP
7. Shri Naveen Jindal, MP
8. Dr. Ajay Kumar, MP
9. Shri Ananth Kumar, MP
10. Shri Shailendra Kumar, MP
11. Shri Baidyanath Prasad Mahto, MP
12. Shri Gopinathrao Pandurang Munde, MP
13. Smt. Annu Tandon, MP
14. Shri A. Venkatrami Reddy, MP
15. Shri Arun Yadav, MP

*Reconstituted on 24 November, 2011 *vide* Bulletin Part-II para No. 3374

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12. Shri. T.K.S. Elangovan, MP
13. Shri Arun Yadav, MP
14. Shri Dharmendra Yadav, MP
15. Vacant

SECRETARIAT

1. Shri V.K. Sharma ----- *OSD*
2. Shri V.R. Ramesh ----- *Joint Secretary*
3. Shri Ashok Sajwan ----- *Additional Director*
4. Dr. Rajiv Mani ----- *Deputy Secretary*
5. Shri Bala Guru G ----- *Legislative Officer*

*Reconstituted on 24 November, 2011 *vide* Bulletin Part-II para No. 3374

THIRD REPORT OF COMMITTEE OF PRIVILEGES

(FIFTEENTH LOK SABHA)

I. Introduction

I, the Chairman of the Committee of Privileges, having been authorized by the Committee to submit the Report on their behalf, present this Third Report to the Speaker on the question of privilege given notices of by Sarvashri Asaduddin Owaisi, Jagdambika Pal and E.T.Mohammad Basheer, MPs regarding casting aspersions on and imputing motives to the decision of the Speaker, Lok Sabha in its editorial captioned "RIGHT TO RESIGN" Speaker's action unconstitutional published in "The Statesman" dated 24 November, 2011.

2. The Committee held six sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. At their first sitting held on 15 May 2012, the Committee considered the Memorandum No. 5 on the subject. The Committee directed that Sarvashri Asaduddin Owaisi, Jagdambika Pal and E.T. Mohammad Basheer, MPs who gave notices of question of privilege and Shri Ravindra Kumar, Editor and Managing Director, "The Statesman", responsible for the impugned editorial which appeared in the said newspaper be requested to appear before them for oral evidence on 21 May, 2012.

4. At their second sitting held on 21 May 2012, the Committee examined on oath Shri E.T. Mohammed Basheer, MP. Shri Jagdambika Pal and Shri Asaduddin Owaisi MPs owing to their pre-occupations sought exemption from appearing before the Committee on the said date. The Committee, thereafter also examined on oath Shri Ravindra Kumar, Editor and Managing Director of "The Statesman".

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On 06 June, 2012, the Committee examined on oath Shri Jagdambika Pal, MP. However, Shri Asaduddin Owaisi, MP, owing to his indisposition could not appear before the Committee.

6. At their fourth sitting held on 20 June 2012, the Committee examined on oath Shri Asaduddin Owaisi, MP. Thereafter, the Committee again examined on oath Shri Ravindra Kumar, Editor and Managing Director of 'The Statesman'.

7. At their fifth sitting held on 5 September, 2012, the Committee considered the apology published by Shri Ravindra Kumar Editor and Managing Director of 'The Statesman' in editorials datelined 15 and 16 July 2012. The Committee deliberated upon the matter and arrived at their findings and conclusions. The Committee directed the Secretariat to prepare a draft report in the matter for their consideration.

8. At their sixth sitting held on 13 December, 2012 the Committee considered the draft report and adopted it. The Committee then authorized the Chairman to finalize the report accordingly and present the same to the Speaker, Lok Sabha.

Brief Background

9. Shri Asaduddin Owaisi, Shri Jagdambika Pal and Shri E.T. Mohammed Bashir MPs gave a joint notice of question of privilege dated 25 November, 2011 against 'The Statesman' newspaper for casting aspersions on and imputing motives to the Speaker, Lok Sabha in an article published in its New Delhi edition dated 24 November, 2011 under the caption 'Right to Resign.ø The members contended that the newspaper had criticized the decision of Hon'ble Speaker in rejecting the resignations of 12 members of the Lok Sabha after 134 days, who had tendered their resignations from Lok Sabha on the issue of creation of a separate Telangana State in July, 2011. Further, the newspaper also imputed ulterior motives to the decision of the Speaker in rejecting the resignations of these MPs, after a prolonged gap.

The members contended that casting of such aspersions on the Speaker amounted to breach of privilege of the House and sought action against the Editor of 'The Statesman' for the same. The members requested that the matter may be referred to the Committee of Privileges for examination and report.

The impugned editorial under the caption öRIGHT TO RESIGN ö Speaker's action unconstitutionalö read as follows:-

"After sitting on the resignations of 12 members of the Lok Sabha, eight Congress and two each from the Telugu Desam Party and the Telugu (Telangana) Rashtriya Samithi, for 134 days, Speaker Meira Kumar has rejected them on the eve of the winter session of Parliament. The resignations were as per Section (3) (b) of article 101 of the Constitution and sent to the Speaker on 4 July to protest the UPA government going back on its 9 December 2009 announcement to restore statehood to Telangana. They were voluntary and genuine, and the MPs said they could no longer fulfill their responsibilities to the people of their respective constituencies.

The only reason for the Speaker to reject them can be to prevent any erosion of the UPAs strength in the Lok Sabha, If so, this is not the Speaker's job and shame on her if she has made it, so. The 12 members are now left only with the option of staying away from the House without permission for 60 consecutive days of sitting so that the Speaker may declare their seats vacant. Even in this case, the Speaker can drag things on because the constitutional provision on vacation of, seats says the House 'may' and not 'shall' declare the seat vacant. In this winter session, the Lok Sabha sits for 21 days only. With the number of sitting days declining, it will be some time before a member can remain absent continuously for 60 days.

The Speaker once elected ceases to be a member of the party on whose nomination he or she was elected to the House. Framers of our Constitution did not consider it necessary to specify this obvious practice, but it is widely accepted to be the case. Meira Kumar, by refusing to accept the resignation of the 12 members, has devalued the office of the Speaker. Her action has succeeded in bringing the Congress leaders from the region closer to the BJP. Ravi Shankar Prasad of the BJP has accused the UPA of manipulating democratic institutions, including the office of the Speaker, to delay the formation of Telangana. The UPA is playing with the sentiments of the people of Telangana. The statehood issue was part of the Common Minimum Programme of UPA-I. Two years ago, Home Minister P Chidambaram announced that steps would be initiated for the formation of Telangana State. But on that occasion at least, his words, carried little weight. The government continues to make a mess of this contentious issue, and now does so with the active collaboration of a person expected to be above partisan politics."

ie Speaker Lok Sabha in exercise of her powers under Rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha, referred the matter to the Committee of Privileges for examination, investigation and report.

III. Evidence

Evidence of Shri E. T. Mohammed Basheer, MP

11. Shri E.T. Mohammed Basheer, MP, during his evidence before the Committee on 21 May, 2012, *inter alia* stated as follows:-

˜We all know that this (the privilege notice) is based on a news item which appeared in *The Statesman* daily published from Delhi on 24th November, 2011 under the title 'Right to Resign'. In our notice, we have attached this also. In this article, the newspaper says and I just quote two sentences from that report. The first thing is that we all know that it is based on the rejection by the Speaker of 12 Membersø resignation from the Parliament. On the basis of that report, they have stated: *The only reason for Speaker to reject them can be to prevent any erosion of UPA strength in the Lok Sabha. If so, this is not the Speakerøs job and shame on her if she made it so.*ø

I may be allowed to read the second quote from that. Again it says: 'Meira Kumar by refusing to accept the resignation of 12 Members has devalued the office of the Speaker. Her action has succeeded in bringing the Congress leaders from region closer to BJP.' Even though, there are other objectionable parts also in this article, I wish to highlight these two things. If you analyze the report in a total manner, we can arrive at a conclusion without any doubt that this newspaper report has made false allegation against the Speaker. There is every reason to believe that this newspaper has an ulterior motive in publishing such a report.

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created an impression that the Speaker is a part of the political controversy. It goes without saying that the report is highly objectionable and condemnable. It amounts to the degradation and lowering of the esteemed position of the hon. Speaker. In this, I wish to add one more thing. In a free democracy like ours, I realize the significance of the freedom of the Press. They are at liberty to criticize the system including that of the Speaker. But there also they have to maintain certain decorum. What the role of the press in a democracy should be is given in the 13th Report of the Privilege Committee during second Lok Sabha. I would like to quote one paragraph from that and it says, -Nobody would deny the Press or as a matter of fact any citizen the right of fair comment. But if it contains personal attacks on individual Members of Parliament on account of their conduct in the Parliament or if the language of the comment is objectionable, it cannot be deemed to come within the bounds of fair comment or justifiable criticism.ø

Sir, I do admit that the freedom of press will have to be honoured by everybody including myself. But this kind of mudslinging or abusing of one of the highest post of the country cannot be undermined, and it should be treated very seriously.

Before concluding my submission, I would like to quote Pandit Jawaharlal Nehru. Nehruji said, -The Speaker represents the House. He represents the dignity of the House, the freedom of the House and because of that he represents the nation. In a way the Speaker becomes the symbol of the nation and freedom and liberty. Therefore, it is right that that should be an honoured position, a free position and should be occupied always by men of outstanding ability and impartiality.ø

Fortunately this country is having a Speaker as described i. I am very sorry to see that this kind of an article has appeared in a national daily. It is highly objectionable. It should not be tolerated. I am of the firm opinion that strict action should be taken against this news-item and whoever is responsible for publishing this highly objectionable news-item. This is my humble submission.ö

Evidence of Shri Jagdambika Pal, MP

12. Shri Jagdambika Pal, MP, during his evidence before the Committee on 6 June, 2012, *inter alia* stated as follows:-

öThe matter for which I have been called today, that is, the Editorial published in *'The Statesman'* in its Delhi Edition dated 24.11.2011 under the heading *'Right to Resign'* is a serious matter which, in my opinion, has caused irreparable hurt to the dignity of the office of the Hon^{ble} Speaker which, in our parliamentary democracy, is the representation of the collective will and wisdom of our electors through their representatives. The House, as a collective institution, is represented by the Hon^{ble} Speaker and her decisions are collectively binding on its Members and others.

It is a parliamentary practice that no one can question the decision of the Speaker. I would like to submit that it is really shocking that *The Statesman*, which is a reputed newspaper, should be ignorant of these basic facts and practices. I have nothing against a fair comment or any analysis of the decision taken by the authority. However, imputing motives behind any decision, in this case, of the Speaker in rejecting the resignations of the Members representing the Telengana Region of Andhra Pradesh after they were pending with her for 134 days, questions her competence and the way she discharged her duties as the Speaker of this House.

he Speaker is elected by consensus and in her case the Members of all the Parties of Lok Sabha have reposed their faith in her ability to guide and lead the House. So, she on her part has been very fair in discharge of her duties. But the Editorial published in *‘The Statesman’* states that she inclined favourably to see that the present UPA Government survives because in case she accepts these resignations, there could be an erosion of UPA’s strength in Lok Sabha. It is settled position that no reasons need to be given by a Member while he or she resigns from the House.

In the present case the statement said that Members who had submitted their resignations to the Speaker are presumably agitated because the Central Government is not acting on its assurance to create a separate State of Telengana. With this approach of the Central Government, these Members had submitted their resignations. If this is the basis of their submitting the resignations then even otherwise it is not as per the norms prescribed in this regard.

I do not know whether *‘The Statesman’* is aware about this parliamentary practice or not. However, there is no doubt about it when even we go to the extent of saying that these resignations were voluntary and genuine. I do not know whether they had submitted these resignations in consultation with the Editor of *‘The Statesman’* or on their own free will.

Hon’ble Chairman, the reflection upon the Hon’ble Speaker is a matter of great shame on *‘The Statesman’* and not on the Speaker. It is prudent practice in the journalistic circles to verify the authenticity of any news before publishing it.

principle that the House is supreme in the matter of its own rules of procedure and conduct of business. The power which has been conferred upon the Speaker by the Constitution or the rules of procedure and conduct of business is non-disputable. They are intended to serve the purpose of smooth functioning of the House and in the interest of the House.

In the present case, the Editor of *The Statesman* (Shri Ravindra Kumar) is before the Committee of Privilege, for the second time, it may be known, is not aware of the submission upon which I have emphasised before you, but it reflects the casual attitude on his part to speak anything about anyone. It is high time that the Press realises its sensitive role in commenting upon matters which concern the functioning of the high institutions.

Criticism is not bad *per se* but pervasive criticism is sought to be justified on the ground of it being a fair comment and needs to be decried upon. I condemn this piece of journalist endeavour and request you to see that the prestige and dignity of the Parliament reposed in its custodian, that is, Speaker is safeguarded by the Committee of Privileges and a message should go that we all have to work within the confines of our own boundaries and the Constitution.

If anybody is criticising the decision which has been taken by the Speaker, it is absolutely a matter of privilege also because in the rules of procedure and conduct of business and the Constitution there is no time limit for the Speaker that if any member of the House submits his resignation within this time-frame the Speaker has to take a decision. If there is no time limit for Speaker, then I think if anybody criticising her decision definitely comes under the purview of the breach of privilege.

le Chairman has also raised very valid points. There is a clear cut format for resignation. If any Member wants to resign, he cannot resign with certain conditions. In this case, particularly he has written that they have resigned because the Government had made an announcement on the floor of the House that Telengana State will be separated and it has not done so.

Our Parliament can only run by either by the Constitution or by the decision of the Speaker, by certain precedents and customs which are laid down by the House itself and the House is supreme. So, I think it is clear.

Now-a-days it has become a fashion that not only *The Statesman*, but you might have seen that persons who do not have any privilege have started criticising the Parliament and the Members of Parliament. So, it is the responsibility of this Committee to safeguard and protect, at least, the privileges of this Parliament because the representatives of the Parliament are elected by the people of this country. So, it is a sovereign and supreme body of the Constitution.

...So, he has not utilised his privileges in the interest of the country or the society. Whatever he has written in the newspaper is against the rules of Constitution because the Constitution provides some privileges to the Parliament, to its Members, and to the Speaker. So, if he has written against those norms and against the Constitution, then he is completely liable and he is guilty. You have to set an example and somebody should be taken to task, otherwise it will become a fashion and any newspaper or any channel will start criticising Speaker. The Speaker has some prerogatives also. You cannot question the Speaker in the eyes of the law also. Even the Supreme Court or High Courts cannot question the decision of the Speaker. If the

breach of privilege.

...*The Statesman* under the heading *Right to Resign* has criticized the decision of the Hon'ble Speaker in rejecting the resignations of 12 Members of the Lok Sabha: 8 from INC, 2 each from TDP and TRS who had tendered resignations in July, 2011 on the issue of Telangana. Further, ulterior motives have been imputed against her decision. The newspaper has termed the act of the Speaker as a shame on her. I think, if the newspaper has written *–a shame on her*, casting of such aspersions on the Speaker amounts to a breach of privilege. If the editorial of that newspaper has written that it is a shame on her, whatever decision she has taken or any Speaker has taken either today or in future or somewhere in the past also, what does it mean? Whatever decision has been taken by the Speaker, if the decision of the Speaker is termed by any newspaper that it is a shame on her, it is a shame on the country, then what does it mean? It is a clear-cut breach of privilege and sovereignty of the House also. Speaker has a prerogative also; Speaker has powers and privileges also. In this particular case, whatever the editorial has written, I have already given in my notice as to why this matter comes under breach of privilege. It is because, what they have written is absolutely casting aspersion on the Speaker and it amounts to the breach of privilege.

We are all aware that Speaker is the custodian of the House. Speaker as custodian means, if a Member who has been elected by the electoral college of the respective constituency, it is the responsibility of the Speaker to safeguard the interest of that constituency also. If anybody who has resigned, it is his prerogative; it is for the Speaker to decide on the resignation; and

r she will take in taking a decision is not specified. It f she has not taken a decision within such timeframe anybody has a right to criticize. Even for any newspaper, there are certain guidelines also. Under Article Paper Publication, Information and Broadcasting Ministry has laid down some principles and some parameters for the newspapers also otherwise they will become monarch of all survey; they can enjoy all freedom; and they can go to any extent.

Whatever the Statesman has written in its editorial, is the responsibility of its editor. Without seeking the version of the Speaker, without taking her consent, no one has any right to criticize. Parliament is absolutely sovereign and constitutional body. There are rules and procedures of the House. Even the decision by the Speaker is also considered like a set practice and precedence to run the House smoothly. How you can say that people have the right to criticize Speaker's decision? I have already told you that the intention of the editorial is to lower down the prestige of the Hon'ble Speaker and her Office. It casts allegations upon her in the discharge of her duties. It is a settled proposition that a person when elected to the Office of the Speaker, disassociates himself or herself from party. On the first day, when Speaker is elected, he/she makes a promise to the House to protect everybody whether he or she is from the Ruling Party or the Opposition, it makes no difference for the Speaker.ö

13. Shri Asaduddin Owaisi MP, during his evidence before the Committee on 20 June, 2012, *inter alia* submitted as follows:-

“Sir, with your permission, I want to corroborate my notice dated 25th November, 2011 with the following submission:

The utter contempt with which the article treats the Office of the Speaker is well evident. The words ‘shame on her’ speaks all about it. The content of the article clearly attribute a personal attack on the Speaker, Lok Sabha. Further, I would like to submit that the Office of the Speaker is a constitutional office and enjoys an exalted status in our democratic set up. The impartiality is an integral attribute of this Office and reflections thereon have been held to be breach of privilege and contempt of the House.

The editorial published by ‘The Statesman’ lowers the prestige of the Hon’ble Speaker and her Office. It casts allegations upon her in the discharge of her duties. The editorial misleads the reader that the Speaker takes decision on party lines in discharge of her constitutional duties.

It is a settled position that a person when elected to the Office of the Speaker dissociates himself or herself from the Party to which he or she belongs to, and the Speaker has to be impartial and that the decisions rendered by her are above board. The editorial gives an unfounded impression that the Speaker takes decision (in this case) of rejecting the resignation of some members of the Lok Sabha on the basis of party politics and does not adhere to Rules and Procedures while taking decisions. The editorial thus degenerates the High Office of the Speaker and lowers its respect in the eyes of the common man. The editorial is based on biased idea and opinions, makes wild allegations upon the Speaker

position, is a clear case of breach of privilege for which even against *The Statesman*... The criticism made in the editorial is not a reasonable criticism. It has cast aspersions on the integrity of the Speaker and Parliament. It suggests that the Speaker is being influenced by the ruling coalition to make decisions that are beneficial to them. The media cannot hide behind Article 361A of the Constitution because this editorial has been published with malice. That is why, this cannot be called a reasonable criticism. As it is, Sir, we are living in such times wherein some groups and forces are trying to create a sort of disenchantment with Parliament. So, in such a situation, I think, every newspaper has to be responsible about the news and the editorial which they write. That is why, I feel that this whole editorial has been written with malice, it is not within reasonable criticism, and certainly Parliament and the Committee of Privileges must take notice of this. ...Sir, if you read the whole editorial, you will notice that it denigrates the high office of the Speaker. It says that the Speaker is not impartial; the Speaker is controlled by the Government of the day in taking her day-to-day decisions, whereas our Constitution makes the Speaker independent. By casting aspersions on the office of the Speaker it has been implied that it is controlled and is not sovereign. ...I am of the opinion that to accept or not to accept the resignation of a Member is the prerogative of the Speaker. That is her judgment call. The second point is that, out of the Hon'ble Members who had given resignations, subject to verification, two Members despite giving resignation had put in questions in the Parliament and also attended committee meetings. This in itself clearly shows that the members were not serious (about their resignation). I cannot speak on behalf of the Speaker, but again with due respect to the highest office, I would say that if I had been in her position, I would have concluded that they are non-serious. If I am submitting my resignation to Speaker of the House and at the same time, I come and attend the Standing Committee meetings and

the Parliament, it means that I am not serious. That in speaker has exercised her judgment in the right way.

...Sir, then you mentioned about the Constitutional Review Committee. Please check once again the paragraph which you quoted. It exclusively talks about the conduct of the Members in the House; it does not talk about the post of the Speaker or the powers of the Speaker or the prerogative which the Speaker has. The Constitutional Review Committee has not talked about or touched on this aspect. I have to again read it, but as far as the paragraph you have read, there is no mention of what the Speaker should do or should not do.

...You had also asked me about the immunity to the media. You are absolutely right, Sir, that Article 19(1)(a) is a Fundamental Right giving freedom of speech and expression. At the same time, it is not an unfettered right. There are limitations to it. There are limitations on me. That is why, if you put Article 19 and say that I have freedom of expression, I would say *no*. You should also look at section 153A of IPC. So, one cannot claim to take protection of Article 19. That is what the framers of our Constitution talked about. Definitely, there has to be a line which neither we, as parliamentarians, nor anyone else should cross, but then if the media says that *we will do whatever we want and we will question the Speaker's action by saying "Speaker's action unconstitutional", "shame on her" and "she can drag on"* then it is not fair. These are words which are casting aspersions, which are questioning the powers of the Speaker. The powers of the Speaker are well defined. There is a plethora of legal cases which the Committee can examine *what happened in Andhra Pradesh case where the *Eenadu*'s editor was called and the Tamil Nadu case where the Speaker said that he will not even follow the Supreme Court's direction and arrest the Editor. There is a plethora of cases.*

...Article 19 is not an unfettered right. I feel that the media themselves should decide certain boundaries which they should not cross.

...The Speaker is the repository of the Parliament of whatever happens in the four walls of this edifice or this House. I am of the strong opinion that media has the fullest right to criticise; to scrutinize; and to ask for accountability, but there is a very fine and definitely a thin line between criticism, accountability and derogatory words and that is why you do not call criticism derogatory, but you call derogatory criticism. The usage of word is there.

...The Hon'ble Speaker has accepted one MP's resignation from Andhra Pradesh; bye-election was held; and results had come out. She has accepted it also, and in that she has exercised her judgement. I strongly disagree to the usage of words -shame on her to question the judgement of the Speaker, as it is definitely derogatory.

...Democracy is not always a game of numbers. Democracy can only survive if there is separation of power with independent Judiciary, Legislature and the Executive, and when you talk of separation of power, you have to have the powers of the Speaker for the whole sovereignty of Parliament because once you start questioning the Speaker, then you are questioning the sovereignty of Parliament. Once you use derogatory terms against Speaker, you are trying to weaken the sovereignty of Parliament. This is my point.ö

14. Shri Ravindra Kumar, Editor, *The Statesman* *vide* his letter dated 21 May, 2012 prior to his oral evidence, stated as follows:-

It is submitted at the outset that *The Statesman* holds Parliament in high respect, and is committed to the strengthening of parliamentary democracy in India. The Articles of Association of *The Statesman Ltd.* lay down its editorial policy which states, "It shall be the policy of every newspaper, periodical or other publication published by the Company to uphold the concept of the Rule of Law and the principles of democratic government as set out in the Constitution of India, especially the fundamental rights secured and contained therein"

It is submitted with the utmost respect that until Parliament codifies its Privileges, there is and will be considerable difficulty in determining what these Parliamentary privileges are, and consequently those who are not members of Parliament are and will be placed at considerable disadvantage when charged with breach of privilege, to the extent of a denial of due process.

It is submitted further that the Constitutional position on privilege makes it virtually impossible to determine the specific privileges that members of Parliament enjoy. Article 105 (3) states: "In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and 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

stitution (Forty-fourth Amendment) Act, 1978.ö This

therefore makes it essential for a citizen to procure an

edition of the Constitution prior to 44th Amendment, i.e. an edition published prior to 1978, to understand the powers and privileges of Parliament. Even if the citizen somehow procures such a copy of the Constitution, it will only be to discover that the privileges of Parliament ö before and after the adoption of the 44th Amendment - are the same as those of members of the House of Commons as they existed at the commencement of our Constitution. While it is possible to determine easily what the privileges of members of the House of Commons are on the present day, it is not so easy to determine what they might have been 62 years ago quite simply because parliamentary law and practice in the United Kingdom have evolved constantly. These difficulties, therefore, make it almost impossible for a citizen to understand what are the privileges of parliament, other than those defined by Article 105(1) and (2). It is submitted respectfully that unlike in Britain, we in India have a written Constitution and the framers of our Constitution by the use of the words öshall be such as may from time to time be defined by Parliament by lawö enjoined upon Parliament the obligations to (i) define or codify its privileges and (ii) to review these from time to time. In other words, the framers of our Constitution were sagacious in realizing that parliamentary privilege cannot be a static concept, and must of necessity evolve with time. This sagacity is mirrored by the conduct of other Commonwealth parliaments which have over the past 60 years visited the subject of parliamentary privilege more than once. In any event, it must be accepted and appreciated that the privileges of the House of Commons were first claimed when it was struggling to establish a distinct role for itself within Parliament. As noted by Erskine May, these privileges were necessary to protect the House of Commons and its members, not from the people, but from the power and interference of the King and the House of Lords.

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It is submitted further that the need to codify parliamentary privileges has been voiced by various statutory bodies. An illustrative, but by no means exhaustive, list is submitted below:

- a) The National Commission to Review the Constitution (of India) in its report submitted in 2003 had said: *‘The founding fathers envisaged codification of parliamentary privileges by Parliament by law. But so far no law has been made and these privileges remain undefined. It is somewhat curious situation that even after more than 50 years after the commencement of the Constitution we are unable to lay down precisely by law when a Member of Parliament is not subject to the same legal obligations as any ordinary citizen is. The only idea behind parliamentary privilege is that members who represent the people are not in any way obstructed in the discharge of their parliamentary duties and are able to express their views freely and fearlessly inside the Houses and Committees of Parliament without incurring any legal action on that account. Privileges of members are intended to facilitate them in doing their work to advance the interests of the people. They are not meant to be privileges against the people or against the freedom of the Press. The Commission recommends that the time has come to define and delimit privileges deemed to be necessary for the free and independent functioning of Parliament.’*
- b) The Second Press Commission observed in 1982: *‘We think that from the point of view of freedom of the press it is essential that the privileges of Parliament and State Legislatures should be codified as early as possible.Ø*

, 1982, the Press Council adopted a set of recommendations, one of which (No. 19) urged codification of privileges *in the interest of the freedom of the press.*’

d) Bodies such as the Indian Newspaper Society and the Editors’ Guild of India have often urged on Parliament the need to codify its privileges.

It is submitted further that Commonwealth countries, too, have acted on the need to codify privileges and have even reworked already codified privileges to take them further away from restrictive positions and closer to liberal ideals, where the rights of the Press to criticise fairly the conduct of legislators and presiding officers are offered protection.

The Joint Committee on Parliamentary Privilege of the United Kingdom parliament had in its report submitted in 1998-99 stated: “*Parliament's disciplinary and penal powers are part of the control exercised by Parliament over parliamentary affairs. Conduct, whether of a member or non-member, which improperly interferes with the performance by either House of its functions, or the performance by members or officers of their duties, is a contempt of Parliament. Contempt should be statutorily defined. The penal sanctions make it particularly important that the scope of contempt should be clear and readily understood...Parliament's jurisdiction over contempts committed by non-members should be transferred to the courts.*” *emphasis added.* Australia invoked Section 49 of its Constitution, **which India had borrowed**, and codified its privileges in the Parliamentary Privileges Act, 1987. It abolishes (Section 6) the offence of contempt by defamation outside the House.

The Statesman^ø has consistently voiced the need for
mentary privilege and had in November 2005 petitioned
the Commonwealth Parliamentary Association to bring this on its agenda.

It is submitted on the specific question of the editorial published in The Statesman on 24 November 2011 that it contained a comment on the conduct of the Presiding Officer in dealing with resignations of some Members of Parliament. It is submitted respectfully that a matter of accepting or rejecting resignations is not a part of the proceedings of the House and any comment on these actions cannot therefore be a breach of parliamentary privilege. This position is supported by British parliamentary law on the subject, and is therefore binding in terms of Article 105 (3). The glossary of the UK Parliament (Annexure 2) says: "*Parliamentary privilege grants certain legal immunities for Members of both Houses which allow them to perform their duties without interference from outside the House. The privileges are: Freedom of speech, freedom from arrest (on civil matters), freedom of access to the sovereign and that 'the most favourable construction should be placed on all the Houses' proceedings'. Members are immune from legal action in terms of slander but must adhere to the principles of parliamentary language. (emphasis added).*" It is further submitted that the entire gamut of British parliamentary law on privileges makes it clear that it applies only to proceedings of the House. A detailed briefing paper of the House of Commons on the subject of parliamentary privilege is annexed herewith and makes it abundantly clear a breach can be cited only in respect of what transpires in the House. It is clear therefore that privilege is restricted to the proceedings of the House. In this connection, the following extract from an article by Shri S.K. Sharma, a former Secretary of Lok Sabha, on the

signature of the MPs (dealt with in The Statesman) relevance to these proceedings:

'It may be mentioned that the functions performed by a Presiding Officer in the matter of accepting or rejecting resignations of MPs is not a part of the 'proceedings of the House'. Therefore, in such matters a Presiding Officer cannot claim parliamentary privileges or immunities enjoyed either by the House or its members. While performing such a task, Ms Kumar is performing functions outside the legislature and, as such, her action is subject to judicial scrutiny. It is more or less akin to the functions performed by a Speaker while deciding 'defection' cases under the Tenth Schedule to the Constitution'.

The full text of the article is annexed and it is respectfully submitted that it forms the basis of the editorial comment published in 'The Statesman'.

It is submitted once again that The Statesman holds Parliament, the House of the People and the Speaker in the highest esteem. It is iterated that the publication of the editorial was a comment both fair and in public interest, and was aimed at strengthening these institutions. It was also not a comment on proceedings in the House and hence outside the purview of this committee. Having said this, it is submitted it was never our intention to denigrate either the Speaker or Parliament and if any unintended hurt has been caused, we would unreservedly express our regret.

or and Managing Director of *The Statesman* during his
mittee on 21 May, 2012, *inter alia* stated as follows:-

... At that time, when this Editorial was submitted to me by the lead writer, which was almost immediately after this decision had been taken or soon after this decision had been taken, I felt it was fair. Definitely, your notice made me introspect, made me look at the issue that you are highlighting. Certainly, it did make me introspect. But the point I would like to make is that you can take anything including your objection to the sub-heading and not the heading.

You can say, you assigned the Speaker's action unconstitutional. Which means, on this specific question of right to resign, the paper holds that the Speaker's action is unconstitutional. What do we attempt with editorials? The hon. Chairman was good enough to ask me ó Did you verify with the office of the Speaker? Yes, with news report, we would verify with the people concerned. I would be very upset if one of our reporters did not verify with the person aggrieved or likely to be aggrieved by a news report, I would definitely be aggrieved with that reporter. But when you talk about an editorial, you are entering a different sphere, which is where people take a set of facts and analyze them, interpret them using language which sometimes might not be there in the original text of whatever is at stake because it is our comment.

For instance, the philosophy of our editorial page is, one-third of the three editorials is what I consider our (the news paper's) space. The special article published on the editorial, I consider as experts space; expert may disagree violently with what *The Statesman* believes but he is entitled to, provided he has the credentials; and the final one-third which I consider the readers' space, which is the letters (to the editor) space, whereto he is free to criticize the paper as much

before readers.

Third of editorial is only our space which we consider as use to interpret facts, analyse them and present them

On your specific point, have we been this harsh? I think, we have been this harsh. *Statesman* gainfully does ó let me find an elegant way to put it ó we are understatedly violent in our choice of words. But we are rather harsh. No question about that. Is there any intention to denigrate the Speaker? **Not the least. If there is one newspaper which holds the institution of Parliament, the offices of Parliament in the highest esteem, it is ‘The Statesman’. I am not saying this as a defence.** All of you are exposed to newspapers. You name one other newspaper in this country whose editorial policy is part of its articles of association...You would appreciate this, the articles of association are something on which, if there is a breach, apart from everything else, you can take up to the Department of Company Affairs for breach of articles. Our editorial policy is in the Articles of Association. There are very clear injunctions to the editor on what he can do and what he cannot. In this process of explaining, I think, all of you would agree that the course of public life has been far from ideal. When I say, public life, I am not talking about politicians or MPs, I am including the Press. The course of public life generally has been on a downward spiral. Nothing seems to shake us. I am putting to you ó this not a semantical argument ó which I deeply feel. There were things which could be said 20 years ago in a particular tone and would evoke a response. Today you can scream from the roof tops, you can indulge in abuse and yet will register a reaction. What I am talking about is a state of dismay which is caused, which leads to responses sometimes of the kind that are under discussion today.

the Constitution and wish to understand what breach of the Constitution that is available, either from the Publications Division or from Jain Book Depot, tell me? It will tell me that the privileges of the Members of Parliament were such as they were on the date of adoption of this amendment. It will tell me in a footnote that the amendment was adopted in 1978, which means I have to get a pre-1978 copy of the Constitution. Please appreciate what that means. What will a pre-1978 copy of the Constitution, if I get it, tell me? It will tell me that the privileges were what they were in the House of Commons at the commencement of the Constitution.

I can find out what the privileges are today. How can I find out or how can any reasonable person find out what the privileges of House of Commons were in 1950? Therefore, the need to codify privileges. You have said that if the British can get away with uncodified privileges, why can we not? The British are getting away with an unwritten Constitution, we are not.

...If I have caused any hurt to you, to Parliament and to the Office of the Speaker, unreservedly you have my apologies. The intention of whatever we do in the Statesman is to improve the world not to create ill-will or any rancour. If there is any hurt, I have no hesitation and with ultimate humility, I will express my regrets. Let there be no doubt about that.

...there can never be a question of the Statesman wishing to damage the Institutions of the Constitution which includes the Parliament, which includes the Hon'ble Speaker, and if there is any belief in anybody's mind that this was either insincere or motivated or brought disrepute, without a thought, I would express my regrets.ö

material was available with 'The Statesman' to suggest voluntary and genuine, Shri Ravindra Kumar made the following written submission *vide* his letter dated 19th June, 2012:-

oThe following are the dictionary and commonly understood meanings of the words ovoluntaryo and ogenuineo, respectively. Voluntary: (i) proceeding from the will or from one's own choice or consent; (ii) unconstrained by interference; (iii) done by design or intention; (iv) having power of free choice; (v) provided or supported by voluntary action and (vi) acting or done of one's own free will without valuable consideration or legal obligation. Genuine: (i) actually having the reputed or apparent qualities or character: (ii) actually produced by or proceeding from the alleged source or author; (iii) sincerely and honestly felt or experienced and (iv) actual, true. (Source: Merriam-Webster Dictionary).

- (a) Press Note dated 2 July 2011, issued by nine Congress Members of Parliament stating they were planning to submit their resignations as Members of Parliament to the Chairman, Rajya Sabha and Speaker, Lok Sabha on 4 July 2011. (Cited to establish that the decisions to resign were premeditated, voluntary, genuine and marked by an absence of coercion.)
- (b) Report from *The Hindu* dated 3 July 2011 stating *inter alia* that eight MPs (named in the report) had left for New Delhi to submit their resignations. (Cited to establish the resignations were premeditated, well thought out and voluntary.)
- (c) Report from *The Hindu* of 4 July 2011, stating *inter alia* that the Members of Parliament had submitted their resignations in person to the Speaker, Lok Sabha and Chairman, Rajya Sabha, quoting one of the MPs as denying that the resignation was a gimmick. (Cited to establish that the resignations were voluntary and by specific averment genuine.)
- (d) Report from *The Hindu* of 7 July 2011 stating that one of the MPs who had resigned, Mr Ponnam Prabhakar, was felicitated on his resignation by district leaders and supporters in Karimnagar, and that Mr. Prabhakar accepted these felicitations. (Cited to establish that MP in question had demonstrated through his action that his resignation was voluntary, genuine and well thought out.)
- (e) Screenshot of Mr. Ponnam Prabhakar's website oPonnam Prabhakar Onlineo which as late as 16 June 2012 carried a scroll saying oPonnam Prabhakar has submitted his resignation letter to Honøble Speaker Meira Kumarí .o (Cited to show that the MP continues to maintain his resignation was voluntary and genuine, even after it was rejected by the Honøble Speaker.)

n Express of 5 July 2011, stating that 10 Congress MPs resigned. (Cited to show that the resignations were

- (g) Report from the *Times of India* dated 1 August 2011 stating inter alia that Congress Telegana MPs had stayed away from Parliament after having tendered their resignations. (Cited to show that the resignations were voluntary and genuine.)
- (h) Report from *IBNLive.com* dated 11 October 2011, headlined "Telengana Congress MPs offer to resign again", stating inter alia that Telengana Congress MPs had demanded that the Speaker accept their resignations. (Cited to establish that the resignations were voluntary, as evidenced by continued insistence on acceptance, and genuine, and that the MPs stuck to this position even three months after submission of resignation, showing thereby an absence of coercion.)
- (i) Report from www.bharatwaves.in dated 17 November 2011, after resignations were rejected by the Hon'ble Speaker. This report headlined "Rajagopal meets LS Speaker over resignation" quotes Congress MP from Bhongiri, Mr K. Rajagopal Reddy as saying he would never reverse his decision on his resignation. (Cited to establish that even after rejection of resignations of some MPs, Mr Reddy continued to hold his resignation was voluntary and genuine.)"

It is submitted that these news clippings, based on statements issued by the MPs involved, show that they had first announced their intention to resign, then announced their departure for New Delhi to submit their resignations, announced their actual resignations on the day they were submitted and iterated that these were genuine, accepted felicitations in at least one case from supporters for having resigned, reiterated after an interval of three months that they stood by their decision to resign and demanded to know why their resignations had not been accepted, continue to post "again in one case" on a personal website that the resignation has been submitted, and iterate "in one case" that the decision on resignation would not be reversed even after the Hon'ble Speaker had rejected resignation of other MPs. Further, it is submitted that the Constitutional test as laid down in 101 (3) (b) is that the resignation must be voluntary or genuine, and not voluntary and genuine, and that therefore it ought to be accepted if it is either.

It is submitted further that by any reasonable standard, these various actions suggest that the resignations of the MPs were "voluntary" and "genuine", some actions establishing their voluntariness, others their genuineness and many establishing both. Further they do not reveal any element of coercion.

le 101 (3) (b) of the Constitution does not lay down any time limit for the Speaker to reject or accept resignations, how could the said editorial in *The Statesman* raise a cavil over the fact that the Speaker took 134 days to reject them, Shri Ravindra Kumar submitted as follows:-

While the Constitutional position is indeed as spelt out by the Hon^{ble} Chairman of the Committee of Privileges, the time taken to reject the resignations aroused comment because of the attendant facts. These facts are narrated below and are supported by news clippings:

- (a) Report from *Mint* dated 9 July, 2011 headlined "LS Speaker to decide on Telengana MPs resignations by 1 Aug," which *inter alia* quoted the Speaker as saying she would take a decision on the matter "before 1 August, 2011," the day the monsoon session of Parliament was to have begun.
- (b) Report from *Times of India* dated 9 July, 2011 quoting the Hon^{ble} Speaker as saying she would decide on the resignation of Telengana MPs by August 1, 2011.
- (c) Report from *Business Standard* dated 9 July 2011 quoting the Hon^{ble} Speaker's observations at a press conference that she would take a decision on the resignations before the monsoon session of Parliament, which was to begin on August 1, 2011.
- (d) Report from the *Economic Times* dated 13 July 2011, headlined "Why have Telengana legislators' resignations not been accepted: BJP." This report quotes the BJP spokesman as querying why resignations of Congress MPs were still pending with presiding officers, and not accepted. It quotes the spokesman as saying, "When an MLA or MP explicitly expresses the desire to resign and gives it in writing, it's the Speaker's responsibility to accept it." It further quotes him as saying "Why aren't the resignations accepted?" (when) Speaker Meira Kumar had said that she will take a decision before the monsoon session of Parliament beginning on 1 August, 2011.

It is submitted that while as per the Constitutional position there is no time-limit for the Speaker to accept or reject a resignation, questions were raised on the time taken as a consequence of the Hon^{ble} Speaker's own unequivocal assertion at a Press conference on 8 July 2011 that a decision on the resignations would be taken before 1 August 2011, i.e. within 27 days of their submission, when actually a decision was taken in 134 days. The comment of the BJP spokesperson, the comment of a former Lok Sabha Secretary and the

man on the time taken by the Honble Speaker were all
ent contradiction between the words and deeds of the
ubmitted therefore that the comment was fair.ö

18. On the question, how did the Speaker act unconstitutionally in rejecting the resignations of Congress MPs and which constitutional provision did she violate, Shri Ravindra Kumar Submitted as follows:-

öIt is submitted that Article 101 (3) (b) is identical to Article 190 (3) (b) except that the former deals with resignations of MPs and the latter deals with the resignations of MLAs. Both articles were modified by the 33rd amendment to introduce the elements of övoluntary or genuineö.

The Statement of Objects and Reasons of the 33rd Amendment to the Constitution reads: “*Articles 101 (3) (b) and 190(3) (b) of the Constitution permit a member of either House of Parliament or a member of a House of the Legislature of a State to resign his seat by writing under his hand addressed to the Speaker or the Chairman, as the case may be. In the recent past, there have been instances where coercive measures have been resorted to for compelling members of a Legislative Assembly to resign their membership. If this is not checked, it might become difficult for Legislatures to function in accordance with the provisions of the Constitution. It is, therefore proposed to amend the above two articles to impose a requirement as to acceptance of the resignation by the Speaker or the Chairman and to provide that the resignation shall not be accepted by the Speaker or the Chairman if he is satisfied after making such inquiry as he thinks fit that the resignation is not voluntary or genuine.*” (emphasis added)

The conduct required by these articles of the Speaker or the Chairman, as the case may be, is also therefore identical. Further, the statement of objects clearly identifies the legislative intention as being one of ensuring that resignations through coercive measures are checked.

In this connection, a judgment of the Division Bench of the Madhya Pradesh High Court (coram: Bhat, Tamaskar, JJ) in the case of *Vikram Singh vs Shri Ram Ballabhji Kasat and Ors*, involving a question of law as laid down by Article 190 (3) (b), delivered on 28 April 1994, i.e. after the enactment of the 33rd amendment is relevant. (AIR 1995 MP 140)

Their Lordships state, inter alia: “*Any eligible person has a right to contest the election. It is for the electorate to make its choice. Once a candidate is elected,*

*d to function as a member of the Legislative Assembly
here is nothing in the Constitution that takes away the
nber to resign his seat. Denial of such a right to an*

*elected member would be destructive of principles of democracy. A legislator is
the servant, but not the slave of the people. It is true that frequent resignations
and frequent by-election are a drain on the finances of the State and may prove
irksome. But that is no reason to compel an elected member who has no desire
to continue his membership, to continue as such. A person, after getting elected,
may, for variety of reasons, desire not to continue as a member. **His reasons
may be good or bad, but that is his decision and his right.** (emphasis added).*

*"Further, their Lordships held: "There is no principle of democracy which
compels an elected member to continue to be a member even if he no longer
desires to continue as such or which inhibits him from resigning his seat. It
cannot be that that electorate has the right to compel an unwilling member to
continue or to be consulted before resignation. We are inclined to hold that an
elected member can resign his seat independently of the circumstances
contemplated in subsections (1) and (2) of Article 190. **He may resign for any
reason which weighs with him, and the tenability of the reason cannot be
subjected to scrutiny either by the Speaker or any other authority.**" (emphasis
added.)*

This position was confirmed by a Division Bench of the Chhattisgarh High Court (coram: Shishak, Garg, JJ) in *B.N. Bajpai vs Ramdayal Uike and Ors* on 14 February 2001.

The two judgments are submitted respectfully in support of the Statesman's position on the constitutionality of the Hon'ble Speaker's action.ö

ence of Shri Ravindra Kumar, Editor and Managing Director, 'The Statesman'

19. Shri Ravindra Kumar, Editor & Managing Director of 'The Statesman' before the Committee on 20 June, 2012 was informed during his further evidence as follows:-

ö... The Committee is of the considered view that mere expression of regret by you on 21 May, 2012 is not adequate to undo the damage caused to the office of the Speaker, Lok Sabha by the irresponsible and derogatory language used by your newspaper. I may like to inform you that there is a precedent in our records wherein the then Speaker Shri Mavalankar did not find, the mere expression of regret by the Amrit Bazar Patrika sufficient for an editorial questioning his impartiality. The newspaper was asked to publish a correcting statement in its issue to put the correct position in the interest of journalistic propriety and truthfulness and the same was published.ö

Thereafter, Shri Ravindra Kumar, during his further evidence stated as follows:-

öI respectfully accept the suggestions of the Members of the Committee. I am quite happy to write personally explaining this, explaining what the Committee felt, explaining what I said and saying that since the Committee feels that I should express regret and I am quite happy to express regret because the intention at no point in time either today or at any time in the history of the Statesman has been to denigrate the institutions of Parliament, least of all the office of the Speaker. We are a part of the country and I am happy to tell you that we are not those members of the fourth estate who believe that they have the rights of the first estate. We are not one of those. We know our place within the democratic scheme and I am very

re the submissions at the end of which the Committee
int to express regrets and in that spirit and responding to
it because we hold the institutions of Parliament in the highest regard. I have no
difficulty in expressing regrets. I hope that will satisfy the Committee. I will write
a personal signed article.ö

IV. OBSERVATIONS

20. The Committee, before coming to their findings and conclusions, would like to briefly dwell upon three main points made by Shri Ravindra Kumar during his evidence before the Committee and also through his written submissions.

21. The first point, on which Shri Ravindra Kumar labored at length, was that since privileges of Parliament are not codified, it is not possible for a common man like him to understand what action would come under the purview of breach of privilege.

22. The Committee would like to observe that the plea taken by Shri Ravindra Kumar that non-codification of Parliamentary Privileges in other respects as per the provisions of clause 3 of article 105 of the Constitution makes it difficult for him to make a clear cut judgement about what action may lead to a breach of privilege of the Parliament or otherwise is hopelessly without any merit. The non-codification of privileges does not give a mandate to any person particularly a learned editor of a leading newspaper who is also an erudite scholar to feign ignorance of the basic principles of Parliamentary Privileges as per the practices and conventions of Parliament. The Committee are of the view that the use of derogatory words in an article published in a news paper about the

breach of privilege is in the first instance a breach of
The Committee are of the view that the journalist in an

Editor does not require any training to judge the usage of words which may commonly be felt offensive by an ordinary reader of a newspaper. The Committee would further state that a plea regarding non-codification of Parliamentary Privileges was taken by Shri Ravindra Kumar even on an earlier occasion when he had appeared before the Committee of Privileges in 2005. On that occasion, the Lok Sabha Secretariat had provided him with a compendium of privilege cases compiled by the Secretariat listing the various instances of breach of privilege relating to casting reflection on and imputing motives on the Speaker to enable him to prepare his defence in that case. Further, the Committee notes that Shri Ravindra Kumar has taken great pains in studying and quoting position of Parliamentary Privileges as obtaining in Australia, UK and the efforts to codify them. The Committee, therefore, finds it difficult to come to terms with his so called ignorance of the Parliamentary Privileges flowing from clause 3 of article 105 of Indian Constitution. The Committee are convinced that had Shri Ravindra Kumar bothered to take even a fraction of that pain by consulting some authoritative book on parliamentary procedure before writing the editorial, he would have refrained from entering upon this misadventure. The Committee are also of the view that it does not behove an Editor of a leading newspaper to invoke flimsy grounds and seek shelter behind his ignorance of Parliamentary Privileges on account of their non-codification.

o like to observe that the second contention of Shri taken by the Speaker on file is not a Parliamentary

Proceeding and hence criticism of the same in a newspaper does not lead to the breach of privileges of the House, lacks merit. The Committee in this regard would like to reiterate the well established position that "the Speaker's decision is equally binding whether given in the House or on a departmental file. Further, the Speaker is not bound to given reasons for his decisions. Members are debarred from criticizing directly or indirectly, inside or outside the House any ruling given, opinion expressed or statement made, by the Speaker. Thus, public criticism of a decision taken by the Speaker is a case of breach of privileges of the House. It is needless to say that the Speaker is the all important conventional and ceremonial head of the Lok Sabha. The Speaker's authority is based on his absolute and unvarying impartiality-the main feature of his office, the law of its life. The obligation of Speaker's impartiality is even incorporated in the Constitutional provisions which entitles him to vote only in the case of equality of votes. To question the impartiality of the Speaker and imputing motives behind her decisions is a clear case which amounts to a breach of privilege of the House.

24. The drift of the third point made by Shri Ravindra Kumar was that while his reporters are supposed to verify facts before filing reports, the Editor of the Statesman is under no such obligation while writing the Editorial.

The Committee are not impressed by the logic propounded by Shri Ravindra Kumar as regards the distinction between a news-item and an editorial. He has in his

tor he would ensure at all costs, the veracity of a news-newspaper, but on the other hand he does not apply the same criteria for the articles published on the editorial page one-third of which in Shri Ravindra Kumar's words "is our space, which we consider as the space which we would use to interpret facts, analyse them and present them before readers." Thus, it implies that in the one-third of the editorial page the Statesman feels free to offer its comments on local, national and international happenings, incidents and developments by analyzing them from its own angle and perspective. The Committee observe that at times veracity of a news-item perhaps may not be authenticated and cross-checked and hence, errors may creep in as a result of pressure to meet the deadline of a news going to the press. However, the editorial stands on a different footing as there is no question of meeting strict deadlines as in the case of other news-items. The responsibility for the editorial is of the editor himself, who in his wisdom is supposed to present the facts and analyze them making the editorial factually correct, accurate in analysis and neutral in interpretation and leaving it for the reader to arrive at his own conclusions. The Committee observe that the impugned editorial published in the Statesman fails to meet the established criteria for such articles, more so at the hands of its own editor.

Findings and Conclusions

25. The issue before the Committee is whether in the article captioned *RIGHT TO RESIGN- Speaker's action unconstitutional* published in *The Statesman* dated 24 November, 2011 cast reflections on and imputed motives to the Speaker, Lok Sabha.

26. The Committee note that the thrust of the article in question was on the matter of acceptance of the resignations of twelve members of Lok Sabha by the Speaker on the issue of demand for Statehood to Telangana. The Committee find that at the very outset even a cursory reading of the impugned article would show that not only aspersions were cast upon the Speaker of Lok Sabha but partisan motives were also imputed to her. Further, the impugned article is replete with derogatory references to the Speaker, Lok Sabha.

27. The Committee are of the view that the following references are derogatory, damaging and question the impartiality of the Speaker:-

o... Shame on her.ö

o... The only reason for the Speaker to reject them can be to prevent any erosion of the UPA strength in the Lok Sabha. If so, this is not the Speaker's job.ö

o... Meira Kumar by refusing to accept the resignation of the 12 members, has devalued the office of the Speaker. ö

28. The Committee take note of the defence taken by Shri Ravindra Kumar and find that the said editorial is neither a fair comment nor a reasonable criticism.

29. Committee would like to reiterate the recommendations made by the Committee of Privileges (Second Lok Sabha) in their Thirteenth Report, presented to the House on 11 August, 1961 in the *Blitz case inter-alia* stating as follows: -

“Nobody would deny the press, or as a matter of fact, any citizen, the right of fair comment. But if the comments contain personal attacks on individual members of Parliament on account of their conduct in Parliament or if the language of the comments is vulgar or abusive, they cannot be deemed to come within the bounds of fair comment or justifiable criticism. Even the Press Commission (1954) held the view that ‘comment couched in vulgar or abusive language is unfair’. Nor can ‘fair comment’ be stretched to include irresponsible sensationalism. One of Shri Karanjiā’s main contentions is that article 105(3) of the Constitution, which provides that ‘the powers, privileges and immunities of each House of Parliament, and of the members and the Committees of each House shall be’ those of the House of Commons of the Parliament of the United Kingdom, and of its members and Committees at the commencement of this Constitution, must be read as subject to article 19(1)(a) which guarantees to all citizens the fundamental right to freedom of speech and expression, which includes within its scope the freedom of the Press. Shri Karanjiā seems to imply thereby that any action taken by Lok Sabha against any newspaper for a breach of privilege and contempt of the House, in pursuance of its powers and privileges under article 105(3), would violate article 19(1)(a) and be void in terms of article 13. This contention is wrong and cannot be accepted. The provisions of article 105(3) [as also of article 194(3)] are constitutional laws and not ordinary laws made by Parliament (or a State Legislature) and therefore they are as supreme as the provisions of Part III of the Constitution. The provisions of article 19(1)(a) of the Constitution, which are general must therefore yield to the latter part of article 105(3) which are special.

This regard has been stated by the Supreme Court in the

“It must, however, be remembered that being only a right flowing from the freedom of speech and expression, the freedom of the Press does not stand on a higher footing than the freedom of speech and expression enjoyed by a citizen and that no privilege attaches to the Press as such, that is to say, as distinct from the freedom of speech and expression of a citizen. Actually, a newspaper writer should be more cautious than a private citizen as his criticisms are widely publicized. The Committee are, therefore, of the view that the impugned dispatch constitutes a breach of privilege and contempt of the House.”

30. The Committee further note that in the *Times of India case*, the Committee of Privileges (Sixth Lok Sabha) in their Fourth Report presented to the House on 22 March, 1979, *inter-alia* observed:-

“The Committee are conscious that the freedom of the Press is an integral part of the fundamental right of the freedom of speech and expression guaranteed to all citizens under article 19(1)(a) of the Constitution. The Committee consider it important that in a Parliamentary system, the Press should enjoy complete freedom to report the proceedings of Parliament fairly and faithfully. If, however, freedom of the Press is exercised *mala fide*, it is the duty of Parliament to intervene in such cases. At the same time, the Committee are of the view that Parliamentary privilege should in no way fetter or discourage the free expression of opinion or fair comment.”

31. The Committee here again would like to reiterate that the Committee of Privileges have all through upheld freedom of speech and expression of the Press and their right of fair comment. It has, however, been held that Parliament has a right to intervene in the event of *mala fide* exercise of this freedom or if comments are made with malice.

32. The Committee are convinced that the plea taken by Shri Ravindra Kumar, that the Speaker’s decision about accepting the resignations of the Members does not form part of

not at all germane to the matter before the Committee and

i Ravindra Kumar to obfuscate the issue. It is well

established that the decision taken by the Speaker even on a file cannot be questioned.

The Committee would like to invite attention to the well established position laid down in

Practice and Procedure of Parliament by Kaul and Shakdher (6th edn.) as follows:-

... It is the right of the Speaker to interpret the Constitution and rules so far as matters in or relating to the House are concerned. And no one, including the Government can enter into any argument or controversy with the Speaker over such interpretation. His rulings constitute precedents by which subsequent Speakers, members and officers are guided. Such precedents are collected, and in course of time, formulated as rules of procedure or followed as conventions. The Speaker's rulings, as already stated, cannot be questioned except on a substantive motion.

A member who protests against the ruling of the Speaker commits contempt of the House and the Speaker. **The Speaker's decision is equally binding whether given in the House or on a departmental file.** He is not bound to give reasons for his decisions.

33. The Committee note that there is absolutely no time limit prescribed in Clause 3(b) of Article 101 of the Constitution under which the Speaker is bound to accept or reject the resignations submitted by the members of Parliament.

34. The Committee find that on an earlier occasion also the Committee of Privileges (14th Lok Sabha) in their 4th Report had strongly deprecated the reckless and irresponsible behavior of Shri Ravindra Kumar and had cautioned him to be more careful in future and refrain from such journalistic misdemeanours and exercise due restraint and discretion in such matters.

not at all convinced by the plea taken by Shri Ravindra
privileges have not been codified, it becomes very
difficult for an editor to judge as to what would amount to breach of privilege or
contempt of the House. The Committee would like to bring on its record that Shri
Ravindra Kumar that in the past, the Committee of Privileges(10th Lok Sabha and 14th
Lok Sabha) had twice undertaken the exercise to codify the Parliamentary Privileges and
after obtaining opinion of the eminent persons from a cross section of society belonging
to legislature, legal profession, press and academia found that it was not advisable and
also feasible to codify parliamentary privileges, the Committee accordingly
recommended against codification.

36. The Committee at this juncture would like to state the well established position as
laid down Practice and Procedure of Parliament by Kaul & Shakdher 6th edn. that
reflections on the character and impartiality of the Speaker in the discharge of his duty
constitute a breach of privilege and contempt of the House.

37. The Committee note that in Erskine May's treatise on "the Law, Privileges,
Proceeding and usage of Parliament", it has been laid down that the "reflections on the
character of the Speaker or accusation of partiality in the discharge of his duties have
attracted the penal powers of the Commons." (23rd edition p.145)

38. The Committee while upholding the freedom of press, its role and importance in a
democratic polity, wish to state that as every right carries with it a corresponding

ries with it an obligation. The Committee are of the
ress itself to determine what are its responsibilities and
obligations, *vis-à-vis* its freedom.

39. The Committee of Privileges note the following recommendations made by the Select Committee on Parliamentary Privileges of House of Commons, UK, (1967):-

öThe House should exercise its penal jurisdiction (a) in any event as sparingly as possible, (b) only when it is satisfied that to do so is essential in order to provide reasonable protection for the House, its members or its officers from such improper obstruction or attempt at or threat of obstruction as is causing or is likely to cause substantial interference with the performance of their respective functions.ö

40. The Committee further note that adopting the above approach the Committee of Privileges of Seventh Lok Sabha, in their First Report presented to the House on 8 May 1981, observed *inter alia* as follows:-

öThe Committee feel that it adds to the dignity of one and all if power in a democratic system is exercised with restraint; the more powerful a body or institution is, the greater restraint is called for particularly in exercising its penal jurisdiction.ö

ive to the onerous responsibilities placed upon them in

41. The Committee would like here to emphasize that the Speaker is one of the highest constitutional functionaries in India's Parliamentary system. Indian Parliament, down its history, has had a galaxy of eminent Speakers, who have lent dignity and prestige to the Chair. As the former Prime Minister Pt. Jawaharlal Nehru stated, 'the Speaker represents the nation, its freedom and liberty'. The Speaker occupies the foremost position in the representative body which expresses the national will, the physical embodiment of the House over which he or she presides, the Speaker naturally has a high status within and outside the House, a status which often goes beyond his role as presiding officer of the House.

Thus the Committee are of the view that casting aspersions on Speaker in the discharge of her duties needs to be condemned and such attempts from any quarters be thwarted in the larger interests of protecting and strengthening our parliamentary democratic system.

42. The Committee further note that it is the tradition of the House that unqualified and unconditional regrets sincerely expressed by the persons guilty of breach of privilege and contempt of the House are accepted by the House and the House normally decides in such case to best consult its own dignity by taking no further notice of such matters.

that Shri Ravindra Kumar, Editor and Managing Director has apology in two parts in *‘The Statesman’* on 15 and 16 July, 2012*. The Committee are of the view that adequate amends have been made by Shri Ravindra Kumar by his expression of regrets during his oral evidence before the Committee as well as through his correcting statement published in *‘The Statesman’* on 15 and 16 July 2012. In this context, the Committee would like to bring it on record that during the oral evidence Shri Ravindra Kumar submitted that *“If I have caused any hurt to you, to the Parliament and to the Office of the Speaker, unreservedly you have my apologies. The intention of whatever we do in the Statesman is to improve the world, not to create ill will or any rancor. If there is any hurt, I have no hesitation; and with ultimate humility, I will express my regret.”* Further, Shri Ravindra Kumar in his correcting statement stated *‘The Statesman’ has the greatest respect for Parliament and for the office of the Speaker of the Lok Sabha. Let me add that there can never be any question about this newspaper wishing to damage institutions of the Constitution, including Parliament and the Speaker, and if there was a belief in anyone’s mind that a publication in these columns was motivated or brought disrepute to these institutions, I would unreservedly express regret.’*

44. The Committee hope that Shri Ravindra Kumar would in future refrain from such journalistic misdemeanours and exercise due restraint and be more careful while commenting on a Constitutional functionary like the Speaker, Lok Sabha.

* See Appendix

RECOMMENDATION

45. In view of the foregoing discussion and keeping in view the unqualified regrets expressed in the matter by Shri Ravindra Kumar, the editor of 'The Statesman' the Committee recommend that no further action needs to be taken in the matter and it may be treated as closed.

**(P.C. CHACKO)
Chairman,
Committee of Privileges**

NEW DELHI;

December, 2012

APPENDIX

THE STATESMAN, 15 July, 2012

Special article

With great respect~I About Privileges, And Breaches

Ravindra Kumar

LET me say at the outset that The Statesman has the greatest respect for Parliament and for the office of the Speaker of the Lok Sabha. Let me add that there can never be any question about this newspaper wishing to damage institutions of the Constitution, including Parliament and the Speaker, and if there was a belief in anyone's mind that a publication in these columns was motivated or brought disrepute to these institutions, I would unreservedly express regret. If you are wondering what brought this on, let me explain. On 24 November 2011, The Statesman published an editorial "Right to Resign ~ Speaker's Action Unconstitutional", on the rejection by Speaker Meira Kumar of the resignations of 12 members of the Lok Sabha, eight from the Congress and two each from the Telugu Desam Party and the Telengana Rashtriya Samiti, on the eve of Parliament's winter session and 134 days after they were submitted.

The editorial said: "The resignations were as per Clause (3) (b) of Article 101 of the Constitution and sent to the Speaker on 4 July to protest the UPA government going back on its 9 December 2009 announcement to restore statehood to Telengana. They were voluntary and genuine, and the MPs said they could no longer fulfill their responsibilities to the people of their respective constituencies. The only reason for the Speaker to reject them can be to prevent any erosion of the UPA's strength in the Lok Sabha. If so, this is not the Speaker's job and shame on her."

Three members of Parliament, Mr Asaduddin Owaisi, Mr Jagadambika Pal and Mr E T Mohammed Bashir, issued notice for breach of privilege against The Statesman. The Committee of Privileges of the Lok Sabha considered the matter and decided to hear me in person on 21 May 2012. Before I appeared, I sent to the Committee a set of written submissions. Briefly, these made the following points: One, that until Parliament codified its privileges

the difficulty in determining what these privileges are and who were not MPs would be placed at a disadvantage when charged with breach of privilege, to the extent of a denial of due process.

Two, that the Constitutional provision on privilege made it almost impossible to determine what specific privileges were enjoyed by MPs, especially after the 44th Amendment which changed Article 105 (3) to read: "In other respects, the powers, privileges and immunities of each House of Parliament 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 committee immediately before coming into force of Section 15 of the Constitution (Forty-fourth Amendment) Act, 1978." (This amendment removed from the Constitution a reference to the House of Commons, although the Constitutional position remained unchanged in that privileges of our MPs were the same as those enjoyed by members of the UK House on the date of adoption of the Constitution.)

Three, that the need to codify privileges had been voiced by various bodies including the National Commission to Review the Constitution, the Second Press Commission, the Press Council of India, the Indian Newspaper Society and the Editors' Guild of India.

Four, that various Commonwealth countries had acted on the need to codify privileges and had even reworked already codified privileges so that the rights of the Press to criticize fairly the conduct of legislators and presiding officers were offered protection.

Five, that the editorial published in The Statesman carried a comment on the conduct of the Presiding Officer in dealing with resignations of MPs. It was submitted that accepting or rejecting resignations was not a part of the proceedings of the House and a comment on these actions could not constitute breach of privilege. It was submitted further that this was supported by British parliamentary law and was therefore binding in terms of our Constitution. It was also supported by an article written by a former Secretary of the Lok Sabha, Mr SK Sharma.

Finally, it was submitted that The Statesman held ~ and holds ~ Parliament, the House of the People and the Speaker in the highest esteem. It was iterated that

ment both fair and in public interest, and aimed at ions. It was also not a comment on proceedings in the House and hence outside the purview of the Committee. It was never our intention to denigrate either the Speaker or Parliament and if any unintended hurt had been cause, we would unreservedly express our regret.

During the hearing on 21 May, I was asked if I had appeared before the Committee in the past. I admitted I had, in 2005, in connection with an article on the then Speaker written by a former Additional Secretary of the Cabinet Secretariat. I was told that the Committee had then expressed strong displeasure at the newspaper's conduct; now I was again before the Committee which was most unfortunate.

Specifically, I was asked how we could have said the resignations of the MPs were voluntary and genuine. I replied it was based on statements made by the MPs and offered to bring news clippings in support of this position at the next sitting. Next, I was asked how we could say that the only reason for rejecting the resignations could be to prevent erosion of the ruling party's strength. I submitted that it was a fair comment and that if the Committee felt otherwise it was entitled to take whatever steps it wished to.

I was then asked if I was aware that under Article 101 (3), no reason need be given as to the basis on which the Speaker was satisfied that a resignation was not voluntary or genuine. I was further asked if I was aware there was no time limit for the Speaker to accept or reject resignations. I was then asked to state which article of the Constitution had been violated by the decision of the Speaker to justify the sub-heading to our editorial. I submitted that a decision of an MP to give up his seat must be accepted at face value. If Parliament was the ultimate representation of the will of the people, the spirit of the Constitution would be violated the moment this will was not reflected.

Towards the close of that sitting on 21 May, I submitted with the greatest respect I disagreed with the view that this case fell within the domain of privileges. If however, I had caused any hurt to Parliament or to the office of the Speaker, I said unreservedly you have my apologies. I pointed out that the intention behind everything we do at The Statesman is to improve the world, not to create ill-will or

(To be concluded)

n caused, I would have no hesitation in expressing my

The writer is Editor, The Statesman

THE STATESMAN, 16 July, 2012

Special Edits

15 July 2012

With Great Respect~II

About Reverence For Institutions

Ravindra Kumar

YESTERDAY, I wrote about the notice for breach of privilege received by The Statesman and our submissions before the Committee of Privileges of the Lok Sabha on 21 May 2012. Today, I will tell you about what followed. Prior to the next sitting of the Committee ~ on 20 June 2012 ~ I made additional written submissions to the Committee to cover some of the points on which I had been questioned. Principally, these submissions covered three points ~ (i) what material was available with The Statesman to suggest that resignations of 12 MPs ~ eight from the Congress and four from other parties ~ were voluntary and genuine? (ii) when Article 101 (3) (b) of the Constitution did not lay down any time limit for the Speaker to accept or reject resignations, were we entitled to raise a cavil over the fact that the Speaker took 134 days to reject them?, and (iii) did the Speaker act unconstitutionally in rejecting the resignations and if so which Constitutional provision did she violate?

On the first point, I submitted that the Constitution required a resignation to be voluntary or genuine, not voluntary and genuine and that it ought to be accepted if it was either. I enclosed a copy each of (a) a press note issued on 2 July 2011 by nine Congress MPs announcing their intention to resign; (b) a report from The Hindu of 3 July to say that eight MPs had left for New Delhi to submit their resignations; (c) a report from The Hindu of 4 July to say that the MPs had submitted their resignations in person to the Speaker, and quoting them as denying that the resignations were a gimmick; (d) a report from The Hindu of 7 July that said one of the MPs who had resigned had accepted felicitations for his action from

ar; (e) a screenshot of the website of one of the MPs
12 the scroll said, öPonnam Prabhakar has submitted his
resignation letter to Honoble Speaker Meira Kumarö; (f) a report from the Indian
Express of 5 July 2011 that said 10 Telengana MPs had resigned; (g) a report from
The Times of India of 1 August that said Congress MPs from Telengana who had
resigned the previous month stayed away from Parliament; (h) a report from
IBNLive.com of 11 October to say that Telengana Congress MPs had demanded
that the Speaker accept their resignations and (i) a report from a Hyderabad-based
website dated 17 November stating that a Congress MP from Telengana had met
the Speaker after the resignations were rejected, and had iterated he would never
reverse his decision to resign.

These various actions, by any reasonable standard, showed that the resignations
were voluntary and genuine, some actions establishing voluntariness, others
genuineness and many establishing both. Further, I submitted, they did not reveal
any element of coercion. The Committee, if it desired, could summon records from
various television channels that would bear out the veracity of these reports.

On the second point ~ the time taken to reject the resignations ~ I submitted
that while the Constitution did not lay down any time-frame, comment was
occasioned by attendant facts. I cited reports from three newspapers dated 9 July
2011, which quoted the Speaker as telling a Press conference that she would take a
decision on the resignations öbefore 1 Augustö, within 27 days of their submission.
The contradiction between the words and the deeds of the Speaker ~ the fact that
she took 134 days to decide after making an unequivocal statement that she would
take a decision within 27 days ~ provoked the comment in The Statesman, which
was thus fair. I submitted that political parties too had commented on the time
taken to accept the resignations and annexed clippings in support.
In respect to the third point ~ the Constitutionality of the Speakeröö action ~ I cited
the statement of Objects and Reasons for the 33rd amendment, which made it
necessary for the presiding officer to determine if a legislatoröö resignation was
voluntary or genuine. The amendment had been introduced, I submitted, to counter
the use of coercive measures to compel legislators to resign. It amended Article
101 (3) (b) which dealt with resignations of MPs and Article 190 (3) (b), which
dealt with resignations of MLAs, in identical terms to introduce the elements of
övoluntary or genuineö.

of the division bench of Madhya Pradesh High Court in Ballabhji Kasat and others), where the Bench (coram: Bhat, Tamaskar, JJ) had this to say:

Any eligible person has a right to contest the election. It is for the electorate to make its choice. Once a candidate is elected, ordinarily he is expected to function as a member of the Legislative Assembly for the requisite term. There is nothing in the Constitution that takes away the right of an elected member to resign his seat. Denial of such a right to an elected member would be destructive of principles of democracy. A legislator is the servant, but not the slave of the people. It is true that frequent resignations and frequent by-election are a drain on the finances of the State and may prove irksome. But that is no reason to compel an elected member who has no desire to continue his membership, to continue as such. A person, after getting elected, may, for variety of reasons, desire not to continue as a member. His reasons may be good or bad, but that is his decision and his right. (emphasis added.)

Further, the Court held: There is no principle of democracy which compels an elected member to continue to be a member even if he no longer desires to continue as such or which inhibits him from resigning his seat. It cannot be that the electorate has the right to compel an unwilling member to continue or to be consulted before resignation. We are inclined to hold that an elected member can resign his seat independently of the circumstances contemplated in subsections (1) and (2) of Article 190. He may resign for any reason which weighs with him, and the tenability of the reason cannot be subjected to scrutiny either by the Speaker or any other authority. (Emphasis added.)

When I appeared before the Committee on 20 June 2012, the Chairman informed me that in the considered view of members, nothing less than a *correcting statement* would undo the damage caused to the office of the Speaker. He said my second set of submissions had been circulated and wanted me to react to the feelings expressed by members.

I explained that the second note I had submitted was aimed only at addressing the specific points raised by the Committee at its first hearing ~ that the resignations were voluntary and genuine; the comment on the delay in rejecting the resignations and the Constitutionality of the Speaker's action.

I said I would be quite happy to accept the suggestion of the members and that

cle to explain what the Committee felt; explain what I
ying. I added that since the Committee felt I should
express regret I was quite happy to do so ~ as I am doing now ~ because it was
never our intention to denigrate the institutions of Parliament, least of all the office
of the Speaker. Finally, I thanked the Chairman and members of the Committee for
the courtesies they had extended to me.

This article is a narration of these events of the past few weeks and I have
taken up a great deal of space to underscore to readers both our respect for
Parliament and the Speaker, and the need for introspection on the privileges of
legislators, especially the need to codify them to take them away from restrictive
positions and closer to liberal ideals. If the first objective is met, it will be a source
of immense personal satisfaction. If the second is met, or even addressed
meaningfully by Parliament, this newspaper would be happy to have played a
small part in strengthening an institution.ö

(Concluded)

TY NINTH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Thursday, 13 December, 2012 from 1500 hrs. to 1516 hrs. in Committee Room 'B', Parliament House Annex, New Delhi.

PRESENT

Shri P. C. Chacko – Chairman

MEMBERS

2. Dr. Baliram,
3. Shri Syed Shahnawaz Hussain,
4. Dr. Ajay Kumar,
5. Shri Ananth Kumar,
6. Shri Shailendra Kumar,
7. Shri Baidyanath Prasad Mahto,
8. Shri Gopinathrao Pandurang Munde,
9. Smt. Annu Tandon,
10. Shri A. Venkatarami Reddy.

SECRETARIAT

1. Shri V.K.Sharma	- OSD (VK)
2. Shri V. R. Ramesh	- Joint Secretary
3. Shri Ashok Sajwan	- Additional Director

The Committee took up for consideration the Draft Third Report on the question of privilege given notices of by Sarvashri Asaduddin Owaisi, Jagdambika Pal and E.T.Mohammad Basheer, MPs regarding casting aspersions on and imputing motives to the decision of the Speaker, Lok Sabha in its editorial captioned "RIGHT TO RESIGN-Speaker's action unconstitutional" published in 'The Statesman' datelined 24 November, 2011.

the Committee adopted the Draft Report without modifications.

2. The Committee also authorized the Chairman to present the Report to the Speaker, Lok Sabha first and thereafter to the House.

The Committee then adjourned.

7 SEVENTH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Wednesday, 5 September, 2012 from 1500 hrs. to 1600 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri P. C. Chacko - Chairman

MEMBERS

2. Shri Pratap Singh Bajwa,
3. Shri Syed Shahnawaz Hussain
4. Shri Naveen Jindal
5. Dr. Ajay Kumar
6. Shri Ananth Kumar
7. Shri Shailendra Kumar
8. Smt. Annu Tandon
9. Shri A. Venkatarami Reddy
10. Shri Arun Yadav

SECRETARIAT

1. Shri V.K.Sharma	- OSD (VK)
2. Shri V. R. Ramesh	- Joint Secretary
3. Shri Ashok Sajwan	- Additional Director
4. Dr. Rajiv Mani	- Deputy Secretary

At the outset, the Chairman welcomed the members. The Committee took up for further consideration the matter regarding 'Notice of question of privilege dated 25 November, 2011 given by Sarvashri Asaduddin Owaisi, Jagdambika Pal and E. T. Mohammed Bashir, MPs against the Statesman for casting aspersion on the decision of Speaker, Lok Sabha. The Committee perused the apology published by

After some deliberations the Committee accepted the expression of regret made by the Editor of Statesman. Members were of the view that Shri Ravindra Kumar, the Editor and Managing Director of *The Statesman* should refrain from such journalistic misdemeanour and must exercise due restraint while commenting on a constitutional functionary like the Speaker of Lok Sabha. The Committee directed the Secretariat to draft a report accordingly.

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The Committee then adjourned.

THE FOURTH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Monday, 20 June, 2012 from 1100 hrs. to 1310 hrs. in Room No. 53 Parliament House, New Delhi.

PRESENT

Shri P. C. Chacko ó Chairman

MEMBERS

1. Shri Pratap Singh Bajwa
2. Dr. Baliram
3. Shri Ananth Kumar
4. Shri Shailendra Kumar
5. Shri Baidyanath Prasad Mahto
6. Smt. Annu Tandon
7. Shri A. Venkataramani Reddy
8. Shri Arun Subhashchandra Yadav

SECRETARIAT

1. Shri V.K.Sharma	- OSD(VK)
2. Shri Ashok Sajwan	- Additional Director
3. Dr. Rajiv Mani	- Deputy Secretary

WITNESS

Shri Asaduddin Owaisi, MP
Shri Ravindra Kumar, Editor, 'The Statesman'

At the outset, the Chairman welcomed the members. The Committee took up for consideration the matter regarding question of privilege against 'The Statesman' for casting aspersions on the decision of Speaker, Lok Sabha. Shri Asaduddin Owaisi, MP was called in and examined on oath.

ord of the evidence was kept)

(The member then withdrew).

2. Shri Ravindra Kumar, Editor, 'The Statesman' was then called in and examined on oath.

(Verbatim record of the evidence was kept)

(The witness then withdrew).

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The Committee then adjourned.

TY THIRD SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Wednesday, 6 June, 2012 from 1100 hrs. to 1240 hrs. in Room No. 53 Parliament House, New Delhi.

PRESENT

Shri P. C. Chacko - Chairman

MEMBERS

2. Shri Pratap Singh Bajwa
3. Shri Kalyan Banerjee
4. Shri Syed Shahnawaz Hussain
5. Shri Ajay Kumar
6. Shri Ananth Kumar
7. Shri Baidyanath Prasad Mahto

SECRETARIAT

1. Shri V. R. Ramesh	- Joint Secretary
2. Dr. Rajiv Mani	- Deputy Secretary

WITNESS

Shri Jagdambika Pal, MP

At the outset, the Chairman welcomed the members. The Committee took up for consideration the matter regarding question of privilege against 'The Statesman' for casting aspersions on the decision of Speaker, Lok Sabha. Shri Jagdambika Pal, MP, was called in and examined on oath. He made his oral submission and replied to the clarifications sought from him by the Committee.

ord of the evidence was kept)

(The member then withdrew).

2. The Committee thereafter deliberated upon the past precedents in the matter and decided to call the Editor of The Statesman at its next sitting before finalizing its recommendations.

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The Committee then adjourned.

THE SECOND SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Monday, 21 May, 2012 from 1630 hrs. to 1830 hrs. in Committee Room 'B', Parliament House Annex, New Delhi.

PRESENT

Shri P. C. Chacko - Chairman

MEMBERS

1. Shri Pratap Singh Bajwa
2. Dr. Baliram
3. Shri Syed Shahnawaz Hussain
4. Shri Naveen Jindal
5. Dr. Ajay Kumar
6. Shri Shailendra Kumar
7. Smt. Annu Tandon
8. Shri Arun Yadav

SECRETARIAT

1. Shri V. R. Ramesh	- Joint Secretary
2. Shri Ashok Sajwan	- Additional Director
3. Dr. Rajiv Mani	- Deputy Secretary

WITNESS

Shri E.T. Mohammed Basheer, MP
Shri Ravindra Kumar, Editor, 'The Statesman'

At the outset, the Chairman welcomed the members. The Committee took up for consideration the matter regarding question of privilege against 'The Statesman'

decision of Speaker, Lok Sabha. Shri E.T. Mohammed Basheer, MP, was called in and examined on oath.

(Verbatim record of the evidence was kept)

(The member then withdrew).

Shri Ravindra Kumar, Editor, 'The Statesman' was then called in and examined on oath.

(Verbatim record of the evidence was kept)

(The witness then withdrew).

The Committee then adjourned.

TY FIRST SITTING OF THE COMMITTEE OF PRIVILEGES

**The Committee sat on Tuesday, 15 May, 2012 from 1500 hrs. to 1535 hrs. in
Committee Room 'B', Parliament House Annexe, New Delhi.**

PRESENT

Shri P. C. Chacko - Chairman

MEMBERS

2. Shri Pratap Singh Bajwa
3. Shri Kalyan Banerjee
4. Shri T.K.S.Elangovan
5. Shri Syed Shahnawaz Hussain
6. Shri Naveen Jindal
7. Dr. Ajay Kumar
8. Shri Ananth Kumar
9. Shri Shailendra Kumar
10. Smt. Annu Tandon

SECRETARIAT

1. Shri V. R. Ramesh	- Joint Secretary
2. Shri Ashok Sajwan	- Additional Director
3. Dr. Rajiv Mani	- Deputy Secretary

At the outset, the Chairman welcomed the members and informed them about pending agenda before the Committee. XXXXXXXXXXXXXXXXXXXXXXX
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2. The Committee thereafter took up for consideration Memorandum No. 5 circulated to the Members regarding question of privilege given notice by Shri Asaduddin Owaisi, Shri Jagdambika Pal and Mohammed Basheer, MPs against 'The Statesman' newspaper for casting aspersions on and imputing motives to the Speaker. The Committee after some deliberations decided first to hear the Members who had given the notice and then to call the Editor of 'The Statesman' for his oral evidence at their next sitting.
3. The Committee decided to meet again on Monday, 21 May, 2012 at 4.30 pm.

The Committee then adjourned.