

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

**10**

**TENTH REPORT**

**Notice of question of privilege dated 07 August, 2015 given by Shri Rajesh Ranjan alias Pappu Yadav, MP against the Senior Superintendent of Police, Patna for allegedly making prejudiced statement in the media against him.**

*[Presented to the Speaker, Lok Sabha on 24 December, 2018]*

*[Laid on the Table on 28 December, 2018]*



**LOK SABHA SECRETARIAT**

**NEW DELHI**

December, 2018/*Pausha*, 1940 (*Saka*)

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\* To be appended later.

**PERSONNEL OF THE COMMITTEE OF PRIVILEGES**  
**(2017-2018)**

**Smt. Meenakshi Lekhi - Chairperson**

**MEMBERS**

2. Shri Anandrao Adsul
3. Shri Kalyan Banerjee
- †4. Shri Anant Kumar Hegde
5. Shri Srinivas Kesineni
6. Shri J.J.T. Natterjee
7. Shri Jagdambika Pal
8. Shri Konda Vishweshwar Reddy
9. Shri Tathagata Satpathy
10. Shri Jyotiraditya M. Scindia
- ‡11. Shri R. K. Singh
12. Shri Rakesh Singh
13. Shri Sushil Kumar Singh
14. Dr. Kirit Somaiya
15. Prof. (Dr.) Ram Shankar, MP

**Secretariat**

- |    |                         |   |                     |
|----|-------------------------|---|---------------------|
| 1. | Shri Ravindra Garimella | - | Joint Secretary     |
| 2. | Shri M.K. Madhusudhan   | - | Director            |
| 3. | Shri Dhiraj Kumar       | - | Additional Director |
| 4. | Dr. Faiz Ahmad.         | - | Legislative Officer |

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† Shri Anant Kumar Hegde, MP has been appointed as Minister of State *w.e.f.* 03.09.2017.

‡ Shri Raj Kumar Singh, MP has been appointed as Minister of State *w.e.f.* 03.09.2017.

TENTH REPORT OF COMMITTEE OF PRIVILEGES  
(SIXTEENTH LOK SABHA)

**I. Introduction and Procedure**

I, the Chairperson of the Committee of Privileges, having been authorized by the Committee to submit the report on their behalf, present this Tenth Report to the Speaker, Lok Sabha on the question of privilege dated 07 August, 2015 given by Shri Rajesh Ranjan alias Pappu Yadav, MP against the Senior Superintendent of Police, Patna for allegedly making prejudiced statement in the media against him.

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

3. The Committee at their sitting held on 21 September, 2015 considered the Memorandum on the subject and also decided to hear Shri Rajesh Ranjan alias Pappu Yadav, MP in the first instance.

4. At their second sitting held on 03 November, 2016, the Committee examined on oath Shri Rajesh Ranjan alias Pappu Yadav, MP.

5. The Committee at their third sitting held on 25 October, 2017 examined on oath Shri Vikas Vaibhav, the then Senior Superintendent of Police, Patna.

6. At their fourth sitting held on 14 November, 2017, the Committee directed the Secretariat to prepare the draft report in the matter for consideration of the Committee.

7. At their fifth sitting held on 12 December, 2018, the Committee considered the draft report and after some deliberations adopted the same. The Committee then authorized the Chairperson to finalize the report and present the same to the Speaker, Lok Sabha and thereafter, to lay it on the Table of the House.

## **II. Facts of the Case**

8. Shri Rajesh Ranjan alias Pappu Yadav, MP in his notice of question of privilege dated 07 August, 2015 against the Senior Superintendent of Police, Patna (Shri Vikas Vaibhav, IPS), had alleged breach of his privilege by making statements in the press about the Patna Police approaching the High Court for cancellation of the bail granted to him. The member alleged that the SSP, Patna has made these statements with prejudice and has been targeting him personally due to his demonstrations against organized crime and corruption in the city adding that the official planned to set up fake litigations/criminal cases under a well considered conspiracy which, according to the member, amounted to a breach of his privilege. The member also enclosed newspaper clippings in support of his contention wherein it has been *inter alia* stated that the city police plan to move the Patna High Court for seeking cancellation of the bail of Shri Yadav, MP and leader of

Jan Adhikar Party for repeatedly violating the rules and creating law & order problem in the state capital. Shri Vikas Vaibhav, SSP, Patna had reportedly been stated to have said that he would not allow people including Shri Pappu Yadav, MP to repeatedly violate the rules and create law & order problems in the city.

9. Hon'ble Speaker *vide* her order dated 08 August, 2015 referred the matter to the Committee of Privileges, for examination, investigation and Report, in exercise of her powers under Rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha.

### **III. Evidence**

#### **Evidence of Shri Rajesh Ranjan alias Pappu Yadav, MP**

10. During his evidence before the Committee on 03 November, 2017, Shri Rajesh Ranjan *alias* Pappu Yadav, *inter alia* stated as under:

“Hon'ble Chairperson, I have submitted everything to the Committee along with the newspaper clippings. Demonstration is very important as a democratic value. It is difficult to say whether the Constitution allows the dishonest to commit dishonesty but does not allow speaking. There are several instances like Section 129 of Cr.PC will be applied during a demonstration but rules will be different if it does not involve demonstration. They have written clearly that Pappu Yadav creates a lot of trouble for the police and reaches wherever there is any incident in

any part of Bihar. I have presented before you the comment he has made and the words he has used. He has clearly said that Pappu Yadav has used criminal language about Shri Lalu Yadav and Shri Nitish Kumar whereas I never used such a language. Cases were lodged against Shri Lalu Yadav and others during demonstration and 'Bihar Band' but their cases were taken back except mine. Shri Lalu Yadav was also on the road when I had called for a 'Bandh' in Bihar. Many incidents took place wherein they have levelled allegations and made comments before the court which can be extracted from the court and the word 'History Sheeter' has been used. They kept making statements like this at the behest of the Government. Others were also staging demonstration and their cases were taken back in the written form in the CJM Court. I appealed before the CJM Court inquiring as to why the case of the opposition could not be taken back on the same basis. I have to submit that I have no objection if a bureaucrat works or stops me under certain section within the limits of the Constitution but the Constitution does not confer any right to make a wrong comment about a Member of Parliament. I object to his insulting comments which have damaged my reputation in the eyes of ten crores of people. This has hurt me. I have been a five time Member of Parliament and one time Member of Legislative Assembly. I have been a four time independent Member and has also been an independent MLA and hail from the biggest social family of Bihar. There is a saying that 'Might is Right', so people



run their administration in their own way. Same situation prevails everywhere. It is difficult to say who will make what allegation and on whom. If a bureaucrat makes an insulting allegation, not permitted under the law and the Constitution, it amounts to breach of privilege. I am a member of this House and twenty lakh people elect me. Their responsibility is on me. Therefore I feel that such comments hurt the people and amounts to breach of right of the voters. This matter does not pertain to this SP alone. Many Members of this country make allegations that the bureaucrats use the law and the Constitution as their shield to breach our rights. I wish that such comments are not made in future about any responsible person. I have no problem if things are executed under the law. They can follow the procedure to stop me. It is necessary to punish him to ensure that such comments are not made in future. Given the kind of politics in Bihar, the opposition leaders will be insulted in future also. Therefore, I request you to give me protection.”

11. On being asked as to whether he was declared a 'History Sheeter' or a bad character, Shri Pappu Yadav replied as under:

“I was never declared. The High Court has acquitted me.”

12. When asked whether his allegation against the SSP for having declared him a History Sheeter has a factual basis and whether the SSP could present any proof of his being so, Shri Pappu Yadav stated as under:

“This question does not arise.”

13. On being asked whether the word ‘History Sheeter’ was used by the SSP, he stated that:

“Madam, he used the word ‘History Sheeter’, ‘Criminal etc. I can give you the tape.”

14. When asked whether he had brought the tape, he stated as under:

“No Madam. I will give the tape. When Assembly session was going on and we were going to surround the Assembly, he used this word. I want to know whether an officer will work under the law or he can give a statement in the press about any person which the law does not permit. Court also has a procedure. I have answered what you desired to know that there is no such record. I was the President of Purnea college in 1984 and thereafter I became MLA in 1988 and 1989 and in 1991, I contested for Lok Sabha, he said so at the behest of the Government, only to insult me so that I do not use such democratic means and do not talk for the welfare of ten crore people of Bihar. He said so only to create fear and to insult me so that I get morally weak.”

15. To a specific query whether he had ever been convicted, he replied as under:

“No madam. There is nothing like this. The High Court has acquitted me. Now there is a law which disqualifies the public representative if he/she is convicted for more than two years. In my case, the court has asked it on record as to why Shri Pappu Yadav was kept in jail for so long and who will return his past. I will give you that too.”

16. When asked to provide a copy of the judgment and the concerned CD wherein the said officer made the impugned statement, the member stated that he would do so.

**Evidence of Shri Vikas Vaibhav, Senior Superintendent of Police**

17. During his evidence before the Committee held on 25 October, 2017, Shri Vikas Vaibhav, Senior Superintendent of Police *inter alia* submitted as follows:-

“Madam, I was posted as the Senior SP of Patna in 2015 from 23<sup>rd</sup> June to 27<sup>th</sup> August. The time period extended for another three months. During that time, it was just before the elections in Bihar, there were lots of protests which were going in Patna, the Capital city. Generally, for every protest, there was some earmarked site which was marked by the administration and in other areas, there were some areas in which Section 144 was in force. In some areas, the hon. High Court of Patna had prohibited any protest or demonstration. During that time, several cases were lodged against several

people who were indulging in protest in the restricted area or in the areas in which the hon. High Court had asked the administration not to allow any protest or any demonstration. In this particular case, three FIRs had been lodged on the 11<sup>th</sup> July, 15<sup>th</sup> July and 3<sup>rd</sup> August, 2015 in which the hon. Member was actually leading several protesters who were violating the law. They were stopping the traffic for several hours and indulging in other activities which were illegal as per the Indian Penal Code. So, FIRs were registered. It was apprehended that more such violations of law would take place. Not only in this case but in several other cases also, we moved proposal to the Police Headquarters as per Cr.PC for cancellation of bail of people who were indulging in such protests despite being on bail. So, in this particular case, we had presented a consolidated report. We had sought details of cases in Patna and also in other districts. During my tenure, in Patna, we got four cases in which he was out on bail and then we submitted the certified copies of the bail along with other documents to the Police Headquarters for approaching the hon. High Court of Patna. There was nothing intentional on my part as such. It was all in the interest of maintaining law and order in the city.”

18. On being asked whether he was carrying the internal report which he had furnished to the High Court, copy of the Petition and the Order of the High Court, the witness stated as under:

“I have actually given it to the Police Headquarters. From there, it was supposed to be filed through the Advocate General before the hon. High Court. I am having the copy of it which I had submitted to the Police Headquarters.”

19. The Committee having taken on record the copies submitted by the SSP, Patna asked the witness to put the documents in seriatim and then submit to the Committee.

20. The witness then made the following submission before the Committee:-

“I would like to make one more submission. The hon. Member, at that point of time, felt that I was acting in a prejudiced way. After twenty days, I got transferred from Patna. The hon. Member also made some comments on the social media and thereafter, he has been making comments. I have got a copy of his Face book page in which he gave statement to the fact that the person (Shri Vikas Vaibhav) is fully neutral. He appreciated my neutrality. He said that the person does not believe in any political influence or malice and this is the copy which I am carrying with me. Thereafter, there are

several videos on You tube in which, after the Election Commission posted me back, the hon. Member gave various statements of praising my neutrality. They are all on social media and on You tube. I have got one copy from his official Face book page which I am carrying with me.”

21. On being asked whether the pages on the Face Book were verified, he replied in the affirmative.

22. When asked as to what had really transpired in the matter and what was the statement made by the Hon'ble Member, the witness stated as under:

“He said that the person who has been transferred from Patna has been transferred under the political pressure of the ruling party which is wrong. That is what he said.”

23. On being asked what had really upset the Hon'ble Member, the witness stated as under:

“I have always worked with neutrality. Earlier, I was in Delhi, then I had gone to Patna. He may have felt that I was acting on some political pressure, but I have always helped the law, I do everything fully as per law. There is nothing against anyone or in favour of anyone. I have always acted in that way. The same thing which the hon. Member also felt and he is also saying in the media. My actions at that point of time were against all people,

encompassing all political party including ruling party and opposition, whatever I did was as per law. There was nothing which could be constituted as anything personal in which I would have any personal interest. Thereafter, I also conducted the elections very peacefully in Patna.”

24. On being asked whether it was essential for him to give a statement in the print media, he stated as under:

“I have not made any statement against the hon. MP. Some Press people asked me and I just confirmed what we were planning to do. It was not limited to him. It was also about some other people. I just confirmed. I did not issue any statement and there was neither any press conference nor any press briefing.”

25. The Committee while expressing their displeasure over the witness going to the press, asked him specifically as to whether he had done so and also enquired as to what had exactly happened. In response, Shri Vaibhav replied as under:

“No, Madam.... Actually, I was outside the Vidhan Sabha. At that time, the media persons were present there. They had come to know and asked me. I did not make any intentional statement against the hon. Member. The media persons asked me whether the police was going to file a petition. I just

confirmed it. I did not make any intentional press briefing. The media persons were there. That is how they carried it in the newspapers.”

26. When the Committee opined that he was not supposed to make any casual statement and asked whether he regretted the statement he had made, the witness replied as under:

“There was nothing intentional, but I duly unconditionally apologize, if it has caused any inconvenience to the hon. Member.”

27. When asked whether he had taken the name of Shri Rajesh Ranjan, MP, he stated as under:

“Yes. On being asked, I confirmed: Yes, the police is proceeding in this matter in this particular case also apart from other cases. But there was nothing intentional against the hon. Member.”

28. When asked again whether he regrets for having spoken to the press, the witness replied:

“Un-conditionally I apologise.”



#### **IV. Findings and Conclusions**

The main issues before the Committee are to determine:—

- (i) Whether Shri Vikas Vaibhav, the then SSP, Patna had given a statement to the press with a view to malign/tarnish the image of Shri Rajesh Ranjan *alias* Pappu Yadav, MP.
- (ii) Whether making of a statement in the press regarding filing of a petition in the court for cancellation of the bail of Shri Rajesh Ranjan *alias* Pappu Yadav, MP amounted to breach of privilege.

**Issue No. 1: Whether Shri Vikas Vaibhav, the then SSP, Patna had given statement to the press with a view to malign/tarnish the image of Shri Rajesh Ranjan *alias* Pappu Yadav, MP.**

The Committee note that the main thrust of notice of question of Privilege given by Shri Rajesh Ranjan *alias* Pappu Yadav, MP is that the then Senior Superintendent of Police, Patna Shri Vikas Vaibhav allegedly defamed him by making unsavory remarks and prejudicial statement against him in the press stating that the Patna Police are approaching the High Court for cancellation of the bail granted to him, and that the police also used the word ‘History Sheeter ’ for him in the course of filing various other cases against him in the court thereby tarnished his image amongst the general public.

Elaborating, the member stated that the then SSP, Patna has made these statements with prejudice as he had been targeting him personally due to his demonstrations against organized crime and corruption in the city. He also stated that the Officer planned to set up fake litigations/criminal cases under a well considered conspiracy which, according to the member, amounted to a breach of his privilege.

29. In his deposition before the Committee, the SSP stated that he did not make any statement *suo motu* against the Hon'ble MP. He was only responding to questions posed by the press persons. He stated that there was neither any press conference nor press briefing by him. At that point of time he was outside the Vidhan Sabha and some media persons were present there. The media persons asked him whether the police was going to file a petition and he just confirmed it and the same was carried in the newspapers. He did not make any press briefing intentionally. He expressed unconditional apology if it has caused any inconvenience to the hon. Member.

30. From the facts emanating from the case and the statements on record, the Committee find that Shri Vikas Vaibhav, the then SSP had neither issued any press statement on his own nor he organized any press conference or press briefing. He was merely responding to the question posed by the media persons as to whether the police was going to file a petition against the Hon'ble Member. Hence, there

appears to be no intention on the part of the SSP to malign the image of Shri Rajesh Ranjan. The Committee are of the view that the local press had probably over reacted on the issue and blown it out of proportion and this would have irked the member who felt that his image had been sullied. The Committee, however, feel that the then SSP should have been more circumspect and refrained from responding to the presspersons in the first instance, so as to avoid such situations.

31. The Committee also take note of the fact that the SSP had expressed his sincere regrets for the incident and also expressed his sincere and unconditional apologies to the Committee for any act of commission or omission on his part which might have hurt the feelings of the Member.

**Issue No. 2 :- (ii) Whether making a statement in the press regarding filing of a petition in the court for cancellation of bail of the member amounted to breach of privilege of Shri Rajesh Ranjan alias Pappu Yadav, MP.**

32. In so far as the issue of breach of privilege of the Member is concerned, it is well established that *"Speeches and writings reflecting on the House or its Committees or members are punished by the House as a contempt on the principle that such acts "tend to obstruct the Houses in the performance of their functions by diminishing the respect due to them."* In order to constitute a breach of privilege, however, a libel upon a Member of Parliament must concern his character or

*conduct in his capacity as a member of the House and must be “based on matters arising in the actual transaction of the business of the House”. Reflections upon members otherwise than in their capacity as members do not, therefore, involve any breach of privilege or contempt of the House.” (Kaul & Shakhder 7<sup>th</sup> edn. p.304)*

33. In the light of the aforesaid well settled position and based on the facts emerging in the instant case, the Committee find that the member was not performing his parliamentary duties at the time when the incident took place and further the impugned statement to the press by the then SSP, Patna, Shri Vikas Vaibhav was not made deliberately or intentionally to malign the image or bring disrepute to the member. The Committee, therefore, cannot but conclude that no case of breach of privilege of the member can be made out in the instant case.

#### **V. Recommendations**

**34. The Committee in the light of their findings and conclusions, recommend that in view of the unconditional apology tendered by the then Senior Superintendent of Police, Patna, no further action is called for in the matter and the same may be treated as closed.**

**New Delhi  
Dated :**

**SMT. MEENAKASHI LEKHI  
CHAIRPERSON  
COMMITTEE OF PRIVILEGES**