

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

6

SIXTH REPORT

**Notice of question of privilege dated 29.02.2016 by Sushree Sadhvi
Savitri Bai Phoole, MP against the District/Police administration,
Bahraich, UP for obstructing her while she was heading for Delhi
to attend the Budget Session of Parliament.**

[Presented to the Speaker, Lok Sabha on 13 December, 2017]

[Laid on the Table on 20 December, 2017]



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2017/Agrahayana, 1939 (Saka)

COMMITTEE OF PRIVILEGES

(SIXTEENTH LOK SABHA)

SIXTH REPORT

Notice of question of privilege dated 29.02.2016 by Sushree Sadhvi Savitri Bai Phoole, MP against the District/Police administration, Bahraich, UP for obstructing her while she was heading for Delhi to attend the Budget Session of Parliament.

[Presented to the Speaker, Lok Sabha on 13 December, 2017]

[Laid on the Table on 20 December, 2017]



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2017/*Agrahayana, 1939 (Saka)*

CONTENTS

	PAGE
Personnel of the Committee of Privileges	(iv)
Report	1
Minutes	21
Appendices.....	30

PERSONNEL OF THE COMMITTEE OF PRIVILEGES
(2017-2018)

Shri Smt. Meenakashi 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 Raj Kumar 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. | Dr. Faiz Ahmad. | - | Legislative Officer |

DRAFT 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 sixth report to the Speaker, Lok Sabha on the Notice of question of privilege dated 29.02.2016 by Sushree Sadhvi Savitri Bai Phoole, MP against the District/Police administration, Bahraich, UP for obstructing her while she was heading for Delhi to attend the Budget Session of Parliament

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

3. The Committee at their sitting held on 13 February, 2017 considered the matter. The Committee decided to hear Sushri Savitri Bai Phoole, MP in the first instance.

4. At their second sitting held on 30 June, 2017, the Committee examined on oath Sushri Savitri Bai Phoole, MP.

5. The Committee at their third sitting held on 09 October, 2017 examined on oath the then District Magistrate and the then Superintendent of Police, Bahraich. The Committee Secretariat was directed to prepare the draft report in the matter for consideration of the Committee.

6. At their sitting held on 14 November, 2017, the Committee considered the draft report and after some deliberations adopted it. The Committee then authorized the Chairperson to finalize the report accordingly and present the same to the Speaker, Lok Sabha and thereafter, to lay the same in the House.

II. Facts of the Case

7. Sushree Sadhvi Savitri Bai Phoole, MP in her notice of question of privilege dated 29 February, 2016 alleged¹ that when she was heading for Delhi to attend the Budget Session of Parliament, the District/Police Administration authorities led by Inspectors viz. Sarvashri Vidya Sagar Verma and Sanjay Singh stopped and detained her on the way without any reason and despite her repeated requests that she had to attend the Budget Session of Parliament, did not let her go and thus obstructed her from attending the Session.

8. Elaborating the incident, the member in her letter² dated 29 February, 2016 addressed to the Superintendent of Police, Bahraich, stated as under:

“It was around 11.30 AM when I was leaving for boarding flight for Delhi to attend the proceedings of the Lok Sabha Budget session, the officer-incharge of Kotwali Dehat police station Shri Vidya Sagar Verma and the officer-incharge of the City Police Station Shri Sanjay Singh alongwith a heavy police force stopped me forcefully on water tank red light in Hajurpur-Lucknow road without stating any reason. The City Magistrate deployed there stated that they were taking such an action as per orders of the District Magistrate Shri Abhay and the Superintendent of Police Shri Salikram Verma. They abused my driver by pulling him out and snatched the key of the vehicle. On being intervened by the Zila Panchayat member Shri Harishchandra Gupta, who was accompanying me, he was manhandled by police. He was pulled away from the vehicle. On making my repeated requests that I have to attend the ongoing Budget Session, the officers-incharge of both the police stations told me to face the police action first,

¹ Pl. see Appendix I

² Pl. see Appendix II

then talk about the Budget Session. Thus, they stopped me from attending the Budget Session, which was the breach of my privilege. They further asked me to go out by taking my luggage from the vehicle and not to talk more.”

9. As per the laid down procedure, factual note in the matter was sought from the State Government of Uttar Pradesh through the Ministry of Home Affairs on 3 March, 2016. In the meantime, in view of the gravity of the allegations made by the member in her notice, Hon’ble Speaker under 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 on 12 May, 2016.

10. The Ministry of Home Affairs *vide* their communication³ dated 1 August, 2016 had forwarded the factual report as received from the State Government of Uttar Pradesh, in the matter, after the matter was referred to the Committee of Privileges by the Hon’ble Speaker.

The report of the Special Secretary, who was appointed as the investigating officer in the instant case, as forwarded by the Secretary, Government of Uttar Pradesh, reads as under:

“First of all, I sought an appointment with the complainant Hon’ble Member of Parliament by calling her to ascertain the facts of the incidents. As per the scheduled time given by the Hon’ble Member of Parliament on 20.06.2016 I visited her in Room No. 265 of Taj Hotel at 2.00 PM and collected information about the facts of the incident. The Hon’ble Member of Parliament stated that she had left for Lucknow by her own vehicle (Scorpio) No. U.P-40N-2300 on 29/02/2016 to board the flight for Delhi in order to attend the proceedings of Lok Sabha. The said vehicle was being

³ Pl. see Appendix III

driven by her driver in the mean time the Inspector-Incharge of Kotwali Rural Shri Vidyasagar Verma and the Inspector-Incharge of Kotwali Urban Shri Sanjay Singh had stopped her vehicle and forcibly taken out the key of the vehicle. She requested both the police officers to let her go and when she enquired about the reasons for stopping her vehicle they replied indecently by saying that they know nothing about it, but it was the order of the higher authority so they would seize her vehicle. She also stated that she had requested the District Magistrate as well as the Superintendent of police of the district to allow her vehicle to go but they too had refused to do so and detained her over there due to which she could not reach Lucknow on time and thus missed her flight to Delhi. The Hon'ble Member of Parliament added that she had spoken to the Speaker of Lok Sabha and her vehicle was allowed to go by the local administration only upon a phone call received from the Secretary of the Speaker, Lok Sabha. The Hon'ble Member of Parliament leveled allegations against the District Magistrate and the Superintendent of Police along with both the Inspectors-In charge that on account of her detention by the local administration she could not attend the proceedings of Lok Sabha which was breach of her parliamentary privilege. The Hon'ble Member of Parliament was asked to display on-the-spot photograph regarding the incident but there was not any photograph available with her in this connection. She also stated that there was no Election Observer present at the time of incident. The Hon'ble Member of Parliament, while claiming to have been sitting herself in the vehicle, totally denied that her vehicle was equipped with the red light beacon.....

The then Inspector, Kotwali City, Shri Sanjay Singh submitted that the incident took place on 29.2.2016. During the period, election to the U.P Vidhan Parishad was taking place and the model code of conduct was in

force. I received a message that the Observer to the Election has stopped a vehicle near water tank and I was instructed to report at the spot immediately. When I reached on the spot the observer asked me to take necessary legal action, while handing me the key of a white scorpio car No. UP-40-N-2300 with red beacon. Since the area where the incident took place was under jurisdiction of Kotwali, Dehat, I waited there for them to arrive. The police personnel of the concerned police station arrived on the spot after a while. The Inspector also submitted that there was a red beacon on the car and hon'ble Member of Parliament was not in the car. As soon as hon'ble MP arrived on the spot her supporter/driver took off the red beacon from the car and put it inside the car. Meanwhile Hon'ble MP sat in the car and insisted to drive away the car and as a result an argument took place on the issue. In between Circle Officer (CO) City and City Magistrate also arrived on the spot. The Inspector Kotwali Dehat completed legal proceedings and let off the car and the driver. No ill-treatment was meted out to hon'ble MP and her supporters. It took around 2 hours to complete the legal procedure.

Shri Vidya Sagar, the then Inspector-in-charge Kotwali Dehat, Bahraich while confirming the facts submitted by Shri Sanjay Singh stated that when he reached at the spot he came to know that the observer has handed the keys of the car to the Inspector kotwali Nagar and also directed him to take necessary action. When he reached there, Hon'ble Member of Parliament was present there along with her supporters. Inspector, Kotwali requested the MP that legal action has to be taken as per the directions of the observer. On this Hon'ble MP and her supporters got agitated and started raising slogans against the Police Administration. The then City Magistrate, Shri Vijay Narayan Pandey and Circle Officer, Shri Akhand Pratap Singh arrived on the spot. They also made several request to the Hon'ble MP. After

she acceded to, both the car and driver were released as per the rules after issue of challan.

City Magistrate Shri Vijay Narayan Pandey and CO City, Shri Akhand Pratap Singh, while confirming the statements given by both the officers in charge stated that they reached at the tiraha (junction of three roads) after being informed of the incident telephonically. Hon'ble MP was present there at that time and she was sitting in her car. We both politely tried to make her understand. After that Inspector, Kotwali Dehat released the car after issue of challan. Nobody misbehaved with the MP or with her supporters. Instead they kept on making requests throughout. Local Administration provided a recorded video CD regarding the genuineness of the incident. In the video Hon'ble MP's car with red beacon is visible. Later on, a supporter of Hon'ble MP took the red beacon off and kept it inside the car. At that time she is not in the vehicle but boarded it later.

The followers of the Hon'ble Member are seen shouting slogans to mount pressure on the Police for the release of vehicle. The Hon'ble Member of Parliament admitted herself in a video that her driver had violated the law. She is seen in the video telling the Police repeatedly that her workers were going to attend the meeting, and there is no statement of the member relating to attending the proceedings of Lok Sabha. Later on, the C.O. City and the City Magistrate arrived and held talks with the Hon'ble Member of Parliament which resulted in the vehicle being released after imposition of fine for violation of the law. While going through the entire video clipping nowhere it is seen that any kind of indecent behaviour was committed against either the Hon'ble Member of Parliament or her followers.”

III. Evidence

Evidence of Sushri Savitri Bai Phoolle, MP

11. During her evidence before the Committee on 09 October, 2017, Sushri Savitri Bai Phoolle inter alia stated as under:

“I was coming to attend the budget proceedings. The District Magistrate and the Superintendent of Police stopped my vehicle on the way. I told them that I had to rush to attend the budget session but they did not allow my vehicle. I immediately called up the Secretary to the Hon’ble Speaker. My vehicle was allowed to go only on telephonic call received from the Speaker Office. By then time to reach for the budget session had lapsed. I gave a notice to the Hon’ble Speaker complaining against the district police administration due to whose behaviour, I could not participate in the session of the Lok Sabha.”

12. On being asked as to who stopped her vehicle, whether it was DM or SP the Inspector and the CO, Sushri Phoolle replied as under:

“ My vehicle was first stopped by the inspector. I told him that I had to go to participate in the session of Lok Sabha and so let me go but he did not allow. I called up the District Magistrate immediately but he did not pick up the phone. I called again and then he received my call and ignored my request saying that we do not know whosoever you are. We will not release the vehicle. Thereafter, I called up the Superintendent of Police but he also ignored my request and did not release the vehicle. Then I immediately called up the Speaker. On receiving the call from the Speaker’s Office, the District Magistrate released my vehicle but by then it was too late to participate in the parliamentary proceedings.

13. When asked whether it was the Inspector and the CO who stopped her vehicle or the Election Observer, she replied as under:

““ My vehicle was stopped by the inspector first and it was done at the behest of the DM and the SP....”.

14. When asked whether any election was going on at that point of time and any Model Code of Conduct was in force, the member replied in the affirmative.

15. When the Committee drew attention to the Report of the State Government, wherein it was stated that ‘Red Beacon’ was mounted on her car top and it was stopped by the Election Observer, she replied as under:

“No, there was no election observer there. My car was stopped by the Inspector.”

16. When asked about her reaction to the Report of the State Government, stating that she was not present in the car when the car was stopped and that she came later on, she replied as under:

“No. I was in the car and the Inspector took away the key of the car. I was present there.

17. The Committee shared the information as received from the State Government, stating that videography of the whole incident was done as per the law during the Model Code of Conduct being in force at that time, wherein her vehicle was mounted with ‘Red Beacon’ and it was seen being unmounted; and that she reached the site of the incident, later on. In response the member, replied stated as under:

“There is nothing like this.”

18. When asked about the date of incident and the situation prevailing there and whether any election was going on in that area or any of the surrounding area, she replied as under:

“It is correct that MLC’s election was going on there.”

On being asked whether Lok Sabha Session was going on the date of incident the member stated in affirmative. She also stated that perhaps Hon’ble Finance Minister presented the Budget on that day.

When asked as to why the police officer stopped the vehicle on that day, the member stated:

“He stopped my vehicle, and forcibly snatched the keys from the driver, and went away”

She added:

“I was telling him not to do that, but despite my pleading he did not heed to my request”

On being asked as to how she left that place, the member stated:

“When all my efforts became unfruitful after several hours later *i.e.*, after 4-5 hrs., I was left off that too only after telephonic call went from Speaker’s Office to District Magistrate.”

19. On being asked who were the officials involved in this incident, she stated that the Inspector, the DM and the SP were collectively involved.

Evidence of Shri Abhay Singh, District Magistrate, Bahraich

20. During his evidence before the Committee held on 09 October, 2017, Shri Abhay Singh, District Magistrate, Bahraich *inter alia* submitted as follows:-

“This incident took place on 29 February, 2017. Elections for MLC were going on and Code of Conduct was in force. Election observers were present at different places in my district. When I came to know about an incident involving a Scorpio with registration number UP 40-2300 near a water tank, which had an uncovered Red Beacon mounted on it, the Police Superintendent and I were in a meeting and the Election Observer had directly informed the SHOs about it. All SHOs have wireless sets in their vehicle and the concerned SHO was asked to check. On checking, it was found that the car belonged to Sushri Phoolle, MP and she was not present in the car and at that time Shri Sanjay Singh, Inspector-in-Charge, Shri Vidya Sagar Verma, Inspector-in-Charge, Kotwali, Bahraich and Shri Ajit Kumar Verma were present there and they were sent later. All these things were told by the Election Observer and we were in the meeting. We talked to the member. No action was taken nor was any misbehaviour done with anyone. We had expressed our regret for this episode. On the instructions of the Election Observer, report was registered under MCC Code of Violation 404/16/1056. Everyone was freed then and there including the member and the activists. Nothing happened in this matter. We had expressed regret to the member for the whole episode and I apologise before the Committee for this. However, no misbehaviour was done in this matter and it was a case of violation of Model Code of Conduct and the Election Observer had issued directions straightaway.”

21. On being asked specifically whether he was the DM at that point of time, Shri Abhay replied in the affirmative.

22. When asked whether the vehicle had a red beacon, the witness stated as under:

“Yes, it had. It was not covered and Hon’ble MP was not in the vehicle.”

23. When asked whether it was permitted at that time that MPs could use red beacons on their vehicles in UP, he replied in the affirmative.

When asked to confirm that when the officers spotted the car itself, Hon’ble member was not present in the vehicle, Shri Abhay stated:

“Yes, madam was not present.”

24. On being asked who all were there in the car and where was the member, at that time he replied as under:

“At that time, the driver, Shri Manohar was there in the car and about others, I do not have any information. Hon’ble member was not there.”

25. When asked whether the member left from Lucknow in order to go to Delhi on that date itself for attending the Session, Shri Abhay said that he had no idea about her travel plan.

26. When asked whether he had committed any mistake, he stated as under:

“No Sir, I expressed regret in case anyone felt offended. In so far as violation of Model Code of Conduct, I took the requisite action in the minimum possible time, as soon as I came to know about it and after receipt of the message that the car should be released.”

27. On being asked whether there was any indecent behaviour by anybody towards the Member of Parliament, he replied as under:

“No, Sir. As soon as I got to know, I arranged the release of the car and the driver on bond with all due respect and without any delay”.

28. When asked whether any regret was expressed by him in writing to the member, he stated as under:

“We did not have any written communication. Generally, oral communication is done in such matters. I had discussed this with other officers in the usually general manner. This is an old episode and no such thing had come up at that point of time.”

29. When asked whether he wanted to express regret again before the Committee, Shri Abhay replied as under:

“Since elections to the MLC were going on, all the vehicles were being checked. As soon as it was known that the car belonged to the member, I got it released. The election observer was saying that action be taken in the matter but we requested him and got the vehicle released. That took some time.”

30. On being further asked whether he was still expressing the same regret before the Committee, he replied as under:

“Certainly, if there is any mistake from the side of the administration, I express regrets for the same.”

Evidence of Shri Salikram Verma, Superintendent of Police, Bahraich

31. During his evidence before the Committee held on 09 October, 2017, Shri Salikram Verma, Superintendent of Police, Bahraich *inter alia* submitted as follows:-

“Election for the MLC was going on in Bahraich district on 29 February, 2017. During that time, the election observer was touring the Bahraich district around 1300 hrs. he spotted a Scorpio mounted with Red Beacon standing at the water tank roundabout. There are three police stations viz. Kotwali Nagar, Kotwali Dehat and Dargah. He called the Inspectors, CO and the City Magistrate and asked them how this vehicle was running and directed to take action thereon. By the time the police reached there, the In-Charge of Kotwali Dehat and that of Bahraich City said that the Red Beacon had been removed at the time of their arrival. The observer said that action be taken in the matter and the vehicle be challanned under sections 115/194, 177 of the Model Code of Conduct of Uttar Pradesh. It was later release on bond. The member was in the city. She had come to the spot along with some party workers and after pacifying them, left the place.”

32. When asked whether the election observer, after reaching the spot, had covered the Red Beacon, Shri Salikram Verma stated as under:

“When election observer reached there, the Red Beacon was mounted on the car and it was not covered and the member was not in the car. The driver was leaving with the car. The member has her office just nearby and since the elections were going on, she was in the party office. She was informed that her car was stopped and thereupon she reached the site along with some activists. Due to elections, we were in a meeting and when we got to know

about this incident from the City Magistrate, we requested the observer to release the car telling him that she was a Member of Parliament and she could be having a busy programme or might have to go somewhere. She was allowed to leave with her car.”

33. On being asked whether he had spoken to the member thereafter, he stated as under:

“I did not speak to the member I did not telephoned her. It was reported that the observer had instructed for action in the matter and had left for another area of the city. The District Magistrate was with me and he had talked to the observer.”

34. When asked if he wanted to say anything in the matter, he replied as under:

“I want to say that we always welcome and respect the public representatives. If she has been hurt by my conduct or the conduct of the police officials, I express regret and apologize for the same.”

IV. Findings and Conclusions

35. The main issues before the Committee are to determine:—

- (i) Whether obstruction caused to Sushri Savitri Bai Phoolle, MP while she was proceeding from Bahraich to Lucknow and from there to Delhi to attend the Parliamentary session was done deliberately and whether the member was misbehaved with by the District/Police Administration, Bahraich; and

- (ii) Whether stopping or causing obstruction to the member while proceeding to attend the Parliament session in the instant case amounted to her breach of privilege.

Issue No. 1 : Whether obstruction caused to Sushri Savitri Bai Phoole, MP while she was proceeding from Bahraich to Lucknow and from there to Delhi to attend the Parliamentary session was done deliberately and whether the member was misbehaved with by the District/Police Administration, Bahraich

36. The main contention of the member Sushri Savitri Bai Phoole, is that on 29 February, 2016, when she was proceeding from Bahraich to Delhi (via Lucknow) to attend the Budget Session, the police administration led by the Inspector incharge, Bahraich (Rural), Inspector incharge, Bahraich (City) stopped her without any reason and detained her near water tank red light on Hajurpur-Lucknow road. The police officials abused her driver by pulling him out and snatched the key of the vehicle. Despite her repeated requests that she had to attend the ongoing Budget Session, the officers did not let her go. Further, when she spoke to the District Magistrate and Superintendent of Police, Bahraich over telephone and apprised them that she had to attend the Budget Session both the officials told her to let police take their own course of action and did not listen to her pleading for letting her go. The member contended that by their actions, the district and police authorities deprived her right to attend the ongoing Budget Session of the Parliament and consequently breached her privileges.

37. The Committee, however note from the findings of the investigation Report in the matter submitted by the Special Secretary, Government of Uttar Pradesh that:

- (i) During the period when the incident took place, *i.e.*, on 29/02/2016, election to the Uttar Pradesh Vidhan Parishad were being held and Model Code of Conduct (MCC) was in force.
- (ii) that upon the receipt of the message that the observer of the Election Commission of India for the MLC elections had stopped a vehicle (white Scorpio car with Regn. No UP-40-N-2300) which had a red beacon mounted on it and which was not covered, near the water tank, the Inspector, Kotwali City, Bahraich (Shri Sanjay Singh) and Inspector-in-Charge, Kotwali Dehat, Bahraich reached the spot, whereupon the observer present at the spot asked them to take legal action and handed over the keys of the car;
- (iii) According, to the Inspector, Kotwali City, Bahraich there was a red beacon on the car and MP was not in the car. However, as soon as the MP arrived on the spot her supporter/driver took off the red beacon and put it inside the car, and the Hon'ble MP sat in the car and insisted to drive away and as a result of which an argument took place on the issue. When Inspector, Kotwali (Nagar) requested the member, Sushri Sadhvi Savitri Bai Phoolle that legal action needs to be taken as per the direction of the Election Observer, the MP and her supporters got agitated and raised slogans against the police administration. Inspector Kotwali, Dehat completed legal proceedings and issued challan and thereafter the car and the driver were let off. It took 2 hours to complete the legal procedure.
- (iv) No ill treatment was meted out to MP and her supporters through they kept on making requests throughout (for release of the car).

- (v) A video CD recorded by local administration showed that MP's car with red beacon was visible. Later on supporters of the member took it off and kept it inside the car. At that time member was not in the vehicle but boarded it later. The member admitted herself in the video that her driver did violate the law. There was no statement of member regarding her attending the sitting of the Lok Sabha. Nowhere in the entire video clipping it was seen that any kind of indecent behaviour was committed against the member or her followers.

38. In his deposition before the Committee, the District Magistrate stated that at the time when the incident took place, elections for MLC were going on and the code of conduct of Elections was in force and all the vehicles were being checked. The Election Observer who was on duty spotted a car with a red beacon on it and directly informed the SHOs about it and asked them to check it. It was found that *the car belonged to Sushri Savitri Bai Phoolle, MP and that **she was not present in the car at that time.** As soon as he came to know of it, he arranged the release of the car and the driver on bond, with all due respect and without any delay. He also stated that nothing happened in the instant case and no action was taken against anyone and there was no misbehaviour towards anyone in the matter. **He further stated that they had expressed regret to the Member. He also apologized to the Committee for the incident.*** In his averments before the Committee, the Superintendent of Police also confirmed that a red beacon was mounted on the car which was not covered and the Member was not present in the car. **He also expressed regrets and offered apology for the incident.**

39. From the facts emanating from the case and the statements on record, the Committee find that since the vehicle of the Member had a red beacon mounted on it which was not covered, it was stopped and checked by the Police officials at the

instance of the Election Observer, in view of the prevailing model code of conduct in force during that period. Further, at the point of time when the vehicle was stopped, the Member was not present in the vehicle. *Hence, there appears to be no intention on the part of the Police or District Administration of preventing or obstructing the Member from attending the sitting of the House. The Committee cannot but conclude that the Police was merely performing their duties in accordance with the instructions of the Election Commission and the model code of conduct prevailing at that time.*

40. The Committee also take note of the fact that the District Magistrate had already expressed his regrets to the Member for the incident and further during the evidence he alongwith the Superintendent of Police also expressed their sincere apologies to the Committee for any act or commission on their part which might have hurt the feelings of the Member.

41. In this context nevertheless, the Committee wish to draw attention to Instructions/Guidelines pertaining to ‘Official dealings between the Administration and members of Parliament and State Legislatures’ issued by the Government of India from time to time, with regard to norms of etiquette and basic courtesies to be observed by the executive functionaries while dealing with members of Parliament and State Legislatures.

42. *The Committee are of the view that had the basic courtesies like meeting the member in person and explaining the circumstances to her been shown by the officers concerned to Sushri Savitri Bai Phoole, post incident the matter would have been sorted out there itself.*

43. The Committee desire that the then District Magistrate, the Superintendent of Police and the concerned Inspectors of Bahraich Police Stations may be asked to be very careful and discreet while dealing with the elected representatives of the people in general and especially with regard to the their movement is concerned

and more particularly when the Parliament sessions are going on. It may also be emphasized upon them to scrupulously adhere to the guidelines/instructions with regard to extending due courtesies to the elected representatives of the people.

44. *The Committee, desire that the administrative and police officers need to be sensitized with regard to their duties and obligations in so far as the movement of Members of Parliament in general and more particularly during Parliament sessions. The Committee desire that specific guidelines be issued by the Government in this regard. The Committee also desire that the Union Government may reiterate the guidelines/instructions regarding dealings with members of Parliament issued earlier from time to time emphasizing upon the executive functionaries including the administrative and police personnel, the need for their strict compliance, with a view to ensuring that such incidents do not recur in future.*

Issue No. 2 :- Whether stopping or causing obstruction to the member while proceeding to attend the Parliament session in the instant case amounted to her breach of privilege.

45. In so far as the issue of breach of privilege of the Member is concerned, it may be stated that it is a breach of privilege and contempt of the House to obstruct or molest a member while in the execution of his duties, that is while she/he is attending the House or when she/he is coming to, or going from the House. Thus, insults offered to members on their way to or from the House have always been deemed high breaches of privilege. (Practice and Procedure of Parliament by M.N. Kaul & S.L. Shakhder, P. 311, 7th edn.)

46. The Committee note that in the instant case, it is evident that the actions of Police Administration in stopping the vehicle of the Member and its detention for few hours have unintentionally led to causing impediment/obstruction to the Member in attending the sitting of the House.

The Committee, however, find it pertinent to observe here that in view of the elections for the State Legislative Council during the period when the incident took place and due to model code of conduct in force at that point of time, the Police Administration at the instance of Election Observer, were constrained to act and stop the car in view of the alleged violation of the code of conduct. **Further at that time when the car was stopped and checked the Member was not present in the car.** Though the actions of the Police have indirectly resulted in causing inconvenience and obstruction to the Member in performance of duties, however, it cannot be construed that there was any deliberate attempt on the part of Police/District Administration to prevent or obstruct the Member from attending the sitting of the House.

V. Recommendations

47. The Committee in view of their findings and conclusions (para 46 above) recommend that in view of expression of regret and the unconditional apology tendered by the then District Magistrate, the Superintendent of Police, Bahraich, no further action be taken in the matter and it may be dropped.

48. The Committee also recommend that the observations made by them at paras 41 and 42 may be communicated to the Ministry of Home Affairs for requisite action in this regard.

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

**New Delhi
December, 2017**

MINUTES OF SITTINGS

MINUTES OF THE TWENTIETH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Monday, 13 February, 2017 from 1400 hrs. to 1545 hrs. in Room No. 62, Parliament House, New Delhi.

PRESENT

Smt. Meenakashi Lekhi - Chairperson

MEMBERS

2. Shri Anandrao Adsul
3. Shri Kesineni (Nani)
4. Shri J. J. T. Natterjee
5. Shri Jagdambika Pal
6. Shri Raj Kumar Singh
7. Shri Rakesh Singh

LOK SABHA SECRETARIAT

- | | | | |
|----|-------------------------|---|-----------------|
| 1. | Shri Ravindra Garimella | - | Joint Secretary |
| 2. | Shri M. K. Madhusudhan | - | Director |

Witnesses:-

Shri Pranay Sharma, Senior Editor, Outlook Magazine,
Shri Rajesh Ramachandran, Editor-in-Chief, Outlook Magazine.

At the outset, the Chairperson extended a warm welcome to the members of the Committee.

The Committee then adjourned.

MINUTES OF THE TWENTY FIRST SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Friday, 30 June, 2017 from 1200 hrs. to 1345 hrs. in Lecture Hall 'C' BPST, Parliament Library Building, New Delhi.

PRESENT

Smt. Meenakashi Lekhi - Chairperson

MEMBERS

2. Shri Anandrao Adsul
3. Shri Kalyan Banerjee
4. Shri Konda Vishweshwar Reddy
5. Shri Tathagata Satpathy
6. Shri Raj Kumar Singh
7. Shri Rakesh Singh
8. Dr. Kirit Somaiya

LOK SABHA SECRETARIAT

Shri M. K. Madhusudhan - Director

WITNESSES:-

- (i) Sushree Sadhvi Savitri Bai Phule, MP
- (ii) Shri Krishna Prasad, Former Editor-in-Chief, Outlook Magazine.

At the outset, the Chairperson extended a warm welcome to the members of the Committee. The Committee then took up the first item of the agenda i.e. further

consideration of Memorandum No. 10 on the notice of question of privilege dated 29.02.2016 given by Sushree Sadhvi Savitri Bai Phule, MP against the District/Police administration, Bahraich, UP for obstructing her while she was heading for Delhi to attend the Budget Session of Parliament. Sushree Sadhvi Savitri Bai Phule, MP who was present was called in and examined on oath.

(Verbatim record of their evidence was kept)

(The member then withdrew).

2. ***

3. ***

The Committee then adjourned.

MINUTES OF THE TWENTY EIGHTH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Monday, 09 October, 2017 from 1400 hrs. to 1535 hrs. in Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Smt. Meenakashi Lekhi - Chairperson

MEMBERS

2. Shri Kalyan Banerjee
3. Shri Kesineni (Nani)
4. Shri J. J. T. Natterjee
5. Shri Tathagata Satpathy
6. Shri Rakesh Singh
7. Dr. Kirit Somaiya

LOK SABHA SECRETARIAT

Shri Ravindra Garimella	-	Joint Secretary
Ms. Miranda Ingudam	-	Deputy Secretary

WITNESS:-

- (i) Shri Abhay, the then District Magistrate, Bahraich, Uttar Pradesh.
- (ii) Shri Salikram Verma, the then Superintendent of Police, Bahraich, Uttar Pradesh.
- (iii) Shri Prakash Chaturvedi, CEO, National Spot Exchange Limited.

At the outset, the Chairperson extended a warm welcome to the members of the Committee.

2. The Committee, thereafter, took up the second item of the agenda *i.e.* notice of question of privilege dated 29 February, 2016 given by Sushri Sadhvi Savitri Bai Phoolle, MP against the District/Police administration, Bahraich, UP for obstructing her while she was heading for Delhi to attend the Budget Session of Parliament.

3. Shri Abhay, the then District Magistrate, Bahraich, Uttar Pradesh was called in and examined on oath.

(Verbatim record of the evidence was kept)

(The witness then withdrew)

4. Shri Salikram Verma, the then Superintendent of Police, Bahraich, Uttar Pradesh was called in and examined on oath.

(Verbatim record of the evidence was kept)

(The witness then withdrew)

5. *** *** ***

6. *** *** ***

7. *** *** ***

8. *** *** ***

The Committee then adjourned.

MINUTES OF THE THIRTIETH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Tuesday, 14 November, 2017 from 1400 hrs. to 1427 hrs. in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Smt. Meenakashi Lekhi - Chairperson

MEMBERS

2. Shri Anandrao Adsul
3. Shri Kalyan Banerjee
4. Shri Kesineni (Nani)
5. Shri J. J. T. Natterjee
6. Shri Konda Vishweshwar Reddy
7. Dr. Kirit Somaiya

LOK SABHA SECRETARIAT

Shri Ravindra Garimella	-	Joint Secretary
Shri M.K. Madhusudhan	-	Director
Ms. Miranda Ingudam	-	Deputy Secretary

At the outset, the Chairperson extended a warm welcome to the members of the Committee. The Committee then took up the draft reports on the following matters for consideration and adoption:

(i) Notice of question of privilege dated 29.02.2016 by Sushri Sadhvi Savitri Bai Phoole, MP against the District/Police administration, Bahraich, UP for obstructing her while she was heading for Delhi to attend the Budget Session of Parliament.

(ii) ****

(iii) ****

(iv) ****

2. The Committee, after some deliberation, adopted the reports mentioned at serial numbers (i), **** and **** above.

3. ****

The Committee then adjourned.

APPENDIX

To,

29 February, 2016

**Hon'ble Speaker,
Lok Sabha, New Delhi**

Respected Madam,

Today I was leaving for Delhi from Bahraich to attend the proceedings of the Budget Session, but the Bahraich police administration [the Inspector-Incharge (Rural) Shri Vidyasagar Verma and the Inspector-Incharge (City) Shri Sanjay Singh] stopped me there without any reason. In spite of my repeated requests that I have to attend the session, so I am in hurry, they detained me over there and, thus, today I was not in position to attend the proceedings of the Budget Session. When I talked to the District Magistrate of Bahraich Shri Abhay and the Superintendent of Police Shri Salikram over the phone, both of these top officials told me that the police were taking its own course, so let them do it at their own. I told them also that I had to attend the Budget Session, but these top officials did not listen to me. Thus, the District administration deprived me from availing my right to attend the proceedings of the Budget Session.

I, therefore, would request you to pass an appropriate order for necessary action (against the guilty officials) for depriving a Member of Parliament from availing her right and that no Member of Parliament be deprived of availing the same in future.

With regards,

Sd/-

Sushree Sadhvi Savitri Bai Phoolle

To,

**Smt. Sumitra Mahajan
Hon'ble Speaker
Lok Sabha**