

**COMMITTEE ON VIOLATION OF PROTOCOL NORMS AND  
CONTEMPTUOUS BEHAVIOUR OF GOVERNMENT OFFICERS WITH  
MEMBERS OF LOK SABHA  
(SIXTEENTH LOK SABHA)**

4

**FOURTH REPORT**

ON

**Complaint dated 20 April, 2015 given by Shri Bhairon Prasad Mishra and Kunwar Pushpendra Singh Chandel, MPs regarding alleged ill-treatment meted out to them by the officials of District Administration, Mahoba, Uttar Pradesh while they were campaigning for the by-election to Charkhari Assembly Constituency on 05 April, 2015.**

*[Presented to the Speaker, Lok Sabha on 25.04.2018]*

*[Laid on the Table on 01.08.2018]*



**LOK SABHA SECRETARIAT**

**NEW DELHI**

August, 2018/*Shravana(Saka)1940*

**COMMITTEE ON VIOLATION OF PROTOCOL NORMS AND  
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**PERSONNEL OF THE COMMITTEE ON VIOLATION OF PROTOCOL  
NORMS AND CONTEMPTUOUS BEHAVIOUR OF GOVERNMENT  
OFFICERS WITH MEMBERS OF LOK SABHA**

**(2017-2018)**

**Shri Rayapati Sambasiva Rao -**

**Chairperson**

**MEMBERS**

2. Shri M. Badruddin Ajmal
3. Shri Gaurav Gogoi
4. Shri Choudhury Mohan Jatua
5. Dr. J. Jayavardhan
6. Maj Gen B.C. Khanduri AVSM (Retd.)
7. Dr. Bhagirath Prasad
8. Dr. Shrikant Eknath Shinde
9. Shri Pashupati Nath Singh
10. Dr. Kirit Somaiya
11. Prof. Azmeera Seetaram Naik
12. Shri Muzaffar Hussain Baig
13. Shri Dushyant Singh
14. Col (Retd.) Sona Ram Choudhary
15. Vacant

Secretariat

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| 1. Shri Ravindra Garimella | - | Joint Secretary     |
| 2. Shri M.K. Madhusudhan   | - | Director            |
| 3. Dr. Rajiv Mani*         | - | Additional Director |

\* Since resigned from the Secretariat

**FOURTH REPORT OF THE COMMITTEE ON VIOLATION OF  
PROTOCOL NORMS AND CONTEMPTUOUS BEHAVIOUR OF  
GOVERNMENT OFFICERS WITH MEMBERS OF LOK SABHA  
(SIXTEENTH LOK SABHA)**

**I. Introduction**

I, the Chairman of the Committee on Violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha, having been authorized by the Committee to submit the Report on their behalf, present this their 04<sup>th</sup> Report to the Speaker, Lok Sabha on the Complaint dated 20 April, 2015 from Shri Bhairon Prasad Mishra and Kunwar Pushpendra Singh Chandel, MPs regarding alleged ill-treatment meted out to them by the officials of District Administration, Mahoba, U.P while they were campaigning for the by-election to Charkhari Assembly Constituency on 05 April, 2015.

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

3. At their first sitting held on 28 September, 2015 the Committee considered the Memorandum No. 6 regarding Complaint dated 20 April, 2015 from Shri Bhairon Prasad Mishra and Kunwar Pushpendra Singh Chandel, MPs regarding alleged ill-treatment meted out to them by the officials of District Administration, Mahoba, U.P while they were campaigning for the by-election to Charkhari Assembly Constituency on 05 April, 2015.

4. The Committee at their second sitting held on 16 December, 2015 examined Shri Bhairon Prasad Mishra and Kunwar Pushpendra Singh Chandel, MPs on oath.

5. During the third sitting held on 19 April, 2016, the Committee examined the officials of District Mahoba, U.P., viz., the District Magistrate and the then S.P. and others.

6. The Committee at their fourth sitting held on 9 June, 2016, they deliberated upon the matter and directed the Secretariat to prepare a draft Report for their consideration.

7. The Committee at their fifth sitting held on 19 February, 2018, considered the Draft Report and after some deliberation adopted it.

## II. Facts of the Case:

8. Shri Bhairon Prasad Mishra and Kunwar Pushpendra Singh Chandel, MPs *vide* their joint complaint<sup>3</sup> dated 20 April, 2015 alleged breach of their privileges against the officials of District Administration, Mahoba, U.P. for verbal abuse and threats meted out to them while they were campaigning for their party candidate in by-election to the Uttar Pradesh Vidhan Sabha for the Charkhari Assembly Constituency, on 05 April, 2015.

The Members further stated that they had been deputed for the campaigning for the polls by their party. On 05 April, 2015, while they were proceeding with the campaign, they came across a posse of policemen which included the Circle Officer (CO) and the Station Officer of the area besides the Sub-Divisional Magistrate (SDM), pulling down the party flags/banners from the vehicles of the party candidate and trampling them with their feet and abusing and manhandling the persons present at the said spot. The police also stopped the MPs from proceeding further and misbehaved with them. When the Members protested, they were threatened of dire consequences by the officials by stating that '*aap logo ki saansadi hum uaatar denge aur itne mukadme likh denge ki prachar karna bhool jaoge. Yaha se vapas chale jao. Hum Delhi se sansad ko ghasit layaange*'.

The next day, the Members came to know that serious offences were registered and cases had been framed against them. The Members had taken this act of district officials as a violation of their privileges and requested the Hon'ble Speaker for necessary action in the matter including quashing of false cases registered against them.

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<sup>3</sup> Appendix - I

9. As per established practice, lodging of criminal case(s) against Members do not result in any breach of privileges. However, in view of the alleged blatant misbehaviour exhibited by the district officials in their dealings with Shri Bhairon Prasad Mishra and Kunwar Pushpendra Singh Chandel, MPs, Hon'ble Speaker, referred the matter to the Committee on Violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha on 29 April, 2015 for examination and report.

10. In the instant matter there did not arise any occasion for calling of factual comments from the State Government of Uttar Pradesh as the matter had been referred by Hon'ble Speaker, Lok Sabha to the Committee on Violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha without awaiting the factual note from the State Government.

### **III. Evidence**

11. Shri Bhairon Prasad Mishra and Kunwar Pushpendra Singh Chandel, MPs jointly appeared before the Committee jointly on 16 December, 2015 and tendered their evidence.

#### **Evidence of Shri Kunwar Pushpendra Singh Chandel, MP**

Shri Kunwar Pushpendra Singh Chandel, MP during his evidence tendered before the Committee on 16 December, 2015 has *inter-alia* stated as under:-

“This seat (Charkhari Vidhan Sabha) was represented by Sushri Uma Bharti ji as a MLA prior to the General Elections to the Lok Sabha in 2014. Subsequently she resigned and in the by election a candidate from the Samajwadi Party was elected. However, as he was convicted for the offence of murder he lost his membership and the seat became

vacant again. During the second by-election the Samajwadi Party made it a prestige point that it should win the by election from this assembly constituency at all cost. They deployed the official machinery, the state paraphernalia and even the Ministers of the State Government were aggressively campaigning for their party. It was as if the administration was fighting the election on behalf of the ruling party. Myself and Shri Bhairon Prasad Mishra ji who represent Hamirpur and Banda parliamentary constituencies respectively were among the 40 star campaigners of our party, a list of which had been sent to the State Election Commission. Thus both of us were authorized to move in the said area...The observer of the Election was an officer from West Bengal. He did not intervene in this incident. We had to gherao him and question him about non-partisan inaction on his part for which he responsible for. However, the observer did not listen to our grievance and remained adamant. We do not allege anything against the Election observer, but he was acting as a mere rubber stamp.

We were proceeding to a block together in the same vehicle and we had another seven vehicles, which were authorized to move in the constituency. As we reached village Sughra on NH-76, we saw that many vehicles had halted there. I enquired as to what is the matter and I was told that some dispute has taken place between the BJP party candidate and the district officials. We alighted from our vehicles and proceeded on foot towards that place. The officials of the district administration commented on our presence at the spot stating that; just now the incident has happened and you have reached - this is the manner in which they spoke. The incident had happened about 15

minutes earlier. The convoy of the Commissioner, District Magistrate and S.P. was passing through that area and they saw the BJP candidate's vehicle, which was also there having a large party flag on the vehicle. Those officials directed the candidate to remove the flag which was contested by the candidate who submitted that he is duly permitted to have one flag on his vehicle. Shri G.P. Yadav, Circle Officer and Shri Rizwan Ahmed, Sub Divisional Magistrate (SDM) however removed the flag with their own hands upon which the BJP candidate protested. There was a mild scuffle with the police who had surrounded the candidate. As we reached there we enquired about the matter and the officials present asked us to move forward and not to involve ourselves in the matter. The PAC force was also present besides a large crowd of people. The officials said that cases would be lodged against us, upon which the persons accompanying disclosed our identity as Members of Parliament to them and that the officials should be careful while addressing us. We also expressed our concern to them on this issue but they were in no mood to listen. The subordinate district officials present stated that *Saansad Vaansad kuch nahi hai. Saansad Vaansad yaha ghoomte rehte hain. Hum Dilli se unhe khich kar le aayenge. Hum unka dimag thik kar denge. Yaha par koi dadagiri nahi chalegi.* This is the manner in which the SDM and CO talked to us. Both are government officials. However, their approach was partisan as everyone could see it. These officials had been posted even during the election held 6-7 months earlier and again during this election, they are here only. They stated that they have been posted in the area directly by Chief Minister. They have been deputed to conduct the election and ensure the victory of the



(ruling party) candidate. No one has got the powers to remove them. The DM, Commissioner, DIG, SP had already left the spot and only these officials were present against whom we have lodged this complaint. They only removed the flag. All the things were done by them or on their orders.”

### **Evidence of Shri Bhairon Prasad Mishra, MP**

Shri Bhairon Prasad Mishra, MP during his evidence before the Committee tendered on 16 December, 2015 has *inter-alia* stated as under:-

“As Hon’ble Chandelji has submitted the area falls in his parliamentary constituency. I represent Banda which is just adjacent to Mahoba. Both of us are the star campaigners of our party having been nominated so for campaigning in the said area for the by election. I had reached Mahoba and both of us decided to move together for the purpose of campaigning and reaching out to the public besides overseeing the development work therein. Both of us were travelling together in the same vehicle when we saw a large crowd of people gathered on the road and we stopped our vehicle. On enquiry, it was seen that the Election officials were harassing the BJP candidate. We also reached the said place on foot but the officials behaved very rudely and threatened us with dire consequences if we continue our campaigning and stating so, they trampled upon the BJP party flag which they had removed from the vehicle of the BJP party candidate. We saw this with our own eyes...As we are locals the people recognized us but the officials questioned our presence to

which we replied that we are star campaigners of our party to which they did not pay any heed and directed us to leave. We saw with our own eyes.

The local people recognized us and despite our explaining that we are campaigning for our party, the district officials threatened us to leave the place. I told them this is election time and the campaigning has not ended. It is still few days before the election is to take place. Thus how can we leave the place? They did not listen to our submissions and asked us to leave while stating that they have seen many MPs and that we should not try to show *Saansadgiri*. We were further threatened that in case we do not leave then they will register many cases against us. These threats were meted out by the CO, SDM and SO of PS Kulpahad (Shri Mohd. Razzaq). The SDM Rizwan Ahmed and CO G.P. Yadav, were all present there alongwith their subordinate officers. The threat of registering of cases against us was meted out and this actually turned out to be a reality on the next day, when false cases were registered against us. Villagers from the nearby areas gathered at the spot and there was a large crowd. Then we left the place in our vehicles. Later, we came to know that false cases were registered against us for serious offences. The officials have insulted us by use of derogatory language, which I cannot speak before this parliamentary Committee. We were bad mouthed by the officials with expletives. Some of them proceeded towards us menacingly as if they are going to attack. This is what happened on that day.”

12. When asked whether they had lodged any complaint against these officials with the State Government, Shri Bhairon Prasad Mishra, MP replied:

“We informed the Hon’ble Home Minister in writing. We briefed him of the facts of the case twice and also submitted that our voices are not heard at the State level and letters to Secretary and Chief Minister are never responded...We also had informed the Election Commission. We met the Election Observer alongwith the BJP candidate also. We gave a written complaint to the Observer. We had also informed the DIG Range of this incident of misbehaviour with us. However, nothing happened and false cases were lodged against both of us and the BJP candidate.

13. When the Committee pinpointedly asked as to who according to them is guilty of misbehaviour with them, Shri Bhairon Prasad Mishra, MP clarified:

“The Circle Officer and the SDM...However local public stood in our support and protested against this misbehavior of officials with us...However, we have not lodged any case against this misbehavior and ill treatment against the concerned officials...This is a very serious matter. We have been humiliated because we are Members of Parliament which is an insult to the dignity of the Parliament...This is a serious matter and we want justice.”

#### **Evidence of Shri Veereshwar Singh, DM, District Mahoba, Uttar Pradesh**

14. Shri Veereshwar Singh, DM, District Mahoba in his evidence before the Committee on 19 April, 2016 *inter-alia* stated:

“The by-election to Charkhari Vidhan Sabha was schedule for 11 April, 2015. On 5 April, the Commissioner and DIG accompanied

by myself and other district officials were touring the area when we encountered a candidate moving with 7 to 8 vehicles which displayed party flags and posters near a village. The senior officers directed that this is violation of the Model code of conduct which needs to be enforced. They left after giving these instructions to the subordinate officers. Thereafter, I also left the said spot. The Circle Officer and the SDM of the area impounded the vehicles which were not permitted as per Election Commission norms and the flags and posters which were not in accordance with the prescribed norms. Thereafter the candidate made a call to the Hon'ble Members who were somewhere nearby and they reached the said spot. This resulted in a jam which was sought to be removed by the SDM and the CO.”

15. While referring to the incident of misbehavior with the Members by the officials, the Committee asked as to what was his reaction thereto. In response, the District Magistrate replied:

“I have not received any such information. I also enquired but no incident of misbehavior or use of abusive language against the Member was reported...However, we were not present on the spot. I have also gone through the video recording of this incident though the sound is not audible...We hold the Hon'ble Members in high esteem, if there has been any lapse then we seek apology for it.”

16. On being asked about the status of the cases against the Members, the District Magistrate clarified:

“The police have registered an FIR about this incident and the charges against the Hon'ble Members are not serious. It has only been mentioned that they were present at the spot when there was a traffic jam. The cases are still under investigation. The police have denied misbehaving or threatening the members.”

17. When enquired as to what were the specific acts that were in violation of Model Code of Conduct in force, for the said by-election, the District Magistrate submitted:

“There were 8 vehicles in the convoy of the candidate who was permitted to have only 3 vehicles. There were lot of flags on the vehicle whereas as per the Model Code of Conduct there has to be only one flag.”

18. On being asked as to whether the Observer appointed by the Election Commission has also given any complaint against the BJP candidate and if so, how did the DM ensure that the investigations in this matter are conducted fairly. In response, the District Magistrate replied:

“Sir, no complaint has been lodged by the Election Commission Observer. However, I will also conduct an independent enquiry in the matter and take action against anyone found guilty.”

19. When asked him about his knowledge of the protocol guidelines issued for the officials dealings with Members of Parliament the District Magistrate submitted:

“Yes Sir, I am aware of them and we have circulated the copy of the same to all subordinate officials.”

20. When the Committee asked him whether he wants to say anything else in the matter the District Magistrate submitted:

“Sir, I hold the Hon’ble MPs in high esteem. Despite this, if some disrespect has been shown to the Member, I tender my apology for the same.”

**Evidence of Shri Mohd. Rizwan, SDM, District Mahoba, U.P.**

21. Shri Mohd. Rizwan, SDM, District Mahoba in his evidence before the Committee on 19 April, 2016 *inter-alia* stated:

“Sir, on 5 April, 2015 myself and the Circle Officer were accompanying the DIG, the Commissioner, DM and S.P. on a tour to oversee that the Model Code of Conduct in force is not violated. When we reached village Sughra we saw the BJP candidate Shri Akhil Rajput with 8 vehicles which displayed the flags and posters of his party, alongwith a large crowd standing on the highway. On witnessing this, the DIG instructed us to ensure the compliance of Model Code of Conduct. When I alongwith the CO reached there, the local SO was already present at the spot. We saw that 6 vehicles of the candidate’s convoy did not have the necessary pass and only two vehicles were authorized. All the vehicles displayed party flags both in front and rear. We asked the candidate to remove these flags and not to campaign in this manner. The BJP candidate did not pay heed and created a traffic jam and called the two MPs at the spot. This aggravated the jam. The Circle Officer spoke to the Members about it. Thereafter the jam was removed and traffic was restored. This is all... I never interacted with the Members. It was only the police official(s) who were talking to them, even though I was also present. I had no argument with the Members at all...Only the CO was interacting. I did not interfere and kept silent. I asked him to extend all courtesy.”

22. When enquired about the allegation of use of abusive language against the Members by the officials, the SDM replied:

“No we were only asking the candidate not to move with the additional 6 vehicles and to have one flag each on the permitted vehicles. They created traffic jam on this issue...Sorry Sir, the Members were not misbehaved with. I did not say anything nor did the CO and the Inspector used any abusive language. I was present throughout...I am not trying to defend anyone. I am only speaking the truth.”

23. Enquired about the details of the FIR registered against the Members, the SDM submitted:

“The FIR has been registered for causing a traffic jam. Sections 188, 143, 504 and 506 have been mentioned and the Members have also been named as accused...The case has been got registered by the Inspector. I have not given any directions to him in this regard...If the Members have felt hurt on account of some action on my part, I seek apology with folded hands.”

#### **Evidence of Shri Kuntal Kishore, the then S.P., District Mahoba, U.P**

24. Shri Kuntal Kishore, the then S.P., District Mahoba during his evidence before the Committee on 19 April, 2016 *inter-alia* stated:

“Sir, on 5 April, 2015 the DIG and Commissioner were on round and we were also accompanying them. When we were reached village Sughra, we saw many vehicles with party flags and therefore the senior officials directed us to ensure the compliance of Model Code of

Conduct, in force. They directed the SDM and the CO to act accordingly and impound the unauthorized vehicles and flags. Thereafter we left, while the CO and the SDM took necessary action in protest of which, the candidate created a traffic jam. Later, I was told that he called the two MPs which aggravated the situation of the traffic jam. The CO and the SDM requested them to ease the situation and the road was cleared. The police did not take any action but only made a request. Since it was election time there was large public at the place which faced inconvenience due to the traffic jam. Subsequently the situation improved and no action was taken by the police.”

25. When asked about his reaction on the registration of FIR against the Members and use of abusive language by the officials against them, the SP submitted:

“If we do not take action it becomes a news in the media. It will be reported and we will be asked as to why we did not take any action... This whole incident was videographed...I have not shown any favour to anyone. I have been transferred from the district six months back without any reason by the State Government. I have acted against the (ruling) party members also. I had got an FIR lodged against the district President (of the ruling party). I have always been free and fair that is why I have been transferred. I only wanted that the election should be conducted smoothly without any blemish. I have never feared or favoured anyone... I have no information about Hon’ble Members being abused. It is only when they have complained that I have come to know of this charge.”



26. On being asked as to when he came to know of lodging of FIR against the Members and what action was taken by him thereupon, the SP clarified:

“Sir, it came after one day...It is currently under investigation...I directed them to take due precaution and only the right thing should happen. The MPs came later and joined the mob creating the traffic jam...There was no formal order of lodging of FIR.”

**Evidence of Shri G.P. Yadav, the Circle Officer (since retired), District Mahoba, U.P.**

27. Shri G.P. Yadav, the Circle Officer (since retired), District Mahoba during his evidence before the Committee on 19 April, 2016 corroborated the sequence of events in the same manner as had been narrated by the previous witnesses. He has stated as under:

“The candidate on being asked to comply with the provisions of Model Code of Conduct started protesting and gathered 50-60 people on the road and caused traffic jam. He subsequently called other people through mobile and even the two Hon’ble MPs reached the spot. When they came they wanted to know as to why the party flag was pulled down from the vehicles. They were informed that this is illegal and only the permitted vehicles can have only one flag. This situation continued and created further jam. I moved slightly away from the place with my force thinking that if I remain longer some unpleasantness may happen through exchange of words which may further aggravate the situation. Thereafter the public did not cooperate with these people and they left on their own, thus easing the situation

of traffic jam. However, a case was registered because they had created a traffic jam. The media was there. Everyone was there.”

28. When the Committee sought clarification whether abusive remarks were made against the Member, the CO submitted:

“Sir I was present alongwith the SDM. There is no truth of I being abusive towards the Member. I have not said anything abusive to them... No one has said anything abusive to them... This is a false allegation... There is a video of this incident which shows everything clearly though its sound quality is not upto the mark.”

29. On being asked as to how the Members were named in the FIR and the nature of charges leveled against them, the CO submitted:

“The situation of jam had started earlier. Both the Members had come on being called by the BJP candidate. Both of them also sat on dharna on the road. So FIR was registered under sections 144, 186, 188, 189, 341, 504 and 506, IPC...I had asked everyone as to what has to be done and I was told that case may be registered against them under relevant sections...The case was lodged by the Inspector...No permission was taken from the SDM for this, though everyone knew about it.”

30. To a pointed query whether the legal process had not been abused due to invoking of provisions of IPC relating to grave offences against the MPs who are not guilty, the Circle Officer submitted:

“Sir the case has been got registered by the Inspector. He is the complainant. He had told me. I do not know whether he informed SP about it or not. I also did not ask him about that. As far as the Members are concerned they did not abuse me or anyone else in my presence. They did not threaten anyone. They had created a situation of traffic jam for which I had requested them to cooperate...Thereafter I had moved from the spot though the Inspector was present. Thus it is only the Inspector who can clarify as to why he had registered FIR under so many sections of IPC.”

31. Subsequent to the evidence tendered before the Committee, the District Magistrate, Mahoba, Shri Veereshwar Singh *vide* his letter No. 341/S.T./2016-17 dated 09 September, 2016 forwarded a copy of the fresh Inquiry report conducted in the matter (alongwith statements of witnesses and other records) by the Additional District Magistrate, Mahoba on the complaint of the Members of having been misbehaved with by the District Officials on 5 April, 2015. The gist of the findings as communicated by the District Magistrate is as under:

“the Complaint of Shri Bhairon Prasad Mishra and Shri Pushpendra Singh Chandel, MPs was enquired by the Additional District Magistrate, Mahoba. The ADM *vide* his report No. 3039/S.T.-ADM/Inquiry/2016-17 dated 13 July, 2016 has stated that on 5 April, 2015 Shri Akhil Rajput, BJP candidate for by-election to 231-Charkhari Vidhan Sabha was campaigning at village Sughara. The campaign vehicles had more than one party flags. When the Circle Officer and SDM objected to it and asked for their removal an argument ensued and the BJP candidate and his supporters in desperation created a traffic jam. The officials attempted to open the

traffic by negotiating with them. Thereafter, Shri Bhairon Prasad Mishra and Shri Pushpendra Singh Chandel, MPs reached the spot. The district officials after sometime could get the traffic moving by lifting of the jam by the protestors, through negotiations. However, during this incident neither the Circle Officer nor the SDM misbehaved with the Hon'ble MPs or committed any act which may be offensive to their standings. This has been concluded from the statements of the persons present at the spot and other evidences on the record.”

32. Further, the Secretary, Government of Uttar Pradesh *vide* his communication dated 05.12.2017 have also forwarded a copy of the said Inquiry Report along with the relevant enclosures in the matter.

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

##### **Protocol Guidelines**

33. The Committee at the threshold would like to recapitulate the extant protocol instructions/guidelines as issued by the Department of Personnel and Training (DoPT), Ministry of Personnel, PG & Pensions *vide* Office Memorandum No. 11013/4/2011-Estt.(A) dated 01 December, 2011 on 'Official dealings between the Administration and Members of Parliament and State Legislatures-Observance of proper procedure'. The guidelines/instructions relevant to the present case *inter-alia* provide as follows:

- (i) Government servants should show courtesy and consideration to Members of Parliament and State Legislatures;
- (ii) While the Government servants should consider carefully or listen patiently to what the Members of Parliament and of the State Legislatures may have to say, the Government servant should always act according to his own best judgement and as per the rules;

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34. The Committee note that Shri Bhairon Prasad Mishra and Shri Kunwar Pushpendra Singh Chandel, MPs *vide* their joint complaint dated 20 April, 2015 against the officials of the District Administration, Mahoba, Uttar Pradesh had alleged breach of their privileges by way of verbal abuse and threats meted out to them while they were campaigning for their party candidate in the by-election to the Uttar Pradesh Vidhan Sabha for the Chakhari Assembly Constituency on 05 April, 2015. The Committee further note that the Members had alleged that on the next day, false cases were registered against them for serious offences. The Committee note that as per the established practice, lodging of criminal case(s) against members *per se* do not result in any breach of privilege.

35. The Committee note that as per evidence tendered by the Members of Parliament the Circle Officer (CO) and the Sub-Divisional Magistrate (SDM) of District Mahoba were held to be guilty of misbehaviour with them. The District Magistrate (DM), Shri Veereshwar Singh in his evidence before the Committee, however submitted that no incident of misbehaviour or use of abusive language against the Members was reported and that the police have also denied misbehaving or threatening the Members. Admittedly, though the police have registered an First Information Report (FIR) on the incident, the charges against the Members therein were not serious and it has only been mentioned that they

were present at the spot when there was a traffic jam. Further, the District Magistrate, while stating that he held the Hon'ble Members of Parliament in high esteem, had tendered apology for any lapse that might have been on their part. The Sub-Divisional Magistrate, Shri Mohd. Rizwan, District Mahoba in his deposition stated that he never interacted with the Members though he was present at the spot. He did not interfere in the matter and it was the police officials who were speaking to the Members. He also clarified that neither he nor the Circle Officer and the Inspector used any abusive language against the Members. He also tendered apology to the Committee if the Members had been hurt on account of his action during the incident. The Committee also note that the then Circle Officer, Shri G.P. Yadav, District Mahoba during his evidence had denied having said anything abusive to the Hon'ble Members, and stated that the allegations were false.

36. The Committee further note that subsequent to the deposition of the D.M and other officials before the Committee, a fresh Inquiry was conducted in the matter by the Additional DM, District Mahoba. The Inquiry Report *inter-alia* concluded that after recording the statements of the persons present at the spot and other evidence on record pertaining to the incident, neither the Circle Officer nor the SDM misbehaved with the Hon'ble M.Ps or committed any act which may be offensive to their statures.

## **V. Recommendations**

**37. The Committee, after taking into consideration the totality of the circumstances of the case and in view of the apologies tendered by the officials of the District Administration, Mahoba, Uttar Pradesh, are of the view that the dignity of the House would be best served by not proceeding further in the matter. The Committee, therefore, recommend that the matter may be treated as closed.**

**38. The Committee, however, desire that urgent steps may be taken by the Government for sensitization of all Civil Servants and Officials working at the District Level for compliance of the Department of Personnel & Training (DoPT) instructions/guidelines relating to ‘Official dealings between the Administration and Members of Parliament and State Legislatures’ so as to obviate the possibility of any misunderstanding between them.**

**(Rayapati Sambasiva Rao)  
Chairperson,  
Committee on Violation of Protocol Norms and  
Contemptuous Behaviour of Government Officers  
with Members of Lok Sabha**

**NEW DELHI;**

**\_\_\_\_April, 2018**