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COMMITTEE OF PRIVILEGES

FOURTEENTH LOK SABHA

THIRD REPORT

(Presented to Speaker, Lok Sabha on 17 May, 2006,

Laid on the Table on 19 May, 2006)



सत्यमेव जयते

LOK SABHA SECRETARIAT
NEW DELHI

May, 2006/Jyaistha, 1928 (Saka)

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES
(14TH LOK SABHA)

Shri V. Kishore Chandra S. Deo — *Chairman**

MEMBERS

2. Shri Ananthkumar Hegde
3. Shri A. Krishnaswamy
4. Shri Nitish Kumar†
5. Shri Varkala Radhakrishnan
6. Shri Rajendrasinh Rana
7. Shri D. Vittal Rao
8. Shri Kishan Singh Sangwan
9. Shri Iqbal Ahmed Saradgi
10. Shri Bijendra Singh
11. Shri Beni Prasad Verma
12. Shri Virendra Kumar
13. Shri Devendra Prasad Yadav
14. Shri Harihar Swain
15. Shri L. Ganesan

SECRETARIAT

1. Shri V.K. Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Under Secretary*
3. Shri Ashok Sajwan — *Under Secretary*

* Appointed w.e.f. 9.3.2006 *vice* Shri Pawan Kumar Bansal resigned from the Committee.

† Resigned his seat in Lok Sabha w.e.f. 15 May, 2006.

**THIRD REPORT OF THE COMMITTEE OF PRIVILEGES
(FOURTEENTH LOK SABHA)**

I. Introduction and Procedure

1. The Chairman of the Committee of Privileges, having been authorised by the Committee to submit the Report on their behalf, present this their Third Report to the Speaker, Lok Sabha on the question of privilege given notice of by Shri Hannan Mollah, MP against Dr. Subhash C. Kashyap, former Secretary-General, Lok Sabha for casting of serious aspersions on the Speaker, Lok Sabha in an interview telecast on the Star News TV Channel on 4 August, 2005.

2. The Committee held 7 sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. At their first sitting held on 27 September, 2005, the Committee considered the matter. The Committee directed that Dr. Subhash C. Kashyap may be asked to furnish his written comments by 10 October, 2005. The Committee also directed that the CD containing the video clipping of the impugned interview by Dr. Kashyap which was telecast by Star News Channel on 4 August, 2005 may be obtained from the Star TV Channel.

The Committee further desired that Shri Hannan Mollah, be requested to furnish the relevant CD of the telecast if available with him. The Committee decided to take the evidence of Dr. Kashyap after perusing his written comments and viewing the said CD.

4. At their second sitting held on 10 November, 2005 the Committee decided that Shri Hannan Mollah, MP and Dr. Subhash C. Kashyap may be requested to appear before them for oral evidence on 29 and 30 November, 2005 respectively.

5. At their third sitting held on 29 November, 2005 the Committee examined on oath Shri Hannan Mollah, MP.

The Committee, thereafter, considered the comments of Dr. Kashyap and also viewed the CDs provided by Shri Hannan Mollah, MP and the Star News Channel comprising the interview given by Dr. Kashyap on the Star News Channel on 4 August, 2005.

6. At their fourth sitting held on 30 November, 2005 the Committee directed that Dr. Subhash C. Kashyap may be asked to appear before them for oral evidence on 13 December, 2005.

7. At their fifth sitting held on 13 December, 2005, the Committee examined on oath Dr. Subhash C. Kashyap.

8. At their sixth sitting held on 20 January, 2006 the Committee further considered the matter and directed the Secretariat to prepare a draft report in the matter for their consideration.

9. At their seventh sitting held on 3 May, 2006, the Committee considered the draft Report. The Committee after some deliberations, while agreeing with the "Findings and Conclusions" in the Draft Report, felt that keeping in view the fact that Dr. Subhash C. Kashyap did cast reflections on the Speaker, Lok Sabha, which does not behave well for a person of his standing and furthermore, he did not tender any apologies, it would be appropriate to recommend that Dr. Kashyap may be admonished. The Committee authorized the Chairman to finalise the Report accordingly.

II. Facts of the case

10. On 4 August, 2005 Km. Mamata Banerjee, MP, who was trying to raise the matter relating to notice of adjournment motion given by her, was informed by the Deputy Speaker, who was in the Chair at that time, that her notice had been disallowed by the Speaker. At their Km. Mamata Banerjee came to the well of the House and threw some papers towards the Chair.

The notice of adjournment motion given by Km. Mamata Banerjee was on the subject of "Infiltration in West Bengal and part of North-Eastern Region". The same was disallowed under Rule 338 as the House had already discussed and negated an adjournment motion in the same session on 26 July, 2005 on the "Failure of the Government to protect the Eastern borders of the country against massive illegal immigration from Bangladesh."

11. On the same day, Dr. Subhash C. Kashyap, former Secretary-General of Lok Sabha in an interview telecast on Star News TV Channel, while commenting on the incident involving Km. Mamata Banerjee stated, as follows:—

"Well, first of all I think that we should not take an alarmist view of what has happened. This happens in all democratic institutions once in a while and in any case our democracy is very strong. Our Lok Sabha is very vibrant."

Mamata Banerjee has been a very combative leader concerned with the people's interest. I do not, therefore, think that there is much need to worry. Many things happen in the heat of the moment many a time.

It has not happened for the first time. Earlier also, papers were torn and thrown like missiles on many occasions in the Lok Sabha. Even shoes and chappals were shown inside the House many a times. It has also happened on many occasions that prominent leaders of Opposition snatched the microphone provided at the dais of the Speaker and threw it in the House. So, such incidents have taken place in the past also.

Well, it has a personal aspect also which should not be forgotten. When Ms. Mamata Banerjee was elected to Lok Sabha for the first time, she had defeated a personality like Shri Somnath Chatterjee. Therefore, it has a personal aspect also.

The other thing is Ms. Mamata Banerjee is such a leader who is challenging the Communist Government in West Bengal for the last so many years and with whom she has been fighting constantly.

Well, every member of the House should have a confidence that he enjoys full freedom of speech and whatever he wants to say he should get the opportunity to say so. If there is any attempt to gag the voice of a member, either from the Chair or by the House, then such a chaotic situation will certainly arise. There is no doubt about it because every member has a fundamental right to make his point. So far as the question of another discussion is concerned, there are many instances when discussions on the same subject have been held twice or more during the same session."

12. On 5 August, 2005 a notice of question of privilege¹ was given by Shri Hannan Mollah, MP against Dr. Subhash C. Kashyap. Shri Hannan Mollah, in his notice of question of privilege alleged that Dr. Kashyap, had cast serious aspersions on the Speaker by "insinuating and imputing serious breach of conduct on the part of the Speaker" in context of the incident of hurling of papers at Hon'ble Deputy Speaker by Km. Mamata Banerjee, MP on 4 August, 2005.

13. Shri Hannan Mollah contended that Dr. Kashyap, during his interview², telecast on Star News Channel on 4 August, 2005, had imputed political motives to the decision of the Speaker by not allowing Km. Mamata Banerjee to raise the issue of infiltration of Bangladeshis in Bengal and part of North Eastern Region on which she had given an Adjournment Motion."

14. On 8 August, 2005, when Shri Mollah sought to raise the matter in the House during 'Zero Hour', the Speaker observed "Mr. Mollah, if you want to raise that motion, I have admitted the motion."

15. On 8 August, 2005, the Speaker, in exercise of his 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.

16. Dr. Kashyap in his comments dated 5 October, 2005, furnished to the Committee, stated as follows:—

"....I have the highest regards for the hon. Speaker and I can state most categorically and with full sense of responsibility that there can never be any question of any insinuation or imputation from me with reference to the hon. Speaker. In the course of TV interview and Question-Answers on 4 August, 2005, no allegation was made and no disrespect shown, intended or meant."

1. Pl. See Appendix-I.

2. Pl. See Annexure to Appendix-I.

III. Evidence

Evidence of Shri Hannan Mollah, MP

17. During his evidence before the Committee on 29 November, 2005 Shri Hannan Mollah, MP *inter-alia* stated as follows:—

".... I submitted the privilege motion to the hon. Speaker on 5 August, 2005 and there I had mentioned that earlier Secretary-General, Dr. Subhash C. Kashyap gave an interview to the Star News Channel. In that interview he made certain very derogatory comments against the Chair. He criticized the ruling of the Speaker in a very un-tasteful language and he imputed motives to the Speaker while giving the interview. I submitted the script of the telecast and also the CD of the Star TV comprising his interview. Here I would like to mention that this interview has come from such a person who was in that esteemed post for a very long time. I don't think that this type of comment is proper. Actually, the incident happened in the House.....It was telecast also. Dr. Kashyap said one thing and I quote:

"Well, it has a personal aspect also which should not be forgotten. When Ms. Mamata Banerjee was elected to Lok Sabha for the first time, she had defeated a personality like Shri Somnath Chatterjee. Therefore, it has a personal aspect also."

A person adorning the highest Chair of our democracy should have been given minimum respect. Such a personality will not bring personal things while giving a judgement from the highest seat of democracy. This is absolutely clear. This is an impugned implication of motive against the hon. Speaker. He did it because of vengeance and because of personal vendetta....It is a clear personal allegation against the hon. Speaker. Further, he says "the other thing is Ms. Mamata Banerjee is such a leader who is challenging the Communist Government in West Bengal for the last so many years with whom she has been fighting constantly." As if the Speaker is a political personality, sitting there and working on behalf of a political party. As she was in that particular State against that political party's Government, the Speaker has taken the decision because of political vendetta. It is a personal vendetta as well as political vendetta. These two motives are reprehensible. In the end he says and I quote:

"If there is any attempt to gag the voice of a Member from the Chair or from the House, then such a chaotic situation will certainly arise, there is no doubt about it because every member has a fundamental right to make his point."

It means there was an attempt to gag her voice. This is also a very heinous charge against the Speaker.It is clearly mentioned in the Rules of Procedure and Conduct of Business in Lok Sabha as well as in Kaul and Shukdher that "The Speaker's ruling cannot be questioned except on a substantive motion. A member who protests against the ruling of the Speaker commits contempt of the House and the Speaker. The Speaker's decision is equally binding whether given in the

House or on a departmental file. He is not bound to give reasons for his decisions. Members cannot criticize directly or indirectly, inside or outside the House any ruling given, opinion expressed or statement made by the Speaker." It is also said that "Observations made by the Speaker in the House cannot be interpreted in private correspondence." He does not enter into public or press controversies regarding observations made by him from the Chair. On the disciplinary power of the Speaker, page 121 of Kaul and Shakhder, (5th edn.) says that "He may direct any Member guilty of disorderly conduct to withdraw from the House, and name a Member for suspension if the Member disregards the authority of the Chair and persists in obstructing the proceedings of the House. He may also adjourn or suspend the business of the House in case of grave disorder." Again in the same book, it is said that "The fundamental principle is that the House, subject to the provision of the Constitution, is sovereign in the matter of its own rules of procedure and conduct of business and whatsoever powers have been conferred by the rules on the Speaker are intended to serve one purpose, that the House should be able to function at all times in the interest of the country."I further quote from Kaul and Shakhder, which says "Speeches and writings reflecting on the House or its Committees or its Members are punished by the House as a contempt on the principle that such acts tend to obstruct the House in performance of their function by diminishing the respect due to them."If a layman makes some comments, I could agree and appreciate that he is an ordinary man who does not know what is parliamentary practice and what is the rule. The man who himself has edited and wrote this book, and adorned the Chair for so many years of the highest democratic institution of the country, cannot claim that he failed to understand what should be said against the Speaker or not....This type of character assassination of the Speaker, imputation of motive to him, blaming him that he is gagging the voice of the members, all these are reflections on the character of the Speaker and impartiality of the Speaker."

Evidence of Dr. Subhash C. Kashyap, Former Secretary-General of Lok Sabha

18. During his evidence before the Committee on 13 December, 2005, Dr. Subhash C. Kashyap stated *inter alia* as follows:—

"I have replied to the allegations *vide* my letter dated 5 October, 2005. I would submit that I have nothing to add to what I have said. It is very difficult for me to recollect all that I said in that interview because on the same day there might have been several interviews to different channels. I don't know whether it was pre-recorded interview or it was live. I also don't know whether the transcript that has been given to you is the full transcript of what was asked and what was replied by me. I don't think the transcript contains fully what was asked by the interviewer and what was said by me."

19. When asked whether he was aware of the fact that a discussion had taken place in Lok Sabha on "Illegal Immigrants Act" only eight days back, Dr. Kashyap replied, "No. I was not aware of it."

20. Dr. Kashyap was told that by the time he went for interview, it was clear that Km. Mamata Banerjee had been declined permission to raise the matter on the ground that the same had been discussed by the House eight days back. He was asked whether he tried to find out why permission was denied to her, Dr. Kashyap replied "as I told earlier, I was not aware. Secondly, when such things happen and TV Channel people call me for interview, there is no time for any preparation and no preparation is either done to see what has actually happened. It is not possible to see the proceedings of Lok Sabha and Rajya Sabha because often I am out of station. I am rarely in Delhi. I travel a lot. I didn't know what happened earlier."

21. Keeping the background in which Km. Mamata Banerjee's notice was disallowed in view, Dr. Kashyap was asked to comment on his assertion in the interview that the member's voice was gagged, Dr. Kashyap replied "Sir, I would like to submit that is neither my intention—according to my humble understanding—nor the meaning of this statement. This is a general statement. This is a purely general statement of general application and not with reference to Km. Mamata Banerjee or any one particular case."

22. On being further asked that with his wide experience as Secretary-General of Lok Sabha plus a widely acclaimed sound knowledge and expertise that he has about the procedures and rules of business of Parliament and constitutional matters, didn't he think that his reference to the Speaker's ruling having a personal angle, was not a reflection on the conduct of the Speaker, Dr. Kashyap stated, "Sir, I would like to submit that there is no reflection either intended or meant or said on the conduct of the Speaker. For admitting any motion or for not admitting any motion, we all know that the Speaker is the final authority. His right and decision on this matter cannot be questioned either in the House or outside. The Speaker is the final authority. I have not questioned the decision of the Speaker. I have not said anywhere that permission was not given. I have not referred to any specific matter. What I have said in the first part is that there is a personal aspect and what is that personal aspect. The personal aspect is that Km. Mamata Banerjee when elected to Lok Sabha for the first time, she had defeated an outstanding personality like Somnath Chatterjee. What I am saying that Shri Somnath Chatterjee is an outstanding personality in the Indian Politics. Then I am saying that Ms. Mamata Banerjee had defeated him in the election, which is a matter of fact. There is no reflection or insinuation. When a person defeats such a stalwart, naturally that becomes the background in his or her mind. So here reference, if any, is to Madam Banerjee, not the Speaker..... So in my humble opinion, it should not be read as a reference to the Speaker.... I am fully responsible and accountable for what I have said. I am prepared for every word to be analysed. As far as what happened in the House, I neither have any authority nor I can own or disown any responsibility..."

23. When asked how would he explain the words "Such chaotic situation would arise" used by him in his interview on Star News, Dr. Kashyap replied, "if a member has a fundamental right to speak whatever he/she wants to, then I am of the opinion that it is the duty of the Secretariat to guide him/her as to how he/she could raise the matter under the rules. The words 'Aisi arajakta' means members would violate the rules to say/speak whatever they want to in the House."

24. On being asked whether he was aware that it was not the Speaker but the Deputy Speaker who was presiding over the House when Km. Mamata Banerjee raised this matter, Dr. Kashyap replied, "No, I was not even aware of it. I did not see the proceedings. Normally when TV channel people call me for interview, 99.99% I am not aware of what has actually happened in the House as I do not have time to watch the proceedings..."

25. When asked, if action was taken against Km. Mamata Banerjee, how would he have reacted to that, Dr. Kashyap replied, "Sir, I have said it in writing and also on television on earlier occasions, and if that is any guide, I would have supported it. I have said it repeatedly that when privileges are breached and contempt of the House are committed by the members themselves, then action needs to be taken against them under the rules, under the constitution."

IV. Findings And Conclusions

26. According to Erskine May "The Chief characteristics attaching to the office of Speaker in the House of Commons are authority and impartiality ...Reflections upon the character or actions of the Speaker may be punished as breaches of privilege. Confidence in the impartiality of the Speaker is an indispensable condition of the successful working of procedure, and many conventions exist which have as their object not only to ensure the impartiality of the Speaker but also to ensure that his impartiality is generally recognized (p. 189-90, 22nd end.)

"... Reflections on the character of the Speaker or accusations of partiality in the discharge of his duties... have attracted the penal powers of the commons".
(p. 123, 22nd end.)

27. The Committee would not like to reproduce relevant passages from Kaul & Shakhder since the same were quoted extensively by Shri Hannan Mollah during his evidence before the Committee and from part of this Report.

28. The Committee observe that Dr. Subhash C. Kashyap, during his evidence before the Committee, admitted that at the time he gave the interview to Star News Channel, he was not aware as to what was the subject matter of the notice of Km. Mamata Banerjee that had been disallowed; he was not aware of the fact that the matter had already been discussed in the House about a week ago by way of an adjournment motion; he was not even aware that at the time the incident happened, it was not the Speaker, but, the Deputy Speaker who was in the Chair. The Committee are amazed at the explanation given by Dr. Kashyap in defence of his ignorance. "When Television people call for interview, there is no time for making preparation; no preparation is made to ascertain as to what had happened."

While it may be true that "there is no time for making preparation", when such interviews are given, but even "facts are not ascertained" is something which the Committee did not expect, at least from a person of the eminence of Dr. Kashyap. By saying this Dr. Kashyap has projected himself in a very poor light as a person too eager to appear on audio-visual media without bothering for facts.

29. As a matter of fact, the Committee feel, it is this "couldn't care less for facts" attitude which led Dr. Kashyap to make the derogatory observations which he did

during his interview to Star News Channel and later on tried very cleverly to defend during his evidence before the Committee.

30. Dr. Kashyap tried to explain his remarks "Well, it has a personal aspect also ... etc." by saying:

"There is no reflection or insinuation ... when a person defeats such a Stalwart, naturally that becomes the background in his or her mind. So, here reference, if any, is to Madam Banerjee, not to the Speaker. Madam Banerjee had in her mind the fact that she had defeated such a big stalwart of Indian politics. So, in my humble opinion, it should not be read as a reference to the Speaker."

Advancing the line of argument taken by Dr. Kashyap, if such situations do become a background in the minds of people, they should become a background in the mind of person defeated and not the person who was victorious, Dr. Kashyap's pathetic attempt at such a convoluted argument has failed to carry conviction with the Committee. The Committee are of the view that Dr. Kashyap was definitely referring to the Speaker, Lok Sabha when he made the impugned remarks about "personal aspect". The Committee are further fortified in their view when this remark of Dr. Kashyap is seen in conjunction with his subsequent remarks about Km. Mamata Banerjee's constant fight with communists.

31. As regards his remark "If there is any attempt to gag the voice of a member ... etc.," Dr. Kashyap's explanation was:

"This is a purely general statement of general application and not with reference to Km. Mamata Banerjee or any one particular case."

The Committee consider this explanation to be entirely unconvincing. It is unimaginable that when a person's views are solicited on a specific incident, he would make general comments without once referring to the specific matter.

The Committee feel that after the incident happened, the TV Channel approached Dr. Kashyap, briefed him quickly about the incident and sought his reaction. Dr. Kashyap as per his usual style of not caring to ascertain the facts, gave his views presuming that at the relevant point of time the Speaker, Lok Sabha was in Chair and he did not allow Km. Mamata Banerjee to raise the issue. The thrust of the remarks of Dr. Kashyap is not very difficult to judge in this background.

32. Dr. Kashyap's assertion towards the end of his TV interview that "there are many instances when discussion on the same subject have been held twice or more during the same session", further indicates that he was not as ignorant of the facts as he feigned and that he was trying to convey that Km. Mamata Banerjee should have been allowed to raise the matter and since there were similar instances in the past, not allowing her amounted to gagging her voice which was due to "personal aspect" on the part of the Speaker.

33. The Committee pointedly invited the attention of Dr. Kashyap to rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha which prohibits repetition of a motion. He did not, however, cite a single instance before the Committee though

he had made a reference to many such instances in his interview.

34. The most lamentable part of the entire matter has been the attitude of Dr. Kashyap in not even once expressing remorse or regret for his comments or for the fact that he spoke without ascertaining the full facts.

35. The Committee find that remarks made by Dr. Kashyap in the said interview were not only unjustified, made in haste, and uncalled for but unwarranted too.

36. The Committee strongly feel that a person of Dr. Kashyap's stature who is considered as an authority on parliamentary practice and procedure, besides being a former Secretary-General of Lok Sabha, should not have indulged in such character assassination without being aware of the full facts of the case.

37. The Committee are, therefore of the view that the impugned remarks made by Dr. Kashyap during his interview tantamount to casting reflections on the impartiality of the Speaker, Lok Sabha in discharge of his duties.

38. The Committee are of the view that Dr. Kashyap has committed gross breach of privilege and contempt of the House for having cast reflections on the impartiality of the Speaker, Lok Sabha and by imputing motives to him in discharge of his duties.

39. The Committee are also of the view that the gravity of the offence has increased since the derogatory references were made by a person well-versed in parliamentary procedure and practices and who once served as the Secretary General of Lok Sabha.

The Committee, however, note that Dr. Kashyap, in his written comments furnished to the Committee, as also in his evidence before the Committee, said that he had "highest regards for the Speaker" and that there was no "question of any insinuation or imputation from me with reference to the hon. Speaker." He also said that Speaker's decision "cannot be questioned either in the House or outside." The Committee feel that had Dr. Kashyap shown a little more circumspection while giving the interview this situation would not have arisen.

40. The Committee, therefore, strongly condemn and deprecate the reckless and irresponsible behaviour of Dr. Kashyap.

41. In view of foregoing findings and conclusions, the Committee are of the view that Dr. Kashyap needs to be handed out appropriate deterrent punishment.

V. Recommendation

42. The Committee, accordingly, recommend that Dr. Subhash C. Kashyap, former Secretary-General of Lok Sabha may be admonished.

NEW DELHI
17 May, 2006;

V. KISHORE CHANDRA S. DEO,
Chairman,
Committee Of Privileges.

MINUTES

MINUTES

I

FIRST SITTING

New Delhi, Tuesday, 27 September, 2005

The Committee sat from 11 30 hrs. to 1215 hrs.

PRESENT

Shri Pawan Kumar Bansal — *Chairman*

MEMBERS

2. Shri Varkala Radhakrishnan
3. Shri Iqbal Ahmed Saradgi
4. Shri Bijendra Singh
5. Shri Devendra Prasad Yadav
6. Shri Kishan Singh Sangwan
7. Shri Ananthkumar Hegde
8. Shri Nitish Kumar
9. Shri Virendra Kumar

SECRETARIAL

1. Shri Ravindra Garimella — *Under Secretary*
2. Shri Ashok Sajwan — *Under Secretary*

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2. The Committee then took up for consideration the privilege case against Dr. Subhash C. Kashyap, former Secretary-General, Lok Sabha for casting serious aspersions on the Hon'ble Speaker, Lok Sabha.

The Committee directed that Dr. Kashyap may be asked to furnish his written comments by 10 October, 2005. The Committee also directed that the CD containing the video clipping of the impugned interview by Dr. Kashyap which was telecast by Star News channel on 4th August, 2005 may be obtained from the Star TV channel.

The Committee further desired that Shri Hannan Mollah, MP may also be requested to furnish the relevant CD, if he has the same in his possession.

The Committee decided to take the evidence of Dr. Kashyap after perusing his written comments and viewing the said CD.

3.

*

*

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*

(The Committee then adjourned)

*Omitted as the paras relate to another case.

II
SECOND SITTING

New Delhi, Thursday, 10 November, 2005

The Committee sat from 1130 hrs. to 1215 hrs.

PRESENT

Shri Pawan Kumar Bansal — *Chairman*

MEMBERS

2. Shri Varkala Radhakrishnan
3. Shri A. Krishnaswamy
4. Shri Rajendrasinh Rana
5. Shri D. Vittal Rao
6. Shri Kishan Singh Sangwan
7. Shri Eqbal Ahmed Saradgi
8. Shri Ananthkumar Hegde

SECRETARIAT

1. Shri V.K. Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Under Secretary*
3. Shri Ashok Sajwan — *Under Secretary*

* * * *

2. The Committee, then considered the following two matters:

(a) Casting of serious aspersions on the Hon'ble Speaker, Lok Sabha by a former Secretary-General of Lok Sabha.

(b) * * * *

3. As regards the first matter above, the Committee decided that Shri Hannan Mollah, MP and Dr. Subhash C. Kashyap former Secretary-General Lok Sabha may be requested to appear before the Committee for oral evidence on 29 and 30 November, 2005 respectively.

4. * * * *

(The Committee then adjourned)

*Omitted as the paras relate to another case.

III

THIRD SITTING

New Delhi, Tuesday, 29 November, 2005

The Committee sat from 1500 hrs. to 1545 hrs.

PRESENT

Shri Pawan Kumar Bansal — *Chairman*

MEMBERS

2. Shri A. Krishnaswamy
3. Shri D. Vittal Rao
4. Shri Kishan Singh Sangwan
5. Shri Devendra Prasad Yadav

SECRETARIAT

1. Shri V.K. Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Under Secretary*
3. Shri Ashok Sajwan — *Under Secretary*

WITNESSES

1. Shri Hannan Mollah, MP

2. * * * *

The Committee first took up for consideration the question of privilege against Dr. Subhash C. Kashyap, former Secretary-General, Lok Sabha for casting of serious aspersions on the Hon'ble Speaker, Lok Sabha.

The Committee examined Shri Hannan Mollah, MP on oath.

(Verbatim record of the evidence was kept)

(The witness then withdrew)

2. * * * *
3. * * * *

4. The Committee, thereafter, viewed the CDs provided by Shri Hannan Mollah, MP and the Star News Channel comprising the interview given by Dr. Kashyap on the Star News Channel on 4 August, 2005.

(The Committee then adjourned)

*Omitted as the paras relate to another case.

IV

FOURTH SITTING

New Delhi, Wednesday, 30 November, 2005

The Committee sat from 1500 hrs. to 1600 hrs.

PRESENT

Shri Pawan Kumar Bansal — *Chairman*

MEMBERS

2. Shri Varkala Radhakrishnan
3. Shri Kishan Singh Sangwan

SECRETARIAT

1. Shri V.K. Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Under Secretary*
3. Shri Ashok Sajwan — *Under Secretary*

WITNESS

- | | | | |
|------|---|---|---|
| * | * | * | * |
| * | * | * | * |
| 2. * | * | * | * |

3. The Committee further desired that Dr. Subhash C. Kashyap former Secretary-General*****, if he so desired might be asked to appear before the Committee for oral evidence at their next sitting.

(The Committee then adjourned)

*Omitted as the paras relate to another case.

V

FIFTH SITTING

New Delhi, Tuesday, 13 December, 2005

The Committee sat from 15.30 hrs. to 1700 hrs.

PRESENT

Shri Pawan Kumar Bansal — *Chairman*

MEMBERS

2. Shri A. Krishnaswamy
3. Shri Varkala Radhakrishnan
4. Shri Kishan Singh Sangwan
5. Shri Iqbal Ahmed Saradgi
6. Shri Bijendra Singh
7. Shri Devendra Prasad Yadav

SECRETARIAT

1. Shri V.K Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Under Secretary*
3. Shri Ashok Sajwan — *Under Secretary*

WITNESS

Dr. Subhash C. Kashyap — *Former Secretary-General,
Lok Sabha*

The Committee took up for consideration the question of privilege given by Shri Hannan Mollah, MP against Dr. Subhash C. Kashyap, former Secretary-General, Lok Sabha for casting serious aspersions on the Hon'ble Speaker, Lok Sabha.

2. The Committee examined Dr. Subhash C. Kashyap, former Secretary-General, Lok Sabha on oath.

(Verbatim record of the evidence was kept)

(The witness then withdrew)

3. * * * * *

(The Committee then adjourned)

*Omitted as the para relates to another case.

VI
SIXTH SITTING

New Delhi, Friday, 20 January, 2006

The Committee sat from 15.00 hrs. to 1600 hrs.

PRESENT

Shri Pawan Kumar Bansal — *Chairman*

MEMBERS

2. Shri A. Krishnaswamy
3. Shri Varkala Radhakrishnan
4. Shri Rajendrasinh Rana
5. Shri Kishan Singh Sangwan
6. Shri Virendra Kumar
7. Shri Devendra Prasad Yadav

SECRETARIAT

1. Shri V.K Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Under Secretary*
3. Shri Ashok Sajwan — *Under Secretary*

* * * * *

2. The Committee then took up for consideration the following two matters (i) question of privilege given by Shri Hannan Mollah, MP against Dr. Subhash C. Kashyap, former Secretary-General, Lok Sabha for casting serious aspersions on the Hon'ble Speaker, Lok Sabha.

(ii) * * * *

After some deliberations the Committee directed the Secretariat to prepare draft report in the said two matters for consideration of the Committee at their next sitting.

3. * * * *

(The Committee then adjourned)

*Omitted as the paras relate to another case.

SEVENTH SITTING

New Delhi, Wednesday, 3 May, 2006

The Committee sat from 15.05 hrs. to 16.14 hrs.

PRESENT

Shri V. Kishore Chandra S. Deo — *Chairman*

MEMBERS

1. Shri D. Vittal Rao
2. Shri Kishan Singh Sangwan
3. Shri Iqbal Ahmed Saradgi
4. Shri Devendra Prasad Yadav

SECRETARIAT

1. Shri Ravindra Garimela — *Under Secretary*
2. Shri Ashok Sajwan — *Under Secretary*

WITNESS

- | | | | | |
|----|---|---|---|---|
| | * | * | * | * |
| 2. | * | * | * | * |

3. The Committee then took up for consideration draft third Report of the Committee regarding the question of privilege given notice of by Shri Hannan Mollah, MP against Dr. Subhash C. Kashyap, former Secretary-General, Lok Sabha for casting of serious aspersions on the Speaker, Lok Sabha in an interview telecast on the Star News TV Channel on 4 August, 2005. The Chairman *inter alia* observed that the Committee might like to take a final view in the matter after taking into account the position emerging from the findings and conclusions arrived at in the matter. After some deliberations the members while agreeing with the findings and conclusions in the draft Report felt that keeping in view the fact that Dr. S.C. Kashyap did cast reflections on the Speaker, Lok Sabha, which does not behave well for a person of his standing and furthermore he did not tender any apologies, it would be appropriate to recommend that Dr. Kashyap may be admonished. The Committee accordingly decided that para nos. 40 & 41 of the draft Report may be suitably modified. (*See Appendix-A*).

The Committee authorized the Chairman to finalise the Report and present it to the Speaker, Lok Sabha.

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|----|---|---|---|---|
| 4. | * | * | * | * |
| 5. | * | * | * | * |

(*The Committee then adjourned*)

*Omitted as the paras relate to another case.

APPENDIX - A
(See para 3 of the minutes)

Sl. No.	Recommendations made in Draft Report	Modifications proposed
1	2	3
1.	Para 40	<p>For</p> <p>"While the Committee are competent to recommend to the House to take penal action against a person who is found to have committed a breach of privilege and contempt of the House, the Committee are of the view that in this case neither the Committee nor the House would be adding to their dignity by recommending or taking any penal action against a former Secretary-General of Lok Sabha."</p> <p>Substitute</p> <p><i>"The Committee, therefore, strongly condemn and deprecate the reckless and irresponsible behaviour of Dr. Kashyap."</i></p>
2.	Para 41	<p>For</p> <p>The Committee, therefore, while strongly condemning and deprecating the reckless and irresponsible behaviour of Dr. Kashyap and cautioning him to be more careful in future, recommend that the matter be treated as closed.</p> <p>Substitute</p> <p><i>"In view of foregoing findings and conclusions, the Committee are of the view that Dr. Kashyap needs to be handed out appropriate deterrent punishment."</i></p>
3.	After newly incorporated Para 41	<p>Add the following new para (42)</p> <p>"The Committee, accordingly, recommend that Dr. Subhash C. Kashyap, Former Secretary-General of Lok Sabha may be admonished.</p>

MINUTES OF EVIDENCE

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Dr. Subhash C. Kashyap, Former Secretary-General, Lok Sabha 28

MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE OF
PRIVILEGES

Tuesday, 29 November, 2005

PRESENT

Shri Pawan Kumar Bansal — *Chairman*

MEMBERS

2. Shri A. Krishnaswamy
3. Shri D. Vittal Rao
4. Shri Kishan Singh Sangwan
5. Shri Devendra Prasad Yadav

SECRETARIAT

1. Shri V. K. Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Under Secretary*
3. Shri Ashok Sajwan — *Under Secretary*

WITNESSES

1. Shri Hannan Mollah, MP
2. * * *

The Committee met at 1500 hrs.

MR. CHAIRMAN: Shri Hannan Mollah, you have been requested to appear before the Committee to give evidence in connection with a notice of question of privilege dated August 5, 2005, given by you against Dr. Subhash C. Kashyap, former Secretary-General of the Lok Sabha, for casting serious aspersions on the hon. Speaker, Lok Sabha in an interview telecast on the Star News channel.

I may inform you that under rule 275 of the Rules of Procedure and Conduct of Business in the Lok Sabha, the evidence that you may give before the Committee is to be treated as confidential till the Report of the Committee and its proceedings are presented to the Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute a breach of privilege and contempt of the House. The evidence that you may give before the Committee would be reported to the House.

I suppose, there is a procedure for oath or affirmation.

SHRI HANNAN MOLLAH: I, Hannan Mollah, solemnly affirm that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

MR. CHAIRMAN: You may please proceed with what you have to say about your case.

SHRI HANNAN MOLLAH: Thank you, Mr. Chairman, Sir, for calling me for evidence.

I submitted the privilege motion to the hon. Speaker on 5th of August and there I had mentioned that earlier Secretary-General, Dr. Subhash C. Kashyap, gave an interview to the Star TV channel. In that interview, he made certain very derogatory comments against the Chair. He criticised the ruling of the Speaker in very un-tasteful language and he impugned motive on the Speaker while giving the ruling. I submitted the script of the telecast and I also submitted the CD of the Star TV.

Here I would like to mention that this interview has come from such a person who was in that esteemed post for a very long time. I do not think that this type of comment is proper.

Actually, the incident happened in the House. It is known to the whole country. It was telecast also. Honourable Speaker tried to control the things and ultimately he delivered his ruling. Dr. Kashyap said one thing and I quote:

“देखिए, इसका एक व्यक्तिगत पक्ष है, उसे नहीं भूलना चाहिए। सुश्री ममता बैनर्जी पहली बार जब लोक सभा में आई, तो श्री सोमनाथ चटर्जी जैसे व्यक्तित्व को हराकर आई थीं। इसलिए यह एक व्यक्तिगत पक्ष भी है।”

A person adorning the highest Chair of our democracy should have given minimum respect, that such personality will not bring personal things while giving a judgement from the highest seat of democracy.

So, this is absolutely clear. This is an impugned implication of motive against the hon. Speaker. He did it because of vengeance and because of personal vendetta. The meaning is very clear. Anybody who knows Hindi and English can understand this. There is nothing concealed. It is a certain comment. It is a clear personal allegation against the hon. Speaker.

दूसरी बात यह भी है कि सुश्री ममता बैनर्जी एक ऐसी नेता हैं जिन्होंने वैस्ट बंगाल के अंदर साम्यवादी सत्ता को पिछले कई वर्षों से चुनौती दी है और इसके लिए वे बराबर लड़ती रहीं हैं। As if a Speaker is a political personality, sitting there and working on behalf of a political party. As she was in that particular State against that political party's Government, the Speaker has taken the decision because of political vendetta. It is a personal vendetta as well as political vendetta. These two motives are reprehensible.

In the end he says and I quote:

“अगर किसी सदस्य की आवाज़ को गैग करने का प्रयास किया जाए, चाहे वह पीठासीन अधिकारी की ओर से हो या सदन की ओर से हो, तो ऐसी अराजकता पैदा होगी, इसमें कोई संदेह नहीं है, क्योंकि हर सदस्य का मूल अधिकार है कि वह अपनी बात कह सके। यह कहने का मतलब यह है कि गैग करने की कोशिश की।”

यह भी स्पीकर के खिलाफ वैरी हीनियस चार्ज है against the person sitting on that Chair. I mentioned these charges in my letter. I would request you to see what is said by the

Rules and Practice and Principles in Parliament by Kaul and Shakhdar regarding the ruling of the Chair. On ruling of the Speaker it is said here. It is in this fourth edition of the book, I think there is a fifth edition. It is edited by Dr. Kashyap himself, when he was the Secretary-General. He edited this edition of the book where he said: "The Speaker's ruling cannot be questioned except on a substantive motion. A Member who protests against the ruling of the Speaker commits contempt of the House and the Speaker. The Speaker's decision is equally binding whether given in the House or on a departmental file. He is not bound to give reasons for his decisions. Member cannot criticise directly or indirectly, inside or outside the House any ruling given, opinion expressed or statement made by the hon. Speaker." This is very clearly written in this book by Kaul and Shakhdar. It has been categorically said in page 11 of this fourth edition.

It is also said: "Observations made by the Speaker in the House cannot be interpreted in private correspondence." He does not enter into public or press controversies regarding observations made by him, from the Chair. He will not go for the argument outside. But his comment cannot be interpreted in some correspondence which is equivalent to interview also. Correspondence and interview are the same. There also he committed a very serious aspersion against the hon. Speaker.

On the disciplinary power of the Speaker, page 112 of the volume says in the last para: "He may direct any Member guilty of disorderly conduct to withdraw from the House. The name of a Member for suspension if the Member disregards the authority of the Chair and persists in obstructing the proceedings of the House, he may also adjourn or suspend the business of the House in case of grave disorder". These things are very clearly written.

Again on page 113 in this volume, it is said: "The fundamental principle is that the House, subject to the provision of the Constitution, is sovereign in the matter of its own rules of procedures and conduct of business and whatsoever powers have been conferred by the rules on the Speaker are intended to serve one purpose, that the House should be enabled to function at all times in the interest of the country."

I can quote umpteen quotations from this book by Kaul and Shakhdar as to how this was misused and how it was violated. I will draw your kind attention to one more area, that is on page 247 of this book on powers and privilege and immunities of the Houses. On page 247, in para 3 it is said: "Speeches and writings reflecting on the House or its Committees or its Members are punished by the House as a contempt on the principle that such acts tend to obstruct the House in performance of their function by diminishing the respect due to them." It is in this book by Kaul and Shakhdar on page 247, in para 3.

I will request you just to find out from the Rules and the Practice and Procedure of Parliament by Kaul and Shakhdar. There are several areas where this type of attack on the Chair, imputation of motive on the Chair have been clarified.

Here, another argument may say that I do not understand the things or I do not know the things. If any layman from the street makes some comment, I could agree and appreciate that he is an ordinary man who does not know what is parliamentary practice

and what is the rule. The man who himself has edited and wrote this book, and adored the Chair for so many years of the highest democratic institution of our country, cannot claim that he failed to understand what should be said against the Speaker or not. This argument should also be kept in mind while you are finalising it.

The last paragraph of page 247 of this book says:

"Similarly, the House may not necessarily take serious notice of defamatory statement by irresponsible persons."

If an irresponsible person makes such a statement, you can ignore. If the hon. Committee thinks that Dr. Kashyap is an irresponsible person, you can take one decision, but if you feel that he is not an irresponsible person, you can take decision accordingly. I definitely say that he is not an irresponsible person. He is claimed to be a known jurist of the country. He cannot be termed as an irresponsible person. So, a responsible person making such a statement is liable and it should be taken care of.

On page 248, it says:

"The examples of speeches and writings, which have been held to constitute breach of privilege and contempt of house, may be categorised as under. Reflection on the House, reflection on the character and impartiality of the Speaker in discharge of his duties."

This clearly says that this type of character assassination of the Speaker, imputation of motive on the Speaker, blaming him that he is gagging the voice of the Members, all these things are reflections on the character of the Speaker and impartiality of the Speaker.

I could speak for hours on this, but I think, the hon. Committee is capable enough to analyse and reach on its own conclusions.

I express my gratitude for calling me for this evidence. This is my submission before the hon. Committee on this matter.

MR. CHAIRMAN: Shri Hannan Mollah, thank you very much.

(The witness then withdrew.)

MR. CHAIRMAN: I would like to inform all the hon. Members that we have two CDs of that programme. We had requested both the Star News Channel and Shri Hannan Mollah. Both have furnished us with a CD. Let us watch both the CDs. We will first watch what is given by Shri Hannan Mollah, the complainant.

सभापति महोदय: आज के लिए इतना ही काफी है। कल दोनों एडिटर्स को, जिनके खिलाफ कम्प्लेंट है, उनको बुलाया गया है, उनकी बात सुनेंगे। मेरी मेम्बर्स के लिए एक रिक्वेस्ट है कि वे खुद आएँ और किसी कारण से इसे मिस मत करें क्योंकि पांच मेम्बर्स के बिना मुश्किल हो जाती है। उनकी हाजरी बहुत बड़ी बात है।

(तत्पश्चात् समिति की कार्यवाही स्थगित हुई)

MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE OF
PRIVILEGES

Tuesday, 13 December, 2005

PRESENT

Shri Pawan Kumar Bansal — *Chairman*

MEMBERS

2. Shri A. Krishnaswamy
3. Shri Varkala Radhakrishnan
4. Shri Kishan Singh Sangwan
5. Shri Iqbal Ahmed Saradgi
6. Shri Bijendra Singh
7. Shri Devendra Prasad Yadav

SECRETARIAT

- | | | | |
|----|-------------------------|---|-----------------|
| 1. | Shri V.K. Sharma | — | Joint Secretary |
| 2. | Shri Ravindra Garimella | — | Under Secretary |
| 3. | Shri Ashok Sajwan | — | Under Secretary |

WITNESS

Dr. Subash C. Kashyap	—	Former Secretary-General, Lok Sabha
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The Committee met at 1530 hrs.

MR. CHAIRMAN: Dr. Subhash C. Kashyap, you have been asked to appear before the Committee to give evidence in connection with a notice of question of privilege dated 5th August, 2005, given by Shri Hannan Mollah, MP against you for casting serious aspersions on the hon. Speaker, Lok Sabha in an interview telecast on the Star News channel.

(Direction 58 was read out)

MR. CHAIRMAN: You are aware of the procedures. Before we proceed, you may kindly take oath for your evidence.

(*Dr. Subhash C. Kashyap took oath*)

MR. CHAIRMAN: I think Dr. Kashyap, you are aware of the allegation against you as such which has been made and that has been conveyed to you, I suppose, by the

Secretariat. You may kindly begin the way you like and submit whatever you wish to say about this.

DR. SUBHASH C. KASHYAP: Sir, I have replied to the allegations *vide* my letter dated 5th October, 2005. I would submit that I have nothing to add to what I have said.

MR. CHAIRMAN: You can recollect the entire interview or you do not wish to see that again. You know what was said. It was a very short interview.

DR. SUBHASH C. KASHYAP: It is very difficult for me to recollect all that I said in that interview because on the same day there might have been several interviews to different channels. I do not know whether it was a pre-recorded interview or it was live. I also do not know whether the transcript that has been given to you is the full transcript of what was asked and what was replied by me. I do not think the transcript contains fully what was asked by the interviewer and what was said by me.

MR. CHAIRMAN: What has been given to you is more or less full excepting your remarks here and there. Otherwise, as far as substances is concerned, there is no difference in what we have given in the transcript and what we have seen on television. ourselves. अगर आप कहें तो हम उसकी कॉपी आपको दे सकते हैं। एक-आध शब्द का ही फर्क होगा लेकिन बेसिक चीजों में फर्क नहीं था। "देखिये, पहली बात" आदि में फर्क है, लेकिन बेसिक चीजों में फर्क नहीं है।

डा० सुभाष सी० कश्यप: यह फुल वर्शन नहीं है। सवाल जो पूछे थे वे नहीं हैं। ऐसा तो नहीं है कि मैं टेलीविजन पर गया और मैंने बोलना शुरू कर दिया। कुछ तो मुझसे पूछा ही होगा।

सभापति महोदय: हम उस बात को समझते हैं। अगर आप चाहते हैं तो वह पोर्शन भी आपको पहुंचा सकते हैं। हमने सब कुछ पहली मीटिंग में देखा था, उसमें फर्क नहीं था। हम उस वर्शन को आप तक पहुंचा सकते हैं जो शिकायतकर्ता ने हमें दिया था। हमने केवल आप वाला पाठ मांग था इसलिए उनकी ओर से केवल आप वाला ही वर्शन आया है क्योंकि हमने उनको लिखा ही उसके लिए था। बेसिक बात तो वही है चाहे उनका कोई भी प्रश्न हो। That matter is before the Committee today and we have to take up that. जवाब तो स्पष्ट आ गया है। इससे पहले कि मैं मैम्बर्स से रिक्वैस्ट करूँ, मैं एक-दो सवाल आपसे पूछना चाहता हूँ।

डा० सुभाष सी० कश्यप: पांच अक्टूबर के पेपर में मैंने जो लिखा, क्या वह आपके पास है। अगर आप कहें तो मैं उसको फिर से पढ़ दूँ।

सभापति महोदय: ठीक है, पढ़ दीजिए।

DR. SUBHASH C. KASHYAP: I would just to recall what has been said in my letter dated 5th October, 2005.

"With reference to your reference No. 5/02/05/P&T dated 28th September, 2005, I would like to submit for the kind consideration of the Committee of Privileges that I have the highest regards for the hon. Speaker and I can state most categorically and with a full sense of responsibility that there can never be any question of any insinuation or imputation from me with reference to the

hon. Speaker. In the course of TV interview and Question-Answers on 4th August, 2005, no allegation was made and no disrespect shown intended or meant."

I stand by what I have said in that letter.

सभापति महोदय: पहला पार्ट जहां से इंटरव्यू शुरू हुआ, उसमें आपने कहा है, we would even appreciate "देखिए, पहली बात तो यह है कि जो हुआ, मेरे ख्याल से उसका बहुत अलार्मिस्ट व्यू लेने की जरूरत नहीं है। सभी लोकतांत्रिक संस्थाओं में इस प्रकार की बातें कभी-कभी हो जाती हैं और हमारा लोकतंत्र तो बहुत सशक्त है। हमारी लोक सभा भी बहुत सजीव है।"

उन्होंने आगे फिर सवाल किया। आपने उसके जवाब में कहा कि "देखिए, इसका एक व्यक्तिगत पक्ष है, उसे नहीं भूलना चाहिए। सुश्री ममता बनर्जी, पहली बार जब लोक सभा में आई, तो श्री सोमनाथ चटर्जी जैसे व्यक्तित्व को हराकर लोक सभा में आई थीं। इसलिए यह एक व्यक्तिगत पक्ष भी है।"

आपका अनुभव इतना जबर्दस्त होते हुए सैक्रेटरी जनरल प्लस widely acclaimed knowledge that you have about the procedure and conduct of the business of the House plus the constitutional matters. क्या आपके मन में था कि सुश्री ममता बनर्जी इस बात से नाराज हुई और बात उठी है। उनको बात कहने की इजाजत नहीं दी गई। Were you aware of the fact that a discussion had taken place in the Lok Sabha on Illegal Immigrants Act only eight days back?

DR. SUBHASH C. KASHYAP: No, I was not aware of it.

सभापति महोदय: आपने कहा कि उनको इजाजत नहीं दी गई। By the time you went for the interview, it was very clear that Kumari Māmata had been declined permission to raise the matter on the ground that the same matter had been discussed by the House eight days back. Did you try to find out why permission was denied to her?

डा० सुभाष सी० कश्यप: जैसा मैंने कहा कि पहले मुझे मालूम नहीं था। दूसरी बात यह है कि जब इस तरह की कोई बात होती है और टेलीविजन वाले इंटरव्यू के लिए बुलाते हैं तो तैयारी करने का समय नहीं होता है और न ही तैयारी की जाती है कि देखा जाए कि पहले क्या हुआ? लोक सभा और राज्य सभा की प्रोसिडिंग्स को टेलीविजन में देखना संभव नहीं है क्योंकि मैं कई बार दिल्ली से बाहर होता हूँ। मैं बहुत कम दिल्ली में रहता हूँ। मेरी ट्रेवलिंग काफी रहती है। मुझे नहीं मालूम पहले क्या हुआ?

MR. CHAIRMAN: Just to enable you or to facilitate you to reply to my subsequent question, I would like to recapitulate the facts. The discussion on the Illegal Immigrants Detection Act had taken place in the Lok Sabha on 26th July. Kumari Mamata had not participated in the discussion because she was not present in the House. That discussion took place and it was over. In fact, it was an Adjournment Motion. After the Adjournment Motion fell through and did not succeed, when she returned to the House after a week's time, she gave another notice to the hon. Speaker seeking permission to raise this matter regarding illegal immigrants, not the Illegal Immigrants Detection Act. But as such confining it particularly to the State of West Bengal, she wanted to raise that matter again. And the hon. Speaker declined sensibly on the ground that this discussion had taken place only a week back. Thereafter, when the hon. Speaker was not presiding and when the hon. Deputy-Speaker was presiding the House, all that happening took place in the House. I would not like to repeat them as you are aware of it. It was disgraceful or whatever it is. From there, was it that her voice was gagged or her effort to raise the matter was stifled?

That was the question which, in fact, led to the channel inviting you for discussion. That was the the reason which led to certain newspapers writing about it. That is what subsequently led to this notice about breach of privilege. So, that is the background. You express your ignorance about the first part that you are not aware of it, which I wish you had really known of it because then perhaps the question would not have arisen. Now, I am coming to the first part, which I began with. With your wide experience as Secretary-General of Lok Sabha plus a widely acclaimed sound knowledge and expertise that you have about procedures and rules about the business of the Parliament as also the constitutional matters, do you think that your referring to the Speaker's matter in this context saying that there is a personal angle to this matter would be a reflection on the conduct of the Speaker in the House?

DR. SUBHASH C. KASHYAP: Mr. Chairman, Sir, I would submit that there is no reflection either intended or meant or said on the conduct of the Speaker. For admitting any motion or for not admitting any motion, we all know that Speaker is the final authority. His right and decision on this matter cannot be questioned either in the House or outside. Speaker is the final authority. I have not questioned the decision of the Speaker. I have not said anywhere that permission was not given. I have not referred to any specific matter. What I have said in the first part is that: यह व्यक्तिगत पक्ष है और व्यक्तिगत पक्ष क्या है, वह यह है कि सुश्री ममता बनर्जी पहली बार लोक सभा में आईं तो श्री सोमनाथ चटर्जी जैसे व्यक्तित्व को हराकर लोक सभा में आई थीं। what I am saying is that personality of Shri Somnath Chatterjee is outstanding in India. I am saying that he is an outstanding personality.

MR. CHAIRMAN: It is not in isolation. It is in the context of what happened in the Lok Sabha. On the floor of the House Ms. Mamta Banerjee not being granted permission to raise a particular matter and she then protesting in the House. It is in that context.

DR. SUBHASH C. KASHYAP: Mr. Chairman, Sir, I am responsible for what I have said. I am prepared for every word to be analysed. As far as what happened in the House, I neither have any authority nor I can own or disown any responsibility. I am fully responsible, accountable for every word that I have said. What I am saying is that Shri Somnath Chatterjee is an outstanding personality in the Indian politics. Then, I am saying that Ms. Mamta Banerjee had defeated him in the election, which is a matter of fact. There is no reflection or insinuation. It is a matter of fact. When a person defeats such a stalwart, naturally that becomes the background in his or her mind. So, here reference, if any, is to Madam Banerjee, not to the Speaker. Madam Banerjee had in her mind the fact that she had defeated such a big stalwart of Indian politics. So, in my humble opinion, it should not be read as a reference to the Speaker.

सभापति महोदय: इस वाक्य में इसके साथ यह भी लिखा होना चाहिए था कि शायद सुश्री ममता बनर्जी के दिमाग में यह बात रही होगी, जो शायद इस वाक्य में मिसिंग है। लेकिन जो रिकॉर्ड में है हमें उसके हिसाब से ही जाना है। इसमें जो पहला वाक्य है, इसे देखिए, इसका एक व्यक्तिगत पक्ष है और उसे नहीं भूलना चाहिए।

डा० सुभाष सी० कश्यप: जो सदन में हुआ, सुश्री ममता बनर्जी का जो कन्डक्ट रहा, यह उसका व्यक्तिगत पक्ष है। इसीलिए मैं कह रहा था कि अगर उनका प्रश्न साथ में होगा तो समझने में ज्यादा आसानी

होगी। सुश्री ममता बनर्जी का जो कन्डक्ट उस समय रहा, यह उसका व्यक्तिगत पक्ष है। व्यक्तिगत पक्ष यही है कि उनके माइंड में यह था कि....

MR. CHAIRMAN: I am asking them to make a transcript of the questions again. May be we will have to give you the trouble to come here once again, if we feel the necessity. इसके आगे देखिए।

डा० सुभाष सी० कश्यप: महोदय, उसके बाद वह लोक सभा में आई.....

सभापति महोदय: आप इसे छोड़ दीजिए और आगे देखिए। सदन के प्रत्येक सदस्य को यह विश्वास होना चाहिए कि उसे पूर्ण वाक स्वतंत्रता उपलब्ध है और अपनी बात जब भी वह कहना चाहे तो उसे उसका अवसर मिलना चाहिए। अगर किसी सदस्य की आवाज को गैग करने का प्रयास किया जाए, चाहे वह पीठासीन अधिकारी की ओर से हो या सदन की ओर से हो, तो ऐसी अराजकता पैदा होगी। इसमें मुझे संदेह नहीं है क्योंकि यह हर मैम्बर का फंडामेंटल राइट है कि वह अपनी बात कह सके।

डा० सुभाष सी० कश्यप: चेयरमैन साहब, पार्लियामेंट मैम्बर का प्रीवलेज एक मोस्ट इम्पोर्टेंट चीज है जिसका मैं जिक्र कर रहा हूँ। मैं किसी पार्टिकुलर केस के बारे में नहीं कह रहा हूँ।

MR. CHAIRMAN: We are not talking of academics or of anything. We are talking of a particular case. In particular case, one thing which may have again led the hon. Member to make this complaint against you could be these words. In fact, these are the words we have heard him here before the Committee. That is about the Chair trying to gag the voice of a Member. In this case, it is presumed that what you have said is that the Speaker had tried to gag the voice of Kumari Mamata Banerjee.

DR. SUBHASH C. KASHYAP: Chairman, Sir, I would like to submit that is neither my intention-according to my humble understanding-nor the meaning of this statement. This is a general statement. This is a purely general statement of general application and not with reference to Kumari Mamata Banerjee or any one particular case.

सभापति महोदय: 'ऐसी अराजकता पैदा होगी'। How do you explain these words?

डा० सुभाष सी० कश्यप: अगर किसी सदस्य का मूल अधिकार है कि वह जो कहना चाहे, कह सकता है, यह मेरा मानना रहा है। यह सचिवालय का भी दायित्व है कि वह मैम्बर को रास्ता बताये कि किस तरह रूल के अंदर वह अपनी बात कह सके। अगर सदस्य कोई बात कहना चाहता है तो उसे मदद दी जाये कि नियम के अंदर वह यह बात कह सकता है।

MR. CHAIRMAN: Maybe, you take that I am reading too much into the words. But, I have to. The word is: 'तो ऐसी अराजकता'। What do you mean by the word 'ऐसी' here in the context of what was happening or what had happened?

डा० सुभाष सी० कश्यप: ऐसी अराजकता का मतलब यह है कि सदस्य रूल का वायलेट करके अपनी बात कहना चाहेगा।

श्री देवेन्द्र प्रसाद यादव: डा० कश्यप, आप संविधान के विशेषज्ञ हैं। पैरा-9 में कहा गया है कि यह पहली बार नहीं हुआ है। लोक सभा में कितनी बार कागज फाड़कर इसका मिसाइल बनाकर फेंका गया है। कई बार जूते-चप्पल दिखाये गये हैं। स्पीकर मंच पर कर प्रमुख विपक्षी सदस्यों ने स्पीकर का माइक उखाड़

दिया है, सदन के बीच फँक दिया है। मैं जानना चाहता हूँ कि आपका यह कहने का क्या अभिप्राय है? क्या सदन की सारी मर्यादा या आसन या जो हमारी लोकतांत्रिक सर्वोच्च सदन है, क्या इन सब बातों से इससे प्रोत्साहन नहीं मिलता है, विशेषाधिकार का उल्लंघन का मामला या मर्यादा भंग करने का मामला नहीं बनता है, मैं यह जानना चाहता हूँ।

डा० सुभाष सी० कश्यप: मैं माननीय सदस्य के चैयरमैन साहब की अनुमति से बताना चाहता हूँ कि यह अंश मुझे भेजा गया, जो पैरा: 1 है, उसके लिये मेरा कहना है कि इसमें अलार्मिस्ट व्यु लेने की जरूरत नहीं। सब लोकतांत्रिक संस्था में इस प्रकार की बातें हो जाती हैं हमारा लोकतंत्र बहुत सशक्त है, हमारी लोक सभा सजीव है। इसमें लिंकड है कि ऐसा पहले हुआ है तो ऐसी फैंक्चुअल प्रेसीडेंट है जो प्रोसीजर की किताब में मिल जायेगा।

MR. CHAIRMAN: Is there a precedent about the Lok Sabha also?

DR. SUBHASH C. KASHYAP: Yes, Sir.

सभापति महोदय: 'कि यह पहली बार नहीं हुआ है। लोक सभा में कितनी बार कागज फाड़कर इसका मिसाइल बनाकर फँका गया है। कई बार जूते-चप्पल दिखाये गये हैं। स्पीकर मंच पर कर प्रमुख विपक्षी सदस्यों ने स्पीकर का माइक उखाड़ दिया है, सदन के बीच फँक दिया है।'

If you have a record of something, please send to us for our knowledge.

DR. SUBHASH C. KASHYAP: Right, Sir.

श्री देवेन्द्र प्रसाद यादव: मुझे दूसरे पैरा के बारे में पूछना है। ठीक है कि आपने कहा कि कन्टेक्ट में हमने कहा। लेकिन आपने कहा इसकी कुछ प्रिसिडेंस है, यदि वह उपलब्ध हो जाए तो फिर हम देखेंगे।

डा० सुभाष सी० कश्यप: वह मैं आपको उपलब्ध करा दूंगा।

श्री देवेन्द्र प्रसाद यादव: एक जगह आपने यह भी कहा है, यह शुरू में ही था। सभापति महोदय मैं थोड़ा विलम्ब से आया था, इसके लिए मुझे क्षमा करें। अध्यक्ष के किसी विनिर्णय के संबंध में सभा में कोई निवेदन करना चाहे तो अध्यक्ष इस बात का समाधान करके इसे सभा की कार्रवाई में अनुचित रूप से बाधा नहीं पड़ेगी, उसे अपनी बात कहने की अनुमति दे सकता है। इस प्रकार वह अपनी बात कहने वाला सदस्य निर्णय की आलोचना नहीं कर सकता। लेकिन किसी भी मुद्दे पर स्पष्टीकरण मांग सकता है, अध्यक्ष को निवेदन कर सकता है, उसके द्वारा दिये गये तथ्य के प्रकाश में उस विनिर्णय पर विचार किया जा सकता है। सबसे महत्वपूर्ण बात यह है कि जो कार्य संचालन प्रक्रिया और नियमावली है, उसके नियम 338 में जो प्रावधान है कि किसी प्रस्ताव में कोई ऐसा प्रश्न नहीं उठाया जा सकता जो उसी सेशन में या उस प्रश्न के समान हो, जिस पर सभा उसी सत्र में विनिश्चय कर चुकी हो। सभा तो ऑलरेडी बंगलादेशियों की घुसपैठ पर एडजर्नमेंट मोशन दे चुकी थी। दोबारा फिर से उन्हें किस नियम के तहत, यदि नियम की बात होगी, उसकी परम्परा अलग है, लेकिन यहां चूँकि माननीय सदस्य श्री हन्नान मोल्लाह की पिटीशन फाइल है, तो हम जो भी बात करेंगे, नियम की करेंगे। नियम जब भी आता है, तब तक प्रिसिडेंस चलती रहेगी। यहां नियमों को कोट किया गया है, निश्चित किया गया है तो 338 जब हमारी लोक सभा की प्रक्रिया खराब कर कार्य संचालन नियमावली दिया हुआ है। इस नियम के तहत ही अधिकांश आसन को भी उसी की सीमा में रहना होगा। आसन के पास बहुत से अधिकार हैं। आसन निश्चय कर सकता है, सदन में सहमति लेकर कन्सेन्ट लेकर वह निर्णय कर सकते हैं। कई बार ऐसी परम्पराएं हैं। लेकिन सदन में आसन से या

माननीय अध्यक्ष जी के द्वारा कोई आदेश नहीं हुआ। उस समय अध्यक्ष जी चेयर पर नहीं थे। जैसा मुझे याद है, जब यह इन्सीडेंट हुई थी, तब मैं खुद सदन में था। उस समय की पूरी प्रोसीडिंग का मैं चश्मदीद गवाह हूँ। उस समय डिप्टी स्पीकर आसन पर थे। उन्होंने इजाजत नहीं दी होगी। रैफरेन्स यह करके भी दे सकते हैं। यह तो प्रोसीडिंग को देखने की बात है तो यह कह सकते थे कि नियम के तहत आपका विषय नियमित नहीं है। इसके बावजूद भी माननीय सदस्या कु० ममता बनर्जी एजीटेड हो गईं और आगे जाकर कागज फाड़कर आसन पर खुलेआम फेंक देना और फिर कहा गया कि इसमें इन्टरैक्शन कुछ और है या जो भी संदर्भ अभी आया है, कहा गया जिसे हराया वह आउटस्टैंडिंग पर्सनेलिटी थे या उसी स्टे से हैं। लेकिन मैं समझता हूँ कि क्या 338 जब तक इसको स्पीकर साहब के द्वारा, नियम समिति के द्वारा रिलैक्स नहीं किया जायेगा, तब तक इस नियम के तहत उनका विषय ही नियमित नहीं है। फिर किसी भी सदस्य या माननीय सदस्या को कैसे अनुमति दी जा सकती है।

DR. SUBHASH C. KASHYAP: Mr. Chairman, Sir, I am nobody to question the decision of the hon. Speaker or the hon. Deputy-Speaker. जैसा मैंने निवेदन किया कि माननीय अध्यक्ष को पूर्ण अधिकार है कि वह किसी मोशन को एडमिट करे या न करे, किसी सदस्य को बोलने की अनुमति दे या न दें। अगर ऑनरेबल स्पीकर साहब चेयर पर नहीं हैं, डिप्टी स्पीकर चेयर पर हैं या और कोई पीठासीन अधिकारी चेयर पर हैं, उस समय जो भी चेयर पर है, उन्हें पूरा अधिकार है कि वह निर्णय लें कि वह किसी प्रस्ताव, संकल्प या विधेयक को अनुमति दें या न दें। किसी सदस्य को बोलने की आज्ञा दें या न दें। इसका उन्हें पूर्ण अधिकार है। इस पर सदन के अंदर और सदन के बाहर कोई प्रश्नचिह्न नहीं लगाया जा सकता और इस मामले में मैं उनके निर्णय को किंचित मात्र भी क्वेश्चन नहीं कर रहा हूँ और न कर सकता हूँ। मैं कोई नहीं होता हूँ कि मैं उनके निर्णय को क्वेश्चन करूँ। मैं एक जनरल स्टेटमेंट कर रहा हूँ और जनरल स्टेटमेंट यह है कि सदस्य का यह मूल अधिकार है कि अगर वह सदन के अंदर कुछ कहना चाहता है तो उसे कह सकने के लिए उसे मदद दी जानी चाहिए और वह उस नियम के अंदर रहते हुए उसे कह सकता है। अगर ऐसी स्थिति पैदा होगी कि वह इस स्थिति में पहुंच जाए कि मैं अपनी बात नहीं कह सकता तो स्थिति सुखद नहीं होगी। मेरा आशय सिर्फ यह है, यह जनरल स्टेटमेंट है।

श्री देवेन्द्र प्रसाद यादव: आपने जनरल स्टेटमेंट की बात की है। आपने साफ कहा कि हर सदस्य का मूल अधिकार है कि वह अपनी बात कह सके और उसके लिए सचिवालय को सहायता करनी चाहिए कि वह नियम के तहत रहकर काम करे। यहां नियम के बाहर जाकर कहने की बात की गई। इसलिए जो असंसदीय व्यवहार हुआ उससे सदन की मर्यादा भंग हुई। यदि कोई अनप्रिसिडेंटेड और अनपार्लियामेंट्री जैस्वर देता है, कोई इस तरह की हरकत करता है, कागज फाड़ता है या आसन पर कागज फेंकता है तो वह असंसदीय है। नियम के तहत होते हुए अपनी बात कहने का पूरा अधिकार माननीय सदस्य को है, वह उसका मूल अधिकार भी है, लेकिन यहां तो नियम के बाहर जाकर कहना चाह रही थीं। कैसे कहा जा सकता था कि किसी तरह की बात नहीं हुई?

डा० सुभाष सी० कश्यप: सभापति महोदय, अगर नियम का उल्लंघन होता है और जैसा माननीय सदस्य ने कहा कि अगर संसद की गरिमा के विरुद्ध कोई सदस्य काम करता है तो संसद को और पीठासीन अधिकारी को बहुत से अधिकार प्राप्त हैं।

श्री देवेन्द्र प्रसाद यादव: वह विषय अलग है। यहां हम आपके मुंह से निकली हुई बात पर बात कर रहे हैं।

डा० सुभाष सी० कश्यप: उस पर सदन और पीठासीन अधिकारी एक्शन ले सकते हैं।

MR. CHAIRMAN: We are not on that issue as to what could have been done by the Presiding Officer and what he did not do. हमारे सामने इस वक्त वह मामला विचाराधीन है, जो आपने टीवी इंटरव्यू दिया और सदन की प्रोसीडिंग्ज के आधार पर उसमें जो आप कमेंट कर रहे हैं कि उस दिन क्या हुआ। You have expressed your ignorance about the preceding event. That is one part कि उससे पहले क्या हुआ था which led to the building up of that days events. आपने कहा कि पहले का आपको मालूम नहीं था कि आईएमडीटी एक्ट एक हफ्ता पहले पास हो गया था। उस दिन हाउस में जो हुआ, उसके बाद आपको टीवी चैनल वालों ने बुलाया और आपसे आपकी राय मांगी। इसमें एक बात पूछना चाहूंगा कि were you aware of the fact that it was not the Speaker but the Deputy-Speaker who was presiding over the House when Kumari Mamata Banerjee raised this matter?

DR. SUBHASH C. KASHYAP: No.

MR. CHAIRMAN: You were not even aware of it.

DR. SUBHASH C. KASHYAP: I was not even aware. I did not see the proceedings. नॉर्मली जब टीवी चैनलवाले मुझे बुलाते हैं तो 99.99% मैंने प्रोसीडिंग्ज देखी हुई नहीं होती है और न मुझे इतना समय होता है कि मैं प्रोसीडिंग्ज देख सकूँ। जो सवाल वे पूछते हैं, मैं उनके जवाब देता हूँ जिसमें मैं उनको कई बार यह स्पष्ट कर देता हूँ कि स्पैसिफिक केस के बारे में मैं कुछ नहीं कह सकता, मैं जनरल बात बता सकता हूँ। आज भी ऐसा हुआ, कल भी ऐसा हुआ। मैं यह कह देता हूँ कि यह जो बात है, मैं इस केस के बारे में कुछ नहीं कह सकता लेकिन जनरल बात आप पूछें तो क्या बात प्रोसीजर में है, क्या नियम कहते हैं वह मैं बता सकता हूँ।

MR. CHAIRMAN: You have referred to the specifics of this case. When you are going into the background of Kumari Mamata Banerjee defeating Shri Somnath Chatterjee and, therefore, you said; 'Well, there is a personal angle to this matter.' You have explained that this personal angle led to the anger of Kumari Mamata Banerjee, as I infer from what you have said today. From what you have said, I infer that what you want to say is that because of that past whereby she has defeated the hon. Speaker, this led to her conduct.

DR. SUBHASH C. KASHYAP: She was not able to forget.

MR. CHAIRMAN: This is one aspect of it altogether but what one could infer from this entire thing is that this is all, I will not use the word reflection for a moment now, that this is referring to or commenting upon the conduct of the Speaker.

DR. SUBHASH C. KASHYAP: I am not at all commenting Chairman, Sir, on the conduct of the Speaker. I can never think of adversely commenting on the conduct of any Speaker.

श्री देवेन्द्र प्रसाद यादव: आपने जो स्टार न्यूज़ में इंटरव्यू दिया है, उसमें आपने कहा है कि सदन के प्रत्येक सदस्य को विश्वास होना चाहिए कि उसे पूर्ण वाक् स्वतंत्रता उपलब्ध है। यहाँ जिस तरह से आपका वाक्य विन्यास है और उसमें जिन शब्दों का प्रयोग है, और आगे आपने कहा कि सदस्य अपनी बात जब भी

कहना चाहे, उसे उसका अवसर मिलना चाहिए। एक तरफ समिति के सामने आपका स्टेटमेंट हुआ है कि सदस्य नियम के तहत चाहे तो अपनी बात कह सकते हैं और आसन को पूरा अधिकार है कि वह अनुमति दे सकता है। आप कहते हैं कि अगर कोई अपनी बात कहना चाहे, तो उसे अवसर मिलना चाहिए, इस लाइन का क्या अभिप्राय है?

डा० सुभाष सी० कश्यप: महोदय, मेरा निवेदन है कि अगर कोई सदस्य सदन के अंदर अपनी बात उठाना चाहता है, तो उसे ऐसी सुविधा दी जानी चाहिए कि वह अपनी बात को सदन में उठा सके।

श्री देवेन्द्र प्रसाद यादव: इसमें सुविधा शब्द नहीं है। इसमें सुविधा शब्द से तो पूरा अभिप्राय ही बदल जाता है।

सभापति महोदय: मैं आपको उस दिन की प्रोसीडिंग्स फिर से याद दिलाना चाहता हूँ। सुश्री ममता बैनर्जी ने नोटिस दिया था *seeking permission to raise a matter again in the House which was discussed threadbare only eight days back. Therefore, he had declined it.* दोपहर को उस दिन हाउस में माननीय उपाध्यक्ष जी पीठासीन थे। सुश्री ममता बैनर्जी ने फिर वही बात उठानी चाही, उनको माननीय उपाध्यक्ष जी ने कहा कि आपने जो नोटिस दिया था, उसे नामंजूर कर दिया गया है। आप दोबारा उस बात को नहीं उठा सकती हैं। इस कारण उन्होंने सुश्री ममता बैनर्जी को बोलने से मना किया था। उसके बाद सुश्री ममता बैनर्जी ने अपनी जिद रखी कि मैं इस बात को उठाना चाहती हूँ। उसके बाद जो कुछ हुआ, शौन आप दि फेक्ट्स हम इस परिप्रेक्ष्य में इस बात का जिक्र कर रहे हैं कि कोई भी शब्द किसी भी ढंग से ऐज आइडियल सभी सदस्यों को बोलने का अधिकार मिलना चाहिए। हम सारा दिन यही बात बोलते हैं, लेकिन उसके बाद जो हाउस में हुआ, कागज फाड़कर फेंके गए, हाउस डिस्ट्रुट हुआ, कि मुझे बोलने की इजाजत नहीं दी गयी, इस वाक्य को लेकर उस पर कमेंट हुए। इस श्रृंखला में कुछ न्यूज पेपर राइटर्स, कुछ टेलीविजन प्रोग्राम्स में यह घटना इंटरव्यू का हिस्सा बन गई। *Perhaps, nobody could have commented better than you on that matters as to what are the rights of Members and even how the Presiding Officer should conduct the House.* यह अलग बात होती कि क्या होना चाहिए? *In that background, in that perspective the entire thing was being discussed and commented upon and that is what has led to this present day situation.* आपने बहुत लंबे अरसे से देखा, लेकिन उस दिन यह कोई जनरल बात नहीं थी। उस दिन का मुद्दा था कि आज सुश्री ममता बैनर्जी ने आवाज उठायी थी और उन्हें बोलने नहीं दिया जा रहा है। इस बात पर शोर हुआ कि हाउस में कागज फाड़कर हाउस की प्रोसीडिंग्स डिस्ट्रुट हुईं। मैं सिर्फ इतना ही कहना चाहता हूँ।

डा० सुभाष सी० कश्यप: मैं आपको बात से बिल्कुल सहमत हूँ। जब टीवी पर कोई प्रोग्राम आता है, तो वह स्पेसिफिक घटना से संबंधित होता है। उस दिन जो हुआ या जो कुछ देर पहले हुआ, उससे संबंधित होता है। लेकिन मैं जो बोलता हूँ, वह दो परिप्रेक्ष्य में बोलना हूँ। एक तो जो सवाल पूछा जाता है उस परिप्रेक्ष्य में और दूसरा जनरल पोजीशन क्या है? पर्टीकुलर केस की क्या स्थिति है, उसकी डिटेल्स न मुझे मालूम होती है और न मैं मालूम करने की कोशिश करता हूँ। मैं स्पष्ट कह देता हूँ कि जनरल स्थिति यह है। यहां भी मैंने जनरल स्थिति बतायी *naturally in the context of what has happened.* उसके बारे में पूछा जा रहा है, तो उस केस को भी मैं जनरल प्रिंसिपल कांस्टेंट में देखता हूँ।

श्री देवेन्द्र प्रसाद यादव: आपने कहा कि बोलने की सुविधा मिलनी चाहिए। पूर्ण धाक स्वतंत्रता उपलब्ध है और सदस्य अपनी बात जब भी कहना चाहें, तो उन्हें अवसर मिलना चाहिए, यह नियम के तहत कैसे हो सकता है?

डा० सुभाष सी० कश्यप: मेरा निवेदन यह है कि नियम के तहत सदस्य को यह बताया जा सकता है कि अगर आज ही आप यह बात को उठाना चाहते हैं, तो नियमों के अंदर इस बात को किस तरह से उठा सकते हैं?

सभापति महोदय: सुश्री ममता वैनर्जी से यह कहा गया कि आपके मैटर को रिजेक्ट कर दिया गया है, क्योंकि यह पहले हो चुका है, इस वक्त दूसरा मुद्दा है, इसलिए इसे नहीं लिया जा सकता। सुश्री ममता वैनर्जी को उपाध्यक्ष महोदय कह रहे हैं कि आप बैठ जाएं। आप जो भी बात कह रहीं हैं, वह रिकार्ड में नहीं जा रही है। Then, there are interruptions again. Then the Deputy-Speaker says, 'please listen to me.' Then, there are interruptions. Then the Deputy-Speaker says, 'please refer to Kaul and Shakdhar, page 515. It says refusal to give consent is in the absolute discretion of the Speaker and he is not bound to give any reason.' He again says, 'please sit down. I am sorry, nothing is going to be recorded. मैडम यह जरूरी नहीं या कि आपको कारण बताया जाय कि इस वक़्त से आपका मोशन रिजेक्ट हुआ है। फिर भी मैं बता रहा हूँ क्योंकि मुझे बताया गया है कि रीजन क्या है? कारण यह है कि इसी टॉपिक पर आडवाणी जी का मोशन आया था और इस पर बहस हो चुकी है, इसलिए आपके मोशन को डिस्अलाओ कर दिया है। आप स्पीकर की रूलिंग को चैलेंज नहीं कर सकते हैं। All that followed on.

डा० सुभाष सी० कश्यप: मैंने यही निवेदन किया कि स्पीकर साहब की डिस्क्रिशन एब्सोल्यूट है। उसे हाउस के अंदर और हाउस के बाहर चैलेंज नहीं किया जा सकता है। इसलिए उसका तो कोई सवाल ही नहीं है।

श्री देवेन्द्र प्रसाद यादव: इसमें कांटेक्ट का सवाल है। यह कैसे हो सकता है?

डा० सुभाष सी० कश्यप: इसमें प्रॉब्लम यह आ रही है कि आप डिटेल्स में जा रहे हैं। स्पेसीफिक मामला जरूर है, लेकिन मैं जनरल बात कह रहा हूँ।

श्री इकबाल अहमद सरदगी: मेरा पूछना सिर्फ यही है कि नियम के अनुसार वे कहना चाहती थीं कि नहीं, इतना ही इसको एक्सप्लेन किया जा सकता था। सदन में ऐसा कई बार हुआ है, जूते-चप्पल फेंके गए हैं। इन सारी चीजों को बोलने की क्या जरूरत थी? क्या ऐसा बोलने से सदन की मर्यादा को धक्का नहीं लगा? जब आप बार-बार यह बोल रहे हैं कि नियम के अनुसार होकर को बोलने का राइट है। वे नियम के अनुसार बोलना चाहती थीं, उन्हें रोका गया। रोका गया, नहीं रोका गया, यह सब कहने की क्या जरूरत थी?

सभापति महोदय: मैं सरदगी साहब की बात को थोड़ा सप्लीमेंट कर दूँ, जिसे मैंने पहले खुद छोड़ा था। अब मैं उसे सप्लीमेंट कर रहा हूँ और कह रहा हूँ कि जैसे आपने जिक्र किया कि ऐसा कुछ पहले होता रहा है। आपका ऐसा कहना, डायरेक्ट उस दिन का जिक्र कर रहा था और यह जो आज हुआ है, यह तो कुछ भी नहीं हुआ है, यह तो बहुत कम हुआ है। This fails into insignificant as compared to what has been happening.

श्री इकबाल अहमद सरदगी: मेरा सवाल भी यही है कि जो हुआ है, वह कम हुआ है या ज्यादा हुआ है, यह बोलने की जरूरत क्या थी? क्या इससे एक इंडीकेशन नहीं जाता कि यह भी होना चाहिए था, क्या इसका मतलब यह नहीं निकलता, क्या यह सदन की मर्यादा नहीं है?

डा० सुभाष सी० कश्यप: बोलने की क्या जरूरत थी और क्या जरूरत नहीं थी और टेलीविजन पर क्या बोलना चाहिए, यह तो जिस आदमी से सवाल पूछा जा रहा है, उस पर निर्भर करता है क्योंकि उसे उसी मूवमेंट निर्णय करना होता है।

मैं इस बात को बहुत गर्व से अनुभव करता हूँ कि मैं इस देश का नागरिक हूँ। यह देश स्वतंत्र देश है और यहां नागरिक को बोलने की स्वतंत्रता है। मैं एक सीनियर सिटीजन हूँ। यदि इस बात को छोड़ भी दिया जाए, तो भी जो देश का साधारण नागरिक है, वह सर्वोपरि है। देश के नागरिक से ऊपर, संविधान के अनुसार कोई नहीं है। यह देश के नागरिक की स्वतंत्रता है कि वह टेलीविजन पर क्या बोले, क्या लिखे। मैं समझता हूँ कि नागरिक की स्वतंत्रता अक्षुण्ण रहनी चाहिए।

MR. CHAIRMAN: We are not challenging that. May be you have taken ill, that is your right to do it. Whatever the hon. Member has said, the Member has a right to ask a question. You have the right to reply the way you have replied. You have taken offence to it, that is your outlook.

DR. SUBHASH C. KASHYAP: I have not taken offence to it.

MR. CHAIRMAN: But at the same time, I would also like to add to it that though, an individual, a citizen of the country enjoys the independence, the freedom of expression, it is that expression only which leads to various causes of action. It is exercise of that freedom alone, which leads to various types of problems. It is because of a similar thing that we are dealing with this matter.

There is a breach of privilege of the House by an individual, by a citizen of this country only when some where which he may feel he has not transgressed that line. The others may feel that that line has been crossed. That is what leads to this. So, it is only in that context that we are talking of it. The hon. Member feels, as I tried to supplement it also, which, I, of course, ignored earlier. I overlooked and I did not attach importance to it, I would say that also.

Since, we are talking of a particular incident and you are commenting on that, of course, the wider issue also as you say, and in that context you are saying what has happened today and as now we have to be explicit about it. The way the House was then treated by the insistence of one hon. Member saying that the former Member should be permitted to raise the matter come what may and whatever may have been the discussion earlier, the hon. Member must be permitted to raise the matter led to the disruption of the House. This is all being said in that context that what has been done earlier is much more grave than what has happened today.

In that context, we see the other sentences of yours, the other comments of yours where there is a reference to the hon. Speaker, not me the other hon. Member has filed the complaint. He sees those as a serious aspersion on the conduct of the Member of the Speaker in the House.

DR. SUBHASH C. KASHYAP: Mr. Chairman, Sir, firstly, I would not like to get into argument with the Chair here. In all humility I would like to submit.

MR. CHAIRMAN: You please say whatever you wish to say.

DR. SUBHASH C. KASHYAP: I do not think it will serve any purpose to argue on the points that you have raised. I bow before you. But, the point that I would like to make is this. What is being said, according to that what happened, was most unforgivable, and disruption of the House, disobedience of the Chair and all that. For

that, we cannot separate that issue from what we are discussing. If we are talking the specific issue, then perhaps it needs to be examined whether the Member concerned was guilty of breach of privilege of the House and of committing contempt of the House. Instead of hauling up that Member for breach of privileges of the House and for committing contempt of the House, if effort is made to catch up smaller fries and ordinary citizens of the country, I have nothing to say. So far as the view of the Committee is concerned, the Committee is certainly within its rights to take whatever decision it likes, and I would accept that.

MR. CHAIRMAN: Failure, inaction, deliberate or otherwise, in not taking any action against the concerned Member and only not permitting the Member to raise the matter has led to this comment, has led to a chain of articles or comments, I would say, at the moment, against the Chair, against the House on this matter. Had an action being stipulated against the Member, I do not know what would have happened. How it would have been taken may now be a theoretical question. How would you react to that? Given that day's proceedings, if action had been initiated against the Member, how would you have reacted?

DR. SUBHASH C. KASHYAP: Mr. Chairman Sir, I have said it in writing and also on television on earlier occasions, and if that is any guide, I would have supported it. I have said it repeatedly that when the privileges of the House are breached by the Members themselves, when contempt of the House is committed by the hon. Members themselves, then action needs to be taken against the Members concerned under the rules, under the Constitution.

श्री किशन सिंह सांगवान: मैं आपसे दो क्लैरीफिकेशंस पूछना चाहता हूँ। एक तो आपने अभी शुरू में यह कहा कि इण्टरव्यू के लिए जब आप चैनल पर गये तो विदाउट प्रिपरेशन गये। आप जैसा बुद्धिजीवी व्यक्ति, जिसे लोक सभा का सारा प्रोसीजर पता है, रूल्स का पता है और वहाँ जब एक चैनल में आपसे इण्टरव्यू लिया जाता है और आप अपनी ओपिनियन दे रहे हैं, ओपिनियन कहें या अपना व्यू पाइंट रख रहे हैं तो आपने वहाँ एज एन एक्सपर्ट जो अपना व्यू पाइंट रखा, एक्सपर्ट समझकर ही तो वे आपको बुलाते हैं, उसे सारे देश की जनता ने देखा तो क्या आप समझते हैं कि जिस नजरिये से आपने अपना व्यू रखा, सारे देश की जनता में वह मैसज नहीं गया क्या, जिस मैटर के हिसाब से आप वहाँ व्यू पाइंट रख रहे थे, इस बारे में आपको क्या कहना है? क्वेश्चन तो समझ गये न आप?

डा० सुभाष सी० कश्यप: जी, मैं समझ गया। अगर मैं समझता हूँ, तो जो मुझे अपना व्यूपाइंट लगा, वह मैंने रखा और जो मैंने सही समझा, वही मैंने कहा और मैं उससे बिल्कुल नहीं मुकर रहा हूँ।

श्री किशन सिंह सांगवान: क्या आपके उस स्टेटमेंट से, जो आपने दिया, वह पढ़कर आपको सब ने बताया, जूते फेंके और डिस्कशन ऐसे इश्यूज में दो बार, तीन बार हुआ है, यह भी आपने कहा है तो क्या इससे जनता में अदरवाइज़ इन्फ्लुएंस नहीं निकलता कि जो कुछ हुआ है, इससे एक तरह से स्पीकर के अधिकारों के ऊपर चोट पहुंची है?

डा० सुभाष सी० कश्यप: जैसा मैंने पहले निवेदन किया, चेयरमैन साहब, यह मैं सपने में भी नहीं सोच सकता कि स्पीकर की मर्यादा, गरिमा के विरुद्ध कभी कुछ कहूँ, न आज, न कल। वह प्रश्न तो मेरे मस्तिष्क में नहीं आ सकता, लेकिन अगर संसद के अन्दर अव्यवस्था होती है, अगर संसद के अन्दर ऐसा

आचरण होता है, जो मेरे विचार से संसद की गरिमा के विरुद्ध है, सांसदों की गरिमा के विरुद्ध है तो उसकी आलोचना करने का एक नागरिक के नाते मैं समझता हूँ कि मुझे पूरा संवैधानिक अधिकार है।

MR. CHAIRMAN: This impels me to again interence and interrupt you here. I would, as an individual, appreciate and respect this view of yours. But what I find here is that the response of yours that day was quite contrary to this. If you explained that, the matter would have come to an end. What we feel is that there was disruption; there was disorder in the House, and all right, we accepted that. That is part of the proceedings also. Your comment on that has been contrary to what you are saying today. There is no comment at all whatever in the entire statement of yours which we have got from the Star channel or which we have before us that you commented upon the conduct of the Members.

डा० सुभाष सी० करवप: चेयरमैन साहब, जहाँ तक मुझे याद है, उस दिन मैंने यह अकेला इंटरव्यू नहीं दिया। मैं सी फीसदी नहीं कह सकता कि कितने दिए, लेकिन मेरे ख्याल से मैंने उस दिन इस विषय पर चार-पाँच इंटरव्यू डिफरेंट चैनल्स पर दिए, मैं याददास्त से कह रहा हूँ। किसी न किसी इंटरव्यू में, जो बात आप कह रहे हैं, वह भी मैंने कही क्योंकि अगर कई इंटरव्यू होते हैं तो मैं कोशिश यह करता हूँ कि एक पर जो बात कहूँ, उसी को दूसरे पर रिपीट न करूँ, जो बात एक जगह कह दी, उसे दूसरी जगह नहीं कहता। लेकिन मेरा मानना रहा है और मैं इसके बारे में आपको काफी लिखा हुआ, टीवी चैनल्स की ट्रांसक्रिप्ट मैं कभी नहीं देखता, लेकिन अगर मंगवाई जाएँ तो आप देखेंगे कि आप तो फरमा रहे हैं, वह मैं स्पष्ट रूप से कह चुका हूँ। हो सकता है कि मैं तभी किसी दूसरे चैनल से आ रहा था तो मैंने यहाँ वह बात नहीं कही।

सभापति महोदय: यह ट्रांसक्रिप्ट कम्प्लीट है। This is not incomplete.

डा० सुभाष सी० करवप: मैं निवेदन कर रहा हूँ कि इस चैनल पर नहीं, दूसरे चैनल पर मैंने वह पक्ष हाइलाइट किया होगा। इस चैनल पर वह पक्ष हाइलाइट नहीं हुआ क्योंकि वह मैं दूसरे चैनल पर कह चुका था। लेकिन मेरा इस बारे में डेफिनेटव्यू है जो मैंने आपको सामने निवेदन किया और जो मैं लिख भी चुका हूँ।

श्री इकबाल अहमद सरडगी: चेयरमैन साहब, मैं एक सवाल पूछना चाहता हूँ। It has a personal aspect also which should not be forgotten. When Miss Mamata Banerjee was elected to the Lok Sabha for the first time, she had defeated a personality like Shri Somnath Chatterjee. आपमें दोनों पर्सोनेलिटीज के बारे में ऊंची भावना के साथ यह बात रखी, जैसे अभी आपने एक्सप्लेनेशन में कहा। हम उस बात को मानते हैं, लेकिन यहाँ कम्पैरीजन करने के लिए कि इसी पर्सोनालिटी को उन्होंने डिफीट दी है, It has a personal aspect also. मैं जानना चाहता हूँ कि यहाँ स्पीकर पर कहीं न कहीं डाउट हो रहा है या नहीं?

डा० सुभाष सी० करवप: जितकुल नहीं हो रहा है। जैसे मैं बार-बार कर रहा हूँ, मैं इसलिए नहीं कह रहा हूँ कि मुझे यह सवाल पूछा जा रहा है, मैं पूरे दायित्व के साथ, एज ए मैटर ऑफ प्रिंसिपल कह रहा हूँ कि मैं स्पीकर के ऑफिस पर कभी भी लांछन लगाने या स्पीकर के ऑफिस की गरिमा के विरुद्ध कहने की सोच ही नहीं सकता। बहुत सम्मन नहीं लेकिन 37 साल से अधिक मैंने इस सदन के अंदर सेवा की है।

सभापति महोदय: कॉल एंड सक्थर आपने ही बार-बार एडिट किया है, उसमें आपने देखा होगा कि आम आदमी के कुछ कहने का कोई नोटिस ही नहीं लिया जाता।

डा० सुभाष सी० कश्यप: कॉल एंड शकधर नहीं, मेरे अपने पार्लियामेंट्री प्रोसीजर्स पर तीन हजार पेजेस के दो वॉल्यूम्स हैं। अगर आप क्षमा करें तो कहूंगा कि पार्लियामेंट्री प्रिविलेज के ऊपर जितना इस अकिंचन व्यक्ति ने लिखा है, उतना आज तक किसी व्यक्ति ने नहीं लिखा, न जीवित न स्वर्गीय। शायद पार्लियामेंट्री प्रिविलेज, उसका अवसर नहीं है, तो अध्ययन किया है, उसका सवाल नहीं उठता, मैं सिर्फ यह कहना चाहता हूँ कि मैं न आज और न कल, अध्यक्ष पद की गरिमा के विरुद्ध कोई बात सोच नहीं सकता, कर नहीं सकता। मैं समझता हूँ कि उसका प्रश्न नहीं उठना चाहिए और अगर मेरी बात पर विश्वास दिया जाता है तो उसे माना जाना चाहिए। जहां तक व्यक्तिगत पक्ष का सवाल है, मैं निवेदन कर चुका हूँ कि मैं इस संदर्भ में कह रहा था, अगर मैं ममता बनर्जी की जगह हूँ और इतने बड़े आदमी को चुनाव में हराकर आऊँ, तो यह मेरे लिए मानवीय दुर्बलता कहें या जो भी कहें, बात है कि मैं इस बात को नहीं भूल पाऊँगा, कि मैंने इस महान व्यक्ति को हराया हुआ है। मैं उस संदर्भ में कह रहा था कि ममता बनर्जी के उस दिन के आचरण का एक व्यक्तिगत पक्ष है। उनके दिमाग में यह होगा कि मैंने तो इनको हराया हुआ है, वह उसको भूल नहीं पा रही हैं। दूसरा, आपने प्रारंभ में पढ़ा था कि अलार्मिस्ट व्यू लेने की जरूरत नहीं है। माननीय सदस्य कह रहे हैं कि मैंने पिछले उदाहरण दिये, तो वे मैंने इस कांटेक्ट में दिये कि इतना अलार्मिस्ट व्यू लेने की जरूरत नहीं है क्योंकि पहले भी ऐसे हुआ है। दूसरे चेनल्स में मैंने यह कहा कि हमारे यहां ही नहीं बल्कि हाउस ऑफ कामन्स में भी ऐसा हुआ है। वहां किसी को थप्पड़ मारा गया या किसी को जूता दिखाया गया यानी वहां भी ऐसा हुआ है। वह भी मैं कह चुका हूँ।

श्री देवेन्द्र प्रसाद यादव: मेरा यही कहना है कि आपका जो लास्ट वाक्य है कि अलार्मिस्ट व्यू नहीं लेना चाहिए, उस बारे में मेरा कहना है कि लोकतांत्रिक व्यवस्था में, आपने बार-बार जिक्र किया कि प्रीमडम ऑफ एक्सप्रेसन है, भारत के हर नागरिक को वाक स्वतंत्रता का मौलिक अधिकार है, लेकिन लोकतांत्रिक व्यवस्था में संसदीय लोकतंत्र बाहर नहीं है। लोकतांत्रिक व्यवस्था के तहत ही संसदीय लोकतंत्र है। मेरा कहना है कि चाहे इस सदन के माननीय अध्यक्ष हो, चाहे सदन की गरिमा या मर्यादा का प्रश्न हो, अब लोकतांत्रिक व्यवस्था क्या है? वह एक जीवन शैली है। रेड लाइट क्यों है? सभी नागरिकों को सड़क पर चलने का अधिकार है। आपको समझाने की जरूरत नहीं है क्योंकि आप तो खुद ही विद्वान हैं। रेड लाइट हटा जाती है तो हम लोग सड़क पर रुक जाते हैं। अगर हम रेड लाइट क्रॉस करेंगे तो एक्सीडेंट हो जायेगा जबकि नागरिक को चलने का अधिकार है। किसी भी नैशनल रोड पर हम जा सकते हैं। वहां जाने के लिए हमको कोई नहीं रोकेगा, लेकिन रेड लाइट होने पर हमको रुकना पड़ता है क्योंकि उसकी एक व्यवस्था है, सिस्टम है।

SHRIA. KRISHNASWAMY: Parliaments have no red lights.

श्री देवेन्द्र प्रसाद यादव: नहीं, यहां रेड लाइट है। स्पीकर साहब का नियमन है। पार्लियामेंट्री डेमोक्रेसी में स्पीकर साहब की अनुमति रेड लाइट है। इसको हम क्रॉस नहीं कर सकते। जब डिप्टी स्पीकर के जसिये सुश्री ममता बनर्जी को कहा गया कि स्पीकर साहब ने रूतिंग दे दी है कि आपका विषय मान्य नहीं होगा क्योंकि इस पर इसी सेशन में बहस हो चुकी है। मेरा यही निवेदन है कि रेड लाइट क्रॉस करने का अधिकार हर नागरिक को दे दिया जाये। हर नागरिक को आजादी है, वाक् स्वतंत्रता भी है लेकिन रेड लाइट कहीं न कहीं है। इसलिए रेड लाइट के अनुपालन की दशा में, मैं नहीं कह रहा लेकिन आपका जो बयान आ रहा है, उसमें कहीं न कहीं हमको लगता है कि रेड लाइट क्रॉस करने की बात हो रही है। अब एक्सीडेंट यही हुआ है और कुछ बात नहीं है। अब आप क्या ज्ञानी कम हैं, किसीपन्न कम हैं? आपको कौन नहीं जानता। आप पार्लियामेंट प्रैक्टिस और कॉल एंड शकधर का हमसे ज्यादा ज्ञान रखते हैं। हम तो आपकी कई किताबें

पढ़कर सीखते हैं। हम तो यहां सिर्फ आपके इंटरव्यू पर बहस कर रहे हैं जो एक घटना क्रम पर दिया गया है। सदन के भीतर जो कार्यवाही है, उस पर बाहर स्टार न्यूज में आपका जो वक्तव्य आ रहा है, उस बारे में है। ये दो चीजें हैं। मैं कह रहा हूँ कि हमें बोलने की आजादी है, सड़क पर चलने की आजादी है लेकिन वहीं हमें लाइट को भी मानना पड़ता है। इस बारे में आपका क्या सुझाव है।

डा० सुभाष सी० कश्यप: सभापति जी, माननीय सदस्य जो कह रहे हैं, उससे तो कोई मतभेद नहीं हो सकता क्योंकि वह सौ फीसदी अक्षरशः है, सत्य है और तथ्यपरक है। इसमें मतभेद का कोई प्रश्न नहीं उठता। अगर रेड लाइट नहीं होगी तो स्वाधीनता भी सुरक्षित नहीं रह सकती। अगर आप रेड लाइट का सम्मान न करें तो वाक् स्वतंत्रता भी सुरक्षित नहीं रह सकती। रेड लाइट का सम्मान होना चाहिए। मैं बार-बार कह चुका हूँ, आज भी कह चुका हूँ कि अध्यक्ष को, पीठासीन अधिकारी को पूर्ण अधिकार है कि वे किसी को बोलने की अनुमति दें और किसी को बोलने की अनुमति न दें। उनके निर्णय पर कोई आलोचना न सदन में की जा सकती है और न बाहर की जा सकती है। उसका निर्णय मान्य है और होना चाहिए, नहीं तो सदन की गरिमा नहीं रह सकती। इस पर कोई मतभेद हो ही नहीं सकता।

सभापति महोदय: सिर्फ उसमें थोड़ा सा एड करने के लिए मैं कह रहा था कि जो ममता बैनर्जी का नोटिस था, वह मैं आपको पढ़कर सुनाता हूँ:

That was again an Adjournment Motion. Here, it is mentioned: "She tabled a notice of Adjournment Motion on the following subject, 'Regarding reported infiltration in West Bengal and parts of North-Eastern Region'".

वह उनका नोटिस है। मतलब यह नहीं है कि वह कोई अकेले डिसकस करना चाह रही थी या हाउस में खड़े होकर एक मिनट बोलना चाह रही थीं। She again wanted to move on adjournment.

Motion and Adjournment Motion on the same subject has been disallowed.

डा० सुभाष सी० कश्यप: सभापति महोदय, मेरी कठिनाई यह है कि आपके पास और माननीय सदस्यों के पास से सारे तथ्य हैं कि आठ दिन पहले क्या हुआ और उस दिन क्या हुआ और ममता बैनर्जी ने क्या दिया लेकिन मेरे पास उनमें से कोई तथ्य नहीं था और वह नहीं हो सकता क्योंकि आप तो टेलीविजन से परिचित हैं कि कितनी बार टेलीविजन का आदमी जब फोन करता है तो वे यह बताते हैं कि आज लोक सभा के अंदर क्या हुआ, हमें तो मालूम नहीं होता है। कितनी बार मुझे बीबीसी के फोन से पता चलता है कि आज लोक सभा के अंदर क्या घटना हुई है। उनका फोन आता है जब मैं अपने ऑफिस में काम कर रहा होता हूँ। उनका फोन आता है कि यह हुआ है, इसके बारे में क्या कहना है? मुझे तो मालूम नहीं है कि क्या हुआ। फिर वे बताएंगे कि यह हुआ और हमेशा ऐसा ही होता है।

SHRI A. KRISHNASWAMY: I read all your reports where you have stated that you are supporting the freedom of hon. Members. You have been a long serving Secretary-General. Do you not know about rule 338?

MR. CHAIRMAN: That question has already been raised and he has answered that. Dr. Kashyap has said in so many words that he did not know that this matter had been raised in the House earlier. He did not have that knowledge.

SHRI A. KRISHNASWAMY: It happened in the absence of the Speaker.

You have also raised about Kumari Mamata Banerjee's first election.

Dr. SUBHASH C. KASHYAP: I have not raised the question of the Speaker's conduct at all.

MR. CHAIRMAN: He has made it very clear in his interview to the Press that he was not discussing the conduct of the Speaker.

SHRI A. KRISHNASWAMY: He has said that the personal aspect also should not be forgotten that when Ms. Mamata Banerjee was elected for the first time she defeated Shri Somnath Chatterjee.

MR. CHAIRMAN: We are having it differently. Perhaps here he is talking about the Speaker but he says that he is talking about Kumari Mamata Banerjee. He has made that clear.

DR. SUBHASH C. KASHYAP: The background that I am referring to is with reference to Kumari Mamata Banerjee's conduct that she had in her mind the fact that she had defeated this great personality. So, her conduct should be understood in that light. It is only human for a person not to forget that.

SHRI A. KRISHNASWAMY: You have said that there should be freedom of expression for all citizens. As a Speaker, he has sometimes allowed us and at some other times disallowed us. We have the privilege to put a question before him or to take it up with him but when a person from outside speaks about our Speaker, as a former Secretary-General, do you not feel that it would hurt Members of Parliament? For instance, advocates would have a quarrel with judges and they may fight with judges but if somebody outside the institution comments upon the person presiding over, would it not hurt the advocates?

DR. SUBHASH C. KASHYAP: Mr. Chairman, Sir I feel, personally, I am more conscious of maintaining the respect and dignity of the Office of the Speaker because I have served successive Speakers of Lok Sabha from Shri Mavalankar to Shivraj Patil. Having served all these great Speakers and having been at the service of Parliament, I repeatedly say, I cannot imagine ever casting a reflection on the conduct of any Speaker.

SHRI A. KRISHNASWAMY: I am asking in general terms.

DR. SUBHASH C. KASHYAP: It could never be a question of my casting a reflection or imputing motives or anything to the Office of the hon. Speaker.

SHRI A. KRISHNASWAMY: My question is not concerned to you. As you have been Secretary-General of the Lok Sabha, I want to know your general opinion.

DR. SUBHASH C. KASHYAP: Sir, in general I submit that the hon. Members of Parliament and all the functionaries of the State in the Executive, Legislature and Judiciary are accountable to the people of India and the people are above everyone else. In a democracy, as a citizen, they are the ultimate masters. You will all agree with this, I am sure.

SHRI VARKALA RADHAKRISHNAN: Sir, due to language problem, if what I am saying is already asked, and if this is a repetition, I may be excused. Dr. Kashyap, you

are a very experienced person. Have you ever come across any instance where a Member was submitting resignation to the Deputy Speaker when the House was in session? Mr. Chairman, Sir, my question to him is has he ever come across any instance wherein a Member was submitting his or her resignation to the hon. Speaker when the House was in session.

MR. CHAIRMAN: This is a point before us.

SHRI VARKALA RADHAKRISHNAN: Sir, I am asking about the conduct of the Member. Has any Member submitted resignation while the House was in session?

DR. SUBHASH C. KASHYAP: Sir, if you allow me, I can reply to that.

MR. CHAIRMAN: I am not permitting that question. That is not relevant. That is a different question. That point on resignation is not on the record otherwise.

SHRI DEVENDRA PRASAD YADAV: It is not on mentioned in the agenda.

SHRI VARKALA RADHAKRISHNAN: Sir, he has deposed that many things will happen.

MR. CHAIRMAN: That is different.

Dr. Kashyap, thank you very much for attending the meeting. I request you to please join us for a cup of tea. Thank you all.

[The Committee then adjourned]

APPENDICES

APPENDIX-I
(Please see para 12 of Report)

New Delhi
5 August 2005

The Hon'ble Speaker,
Lok Sabha,
Parliament House,
New Delhi.

Dear Sir,

I wish to give notice under Rule 222 of the Rules of Procedure of Lok Sabha for Breach of Privilege against Dr. Subhash C. Kashyap, former Secretary-General of Lok Sabha for insinuating and imputing serious breach of conduct on the part of Hon'ble Speaker of Lok Sabha regarding the incident which took place in the House yesterday. He has clearly imputed political motive on the decisions taken by you, as will appear clearly from the script of his interview telecast on the Star News channel yesterday afternoon. A copy of the transcript of Dr. Kashyap's allegations is enclosed for your kind perusal.

I wish to raise the matter in the House today and request you to refer the matter to the Committee of Privileges for necessary action.

Yours truly,

Sd/-

(Hannan Mollah)
Division No. 193

ANNEXURE* TO APPENDIX-I

(Please see para 13 of Report)

1.

Dr. Subhash C. Kashyap (Constitution Expert): Well, first of all I think that we should not take an alarming view of what has happened. This happens with all democratic institutions once in a while and in any case our democracy is very strong. Our Lok Sabha is very vibrant.

Ms. Mamta Banerjee has been a very combative leader concerned with the people's interest. I do not, therefore, think that there is much need to worry. Many things happen in the heat of the moment many a times.

It has not happened for the first time. Earlier also, papers were torn and thrown like missile on many occasions in the Lok Sabha. Even shoes and sandals were shown inside the House many times. It has also happened on many occasions that main leaders of the Opposition snatched the microphone provided at the dais of the Speaker and had thrown it in the House. So, such incidents have taken place in the past also.

2.

Dr. Subhash C. Kashyap: Well, it has a personal aspect also which should not be forgotten. When Ms. Mamta Banerjee was elected to Lok Sabha for the first time she had defeated a personality like Shri Somnath Chatterjee. Therefore, it has a personal aspect also.

The other thing is Ms. Mamta Banerjee is such a leader who is challenging the Communist Government in West Bengal for the last so many years with whom she has been fighting constantly.

3.

Dr. Subhash C. Kashyap: Well, every Member of the House should have a confidence that he enjoys full freedom of speech and whatever he wants to say he should get the opportunity to say so. If there is any attempt to gag the voice of a Member, either from the Chair or from the House, then such a chaotic situation will certainly arise, there is no doubt about it because every Member has a fundamental right to make his point. So far as the question of another discussion is concerned, there are many instances when discussion on a subject has been held twice or more than twice during the same Session.

*Original in Hindi.

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