

**LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI**

SESSION REVIEW - FOURTH SESSION (THIRD PART)

FOURTH SESSION (THIRD PART) 09.09.2016:

The House held one sitting during Third Part of Fourth Session of the Sixth Assembly on 09 September, 2016. The House was adjourned sine die the same day.

Special Mention (Under Rule 280): 30 notices were received under Rule 280 and 11 matters were raised in this session on 09 September, 2016. As per directions of the Hon'ble Speaker, the departments have been directed to reply to the matters raised by the Hon'ble Members within 30 days.

Observations of Hon'ble Speaker:

The Hon'ble Speaker made the following observations in the House on 09 September 2016 prior to the commencement of Short Duration Discussion under Rule 55:

"Hon'ble Members,

The next item on the agenda is a short duration discussion on 'Unconstitutional attempts to render the duly elected Legislative Assembly defunct with the aim of defeating the popular mandate'

Before you begin the discussion, I would like to place certain facts before the House.

On my specific request, Shri Prasanna Kumar Suryadevara has been brought on deputation from All India Radio to Delhi Assembly as its Secretary.

Period of his deputation was initially for a year and was extended by two years subsequently. As per the order dated 31 May, 2016, his deputation is valid till 16 July, 2018.

I found his services to be outstanding and thought if he is absorbed here on permanent basis, Delhi Assembly will benefit immensely on long term basis. Accordingly, after ascertaining his willingness for the same, I have requested All India Radio for its concurrence for Shri Suryadevara's absorption in Delhi Assembly as Secretary on permanent basis.

All India Radio, in a letter dated 22 July, 2016 conveyed its inability to concur with my request citing shortage of staff as reason. It also asked for repatriation of Shri Suryadevara to AIR stating (incorrectly, though) that his term of deputation had ended on 16 July, 2016, whereas term of his deputation has been extended up to 16 July, 2018 as early as on 31 May, 2016.

Shri Prasanna Kumar Suryadevara has been away from All India Radio for last 12+ years consecutively, during which period he has gained

experience and expertise in matters of Legislative functioning. Before moving to Delhi Assembly, Shri Prasanna Kumar Suryadevara worked for offices of Hon'ble Speaker, Lok Sabha (5 years) and Hon'ble Chairman, Rajya Sabha (6 years). In all he served Parliament of India for over 11 years. This is more than the time he had spent working in AIR so far.

To pursue the matter I have also written to Union Minister of Information and Broadcasting twice on 18 and 28 August, 2016. Hon'ble Union Minister was kind enough to acknowledge receipt of my letter and to assure that the matter is under examination.

In the meanwhile, on 30 August, 2016, in the morning, when I was in Udaipur, Rajasthan, I was called by the Secretary and told that he got a fax copy of an order from Services Department stating that he was relieved of his duties with effect from the afternoon of 29 August, 2016 and with the approval of Lt. Governor. I also got a similar communication from my office. I was shocked to know that LG has allowed an unconstitutional order to be issued.

As a first step, I have told Shri Prasanna Kumar Suryadevara on telephone that I am not relieving him and that he should continue to discharge his duties as Secretary. I have also got written instructions issued to this effect from my office to the Secretary as well as the Secretariat.

Thereafter, with the assumption that LG was misled to allow such an erroneous order to be issued, I called up his office from Udaipur to reason with him on telephone. He refused to come on line. May god bless his civility and culture.

I was left with no other option but to fax a letter to him making it clear that the supremacy of the Legislature in its own sphere cannot be tampered with. I had to tell him in plain and simple terms that he has no locus in the matter and he should keep off the position of Secretary of Legislature and of anything to do with the Legislature. I want that letter to be part of the proceedings of this House. I direct that the same may be made part of the record immediately after I conclude my observations and before the discussion begins.

On the same day, I have also conveyed my decision of not relieving Shri Prasanna Kumar Suryadevara from the position of Secretary to Hon'ble Minister of Information and Broadcasting, once again requesting him to allow him to be absorbed in Delhi Assembly. Copies of my communication with the Hon'ble Union Minister were also shared with the Director General of All India Radio by the Secretariat of this Assembly.

I would like to make it very clear once again that Shri Suryadevara is continuing to discharge his duties as Secretary in this Assembly purely under my directions and any attempt to frustrate my directions will not be tolerated. To be honest, I was concerned with the fact that an innocent and upright officer may be targeted in a very unfair manner in the process. But I had to give these directions, as the issue before me is much larger. This House gave me the solemn responsibility of upholding the dignity and constitutionally guaranteed independence of this House which reflects

sovereign will of the People. And I cannot fail this House and the People who elected this House.”

Short Duration Discussion (Under Rule 55): 4 Notices for short duration discussion were received during the session. The House discussed the following subjects:

1. Ms. Alka Lamba, Hon’ble Member initiated discussion on **‘the alleged unconstitutional attempts to render the duly elected Legislative Assembly defunct with the aim of defeating the popular mandate.**

The following Members participated in the debate :

Sh. Nitin Tyagi, Sh. Sanjeev Jha, Sh. Saurabh Bhardwaj, Sh. Kailash Gahlot, Sh. Somnath Bharti and Sh. Vijender Gupta, Leader of Opposition.

Sh. Satyender Jain, Hon’ble Minister replied to the discussion and Sh. Somnath Bharti moved the following Resolution which was adopted by voice-vote:

“Noting the fact that the services of Shri Prasanna Kumar Suryadevara as Secretary of Legislative Assembly are secured by Hon’ble Speaker and that the term of deputation of Shri Suryadevara as Secretary, Legislative Assembly is valid till 16 July, 2018,

Further noting the fact that Shri Suryadevara has gained experience and expertise in the matters of Legislative functioning through his service of more than 12 years in the Legislative arena including over 11 years that he had spent in the service of Parliament of India out of a total of 23 years of service he had put in so far,

Also noting the fact that the request of Hon’ble Speaker for concurrence for absorption of Shri Prasanna Kumar Suryadevara as Secretary of Legislative Assembly of NCT of Delhi on permanent basis was duly conveyed to the Directorate General of All India Radio,

Placing on record sincere appreciation of the outstanding services being rendered by Shri Prasanna Kumar Suryadevara which resulted in streamlining of the functioning of the Legislative Assembly and its Secretariat in various spheres,

Condemning in strongest possible terms the efforts of the Administrator of NCT of Delhi to scuttle the functioning of duly elected Legislative Assembly by way of unilaterally issuing an illegal, unconstitutional and untenable order suggesting that Shri Prasanna Kumar Suryadevara is relieved as Secretary, Legislative Assembly,

Viewing seriously the transgression on the part of the Administrator of NCT of Delhi in venturing into the Legislative arena which is constitutionally under the sole custody of Speaker of the Assembly,

Expressing grave concern at the fact that the Administrator who is also the Lt. Governor, while holding a Constitutional Office, perpetuated the breach of Laxman Rekha by way of assaulting the very independence of Legislature guaranteed under the Constitution,

Treating the intrusion of the Administrator into the matters of Legislative functioning as a serious affront to the authority of the Speaker and the sovereign rights of the people of Delhi who have elected the Legislative Assembly,

Warning the Administrator to desist from such autocratic, undemocratic and unconstitutional moves in future, and

Lauding the firmness displayed by Hon'ble Speaker in scuttling the designs of the Administrator to make the Assembly defunct by standing up to the untenable orders of the Administrator;

Resolves to stand by the directions issued by Hon'ble Speaker to all concerned that Shri Prasanna Kumar Suryadevara shall continue to discharge his duties as Secretary, Legislative Assembly, NCT of Delhi notwithstanding any order issued/to be issued from any quarter that runs contrary to Speaker's directions,

Further resolves that any move in any quarter that results in any violation, either directly or indirectly, of Hon'ble Speaker's directions in relation to the position of Secretary, Legislative Assembly and the functioning of the Secretariat be treated as serious breach of privilege of the Legislative Assembly and as such necessary proceedings be initiated forthwith against those who cause such a breach, and

Requests Hon'ble Speaker to take all necessary steps to secure the services of Shri Prasanna Kumar Suryadevara for absorption as Secretary, Legislative Assembly on permanent basis in the long term interest of the institution."

2. Sh. Rajender Pal Gautam, Hon'ble Member initiated discussion on **'the alleged attempt to derail governance in Delhi by resorting to arbitrary transfers and various other measures with the intention to terrorize and demoralize well meaning officers.** The following Members participated in the debate : Sh. Som Dutt, Sh. Jarnail Singh (Tilak Nagar), Sh. Jagdeep Singh, Hon'ble Chief Whip, Sh. Vijender Garg, Sh. Mohinder Goyal and Ms. Bhavna Gaur.

Sh. Satyender Jain, Hon'ble Minister made a statement on the issue and Sh. Manish Sisodia, Hon'ble Dy. Chief Minister replied to the discussion.

3. Sh. Vijender Gupta, Hon'ble Leader of Opposition initiated discussion on **'the situation arising out of leakage of objectionable videos involving a former Minister of Govt. of NCT of Delhi'.**

Following an altercation between Sh. Vijender Gupta and Sh. Sharad Chauhan, Sh. Vijender Gupta and Sh. Jagdish Pradhan walked out in protest.

Sh. Manish Sisodia, Hon'ble Dy. Chief Minister and Sh. Kapil Mishra, Hon'ble Minister made a statement on the issue.

4. Sh. Amanatullah Khan, Hon'ble Member raised the issue of **'the ACB raid on the Wakf Board offices'**. Sh. Somnath Bharti also spoke on the issue.

Calling Attention Motion (Under Rule 54): 5 Notices for Calling Attention Motions were received during the session. The following issue was raised in the House:

Sh. Nitin Tyagi called the attention of the House towards the alleged leakage of details of Chief Minister's security leading to breach of security of the elected Chief Minister. The following Members participated in the

discussion : Smt. Sarita Singh, Sh. Dinesh Mohaniya, Sh. Vijender Gupta, and Sh. Kapil Mishra, Hon'ble Minister of Tourism.

Sh. Satyender Jain, Hon'ble Minister of Home replied to the discussion.

Legislation: "The Delhi Appropriation (No. 3) Bill, 2016" (Bill No. 06 of 2016) was introduced, considered and passed by the House by voice-vote.

Sh. Manish Sisodia, Hon'ble Dy. Chief Minister also presented the First Batch of Supplementary Demands for Grants for the year 2016-17 which were considered and passed by the House.