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**PUCL Statement****Expulsion of Mahua Moitra:***\* Silencing of dissent.**\* Against principles of natural justice.**Reinstate her NOW!*

The PUCL condemns the decision of the Lok Sabha to expel TMC Member of parliament, Mahua Moitra for allegedly accepting cash for asking questions in parliament as being rife with procedural irregularities and substantively unjust.

The decision of the house to expel Moitra by a legally untenable voice vote was based on the report of the Ethics Committee which recommended expulsion. The ethics committee had no conclusive evidence of a cash trail leading to Moitra, and asked the investigating agencies such as the Central Bureau of Investigation and Enforcement Directorate to unearth this trail. The sharing of password and login details to the parliamentary website did not violate any existing rule or law. The Committee vaguely surmised that this sharing of credentials compromised national security without providing any evidence. Mahua Moitra was not given a chance to cross-examine the complainant or the other witnesses. Without following due process, the committee went on to recommend expulsion in a decision in which six members voted for while four members submitted dissent notes.

It was this partisan report which formed the basis of the Lok Sabha deciding the expel Mahua Moitra. To perhaps hide the blatantly partisan nature of the decision of the Ethics Committee the proceedings of the Lok Sabha in which the consequential decision to deprive the over 14 lakh voting population of Krishnagar of their representative was done without adhering to any of the principles of natural justice.

It reeks of a kangaroo court when the report of the Committee of Ethics was tabled in the Lok Sabha at noon, and a motion for the expulsion of the said member was moved at 2 pm on the same day, giving Members no time to read or study or apply themselves to the contents of the Report. Most damningly, Mahua Moitra was given the serious punishment of expulsion without giving her a chance to respond or answer in her defence, in the Lok Sabha.

Right from the decision of the Committee on Ethics to the final expulsion, parliamentary procedure seems to have been instrumentalised to serve a political aim.

Clearly the political aim is to silence a fearless voice of dissent in Indian parliament. Why is the Modi government so troubled by Mahua Moitra ?

Mahua Moitra has been particularly tenacious in targeting someone she calls as Mr A and his group the 'A company', who travels with the 'Prime Minister on delegations' and 'meets heads of state on visits to India' and makes it appear that 'India is the Prime Minister and the Prime Minister is him' and 'makes it appear to the world' that he is the 'remote control behind the Prime Minister' and that 'by obliging him, you oblige the Prime Minister'.

Apart from bringing the attention of Indians to crony capitalism she has been fearless in pointing to the direction India is heading towards. In her first speech in parliament, she presciently pointed out to seven early signs of fascism, in which she signposted the importance of dissent. One of the signs of fascism she highlighted was a 'resounding disdain for human rights at every level of the government'. Today she is a victim of that very contempt for human rights.

One cannot ignore the fact that the targeting of Mahua Moitra reeks of a patriarchal mindset. In particular the questioning before the Ethics Committee violated her right to privacy and dignity. The crass, crude and irrelevant nature of the questioning forced Moitra to walk out of the proceedings along with all other opposition MP's. By expelling Moitra, the BJP is exposing the patriarchal mindset which is unable to tolerate women who fearlessly expose the BJP's constitutional wrongs.

The expulsion of Mahua Moitra is not only procedurally wrong and substantively unjust, but hits at the roots of parliamentary democracy. A decision to deprive over 14 lakh voting members of the parliamentary constituency of Krishnanagar of their representative in parliament, is an action which disenfranchises 1.4 million people at a stroke and was done without the decision being in accordance with the due process of law. One of the conditions for the successful working of democracy is a strong opposition and if particularly vocal members of the opposition can be targeted for expulsion without meeting the standard of a just reasonable and fair procedure, then parliamentary democracy itself is under threat.

For all these reasons, it is vitally important that Mahua Moitra be reinstated as a member of parliament. To not do so will further endanger the failing health of constitutional democracy in India.

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