

# COMMITTEE OF PRIVILEGES

(EIGHTH LOK SABHA)

SECOND REPORT

*(Laid on the Table on 1st September, 1988)*

*(Adopted on 5th September, 1988)*



**LOK SABHA SECRETARIAT  
NEW DELHI**

*September, 1988 / Bhadra, 1910 (Saka)*

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**PERSONNEL OF THE COMMITTEE OF PRIVILEGES\***  
(1988-89)

Shri Jagan Nath Kaushal—*Chairman*

**MEMBERS**

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Bipin Pal Das
5. Shri Sharad Dighe
6. Shrimati Sheila Dikshit
7. Shri Bhishma Deo Dube
8. Shri V. N. Gadgil
9. Shri V. S. Krishna Iyer
10. Shri Jujhar Singh
11. Dr. Prabhat Kumar Mishra
12. Shri Braja Mohan Mohanty
13. Shri K. Ramachandra Reddy
14. Shri Bholanath Sen
15. Vacant

**SECRETARIAT**

Dr. Subhash C. Kashyap—*Secretary-General.*

Shri K. C. Rastogi—*Joint Secretary.*

Shri T. S. Ahluwalia—*Deputy Secretary.*

Shri J. P. Ratnesh—*Senior Table Officer.*

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\*The Committee of Privileges was nominated by the Speaker on 20th June, 1988.

## SECOND REPORT OF THE COMMITTEE OF PRIVILEGES (EIGHTH LOK SABHA)

### I. Introduction and Procedure

I, the Chairman of the Committee of Privileges, having been authorised by the Committee to submit the Report on their behalf, present this their Second Report to the Speaker regarding—

- (i) request from the Deputy Inspector General of Police, Central Bureau of Investigation, Special Investigation Cell-II, New Delhi, for handing over of original letter dated 24th February, 1988, addressed to the Speaker, Lok Sabha by Shri S. Thangaraju, M.P.; and
- (ii) request from the Superintendent of Police, CBI, Special Investigation Cell-II, New Delhi, that—
  - (a) letter dated 24th February, 1988, addressed to the Speaker, Lok Sabha by Dr. S. Jagathrakshakan, MP, informing him that on 24th February, 1988, Sarvashri P. Kolandaivelu, M. Mahalingam and R. T. Gopalan, MPs, belonging to Jayalalitha faction of AIADMK came alongwith 15 hirelings and compelled Shri S. Thangaraju to go with them, be handed over to them in original;
  - (b) TA Bills alongwith Air Journey tickets of Shri S. Thangaraju from 22nd February to 20th March, 1988 and TA Bills alongwith Air Journey tickets of Sarvashri S. Jagathrakshakan, K. R. Natarajan, A. C. Shanmugam, P. Selvendran and N. Soundararajan, MPs from 22nd February to 9th March, 1988, be handed over to them;
  - (c) File relating to the alleged abduction, wrongful confinement and extortion of Shri S. Thangaraju at the hands of the accused which was being maintained in the Lok Sabha Secretariat, be handed over to them;
  - (d) a document notifying the names of the office bearers of AIADMK Legislature Party (Janaki), be handed over to them; and

- (e) they might be permitted to examine one or two officers of the Lok Sabha Secretariat on the point of receipt of several documents related to the case and action taken thereon.

The above requests were referred to the Committee by the Speaker on 31st May and 21st June, 1988 respectively under rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha.

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

3. At the first sitting held on 30th June, 1988, the Committee considered the matter and came to their conclusions.

4. At the second sitting held on 23rd August, 1988, the Committee considered and adopted the draft Report.

## II. Facts of the case

5. The First Report of the Committee of Privileges regarding the request received from the Deputy Inspector General of Police, Central Bureau of Investigation, Special Investigation Cell-II, New Delhi, for handing over of original letters and telegrams addressed to the Speaker, Lok Sabha by Shri S. Thangaraju, M.P., Lok Sabha and Miss J. Jayalalitha, MP, Rajya Sabha in connection with the investigation of C.B.I. case RC 1(S)/88-SIU-III/CBI/New Delhi under sections 120-B, 342, 365, 384 IPC was laid on the Table of the House on 5th May and adopted by the House on 6th May, 1988. The Committee in their Report had *inter alia* observed as follows:—

“The Committee find that there is no indication in the request received from the Deputy Inspector General of Police, Central Bureau of Investigation that the documents in question are required to be produced in a Court of Law. The procedure laid down in the First Report of the Committee of Privileges (Second Lok Sabha) relates to the documents required to be produced in a Court of Law.”

“The Committee, therefore, recommend that instead of handing over the required documents in original, the Deputy Inspector General of Police, Central Bureau of Investigation, Special Investigation Cell-II, New Delhi, may be asked to come and inspect the relevant documents as also to take photo copies thereof, if he so desires. If at a later stage, the original documents are required for production

in a Court of Law, a proper request may be made in accordance with the procedure laid down in the First Report of the Committee of Privileges (Second Lok Sabha)."

6. On 6th May, 1988, the Deputy Inspector General of Police, Central Bureau of Investigation, was informed of the recommendation made by the Committee and its adoption by Lok Sabha. He was also requested to come and inspect the documents in question and take photo copies thereof, if he so desired.

7. On 12th May, 1988, Shri B. N. P. Azad, Deputy Superintendent of Police, who was authorised by D.I.G. to inspect the documents and obtain photo copies thereof, came and inspected the documents in original. A photo copy each of the three documents available in the records was handed over to him.

8. The Deputy Inspector General of Police, Central Bureau of Investigation, Special Investigation Cell-II, New Delhi, in his further letter dated 17th May, 1988, regarding investigation of Central Bureau of Investigation case RC 1/88 SIU-III/SIC-H/New Delhi under sections 120-B, 342, 365, 384 IPC stated *inter alia* as follows:—

"In order to proceed further with the investigation of this case, it is essential that letter dated 24-2-88 addressed to the Speaker, Lok Sabha by Shri S. Thangaraju, M.P., may be made available to Shri B. N. P. Azad, Chief Investigation Officer of this criminal case. This document in original is required to be sent for expert opinion and is also required otherwise for the purpose of investigation. Without this document being made available in original, the investigation will remain in abeyance as the original document which is alleged to have been extorted has to be shown to concerned witnesses as well as complainant and also sent for expert opinion. Under these circumstances, the investigating agency may be permitted to apply for this original document in accordance with the procedure considered advisable under the circumstances."

9. The Superintendent of Police, Central Bureau of Investigation, Special Investigation Cell-II, New Delhi, in his letter dated 14th June, 1988, regarding investigation of the above mentioned CBI case stated *inter alia* as follows:—

"2. During the course of investigation, it has come to light that a letter dated 24-2-88 has been addressed to the

Speaker, Lok Sabha by Dr. S. Jagathrakshakan, MP, Lok Sabha. By this letter, the Speaker has been informed that on 24-2-88 at about 2.30 P.M. Sarvashri P. Kolan-daivelu, Mahalingam and R. T. Gopalan, members of Parliament belonging to Jayalalitha faction of AIADMK came alongwith 15 hirelings in three cars and compelled Shri Thangaraju to go alongwith them. In order to prove that the aforesaid letter had been delivered to the Speaker, we require the letter in original.

3. The TA Bills alongwith air journey tickets of Shri Thangaraju in respect of journeys undertaken by him from 22-2-88 to 20-3-88 are required by us in order to find out the presence of Shri Thangaraju, MP in Delhi and Madras during the aforesaid period. Such bills alongwith air journey tickets of Sarvashri Jagathrakshakan, K. R. Natarajan, A. C. Shanmugam, P. Selvendran and N. Soundararajan, members of Parliament, Lok Sabha for the period from 22-2-88 to 9-3-88 are also required to find out their presence at Delhi and Madras during the aforesaid period.
4. It has been learnt that a file relating to the alleged abduction, wrongful confinement and extortion of Shri Thangaraju at the hands of accused persons is being maintained in Lok Sabha Secretariat. For the purposes of investigation of the case, inspection of the aforesaid file may be given to Dy. SP, B. N. P. Azad, Chief Investigating Officer of the case.
5. Shri Thangaraju, MP, Lok Sabha was reportedly elected whip of AIADMK (Janaki) Parliamentary Party in Lok Sabha on 18-2-88 in a meeting held in Satya Studio, Madras. In order to ascertain the names of the office bearers of Parliamentary Party of AIADMK (Janaki) in Lok Sabha, we may please be provided with a copy of the document notifying the names of the office bearers of AIADMK (Janaki) Parliamentary Party.
6. Besides, we will be required to examine one or two officers of Lok Sabha Secretariat on the point of receipt of the documents viz. letter dated 24-2-88 of Shri Thangaraju, MP, addressed to the Speaker, Lok Sabha, Telegrams dated 25-2-88 of Shri Thangaraju, MP and Miss J. Jayalalitha, MP, addressed to the Speaker, Lok Sabha,

letter dated 24-2-88 addressed to the Speaker, Lok Sabha by Dr. S. Jagathrakshakan, MP and other documents (which are being requisitioned) and action taken thereon. We may have also to ascertain the effect of the aforesaid letter of Shri Thangaraju on the status of both the factions of AIADMK in the House.

7. It is, therefore, requested that the aforesaid documents/information may please be made available to us. We may also be permitted to examine one or two officers of Lok Sabha Secretariat who are familiar with the documents and with the points mentioned above. In addition, we may also be allowed to inspect the file which is reportedly being maintained in Lok Sabha Secretariat in this regard."

### III. Findings and recommendations of the Committee

10. The Committee note that there is still no indication in the requests received from the Central Bureau of Investigation that the documents referred to in para 1 *ibid* are required to be produced in a court of law. The Committee have, therefore, no reason to change the view expressed by them in their First Report adopted by the House on 6th May, 1988, reiterating the recommendation made by the Committee of Privileges (Second Lok Sabha) in their First Report, namely that the original documents may not be handed over unless the same were required to be produced in a court of law.

11. As regards the request received from the DIG, CBI, New Delhi, for the original letter dated 24th February, 1988, addressed to the Speaker by Shri S. Thangaraju, MP, the Committee wish to emphasise that it is not the intention of the Committee to hinder or stop any investigation; the facility of inspection and examination of the original documents—which has already been extended to and availed of by an officer of the Central Bureau of Investigation on the basis of recommendation contained in the First Report of the Committee—is still available to the investigating agency and they can depute one of their officers to come and inspect and examine the original letter dated 24th February, 1988. If at a later stage the original letter is required for production in a Court of Law and a proper request is made in accordance with the procedure laid down in the First Report of the Committee of Privileges (Second Lok Sabha) the Committee would consider the same.

12. As regards the request received from the Superintendent of Police, Central Bureau of Investigation, New Delhi, for the letter



dated 24th February, 1988, said to have been addressed by Dr. S. Jagathrakshakan, MP, to the Speaker; Lok Sabha, the Committee note that no such letter was received in the Lok Sabha Secretariat.

13. As regards TA Bills and Air Journey ticket counterfoils, the Committee are of the opinion that it would not be proper to show the original TA Bills and Air Journey ticket counterfoils to any investigating agency. Attention of the Committee has also been drawn in this regard to the following decision of the Joint Committee on Salaries and Allowances of Members of Parliament:—

“The Joint Committee noted that the counterfoil of the air ticket is retained along with the report submitted by the member in the Lok Sabha/Rajya Sabha Secretariat and the same is not required to be sent to Audit. Once the Controlling Officer in the Lok Sabha/Rajya Sabha Secretariat has satisfied himself about the claim in respect of the air journey, the counterfoil should, as hitherto, form part of the report of the member and continue to remain in the custody of the Controlling Officer in the Lok Sabha/Rajya Sabha Secretariat. There was, thus, no question of the counterfoil becoming an ‘audit document’.”

14. The Committee recommend that a statement showing the details of journeys undertaken by Shri S. Thangaraju during the period 22nd February to 20th March, 1988 and by Sarvashri S. Jagathrakshakan, K. R. Natarajan, A. C. Shanmugam, P. Selvendran and N. Soundararajan during the period 22nd February to 9th March, 1988 may be supplied to the investigating agency instead.

15. As regards the file “relating to alleged abduction, wrongful confinement and extortion of Shri S. Thangaraju” which, according to the letter of the Superintendent of Police, CBI, they have “learnt” is “being maintained in the Lok Sabha Secretariat”, the Committee note that though it is usual office procedure that for every letter/communication received in the Lok Sabha Secretariat a file is opened and maintained in the Secretariat, no file as such “relating to alleged abduction, wrongful confinement and extortion of Shri S. Thangaraju” is being maintained in the Lok Sabha Secretariat. The Committee are of the view that any other files relating to Shri S. Thangaraju’s case which are being maintained in the Secretariat may not be shown to the Central Bureau of Investigation.

16. As regards the document notifying the names of the office-bearers of the AIADMK Legislature Party (Janaki), the Committee recommend that a copy of the same may be supplied to the Central Bureau of Investigation.

17. As regards the permission to examine one or two officers of the Lok Sabha Secretariat, the Committee are of the opinion that the request may not be granted.

18. The Committee are unhappy over the presumptuous manner in which the communication dated 14th June, 1988, from the Superintendent of Police, CBI, New Delhi, is worded. The Committee would like the Ministry of Home Affairs to issue suitable instructions to all concerned that their communications should be couched in polite and courteous language. The Committee would like to express their unhappiness over the practice of making requests on a day-to-day basis adopted by the Central Bureau of Investigation, New Delhi, inspite of being aware of the procedure that each such request is required to be referred to the Committee of Privileges for their decision.

NEW DELHI;  
August 23, 1988  
Bhadra 1, 1910 (Saka)

JAGAN NATH KAUSHAL.  
*Chairman.*  
*Committee of Privileges.*

**ORDERS OF THE SPEAKER**

Approved for laying it on the Table.

Sd/- BAL RAM JAKHAR

30-8-1988

## MINUTES

### I

## FIRST SITTING

New Delhi, Thursday, 30th June, 1988

The Committee sat from 1100 to 1330 hours.

### PRESENT

Shri Jagan Nath Kaushal—*Chairman*

### MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Bipin Pal Das
5. Shri Sharad Dighe
6. Shrimati Sheila Dikshit
7. Shri Bhishma Deo Dube
8. Shri V. N. Gadgil
9. Shri Jujhar Singh
10. Dr. Prabhat Kumar Mishra
11. Shri Braja Mohan Mohanty
12. Shri K. Ramachandra Reddy

### SECRETARIAT

Shri Subhash C. Kashyap—*Secretary-General.*

Shri K. C. Rastogi—*Joint Secretary.*

Shri T. S. Ahluwalia—*Deputy Secretary.*

Shri J. P. Ratnesh—*Senior Table Officer.*

2. The Committee took up consideration of request from the Deputy Inspector General of Police, Central Bureau of Investigation, Special Investigation Cell-II, New Delhi, for handing over of original letter dated 24th February, 1988, addressed to the Speaker, Lok Sabha by Shri S. Thangaraju, M.P.

3. Chairman informed the Committee that after the said request of the Deputy Inspector General of Police, another letter dated 14th June, 1988 had been received from the Superintendent of Police, Central Bureau of Investigation, Special Investigation Cell-II, New Delhi. Chairman read out the letter to the Committee in which the following further requests had been made in connection with the Investigation of the case:—

- (i) Letter dated 24th February, 1988, addressed to the Speaker, Lok Sabha by Dr. S. Jagathrakshakan, M.P. informing him that on 24th February, 1988, Sarvashri P. Kolandaivelu, M. Mahalingam and R. T. Gopalan, MPs, belonging to Jayalalitha faction of AIADMK came alongwith 15 hirelings and compelled Shri Thangaraju to go with them be handed over to them in original;
- (ii) TA Bills alongwith Air Journey tickets of Shri S. Thangaraju from 22nd February, to 20th March, 1988 and TA Bills alongwith Air Journey tickets of Sarvashri S. Jagathrakshakan, K. R. Natarajan, A. C. Shanmugam, P. Selvendran and N. Soundararajan, MPs from 22nd February to 9th March, 1988, be handed over to them;
- (iii) File relating to the alleged abduction, wrongful confinement and extortion of Shri S. Thangaraju at the hands of the accused which was being maintained in the Lok Sabha Secretariat be handed over to them;
- (iv) A document notifying the names of the office bearers of AIADMK Legislature Party (Janaki) be handed over to them; and
- (v) They might be permitted to examine one or two officers of the Lok Sabha Secretariat on the point of receipt of several documents related to the case and action taken thereon.

4. On a point being raised that only the first request from the Deputy Inspector General of Police for the supply of the letter dated 24th February, 1988, had been referred to the Committee and the Committee could not, therefore, take note of or go into the second letter received from the Superintendent of Police, Central Bureau of Investigation, New Delhi, Chairman informed the Committee that the second letter had also been referred to the Committee by the Speaker under rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha.

5. The Committee deliberated upon the matter. The Committee decided that there was no ground for changing their earlier decision in the matter. In their First Report (which was laid on the Table of the House on 5th May, 1988 and adopted by the House on 6th May, 1988) the Committee had reiterated the well established convention that original documents might not be handed over unless the same were required to be produced in a Court of Law. The Committee emphasised that they did not want to hinder or stop any investigation; the facility of inspection and examination of the original documents which had already been extended to and availed of by an officer of the Central Bureau of Investigation on the basis of recommendation contained in the First Report of the Committee—was still available to the investigating agency and they could come and inspect and examine the original letter dated 24th February, 1988. If at a later stage the original letter was required for production in a Court of Law and a proper request was made in accordance with the procedure laid down in the First Report of the Committee of Privileges (Second Lok Sabha) the Committee would consider the same.

6. As regards the other requests made by the Superintendent of Police, Central Bureau of Investigation, New Delhi, the Committee noted that the letter dated 24th February, 1988, said to have been addressed by Shri S. Jagathrakshakan, MP, to the Speaker was not received in the Lok Sabha Secretariat.

As regards the TA Bills and Air Journey ticket counterfoils of the members, the Committee decided that it would not be proper to show the original TA Bills and Air Journey ticket counterfoils to any investigating agency. Instead a statement showing the details of journeys undertaken by Shri S. Thangaraju during the period 22nd February to 20th March, 1988 and by Sarvashri S. Jagathrakshakan, K. R. Natarajan, A. C. Shanmugam, P. Selvendran and N. Soundararajan during the period 22nd February to 9th March, 1988 might be supplied to the investigating agency.

As regards the file "relating to alleged abduction, wrongful confinement and extortion of Shri S. Thangaraju" which according to the letter of the Superintendent of Police, CBI, they had "learnt" was "being maintained in the Lok Sabha Secretariat", the Committee noted that though it was usual office procedure that for every letter/communication received in the Lok Sabha Secretariat a file was opened and maintained in the Secretariat, no file as such "relating to alleged abduction, wrongful confinement and extortion of Shri S. Thangaraju" was being maintained in the Lok Sabha Secretariat. The Committee

decided that any other files relating to Shri S. Thangaraju's case which were being maintained in the Secretariat be not shown to the Central Bureau of Investigation.

As regards the document notifying the names of the office-bearers of the AIADMK Legislature Party (Janaki), the Committee decided that a copy of the same might be supplied to the Central Bureau of Investigation.

As regards the permission to examine one or two officers of the Lok Sabha Secretariat, the Committee decided not to grant the request.

7. The Committee were constrained to note the presumptuous manner in which the communication dated 14th June, 1988, from the Superintendent of Police, CBI, New Delhi, was worded. The Committee expressed their unhappiness over the practice of making requests on a day-to-day basis by the Central Bureau of Investigation, New Delhi, inspite of being aware of the procedure that each such request was required to be referred to the Committee of Privileges for their decision.

8. The Committee decided that the draft Report on the matter might be prepared accordingly and circulated to the members of the Committee for consideration at a subsequent meeting of the Committee.

9-13.

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*The Committee then adjourned*

## II

### SECOND SITTING

New Delhi, Tuesday, 23rd August, 1988

The Committee sat from 16.00 to 18.40 hours.

#### PRESENT

Shri Jagan Nath Kaushal—*Chairman*

#### MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee

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\*\*Para 9-13 relates to another case and have accordingly been omitted.

4. Shri Bipin Pal Das
5. Shrimati Sheila Dikshit
6. Shri Bhishma Deo Dube
7. Shri V. N. Gadgil
8. Shri V. S. Krishna Iyer
9. Shri Jujhar Singh
10. Shri Braja Mohan Mohanty
11. Shri K. Ramachandra Reddy
12. Shri Bholanath Sen

**SECRETARIAT**

Shri K. C. Rastogi—*Joint Secretary.*

Shri J. P. Ratnesh—*Senior Table Officer.*

2. The Committee considered and adopted the draft Second Report regarding requests received from the Deputy Inspector General of Police and Superintendent of Police, Central Bureau of Investigation, Special Investigation Cell-II, New Delhi, for handing over the original letter dated 24th February, 1988, addressed to the Speaker, Lok Sabha by Shri S. Thangaraju, M.P. and certain other documents in connection with the investigation of the case.

3. The Committee authorised the Chairman to submit the Report to the Speaker and to recommend that it might be laid on the Table of the House.

4—11.

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*The Committee then adjourned.*