

COMMITTEE OF PRIVILEGES

(EIGHTH LOK SABHA)

FIRST REPORT

(Laid on the Table on 5th May, 1988)

(Adopted on 6th May, 1988)



**LOK SABHA SECRETARIAT
NEW DELHI**

May, 1988/Vaisakha, 1910 (Saka)

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES*

(1987-88)

Shri Jagan Nath Kaushal—*Chairman*

MEMBERS

2. Shri Bhadreswar Tanti
3. Shri H. K. L. Bhagat
4. Shri Somnath Chatterjee
5. Shri Jagannath Choudhary
6. Shri Sharad Dighe
7. Shrimati Sheila Dikshit
8. Shri H. A. Dora
9. Shri Bhisma Deo Dube
10. Shri Jujhar Singh
11. Dr. Prabhat Kumar Mishra
12. Shri Braja Mohan Mohanty
13. Shri E. S. M. Pakeer Mohamed
14. Shri V. Sreenivasa Prasad
15. Shri Bholanath Sen

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary*

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

* The Committee of Privileges was nominated by the Speaker on 12th June, 1987.

FIRST 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 First Report to the Speaker 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, MP, Lok Sabha and Miss J. Jayalalitha, MP, Rajya Sabha.

The matter was referred to the Committee by the Speaker on 5th April, 1988, 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 19th April, 1988, the Committee considered the matter and came to their conclusions.

4. At the second sitting held on 28th April, 1988, the Committee considered and adopted the draft Report.

II. Facts of the case

5. The Deputy Inspector General of Police, Central Bureau of Investigation, Special Investigation Cell-II, New Delhi, in his letter dated 16th March, 1988, regarding investigation of CBI case RC. 1(S)|88-SIU. III|CBI|New Delhi, under section 120-B, 342, 365, 384 IPC, stated as follows:—

“The above noted case is being investigated by Central Bureau of Investigation.

It has been alleged by the complainant Shri S. Thangaraju, MP (Lok Sabha) that two letters addressed to Hon'ble Speaker, Lok Sabha have been got written by him on two

occasions under duress by the accused persons stating therein that he has joined the rival group of AIADMK in Lok Sabha led by Shri P. Kolandaivelu, MP and making false allegations against S|Shri S. Jagathrakshakan and A. C. Shanmugam, Members of Parliament. It has also been stated in the complaint that Shri S. Thangaraju, MP, had sent telegram to the Hon'ble Speaker on 25-2-88.

For the purpose of the investigation of the case, it is essential to know whether the aforesaid communications had been received by the Hon'ble Speaker, Lok Sabha. If the same have been received, the same may please be handed over, in original, to Shri B. N. P. Azad, Dy. Supdt. of Police, CBI/SIC. II, New Delhi."

6. The Deputy Inspector General of Police, CBI, was requested on 22nd March, 1988, to indicate the date(s) on which the impugned two letters were stated to have been written to the Speaker, Lok Sabha by Shri S. Thangaraju, MP, alongwith the subject matter thereof to enable Lok Sabha Secretariat to identify them. The Deputy Inspector General of Police, CBI, was also informed that on receipt of a reply from him, further action would be taken in accordance with the prescribed procedure which required reference of the request to the Committee of Privileges and permission of the House for supplying the documents.

7. The Deputy Inspector General of Police, CBI, in his further letter dated 29th March, 1988, stated as follows:—

"2. Shri S. Thangaraju, MP, in his complaint dated 23-2-88 addressed to the Governor of Tamil Nadu has alleged that on 23-2-88, he was forcibly taken to Tamil Nadu House and when he was under the influence of intoxicating liquor, he was forced to sign a letter addressed to the Hon'ble Speaker of Lok Sabha stating that he has joined the rival group in Lok Sabha led by Mr. P. Kolandaivelu. The date of the said letter addressed to the Hon'ble Speaker is not yet known. About the other letter, he says in the aforesaid complaint that on 24-2-88 he alongwith his wife was forcibly taken to the residence of Miss Jayalalitha from Madras Airport and was forced to take a snap alongwith Miss Jayalalitha and then he was forced to sign a letter addressed to the Speaker of Lok Sabha stating false allegations against his colleagues S|Shri S. Jagathrakshakan and A. C. Shanmugam. In addition, he

was asked to give a statement that he had joined AIADMK Group led by Miss Jayalalitha.

3. The investigations carried out by us as Madras revealed that Shri Thangaraju, MP, had also written a letter dated 25-2-88 addressed to the Speaker, Lok Sabha with copies endorsed to the Home Minister and others mentioning therein that when he was in Delhi, Shri Kolandaivelu, MP, took him to his residence and made him to drink and forced him to sign a letter addressed to the Speaker, Lok Sabha that he had joined the Group led by Shri Kolandaivelu, M.P. It has also come to light that a phonogram dated 25-2-88 had been sent to the Speaker, Lok Sabha by Miss J. Jayalalitha, MP to the effect that Shri S. Thangaraju, MP, who announced about his joining AIADMK headed by her on 23-2-88, was attempted to be abducted by Shri S. Jagathrakshakan and Shanmugam, MPs at Delhi and by coercive method forced him to join their group headed by Smt. Janaki Ramchandran. The phonogram also says besides other things that fearing consequences he (Shri Thangaraju) had come to Madras on 24-2-88 by evening flight and met her (Miss Jayalalitha) at her residence and conveyed support to her and he had sent a telegram followed by signed confirmation to the Speaker, Lok Sabha on 24-2-88.
4. In addition to the documents already requisitioned vide this office letter dated 16-3-1988, we also require the documents mentioned in para 3 above. The details of the documents mentioned in para 3 are given below:—
 - (i) Letter dated 25-2-88 addressed to the Hon'ble Speaker Lok Sabha.
 - (ii) Phonogram dated 25-2-88 addressed to the Hon'ble Speaker by Miss. J. Jayalalitha, MP.
 - (iii) Telegram dated 24-2-1988 of Shri Thangaraju, MP, addressed to the Hon'ble Speaker, Lok Sabha conveying his support to AIADMK led by Miss Jayalalitha and the signed confirmation of Shri Thangaraju, M.P.
5. It is, therefore, requested that the documents may please be handed over to us after obtaining permission of the House."

III. Findings and recommendations of the Committee

8. The Committee find that the following documents were received from Shri S. Thangaraju, MP, Lok Sabha and Miss J. Jayalalitha, MP, Rajya Sabha, addressed to the Speaker, Lok Sabha and are available in the Lok Sabha records:—

- (i) Letter¹ dated 24th February, 1988, addressed to the Speaker, Lok Sabha, by Shri S. Thangaraju, M.P.;
- (ii) Telegram² dated 25th February, 1988, addressed to the Speaker, Lok Sabha, by Shri S. Thangaraju, M.P.; and
- (iii) Telegram³ dated 25th February, 1988, addressed to the Speaker, Lok Sabha, by Miss J. Jayalalitha, M.P. (Rajya Sabha).

No other communication except the above mentioned three communications was received from Shri S. Thangaraju or from Miss J. Jayalalitha, MPs.

9. The Committee note that the procedure for production in courts of documents connected with the Lok Sabha or its Committees had been laid down in the First Report of the Committee of Privileges of Second Lok Sabha which was adopted by Lok Sabha on the 13th September, 1957. The Committee had made the following recommendations:—

“.....The Committee are of the opinion that no member or officer of the House should give evidence in a Court of Law in respect of any proceedings of the House or any Committee of the House or any other document connected with the proceedings of the House or in the custody of the Secretary of the House without the leave of the House being first obtained.

When the House is not in session, the Speaker may in emergent cases allow the production of the relevant documents in Courts of Law in order to prevent delays in the administration of justice and inform the House accordingly of the fact when it reassembles. In case, however, the matter involves any question of privilege, especially the privilege of a witness, or in case the production of the document appears to him to be a subject for the discretion of the House itself, he may decline to grant the required per-

1. See Appendix I.
 2. See Appendix II.
 3. See Appendix III.

mission and refer the matter to the Committee of Privileges for examination and report.

The Committee recommend that whenever any document relating to the proceedings of the House or any Committees thereof is required to be produced in a Court of Law, the Court or the parties to the legal proceedings should request the House stating precisely the documents required, the purpose for which they are required and the date by which they are required. It should also be specifically stated in each case whether only a certified copy of the document should be sent or an officer of the House should produce it before a Court of Law.

When a request is received during sessions for producing in a Court of Law, a document connected with the proceedings of the House or Committees or which is in the custody of the Secretary of the House, the case may be referred by the Speaker to the Committee of Privileges. On a report from the Committee, a motion may be moved in the House by the Chairman or a member of the Committee to the effect that the House agrees with the report and further action should be taken in accordance with the decision of the House."

10. 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.

11. 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).

NEW DELHI;
The 28th April, 1988.

JAGAN NATH KAUSHAL
Chairman,
Committee of Privileges.

ORDERS OF THE SPEAKER

Approved for laying it on the Table.

Sd/- BAL RAM JAKHAR

4-5-1988

MINUTES

I

First sitting

New Delhi, Tuesday, the 19th April, 1968

The Committee sat from 15.00 to 16.45 hours.

PRESENT

Shri Jagan Nath Kaushal—*Chairman*

MEMBERS

2. Shri Bhadreshwar Tanti
3. Shri H. K. L. Bhagat
4. Shri Somnath Chatterjee
5. Shri Jagannath Choudhary
6. Shri Sharad Dighe
7. Shrimati Sheila Dikshit
8. Shri H. A. Dora
9. Shri Bishma Deo Dube
10. Shri Jujhar Singh
11. Shri Braja Mohan Mohanty
12. Shri Bholanath Sen

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary.*

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

2. The Committee considered the request of 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, M.P., Rajya Sabha, as the same were required in connection with certain investigations by them.

3. The Committee decided to 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, might, with the permission of the House, be asked to come and inspect the relevant documents as also to take photo copies thereof, if he so desired. If at a later stage the original documents were required for production in a Court of Law, a proper request might be made in accordance with the procedure laid down in the First Report of the Committee of Privileges (Second Lok Sabha).

4—9.

* * * * *

The Committee then adjourned.

 II

Second Sitting

New Delhi, Thursday, the 28th April, 1988

The Committee sat from 15.00 to 16.15 hours.

PRESENT

Shri Jagan Nath Kaushal—*Chairman*

MEMBERS

2. Shri Bhadreshwar Tanti
3. Shri Somnath Chatterjee
4. Shri Sharad Dighe
5. Shrimati Sheila Dikshit
6. Shri Bhishma Deo Dube
7. Shri Braja Mohan Mohanty
8. Shri V. Sreenivasa Prasad

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary.*

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

2. The Committee considered their draft First Report 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, M.P., Rajya Sabha.

3. The Committee adopted the draft Report with the following modification:—

In paragraph 11, the words "with the permission of the House," be omitted.

4. 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.

5—9.

* * * * *

The Committee then adjourned.

APPENDIX I

(See para 8 of the Report)

Copy of letter dated 24-2-1988, from Shri S. Thangaraju, M.P.,
to the Speaker, Lok Sabha

S. THANGARAJU, M.P.
MEMBER OF PARLIAMENT
LOK SABHA

PERAMBALUR
TRICHY (D.T.)
TAMIL NADU.

To

SHRI BALRAM JAKHAR,
SPEAKER,
LOK SABHA,
PARLIAMENT HOUSE,
NEW DELHI.

MR. JAGATHRAKSHAKAN M.P. AND MR. A.C. SHANMUGAM M.P. BOTH TRIED TO FORCIBLY ABDUCT ME AND COERCE ME INTO JOINING THE AIADMK FACTION OF MRS. JANAKI RAMACHANDRAN. THEY THREATENED ME AND PHYSICALLY ASSAULTED ME AND TRIED TO PREVENT ME BY FORCE FROM RETURNING TO MADRAS TODAY 24TH FEBRUARY 1988. WITH GREAT DIFFICULTY I SOMEHOW MANAGED TO ESCAPE FROM THEIR CLUTCHES AND BOARDED THE EVENING FLIGHT TO MADRAS. I REQUEST YOU TO TAKE SUITABLE ACTION IMMEDIATELY AND RENDER JUSTICE. I BELONG TO AIADMK HEADED BY SELVI J. JAYALALITHA, M.P. AND GENERAL SECRETARY, AIADMK.

Sd/-
(S. THANGARAJU)
M.P.
MADRAS
LS 422
24-2-88

APPENDIX II

(See para 8 of the Report)

*Copy of telegram dated 26-2-1988 from Shri S. Thangaraju, MP,
to the Speaker, Lok Sabha*

INDIAN POSTS AND TELEGRAPHS DEPARTMENT TELEGRAM

THE HON'BLE SPEAKER LOK SABHA NEW DELHI

0 1625 C 153 MADRAS 0 25 DI 276

I BELONG TO AIADMK PARTY LED BY MRS. JANAKI RAMA-
CHANDRAN I WAS ELECTED AS THE WHIP OF OUR PARTY
IN LOK SABHA UNDER MR. JAGATHRAKSHAKAN MP WHEN
I WAS IN NEW DELHI KOLANDAIVELU MP TOOK ME TO
HIS PLACE AND MADE ME DRINK AND FORCED ME TO SIGN
A LETTER ADDRESSED TO YOU STATING THAT I HAVE
JOINED THE GROUP LED BY MR. KOLANDAIVELU. WHEN I
WAS UNDER THE INFLUENCE OF LIQUOR I WAS FORCIBLY
TAKEN TO TAMIL NADU HOUSE TO MEET MR. (100) THIRU
NAVUKKARASU A FORMER MINISTER OF TAMIL NADU AND
PREVENTED ME FORCIBLY FROM ATTENDING THE PARLIA-
MENT. THEN MR. THIRU NAVUKKARASU TOOK ME TO MAD-
RAS BY FLIGHT. AT MADRAS AIRPORT A LARGE CROWD
OF GOONDAS LED BY MR. THIRU NAVUKKARASU TOOK ME
AND MY WIFE TO THE HOUSE OF MISS JAYALALITHA AND
FORCED ME (150) TO SIGN A LETTER ADDRESSED TO YOU
STATING FALSE ALLEGATIONS AGAINST MR. JAGATHRA-
KSHAKAN MP AND MR. A. C. SHANMUGAM MP I WAS FOR-
CED TO GIVE A STATEMENT THAT I HAVE JOINED THE
GROUP OF JAYALALITHA. I WAS MADE TO TAKE A BOX
SAID TO CONTAIN RS. 5 LAKHS (200) I FEAR DANGER TO
MY LIFE FROM THE FOLLOWERS OF JAYALALITHA. PRAY
TO GIVE DIRECTION TO THE DIRECTOR GENERAL OF
POLICE MADRAS TO GIVE POLICE PROTECTION TO ME AND
MY FAMILY SO THAT I CAN ATTEND THE PARLIAMENT
SESSIONS. I HEREBY INFORM YOU THAT I REMAIN AS
THE WHIP OF AIADMK PARTY LED BY MR. JAGATHRAKSHA-
KAN MP IN LOK SABHA—S. THANGARAJU MP KULATHUR
POST PERAMBALUR TALUK TRICHY DISTRICT.

APPENDIX III

(See para 8 of the Report)

*Copy of telegram dated 25-2-1988 from Miss J. Jayalalitha, M.P.
(Rajya Sabha) to the Speaker, Lok Sabha.*

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

TELEGRAM

SHRI BALRAM JAKHAR
SPEAKER,
LOK SABHA,
NEW DELHI.

X 1555 AP 519 MADRAS M 25 256

MR. S. THANGARAJU MEMBER OF PARLIAMENT LOK SABHA REPRESENTING PERAMBALUR CONSTITUENCY HAS ANNOUNCED ON 23-2-1988 THAT HE HAS JOINED AIADMK HEADED BY ME STOP TO THIS EFFECT HE HAS GIVEN SIGNED STATEMENT TO THE PRESS STOP IMMEDIATELY AFTER JOINING MY GROUP IT WAS REPORTED BY S. THANGARAJU THAT MR. JAGATHRAKSHAKAN MP AND MR. SHANMUGAM MP BOTH ATTEMPTED TO FORCIBLY ABDUCT HIM AT DELHI AND COERCE METHOD FORCED HIM TO JOIN THEIR GROUP HEADED BY JANAKI RAMACHANDRAN STOP FEARING CONSEQUENCES HE HAS COME TO MADRAS YESTERDAY 24-3-88 BY EVENING FLIGHT AND MET ME AT MY RESIDENCE AND CONVEYED SUPPORT TO ME STOP HE HAS ALSO SENT A TELEGRAM FOLLOWED BY SIGNED CONFIRMATION LETTER TO SHRI BALRAM JAKHAR, SPEAKER, LOK SABHA, NEW DELHI ON 24-2-88 STOP NOW I HAVE RECEIVED INFORMATION THAT HE WAS AGAIN ABDUCTED BEATEN UP AND TAKEN TO MAMBALAM JANAKI PARTY OFFICE BY FORCE BY MR. JEPPIAR AND MR. SAIDAI DURAI SWAMY FROM RAILWAY RETIRING ROOM WHERE HE WAS STAYING LAST NIGHT STOP I UNDERSTAND THAT HE WAS FORCED TO GIVE STATEMENT AGAINST HIS WISHES

AND I APPREHEND THAT HIS LIFE IS IN DANGER STOP
THEREFORE I REQUEST IN MY CAPACITY AS THE GENERAL
SECRETARY AIADMK TO RESTORE HIM FROM THE CLUT-
CHES OF GUNDAS AND PROVIDE NECESSARY PROTECTION
TO ENABLE HIM TO CONTINUE HIS NORMAL DUTIES AS MEM-
BER OF PARLIAMENT AND LIVE LIKE A NORMAL CITIZEN
OF INDIA—J. JAYALALITHA MP—LN 74 519 23-2-1988 24-2-1988
24-2-88.