

**COMMITTEE OF PRIVILEGES  
(FOURTEENTH LOK SABHA)**

**10**

**TENTH REPORT**

**(Presented to Speaker, Lok Sabha on 22 February, 2008)  
(Laid on the table of the House on 27 February, 2008)  
(Adopted by the House on ... February, 2008)**

**SEAL**

**LOK SABHA SECRETARIAT  
NEW DELHI**

**February, 2008/Phalguna, 1929 (Saka)**

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**\* Will be appended at the time of printing**

**PERSONNEL OF THE COMMITTEE OF PRIVILEGES  
(14<sup>TH</sup> Lok Sabha)**

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

**MEMBERS**

2. Shri Omar Abdullah
3. Shri Sartaj Singh Chhatwal
4. Shri Anantkumar Hegde
5. Shri Virendra Kumar
6. Shri Hemlal Murmu
7. Shri Brajesh Pathak
8. Shri Shriniwas Patil
9. Dr. Sebastian Paul
10. Shri Varkala Radhakrishnan
11. Shri Raju Rana
12. Shri D. Vittal Rao
13. Shri Iqbal Ahmed Saradgi
14. Choudhary Bijendra Singh
15. Shri Beni Prasad Verma

**SECRETARIAT**

1. Shri V.K. Sharma - Joint Secretary
2. Shri Ravindra Garimella - Deputy Secretary
3. Shri Ashok Sajwan - Deputy Secretary-II
4. Smt. Geeta Parmar - Legislative Officer

# **TENTH REPORT OF COMMITTEE OF PRIVILEGES (FOURTEENTH LOK SABHA )**

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## **I. INTRODUCTION AND PROCEDURE**

I, the Chairman of the Committee of Privileges, having been authorized by the Committee to submit the Report on their behalf, present this their Tenth Report to the Speaker regarding the request by Delhi Police for the originals of certain documents pertaining to five members of Lok Sabha in connection with the investigation of a criminal case.

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

3. At their first sitting held on 18 January, 2008, the Committee considered the matter. The Committee, thereafter, heard in person Shri Madhup Kumar Tewari, Deputy Commissioner of Police, Crime & Railways, Delhi Police in the matter under oath.

4. At the second sitting held on 18 February, 2008, the Committee considered their draft Report and adopted the same. The Committee authorized the Chairman to present the Report to the Speaker, Lok Sabha.

## II. FACTS OF THE CASE

5. The Assistant Commissioner of Police, Anti-Extortion Cell, R.K. Puram, New Delhi *vide* his letters<sup>1</sup> dated 4 May, 2007 and 7 May, 2007 addressed to the Joint Secretary in-charge, Members Salary and Allowances Branch, Lok Sabha Secretariat and Secretary General, Lok Sabha respectively sought the following information, in connection with the investigation of FIR filed under various sections of IPC and Indian Passport Act against Shri Babubhai K. Katara, Shri Mitrasen Yadav, Mohd. Tahir Khan, Shri Ashok Kumar Rawat and Shri Ramswaroop Koli, MPs:

1. The procedure laid down regarding the foreign visits of the Hon'ble Members of Parliament (both official and personal trips);
2. If any intimation is to be given before proceeding to such foreign trips; and
3. All such documents in the form of letters, application forms, permissions etc., submitted to the Lok Sabha Secretariat since 2000, by the above-said five members regarding their visits abroad.

6. After obtaining the approval of the Speaker, Lok Sabha, the Members' Services Branch, Lok Sabha Secretariat on 12 July, 2007 furnished to the Assistant Commissioner of Police, Delhi, the photocopies of all the documents(letters, applications, etc.) submitted

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<sup>1</sup> Pl. see Appendices I & II

by the above said five members of Lok Sabha, to the Secretariat since 2000, in respect of their foreign visits.

7. Subsequently, the Deputy Commissioner of Police, Crime & Railways, Delhi Police *vide* his letter<sup>2</sup> dated 13 August, 2007 made another request for furnishing the originals of all the documents (letters, application forms, permission, etc.) submitted by the above said five members in respect of their foreign visits since 2000 for the purpose of investigation of the said case. As the specific purpose for which the original documents were required was not mentioned, the Members' Services Branch requested the DCP, Crime & Railways, Delhi Police to state the specific reason for which original documents were required.

8. The DCP, Crime & Railways, Delhi Police *vide* his letter<sup>3</sup> dated 30 November, 2007 stated that the original documents were required for comparing the handwriting/signatures of the aforesaid five members of Lok Sabha with the handwriting/signatures of the documents submitted by them with the various Embassies for issuance of Visas. It had also been stated that Shri Babubhai K. Katara, MP(Dahod, Gujarat) had already been arrested and was facing trial in the human trafficking case in the Hon'ble Court of Shri A.K.Kuhar, ACMM, Patiala House Court, New Delhi and during the investigation of the case, the names of other MPs as mentioned above, also surfaced as being also involved in the human trafficking.

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<sup>2</sup> Pl. see Appendix III

<sup>3</sup> Pl. see Appendix IV

9. On 1 January, 2008, the Speaker, Lok Sabha, 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.

### **III. EVIDENCE**

10. The Committee took evidence of Shri Madhup Kumar Tewari, Deputy Commissioner of Police, Crime & Railways, Delhi Police on 18 January, 2008. During his evidence, Shri Madhup Kumar Tewari *inter alia* stated as follows:

*“The matter relates to an incident which occurred on 18 April, 2007 when an emigration official detained hon. Member of Parliament, Shri Babubhai K. Katara at Indira Gandhi International Airport when he was in the process of going to Toronto, Canada. It was found that he was being accompanied by a lady who was carrying the passport which was issued in the name of the...wife of the hon. Member and also, there was a 14-year old child who was carrying the passport issued in the name of Rajesh Babubhai K. Katara, who is the son of the hon. Member of Parliament. It was later found that the lady was actually one Paramjit Kaur and the child was one Amarjit Singh and they both were from Punjab and actually were not the persons in whose names the passports were issued. On this, two cases were registered... both these cases were registered under sections 419, 420, 468, 471 and 120B IPC read with section 12 of Indian Passport Act.*

*After the persons were arrested including the hon. Member, during interrogation, hon. member disclosed that these two persons were actually introduced to him by one Rajender Kumar Gampa who happened to be a travel agent and Shri Gampa was actually introduced to the hon. Member by one Sunder Lal Yadav. On this disclosure, the alleged persons, Rajender Kumar Gampa*

*and Sunder Lal Yadav were arrested. In fact, when they were produced before the learned court of ACMM, Patiala House Courts, they revealed the names of some more hon. Members of the House, namely, Shri Ashok Kumar Rawat, Shri Mohd. Tahir Khan, Shri Mitrasen Yadav and Shri Ramswaroop Koli that they had been in touch with these persons also for similar matters.*

*In fact, when we searched the computer of one more accomplice..., whose name was Ms. Kiran Dhar, we found a lot of material in the computer in which many letters were written, both to various embassies as well as to a few Members, in which various requests regarding granting of visa were being made. Based on these facts, we seized certain documents, both from the passport offices where these passports were issued from and also from the embassies from where the visas were issued and where applications were made. On these documents, at a lot of places, alleged signatures of hon. Members were shown to be made by the Members themselves. When these documents were sent to GEQD, Hyderabad for matching with the specimen signatures of the hon. Members of Parliament, a lot of them could not be matched because they said that they would require more samples and possibly, admitted signatures of the Members of the contemporary period.*

*Since while making a trip abroad, the hon. Members are supposed to inform the House and they do make a request to the House for various purposes, we require these documents so that the signatures on those documents could also be matched so that we can determine if the signatures on those documents and on the documents which have been submitted at various Embassies and passport offices are made by the same person or not... Another requirement is that in order to prove whether the document was indeed submitted to the House or sent to the Secretariat, the officer who had received those documents may have to appear in the court of law as a formal witness to identify that it is the same document which was submitted to the Secretariat.”*

11. On being asked why is he particular about getting the original documents and whether photocopies of the same would not be sufficient in view of the facilities available at present as they would be as good as originals, Shri Madhup Kumar Tewari stated as follows:-

*“Sir, for the purpose of matching signatures, there are two options. Either the document in original is made available or the forensic expert, the handwriting expert comes and takes a photograph of the document and that photograph is used for matching of signatures on the documents. For that purpose, we may require just two hours with the documents so that they can be properly photographed and taken into custody...Sir, the courts of law have been insisting, and also the experts, that they need photograph if not the original documents. They need a photograph rather than a photocopy and that photograph is also taken by the experts themselves so that they know that the photocopies are not tampered with. That is the requirement by the experts.”*

12. When asked whether the requisite photographs can be taken in Lok Sabha Secretariat, Shri Madhup Kumar Tewari replied as under:-

*“ Sir, it will be taken on site, here itself. The forensic expert will come here and take the photographs. The documents do not need to leave office at all.”*

#### **IV. FINDINGS AND CONCLUSIONS**

13. The Committee note that the original documents (letters, application forms, permission etc.) submitted by Shri Babubhai K. Katara, Shri Mitrasen Yadav, Mohd. Tahir Khan, Shri Ashok Kumar Rawat and Shri Ramswaroop Koli, MPs to the Lok Sabha Secretariat

in respect of their foreign visits since 2000, have been requested for by the Delhi Police in connection with investigation of a criminal case FIR No. 168/2007 dated 18/05/07 against them under various sections of IPC and Indian Passport Act.

14. The Committee further note that according to the Deputy Commissioner of Police, Crime and Railways, Delhi, during investigation of the human trafficking case against Shri Babubhai K. Katara, MP, who is already under arrest, some of the suspects who were arrested in the case revealed the names of Shri Ashok Kumar Rawat, Shri Mohd. Tahir Khan, Shri Mitrasen Yadav and Shri Ramswaroop Koli MPs as being also in touch with them for similar matters.

15. The Committee also note that the original documents are required by the Police authorities for comparing the handwriting/signatures of the above-said five members of Lok Sabha with the handwriting/signatures on the documents submitted by them with the various Embassies for issuance of Visas.

16. The Committee find that while the procedure for production in Courts of Law of documents in the custody of the Secretary-General has been laid down in the First Report of the Committee of Privileges (Second Lok Sabha), the procedure for making available documents to investigating authorities for investigation purposes is not so well settled. The Committee recall that it was during Fifth Lok Sabha that the issue as to whether 'admitted writing' of a former member in connection with investigation of a case against him could be made available to the Central Bureau of Investigation first came up for

consideration. The Committee of Privileges (Fifth Lok Sabha) to which the matter was referred, in their Eighteenth Report took note of the recommendations made by the Committee of Privileges (Second Lok Sabha) in their First Report regarding procedure to be followed in cases where documents related to proceedings of the House or in the custody of the Secretary, Lok Sabha were required to be produced in a Court of Law. The Committee of Privileges (Fifth Lok Sabha) were of the view that though the documents sought for were required for investigative purposes and not for production in a Court of law, it was quite possible that these documents might ultimately have to be produced in a Court of Law. The Committee accordingly recommended that the documents sought for, may with the permission of the House, be made available in original to the Central Bureau of Investigation.

17. The Committee note that the Committee of Privileges (Eighth Lok Sabha) while examining a request by Central Bureau of Investigation for handing over, for investigative purposes, original letters and telegrams addressed to the Speaker by an MP, adopted a different approach. The Committee in their First Report recommended “...instead of handing over the required documents in original, the Deputy Inspector General of Police, Central Bureau of Investigation, Cell-II, New Delhi may with the permission of the House, be asked to come and inspect the relevant documents and also to take photocopies 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)”.

On similar requests received from the investigating agencies, the Committee of Privileges(Eighth Lok Sabha) in their Second Report and the Committee of Privileges (Tenth Lok Sabha) in their Third Report made recommendations on the same lines.

18. During the present Lok Sabha (Fourteenth Lok Sabha) this Committee had the occasion to consider the matter\* regarding request received from the Superintendent of Police, Central Bureau of Investigation, New Delhi for making available to them the original documents containing ‘admitted signatures’ of Shri Gangaram Koli, former member, Lok Sabha for investigation of case RC9(S)/2004-SN.I/8CR/Central Bureau of Investigation u/s/ 420IPC(illegal human trafficking case). The Committee in their First Report (adopted by the House on 29 August, 2005) observed that “photocopies of ‘admitted signatures’ of Shri Gangaram Koli... may not be adequate to meet the requirement of law for conclusive proof about the signatures”. The Committee felt that “any response of the House in such a case should not result in impeding investigation of a criminal offence” and recommended that “*the originals of nomination form and declaration form “containing ‘admitted signatures’ of Shri Gangaram Koli, available with the Lok Sabha Secretariat, may, with the leave of the House, be made available to the Superintendent of Police, Central Bureau of Investigation.*”

The Committee also recommended that “*the Deputy Superintendent of Police, Central Bureau of Investigation concerned with the investigation of the case may personally receive those documents from the Lok Sabha Secretariat and*

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• Referred to the Committee by the Speaker, Lok Sabha

*return the same to the Lok Sabha Secretariat immediately after the necessary comparison of signatures is carried out”.*

19. Reverting to the matter under consideration regarding request by the Delhi Police for certain original documents in the custody of the Secretary-General, Lok Sabha, the Committee would certainly not like to come in the way of investigation of criminal offences by denying access to original documents.

20. In this case, as noted by the Committee, the DCP, Crime & Railways, Delhi stated during his evidence that the courts of law and the experts insist either on the original documents or on their photographs taken by experts rather than on their photocopies. He also admitted that their purpose would be served if instead of original documents being made available to them, their experts were permitted to come and take photographs of the said documents.

21. Hence in this case, the Committee note that for comparison of signatures of said five members for investigative purposes, instead of handing over the originals to Delhi Police, the option to allow them to take the photographs of the original documents, is also available which is also acceptable to Delhi Police. The Committee find this option more pragmatic as the concerned forensic and handwriting experts engaged by Delhi Police can come to the Lok Sabha Secretariat and take the photographs without the Secretariat having to physically part with the originals.

## **V. RECOMMENDATION**

**22. In view of the foregoing discussion, the Committee recommend that concerned forensic and handwriting experts as engaged by the Delhi Police may be permitted to take photographs of the original documents (letters, application forms, permission etc.) submitted by Shri Babubhai K. Katara, Shri Mitrasen Yadav, Shri Mohd. Tahir Khan, Shri Ashok Kumar Rawat and Shri Ramswaroop Koli, MPs to the Lok Sabha Secretariat in respect of their foreign visits since 2000 for the purpose of investigation of FIR filed against them under various sections of IPC and Indian Passport Act, within the precincts of the Lok Sabha Secretariat, in the presence of the Deputy Superintendent of Police, Crime & Railways, Delhi or any other designated police officers and concerned officers of Lok Sabha Secretariat.**

**(V.KISHORE CHANDRA S. DEO)  
CHAIRMAN  
COMMITTEE OF PRIVILEGES**

**New Delhi  
18 February, 2008**