

12.05 hrs.

RULING BY THE SPEAKER

**Question of Privilege Regarding
Alleged tapping of Telephone and
Bugging of Residences of Shri Chandra
Shekhar, MP and other Political Leaders**

[English]

MR. SPEAKER I have received notices of question of privilege from Sarvashri Eduardo Faleiro, Harish Rawat, P R. Kumaramangalam, Indrajit Gupta and Vijay Kumar Malhotra regarding alleged tapping of telephones and bugging of residences of Shri Chandra Shekhar, MP and other politicians as reported in the national Press on 6th April, 1990

The Members have contended in their notices that the alleged tapping of telephones and bugging of residence of Member of Parliament amounts to a breach of privilege and contempt of the House

On 6th April, 1990, when several Members sought to raise the matter in the House, the Minister of Information and Broadcasting and Minister of Parliamentary Affairs, Shri P. Upendra categorically stated:

"The telephonic communications of Shri Chandra Shekhar or any other political leader are not being intercepted Neither are the premises of Shri Chandra Shekhar or any other political leader being bugged A CBI enquiry has been ordered by the Prime Minister to enquire into all these allegations and also into earlier activities that may have been conducted in this connection "

On 9th April 1990, when the matter was again sought to be raised by several Members in the House. I observed that before giving my ruling, I would like to hear the views of the Members in the matter Accordingly, I permitted Sarvashri Vasant Sathe,

Inderjit Gupta, Janardhana Poojary, Saifuddin Choudhury, Vijay Kumar Malhotra, Amal Datta, G.M. Banatwalla, Madan Lal Khurana, Inderjit, Jaswant Singh, Nirmal Kanti Chatterjee, Samarendra Kundu, Chitta Basu, Yamuna Prasad Shastri, Santosh Bhartiya, Dinesh Singh and Prof. P.J. Kurien, to express their views.

Responding to the various points raised by Members, the Minister of Information and Broadcasting and Minister of Parliamentary Affairs, Shri P. Upendra Stated as follows:

"... ..you might recall that when we met in your Chamber, the matter was raised by the hon. Member, Shri Sathe and others regarding the alleged tapping of the telephone of Shri Chandra Shekhar and others. At that time I reacted by telling that I would contact Shri Chandra Shekhar and there are two possibilities. If he denies that he never made such a statement to the journal the matter will be closed. If there is any doubt, the matter will be pursued further and on 6th I made a statement in the House telling that on the orders of the Prime Minister, the matter has been entrusted to the CBI for further enquiry and the hon. Members can draw their own inference about my talk with Shri Chandra Shekhar..... Mr. Chandra Shekhar has been called by the CBI at 5.00 p.m. today to give his version. Therefore, the CBI officers are contacting him today. In the meanwhile, I tell you what the Government has done and what the CBI has done so far. The CBI has taken the complete list of persons whose telephones are being tapped since. 5.2.1988, from the date of the previous Government. That list is with the CBI now..... These lists are reviewed every third month. I categorically say that after the assumption of office by this Government, no list has been given by the Government so far.... As on date, the CBI has procured the details of all the agencies authorised for such tapping

of telephones. As on date, not only Mr. Chandra Shekhar's name but also no name of any political leader or Member of Parliament is there in the list..... Certain hon. Members like Mr. Indrajit Gupta and other suggested about referring the issue to the Privileges Committee..... If the hon. Member aggrieved corroborates his statement and asks for the Privileges Committee to look into it, the Government does not stop it. We will place all the relevant matters before the Privileges Committee....."

Article 105 of the Constitution provides for the powers, privileges and immunities of each House of Parliament and of its Members and the Committees thereof. The object of Parliamentary privileges is to safeguard the freedom, the authority and the dignity of Parliament. They do not, however, exempt the Members from obligations to the society which apply to other citizens. Privileges of Parliament do not place a Member of Parliament on a footing different from that of an ordinary citizen in the matter of application of laws, unless there are good and sufficient reasons in the interest of Parliament itself to do so and unless so provided in the Constitution or in any law. The fundamental principle is that all citizens including Members of Parliament have to be treated equally in the eyes of law.

As stated by the Minister of Information and Broadcasting and Minister of Parliamentary Affairs, on 6th April, 1990, telephone interceptions may be conducted under certain circumstances under section 5 (2) of the Indian Telegraph Act, 1885.

There have been several instances in the past when matters relating to alleged tapping of telephones of members were sought to be raised in the House as questions of privilege. It was held by successive Speakers that no question of privilege was involved in such matters.

In 1960, when a Member gave notice of question of privilege stating that his tele-

phone was being tapped, Speaker Ayyangar observed as follows:

Hon. Members are aware that it has been said repeatedly, both in England and here, that except in the discharge of their duties, for which they have some privileges here, members ought not to claim any special privileges outside which an ordinary citizen does not have. If the same thing had happened with respect to any ordinary citizen, it could not be brought up here as a breach of privilege; these things may be taken up with the Government in other ways. Therefore, I refuse to give my consent."

Similarly, in 1981, my predecessor, Dr. Bal Ram Jaxhar, had held that no *prima facie* case of breach of privilege was involved in a complaint of alleged censoring of mail and tapping of telephones of members.

I am inclined to concur with my illustrious predecessors that Members of Parliament have no special status in the application of the laws of the land and, therefore, no question of privilege is involved in the matter so long as the laws of the land are what they are and unless it can be established that the Member's privilege of functioning in the House freely and discharging his parliamentary duties without any obstruction, was interfered with in any way.

Also, after the categorical statement by the Minister of Parliamentary Affairs and Information and Broadcasting outright denying the allegations of telephone tapping and house bugging the notices of privilege in any case seem to lack factual basis. Nevertheless, I have carefully considered the views expressed by Hon'ble Members on the floor of the House. Although there may be difference of opinion on the question whether the matter needs to be gone into by the Committee of Privileges, particularly when it is based only on a newspaper report and when the veracity of the allegations has been refuted by the Government, I find that the whole House is exercised over this alleged incident

of tapping of telephones and the bugging of the residence of an Hon'ble Member. And, there appears to be near unanimity in the House on the point that such tapping of telephones and/or bugging of residences of Members, if true, are reprehensible. I therefore, deem it only fit and proper that the matter is gone into in depth with a view to finding out whether there is any truth in the press report and if so, whether Shri Chandra Shekhar or any other Member has been obstructed in the discharge of his duties in the House by the alleged incident (s) of phone tapping and bugging of residence (s). It is necessary for me to emphasise this aspect because it is well-established that no privilege can be claimed unless a Member is obstructed in any manner in the discharge of his duties in the House or in any matter connected with the business of the House. From another angle, equally important is the question whether tapping of telephones and/or bugging of residences of any Members of Parliament or any public men or for that matter of any citizens are permissible under the existing laws of the land and are being resorted to.

In view of the great importance of the issues involved, irrespective of the fact whether or not a *prima facie* case of breach of privilege is made out and without going into any technicalities, I hereby refer this matter, in all its ramifications and with all the issues in its gamut, under Rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha to the Committee of Privileges. All the notices on the subject received by me as also the entire proceedings of the House in this regard held on 6.4.1990 and 9.4.1990 will stand referred to the Committee of Privileges for examination, investigation and report

(*Interruptions*)

SHRI AJIT PANJA (Calcutta North East): Sir, does it include today's statement of the hon. Member? (*Interruptions*)

SHRI T. BASHEER (Chirayinkil): Sir, you must include today's statement of Shri

Chandra Shekhar also. (*Interruptions*)

MR. SPEAKER: The Committee will definitely take into account all the statements that have been given by Shri Chandra Shekhar, all relevant matter thereto; it is but natural.

(*Interruptions*)

12.17 hrs.

PAPERS LAID ON THE TABLE

Notification under Companies Act, 1956. Review on and Annual Report of Tannery and Footwear Corporation of India Limited Kanpur for 1988-89 etc.

[*English*]

THE MINISTER OF INDUSTRY (SHRI AJIT SINGH): Sir, I beg to lay on the Table—

- (1) A copy of Notification No. G.S.R. 844 (Hindi and English versions) published in Gazette of India dated the 11th November, 1989 declaring Messrs Metro Mutual Benefit Company Limited, Lucknow, to be a 'Nidhi' under section 620A of the Companies Act, 1956. [Placed in Library. See No. LT-634/90]
- (2) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619 A of the Companies Act, 1956:—
 - (a)(i) A statement regarding Review by the Government on the working of the Tannery and Footwear Corporation of India Limited, Kanpur, for the year 1988-89.
 - (ii) Annual Report of the Tannery and Footwear Corporation of India Limited, Kanpur, for the year 1988-