

attention every time he gave a reply in some context or the other in Parliament. I felt extremely happy that his replies were very good. But today I am surprised to hear that to take a decision he was telling, that the cannot fix up a cut off date because brilliant ideas will be coming and coming and coming and all that and he cannot take a decision. I think if this were to be his view, because there will not be an end for brilliant ideas, he may not take a decision in the matter. I think he can never take a decision, not only in his period but in any coming further periods also.

Major newspapers do not have the time or it has become very expensive for them to reflect the local problems. So, the medium and small newspapers are playing a very key role particularly in setting trends and bringing to light the evils of the society trends and bringing to light the evils of the society in local areas also. So, keeping this in view I wish to bring tit to the hon. Prime Minister's notice that he has to give a lenient and sympathetic consideration to the needs of the small and medium newspapers and take a decision at the earliest without saying that he is waiting for some more time.

SHRI CHANDRA SHEKHAR I was just replying to a supplementary because another hon. member suggested that we should have a cut off date and we should provide facilities to the papers which were published before that date.

The problem of small and medium newspapers is not of a special postal tariff. The major problem is that of advertisements

and there are many problems relating to advertisements because there are certain norms. Unless and until we support them through advertisements and facilities, only postal tariff will not help them.

Special Investigation Group

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24. SHRI L.K. ADVANI:
DR. A.K. PATEL:

Will the PRIME MINISTER be pleased to state:

(a) when the notified term of Special Investigation Group (SIG) is likely to expire and which were the cases that were to be investigated by it;

(b) the progress so far made in each case and the expenditure incurred thereon; and

(c) whether the term of Special Investigation Group is likely to be extended to enable it to complete the investigations; if not, the reasons therefore?

THE MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (SHRI KAMAL MORARKA): (a) and (b). The existing term of Special Investigation Group in Central Bureau of Investigation will expire on 28.2.91. The list of cases taken up for investigation by SIG is given in the enclosed statement. The total expenditure incurred on the Group so far is Rs. 19,09, 828/-

(c) Yes, Sir. The term of the Group has been extended upto 28.2.92.

STATEMENT

S.No.	Case No.	Present Position
1.	RC. 2 (A)/90-ACU.II (Airbus case)	Under investigation
2.	RC. 1(S)/90-SIU-I/SIC-I (Phone tapping case)	Investigation completed and report submitted

S.No.	Case No.	Present Position
3.	RC. 1(S)/90-SIG. (ST. Kitts Case)	Under investigation
4.	RC. 2 (S)/90-SIG (Letter Forgery case)	—do—

SHRI L.K. ADVANI: Mr. Speaker, Sir, I am very happy that the Special Investigation Group has not been wound up and has been given an extension of one year so that it can pursue the investigations of incomplete cases. Four very sensitive cases were entrusted to this Group: First, the Airbus case which is the reply given; second the Phone tapping case, the third is the St. Kitts case and the fourth the Letters Forgery case. The Minister has told Parliament that while the Airbus case, the ST. Kitts case and the Letter Forgery case are still under investigation, the phone tapping case investigation has been completed and report submitted. First I would like to know about this phone tapping case. Is it true, is it a fact that this report reveals even Members of the Central Cabinet and senior Members of this House belonging to the ruling party at that time including Mr. Kumaramangalam, Mr. K.C. Pant, they were victims of this kind of sweeping order in which their phones were tapped? It is a very serious matter because we have seen the report. We do not have the report before us. I wish the text of this report were placed on the Table of this House. My question is whether in the reports published till now particularly in respect of people who are sheer political activists, Party offices of the CPI and the BJP; former Ministers of the Central Government like Shri K.C. Pant, Mr. Kumaramangalam, Kumari Jayalalitha, Shri Karunanidhi—all these people figure in the list, whose phones were being regularly tapped. (Interruptions)

SHRI INDRAJIT GUPTA: Not the Speaker also, I hope... (Interruptions)

SHRI L.K. ADVANI: I really do not know. It is something shocking. I am asking this question because the credit goes to the present Prime Minister for having initiated this inquiry, touched off this inquiry by making a statement in April 1990 that his own telephone was being tapped. It is this that touched off this entire inquiry. I am not concerned whether the CBI inquiry has found that Chandra Shekharji's own telephone has been tapped or not; they have not been able to gather any evidence because according to them till now, every piece of evidence has been destroyed and it is only in cases where some remnants of evidence was left, that they are able to pinpoint. My question is this. Is it a fact that Members of the Cabinet were under surveillance? Is it a fact that senior Members of the Lok Sabha belonging to the ruling party at that time including Shri Kumaramangalam were under surveillance? Is it a fact that Party political offices like the BJP, the CPI were under surveillance? If this is the report, what are the recommendations given by the CPI at the conclusion of its report as to how this kind of abuse of the law can be prevented? This is my first question.

SHRI KAMAL MORARKA: Sir, the report of the CBI on this case has been received by the Government. The Privileges Committee of Parliament is also seized of this matter. They had asked... (Interruptions)

SHRI L.K. ADVANI: May I intervene? I am happy that in this particular reply, there is no reference to the Privileges Committee because the privileges Committee is dealing with a very limited matter relating to Chandra

Shekharji's allegation. But the basic issue pertains to the functioning of democracy in this country. The basic issue pertains to the Government itself and this whole House. Therefore, I would plead with the Government not to take recourse behind the fact that the Privileges Committee is dealing with a very limited issue.

THE PRIME MINISTER (SHRI CHANDRA SHEKHAR): I agree with Mr. Advani that we should not take recourse to any idea of Privileges Committee or anything. The report of the CBI has been received by the Government. I am sorry that I cannot reveal the report of the CBI because it is an investigating agency. And its reports are not revealed because in future it will not be possible for this agency to function effectively. But surely... (*Interruptions*)

SHRI BASUDEB ACHARIA: How it has come out in the paper, in the journal, *India Today*? The entire report has come out... (*Interruptions*)

SHRI CHANDRA SHEKHAR: So many things come in the journal. Neither I contradict nor confirm the report of this journal because if I say something in the House about the report, it will be a confirmed thing. That is the difference, the hon. Member should understand between the two. But I assure the hon. Member that the Government is looking into the whole aspect of phone tapping and we are trying to find a fool-proof case where there is no misuse of this authority. And when the plan is prepared, I shall surely take into confidence the honourable leaders of political parties as to how to make it possible that this authority is not misused.

SHRI L.K. ADVANI: I would respectfully submit that this is not an enquiry or report of a nature which is so confidential as it cannot be shared with the House. There is nothing in it. After all, I have little doubt that substantially what has been reported in *India Today* is correct. Therefore, trying to conceal this kind of a report from the House unnecessarily creates a climate of suspicion in

which the feeling would be that many more phones are being tapped. This is neither in the interest of the Government nor democracy. My second question was very specific. I understand that very specific recommendations have been made by the report that this should be done or that should be done so as in future this law cannot be abused. Would the Prime Minister share it with the House?

SHRI CHANDRA SHEKHAR: I do not agree with the hon. Member that it is not sensitive because if you go by what he says that phones of very important persons were being tapped, then it is a very sensitive matter and it will bring bad name to the credibility of the Government and the whole system. This is one thing... (*Interruptions*)

MR. SPEAKER: Let him reply.

SHRI CHANDRA SHEKHAR: I was replying to the supplementary posed by hon. Advaniji. I say that this, in my opinion, is sensitive. In their opinion it may not be. Therefore, there is always scope of difference of opinion. I would like to say that there is no definite recommendation by this report. There are some vague suggestions. Hon. Members should know that it is not only one agency but many agencies are doing some routine phone tapping. So some vague suggestions are there. We have to concretise it. This is why a detailed thing is to be done.

SHRI L.K. ADVANI: I wanted a clearer reply about the cases which are still under investigation. In that respect I would like to know whether the CBI discovered that in the case of A 320 deal a very valuable file was missing. Has it been traced by now? In that connection letters rotatory were addressed to the United States and the United Kingdom in respect of A 320 deal. Has the Government received any reply from them?

SHRI CHANDRA SHEKHAR: This has not been brought to my notice or to the notice of the Government that any particular file is missing. I shall certainly look into it. The stages of investigation of investigating

agencies are not pronounced. So I cannot say at what stage what has been found out. If I am not ready to reveal the final report, how can I say at what stage a particular investigation is?

PROF. MADHU DANDAVATE: Before I ask the question, let me bring to your notice the fact that before the investigation was undertaken, the matter was raised on the floor of the House. The hon. Prime Minister while replying to a question put by the Leader of the Opposition said that since they were dealing with a sensitive matter it was not advisable and practicable to lay the report of the CBI on the Table of the House. Is it not a fact that in this very House certain conventions and traditions have been observed as far as CBI reports are concerned? Is it not a fact that in the Fifth Lok Sabha when Shri H.V. Kamath had raised the question of Sharajuddin affair, he demanded that CBI report should be laid on the Table of the House? When Government refused to lay the report on the Table of the House, the Speaker allowed Mr. Kamath to lay the CBI report on the Table of the House. Like that, so many reports were laid, so many correspondence were laid. Feroze Gandhi was allowed to lay it on the Table of the House. And when some members raised the similar questions that when sensitive matters are there and one does not know how the reports are obtained and it is not advisable to lay it on the Table at that time the then Speaker had said that so long as the person who lays the report on the Table of the House undertakes the full responsibility of the authenticity of the document, even if the document is got by stealth, he would allow it to be laid on the Table of the House. He did not raise the question of sensitivity at all. In this particular case the substance of the report that has appeared in *India Today* deals with the Members of the parliament, the Members of the ruling party, the former and the present. Under the Congress Government, Kumaramangalam was there, Antulay was there, Patil from Karnataka was there and number of other members were there. They were very impartial and cutting across the party lines, they tried to tap the telephones.

In view of the detailed facts which have appeared in *India Today*, which substantially appear to be correct, we would very much like to know that without taking the cover of sensitivity, since the issue was raised on the floor of the House, will the hon. Prime Minister give an assurance that expeditiously that particular report will be laid on the Table of the House? I also remind him that in the past whenever the Government refused to lay it on the Table of the House, the ingenuity of the Members of the Parliament always brought the report on the Table of the House. Let him not wait for that ingenuity. Let him use his own imagination and ingenuity to lay it on the Table of the House.

SHRI CHANDRA SHEKHAR: Mr. Speaker, Sir, I do not know how it is a question, it is a long lecture about the traditions of this House. But it is nowhere relevant because even at that time it was not the Government which laid them on the Table of the House, it was raised by the Members of the Opposition and it was in the wisdom of the Speaker to allow them to be laid on the Table of the House. If the Speaker in his wisdom wants any report to be laid on the Table of the House, I shall not come in the way. But any Government which is a responsible Government will not expose its investigating agencies to this type of a method that they should... (*Interruptions*). You may laugh at it but I have to tell what is in the interest of the administration and the country. I cannot be as irresponsible as certain Members want me to be. I am not going to follow them. I am not going to lay it on the Table of the House. I shall wait for anybody's ingenuity. And I have seen ingenuity of people for very long times. I have waited so long, I shall wait for some time more.

PROF. MADHU DANDAVATE: Sir, what is supposed to be your observation, Prime Minister has made that observation. He says I was irrelevant. If I was irrelevant, the Speaker has the authority to stop me at many times. I was not irrelevant. I wanted to point out to him that when the Government refused to lay the report on the Table of the House, hon. Members on number of occasions have got

them laid. Jyotirmoy Basu in the case of Wanchoo Commission Report and H.V. Kamath in the case of CBI commission's Report got them laid. Therefore, even if he refuses to do it, you should tell him that it is very important.

SHRI CHANDRA SHEKHAR: Mr. Speaker, Sir, I can assure that I have not ordered anybody's phone to be tapped.

[*Translation*]

SHRI MADAN LAL KHURANA: Whose sins are you hiding?

SHRI CHANDRA SHEKHAR: We are not hiding anybody's sins. We are protecting the dignity of the nation.

[*English*]

PROF. MADHUNDANDAVATE: Sir, there are no allegations that he is tapping the telephones... (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE: Sir, a very responsible Member of the House raised this question in the House. He was Mr. Chandra Shekhar. He did not consider at that time that it was so sensitive that no reply should be made by the Government before the House. Now the Government headed by the same hon. M.P. is responsible and continues to be responsible but only to the Congress (I) and irresponsible to the House. Therefore, what I want to know is that since it was his question, since it was he who wanted an answer to be laid on the Table of the House, is it true that there was phone tapping of important political personalities, as was alleged by Mr. Chandra Shekhar. The same question I am asking to the Prime Minister.

- (ii) Did it include even Members of the Cabinet?
- (iii) Did it include surveillance of other Members of Parliament? This is the kind of questions which he tried to generate, I am repeating

them. Let the responsible M.P. get the answer from a responsible Prime Minister. (*Interruptions*)

SHRI CHANDRA SHEKHAR: Just to put the record correctly, even at that time I did not raise this matter. The matter was raised by somebody. The Government at that time...

(*Interruptions*)

SHRI BASUDEB ACHARIA: You made a statement. (*Interruptions*)

[*Translation*]

SHRI MADAN LAL KHURANA: You had stated the Press conference. (*Interruptions*)

[*English*]

MR. SPEAKER: Please sit down. Mr. Prime Minister is replying. Please give a patient hearing to him. Order Please.

SHRI CHANDRA SHEKHAR: I again repeat what I had said. I did not raise this matter in the House.

SHRI BASUDEB ACHARIA: But you made a statement. (*Interruptions*)

SHRI CHANDRA SHEKHAR: When the matter was once, twice or thrice repeated and the Government at that time in their wisdom set up CBI Inquiry, I am on record, Mr. Speaker, I said that CBI is just like a toy in the hands of a child, it is being used every time like that, it should not have been done. Even at that time I had told that in the House. I said it only because certain people were challenging that I said something to the press and I am not confirming it in the House in spite of being a Member of the House. Under that situation I made a statement. I did not volunteer, nor have I made any accusation on my own because I have been accustomed to phone tapping for quite some time.

SHRI NIRMAL KANTI CHATTERJEE: What did you discover? What is your answer

to the responsible Member? (*Interruptions*)

SHRI CHANDRA SHEKHAR: My discoveries are known to you. (*Interruptions*)

SHRI M.J. AKBAR: May I use this occasion to ask the Government a question of a slightly related but a slightly different type? Has the Government ever tapped the phones of journalists?

AN HON. MEMBER: At the time of Emergency. (*Interruptions*)

SHRI M.J. AKBAR: I want the information on that.

SHRI CHANDRA SHEKHAR: Journalists' phones have not been tapped. But if journalists are engaged in other activities, their phones might have been tapped.

SHRI INDRAJIT GUPTA: Sir, a little while ago, I understood the honourable Prime Minister to say that as far as he is concerned, that means, he as Prime Minister I presume, he has never ordered tapping of anybody's telephone. Have I understood him correctly? So, I would like to know from him whether he shares our view that this tapping of telephones is an obnoxious practice which should be abandoned and given up. As long as he is in office and within his competence as Prime Minister, is he prepared now to make a statement that as long as he is there, this phone tapping of people will not be done at all? (*Interruptions*) If the practice is not given up, then of course, I don't think there is anything to be surprised about that it should include the type of people whose names have been mentioned here apart from people who are considered to be the political opponents of the then Government, it will include people of their own party also who they considered to be dissidents or disloyal or subversive people or something like that, there is nothing to be surprised about. The whole thing is subjective and obnoxious practice. I would like to know from him whether he is prepared, as long as he is the Prime Minister, to stop this practice altogether.

SHRI CHANDRA SHEKHAR: Mr. Speaker, Sir, I have already indicated, I have told, instructed, the officials not to tap the telephones of any political leader. I fully agree with the hon. Member that this is the most obnoxious practice, but I cannot assure him that phones of people will not be tapped because the word 'people' has many connotations. In today's electronic age, we cannot give a blanket order that there will be no telephone tapping of smugglers, profiteers, international spies etc. But I categorically say that there will not be and should not be telephone tapping of political leaders.

SHRI JASWANT SINGH: Mr. Speaker, Sir, I am reminded of the past by what the hon. Prime Minister said about not tapping the telephones of politicians and political activists. But when a specific question about tapping of telephones of politicians was asked, Mr. Rajiv Gandhi, as Prime Minister had assured the Parliament that no telephone of any politician was being tapped and I was a witness to that. Here, I have with me a statement made by Shri K.C. Pant. Shri K.C. Pant's telephone had been tapped and he says:

"At no stage was I ever informed that my phone was under observation. The whole affair seems rather bizarre now. It strikes at the very root of collective responsibility of the system."

So, the question is the Prime Minister might or might not place the report or share with the House or share even with the Leaders of the Opposition as to what has been found about the tapping of telephones of political activists, but when you start tapping the telephones whether of your own party workers or of your political opponents, at one stage the office of the Speaker does certainly come in that tapping of telephone is a direct interference in the proper functioning of the Members of Parliament and the privilege of the Members is involved and that is indeed what had agitated Shri Chandra Shekhar as an ordinary Member when he said that his telephone was being tapped. But I am sur-

prised that he now chooses to put it aside, has not taken it seriously to consider that a major revelation like this in which numbers not just of politicians, senior members of the Cabinet but political party offices were being tapped. All that the Prime Minister has said is that the Government will examine, but he will not tell the Parliament what has actually been found or what corrective steps are being taken. I would, through you, appeal to the Prime Minister that the issue is much larger than just placing the report of the CBI in Parliament or not placing it. It does involve the freedom of functioning of the political parties and Members of Parliament. Therefore, he must please reconsider it. I would request the hon. Prime Minister to react to it.

SHRI CHANDRA SHEKHAR: Mr. Speaker, Sir, I fully agree with the hon. Member. But I do not know why he should say that I have some hesitation in accepting what he suggests. The only thing is that I did not want to get into the past I look towards the future. That is why I said, if you go on harping on the theme of what had happened in the past, it will not bring a better future. In future, all his suggestions should be accepted and will be accepted. I give that assurance that because of political reasons nobody's phone will be tapped.

DR. A.K. PATEL: Mr. Speaker, Sir, all these four cases of investigations are very vital and important for the nation and they are sufficiently delayed. So, will the Government expedite the investigations?

SHRIKAMAL MORARKA: Mr. Speaker, Sir, as the Member who has previously spoken, said the question involves the privileges of the Members of parliament. So, the Privileges Committee is seized of the Matter and it will certainly look into the privileges of Members. The Government is seized of the matter.

WRITTEN ANSWERS TO QUESTIONS

[English]

Agreement with Sir Richard Attenborough on Proceeds of the Film 'Gandhi'

*22. **SHRI JANARDHANA POOJARY:** Will the PRIME MINISTER be pleased to state:

(a) whether any agreement has been reached with Sir Richard Attenborough during his recent visit to India regarding proceeds of the film 'Gandhi' that were to be paid to the Cine Artists Welfare Fund;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (**SHRI SUBODH KANT SAHAY**): (a) No, Sir.

(b) Does not arise.

(c) Since Sir Richard Attenborough has objected to the transfer of entire 5% profits alongwith interest accrued from the film 'Gandhi' to the Cine Artists Welfare Fund, on some technical grounds, the matter has not yet been resolved and further efforts are being made to resolve it.

Talks Between Vishwa Hindu Parishad and Babri Masjid Action Committee

*25. **SHRI MITRA SEN YADAV:**
SHRIDILEEP SINGH BHURIA: Will the PRIME MINISTER be pleased to state:

(a) whether the Government have initiated talks between the representatives of