

**SHORT DURATION DISCUSSION ON ALLEGED TAPPING OF
TELEPHONES OF CERTAIN POLITICIANS AFFECTING
PROBITY IN PUBLIC LIFE AND GOVERNMENT'S REACTION
IN THIS REGARD (CONTD.)**

RG/VNK/6.10/3X

श्री शिवानन्द तिवारी(बिहार): उपसभापति महोदय, अभी जो माहौल पैदा हुआ, उसके बाद मुझे ही बोलने का मौका मिला है। मैं समझता हूँ कि the Leader of the Opposition, Shri Arun Jaitley, श्री सीताराम येचुरी और बाकी सदस्यों ने फोन टेपिंग के मामले में जितना कुछ कहा है, उसमें सारी बातें आ गई हैं। मैं केवल दो बातों की ओर सदन का ध्यान और माननीय गृह मंत्री जी का ध्यान आकर्षित करना चाहता हूँ। 1885 में टेलीग्राफ एक्ट बना और 1885 का साल कांग्रेस के जन्म का भी साल है। कांग्रेस का पहला सम्मेलन भी 1885 में हुआ था। मैं यह कहना चाहता हूँ कि 1885 में अंग्रेजों ने यह टेलीग्राफ एक्ट बनाया और गुलाम देश में जो गुलाम लोग थे, उनके भी privacy का अधिकार अंग्रेजों ने हमको दिया। ये जो सारे प्रकरण सामने आए हैं, उनसे साबित होता है कि जो privacy का अधिकार अंग्रेजों ने हमको दिया था, आज उस अधिकार का हनन हो रहा है। मैं यह मानता हूँ कि आज जो नई-नई technologies आ रही हैं, उनसे दुनिया को और समाज को बहुत सारे फायदे हो रहे हैं, लेकिन उनसे नुकसान भी है। जिस ढंग से आदमी के privacy के मौलिक अधिकार में हस्तक्षेप हो रहा है, यह बहुत ही चिंता का विषय है। The Leader of the Opposition ने ठीक कहा है कि संविधान में हमको जो अधिकार दिए गए हैं, उनके साथ, यह जो नई technology आई है, उसका mismatch हो रहा है। हम इसको कैसे ठीक करेंगे, ताकि आज के जमाने में हमारे privacy का अधिकार सुरक्षित रहे, इसके लिए पूरे सदन की एक कमिटी बनाकर निश्चित रूप से इस पर विचार किया जाना चाहिए। यह किसी एक पार्टी का सवाल नहीं है। इधर वाले आज सत्ता में हैं, इधर वाले कल उधर जा सकते हैं और उधर वाले इधर आ सकते हैं, इसलिए यह किसी particular party का सवाल नहीं है। यह हर आदमी के individual right का सवाल है। इस पर आज एक चुनौती है।

MP-KS/3Y/6.15

श्री शिवानन्द तिवारी (क्रमागत) : यह बात मैं कहना चाहूंगा। दूसरे, फोन टेपिंग के बारे में जो मैत्रेयन साहब कह रहे थे, जिसके बारे में कल एक अखबार में लीड खबर छपी थी, उससे हमारी राजनीति, हमारे सार्वजनिक जीवन और हमारी सरकार की ईमानदारी पर एक बहुत बड़ा गंभीर चिन्ह खड़ा हो गया है। कोई भी आम आदमी यह विश्वास करने के लिए तैयार नहीं है कि पब्लिक लाइफ में कहीं भी probity बाकी है। महोदय, जो तथ्य सामने आया है, 2G spectrum के बारे में जो दो-तीन दिन तक इस सदन में हंगामा हुआ... श्री ए.राजा, जो उसके मंत्री हैं, आज सुबह जब वे जवाब दे रहे थे, तो मैंने मैत्रेयन साहब से कहा कि राजा साहब इतने तेज़ दिमाग के हैं कि बगैर कागज़ देखे वे कठिन से कठिन सवाल का जवाब दे देते हैं। महोदय, जो यह 2G spectrum का सवाल है, इसमें जितनी बातें सामने आई हैं, उनका मंत्री जी ने जवाब भी दिया है। Prima facie बिल्कुल यह लगता है कि इस मामले में गड़बड़ी हुई है और Pioneer ने भी कल जो समाचार छापा, जिस तरह से फोन टेपिंग हुई है, मैत्रेयन साहब ने जो कागज़ दिखाया - जिसको इन्होंने authenticate किया - ये सदन के जवाबदेह मैम्बर हैं, उसके बाद हमको लगता है कि सरकार को बचाने के लिए इस तरह के स्कैम पर अगर सरकार पर्दा डालती है, तब तो कुछ भी बचता नहीं है। इसलिए उपसभापति जी, मैं यह कहना चाहूंगा कि ये जो दोनों पक्ष हैं, एक हमारा निजता का जो अधिकार है, privacy का जो अधिकार है, उस अधिकार का जो उल्लंघन हो रहा है, उसकी रक्षा कैसे हो, इसके बारे में विचार करने के लिए आप एक संसदीय समिति बनाने की कृपा करें और जो तथ्य सामने आए हैं 2G spectrum के मामले में, अधिकृत फोन टेपिंग के द्वारा, उसमें हम सरकार से अपेक्षा करेंगे... हालांकि गृह मंत्री जी उसके बारे में competent नहीं हैं, लेकिन हम गृह मंत्री जी के माध्यम से सरकार से और प्रधान मंत्री जी से अपेक्षा करेंगे कि निश्चित रूप से वे इस मामले पर कार्यवाही करें, अन्यथा जनता यह मानकर चलेगी कि सरकार में भ्रष्टाचार को संरक्षण मिलता है,

भ्रष्टाचार को ताकत मिलती है और यह देश की डेमोक्रेसी के लिए अच्छा नहीं होगा। इसी के साथ मैं अपनी बात समाप्त करता हूँ।

(समाप्त)

MR. DEPUTY CHAIRMAN: Shri Raja, you have only three minutes.

DR. V. MAITREYAN: Sir, you could give him some more time.

SHRI D. RAJA (TAMIL NADU): Sir, I would like to be brief. But let me begin with a personal anecdote. Some people asked me whether my phone was being tapped. I said, I didn't care whether it was being tapped or not, because my commitment to my people and my country is unquestionable; I don't fear anything. So, this is not a personal issue. It is an issue which is haunting the whole nation and all sections of our people.

Firstly, why should surveillance of political leaders, their activities, tapping of telephonic conversations of our leaders, take place? I think there is a problem with the Government. We are not a military State. We are not a dictatorial regime. We are a democracy and we are proud of our democracy, which is the largest democracy in the world. If such things take place, it shows the weakness of the Government. Whenever the Government of the day feels threatened about its survival or feels weak, such things happen. This is where the problem lies. The other day, the Home Minister, Mr. Chidambaram, made a statement that UPA-I and UPA-II never authorized any agency to do such things. It is not the question of authorized tapping or unauthorized tapping. Tapping does take place. But the Government could have responded to queries raised by hon. Members in simple English saying that the Government did not do such things, and that there was no tapping. The Government could have said it. But the Government said that it did not authorize tapping. There

is the question of Government's credibility. Government's credibility is being questioned. You must be truthful to your own people, to the Parliament and to the nation. If Government did not do tapping, then, say that Government did not do tapping and that Government will never do tapping. But what is this way of saying that the Government did not authorize any agency to do tapping?

(Contd. by tdb/3z)

TDB/3Z/6.20

SHRI D. RAJA (CONTD.): That is where I said, it is a question of political ethics, and whatever phone tapping we are discussing, it is an assault on the rights of the people, it is an assault on the democratic values, it is an assault on every norms and conventions of Democracy which we try to cherish. Having said that, Sir, I must make one more small point. It is not good to blame the media all the time. If the media writes in favour of us, then the media is good. If the media becomes critical of us, then, the media is bad. That attitude should not be there. The media is also one of the pillars of Democracy. You cannot just ignore whatever is printed or published in media. The ruling side should also take note of what is written in the media. If they are writing baseless facts, then, the Government should confront that. The Government should have the courage to confront these journals or magazines which are writing rubbish, which are writing falsehood. The Government can challenge that. That is where the issue has to be discussed. And, I think, tapping will have to be condemned, and it is not in the interest of democracy. It is very shameful to see that we are still governed by the obsolete 1882 Indian Telegraph Act. Many things have changed since then, and we will have to get ourselves updated to

the modern technology. Telephone tapping is really unethical on the part of the Government. The Government should come clean whether it is true or not. Some issues like spectrum allocation, etc., are being raised. I am not getting into the details of all those things. But, the point here is, these are all being corroborated by what media is writing on the basis of telephonic conversations. The Government will have to come clean. Now, the Government is in the cloud of suspicion. This Government is being questioned; the credibility of the Government is being questioned. That is why the people are criticizing it that it is using all its intelligence agencies just to mobilize strength to keep you somehow going, and keep your power intact. If that is so, then, it shows the weakness of the Government. But, it does not show the weakness of Democracy. Our Democracy is quite strong; our Democracy is quite mature. That is why we are discussing this issue in this House. So, the Government should come out clean, if an inquiry will be made or everything will be examined, then, what is the instrument the Government has got to make a comprehensive probe? The Government will have to come clean on this issue, Sir.

(Ends)

MR. DEPUTY CHAIRMAN: Now, Shri Mysura Reddy. Your allotted time is three minutes, but you finish in five minutes.

SHRI M.V. MYSURA REDDY (ANDHRA PRADESH): Mr. Deputy Chairman, Sir, being in public service, our life should be an open book. The people of this country have the right to know about us also. Sir, I know about the Indian Telegraph Act and the Supreme Court guidelines. But, it is for the citizens of India. But, for us, it seems, transparency is required. I am for telephone

tapping regarding everything of our life, but it should be done with some rationale and according to some guidelines. It should start from the Treasury Benches, with the Ministers and then to the other Members. With the latest technology available, it is a better way in which we can be answerable to the people. So, we should be transparent to the people. Sir, a lot of scandals are going on. For example, Sir, I wrote a letter to the hon. Prime Minister, long back, on 9th November, 2009 regarding the 2G Spectrum Scam. I requested the Prime Minister that it should be probed by the CBI. I am glad that the CBI has taken up this investigation. They got report from the Central Board of Direct Taxes, on surveillance of nine telephones of Ms. Nira Radia, a PR Professional and her associates belonging to Vaishnavi Corporate Consultants, Noesis Consulting, Vietcom and Neucom Consulting. Sir, I want to quote some important observations from the Internal Evaluation Report which was based on the telephonic conversations.

(Contd. by 4a-kgg)

kgg/4a/6.25

SHRI M.V. MYSURA REDDY (contd.): One conversation which is the evaluation report of Director of Central Income-Tax investigation. I will quote one paragraph of it. It is of the month of July, 2009. "The second group calls appear to relate..."

MR. DEPUTY CHAIRMAN: Mr. Mysura Reddy, you are quoting but from where? How did you get it?

SHRI M.V. MYSURA REDDY: It is from the internal evaluation report of the Director General of Income-Tax.

MR. DEPUTY CHAIRMAN: How can we rely that? Is the document got under RTI or what? (Interruptions)

SHRI M.V. MYSURA REDDY: Sir, we are discussing about the transparency. (Interruptions)

MR. DEPUTY CHAIRMAN: There are other rules, please understand. The rules are very clear. I cannot take the Government's confidential document which has not been placed on record. So, you too cannot quote it, there are rulings. (Interruptions)

SHRI S.S. AHLUWALIA: Maybe, Sir, rulings may be there. (Interruptions)

MR. DEPUTY CHAIRMAN: Please sit down Mr. Ahluwalia. (Interruptions) He is quoting from an internal evaluation report and quoting is not correct. (Interruptions)

SHRI S.S. AHLUWALIA: Who can stop it, Sir? If it is stopped, then it is suppression of the right to know.

MR. DEPUTY CHAIRMAN: He can refer to it, but he is quoting it. It is not available on record. Let him express whatever he wants. Mr. Ahluwalia, I request you to cooperate. (Interruptions) He is free to express whatever he wants. But, he is quoting certain intelligence reports. Can you quote anything? (Interruptions) There is a ruling on authentication of the Government documents. Some documents cannot be taken. (Interruptions) If it cannot be authenticated, how can we take it to be correct?

SHRI S.S. AHLUWALIA: Sir, take for example the Law Commission's report. It is normally available. If I get a confidential report, nobody can challenge it. (Interruptions)

SHRI P. CHIDAMBARAM: Mr. Mysura Reddy, just a moment, please. Sir, Mr. Mysura Reddy read his letter...

MR. DEPUTY CHAIRMAN: The Government document which is not authenticated cannot be taken. How can he authenticate? How did he get it?

DR. (SHRIMATI) NAJMA A. HEPTULLA: Sir, unnecessarily argument is taking place...

MR. DEPUTY CHAIRMAN: It is not an argument. (Interruptions) There was an authentication in the case of sugar scam. I am telling you this because it happened in front of me; one Member authenticated and took upon himself the responsibility. (Interruptions)

SHRI P. CHIDAMBARAM: As long as he is reading a letter written by him, of course, no problem. But, when he is quoting what is internally circulated... (Interruptions) Copies are circulating, there is no signature, there is no number, there is no date. Everybody has got a copy in this House. (Interruptions) The point is, there is no signature, no number, no date. We have not authenticated it and given to you. Sir, you are dealing with the Member, how can everybody take up the responsibility and... (Interruptions) The Member is speaking and you can give a ruling.

MR. DEPUTY CHAIRMAN: You can refer to it but not read it.

SHRI M.V. MYSURA REDDY: Sir, I am referring to it. If you want, Sir, I will authenticate. If he wants to book a case against me, he can book. (Interruptions) I can refer to it, I can authenticate it, but I am saying to the Minister through you, Sir, that he is wanting to conceal the corruption scandal in this 2G case. I am posing this question. (Interruptions)

MR. DEPUTY CHAIRMAN: Adhere to the rules.

SHRI M.V. MYSURA REDDY: Let the Minister say that it is not a document of the Revenue Intelligence.

(Contd. by kls/4b)

KLS/4B/6.30

SHRI M.V. MYSURA REDDY (CONTD): He is telling that there is no signature, no date, no number...(Interruptions)...

MR. DEPUTY CHAIRMAN: You convey it but you keep that document with you only.

SHRI M.V. MYSURA REDDY: I will keep it. What else I can do if I am not able to bring to the notice of the Government? I am telling from the beginning itself that we should be open to scrutiny, we should be transparent. Why should we be afraid of when there is no scandal or criminal activity? Why should we be afraid of that thing? Why should we be afraid of tapping? There should be some rationale while doing it. It should not be done selectively. Some guidelines should be there in this regard, some rationale should be there. Everything should be open to scrutiny. We are not afraid of tapping. You should start it with the Cabinet Ministers, Treasury Benches and the ruling party. This is what I was telling. In that context I wanted to quote that something is happening over and above all these things. Even some people, some corporate people are involved in Cabinet making. Is this advisable, Sir? It is the prerogative of the Prime Minister. If I mention the name of a corporate sector, it is a sin. * is involved.

MR. DEPUTY CHAIRMAN: Do not mention the name. I am again deleting it. I said, please, do not mention the names of those persons who cannot defend themselves here. You know the rules.

SHRI M.V. MYSURA REDDY: ... (Interruptions)... They are looting the country.

MR. DEPUTY CHAIRMAN: Mr. Mysura Reddy, whatever you say, if it is not according to the rules, I will remove it from the record. So, you say whatever you want to say. ...(Interruptions)...

SHRI M.V. MYSURA REDDY: I do not want to defy you. ...(Interruptions)... If you allow, I will say it. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: It is the set rule that you do not take the names of the persons who are not able to defend themselves.

SHRI M.V. MYSURA REDDY: Sir, I do not want to go into the details. ...(Interruptions)... I also have experience. ...(Interruptions)... If you allow me I will speak, otherwise, I will sit down. ...(Interruptions)...Where is the need for discussing this, Sir?

MR. DEPUTY CHAIRMAN: Your time of five minutes is over.

* Expunged as ordered by the Chair

SHRI M.V. MYSURA REDDY: Sir, I feel that the Chair has to permit us to disclose this scandalous character of this entire corporate sector and also some of the PR agencies in which some Ministers are involved. There is a political nexus. In Cabinet making also they are involved. They are involved in so many things which we are seeing in the Press also. The conversations substantiate these things. Let the Minister have a Joint Parliamentary Committee to look into this thing and also the IPL scam so that the Parliament can go through all these things and see whether these documents are genuine or not. Thank you. (Ends)

SHRI SHANTARAM LAXMAN NAIK (GOA): Sir, at the outset, I would like to state that when the Leader of the Opposition started his speech, in the contents of his speech he has made certain allegations without authenticating any document. Therefore, my contention is this, my submission is this that whatever he has said or charges made without authentication of documents should be expunged from the proceedings. This is my submission and you decide on it because he has made several allegations without authenticating the documents. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Maitreyan, he has not referred to you. ...(Interruptions)... Why do you get up? ...(Interruptions)...

SHRI SHANTARAM LAXMAN NAIK: Secondly, Sir, it is most unfortunate that the debate has started on the basis of a BJP paper...(Interruptions)... What was reported in a BJP paper, the debated started with that. ...(Interruptions)...

SHRI S.S. AHLUWALIA: Which paper is BJP paper?

SHRI SHANTARAM LAXMAN NAIK: You cannot compel me. ...*(Interruptions)*... This is a BJP paper. ...*(Interruptions)*... This is a conspiracy. ...*(Interruptions)*... The report is yours. ...*(Interruptions)*... It was first published in the paper. ...*(Interruptions)*... The report was first published in a newspaper and then discussion has taken place. ...*(Interruptions)*...

DR. (SHRIMATI) NAJMA A. HEPTULLA: How can he say that it is a BJP paper? ...*(Interruptions)*... We can also that it is a Congress paper.

SHRI S.S. AHLUWALIA: It is a question of the freedom of the Press. ...*(Interruptions)*... Where is the freedom of Press? ...*(Interruptions)*... We have ensured the freedom of Press by legislating on it in the Parliament. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: He did not say it is **(Interruptions)*... If he has said *..., I am going to remove it. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Which BJP paper he is referring to?

(Contd by 4C/SSS)

* Expunged as ordered by the Chair

SSS/4C/6.35

MR DEPUTY CHAIRMAN: No, no, no. Individual names should not be taken. No, no, the name should be removed. Nothing will go on record. Mr. Naik, please continue.

SHRI SHANTARAM LAXMAN NAIK: The motion mentions alleged tapings...

MR DEPUTY CHAIRMAN: I will look into it.

SHRI SHANTARAM LAXMAN NAIK: Sir, the Motion mentions...

MR. DEPUTY CHAIRMAN: Dr. Maitreya, you get up on every issue. You have not been authorized by the House to get up on every issue. Please don't take prerogative....

SHRI P. CHIDAMBARAM: Sir, like in an aircraft we should insert seat belts on his seat.

MR. DEPUTY CHAIRMAN: I think it is a good suggestion.

SHRI SHANTARAM LAXMAN NAIK: The Motion mentions terms like alleged tapings. Motion also mentions terms like certain politicians and it mentions affecting the issue of probity. These are the three vague terms.

MR. DEPUTY CHAIRMAN: Mr. Naik, you are again and again raising.....

SHRI SHANTARAM LAXMAN NAIK: Sir,...

MR. DEPUTY CHAIRMAN: Listen. The Chair has examined all that. Once the Motion is admitted,... (Interruptions).... See, it is not in your interest. Please, this has been raised again and again. It is not good.

DR. K. KESAVA RAO: He is not challenging....(Interruptions) Let us talk about authentication, let us talk about...(Interruptions)...

MR. DEPUTY CHAIRMAN: You see, Mr. Keshava Rao, two or three Members said that the admissibility....(Interruptions).... don't question the admissibility.

SHRI SHANTARAM LAXMAN NAIK: What I am saying is, their stand does not mention that it is done without any public emergency. It is done in public safety. This was the tone used. They have not mentioned at all in the Motion. Terms which are used are totally different.

DR. (SHRIMATI) NAJMA A. HEPTULLA: It is not a Motion we are discussing.

SHRI S. S. AHLUWALIA: Where is the Motion? You read...(Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Ahluwalia, please sit down. (Interruptions) One minute, you please sit down. Mr. Ahluwalia...(Interruptions).... The Member can say whatever he wants to say. (Interruptions)

SHRI S. S. AHLUWALIA: Tell him to read The Telegraph, Section 5, Sub-clause (2). You read it.

MR. DEPUTY CHAIRMAN: Why is the Chair here for? Mr. Ahluwalia, आप सुनते भी नहीं हैं और बोलने भी नहीं देते हैं, क्या बात है? सवाल यह है कि He has a genuine doubt. Let him mention it. Why are you objecting to it? Why are you answering? With all humility, I say that when he has not yielded...

DR. V. MAITREYAN: That was the plight when I was speaking. Everybody stood up.

MR. DEPUTY CHAIRMAN: It is to you also, Mrs. Najma. I can tell other Members but I cannot tell you because you have handled this House for 16 years.

SHRI SHANTARAM LAXMAN NAIK: Sir, in the topic of Short Duration there is no mention of violation of the Telegraph Act also.

MR. DEPUTY CHAIRMAN: Mr. Naik, when a notice is given, it is not confined to the word...(Interruptions) Please proceed.

SHRI S. S. AHLUWALIA: Who approves the language? I object. (Interruptions) He is challenging the...(Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Naik, please proceed. Please proceed.

SHRI SHANTARAM LAXMAN NAIK: Sir, I am proceeding. On the violation of Telegraph Act..

MR. DEPUTY CHAIRMAN: Please, it is not a technical argument. It is not going to have a technical argument.

SHRI SHANTARAM LAXMAN NAIK: You are pleading for stronger Terrorism Act.

MR. DEPUTY CHAIRMAN: You speak on the content. Why are you going on the technicality?

SHRI SHANTARAM LAXMAN NAIK: Nobody talked of technicality at any time? What is this, Sir? Everybody spoke on technicality. The Leader of the Opposition raised several issues on technicality.

(Condt. By NBR/4D)

-SSS/NBR-LT/4D/6.40.

SHRI SHANTARAM LAXMAN NAIK (CONTD.): They raised the entire thing. They have raised all the technicalities, word-by-word ...(Interruptions)...What is this?...(Interruptions)...Sir, did he not mention the Telegraph Act? Did he not mention these two ingredients of the Telegraph Act?...(Interruptions)...Only when I mention, it becomes sin!...(Interruptions)...

MR. DEPUTY CHAIRMAN: No, no...(Interruptions)...

SHRI S.S. AHLUWALIA: Sir, he is again challenging the wording of the Motion...(Interruptions)...Now, he wants to say why the phrases 'public emergency' and 'public safety' have not been included ...(Interruptions)...This is in the Act...(Interruptions)...You read the Act. You are an advocate...(Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Ahluwalia, please sit down ...(Interruptions)...

SHRI SHANTARAM LAXMAN NAIK: Sir, I am within my right now. I am within my right not to continue, because of their objections ...(Interruptions)...This is an undemocratic practice ...(Interruptions)...

SHRI S.S. AHLUWALIA: Sir, what is this?...(Interruptions)...This is objectionable ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Ahluwalia, please sit down ...(Interruptions)...

DR. V. MAITREYAN: Sir, this is highly objectionable ...(Interruptions)...How can he be derogatory?...(Interruptions)... He cannot talk like this...(Interruptions)...

MR. DEPUTY CHAIRMAN: No, no. What is objectionable? ...(Interruptions)...He said, 'Since you are interrupting, I do not want to continue with my speech'...(Interruptions)...That is what he has said...(Interruptions)...

श्री एस.एस.अहलुवालिया : सर, यह क्या है..(व्यवधान)..वे धमकी दे रहे हैं..(व्यवधान)..धमकी दे रहे हैं सर..(व्यवधान)..

MR. DEPUTY CHAIRMAN: I will look into the record ...(Interruptions)...

श्री एस.एस.अहलुवालिया : वे जो बोलेंगे..(व्यवधान)..बी.जे.पी का अखबार है..(व्यवधान)..बी.जे.पी. का अखबार है..(व्यवधान)..

DR. V. MAITREYAN: He is talking in a derogatory manner ...*(Interruptions)*...You did not object to that...*(Interruptions)*...You have to protect us, Sir...*(Interruptions)*...When I spoke, many Members from that side interrupted again and again ...*(Interruptions)*...Then, nothing was told to them...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, no...*(Interruptions)*...Please sit down...*(Interruptions)*...What is this?

SHRI GIREESH KUMAR SANGHI: Sir, when the hon. Leader of the Opposition spoke, nobody disturbed him...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please sit down...*(Interruptions)*...

DR. V. MAITREYAN: Sir, he cannot pass derogatory remarks against the hon. Member...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, no...*(Interruptions)*...The way he sat, it is bad. It is not correct...*(Interruptions)*...But, please sit down ...*(Interruptions)*...

DR. V. MAITREYAN: Sir, they asked for our apology ...*(Interruptions)*...Now, we demand for their apology ...*(Interruptions)*...

डा. (श्रीमती) नजमा ए. हेपतुल्ला: सर, इन्होंने जो बोला है..*(व्यवधान)*..आप देखिए कि क्या बोला है..*(व्यवधान)*..He is making an allegation ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: It is not an allegation...*(Interruptions)*...I will look into it...*(Interruptions)*...

SHRI V. HANUMANTHA RAO: Sir, they have one point programme and that is to disturb the House...*(Interruptions)*...

DR. (SHRIMATI) NAJMA A. HEPTULLA: He should tender apology to us...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: It is not allegation...(Interruptions)...It is not allegation...(Interruptions)...It is not allegation...(Interruptions)... Had it been an allegation, I would have taken that into account ...(Interruptions)...

DR. (SHRIMATI) NAJMA A. HEPTULLA: Sir, when another lady hon. Member spoke, you...(Interruptions)...

श्री उपसभापति : आप बैठिए प्लीज..(व्यवधान)..आप क्यों खड़े हैं ..(व्यवधान)..

डा. (श्रीमती) नजमा ए.हेपतुल्ला: अभी आपने बोला है..(व्यवधान)..अभी ये बोल रहे हैं..(व्यवधान)..तो नहीं कह रहे हैं..(व्यवधान)..

MR. DEPUTY CHAIRMAN: Is there discipline in this House? ...(Interruptions)...

श्रीमती माया सिंह : सर, ये किस तरीके से बात कर रहे हैं..(व्यवधान)..

DR. (SHRIMATI) NAJMA A. HEPTULLA: Sir, very peacefully I will tell you a point. A lady who spoke in this House about 20 minutes ago, the tone and tenor...

MR. DEPUTY CHAIRMAN: No, I cannot go on to refer what this Member has said or that Member has said...(Interruptions)...

DR. (SHRIMATI) NAJMA A. HEPTULLA: But, just now, the hon. Member...(Interruptions)...Why should he talk like this? ...(Interruptions)...

DR. V. MAITREYAN: But, Sir, he spoke in English!...(Interruptions)... This language is known for everybody...(Interruptions)...

MR. DEPUTY CHAIRMAN: I don't know what for you people are getting agitated?... (Interruptions)...What is the matter? There is nothing ...(Interruptions)...What is the matter? He got angry and said, 'I will stop.'...(Interruptions)...What else is there?

DR. V. MAITREYAN: Sir, he accused the hon. Member ...(Interruptions)...

MR. DEPUTY CHAIRMAN: You see, he got angry and said, 'I will stop.'...(Interruptions)...What else?

DR. V. MAITREYAN: He abused the hon. Member...(Interruptions)...

MR. DEPUTY CHAIRMAN: No. He did not abuse...(Interruptions)...If he has abused, I will remove it from the record...(Interruptions)...

डा. वी. मैत्रेयन : हल्ला-गुल्ला हो रहा है..(व्यवधान)..

MR. DEPUTY CHAIRMAN: I will look into the record and see whether there is any abuse...(Interruptions)...

डा. (श्रीमती) नजमा ए. हेपतुल्ला : हम बोलेंगे नहीं क्या..(व्यवधान)..

SHRI V. HANUMANTHA RAO: Sir, there are interruptions every time ... (Interruptions)...

MR. DEPUTY CHAIRMAN: What did I say? I said that I will look into the record. If he used abusive language, I will remove it from the record...(Interruptions)...

डा.(श्रीमती) नजमा ए. हेपतुल्ला : सर, आप टेलीविजन पर देखिए, रिकॉर्डिंग में देखिए, खाली लिखने पर नहीं जाइए..(व्यवधान)..

श्री उपसभापति : अभी जो लैंग्वेज है..(व्यवधान)..में जेस्चर के लिए क्या करूं..(व्यवधान)..में जेस्चर के लिए क्या रूलिंग दूं..(व्यवधान)..बोलिए..(व्यवधान)..You see, sometimes, gesture is made towards the Chair. What can we do?... (Interruptions)...

श्री एस.एस.अहलुवालिया : सर, आप कोई रूलिंग मत दीजिए..(व्यवधान)..किंतु अगर कल में ऐसा व्यवहार करता हूं...(व्यवधान)..तो मुझ पर भी रूलिंग मत दीजिए..(व्यवधान)..

MR. DEPUTY CHAIRMAN: Mr. Ahluwaliaji ji...(Interruptions)...No, no. Please...(Interruptions)..सुनिए।..(व्यवधान)..मैंने कहा कि ..(व्यवधान)..That is not correct.

SHRI S.S. AHLUWALIA: The Treasury Benches is setting a new trend in this House. They have to face it...(Interruptions)...That is all ...(Interruptions)...What is this?...(Interruptions)...They have challenged the wisdom of the Chairman ...(Interruptions)...He is not speaking on the merits of the subject.

(FOLLOWED BY USY "4E")

-NBR-USY/4e/6.45

SHRI BHARATKUMAR RAUT (MAHARASHTRA): My time starts now, Sir. A lot has been spoken on this issue in the House and in the media. I don't want to say to which party the media belongs to and all that because the more we talk, the more mud is coming out of it; and, that is dirty. Therefore, I would not like to take much of your time on this issue. However, as a common Indian, as a common law-abiding citizen of this nation, I am scared now and feel threatened about secrecy of my personal life. I feel that I am deprived of my legitimate right to privacy. That is my basic fundamental right. If I am having a private life, then, the secrecy of my private life has to be maintained and protected by the Government, but that is not happening. I am feeling scared; I am feeling afraid, now. Therefore, if the hon. Minister says something on the floor of this august House, it has to be right, correct and trustworthy. But I received a rude shock of my life when, within a week after Minister's statement, a newspaper has come out with a scoop and has opened the Pandora's Box. I am not getting into the things, like, who are involved, which

company, what for, etc., etc. I only want to state that this is not correct. If it has happened by unauthorized sources, it is for the Government, now, to investigate and take action against those people. But if it is happening by authorized machinery, by authorized sources, then, the responsibility lies with the Government. I don't want to quote whatever the media has said and whatever the proof we have got. But it seems that this type of interception of phone calls is just not possible, my logic says, without the knowledge, if not consent, of the Government.

SHRI PRAKASH JAVADEKAR: Consent.

SHRI BHARATKUMAR RAUT: Okay. My colleague says, "Consent". If it is happening with consent, then, the Government is utterly responsible for whatever is happening. The interception of telephone calls is just not one thing. Today, some newspapers have carried a report so we came to know of it. Now, some people have provided us papers also. But this could be a tip of iceberg. Therefore, there could be hundreds of cases where the Government is encroaching on my privacy. Who has given them this right? Who has authenticated them? Has the Constitution given them this right? Has the law given them this right? Has this House given them this right? If this is so, then, I think, the Minister should stand up and either take the responsibility or take action against those who are guilty.

Sir, I don't want to get into details. I don't want to get into mud slinging. I only wish my prayer, on behalf of the people of India, that the hon. Minister should, now, stand up and institute an inquiry by a competent and impartial authority, which will come out with the truth. And, when the truth

comes out, if the hon. Minister already does not know the truth, he should take an action without a fear of any political fallout of that. Thank you very much.

(Ends)

THE MINISTER OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Mr. Deputy Chairman, Sir, I am grateful to the hon. Members, beginning with the Leader of the Opposition and ending with Mr. Raut, who have participated in this important debate. What provoked this debate was an article in a magazine, followed by an article in a newspaper.

(Contd. By 4f -- PK)

-USY/PK/4F/6.50

SHRI P. CHIDAMBARAM (CONTD.): And, from that, the Leader of the Opposition and some other Members have abstracted an issue and have raised this debate; I welcome the debate. In fact, my desire is that the debate should have been kept at that abstract level on the issues involved rather than get bogged down into the facts relating to a particular case or a particular person or a particular occasion. Because, I think, what is involved here is a grave principle that can well demolish many pillars of our democracy if we do not collectively address it with the seriousness with which it should be addressed. Sir, article 21 of the Constitution in my view is the bedrock on which the democratic structure of India has been erected. It is to secure the life and personal liberty of every citizen for which Mahatma Gandhi and other freedom fighters led this country in the great struggle against British colonialism. Let us remember there are many other countries which acquired freedom or achieved freedom without the guarantee of article 21. India is among the few countries which enshrined article 21 as a fundamental right to

every citizen. Over the years, this article has been given contempt. In fact, if you go back to A.K. Gopalan's case, the law that was declared then was, liberty can be deprived as long as it is a procedure established by law. But, today, that procedure must be a reasonable procedure. Article 21 has been expanded by a series of judgements reflecting the aspirations of the people. One among them was the right to privacy. Many other rights have been now discovered in the words that are contained in article 21. The clean environment is part of article 21; the right to food that we are debating is a part of article 21; the right to information is a part of article 21; the right to clean drinking water is a part of article 21 and the right to sanitation is part of article 21. The right to privacy is an important right. As, I think, one of the hon. Members said, it is a right to be left alone. The State should not interfere in the lives of its citizens unless it is, absolutely, necessary. So, although this is an old Act, the Indian Telegraph Act, 1885, I do not think we need to rubbish this Act because it is of 1885 vintage. The Indian Penal Code is older than this Act; we do not rubbish the Indian Penal Code. The Indian Evidence Act is older than this Act; we do not rubbish the Indian Evidence Act. We read into it contemporary values, contemporary needs, contemporary norms, and, that is how we breathe life into our old Act. Now, the Supreme Court in the PUCL case to which the Leader of the Opposition referred, read that into section 5, sub-section 2 and set out the principles that should govern before a Government invokes the power to intercept telephone conversations what are otherwise "eavesdrop" on private conversation. Let me make it very clear the Government totally supports and underscores the principles laid down in section 5 (2) and it will be our endeavour to ensure that the procedural safeguards suggested by the

Supreme Court and which we have incorporated in rules made in 2007 are further strengthened.

(Contd. by 4G/PB)

PB/4g/6.55

SHRI P. CHIDAMBARAM (CONTD.): In fact, it will be our endeavour to add to the rules already made under Section 7 in order to strengthen the safeguards embodied in Section 5, sub-Section (2). So, rules were made in 2007 under Section 7. If those rules are inadequate and have not kept pace with the changing technology, we will amend those rules, we will add to those rules, we will bring in more procedural safeguards to take care of advanced technology. Let there be no doubt in anyone's mind that this Government is committed to the right to privacy and the right to liberty. (Interruptions)

Having said that, let us not understate the grave threats that this country faces. We have the threat of terrorism, cross-border terrorism; we have cyber crime. Our adversaries or those who do not have the interest of this country at heart are equally adept in employing technology. If they are adept in employing technology, the State should be equally adept in mastering the technology in order to be able to counter it. Intelligence gathering is an important part of any Government's functioning. No Government can function without gathering intelligence. There are many kinds of intelligence, one of which is well known and that is the human intelligence. Another is, signal intelligence, and gathering signal intelligence is a part of the duties of Government. That is why in 2001, a Group of Ministers recommended the setting up of the NTRO, and, I am sure, the Leader of the Opposition is familiar with the background under which the NTRO was set up. The NTRO was set up

by a Group of Ministers constituted by the NDA Government. The recommendation of the Group of Ministers was accepted by the Cabinet of the NDA Government and the NTRO itself was notified on the 15th of April, 2004 when the NDA Government was in office. So, the NTRO is not an invention of the UPA Government. The NTRO was in place when the UPA Government assumed office and for whatever reason, the NTRO was placed not under any Ministry. The NTRO was placed under the National Security Advisor who reports to the Prime Minister. I think it has become necessary to review the position. I have had a word with the Prime Minister. The Government is examining whether the NTRO should now be placed under a Ministry so that a Minister will be accountable to Parliament for the functioning of the NTRO. The NTRO itself has no authority to gather intelligence. The NTRO is a facilitating organization; the NTRO is a technical organization. The right to gather intelligence is vested in specified agencies listed in the Supreme Court judgment and referred to by the hon. Leader of the Opposition. The NTRO simply provides the technical capability. Now, it is true that technology has moved much beyond what was perhaps envisaged when the Group of Ministers met in 2001 or when the NTRO was set up in 2004. Now, when the technology moves forward very fast, we cannot lag behind; we have to acquire the technology. In fact, let me assure the hon. Members, the technology that the NTRO has is not as sophisticated as it is made out. In fact, I am privy to knowledge which I acquired recently that there are other organizations in the world which have technology far superior and many, many years ahead of the technology the NTRO has today. In fact, when I visited one of the countries, I was one of the few who was allowed full access to what they have and what I

saw amazed me on the one hand, and, to some extent, frightened me on the other.

(Contd. by 4h/SKC)