

The question was put and the motion was adopted.

SHRI GURUDAS DAS GUPTA:
 Sir, I introduce the Bill.

THE HOME-BASED WORKERS' (PROTECTION) BILL, 1988

SHRIMATI ELA RAMESH BHATT (Nominated): Sir, I move for leave to introduce a Bill to provide for the protection of the Homebased workers and for matters connected therewith or incidental thereto.

The question was put and the motion was adopted.

SHRIMATI ELA RAMESH BHATT:
 Sir, I introduce the Bill.

THE INTERCEPTION OF MESSAGES AND POSTAL ARTICLES (REMOVAL OF POWER) BILL, 1985

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Shri Vikal, to continue.

श्री राम चन्द्र विकल (उत्तर प्रदेश) :
 उपसभाध्यक्ष महोदय, माननीय गोपालमामी जी का जो विधेयक आया है उस सदन के सम्मुख, इस पर पहले भी काफी वाद-विवाद हो चुका है। कई माननीय सदस्यों ने जो अपने विचार व्यक्त किए, उनकी बहुत सी बातों से मैं सहमत नहीं हूँ। यह जो हमारा विधेयक राष्ट्रपति जी के सामने है उस आशय का, जो कि दोनों सदनों के पास होकर के गया है, उसको समाप्त कराने की इसकी जो भावना है, उससे भी मैं सहमत नहीं हूँ।

उपसभाध्यक्ष महोदय, यह जरूर पुराना विधेयक है अंग्रेज के वक्त का और डाक तार को खोलकर देखने वाली भावना का, इसको न देखा जाय, यह हमका उद्देश्य है। लेकिन कई माननीय सदस्यों ने उस रोज यह तर्क

दिया था, सीमावर्ती राज्य विशेषकर पंजाब का हवाला दिया था, जो राज्य पाकिस्तान से मिलते हैं, चाहे वह कश्मीर हो या गुजरात हो या पंजाब हो, वहाँ की अगर ऐसी षडयंत्रकारी चिट्ठियाँ हों तो उसको खोलने में कोई आपत्ति नहीं होनी चाहिए। ऐसा तर्क कई माननीय सदस्यों ने दिया था। सीमावर्ती राज्यों की चर्चा हुई थी, चिट्ठियाँ देश-विदेश की हो सकती हैं, देश के हर कोने से हो सकती हैं, कोई जगह नहीं है जहाँ से वहाँ की चिट्ठी न जाती हो, तब इस विधेयक की उपयोगिता यों भी समझ में नहीं आती, अगर हम ऐसी चिट्ठियों को खोलकर देखना चाहते हैं। मैं इतना जरूर कहना चाहता हूँ कि व्यापक रूप से खोलने का, किसी कानून का अमल नहीं हुआ, न अंग्रेज के वक्त में हुआ, न आज है, न भविष्य में होगा। लेकिन मंदाहास्पद जो पत्र है, जिनसे लगता है कि देश के खिलाफ कोई कांसपिरेसी है, कोई षडयंत्र है तो उनको खोलकर देखने में कोई आपत्ति नहीं होनी चाहिए। मैं किसी की देशभक्ति पर संदेह नहीं करता। हो सकता है कि कुछ जो हमारे पोस्ट-ऑफिस के लोग हैं, उनके अलावा हम कोई ऐसा उच्चाधिकारी उसमें शरीक कर दें, जिनको यह देखना चाहिए, पकड़ना चाहिए, तो वह शरीक हो जाय, लेकिन यह भावना कि इसको समाप्त कर दिया जाय, चिट्ठी-पत्रियों को न खोला जाय, मैं इसके हक में नहीं हूँ।

जहाँ तक कुछ लोगों ने और भी तर्क दिए थे इस बारे में, तो मैं यहाँ कहना चाहता हूँ कि जो राष्ट्रपति जी के यहाँ विधेयक पेश है, वह दोनों सदनों से पास होकर गया है। उससे अगर इस भावना को जोड़ना चाहते हैं तो चूँकि यह दोनों सदनों से पास-शुदा है, इसलिए इस पर बहुत ज्यादा विचार करने की यहाँ आवश्यकता नहीं है क्योंकि जिसको दोनों सदन पास कर देते हैं, उस पर कोई ऐसी चीज आती है तो राष्ट्रपति जी के सामने विचाराधीन होने से फंसला आ जायगा या दोनों सदनों की संयुक्त बैठक हो, वह तो जब बोटिंग में पास न हो, लेकिन दोनों सदनों में पास होने के बाद उस विधेयक को दुबारा सदन के सामने रखने की जरूरत भी नहीं है।

[श्री राम चन्द्र विकल]

उपसभाध्यक्ष महोदय, मैं बहुत स्पष्ट शब्दों में यह कहना चाहता हूँ कि प्रायः चिट्ठी-पत्रियों को खोलने का मुद्दावरा नहीं है, लेकिन संदेहास्पद चिट्ठियाँ जो हों, चाहे हमारे देश के खिलाफ हों या हमारे इलाके के खिलाफ हों, चाहे सीमावर्ती हों या अंतर्राष्ट्रीय हों, उन सबको खोलकर देखने में संदेह नहीं होना चाहिए। जब हमारा दिल साफ है तो हमारी जो चिट्ठी जा रही है उसको कोई भी देख सकता है। अगर कोई संदेहास्पद भावना चिट्ठी के अंदर है और कोई उसको खोलता है तो उसका ही नुकसान है।

उपसभाध्यक्ष महोदय, मैं इस विधेयक का समर्थन नहीं कर रहा, विरोध कर रहा हूँ और यह आशा करता हूँ कि गोपालसामी जी तक सुनकर और हमारे मंत्री जी के विचार सुनकर इस बिल को वापस लेंगे। वैसे मैं इस पर पहले भी बहुत बोल चुका हूँ, इसलिए अब इस पर यही कहना चाहता हूँ कि इसके लिए अगर कोई विशेष व्यवस्था का संशोधन आए कि चिट्ठियाँ देखी जा सकें विशेष संदेहास्पद, किसी बड़े उच्चाधिकारी की इसके लिए नियुक्ति हो, भले ही न्याय-पालिका का अफसर हो तो उसको खोलकर देख लेना चाहिए, उसमें संदेह नहीं होना चाहिए।

इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

PROF. C. LAKSHMANNA (Andhra Pradesh): Mr. Vice-Chairman, Sir, I stand to support the Bill introduced by my friend, Shri Gopalsamy. I stand because I uphold a few principles. Firstly, this particular Bill reinforces one of the fundamental rights that have been guaranteed to Indian citizens. The existing clause—either it is clause 5 or 6—of the Indian Telegraph Act or the Indian Postal Act seeks to take away the fundamental right that has been given to the individual in this country by the Constitution and by those who have upheld the Constitution. Sir, today I can be under the mortal apprehension that what I write, what

I speak on the phone could be tapped without my ever realising what is happening. In this process, even what is entirely my personal thing could also be thrown open to people who are not supposed to know it. The only validity for this type of thing existed perhaps when the alien rulers, the imperialist rulers, wanted to curb the urge that was forthcoming in the people of the country and which was being expressed perhaps through letters. At that time it was only letters, perhaps phone was not there, or sending messages through telegraph, telegrams etc.

So, in the first instance, I want this particular Bill moved by Shri Gopalsamy to be accepted by the Government because even the Government, though it showed double standards, realised that this is desired to be amended. But when the amendment was brought, what was sought to be done. I do not want to go into details of that, but this House knows exactly what has happened to it, as it should have happened. It has been dumped to the dung-hills of history. I do not think the posterity will ever know it as something which ever happened in Parliament. To that extent what has happened is alright. Therefore even the Government realised that there is need for amendment. Only in its anxiety to take advantage of such a situation, it tried to make it more draconian and more curbing of the freedom of people. That is besides the point.

Secondly, existence of this clause vitiates our understanding of the developments in this world where we are living. Letter, phone etc. have become sometimes even irrelevant today. Such of those who want to pass on a message—preventing of which appears to be the sole aim of the existing clause—can do so by other means. Money has become so useless today. If I have to pass on a message anywhere in the country, I can as well get into a flight, go

there, pass on the message and come back. Therefore existence of clauses of this nature in the Statute Book only indicates our inability to appreciate, our inability to comprehend the enormous changes which have taken place in technology, in the communication system or elsewhere. But at the same time while this facility is available for those who can afford it, for all those people who will indulge in most of such nefarious activities, if such is the intention, there is no dearth of money. Money can be stacked — huge amounts — in the foreign banks, and still that very money can play havoc with the lives of the people of this country — and daily we are having evidence of it. Therefore, money which can be used for such nefarious activities is in abundance, especially in the hands of those who want to indulge in such nefarious activities. But the majority of people, the law-abiding people, people who have got concern for national unity and integrity, people who have got high hopes about this country in the coming decades and centuries, they are in large numbers. They are the people who are utilizing means like the ones which we are talking about. Therefore, it is those sections of the society whose freedom, whose privacy, whose life-styles are being affected. That means we are trying to have in existence a law which differentiates between one section and another. The stinking rich can afford to indulge in nefarious activities against which this particular law exists and, then, this very law could be used against law-abiding people who are in large numbers all over the country. Therefore, it only betrays our insensitiveness and insensitivity to the changes that are taking place at a very fast rate all over the world.

Sir, it is said that the whole world is naked today. Reconnoitring and looking at any part of the world is not beyond the scope of the satellite system of communications which is

now available. Therefore, what is the point in talking about a letter or a telegram being used by people to pass on messages which are seditious, treasonable and so on and so forth?

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): We are going into the twenty-first century!

PROF. C. LAKSHMANNA: And especially when we are talking in terms of skipping these two years? We are in so much anxiety to rush into the 21st century, as though we can skip time. I think the time dimension is yet unconquered. Otherwise, perhaps, we would have gone into the 21st century already, because we are so anxious about it. Therefore, when the whole world is naked, continuance of laws like this only shows the attitude of the party in power to suppress the legitimate rights and freedoms of the people, to pry into the privacy of people.

Is this a rule of law? Who is the person who is competent? The "designated" person. That means either the designated or the one who designates are the persons who intercept. They are all, after all, human beings, and we have to depend upon their sensibility, their understanding of the situation. In the famous *I Accuse* case, the simple principle is that even if one innocent person is punished under a system of criminal justice, then it is no system of criminal justice. So, laws of the land are there to protect the rights of innocent people. Therefore, even if one innocent individual, as a result of the existence of this law, has been violated, has been abused of his freedom and his privacy, I think that shall be enough indication for the removal of a section like this because the rule of law is very important. Whether one is a Prime Minister or an ordinary citizen, there should be the same law. But, unfortunately, it empowers, it arms some people with more powers than what they normally deserve.

(Prof. C. Lakshmanna)

Sir, there have been stories, the stories about love letters etc. which have been talked about on the floor of this House already, and I do not want to go into them. But, then, Sir, there have been also instances where the individuals have been discriminated simply.

Suppose I come to know that something is happening. I am not very sure whether that particular person is armed with necessary authority to do it or not. All that he will say is, "I am armed with that". I will state only one small example. The other day at the airport one passenger had a legitimate grievance from his point of view though it was not every correct. He questioned the airport authorities why that was happening. The airport authorities were also perfectly within their rights. They said, "We are governed by so and so rule". He asked, "Where is that rule?" They said, "It is in the rules book". He asked, "Where is that book?" They replied, "It will be with the appropriate authorities. Go and find out." A person who has to catch the flight next, who is struggling to get into the flight, has no time to verify that and subsequently lodge a protest etc.

Similarly, it will become a *fait accompli*. That means, the interceptions may become a *fait accompli*. The innocence might have been outraged, and the freedom might have been flayed and so on and so forth. Therefore, what justice will be there for such cases? If my innocence and my freedom has been flayed, outraged, what remedies do I have? After all, it has already happened. If I write a love letter, it is purely an affair between me and my wife. But somebody may be interested to know what type of syllables are used and what type of expressions are used.

SHRI MURASOLI MARAN (Tamil Nadu): He would like to know whether she is your wife or not.

SHRI V. GOPALSAMY (Tamil Nadu): Normally love letters are not written to wife.

PROF. C. LAKSHMANNA: Mr. Vice-Chairman, Sir, it is a very interesting point. But since I have written love letters only to my wife and nobody else....

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mr. Gopalsamy, is that your experience?

SHRI V. GOPALSAMY: That is the experience of the society, not mine.

PROF. C. LAKSHMANNA: Anyhow, Sir, as far as I am concerned, I have written love letters only to my wife. Therefore, if you look at my love letters written to my wife...

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): I believe in you.

SHRI GURUDAS DAS GUPTA (West Bengal): Sir, he is affirming his allegiance to his wife.

PROF. C. LAKSHMANNA: I think, I need no platform to affirm my close allegiance to my wife.

SHRI SATYA PRAKASH MALAVIYA: To bring it on record.

PROF. C. LAKSHMANNA: There is no need for it. Nonetheless, I am saying, it might be that somebody may take fancy. I write a letter. He may think, I am writing to somebody else. Even sometimes there might crop up doubts whether I wrote it to a beloved other than my wife. Maybe. Therefore, if such things happen, if my innocence is outraged, what is the justice available to me? The existing laws do not give such justice overriding what has happened to me.

Therefore, seen from any angle, there is no justification for a law of this nature. I see no reason why the Government should be hesitant. I think the Government which is sup-

posed to be democratic, the Government which is supposed to be upholding the freedoms, the Government which is supposed to be upholding the rights of the ordinary citizens, the Government which is supposed to be standing for the rule of law, such a Government should have come forward itself, not with a draconian law with which they came forward. It is like something which was awaited for a long time and when once the occasion came, it was such a nightmarish thing. I don't want that. But the Government should have come forward simply to drop this and restore what has been taken away from the individual citizen of this country in the imperialist times, when they had nothing but suspicion, when they had nothing but distrust towards the entire citizenry. From that stage, we have passed on to a stage where we have to build a society based on trust, confidence etc. Therefore, I would like the Minister — we have got a new Minister, a Minister who truly represents that section of the people whom I talked about. He really represents; he is one of those Ministers who, by training, by his temperament, by everything belongs to the majority, not the minority, who can indulge in nefarious activities. Therefore he should be able to understand better than anything else. Therefore, the Minister of State for Communications, at least, should persuade his Government and make them realise the sense which is very much there in the Bill, which has been brought forward by Mr. Gopal-samy, and accept it. By doing this you will be doing a service to the nation and you would have given a verdict against the nefarious Bill which has been dumped elsewhere.

SHRI ALADI ARUNO *alias* V. ARUNACHALAM (Tamil Nadu): If he backs your recommendations, he will lose his post.

SHRI SATYA PRAKASH MALA-VIYA: Why are you not referring this to the Cabinet Minister?

PROF. C. LAKSHMANNA: Yes, he is also there. I know, I will not hesitate also to put him in the same bracket of the people, knowing as I do. Therefore, the Minister of State would do well to accept the Bill which has been before the House. And if you accept, there is no need for us to talk all this. I think you could eloquently talk what we have been talking and will get much more acceptance and much more confidence in the people at large. Therefore, I would like to appeal to the Minister to kindly consider this and bring forth an official Bill, which would have corrected the mistake, which was committed a year back or some months back and at the same time re-assure the people that this Government really would not like to pry upon, would not like to spy, would not like to outrage, would not like to play with the innocents, freedom and rights which are legitimately there.

SHRI YASHWANT SINHA (Bihar): As a rise to support the Bill, which has been introduced by Mr. Gopal-samy, I do so with a sense of tragedy and great gloom. This arises basically out of three things. The first is that in this year of 1988 in this country we should be discussing whether we should have provisions in our Statute Books which take away the freedom and liberty of citizens. My feeling of tragedy arises out of the second reason that in this age, as Prof. Lakshmanna has said, when technology has gone so far, we should be talking in terms of letters, telegrams and telephones. Lastly my feeling of tragedy arises out of the fact — and this perhaps is the most important reason — that a private member should be introducing a Bill of this kind in this House. That is the tragedy. It is not the Government which is introducing the Bill. Prof. Lakshmanna touched upon this point. I would like to emphasise it with all the force at my command that a Bill of this nature should have been

[Shri Yashwant Sinha]

brought forth by a democratically elected Government; a Government which believes even in the rudiments of democracy would have brought forth such a Bill. It would not have been left to the device, to the wisdom of a private Member of this House to bring forth a legislation of this kind. But in a situation where we are discussing a Bill of such far-reaching importance which has been brought by a private Member on this side of the House we are lending our support to this Bill and on the other side in the Treasury Benches there is obduracy, there is obstinacy, there is insensitivity to see reason, to see logic.

Now, Mr. Vice-Chairman, a lot of debate has taken place on Mr. Gopalsamy's Bill. It has taken place in this House and in the other House on a Bill which is still pending. I would like to remind the House Mr. Vice-Chairman, through you, that if you look at the history we find that a lot of blood has been shed, a lot of sacrifices have been made by humanity to protect, to safeguard individual freedom. This has been the great product of human history. In our own country enormous sacrifices have been made by our forefathers not only to bring freedom but also establish individual liberty, individual freedom in this country. Now, after all these years we stand here and discuss whether an uncaring Government — whether an insensitive Government — whether its bureaucracy should have the power and should have all the power in the world to intercept any mail, to intercept any telegram, to tap any telephone conversation. Prof. Lakshmananna has said that in this age of technology, the whole world is naked. But it is human nature, Mr. Vice-Chairman to wrap yourself in something. If you feel that you are naked you try to take hold of even a leaf to protect yourself, to hide that sense of shame.

Now, here it is most tragic that we have a Government which in this age of technology when you have already this sense of nakedness is accentuating, is adding to our shame by doing things which makes us more naked. Now, is this desirable? Is this what a democratically elected Government should be doing? Mr. Vice-Chairman, the Government is guilty of having passed a number of draconian laws. It is the golden rule of jurisprudence that nobody is guilty unless he is proved guilty. We have given a go-by to even this age-old golden rule of jurisprudence. We don't believe in it any more. But what is worse is that even before a shred of evidence has been collected against any one, the Government can try it, can try and detect what is this man upto. Is it justifiable? I am just asking you, Mr. Vice-Chairman. If the powers that-be were not favourable, for instance, Mr. Bhajan Lal is sitting here, if they tapped the telephone conversation that he was making when he defected with his entire Cabinet in those last days, would it have been possible for him to do so? It would not have been possible for him to do so if the powers-that-be had been unfavourable. He would not have been the Agriculture Minister today. But these things are going on. Therefore, Mr. Vice-Chairman, I will very strongly urge on the new Minister of Communications, he has not obliged his Government in Allahabad and I am sure his sense of decency, his sense of democracy, his sense of public good will at least give him the courage not to oblige the Government here and I think, he will be the one person who will stand up and support this Bill which Mr. Gopalsamy has moved. Mr. Vice-Chairman, Sir, in this connection, I would like to refer to a recent incident. What was this incident? This incident related to the tapping of a telephone conversation, the tapping of a conversation which was between a leader in Karnataka and the President of his party

in Delhi. This telephone conversation was taped and it was published by a certain newspaper in this country. Now, it is another matter that that newspaper claims to be greatest defender of press freedom and it had no compunction in taking advantage of this situation. But what is most disturbing. Mr. Vice-Chairman, is that that newspaper said very clearly in black and white that the taped conversation, that transcript had been given to them by the Central Government, sources of the Central Government. This is what that newspaper said. Now, I am not concerned with what was published. I am not concerned with the veracity or otherwise of that conversation. But I would like to know from the Minister of Communications, who happens to be sitting here, whether such a tapping has been done and if it has been done, then who authorised this tapping, by whom it was done and who is responsible for it? I am asking this question. (*Interruptions*)....

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Mr. Poojari must have done it.

SHRI YASHWANT SINHA: Because it was suggested at one time that the conversation was tapped and taped at the behest of the State Government under instructions from the Chief Secretary of the State. This is what has been published in a section of the press. Now the Chief Secretary of the State has officially come out with a statement saying that he did not order this tapping. We are back to square one. Therefore, Mr. Vice-Chairman, Sir, I would like to ask the Minister for Communications here as to whether he has made any enquiry at his level to find out how this conversation was tapped and taped and if no such enquiry has been made by him, I would like to have an assurance from him in this House here and now that the Minister of Communications will order an enquiry into this matter and would take this House into confidence and through this House, the people

of this country, as to who was responsible for this tapping. (*Interruption*)...

SHRI MURASOLI MARAN: The Home Ministry would have done it.

SHRI YASHWANT SINHA: But this is collective responsibility. The Minister of State in the Ministry of Home Affairs, Shri Santosh Mohan Dev is sitting here. My friend, Mr. Subramanian Swamy, when he was talking on this Bill earlier, he had said, when he checked up with the Home Ministry, he had found that the Director of the Intelligence Bureau had blanket authority to order any tapping, any taping and any interception. Now, this is the world in which we are living. The Big Brother is watching all the time. Now it is not merely that messages will be intercepted, what I write in a letter. It is not merely that what I talk on the telephone that will be intercepted. There is the most dangerous aspect of this situation and what is that danger, the danger to which Prof. Lakshmana referred. We are living in an age of technology where it is possible not only to hear what people are saying, but also to see what they are doing. Now imagine, we are talking of love letters. I do not know where we shall land. Now just imagine, Mr. Vice-Chairman, it is an age of technology and in the Government, if the Government if this tendency is allowed to grow with all the technological skills at its disposal, decides to snoop into the privacy of its individuals, its citizens in a democratic framework, then where will it all end? And it is something which nobody is exempted from. Even Members of Parliament are not exempted. Mr. Gopalany himself has referred to it. He has quoted, he has produced evidence in this House as to what happened to him. Nobody is safe. We are not safe. I do not feel confident of talking on the telephone. That is why I have to sit with Mr. Subramanian Swamy here and discuss internal party affairs. (*Interruption*)

(Shri Yashwant Sinha).

This is the whole situation. Mr. Vice-Chairman. And therefore, I would like to urge very very strongly that the Government may kindly consider this. Let them not stand on prestige.

श्री सुब्रह्मण्यम स्वामी : आप इसका जवाब दीजिए, इनका किसी र मामला है। आप ऐसे ही बैठे हैं। (व्यवधान)

SHRI YASHWANT SINHA: Mr. Vice-Chairman, let the Government not stand on any prestige. Let them not stand on technicality. In this House, there are precedents where the Government has accepted wise, well-considered and reasonable suggestions from anybody, even from this side of the House. Privy purses is one example. And therefore, I suggest that this is one such Bill, this is one such occasion, where the Government should rise above narrow considerations because one does not know, very soon there could be a change. (*Interruptions*). Therefore, let wisdom prevail, let wise counsel prevail. I would very firmly, very sincerely, with all the emphasis at my command, Mr. Vice-Chairman, urge upon the Minister who is sitting here, and through him upon the Government, that they should accept the provisions of Mr. Gopalsamy's Bill and delete the nasty, pernicious and obnoxious provisions from the Indian Telegraph Act and the Indian Post Office Act. Thank you.

SHRI SUBRAMANIAN SWAMY: Why don't you institute an enquiry?

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): But it should be known whether a complaint has been made by the party. (*Interruptions*)

SHRI SUBRAMANIAN SWAMY: He is demanding an enquiry as a Member of Parliament. They should say... (*Interruptions*)

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): We should know

whether the particular party has made a complaint to the Minister. (*Interruptions*)

SHRI SUBRAMANIAN SWAMY: I have written to the Home Minister and the Communications Minister. It is not still replied to.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SANTOSH MOHAN DEV): About what?

SHRI SUBRAMANIAN SWAMY: About the taping. About your invasion into privacy, listening to our conversation.

SHRI SANTOSH MOHAN DEV: You are not that important.

SHRI SUBRAMANIAN SWAMY: Our party. I am not talking about myself. Our party. It is not a private property so that you can tap anybody's conversation. (*Interruptions*)

PROF C. LAKSHMANNA: I would like to submit that Mr. Subramanian Swamy is a Member of Parliament. Therefore, his views are important. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): The Minister has heard it. It is left to him. (*Interruptions*) We cannot order... (*Interruptions*)

SHRI SUBRAMANIAN SWAMY: ...letter has been intercepted... (*Interruptions*)

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): It is for him to decide. (*Interruptions*). Mr. Ashis Sen.

SHRI ASHIS SEN (West Bengal): Mr. Vice-Chairman, Sir... (*Interruptions*)

SHRI YASHWANT SINHA: Sir, he has already written to the Communications Minister. Why should

the Minister not stand up and say what he feels on the subject? (*Inter-ruptions*)

SHRI ASHIS SEN: Mr. Vice-Chairman, I stand up to join Prof. Lakshmanna and Mr. Yashwant Sinha to support the Bill brought by Mr. Gopalsamy because ours is stated to be a democratic State with a democratic Constitution. The other day, I had affirmed it while taking oath. Some of the points that are contained there are that you must have freedom of speech, freedom of expression, freedom of organization and freedom of communication. We have been finding today that one after another, one freedom after another freedom, is sought to be curtailed and choked by the ruling party. The other day, by the Industrial Relations Bill amending the Industrial Disputes Act and the Trade Unions Act, this Government tried to gag freedom of organisation and freedom of expression by way of going in for strike action, etc. This is another attempt by which they are trying to gag the freedom of communication. They have done it. Therefore, I join with Mr. Gopalsamy in demanding that this gagging should be stopped and those respective clauses in the Telegraph Act and the Postal Act must go. Incidentally, I go back to late '60s when I had occasion to communicate through telegraph a decision of my trade union organisation that we had decided to go on strike on a particular day. It was in the city of Madras and we wanted to send that message to all our centres. The telegraph office accepted the message but later on returned it saying that this message was a message which was subversive and could not be sent to the places we had desired. This is a fact from my personal experience in late '60s. I do not know today what type of public emergency has come about, what type of public safety is needed, for which our personal communications are required to be tapped and censored. As has been said by the previous speakers,

apart from letters or telegram or telephones there are other methods, other channels, by which we can communicate, channels which do not pass through the system of postal and telegraph department. What is the check on those methods? Do we not come to the conclusion that this is another method by which Government wants unnecessarily to extend and strengthen its authoritarian stances? That is why they want to tap and stall even the normal communication channels, normal freedom of communication, between one citizen and another. And they claim it is necessary in the interests of sovereignty, in the interests of integrity, to keep these provisions. Then I do not understand what national integration is. There are so many methods, so many ways of communicating with each other. Is it only by letters and only by telegrams that the national safety and security is going to be jeopardized? Mr. Jaswant Singh and Mr. Subramanian Swamy were demanding for removal of these provisions and it was not a matter to be laughed away. The Minister should respond positively, should give thought to the suggestions. Instead stage by stage the ruling party at the Centre is trying to bring about a situation where they do not want that I should communicate with another honourable Member of Parliament. That is the stage where they are taking us. The speakers who spoke immediately before me made a devastating exposure of the way a telephonic talk between the Chief Minister in Karnataka and the President in Delhi has been tapped on the instructions of the Central Government here or through an officer of the Central Government. This is how the party ruling at the Centre is trying to curtail the freedom of the States which are ruled by Opposition parties. This is how they are systematically satisfying their urge for expansion of authoritarianism so that there will be only one party, one leader, one Government. This is quite obvious to everyone. But we the

[Shri Ashis Sen]

people of this country, have a right to freedom of organisation and freedom of communication. In the past during the regime of the Britishers a lot of sacrifices had to be made by the people of this country, a lot of struggles had to be conducted, to win back these freedoms, freedom of various kinds, freedom including of communication. When this freedom is sought to be curbed and suppressed in this country, with what moral authority can the Government of our country speak something adverse against the Botha regime in South Africa? What is the ground on which the people of South Africa are revolting? It is only because the freedom of organisation, the freedom of communication, the freedom of speech, the freedom of expression, these are being gagged there. If these provisions are not removed, if the contents of the Bill as moved by Mr. Gopalsamy are not properly and positively responded to by the Government, then this Government should not have the check to speak against the Botha regime where the freedom struggle is suppressed in a nasty manner and the citizens are gagged. That is why I request and urge upon the Government—or, should I persuade the Government?—to respond to what has been proposed in the Bill moved by Mr. Gopalsamy which seeks the removal of the relevant clauses of the Indian Post Office Act and the Indian Telegraph Act and which is being supported by all others. I wish I could get the Members from the other side, from the ruling party side, to support this Bill. Some of them also should have come forward and said, "Yes. We do have opposition to the Opposition parties. But we also want to protect freedom of speech and freedom of communication." Only then I would take it that they have really got sincerity towards continuance and maintenance of democracy in the country. If they do not do that, then I think that my apprehension will come true that they will gradually rise to the level

of the fascist rule which gags every type of freedom. I hope that the people on the other side will not lead us towards that and the people of the country will be able to feel that there is still a certain elementary sense of democracy in the country.

With these words, Sir, I urge that the Bill be accepted by the House with the other side joining with the Opposition. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now, Mr. Ish Dutt Yadav.

श्री ईश दत्त यादव (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष जी, मैं अत्यन्त आभारी हूँ, हृदय से आपका आभार प्रकट करता हूँ कि आपने मुझे इस महत्वपूर्ण बिल पर बोलने का अवसर दिया। इस माननीय सदन में 25 मार्च, 1988 को माननीय गोपालसामी जी ने जो यह बिल प्रस्तुत किया है, इसका मैं हृदय से समर्थन करता हूँ और इस बिल के समर्थन में ही मैं खड़ा हुआ हूँ।

मान्यवर, माननीय गोपालसामी जी ने इंडियन टेलीग्राफ एक्ट, 1885 के सेक्शन 5 को डिलीट करने और इंडियन पोस्टल एक्ट, 1889 के सेक्शन 26 को डिलीट करने के लिए यह बिल प्रस्तुत किया है, जो कि अत्यन्त ही महत्वपूर्ण है। यह एक कानून तो 1885 में बनाया गया, जो कि आज से 103 साल पुराना है और दूसरा 1889 में बनाया गया, जो कि लगभग 90 साल पुराना है। मान्यवर, 103 साल और 90 साल पहले जो परिस्थितियाँ थीं, आज देश के अंदर वह परिस्थितियाँ नहीं हैं। यह दोनों कानून जो हैं, अंग्रेजों के बनाए हुए हैं और उस समय के बनाए हुए हैं, जब देश गुलाम था, देश आजाद नहीं था। ये उन परिस्थितियों में बनाए गए थे पत्रों को खोलने के लिए, सेंसर करने के लिए, उनकी जांच-पड़ताल करने के लिए, लेकिन आज की परिस्थितियाँ वह नहीं हैं।

मान्यवर, इस बिल के समर्थन में कुछ कहने के पूर्व मैं यह जो पोस्टल-डिपार्टमेंट है, उसके संबंध में अपने कुछ विचार रखना

चाहता हूँ। वैसे तो इस सरकार के सारे ही विभाग जवाब दे चुके हैं, फेल हो गए हैं, भ्रष्ट हो गए हैं और सरकार के पास कोई समय नहीं है जनता कि समस्याओं को जानने, सोचने और उनके निराकरण के लिए। रोज सबेरे उठकर अखबार पढ़ते हैं तो सरकार का कोई न कोई स्केण्डल पढ़ने की मिनत है। सरकार के सारे विभाग फेल हो चुके हैं और डाकखाना विभाग तो सबसे खराब हालत में चल रहा है। मान्यवर, देहात में डाकखाने खोले गए हैं, वहां जो पोस्टमास्टर रखे गए हैं या डाकघर के दूसरे कर्मचारी रखे गए हैं, उनसे आकड़े मंगाकर अगर आप ईमानदारी से जांच करवाएं तो आपको मालूम होगा कि 50 परसेंट मनिआर्डर जो देहातों में जाते हैं, गांव के लोग जो मील में, कारखाने में कलकत्ता-बंशई जाकर नौकरी करते हैं, रात-दिन मेहनत का काम करते हैं और किसी तरह कमाकर पैसा घर वालों को भेजते हैं, उसका वहां भुगतान नहीं होता, 50 परसेंट मनिआर्डर पर वे लोग फर्जी दस्तकत या अग्रूठा लगाकर उसको गायब कर देते हैं। गांव की हालत तो यह है। शहरों में भी बहुत-सी जगह चिट्ठियां नहीं मिलती हैं। मान्यवर, टेलिग्राम के बारे में प्रायः समाचार-पत्रों में निकलता है। मैं तो इसका भूति भोगी हूँ। मेरे नाम से कलकत्ता से जो टेलिग्राम भेजा गया था, वह छूँ। महीने के बाद मुझे प्राप्त हुआ जबकि जिस सज्जन ने यह टेलिग्राम भेजा था वे चार-पांच बार हमारे यहां आ चुके थे और सारी समस्याएं जिनके लिए टेलिग्राम भेजा गया था उनका निराकरण हो चुका था।

मान्यवर, डाकखाने में भी भ्रष्टाचार है। इस ओर मैं माननीय मंत्रीजी का ध्यान आकर्षित करना चाहता हूँ। पोस्ट आफिस में जो सेविंग बैंक एकाउंट्स हैं, उन से फर्जी आदमी पैसा निकाल लेते हैं और इस में डाकखाने के लोगों का हाथ रहता है। यदि कोई आदमी मर गया और उसका वारिस तय हुआ नहीं, लेकिन उसका रुपया निकाल लिया जाता है। इस तरह से यह इस देश का डाक विभाग चल रहा है जिस को भगवान ही चला रहा है।

मान्यवर, माननीय अटल बिहारी जी जोकि इस सदन के माननीय सदस्य हैं, वे

1974 में लोकसभा के सदस्य थे। उन्होंने उस समय एक प्रिविलेज मोशन पेश किया था और वह यह था कि एम०पी० के लेटर और नार डाकखाने विभाग के लोग खोल लेते हैं। उस समय तत्कालीन लोकसभा अध्यक्ष माननीय हिल्लन साहब ने यह व्यवस्था दी थी कि एम०पी० और एम०एल०एज० की चिट्ठियां डाकखाने विभाग का कोई अधिकारी या कर्मचारी खोल नहीं सकता, देख नहीं सकता। परन्तु यह सरकार माननीय अध्यक्ष जी की उस व्यवस्था का भी पालन नहीं करती है। डाकखाना विभाग एकदम माखल हो गया है।

इसलिए मान्यवर, श्री गोपालसामी जी ने जो यह बिल पेश किया है, वह जनहित का बिल है। अब 103 साल पुराना, 90 साल पुराना कानून इस देश में नहीं रहना चाहिए। मान्यवर, सत्ता पक्ष के लोग बार-बार प्रजातंत्र की दुहाई देते हैं। चिट्ठियां खोले जाने से हमारा संविधान के अंतर्गत जो मौलिक अधिकार है, उसका हनन होता है। इसलिए, मेरी पार्टी लोकदल और हम सब लोग चाहते हैं कि इंडियन-टेलिग्राफ एक्ट की सेक्शन-5 और इंडियन पोस्ट आफिस एक्ट की सेक्शन-26 जिसको संशोधित करने के लिए, जिसको रद्द करने के लिए माननीय गोपालसामी ने इस सदन में बिल प्रस्तुत किया है, वह बिल पास किया जाय। सरकार उस पर गंभीरता से विचार करे। मान्यवर, मैं चाहता हूँ कि सरकार इसे स्वीकार कर ले और जिस तरह से यह बिल माननीय सदस्य ने प्रस्तुत किया है, उसी रूप में यह पास कर दिया जाय। धन्यवाद।

SHRI CHITTA BASU (West Bengal): Mr. Vice-Chairman, Sir, to begin with, I must thank my esteemed colleague, Shri Gopalsamy for introducing the Bill which is under discussion now. The purpose of the Bill is to delete section 5 of the India Telegraph Act, 1885, and section 26 of the Indian Post Office Act, 1898 which authorise the Government to intercept the message sent through telegraph and by post office. Here, the main factor, the most reprehensible factor, is the question of the right

[Shri Chitta Basu]

of interception by the Government in the exchange of messages between two parties. Now, both the Acts authorise the interception. And this interception is nothing but a brazen invasion on the privacy of individual citizens of the country. This right to intercept constitutes a gross violation of the inalienable human rights and freedom. This right to intercept is nothing but an erosion into the democratic rights as ensured by the Constitution of our country. Sir, I concede that while the Constitution of our country guarantees certain fundamental freedoms as adumbrated in Article 19, it also puts some reasonable restrictions. I am quite aware of this fact. So far as the provision of the Constitution is concerned, it is sub-clause 2 of Article 19. Here reasonable restrictions can be imposed if certain conditions warrant them; viz., in the interests of the sovereignty and integrity of India, security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation, etc. etc. As you have heard, this right of interception is not always being utilised for the things for which the Constitution provides the authority of the Government to put reasonable restrictions. Here the clear example is that the Janata Party's President talks to a particular member of his party in Karnataka, in Bangalore and they have used this authority, I suppose, to tap his telephone. Does it involve the security of the State? Does it involve anything which offends the friendly relations between India and the Soviet Union? Does it affect the friendly relations between India and the United States of America? Does it affect, in any way, the security of the country, the security of the State or anything of that kind? Is it not clear from this particular case that this is being used for certain other purposes not visualised by the framers of the Constitution? Had the framers of the Constitution imagined that these reasonable restriction would au-

thorise the Government to spy into the activities of certain members of a political party, they would not have incorporated these things in the Constitution of our country? Mr. Bhanjan Lal, I would also want to make it clear to you that you can be brought into this net.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): He is not the Minister of that Department.

SHRI CHITTA BASU: I think his name does not appear in the list. Please don't think that this will always be against us. Every Member on that side can also be a prey or a victim of this nefarious and obnoxious law.

In regard to the normal political activities, normal trade union activities and normal communication between the elector and the elected representatives, I am sorry to say that this Act is also being invoked. It has rightly been pointed out by the previous speaker. I am also a victim though I have not been in a position to move a privilege motion. A trade union with which I am connected wanted to communicate to me through a registered communication. That has not been delivered. Suppose, Sir, you are the President of a union and your union has decided to take certain action. By this they can intercept at a particular point of time at their will any proper communication between you and your organisation. Now, if the Government wants that this communication can be intercepted and the communication cannot be delivered to me, you can very well utilise this provision and prevent the communication. And I am not going into other minor details. As a matter of fact, it, has been mentioned by many. Therefore, it not only intercepts the normal communication, it also disrupts the normal political activities, it disrupts the normal trade union activities of our country. Now it has been said and I also want to repeat it that the concept of this law, the philosophy behind this law was to suppress the

freedom movement of our country. It was the philosophy of the British imperialist ruler. I am sorry to say that you have inherited those imperialist habits. And habits die hard. And you have not felt the necessity of removing this blot on our democratic life. What is the necessity today of that kind of right to intercept any communication? The only thing, the only idea is to restrict the normal democratic right of the people. Now you have got the right to declare emergency. The Constitution provides that. And during emergency this kind of extra-ordinary rights can be exercised as the Constitution of the country permits. But what is more disquieting and disturbing is that you want to enjoy this right even during the normal period, when there is no question of emergency, when there is no question of any extra-ordinary situation. During emergency, this extra-ordinary authority is vested in you. You can take away all the democratic rights of the people. You can have the right of suppressing the people. All these rights you have got during the period of emergency and other 'extra-ordinary' situations. But the most reprehensible factor is that you want this extra-ordinary authority, this extra-ordinary power even during the normal time. Does it mean that there is always a spell of emergency in our country? All these rights are being suppressed during the period of emergency. And you want to have that authority even during the normal time. Nowhere in the world this kind of a draconian power is enjoyed by any Government which professes democracy. Over and above, for all these purposes i.e. safety and security of the State, friendly relations, public order, etc., etc., you have got a host of laws, you have got the National Security Act, you have got the ESMA. You have got the Anti-Terrorist Act and I can cite two dozen laws, two dozen Acts which give enormous power, immense power, draconian power to the Government to suppress the

democratic rights and liberties of the people. Over the above you have enacted the Fifty-ninth Amendment of the Constitution which gives you the power to declare emergency in a part of the country and by declaring emergency in a part of the country you are enjoying the right of emergency powers throughout the country. You declare emergency in Punjab, say Gurdaspur district of Punjab, and by declaring emergency in the Gurdaspur district of Punjab, you enjoy the right of suppressing the civil liberties, democratic right of the people of the rest of the country. You take away the rights of State Legislative Assembly because you have declared partial emergency in a particular part of Punjab or a particular part of the country you take away all the democratic rights and you take extraordinary power to suppress democracy.

You have got these rights as I have mentioned, emergency power during the period of emergency, even during the normal period you enjoy the right of a host of laws, as I have mentioned, and even today after the Fifty-ninth Amendment of the Constitution, you enjoy the right of promulgating emergency in a part of the country and thereby enjoy the entire benefits of the emergency provisions of the Constitution to suppress the democratic rights and democratic liberties and snatch away the rights of the Members of Legislative Assemblies and Members of Parliament also. You want to make the country a prison-house. As a matter of fact, we are now living in prison-house and I do not know what will happen in future. Therefore, when you have got all these extraordinary powers why do you also want to enjoy these extraordinary powers during the normal period? I am constrained to remark that this attitude of the Government reflects nothing but a growing propensity towards authoritarianism. It is necessary for everybody who cherishes the values of democratic rights, who cherishes the values

[Shri Chitta Basu]

of decent political activity, that they should oppose this kind of draconian and authoritarian attitude of the Government. I think no argument can convince them of this. But I would like to say that our communication between the parties may be prevented but you should also know that this power can be used against those who are enjoying the benefits of power today. No Minister is safe from this today. No Member of the ruling party can be spared of it. And as factional feuds within the ruling party are increasing, everybody wants the head of another, then I think your heads are also not safe. (*Interruptions*). Sir, when I say 'your', I do not mean you. I mean those who enjoy authority and you represent the chair of authority. And, therefore, you are also not...

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): I am a very innocent man, nobody will want it.

SHRI CHITTA BASU: But, this will be applied more against innocent persons. This will apply more against innocent persons like me. Therefore, it is not a question of parties; it is not a question of Treasury Benches or Members occupying opposition benches. You remain because democracy is there; I remain because democracy is there. Neither do you remain nor do I remain where democracy is not there. Therefore, the question is to retain democracy. The question is to enjoy the rights under the Constitution and I think good sense will prevail. If good sense does not prevail, democracy will be in danger. And if democracy is endangered, your safety is also not ensured. Therefore, I would appeal that you should not always remain impervious, or I should say insensitive to these things and should defend the democratic rights. I would suggest that the Government should accept the principle of the Bill, the principle underlying this Bill and

bring forward an official Bill. I think they are always interested to see that credit should not go to any private Member and I think Mr. Gopalsamy is not very much interested to harvest the credit. He will be very much willing to share the credit and, therefore, the Government should not stand on prestige and in the interest of defending democracy and democratic rights, privacy human rights, and to safeguard democracy in our country, I hope they will accept the principle underlying this Bill and take initiative in bringing forward a Bill incorporating the principles of this Bill. With these words, I wholeheartedly support the Bill moved by Mr. Gopalsamy.

SHRI A. G. KULKARNI (Maharashtra): I thank you for calling me to speak. Ordinarily, I would not have got up to speak on the Bill; but certain urges, inner urges, and certain experience when I was in the opposition, makes me bold to make some observations. I am not a very learned person...

SHRI V. GOPALSAMY: You have the courage.

SHRI A. G. KULKARNI: Courage is always there. I am an old Congressman. I had the courage; that is why I am living uptil now.

SHRI CHITTA BASU: You become more courageous.

SHRI A. G. KULKARNI: My submission is the Government has sent the Postal Bill for the President's assent. When the Bill had come up, I was in the opposition. I opposed the Bill and I cited at that time many instances how this Bill might be misused. I think I need not go into the history because many knowledgeable persons have spoken; Constitution has been quoted. But my speech will be short...

SHRI MURASOLI MARAN: Let us know your experience.

SHRI A. G. KULKARNI: Let me stay in the party where I am.

SHRI ALADI ARUNA alias V. ARUNACHALAM: What are you going to benefit hereafter? Let them see the truth.

SHRI A. G. KULKARNI: You have changed your leaders like anything.

SHRI ALADI ARUNA alias V. ARUNACHALAM: But not the policy, nor the truth, nor the programme. Whatever be the change in leadership, policy remains unchanged.

SHRI A. G. KULKARNI: Politicians have become like crocodiles, changing colours...

SHRI CHITTA BASU: But crocodiles do not change colours.

SHRI A. G. KULKARNI: There was a law in 1888; it is all history; I do not go into that. I can understand in war or in conditions of emergency, certain measures are required in the hands of the Government, and for that purpose, some provision should be there. But as quoted by Shri Chitta Basu from the Constitution, there are certain conditions which are required to be fulfilled before using the provisions of this new Bill. Sir, I was looking into the Australian, Canadian and the British legislations. I do not want to cast aspersions on anybody. The rulings given in this House and the other House quoted certain provisions of the Australian law. But that law in Australia was framed during the War. It has no relevance whatsoever to the present conditions except the Terrorists and Disruptive Activities (Prevention) Act and the situation with reference to our neighbouring countries like Pakistan and China.

Sir, our Opposition friends should not think that this law is only in the

hands of the Congress Party. As far as misuse is concerned, it is also with the Opposition. Are you aware what is happening in Kerala? Are you aware what is happening in Tamil Nadu?

SHRI ARANGIL SREEDHARAN (Kerala). What is happening? (*Interruptions*).

SHRI A. G. KULKARNI: There are complaints of interception of mail by the Kerala Government. (*Interruptions*).

SHRI ARANGIL SREEDHARAN: It is not correct. The Kerala Government is not intercepting any mail.

SHRI A. G. KULKARNI: You are a partyman. You can say anything. (*Interruptions*).

SHRI ARANGIL SREEDHARAN: Vice-Chairman, Sir, I am on a point of order. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Please sit down. Mr. Kulkarni has some information and he can refer to it here.

SHRI ARANGIL SREEDHARAN: Sir, the representatives of the Kerala Government are not present here. How can he level such allegations against the Kerala Government? It is absolutely untrue, baseless and irresponsible. (*Interruptions*).

SHRI A. G. KULKARNI: Some power will be delegated to the State Governments. What is happening in Kerala? What is happening in Karnataka? A controversy is going on.

SHRI ARANGIL SREEDHARAN: Nothing is happening in Karnataka. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mr. Sreedharan, Please sit down. Mr. Kulkarni is entitled to express his views. I cannot stop him.

SHRI A. G. KULKARNI: Sir, my only point is that the Opposition as well as the ruling party must have an objective assessment of the Bill moved by Mr. Gopalsamy. I am for it. That is why I make bold to speak here. It is not for opposing the Kerala Government or the Karnataka Government. My opinion is that it is the fundamental right of a person and, in politics, we should be free from any such harassment by any Government. What I would like to suggest is that the Government should reassess the provisions of the Bill which was passed earlier in the light of the vehement opposition to it and the misuse which has been experienced in the last two years as well as the experience we have from foreign countries. There is a need to review the Bill. This much I can say.

Sir, when I was in the Opposition and was sitting in those benches, my phone was tapped. I complained to Shri Hidayatullah who was the Chairman at that time.

SHRI CHITTA BASU: Is it being tapped now also?

SHRI A. G. KULKARNI: That I will tell you afterwards. As I said, my phone was tapped. Not because in Government's assessment I was a criminal or some sort of a revolutionary. I am neither. I am a Congressman of 45 years standing. You know it. I can neither be a revolutionary nor a criminal. I am a small, poor, Congressman of the Seva Dal cadre. As a person of the Seva Dal cadre, violence cannot enter my mind. My phone was tapped. I complained. This was also discussed in this House. Perhaps, you will be knowing if you had been a Member at that time. In this connection, Mr. Advani also brought some matters. My phone was tapped not by the Government but at the instance of an industrialist whom I was exposing here. It was ridiculous. When I say that the Bill must be reviewed, it is not a question whether the Government will misuse

it or not. It is for the Government. But a person like me, when I was in opposition exposing certain industrial houses, I was the sufferer. Recently, also I do not know how this phone works. The moment I ring some member, there is some noise coming. When I asked some body, they said it is tapped, you do not speak on this phone. What can I do (*Interruptions*). The reason, Mr. Narayanasamy, is that without the knowledge of the Government certain industrialists make some bribery attempts, they bribe the officers and the workers in the telephone department.

SHRI VITHALRAO MADHAV-RAO JADHAV (Maharashtra): Is the quarrel between two industrial houses?

SHRI A. G. KULKARNI: It can be between three also, but I have been exposing many industrial houses. I have exposed 20 houses including the Birlas in the last 20 years. So, Sir, what I want to say is that the authority given is being misused not only by the Government but even by, what you call, the lower level officers in collusion with the vested interests. Also, Sir, everybody knows how extraordinary bills are received by the members. Even when the houses are locked, such bills are received. This shows that somebody is misusing STD of your telephone. That is why I say, a review is necessary to check these loopholes.

Mr. Vice-Chairman, I have to perform another sad duty. I am not against the Government or its policy to check the FERA activists and industrialists who are indulging in such activities that are against the economic laws of this country. I can understand that, but Mr. Vice-Chairman, there was a report. I do not know whether he knows it. I think he is the Minister of Communications.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Yes, he is the State Minister of Communications.

Due to frequent changes you are not able to identify.

SHRI A. G. KULKARNI: I could not recognise.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: You are not responsible. Prime Minister is responsible for that.

SHRI A. G. KULKARNI: Sir, I am making myself bold to make this assertion. I learnt from the press that the Indian Express was given permission to use FAX machine. I do not know what the relation is between the Indian Express and the economic Ministries of the Government. They say they must have some 127 cases against them. Whether it is a harassment or it is politically motivated, I do not know that, and I do not want to pass a judgment on that, but the permission granted to a newspaper, which is the most important constitutional power given to a newspaper for freedom of expression, was suddenly withdrawn.

SHRI MURASOLI MARAN: May I say that the Government is so foolish that when a Tamil Nadu paper is supporting Congress party, they do not know what they are doing?

SHRI A. G. KULKARNI: The permission given to the Indian Express was withdrawn. Mr. Minister, Government is run on certain ideologies, principles and moral attitudes. For Heaven's sake, do not encourage newspapers to criticise you. Newspaper is a power in this country. Newspaper has to raise the voice of the people. Today also, we raised a voice and everything will go on, but suddenly when the permission is withdrawn every newspaper has criticised that this is a political harassment of that newspaper. Sir, I oppose that. Let me make myself bold and say that I oppose that.

Now, Mr. Chitta Basu was referring to, what you call, the phone tapping

between Deva Gowda and Ajit Singh. He is a Harvard-returned fellow, does not know how to talk on phone and he is the president of the Lok Dal party.

अरे वह लड़का है उसको बोलो (अवधान)

श्री राम नरेण यादव (उत्तर प्रदेश) : वह पार्टी के प्रेजिडेंट है और इस सदन के सम्मानित सदस्य हैं। मैं यह कहना चाहता हूँ कि उनके बारे में इस तरह के जो रिमाकमेंट है उनको निकाल दिया जाना चाहिये।

4.00 P.M.

SHRI A. G. KULKARNI: I have not said anything, Yadavji. I never said that. I said a very educated person from MIT or whatever it is, should know what the systems are in this country. He should have known that.

श्री राम नरेण यादव : सिस्टम यह नहीं है कि टेप किया जाए।

This is not the system prevailing in this country.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): He is against that.

SHRI A. G. KULKARNI: I am only helping you. Tapping of Ajit Singh—Deva Gowda conversation was done. Now there is a conflict going on. Accusations are being made that Hegde instigated it. I do not know, perhaps his party people will say something. Some say the Chief Secretary instigated it. There is a statement by the Chief Secretary. The sum total of this Bill has turned out to be that a bureaucrat of the highest order, the Chief Secretary of a State, had to issue a statement. I had never seen such statements issued by the Chief Secretary of any State whatsoever. In my memory I do not remember. Mr. Datar who is the Chief Secretary of Karnataka Government had to come out with a statement. We have brought these bureaucrats unnecessarily into this conflict between two political parties. Whether Mr. Deva Gowda is a dissident or a main Janata Party element, I do not know.

[Shri A.G. Kulkarni]

Whether Mr. Hegde is the main Janata Party element, or a dissident, I do not know. Mr. Hegde is a very sophisticated, cultured politician. There are a few cultured politicians in this country. Mr. Hegde is one of them. He was a Member of this House and I know him for a very long time. So these are the misuses.

I would request the Minister to take note of my feelings in the sense that this is my fundamental right. The State has a right, but on some written orders. Every criticism has come into the press. Therefore for heaven's sake, see that political parties are not harassed. I can give umpteen instances how they have been harassed in many States, but I do not want to give it. But I am making bold to say that because it is not guaranteed that a political party will be the ruling party every time, one has to take note of the fact that this is a democracy and not a dictatorship and for democratic purpose, the fundamental right of a political person, whether in Parliament or in Assembly, has to be guaranteed. And the fundamental right provides that the newspapers should not under any circumstances be harassed and action should not be taken to discontinue facsimile service, once it is permitted.

With these few words, I support Mr. Gopalsamy's Bill that a review should be made. To that extent I support it.

SARDAR JAGJIT SINGH AURORA (Punjab): Mr. Vice-Chairman, Sir, at the outset I would like to congratulate my hon. friend, Shri Gopalsamy, for introducing this very vital Bill. Sometimes I wonder whether on 15th of August, 1947, the people of India got real freedom or only a change of masters because the colonial type of rule continues. And a real demonstration of the continuance of the colonial type of rule is these two Acts. That any democratic country should accept them and for the last forty years continue to use them makes me feel that real freedom for the people has

still not come. This is a legacy of the British Raj, as has been mentioned by so many other friends of mine, and I think this is a legacy which we could very well do without. In a democratic country, and in the Constitution that we have drawn for ourselves, we have given our citizens certain basic freedoms, and if something impinges on their freedom to continue to live with it and use it, to my mind it appears to be a very derogatory thing indeed. If such restrictions are imposed in times of national emergency they can be acceptable, but such restrictions and large-scale misuse of these restrictions in times of peace shows total lack of confidence in the people of the country.

As you know, one certain way of upsetting people is to bring about censorship. It was done during the Emergency and it had resulted in a change of the Government. Now this is censorship on an individual by surreptitious means when he is unaware of it. This, to my mind, is extremely reprehensible. Therefore, rather than repeating the various general aspects which have already been mentioned, I would like to request the Government that at this stage they should realize that when a Private Member had the gumption and courage to stand up and suggest the repeal of Section 5 and Section 26 of these two Acts, the Government should accept it with good grace.

Let us also consider, while we are talking about this, the various Draconian laws that have been passed over the last six or seven years. Have they brought peace to this troubled land? Have they really achieved anything or have they brutalized the society as well as the instruments of governance of his country? To my mind, winning the confidence of the people is the first duty of the Government. If they cannot rule by consent, they cannot rule by suppression, and any laws and rules—these two included—are not going to give confidence to the people in the Government.

If you have no confidence in the people, the people cannot have confidence in the Government. So, as a general rule, any suppressive laws or any laws which can be misused must be done away with in a democratic society. I would, therefore, recommend and request the Government that better sense should prevail and they should gracefully accept these amendments and repeal these very objectionable sections in both these Acts. Thank you.

SHRI ARANGIL SREEDHARAN:
 Mr. Vice-Chairman, Sir, as a Member of a Party which ended the dark days of Emergency and re-established democratic rights, fundamental rights and human rights in this country, I am proud to support this very important piece of legislation. Mr. Gopal-samy, who has introduced this Bill, is certainly doing great service to this country, to all those who believe in human rights and democracy.

Sir, totalitarianism has a method in its madness. Totalitarianism does not arise as an accident of history. Hitler was not born in a day. The Nazi Party did not suddenly erupt in Germany. Totalitarianism comes in doses. First comes the control of the media. It is already there. The Government media are entirely controlled not only to do propaganda for the Government but also to destroy the Opposition. That comes first. If you study any totalitarian state or dictatorship, the first assault is on free press and free media. Then comes the erosion of civil rights.

I look at civil rights as a human being. Sir, I look at civil rights as a citizen, not merely as a member of a political party. The concept of democracy is that I got these rights not merely from the Constitution, but these rights I inherited when I came out of my mother's womb. These rights are vested in me by nature. No constitution, no individual can take away from me what nature gave me. This is my birthright.

What is the situation now? I shudder to think of the days of the emergency when I was in jail. My wife stopped writing to me. When once she came to me for an interview, I asked her why she did not write. She said, "It is impossible to put my mind in a letter which is to be read by the jailer." The modern citizen is reaching the bed-room of a citizen. I prize my privacy. I prize my right to discuss things with my wife in my bed-room. Even my telephone is tapped. I am a small fish. So, we are living in a condition of horror, Sir. Don't think that this is a small thing. Who are the people who do this? They are not civilised people. They are not cultured people. Some ordinary Assistant Sub-Inspector of the Central Intelligence Bureau. They are the people who are keeping a watch over very responsible people, journalists, people who have made such contributions to society.

What do they plead? The courts of the country. Certainly, I am proud of my country. I have 10,000 years of civilisation behind me. I am a continuity of a great civilisation. I am proud of this country. We are patriots, Sir. We fought for the freedom of this country. But what has this Government got to talk about the security of this country? This Government made a mess of the security of this country. Fissiparous tendencies are raising their heads in every part of this country. Who is responsible for this? Take, for example, my State. The hon. gentleman accused my State that we are interfering in the law of Kerala or Karnataka. But for this—they are non-Congress State Governments—because they do not control the Posts and Telegraphs Department. Sometimes, I think, the responsibility in the Treasury. But what is it? What right have they got to do this? What have they done to the security of Kerala? You compromised with the communal forces or the communalist forces. Did you not shake hands with the Muslim League which was the

[Shri Arangil Sreedharan]

possible for the partition of this country? Did you not shake hands with casteists like the Nair community party or the Ezhava community party? From communalism you have come down to casteism and from casteism you are creating danger. What right have you got to talk of security? The security of India lies in the patriotic heart of every citizen. Don't for a moment think that the security of India, love of this country is the sole property or monopoly of the Congress Party.

I know they are having surveillance over the non-Congress (I) Chief Ministers. Everywhere they are harassing the State Governments. Financially they want to stomp them out. By stopping the supplies of food they want to create a difficult situation. They are collecting complaints against the State Governments. You need this because the Congress party has never worked for its own welfare. No Congressman works for strengthening his party. He works for disrupting the Opposition parties. You need it.

SHRI PAWAN KUMAR BANSAL (Punjab): Are you talking of the Opposition? This is not the Congressman's but your way of working.

SHRI ARANGIL SREEDHARAN: Disrupting the Opposition, I said. (*Interruptions*). Why should you? We don't want your patronage. So, Sir, we are heading towards the terrifying knock at the dead of night and finally we are heading towards the darkness at noon. I strongly repudiate the charge that is levelled against the Governments of Kerala and Karnataka. It is utterly baseless and irresponsible. I request the Government to accept this amending Bill, because of one reason. After the next Lok Sabha elections you will not be there. A free Government will come. The sowing has been done. The seed is in the ground. The democratic Government is germinating. Then, when you come in the Opposition, you can say at

least we gracefully accepted your amendment. You can have feather in your cap. So, I request you to accept this amendment.

DR. G. VIJAYA MOHAN REDDY (Andhra Pradesh): I am very thankful to my colleague, Shri V. Gopalsamy, for bringing forward this Resolution which gives once more an opportunity to all freedom lovers, both on this side of the House and on that side of the House, to search their hearts and realise to what catastrophic situation the ruling party is exposing the country to. I can only say the Indian Telegraph Act, 1885 or the Post Office Act, 1898 was enacted by the British after the first war of independence, when the entire people of the country were changing their strategy. During those days these enactments had come to ensure that the correspondence or the meeting together of freedom fighters was suppressed so that the freedom movement will not catch the wind. But something else happened. In spite of all the repressive measures, the freedom movement grew from strength to strength and finally wiped out the British imperial power from our country. This movement wiped out the imperialist power not only from our country but also led the freedom movement of the entire world, when the world itself was liberated after the World War II from all types of political oppression. That is why I say this is a great movement. But alas, the party which fought for independence, has forgotten for what the Indian people have sacrificed in this country. The Britishers were looting this country, exploiting this country and taking away the wealth from this country. The peasantry were starving. There were famines and pestilence. The industry was not allowed to grow. Under these circumstances the freedom movement fought the Britishers, mobilised the entire people and won independence. After Independence what has happened? The Directive Principles of the Constitution have been given a go by. I charge this Government with having trespassed

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the Directive Principles. They should have been the guidelines for the Government. Instead accumulation of wealth has been allowed to grow rampant in this country. It has been encouraged. Only one hundred families control 60 per cent of the wealth of the country. Under these circumstances what type of freedom can you expect? That is why inroads into the freedom have come in in our country. I tell you, Sir, the democracy will be useful to the oppressive classes as long as their exploitation can continue. When once the people are awake and this exploitation cannot be allowed to go through, then, all the democratic norms, all the Fundamental Rights are forgotten and suppression will be the order of the day. I am very sorry to say that this game has begun a long time back in our country. I can only say that according to the Constitution anything, any law which goes against Fundamental Rights are void according to article 13. They become automatically void. Don't you have the commonsense to understand that while amending the Postal Bill you could have simply removed articles 5 and 26? But instead of doing that you have replaced it with another section, power to intercept postal articles in certain cases. Section 16 of the present Act says that the Central Government or State Government or any officer authorised specially in this behalf by the Central or State Government may if satisfied that it is necessary or expedient so to do in the interest of public safety or tranquility, sovereignty and integrity of India, security of the State and friendly relations with foreign States or public order or preventing incitement to the commission of offence or occurrence of any public emergency by order in writing direct that any postal article or class or description of postal articles in the course of transmission by post shall be intercepted or detained or shall be disposed of in any manner as the authority issuing the order may direct. This is the present state of things. Telephones are tapped and the mail are also censored if not destroyed.

As my friend Mr. Chitta Basu has said Trade Union leaders correspondence would not reach. That is why, Sir, I want to state that this Government cannot learn anything because this Government represents the exploiting classes. This Government is exposed. The people of his country are rejecting this Government. This Government is driven into factions. There are as many factions as monopoly groups in this corrupt Government. They quarrel among themselves. Finally there will be Cabinet splits. Opposition Benches are no afraid of the Government. I want to say that we are with the people and the popular movement to overthrow this system of exploitation. But on the other side you are defending all feudal exploitation, capitalist exploitation, exploitation by international monopolists and every type of exploitation. You have been defending them all through these 40 years. We have waged all the struggles of the people. We are trying to fight for their demands. Go through your record, how many peasants have been killed in Telangana and all over the country? How many people have been detained? It will go into thousands and thousands and lakhs and lakhs. Many patriots have suffered under this type of rule. That is why I am trying to say that you are heading towards a disaster. You are thinking of taking over the administration of all the districts by controlling IAS and IPS officers. No man with commonsense can think like that. Can you organise the districts from Delhi? After all you say on one side decentralised planning as if it has dawned on your head. To meet your authoritarian goal, you want to put popular phrase. Decentralisation of planning is my job. I am interested in that. I want to reconstruct my own State. I want to rebuild my own State. (*Interjection*)... What is happening? The inroads into the State administration is going on. Even the Chief Minister's telephone conversation are tapped and just now, I received the information from my colleague Mr.

[Dr. G. Vijaya Mohan Reddy]

Yadav that Devi Lal's telephone has been tapped and it has come in the press. . . (*Interruption*)... That is why an opportunity has been given once more before doom's day reckons on you. You think about this. Retrace your step. Support this resolution wholeheartedly. Come forward as defender of democracy, try to fight in the national movement for democratic principles. You are even now a part of the democratic movement. We have got confidence that all are not agents of capitalist class, all are not agents of feudal exploitation. That is why, come forward. It is not too late. As my hon. colleague was telling, Hitler was not born in a day. Fascism was not born in a day. The economic factors which developed in the country made that country take certain path and the economic conditions in this country are taking a shape to this particular point where you come with authoritarian powers and without declaring emergency, you want to have emergency powers of taking over the administration of the districts. What an utopian idea? Do you think that you can transfer IAS and IPS officers of the States? Where are you heading to? The bureaucrats will be going around feeding you with all the information because bureaucracy and big business and the Government authority are intertwined. That is why, instead of allowing one to fall, the other will be going on feeding such type of information. The bureaucratic power is falling in our country because it is worthless. The Five Star Hotel civilization which has been brought into modern India, finally has shown before everybody that it is the bureaucratic class, the politicians and the industrialists, who are sitting over the carcass of our Indian people and making hay when there is sun shine. That is why, Sir, I request, as our hon. friend, Mr. Kulkarni has stated from the ruling benches, please reconsider your stand and come forward. The President has not given

you the assent. Instead of waiting for that day, you retrace your step. Come forward, support the resolution, come forward with a Bill which will remove these two sections from the original Act which are a shame to any democratic civilisation. I want to tell you that one telephone tapping resulted in a Watergate and removal of a President. Please do understand your Watergates are coming one after another. Today morning also, there was a Watergate. So many Watergates are going to come forward. Our hon. friend, Mr. Birla, had told, every transaction has kick-backs. There is no transaction which has taken place without a kick-back. That is why I request the democratic minded friends from all the sides of the House to support the Bill which has been brought forward by Shri Gopalsamy. Thank you, Sir for giving me this opportunity to speak.

[The Vice-Chairman (Shri Anand Sharma) in the Chair].

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Now, the Minister of Communications will intervene.

SHRI MURASOLI MARAN: What happened to the Cabinet Minister? He was very much here. (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): I think, the Minister of State is fully qualified to intervene. It is not a must... (*Interruptions*)... There is no such rule... (*Interruptions*)...

There is no such rule.

SHRI MURASOLI MARAN: Courtesy requires that the Cabinet Minister should speak. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI ANAND SHARMA):... The Minister speaks on behalf of the Government. (*Interruptions*)

SHRI SANTOSH MOHAN DEV: Senior Members of the Opposition have also not participated. (*Interruptions*)

SHRI MURASOLI MARAN: It is a question of courtesy. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Let us not make this an issue. (*Interruptions*)

श्री ईश दत्त यादव : श्रीमान कमिन्ट मिनिस्टर अभी यहाँ पर बैठे हुए थे, लेकिन लगता है कि कोई साजिश हुई है और वे धीरे से बाहर खिसक गए हैं। मेरा अनुरोध है कि वे ही इसका जवाब दें।

SHRI MURASOLI MARAN: We are very eager to listen to the Cabinet Minister. Why should he run away? It is a very important matter. This is the courtesy shown to the hon. House. He is belittling the issue. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): The Minister may proceed.

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI GIRIDHAR GOMANGO): Mr. Vice-Chairman, Sir, I am grateful to all the Members who had participated and expressed their views on this Private Member's Bill moved by Mr. Gopalsamy. The Bill seeks to remove section 5 from the Indian Telegraph Act, 1885 and section 26 from the Indian Post Office Act, 1898. It is true that both the provisions have been there and it was rightly emphasised that they still remain in the statute book. But, unfortunately, Sir, many of the Members from the Opposition who spoke on the subject failed to appreciate the fact that the provision of law which stood the test of time for nine decades cannot but have some intrinsic merit. Sir, while speaking some Member from the Opposition said...

DR. G. VIJAYA MOHAN REDDY: He cannot count the period when the Britishers were here.

SHRI GIRIDHAR GOMANGO: He has said that this Government will go and their Government will come and at that time, they will do it. Then, what have they done during 1977-79? If I put this question they will say that they have not seen the Act. (*Interruptions*) Why did you not insist on amending the Act? We have not given this Act. So, Sir, it is not just that we are in power or they are not in power and so we are favouring this and they are not. If they had thought on this line then, they could have done it without any difficulty themselves. But they had not done so. It is not fair on their part to blame us. We cannot afford to forget the fact that successive Governments thought it necessary to continue with these provisions. Sir, it will be needless for me to dilate on the various aspects of destabilisation which confront our country. Various extremist elements are expousing their narrow sectarian interests and are vigorously trying to undermine the integrity of the nation. I am sure that no Member of this august House will disagree with me that it is essential for the Government to have the power conferred upon by the respective sections of the two Acts. In fact, Sir, the provisions of these sections have been used by the various State Governments in the country in respect of the party in power. I am not trying to give a justification. Not at all. (*Interruptions*) I am only stating the fact. And this shows that given the responsibility to run the administration, every Government would like to have such legislative powers essential. I am not just defending the Government. I am defending the existing Act. In this context I would like to further elaborate the freedom of speech. We have not restricted the freedom of speech nor is it the intention of the Government to do so. Freedom of

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expression is enshrined in our Constitution and it has to be honoured. But Article 19(2) clearly lays down reasonable restrictions. We have to view these together. What are the reasonable restrictions? Freedom is given to raise ourselves to a better level. Freedom is not given in the Constitution to be abused. Therefore, the reasonable restrictions are enshrined in the Constitution itself; they are not adopted by the Government for being used as we like. Therefore, it is in the interests of the country that we have to have these reasonable restrictions.

On that basis we have enacted the legislation. If that provision is not there...

SHRI MURASOLI MARAN: Who decides the reasonable restrictions?

SHRI GIRIDHAR GOMANGO: The person in whom the Government vests the authority...

SHRI MURASOLI MARAN: In this kind of tapping, who decides the reasonable restrictions? The police constable? Or the Cabinet Minister?

SHRI GIRIDHAR GOMANGO: The person who is authorised to do that...

SHRI MURASOLI MARAN: The authority is given to an ordinary police constable, not the top official. The local policeman can intercept the mail; he can destroy it.

SHRI V. GOPALSAMY: That aspect has not been briefed to him.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): I would request honourable Members to maintain order.

SHRI V. GOPALSAMY: In U.K. the power is given to the Home Secretary...

THE VICE-CHAIRMAN. (SHRI ANAND SHARMA): No, I have not

permitted you to speak. Please do not interrupt any more. I would request honourable Members to maintain order and I would request the Minister to proceed. The Minister is intervening and the mover has a right to reply to the debate. I think most of the parties have had their opportunity to speak. You have made your point clear. Now let the Minister have his say. Don't interrupt him.

SHRI V. GOPALSAMY: During the discussions when Mr. Vasant Sathe was sitting here and taking notes seriously, we thought he would intervene. But suddenly his portfolio has changed. What is the use of this debate then? We expected the Cabinet Minister...

SHRI PAWAN KUMAR BANSAL: That is none of your business as to who replies on behalf of the Government.

SHRI GIRIDHAR GOMANGO: What do you want?

SHRI V. GOPALSAMY: We want the Cabinet Minister to reply.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): I think this has been raised earlier even when the Minister started speaking. Let us be very clear about the rules. Government can field any Minister. In any case the Minister is related to the department. He speaks on behalf of the Government and it is for the Government to decide, not for the Members to decide, which Minister will intervene or reply.

Now the Minister may kindly proceed.

SHRI GIRIDHAR GOMANGO: My Government is equally conscious about the inviolability of individual privacy. But such a right to privacy must also be subject to necessary legal discipline. But such a right to individual privacy must also be subject to necessary legal discipline

particularly when there is ample evidence to show that this right to individual privacy and freedom of expression is being grossly abused by some extremist elements in the country, causing immense harm to the national interest and causing misery and distress to so many innocent citizens of the country.

SHRI SUBRAMANIAN SWAMY: The tapping of the conversation of the Janata Party President with a former Minister in Karnataka is in the national interest?... (*Interruptions*)...

SHRI GIRIDHAR GOMANGO: This is a separate issue. We will come to it later... (*Interruptions*)...

SHRI PAWAN KUMAR BANSAL: The Janata Chief Minister conspired for that... (*Interruptions*)

SHRI V. GOPALSAMY: It is a serious allegation... (*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI HANS RAJ BHARDWAJ): Sir, they cannot go on interrupting like this... (*Interruptions*)...

SHRI SUBRAMANIAN SWAMY: Sir, I do not want to say anything. He is competent to reply and I have very great regard for him. He said that the Bill is only for those whose activities are likely to be dangerous to the State. Now, when the President of the Janata Party is conversing with a former Minister in Karnataka, is that also a dangerous activity?... (*Interruptions*)... Why was it tapped?... (*Interruptions*)... Let him answer this... (*Interruptions*)...

SHRI VITHALRAO MADHAVRAO JADHAV: Mr. Swamy, you are an expert in destabilising... (*Interruptions*)...

SHRI PAWAN KUMAR BANSAL: Sir, he does not know what he is

saying... (*Interruptions*)... He knows alright that it was Janata Chief Minister who connived for that sort of activity.

SHRI SUBRAMANIAN SWAMY: Let the Minister say... (*Interruptions*)...

SHRI VITHALRAO MADHAVRAO JADHAV: You are a master manipulator in destabilization... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): I would request all the Members not to politicise this debate. Everybody has had his say including Mr. Subramanian Swamy.

SHRI SUBRAMANIAN SWAMY: But he must reply to my point... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): The Minister is now intervening. The Mover of the Bill will have the right to reply.

SHRI GIRIDHAR GOMANGO: Sir, some Members while supporting the Bill, stated that the Law Commission has recommended deletion of section 26 of the Indian Post Office Act, 1898. What the Law Commission has recommended about this provision has already been fully appreciated by the Government and incorporated in the Bill and the legislation is awaiting Presidential assent. So, at this stage, it will be difficult for us to consider any change or amendment in any form. It is not with the Government. It has been sent to the President for his assent. Therefore, I would like to assure that the Constitutional provisions and the basic principles of freedom which underline them, are held in the highest regard by my Government.

Sir, Mr. Kulkarni, while speaking, mentioned... (*Interruptions*)... the case of "Indian Express" and it is regarding the circuit that the paper wants to have between Madras and Bangalore. It could not be provided

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due to a technical fault and it is not the intention of the Government to deny the "Indian Express"... (*Interruptions*)...

SHRI A. G. KULKARNI: It has not been given because of technical faults?

SHRI GIRIDHAR GOMANGO: Yes... (*Interruptions*)...

SHRI A. G. KULKARNI: You please say that. People are thinking, people are saying, that it is because of political factors... (*Interruptions*)::

SHRI GIRIDHAR GOMANGO: It is technical, not political; it is because of technical faults... (*Interruptions*)...

SHRI MURASOLI MARAN: We will know very soon... (*Interruptions*)... I know this. The "Dinamani" is supporting the Congress (I) now... (*Interruptions*)... But they themselves do not know... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): I would request the Members not to make any interruptions.

SHRI GIRIDHAR GOMANGO: In the performance of their duties the authorities will exercise caution to prevent any harassment to the law-abiding individuals. This is an assurance. The present climate, however, does not permit me to remove these provisions from the Statute Book as proposed by Shri Gopalsamy. The Government has the prime responsibility to ensure the safety and security of its citizens and it cannot but arm itself with the required legal provisions. Sir, I may also add that even in countries like UK, USA and Canada similar provisions exist, Mr. Gopalsamy was saying, that in U.K. this power has been given to some higher authority. He questioned why we are not giving it to a higher authority? To this extent he agrees that that provisions is there and he wanted only that the

power should be given to a higher authority. That means he is supporting it. Then why is he saying that it is a Draconian Act? Both ways you cannot argue. Therefore, we have to have it. It is necessary for the Government to have it at a certain stage in the interests of the country.

Therefore, I appeal to the mover that the Bill moved by him be withdrawn. Or, if Shri Gopalsamy does not agree, I appeal to the House that the Bill may be rejected.

SHRI SUBRAMANIAN SWAMY: He has no answered a question. You said that you would answer that. Mr. Yashwant Sinha made a statement. That means you did tap the telephone of the Janata Party President (*Interruptions*).

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Let us be very clear about the parameters of this debate. I do not think that such issues can be brought.

SHRI SUBRAMANIAN SWAMY: There is a mention in the speech of Mr. Yashwant Sinha. And it is a very vital part of...

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): It may be. But it cannot be a vital part of the Bill under discussion, Mr. Gopalsamy.

SHRI V. GOPALSAMY: Mr. Vice-Chairman, Sir, first of all. I have to thank the hon. Members from both sides who have participated in this debate. About 24 Members have participated in this debate. Of course the hon Minister, Mr. Kalpnath Rai, Mr. Madan Bhatia and Mr. Ram Chandra Vikal when they participated in the debate had to oppose my Bill. But, Sir, I am happy at least there is at least one Member from the Treasury Benches who was true to his conscience—Mr. Kulkarni—because he requested the Government to re-consider the whole matter.

I am extremely grateful to Mr. Subramanian Swamy, Mr. Satya Prakash Malaviya, Mr. Dipen Ghosh,

Mr. Ram Jethmalani, Mr. Gurudas Gupta, Mr. Murasoli Maran, Mr. Aladi Aruna, Mr. Satyanarayan Reddy, Prof. Lakshmana, Mr. Yashwant Sinha, Mr. Ashis Sen, Mr. Ish Dutt Yadav, Mr. Chitta Basu, Gen. Aurora, Mr. Sreedharan and Dr. Vijay Mohan Reddy, who have supported wholeheartedly my Bill with all the force at their command in this discussion. But, Sir, I am terribly, sadly disappointed with the speech of the hon. Minister of State. I expected Mr. Vasant Sathe to reply. But he has finished his speech within 10 minutes. Mr. Jagesh Desai just now stated that it was a marathon debate. What is the use? Very recently, arguments have been put forth in support of my Bill.

Every Indian would hang his head in shame. These pernicious provisions which were brought on the Statute Book hundred years ago still remain on the Statute Book. That colonial hangover is still there. This pernicious provision was brought on the Statute Book in the form of Telegraph Act in the year 1885 when the Congress Party was started. Therefore, I wanted section 5 of the Indian Telegraph Act and also section 26 of the Indian Post Office Act which were introduced in the year 1898 to be deleted, to be scrapped.

Sir, this pernicious practice was started in the United Kingdom during the days of Oliver Cromwell in the year 1664 and the letters of Joseph Mazzini were subjected to censorship. I have established in my speech when I initiated the Bill that our leaders, the leaders of the Members of Parliament, are subjected to censorship. I substantiated my case with evidence. So our phones are tapped. Who is there to decide? The letters could be dispensed with or could be destroyed by those persons to whom they have been entrusted. Sir, Mr. Kulkarni was very correct when he stated that in Australia this practice was there during war-time. But it is unimaginable in peace time. So, this snooping practice to invade

the privacy of a citizen strikes at the very roots of democracy. Therefore, Sir, I expected the hon. Member of the Treasury Benches to support my contention. Anybody would be tempted to use this device. Such a practice is not prevalent in any democracy in the world. When you go and tell the world that India is the tallest democracy, then you have to tell the world what for you are keeping this pernicious device. Tapping the telephones of the opposition members is a serious matter, a crime. The President of the United States had to go.

Anyhow, all our arguments have fallen on deaf ears. Sir, the Bill is pending in the Rashtrapati Bhawan for assent. I appeal to him from the floor of this House, through you, to give his assent. Let it be returned. Let the Members of both the Houses reconsider the matter. Sir, today you could reject my Bill with their majority. They could defeat my move. But a day will come—when I will not be here; I agree with him—nobody is immortal; you know I will not be here—when these pernicious provisions will be totally scrapped and thrown into the bin. You should remember that you will not be there. Definitely you will not be there. But a day will come. Only on that day the Indians would be able to raise their heads and say that now India is a democracy.

Therefore, Sir, I would once again request the Members of the House belonging to both the sides to support my Bill. Of course, Members like Mr. Kulkarni who have not expressed their views, let them also touch their conscience, and support my Bill.

THE VICE-CHAIRMAN: ANAND SHARMA: Now the motion is over. Mr. Gopalsamy, are you withdrawing your Bill?

SHRI V. GOPALSAMY: No, Sir.

THE VICE-CHAIRMAN: ANAND SHARMA: I shall now put the motion for consideration of the Bill to vote.

SHRI GURUDAS DAS GUPTA:
Sir, we want a decision.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Mr. Gapalsamy, are you pressing for a Division?

SHRI V. GOPALSAMY: Yes, Sir. I am pressing for a Division.

THE VICE-CHAIRMAN: The question is:

"The the Bill further to amend the Indian Telegraph Act, 1885 and the Indian Post Office Act, 1898, with a view to removing the power of the Central Government or State Government to intercept messages and postal articles be taken into consideration."

The House divided.

5.00 P.M.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Ayes—23.

NOES—39

AYES—23

Baby, Shri M. A.
Balanandan, Shri E.
Basu, Shri Chitta
Basu Ray, Shri Sunil
Das Gupta, Shri Gurudas
Gurupadaswamy, M. S.
Javali, Shri J. P.
Kalvala, Shri Prabhakar Rao
Maran, Shri Murasoli
Rahman, Shri Mohd... Khaleelur
Rao, Shri Gopala Rao
Rao, Shri Moturu Hanumantha
Rao Shri Yalla Sesi Bhushana
Reddy, Dr. G. Vijaya Mohan
Sen, Shri Sukomal
Srivastava, Dr. Yelamanchili
Sreedharan Shri Arangil
Srivastava, Shri Subramanian
Srivastava, Shri Parvahaneni
Verma, Shri Virendra
Yadav, Shri Ish Dutt
Yadav, Shri Sharad

NOES—39

Ahluwalia, Shri S. S.
Bansal, Shri Pawan Kumar
Barongpa, Shri Sushil
Bekal Utsahi, Shri
Bhajan Lal, Shri
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan

Chatterjee, Prof. (Mrs.) Asima
Desai, Shri Jagesh
Dhusiya, Shri Sohan Lal
Dubey, Shri Bindeshwari
Faguni Ram, Dr.
Fotedar, Shri Makhan Lal
Hanspal, Shri Harvendra Singh
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Kakodkar, Shri Purushotam
Kalita, Shri Bhubaneswar
Kesri, Shri Sitaram
Khan, Dr. Abrar Ahmed
Kidwai, Dr. Mohd. Hashim
Kulkarni Shri A. G.
Kuthiravattom, Shri Thomas
Mahendra Prasad, Shri
Malaviya, Shri Radhakrishnan
Manhar, Shri Bhagatram
Mishra, Shri Shiv Pratap
Moopanan, Shri G. K.
Narayanasamy, Shri V.
Natarajan, Shrimati Jayanthi
Palaniyandi, Shri M.
Pandey, Dr. Ratnakar
Patel, Shri Chhotubhai
Singh, Shri Vishvijit P.
Thakur Jagatpal Singh
Thangkabal, Shri K. V.
Tiria, Kumari Sushila
Vikal, Shri Ram Chandra
Vora, Shri Motilal

The motion was negatived

STATEMENT BY MINISTER

Re. Prime Minister's visits abroad during June and July, 1988.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI P. V. NARASIMHA RAO): Sir, the Prime Minister visited Syria, Federal Republic of Germany, New York (UN) and Hungary from June 4 to 11, 1988. He also visited Jordan, Yugoslavia, Spain and Turkey from July 11 to 20, 1988. This was the first ever visit by an Indian Prime Minister after a gap of 31 years while the visit to Turkey was after an interval of 28 years. The Prime Minister received a warm welcome in all the countries visited. The talks were held in a friendly and cordial atmosphere and were characterised by goodwill on both sides. During these visits, Prime Minister reviewed matters of bilateral, re-