

भारतीय संसद
PARLIAMENT OF INDIA
राज्य सभा सचिवालय
RAJYA SABHA SECRETARIAT

संसद भवन/संसदीय सौध,
नई दिल्ली-110001
वेबसाईट : <http://rajyasabha.nic.in>

Parliament House/Annexe,
New Delhi-110001
Website : <http://rajyasabha.nic.in>
Tel - 23035485

Dated the 11th May, 2016

No.RS.35/10/2016-L

From

Vijay Kumar,
Deputy Director,

To

Shri Rajeev Chandrasekhar, M.P.

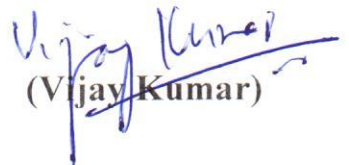
Subject: Allegedly giving an incorrect reply to a parliamentary question by the Minister of Communications and Information Technology - matter of breach of privilege- reg.

Sir,

I am directed to refer to your notice of breach of privilege dated the 4th April, 2016, on the above mentioned subject and to state that the matter was taken up with the Minister of Communications and Information Technology. A copy of the reply received from him in regard thereto is enclosed for your kind information and perusal.

2. You are requested to send your comments thereon, if any. If no comments are received from you within two weeks, it will be presumed that you do not wish to pursue the matter further and the case will be treated as closed.

Yours faithfully,


(Vijay Kumar)

रवि शंकर प्रसाद
RAVI SHANKAR PRASAD



सत्यमेव जयते

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मंत्री
संचार एवं सूचना प्रौद्योगिकी
भारत सरकार
MINISTER
COMMUNICATIONS & IT
GOVERNMENT OF INDIA

D.O. No. 800-26/2016/RS.USQ. No.2287/AS.II(Pt.)

00 MAY 2016

Dear Shri Sheriff ji,

Kindly refer to your letter dated 12th April, 2016 forwarding therewith a notice given by Shri Rajeev Chandrasekhar, Member of Parliament (Rajya Sabha) wherein a matter of privilege has been raised. Vide the said notice, Shri Rajeev Chandrasekhar, M.P. (Rajya Sabha) has mentioned that the reply given by this Ministry (in respect of Rajya Sabha Unstarred Question No.2287 on 18.12.2015) regarding submission of TRAI in Hon'ble Supreme Court (suggesting that terrorists are able to purchase SIM cards with ease due to absence of Aadhaar Card) are contradictory to the facts.

In this regard, I would like to intimate that Telecom Regulatory Authority of India (TRAI) has informed that they have neither made a claim in the documents filed with Hon'ble Supreme Court nor briefed the advocate representing TRAI suggesting that terrorists are able to purchase SIM cards with ease due to absence of Aadhaar. Further, Shri Rakesh Dwivedi, Sr. Advocate who represented TRAI before Hon'ble Supreme Court has also confirmed to TRAI that no such arguments were made by him orally in the court. Copy of the letter received from TRAI in this regard is enclosed for ready reference. Accordingly, the answer given in response of the said question i.e. "TRAI has not filed such affidavit in Hon'ble Supreme Court" does not contradict with the facts of the case.

With regards,

Yours sincerely

(Ravi Shankar Prasad)

Encl: As above

Shri Shumsher K. Sheriff
Secretary General, Rajya Sabha
29, Parliament House
New Delhi - 110001.



भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA
भारत सरकार/Government of India



महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg
(पुराना मिनटो रोड) नई दिल्ली/(Old Minto Road), New Delhi-110002
फैक्स/Fax : +91-11-23213294, ईपीबीएक्स नं०/EPBX No. : +91-11-23664145

No.107-1/2015-NSL-II

Date: 4 May 2016

To

The Secretary,
Department of Telecommunications,
Sanchar Bhawan,
New Delhi - 110001
(Fax No.23372276 / Email : diras2-dot@nic.in)

[Kind Attn: Shri Pradeep Kumar, Director (AS-II)]

Subject: Reference from Shri Rajeev Chandrasekhar, Hon'ble Member of Parliament (Rajya Sabha) seeking clarification on Parliament Question No. 2287 answered on 18.12.2015 regarding Purchase of SIM cards by terrorists - reg.

Kindly refer to your letter No.800-26/2015/RS.USQ.No.2287/AS-II dated 27th April 2016 and subsequent reminder dated 2nd May 2016 on the afore-mentioned subject.

2. DoT through their letter dated 9th December 2015 had earlier forwarded a Rajya Sabha Question Dy. No.S5072 for answer on 18th December 2015 raised by Shri Rajeev Chandrasekhar, Hon'ble Member of Parliament regarding 'Purchase of SIM cards by terrorists' and sought inputs for framing reply to the said question. A reply was sent to the DoT through letter of even number dated 11th December 2015 giving copy of the application for impleadment and application for clarification / modification of interim order dated 11th August 2015 filed by TRAI before the Hon'ble Supreme Court.

3. DoT through their letter dated 14th December 2015 had stated that the inputs furnished by TRAI were not adequate for framing the reply to the question and requested to furnish requisite inputs / clarifications. TRAI, through its letter dated 15th December 2015, informed DoT that TRAI had already provided available documents / information and has nothing more to add.

Contd...2/-

4. DoT through their letter dated 2nd March 2016 intimated that the Hon'ble Member through his letter dated 28th December 2015 has sought clarification on the reply given to the said Parliament Question and sought clarifications / comments on the issues raised by the Hon'ble Member. After examining the issues comments of TRAI were sent to DoT through letter dated 28th March 2016.

5. DoT, through their letter under reference have sought clarification whether during arguments TRAI's lawyer had made any such statement in the court suggesting that terrorists are able to purchase SIM cards with ease due to absence of Aadhaar.

6. In this connection, Shri Rakesh Dwivedi, Sr. Advocate, who represented TRAI in the matter before the Hon'ble Supreme Court, was requested to confirm that no claim/submissions was made by him before the Hon'ble Supreme Court suggesting that terrorists are able to purchase SIM cards with ease due to absence of Aadhaar. Shri Rakesh Dwivedi, Sr. Advocate through his letter dated 3rd May 2016 has *inter-alia* clarified that:

"The Affidavit and I.A. do not contain any plea saying that terrorists are able to obtain SIM cards easily as Aadhaar Card was not mandatory. No such arguments were made by me orally to the Court."

A copy of the said letter is enclosed for ready reference.

7. This issues with the approval of the Authority.

Encl: As above.

Jaipal Singh
(Jaipal Singh Tomar)
Joint Advisor (NSL)
04/05/16

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RAKESH DWIVEDI

Senior Advocate
SUPREME COURT OF INDIA

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E-mail: rakeshdwivedi.sc@gmail.com

balvirsingh64@gmail.com

Dated : 03.05.2016

To,

The Joint Advisor (Legal)
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan,
Jawaharlal Nehru Marg, (Old Minto Road),
New Delhi-110002

Dear Mr. S.B. Singh,

I have gone through the questions raised by Sri Rajeev Chandrashekhar, Hon'ble M.P. (Rajya Sabha), the reply given by TRAI, reply given by the Hon'ble Minister of Communication and Information Technology, the letter of Hon'ble M.P. dated 28.12.2015 and newspaper cuttings enclosed, as well as our pleadings in our I.A. No.22-23 of 2015.

It is correct that I had appeared for TRAI before Supreme Court in the Adhar Card matter. The affidavit and I.A. do not contain any plea saying that terrorists are able to obtain sim cards easily as Aadhar Card was not mandatory. No such arguments were made by me orally to the Court.

As for Press Articles, it is seen that The Tribune does not report any such argument. It only says "Aadhar would help deal with black money and terrorism". The Telegraph attributes argument to Sri Tushar Mehta who

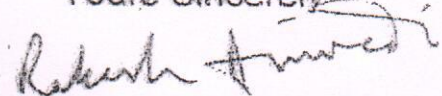
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did't appear for TRAI. However, it only says Aadhar Card would help "prevent terrorist activities". Thus these two newspapers don't say that we argued that because of Aadhar Card not being mandatory terrorists were able to obtain sim card easily.

NDTV reports our arguments erroneously, and is not in tune with our pleadings and submissions.

Thanking you,

Yours Sincerely



(RAKESH DWIVEDI)

Senior Advocate.