

# COMMITTEE OF PRIVILEGES

## THIRTEENTH REPORT

(THIRD LOK SABHA)

(Presented on the 1st December, 1966)



LOK SABHA SECRETARIAT  
NEW DELHI

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**PERSONNEL OF THE COMMITTEE OF PRIVILEGES  
(1966-67)**

**CHAIRMAN**

**Shri S. V. Krishnamoorthy Rao.**

**MEMBERS**

2. Shri Frank Anthony
3. Shri N. C. Chatterjee
4. Sardar Kapur Singh
5. Shri L. D. Kotoki
6. Shri H. N. Mukerjee
7. Shri V. C. Parashar
8. Shri Purushottamdas R. Patel
9. Shri C. R. Pattabhi Raman
10. Shri Jaganath Rao
11. Shri Yuveraj Dutta Singh
- \*12. Shrimati Ramdulari Sinha
13. Shri Satya Narayan Sinha
14. Shri Sinhasan Singh
15. Shri Sumat Prasad.

**SECRETARIAT**

**Shri M. C. Chawla—*Deputy Secretary.***

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\*Nominated on the 3rd August, 1966.

# THIRTEENTH REPORT OF THE COMMITTEE OF PRIVILEGES (Third Lok Sabha)

## I. INTRODUCTION AND PROCEDURE

I, the Chairman of the Committee of Privileges, having been authorised to submit the Report on their behalf, present this Report to the House on the question of privilege raised<sup>1</sup> by Sarvashri Madhu Limaye and H. V. Kamath in the House on the 31st August, 1966 against the Editor of the *Statesman*, in respect of the following editorial captioned "Home Truth", published in its issue dated the 26th August, 1966:—

### "HOME TRUTH

During discussions in the Lok Sabha on Wednesday of the privilege issue against the Home Minister, arising out of a report in the *Statesman* of August 10-11 on the Left Communists, Mr. Nanda observed that this paper had committed an indiscretion and that he did not want it to commit another. With the privilege issue now out of the way, it seems appropriate to us that we should set the record straight.

Mr. Nanda says that as soon as he received notice of the call attention motion on August 11, he asked his Information Officer to write a letter to the Newspaper denying that the news had emanated from the Home Ministry. The Information Officer wrote a letter dated August 10 and addressed by name to the Resident Editor at New Delhi requesting publication of the denial, but not earlier than August 12 because the matter was due to be debated in Parliament on August 11.

Mr. Nanda says the Editor replied on August 12. This is not correct. On August 11, before we published Mr. Nanda's statement in Parliament, we informed the Home Ministry that we were willing to publish their letter of denial—but with a footnote by us explaining the circumstances in which the report was obtained and published. In subsequent conversation of the same afternoon the Information Officer agreed that the letter need not be published.

Mr. Nanda says that with the publication of his statement by the *Statesman* his purpose had been served. He is entitled to this satisfaction. For our part, we published the

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<sup>1</sup> L.S. Deb. dt. 31-8-1966, cc. 8105-12.

statement as part of parliamentary proceedings, which we would have reported regardless of any dispute about earlier news. As for any contradiction directly addressed to us, we would have published it, as was made clear by us, only along with our comment on the contradiction.

Mr. Nanda is also welcome to his view that we committed an indiscretion, but perhaps he expressed his own fears when he added that "a second indiscretion" by us might have resulted in "publishing a Minister's name, or something like that". We presume Mr. Nanda is fully aware of the source from which the story came to us and of the circumstances in which his Ministry agreed that the contradiction it had earlier sent to us need not be published.

Mr. Nanda asked: "If it is necessary for them (The Statesman) somehow to vindicate their position, who stopped them from doing it?" Nobody. But, considering the scepticism with which Mr. Nanda's denial of the source of the news item published by us was received by his audience, The Statesman is not the party that needs to vindicate its position."

2. The Committee held six sittings. The relevant Minutes of these sittings form part of the Report.

3. At the first sitting held on the 5th September, 1966, the Committee decided that the Editor of the *Statesman* be asked to state what he might have to say in the matter for the consideration of the Committee.

4. At the second sitting held on the 5th October, 1966, the Committee considered the written statement<sup>2</sup> submitted by the acting Editor (Shri Pran Chopra) of the *Statesman*. The Committee decided that the Acting Editor be asked to appear before the Committee.

5. At the third sitting held on the 2nd November, 1966, the Committee examined Shri Pran Chopra, Acting Editor of the *Statesman* on oath. The Committee decided that Shri Inder Malhotra, Political Correspondent of the *Statesman*, New Delhi, who, according to Shri Pran Chopra, had written the news story published in the *Statesman*, dated the 10th August, 1966 under the heading "Sabotage Plans by C.P.I. claimed", be asked to appear before the Committee.

6. At the fourth sitting held on the 17th November, 1966, the Committee examined Shri Inder Malhotra, Political Correspondent of

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<sup>2</sup> See Appendix.

the *Statesman*, on oath. The Committee directed him to appear again before them on the 24th November, 1966, for further examination.

7. At the fifth sitting held on the 24th November, 1966, the Committee further examined Shri Inder Malhotra on oath, and arrived at their conclusions.

8. At the sixth sitting held on the 30th November, 1966, the Committee considered their draft Report and adopted it.

## II. FACTS OF THE CASE

9. The *Statesman*, in its issue, dated the 10th August, 1966, published a newsreport on its front page under the heading "Sabotage Plans by C.P.I. Claimed", from its Political Correspondent, who attributed his source of information to the Union Home Ministry. The newsreport in question had alleged that "the Union Home Ministry seems convinced that the Left Communist Party has formulated plans for countrywide 'sabotage' both on agricultural and industrial fronts".

10. On the 11th August, 1966, the then Minister of Home Affairs (Shri G. L. Nanda), made a statement in the Lok Sabha, in response to a Calling Attention Notice denying that the source of information of the said newsreport published in the *Statesman*, dated the 10th August, 1966, was the Ministry of Home Affairs. In this connection, the Minister of Home Affairs stated:—

"I am surprised that the report should claim to be based on information supplied by the Ministry of Home Affairs and I state categorically that no such information, as is mentioned in the report, has been given by the Ministry of Home Affairs."

11. On the 24th August, 1966, Shri Madhu Limaye and others sought to raise a question of privilege in the House against the Minister of Home Affairs on the ground that he had made a misleading and untruthful statement in the House on the 11th August, 1966 in denying that the relevant newsreport published in the *Statesman*, dated the 10th August, 1966 had been based on information passed on by the Ministry of Home Affairs.

While raising the question of privilege, Shri Madhu Limaye alleged that the Ministry of Home Affairs had asked the Editor of the *Statesman* to issue a contradiction to the newsreport published in its issue dated the 10th August, 1966 but the Editor had agreed to publish the contradiction on the condition that below the letter of the Ministry

of Home Affairs the *Statesman* would publish its own statement also to the effect that in spite of that contradiction, the special correspondent maintained his position. Thereupon, the Minister of Home Affairs gave up his insistence for the publication of the contradiction. Shri Madhu Limaye also referred to a news item published in the Hindi *Dinaman*, dated the 19th August, 1966 which stated that according to informed sources the news published in the *Statesman* dated the 10th August, 1966 had originated from the Home Ministry itself and that it was conveyed to the Press not by any official of the Ministry but by a Minister in the Ministry of Home Affairs.

12. The Minister of Home Affairs (Shri G. L. Nanda) stated as follows on the 24th August, 1966:—

“I find now that this question of privilege, as you have clarified is raised on the assumption that what I said here was not correct and that I knew that it was not true when I made the statement. I can say with all the emphasis at my command and the deepest earnestness and sincerity before this august House that when I made that statement, on that occasion I knew that it was correct, and I made it without any kind of reservation in my mind that it was not correct; it was true, to my knowledge. I further maintain now that I am prepared to reiterate it here. I stand by it. What I said then was correct then, it is correct now, to the best of my knowledge and I have no reason to disbelieve whatever I had said then.

One or two other points have been raised, and I would like to meet them. On the 10th immediately after the Calling Attention Notice was given, I received my Information Officer and made him write to the *Statesman* that it is not true, that it has not emanated from the Home Ministry. On the 12th we received a reply from the Editor saying:—

‘In any case we have today published the Home Minister’s speech in Parliament. We are not, therefore, publishing your letter as desired. If you think it necessary to do so, we will supplement it by giving a separate account.’

This letter is dated the 12th. Before that, on the 11th, this discussion had taken place. . . . . I, as a Minister, had made that statement. That statement had been published in the *Statesman*.

Now, my purpose had been served, my statement had been published, the contradiction had been published in the *Statesman*, it was not material for me that anything more was published. That paper had committed an indiscretion before. I did not want to be a party to its committing another indiscretion by bringing in, dragging in, another name, of this Minister or that Minister. . .

When I made that statement, I will just now add, I had shown it to everybody concerned in my Ministry, including Shri Shukla, Shri Hathi and everybody. Then, again, I questioned closely everybody. Therefore, I was quite satisfied that what I was saying was correct."

13. The Speaker, thereupon, disallowing the question of privilege against the Minister of Home Affairs, gave the following ruling:—

"Even conceding that the information had passed from the Ministry of Home Affairs, even conceding that some Minister in the Home Ministry, that is all what the papers say, that some Minister in the Home Ministry had passed on that information, even then—they might be liable for any other action—I have only to confine myself to this question alone whether a breach of privilege has been committed and whether I should give my consent to it. I have made it clear and I repeat that it was to be proved that not only the information leaked out from the Ministry or from any of the Ministers but that at the time of making the statement the Home Minister knew that this information had passed from the Home Ministry and then having that knowledge, with that knowledge, he made the statement different from it. That has not been proved and, therefore, I cannot give my consent."

14. On the 31st August, 1966, while raising the question of privilege in the House, against the Editor of the *Statesman*, Shri Madhu Limaye said that the Editor of the *Statesman* had "committed the grave offence of not only editorially reiterating the charge but saying that Shri Nanda (The Minister of Home Affairs) was 'fully aware' of the source and was therefore lying, and further suggesting that it is not the *Statesman* which needed to 'Vindicate its position' but the other party i.e., the Home Minister".

15. Shri H. V. Kamath stated that "in view of the clear denial by the Home Minister of the source of the news item on the Left



Communists' plans published in the *Statesman* issue of August 10, the said newspaper in its issue of August 26, by insinuating, if not asserting, that the Home Minister has wilfully and deliberately suppressed the source of the news report which appeared earlier in that paper, and thereby held an untruth to, and misled, the House, the *Statesman* has, therefore, committed contempt of a Member of the House which is tantamount to a breach of privilege". Shri Kamath urged that the matter be referred to the Committee of Privileges.

16. The House thereafter referred the matter to the Committee of Privileges.

### III. FINDINGS OF THE COMMITTEE

17. The question of privilege against the Editor of the *Statesman* is specifically based on the following passage occurring in the editorial captioned "Home Truth":—

"We presume Mr. Nanda is fully aware of the source from which the story came to us and of the circumstances in which his Ministry agreed that the contradiction it had earlier sent to us need not be published."

While raising the question of privilege in the House on the 31st August, 1966, both Shri Madhu Limaye as well as Shri H. V. Kamath had particularly referred to the above passage. Shri Madhu Limaye had said that the *Statesman* had editorially reiterated "that Shri Nanda was 'fully aware' of the source and was therefore lying". Shri H. V. Kamath had contended that the *Statesman* had insinuated that "the Home Minister had wilfully and deliberately suppressed the source of the news report which appeared earlier in that paper, and thereby held on untruth to, and misled, the House".

18. The Acting Editor of the *Statesman*, in his written statement,<sup>3</sup> has, however, stated that the above insinuation attributed to the *Statesman*, is not justified and is not borne out by the facts. He has contended that the editorial published in the *Statesman*, dated the 26th August, 1966, "does not in any way attribute *mala fide* to Shri Nanda, nor is its language even remotely excessive or unparliamentary". In this connection, the Acting Editor of the *Statesman* has stated<sup>4</sup>:

"We submit that in moving his motion of privilege on August, 31, Shri Kamath read more into the divergence between

<sup>3</sup> See Appendix.

<sup>4</sup> *Ibid.*

Shri Nanda and ourselves than is warranted by the facts or the language of our editorial.

\* \* \* \* \*

Still more unjustified and further removed from facts is the nature of the insinuation attributed to us by Shri Kamath, that "the Home Minister has wilfully and deliberately suppressed the source of the news report which appeared earlier in that paper (*The Statesman*), and thereby held on untruth to, and misled, the House . . . . .". Shri Nanda could be said to have misled the House deliberately if he had held back what he believed to be true. We have nowhere alleged or implied that he did so. We made him aware that our source was the Home Ministry. But he is under no obligation to believe us, just as we are free to believe him or not. If a person gives out some information but denies this fact to his superior, the latter is free to decide whether to believe his subordinate or the newspaper. But his purely personal predilections in this matter cannot be made the basis of an issue of breach of his privileges as a Member of Parliament, such as has been alleged by Shri Kamath.

\* \* \* \* \*

We were correct in presuming, on the basis of what we had told him, that we had made him aware of our source—though we did not assume, nor did we have the right to, that we had necessarily carried conviction with him.

\* \* \* \* \*

At no stage, by assertion or insinuation, have we attributed *mala fide* to Shri Nanda or even suspected him of it. . . . .

\* \* \* \* \*

On the basis of assurances received from his staff, Mr. Nanda may sincerely hold the impression that our description of the source is wrong. We have not in any way questioned his sincerity—though his impression is erroneous—and for this reason some of the expressions used by Shri Kamath are entirely unjustified. It is in no way a breach of a Member's privileges if a newspaper, relying upon its own sources, believes its own version of certain events and dec-

lines to endorse the version upon which a Minister, relying upon his sources, insists.

\* \* \* \* \*

In spite of what Shri Kamath suggests, the essence of the divergence between the Home Minister and the *Statesman* is that each has received information which is in conflict with the other's and each insists in all sincerity that its own is more correct."

19. After considering the matter carefully, the Committee are of the opinion that the impugned editorial published in the *Statesman*, dated the 26th August, 1966, does not cast any reflection or attribute any *mala fides* to Shri G. L. Nanda (the then Minister of Home Affairs) in his conduct as a Member of Parliament. In the opinion of the Committee, the said editorial did not imply that Shri Nanda was "lying" or that he had "wilfully and deliberately suppressed the source of the news report". The presumption made in the editorial that "Mr. Nanda is fully aware of the source from which the story came to us and of the circumstances in which his Ministry agreed that the contradiction it had earlier sent to us need not be published" was based, accordingly to the Acting Editor's written statement<sup>5</sup>, on the following "facts":—

- (i) "It was correct for us to presume that the Information Officer of the Home Ministry had conveyed to Mr. Nanda the purport of his exchanges over the telephone and in writing, with the Resident Editor of the *Statesman*, New Delhi, in the course of which it was agreed that the Ministry's letter of denial need not be published."
- (ii) "Similarly, it was known to us at the time, and to Parliament subsequently, that our Political Correspondent..... had met the Home Minister in response to a telephone call from the latter; the two had gone into the question of the source of our story and our Political Correspondent had assured Mr. Nanda that the source was within the Home Ministry."

The Acting Editor has, however, stated that in making the above presumption, viz., that "Mr. Nanda is fully aware of the source", the *Statesman* had "in no way questioned his sincerity" and that "on the basis of assurances received from his staff, Mr. Nanda may sincerely hold the impression that our description of the source is wrong."

<sup>5</sup> *Ibid.*

20. The Committee are of the view that both Shri G. L. Nanda as well as the *Statesman* were entitled to believe and state their respective versions of the facts and the divergence between the two versions need not lead one to the conclusion that one or the other party must be lying.

21. The Committee have reached the conclusion that no breach of privilege or contempt of the House is involved in the publication of the editorial captioned "Home Truth" in the *Statesman* of the 26th August, 1966.

#### IV. RECOMMENDATION OF THE COMMITTEE

22. The Committee recommend that no further action be taken by the House in the matter.

S. V. KRISHNAMOORTHY RAO,

*Chairman,*

*Committee of Privileges.*

NEW DELHI;

*The 30th November, 1966.*

# MINUTES

## I

### First Sitting

New Delhi, Monday, the 5th September, 1966.

The Committee met from 16.00 to 17.25 hours.

#### PRESENT

Shri S. V. Krishnamoorthy Rao—*Chairman.*

#### MEMBERS

2. Shri L. D. Kotoki
3. Shri H. N. Mukerjee
4. Shri Purushottamdas R. Patel
5. Shri Jaganath Rao
6. Shrimati Ramdulari Sinha
7. Shri Sinhasan Singh
8. Shri Sumat Prasad.

#### SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

\* \* \* \* \*

5. The Committee then considered the question of privilege against the Editor of the *Statesman*, in respect of an editorial captioned "Home Truth", published in its issue dated the 28th August, 1966.

The Committee directed that the Editor of the *Statesman* be asked to state what he might have to say in the matter for the consideration of the Committee, by the 21st September, 1966.

6. The Committee decided to meet at 11.00 hours on Tuesday, the 4th October, 1966, instead of the 1st October, 1966 as decided by them earlier on the 31st August, 1966 to consider the various cases pending before the Committee.

*The Committee then adjourned.*

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\*\*\*\* Paragraphs 2 to 4 relate to other cases and will be included in the minutes of the relevant Reports.

## II

### Second Sitting

New Delhi, Wednesday, the 5th October, 1966.

The Committee met from 10.00 to 10.50 hours.

#### PRESENT

Shri S. V. Krishnamoorthy Rao—*Chairman.*

#### MEMBERS

2. Sardar Kapur Singh
3. Shri L. D. Kotoki
4. Shri Purushottamdas R. Patel
5. Shri Jaganath Rao
6. Shri Sinhasan Singh
7. Shri Sumat Prasad

#### SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

\* \* \* \* \*

4. The Committee then took up consideration of the question of privilege against the Editor of the *Statesman* in respect of an editorial captioned "Home Truth", published in its issue dated the 26th August, 1966.

The Committee directed that the Acting Editor (Shri Pran Chopra) be asked to appear before the Committee on the 2nd November, 1966 at 15.00 hours.

\* \* \* \* \*

*The Committee then Adjourned.*

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\*\*\*\* Paragraphs 2, 3, and 5 relate to other cases and will be included in the minutes of the relevant Reports.

### III

#### Third Sitting

New Delhi, Wednesday, the 2nd November, 1966.

The Committee met from 15.00 to 16.50 hours.

#### PRESENT

Shri S. V. Krishnamoorthy Rao—*Chairman.*

#### MEMBERS

2. Shri Frank Anthony
3. Sardar Kapur Singh
4. Shri L. D. Kotoki
5. Shri H. N. Mukerjee
6. Shri V. C. Parashar
7. Shri C. R. Pattabhi Raman
8. Shri Jaganath Rao
9. Shri Yuveraj Dutta Singh
10. Shrimati Ramdulari Sinha
11. Shri Sinhasan Singh
12. Shri Sumat Prasad.

#### SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

#### WITNESSES

Shri Pran Chopra (Acting Editor of the *Statesman*)—He was accompanied by Shri K. Rangachari, Resident Editor of the *Statesman*.

\* \* \* \*

3. Shri Pran Chopra, Acting Editor of the *Statesman* (accompanied by Shri K. Rangachari, Resident Editor) was then called in and examined by the Committee on oath.

(*The witness then withdrew.*)

4. The Committee decided that Shri Inder Malhetra, Political Correspondent, *Statesman*, New Delhi, who according to Shri Pram Chopra, had written the news story published in the *Statesman*, dated the 10th August, 1966 under the heading "Sabotage Plans by C.P.I. Claimed", be asked to appear before the Committee on the 15th November, 1966 at 15.30 hours.

\* \* \* \* \*

*The Committee then adjourned.*

#### IV

#### Fourth Sitting

*New Delhi, Thursday, the 17th November, 1966.*

The Committee met from 15.30 to 16.40 hours.

#### PRESENT

Shri S. V. Krishnamoorthy Rao—*Chairman.*

#### MEMBERS

2. Shri Frank Anthony
3. Shri N. C. Chatterjee
4. Sardar Kapur Singh
5. Shri H. N. Mukerjee
6. Shri V. C. Parashar
7. Shri C. R. Pattabhi Raman
8. Shri Jaganath Rao
9. Shri Yuveraj Dutta Singh
10. Shri Sinhasan Singh
11. Shri Sumat Prasad.

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\*\*\*\* Paragraphs 2, 5 and 6 relate to other cases and will be included in the minutes of the relevant Reports.



## SECRETARIAT

**Shri M. C. Chawla—Deputy Secretary.**

## WITNESS

**Shri Inder Malhotra—Political Correspondent of the Statesman.**

\* \* \* \*

4. Shri Inder Malhotra, Political Correspondent of the *Statesman* was then called in and examined by the Committee on oath.

The Committee directed Shri Inder Malhotra to disclose to the Committee the specific source of his information regarding his news story published in the *Statesman*, dated the 10th August, 1966 under the heading "Sabotage Plans by C.P.I. Claimed". On Shri Inder Malhotra's request, the Committee granted him time to seek the permission of his source of information for the purpose. The Committee directed him to appear before them again on the 24th November, 1966 at 16.00 hours.

*(The witness then withdrew).*

*The Committee then adjourned.*

## V

## Fifth Sitting

*New Delhi, Thursday, the 24th November, 1966.*

The Committee met from 15.00 to 17.15 hours.

## PRESENT

**Shri S. V. Krishnamoorthy Rao—Chairman.**

## MEMBERS

2. Shri N. C. Chatterjee
3. Sardar Kapur Singh
4. Shri L. D. Kotoki

5. Shri V. C. Parashar
6. Shri Jaganath Rao
7. Shri Yuveraj Dutta Singh
8. Shri Sinhasan Singh
9. Shri Sumat Prasad.

**SECRETARIAT**

Shri M. C. Chawla—*Deputy Secretary.*

**WITNESS**

Shri Inder Malhotra—*Political Correspondent of the Statesman.*

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6. Shri Inder Malhotra, Political Correspondent of the *Statesman*, was then called in and examined by the Committee on oath.

*(The witness then withdrew.)*

7. After some discussion of the various aspects of the case, the Committee came to the conclusion that no breach of privilege or contempt of the House was involved in the publication of the editorial captioned "Home Truth" in the *Statesman* of the 26th August, 1966.

The Committee decided to meet again on the 30th November, 1966 at 16.00 hours to consider their draft Report.

*The Committee then adjourned.*

**IV**

**Sixth Sitting**

*New Delhi, Wednesday, the 30th November, 1966.*

The Committee met from 16.15 to 16.50 hours.

**PRESENT**

Shri S. V. Krishnamoorthy Rao—*Chairman.*

**MEMBERS**

2. Sardar Kapur Singh
3. Shri L. D. Kotoki

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\*\*\*\* Paragraphs 2 to 5 relate to other cases and will be included in the minutes of the relevant Reports.

4. Shri H. N. Mukerjee
5. Shri Jaganath Rao
6. Shri Yuveraj Dutta Singh
7. Shrimati Ramdulari Sinha
8. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

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4. The Committee then considered their draft Thirteenth Report and adopted it. Shri H. N. Mukerjee, however, expressed his dissent from the Report of the Committee.

5. The Committee authorised the Chairman and in his absence, Shri Sumat Prasad, to present their Twelfth and Thirteenth Reports to the House on the 1st December, 1966.

*The Committee then adjourned.*

**MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE  
OF PRIVILEGES**

*Wednesday, the 2nd November, 1966*

**PRESENT**

Shri S. V. Krishnamoorthy Rao—*Chairman.*

**MEMBERS**

2. Shri Frank Anthony
3. Sardar Kapur Singh
4. Shri L. D. Kotoki
5. Shri H. N. Mukerjee
6. Shri V. C. Parashar
7. Shri C. R. Pattabhi Raman
8. Shri Jaganath Rao
9. Shri Yuveraj Dutta Singh
10. Shrimati Ramdulari Sinha
11. Shri Sinhasan Singh
12. Shri Sumat Prasad

**SECRETARIAT**

Shri M. C. Chawla—*Deputy Secretary.*

**WITNESS**

Shri Pran Chopra—*Acting Editor of the Statesman.*

(The Committee met at 15.00 hours).

**EVIDENCE OF SHRI PRAN CHOPRA, Acting Editor of the Statesman**

*Mr. Chairman:* You are Mr. Pran Chopra?

*Shri Pran Chopra:* That is right.

*Mr. Chairman:* You may take oath.

*Shri Pran Chopra:* I, Pran Chopra, do swear in the name of God that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

**Shri Frank Anthony:** Mr. Pran Chopra, in this Editorial of yours on the 26th August, is it the suggestion that in fact some person in the Ministry of Home Affairs had in fact told your Special Correspondent or given you this information?

**Shri Pran Chopra:** Yes, some person in the Home Ministry. That is the news story which has been the subject of the privilege motion. That was stated in our original story also from which the whole thing started.

**Shri C. R. Pattabhi Raman:** On page 2, in the last few lines of the first paragraph it is stated:

We presume Mr. Nanda is fully aware of the source from which the story came to us and of the circumstances in which his Ministry agreed that the contradiction it had earlier sent to us need not be published.

**Shri Pran Chopra:** That is in the Editorial. In the news story itself it was indicated that the source was the Home Ministry.

**Shri Sinhasan Singh:** You got this news through your Special Correspondent.

**Shri Pran Chopra:** From our Political Correspondent.

**Shri Sinhasan Singh:** May I know who he is?

**Shri Pran Chopra:** There is only one Political Correspondent.

**Shri Sinhasan Singh:** Your Political Correspondent gave this news.

**Shri Pran Chopra:** This particular news came through the Political Correspondent. The story as published also says.....

**Shri Sinhasan Singh:** I want to know the name of this particular Correspondent. He is the real man who can really give the source.

**Shri Pran Chopra:** The question whether anyone can give the source is a question in itself.

**Shri Sinhasan Singh:** You published certain news on the basis of certain information which you believed to be true. You don't publish a news item without believing it is true. In this particular case, the person or the correspondent who gave this particular item of news that such and such things are happening must have made sure of himself that this news came from the Home Ministry or from somebody close to the Home Ministry. Who is that Political Correspondent?

*Shri Pran Chopra:* The particular correspondent is the Political Correspondent, whose name is Inder Malhotra. I do not know what the individual's name contributes to the discussion here. By designation there is one Political Correspondent.

*Shri Sinhasan Singh:* Did he give something in writing?

*Shri Pran Chopra:* The procedure for publishing the story is this. The correspondent goes round, meets people, collects information, cross-checks the source as far as he can and if he believes that the news story is reliable to the best of his judgment he types out the same and the type-script becomes the basis for the publication of such news stories.

*Shri Sinhasan Singh:* He gave typed news item with his signature.

*Shri Pran Chopra:* Sometimes typed and sometimes handwritten. He has not denied that he gave the story. That is nobody's contention, neither mine nor the Paper's. We are all standing by the story we published.

*Shri Sinhasan Singh:* You stand by the story; the Home Minister stands by his version, that the matter did not pass from his office. We are in a fix as to believe whom and whom not to believe. There are two sides of the same question. Both points of view cannot be true; only one will be true.

*Shri Pran Chopra:* I can conceive of circumstances in which both can be true.

*Shri Sinhasan Singh:* After this question of privilege arose, did you try to ascertain the source from which Mr. Malhotra got this information, at least for your satisfaction?

*Shri Pran Chopra:* The Editor does not normally do that. If he trusts his correspondent he does not question him on each individual story. The Editor chooses him for his dependability of judgment and for his integrity. Having chosen him he trusts him. He may question him only if that trust in him is lost in some process.

*Shri Sinhasan Singh:* You did not enquire from him about the particular source.

*Shri Pran Chopra:* I am satisfied, as he told me that the story is from the Home Ministry source. I leave it at that.

*Shri Sinhasan Singh:* You did not ask him about the particular source.

*Shri Pran Chopra:* It is not my practice or, for that matter the practice of the Editor or the practice of the Newspaper. When we appoint a person to a particular assignment, we do so in full trust that he is a person chosen for his integrity and dependability of judgment.

*Shri Kapur Singh:* I want to put only one question. I put a statement to you. I would request you to deny it or accept it. This is my statement to you. The real facts are as follows: Mr. Inder Malhotra had a written document in which the story of the C.P.I. sabotage was given. That document was circulating in the Central Hall. The source of the document was not Home Ministry. Then your correspondent went over to Mr. Shukla, the Deputy Home Minister and showed him the document and asked him 'is it true?'. Mr. Shukla did not contradict it. On that basis the report appeared in your paper.

*Shri Pran Chopra:* I neither deny it nor accept it. By what process, by what means, in what stage, in what form the story came to the political correspondent is his business. I require of him only this. Before he puts a story of such a nature into the paper he must take due precaution to make sure that he has got it from dependable sources. Within the limits of practicability he gets the story cross-checked and also cross-confirmed. When we are convinced that this is the way he functions, we don't question him.

*Mr. Chairman:* Before publishing such a story you don't generally verify the truth of the news items; you simply trust your correspondent.

*Shri Pran Chopra:* It is not our practice.

*Mr. Chairman:* Whether it is a privilege question or not, you don't generally do that.

*Shri Pran Chopra:* Before we write the Editorial note or a news story, we have to satisfy ourselves that the information upon which that note is based is correct and reliable information. The means of securing that satisfaction in such a case is to put to the person concerned the specific question—is this correct? That we do if we do not know the person or if we doubt the veracity of such information which he gives. On the other hand if the correspondent's credentials are known to us, that is to say if we have the trust in

the correspondent that whatever he has given is based on his cross-checking and cross-confirmation of the basis and if we have trust in the dependability of his judgment and his integrity, we don't specifically put that question to him.

*Mr. Chairman:* So, you trusted your correspondent in this case.

*Shri Pran Chopra:* Yes.

*Shri Jaganath Rao:* Did you insist on the Home Minister or Home Ministry to publish a note to the effect that no information was revealed from the Ministry?

*Shri Pran Chopra:* I am sorry I did not get the question.

*Shri Jaganath Rao:* Did you insist on the Home Minister or the Home Ministry to issue a note to the effect that this information was not revealed from the Ministry?

*Shri Pran Chopra:* We did not insist on that. There was a letter sent to us. As I have explained earlier in my statement, this was sent to us asking us to publish that contradiction. We said 'Yes, we will publish that contradiction. But, only we will have to add a footnote to explain the circumstances in which we obtained and published this news item.' When we explained this to them, they decided to withdraw that letter which they wanted us to publish. It was also explained to them that any statement which the Home Minister might be making in Parliament, which was expected the next day, would be published as a matter of course, as part of the news developments which we cover in any case. But this particular letter directly addressed to the Editor, certainly could be published with our footnote.

*Shrimati Ramdulari Sinha:* Was there any signature on that letter that was sent to you?

*Shri Pran Chopra:* It was a D.O. letter received from the Information Officer of the Ministry.

*Mr. Chairman:* Did you verify the source of the information as to whether it was from the Home Ministry? And was it not your duty to satisfy yourself about the information given by your correspondent as to its correctness?

*Shri Pran Chopra:* I was satisfied with the correctness of the story given by my political correspondent. Otherwise, if we had reason to believe it was wrong we would have, on our own, contradicted that.

*Mr. Chairman:* Thank you.

(The witness then withdrew)



**Thursday, the 17th November, 1966.**

**PRESENT**

**CHAIRMAN**

**Shri S. V. Krishnamoorthy Rao**

**MEMBERS**

2. **Shri Frank Anthony**
3. **Shri N. C. Chatterjee**
4. **Sardar Kapur Singh**
5. **Shri H. N. Mukerjee**
6. **Shri V. C. Parashar**
7. **Shri C. R. Pattabhi Raman**
8. **Shri Jaganath Rao**
9. **Shri Yuveraj Dutta Singh**
10. **Shri Sinhasan Singh**
11. **Shri Sumat Prasad**

**SECRETARIAT**

**Shri M. C. Chawla—Deputy Secretary.**

**WITNESS**

**Shri Inder Malhotra—Political Correspondent of the Statesman.**

*(The Committee met at 15.30 hours)*

**EVIDENCE OF SHRI INDER MALHOTRA, Political Correspondence of the Statesman**

**Mr. Chairman:** You are Mr. Inder Malhotra.

**Shri Inder Malhotra:** Yes, Sir.

**Mr. Chairman:** You please take the oath.

**Shri Inder Malhotra:** Before I take my oath, I have one small submission to make. That is, as I communicated to you in writing I am at the disposal of the Committee and I will conceal nothing and there is nothing to conceal. But, professional obligation is there.

**Shri N. C. Chatterjee:** We will come to that later.

**Shri Inder Malhotra:** "I, Inder Malhotra, do swear in the name of God that the evidence which I shall give in this case shall be true, that I will conceal nothing and that no part of my evidence shall be false."

**Shri N. C. Chatterjee:** Do you realise that you are charging the ex-Home Minister, Shri Nanda, with untruth in your Editorial? Have you got the Editorial with you?

**Shri Inder Malhotra:** I have not got it.

**Shri N. C. Chatterjee:** Let me read it out.

"We presume Mr. Nanda is fully aware of the source from which the story came to us and of the circumstances in which his Ministry agreed that the contradiction it had earlier sent to us need not be published."

**Shri Inder Malhotra:** I am generally aware of this Editorial. May I first submit that I am not the author of this Editorial. The author of the editorial is Mr. Pran Chopra, the Acting Editor, who has appeared before you and has made a submission about the Editorial in writing. I am not the author of the editorial. I certainly am the author of the original news story which is not under discussion here.

**Mr. Chairman:** That is the evidence that we have from the Editor. But, the source on which the news editorial was based is not very clear.

**Shri N. C. Chatterjee:** Was that supplied by the Home Ministry itself? Can you point out as to what type of officer was he?

**Shri Inder Malhotra:** May I put it this way? On oath I am stating that that news came to me from a responsible source in the Home Ministry.

**Shri Pattabhi Raman:** Is he an officer or a non-official?

**Shri Inder Malhotra:** The whole point is this. As I submitted a little earlier, when once I start discriminating between officials and ministers, between ministers and non-ministers and between officials and non-officials, that will be tantamount to disclosing the source. I am not for a moment wanting to stand in the way of the Committee in getting the information that it wants. I am anxious to give all that it wants.

But, once I start pinpointing like this, it will be limiting the area....

**Shri N. C. Chatterjee:** You will realise our anxiety also that you are making a serious charge against the Minister who is also a Member of Parliament and you are saying that he knew exactly that the

source was his Ministry. In spite of knowing that, it was putting forward excuses which were not wellfounded. We wanted to know from what kind of source was it; Whether you acted as a responsible journalist or not; Can you tell us as to who was the informant?

*Shri Inder Malhotra:* May I take a little time in answering it in detail?

The first thing is that we are not charging Shri Nanda about telling a lie or anything like that. All that we have said is that 'we presume that Mr. Nanda is fully aware of the source from which this news came'. I will give three or four reasons on which the statement is based. Apart from this news story—you are all well-versed in public affairs and you all know that I am a responsible journalist and my records however undistinguished is an open book. As a reporter, one goes to the responsible source which, in the case of a Ministry these sources will be more than one. They will include Ministries, very senior officials like Secretary or Joint Secretaries or Additional Secretaries to the Government of India in some cases and in some ministries there are authorised Deputy Secretaries or Directors-in-charge. I am repeating it again that that information came to me from one of the responsible people in that Ministry. But, to pinpoint as to whether he was an official or an outsider would create some difficulty. We presume that Mr. Nanda knows it, we are basing it on the following reasons.

Before I mention the reasons, may I, with your permission, say one thing to the hon. Committee? I am a Reporter and I have been reporting in the *Statesman* for about 10 to 12 years. In my professional capacity, I have dealt with many people including some of those that are present here.

On the 9th August evening, when the original story was written and it appeared in the paper on the 10th morning, I had no plausible motives whatever to have either a concocted story or to have collected the story from the market place and foisted it on Home Ministry sources. I beg of you to accept my contention that this story came from a responsible Home Ministry source. That is why we wrote that editorial and we made the statement on that day to which Mr. Chatterjee referred. We had no plausible motives whatsoever either to concoct the story or to collect it from the market and to foist it on the responsible official source appertaining to the Home Ministry. These are the very words used in the story.

**Shri Pattabhi Raman:** I shall point out the statement of Shri Nandaji made on the 10th August, 1966. This is what he said:—

“I am surprised that the report should claim to be based on information supplied by the Ministry of Home Affairs and I state categorically that no such information, as is mentioned in the report, has been given by the Ministry of Home Affairs.”

In view of that statement, I wanted to interrupt you.

**Shri N. C. Chatterjee:** I want to tell you, Mr. Malhotra, that this is a responsible body that has been entrusted with a difficult task by the Parliament on a complaint alleged by a Member of Parliament. The complaint is this that the Editor of the *Statesman* had committed the grave offence of not only editorially reiterating the charge but saying that Shri Nanda (the then Home Minister) was ‘fully aware’ of the source and was therefore lying, and further suggesting that it is not the *Statesman* which needed to ‘vindicate its position’ but the other party, i.e., the Home Minister.

We want to know exactly the name of the person and the nature of the office which he holds so that we can say whether you acted in a responsible manner in putting forward not merely the charge that you got it from the Ministry but also you again repeated it that what Mr. Nanda said is not true and that you are contradicting him and repeating it in your Editorial.

**Shri Inder Malhotra:** I will come back to this question. I have sought your permission to speak in a little detail about this matter because about the circumstances now, about the nature of the source, I have told you that it is a responsible source which can either be a Minister or a Secretary or an official of a high rank. There is nobody outside that and, as I was submitting, I could not possibly have had any motive on that day when this story was written. It is not that I got it from market place and foisted it on the Home Ministry.

**Shri N. C. Chatterjee:** You have attributed to the Home Minister. . . .

**Shri Inder Malhotra:** I will come to the editorial. The privilege motion is not against the news item. I mean the privilege motion is that the editorial is written repudiating the statement of the Home Minister. In this connection I would like to invite your attention to Part III of our reply. Unfortunately I do not have it before me

here. The point made there is that irrespective of what the source of this story was, irrespective of what has happened or not happened, the point the editorial has taken—which is for your consideration—is that no privilege as claimed on behalf of Mr. Nanda exists. Mr. Nanda may be sure of his stand as far as his information goes because I was going to submit 3 or 4 points which made us to take this stand. I beg respectfully submit that there was no perverse motive. There can be no possible reason for a reporter to have done that. Next morning if you remember when the motion of Call Attention was tabled in the House there were certain protests by Shri Gopalan and other members and nothing further happened.

I was contacted that day by the Home Minister about which I would not have mentioned anything because it was absolutely a private meeting except for the fact that Mr. Nanda has himself disclosed it in one of the Houses—which House I do not remember—and we have also referred to it again in our memorandum. Mr. Nanda has said that the representative of STATESMAN had met him at his call and made him aware that the source was in the Home Ministry. I won't say that I carried conviction to him. I also did not get the impression that he disbelieved me. After the meeting I came away.

*Shri Chatterjee:* Did he then repudiate the suggestion of yours?

*Shri Inder Malhotra:* No, Sir. He did not repudiate my suggestion but there was one step taken—the second step taken thereafter was that on the 11th debate took place in the morning.

*Shri Chatterjee:* You received letter from Mr. Nanda?

*Shri Inder Malhotra:* We got a letter from the Information Officer of the Ministry of Home Affairs which arrived in the office about the time when the discussion took place in the House. That was the time when the paper's editor was in Calcutta. We told the Information Officer that we will publish the letter with the foot-note that: this information has come to us from a responsible source in the Home Ministry. We should publish whatever is said in Parliament about it. We should publish this letter also but with a footnote to say that. . . .

*Shri Chatterjee:* You have that letter here?

*Shri Inder Malhotra:* I don't have it with me now. But if you see Mr. Nanda's statement in Parliament, it would be clear that a letter was sent by the Home Ministry to us, which was later withheld. Sending of that letter is not denied. But we said that we shall gladly publish it but only with a footnote.

*Shri Chatterjee:* Where is that footnote?

*Shri Inder Malhotra:* We did not draft it, but told them orally that this information was given by a responsible source in the Home Ministry to our political correspondent.

*Shri Chatterjee:* In your letter to the Chairman you have written that you cannot disclose the source of the information without the informant's permission. Did you ask for his permission?

*Shri Inder Malhotra:* In the nature of things such a permission would not be possible.

*Shri Chatterjee:* Did you ask him his permission or not? Please answer that.

*Mr. Chairman:* This is what you have written:

"While reaffirming my anxiety to assist the Committee in every possible way, may I express the hope that the Committee will appreciate my obligation towards the well-established canon of professional ethics of journalists not to disclose specific sources of their information except with the latter's permission."

Did you ask for his permission?

*Shri Inder Malhotra:* I have not asked him. But, in the nature of things, you will appreciate. . . .

*Shri Chatterjee:* But you have never asked his permission.

*Shri Pattabhi Raman:* You will find from the precedents of which you may be aware, it may perhaps be better for you to formally ask him permission and then say.

*Shri Sinhasan Singh:* The privilege you are talking not to disclose the source of your information—this privilege may be a convention, but there is no legal base for it so far as law is concerned. We can only ask you to give the source, but you have particularly helped us by your statement that you can do it with his permission. So, before coming here you should have got this permission. I may tell you one thing. Your editor was here. He said he could not give the source of information; only Mr. Malhotra could give that.

There are two aspects. You insisted on your statement that the source is the Home Ministry. HOME MINISTER said that it did not come from the Home Ministry. So far as Home Minister is concerned, Speaker has given a good hit and that no privilege is made out.

*Shri Frank Anthony:* "Assuming that somebody has disclosed it"—that is how Speaker has ruled it.

*Shri Sinhasan Singh:* There was a move against the Home Minister also that he was not telling the truth. Upon that there was a privilege move against the Home Minister.

*Mr. Chairman:* We need not go into that.

*Shri Sinhasan Singh:* There was a privilege move against Home Minister. Upon that the Speaker ruled.

*Shri Pattabhi Raman:* "Now my purpose had been served, my statement had been published, the contradiction had been published in the *Statesman*. . . ."—this is the statement of Home Minister.

*Shri Sinhasan Singh:* That is the second statement of Mr. Nanda.

*Shri Pattabhi Raman:* But before that this is the stand taken by the Home Minister.

*Mr. Chairman:* That is not necessary now. We are only concerned with the privilege case against your Editor. Your Editor has said that he has put up the editorial on the information given by you. You claim privilege that you cannot give the source without his permission. According to law there is no such privilege and you will have to give the information to the Committee and if you want, you can take his permission and give it.

*Shri Pattabhi Raman:* I take that the position is—forget the STATESMAN, forget the circumstances; some other paper publishes something. Therefore, you can only ask him this: 'Have you asked his permission?' As a matter of fact that he has not done it. We can meet some other day so that he could try to get his permission and come before us.

*Shri Inder Malhotra:* I will most certainly abide by your direction to ask him, but I may add that in the nature of things, as all of us know. . . .

*Shri Chatterjee:* That we all know.

*Shri Inder Malhotra:* I would only beg of you to appreciate that this is a motion of privilege against us on an editorial. We have made a submission that quite irrespective of the source the story came from, we have made a detailed submission and we do hope that you will give consideration to it.

*Shri Parashar:* That is a legal point you are raising. That stage comes later on.

*Shri Sinhasan Singh:* He is saying that whatever he has done, after taking into consideration all the facts no case is made out for privilege. We are not on that point now.

*Shri Pattabhi Raman:* Your Editor came here and said that you are a man of standing and he has no doubt about the truth of what you have said.

*Mr. Chairman:* I put a question to your Editor: 'Have you verified the veracity of the news item?' He said 'We did not verify because you are his correspondent for a number of years with a long standing record and took your word as correct.'

*Shri Inder Malhotra:* I would appreciate also if you would kindly see that I have had no motive at all and only reason for my being unable to disclose the name of the person would be that it is against professional ethics. It will destroy my professional career because hereafter no news sources would come forward to give us information. I do not know what the legal position is for I am not a lawyer, but I do hope that while protecting the privileges of Members of Parliament you and your colleagues in the Committee would kindly see that you do nothing which impinges, if not upon the privileges of the Press, the healthy conventions and our rights and obligations as reporters.

*Shri N. C. Chatterjee:* You please assist the Committee by responding to our request.

*Shri Inder Malhotra:* I will certainly.....

*Shri C. R. Pattabhi Raman:* Our thinking is like this. In a democratic set-up like this, it is vital to know from what kind of category—I am not going into the names at all—you got the information. We, as Members of Parliament, of all parties, are very much interested in the democratic form of government, and supposing it is a paid official, a civil servant, then it takes a different turn altogether. So we are in duty bound to look into it.

*Shri Inder Malhotra:* Sir, my point is that it is farthest from my mind to withhold anything from the Committee, but I do hope the Committee will appreciate my position.....



*Mr. Chairman:* If you want time, we will give you time. You consult that gentleman and disclose his name. Otherwise, the legal position is that it will be contempt of the House.

*Shri Inder Malhotra:* May I take a week?

*Mr. Chairman:* All right.

*Shri Inder Malhotra:* I am a little concerned by what you said, that it might be contempt of the House on my part. That is the last thing that I want to do.....

*Mr. Chairman:* That is the legal position.

*Shri Inder Malhotra:* That is the last thing I would want to do. My record as a Parliamentary Correspondent is open book to all of you. I have been a Parliamentary Correspondent of this paper for a fairly long time and I hold the Parliamentary institution in the highest esteem. All that I am begging of you, sitting before this august Committee, is to see that the privileges of Parliament can be maintained commensurate with the rights, obligations and privileges of the Press.

*Shri Sinhasan Singh:* That is your good wishes. Now we are only at the stage of knowing the facts as to how it came to you.

*Shri N. C. Chatterjee:* We are not attaching any *mala fides* to you.

*Shri Inder Malhotra:* I am entirely in your hands. I will do my best subject to the obligation to my conscience and professional standards.

*Mr. Chairman:* We will meet again at 4 O'Clock on the 24th. Thank you.

*(The witness then withdrew).*

*(The Committee then adjourned).*

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Thursday, the 24th November, 1966

PRESENT

Shri S. V. Krishnamoorthy Rao—*Chairman.*

MEMBERS

2. Shri N. C. Chatterjee
3. Sardar Kapur Singh
4. Shri L. D. Kotoki
5. Shri V. C. Parashar
6. Shri Jaganath Rao
7. Shri Yuveraj Dutta Singh
8. Shri Sinhasan Singh
9. Shri Sumat Prasad

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESS

Shri Inder Malhotra, *Political Correspondent of the Statesman.*

(The Committee met at 15.00 hours).

EVIDENCE OF SHRI INDER MALHOTRA, *Political Correspondent of the Statesman.*

*Shri Inder Malhotra:* Sir, before you begin, may I seek your permission to make a very small correction in one of the statements that I made last week? You will recall that last Thursday, a reference was made to a letter written to us by the Information Officer of the Home Ministry asking us to deny that the news concerned had emanated from the Home Ministry. At that time, Sir, as I had said, we told the Information Officer that we would publish that letter only with a footnote of ours asserting that the news had, in fact, emanated from the Home Ministry. At that time you asked me whether a draft of that footnote existed and I had then said that it didn't. Such was my knowledge last Thursday. Since then I

have discussed the matter with the Editor and he informed me that a footnote was, in fact, drafted and therefore, it does exist. I am sorry for the error.....

*Shri N. C. Chatterjee:* Have you got it now?

*Shri Inder Malhotra:* It is now on the file of the Editor in Calcutta.

*Shri N. C. Chatterjee:* What is the purport of that?

*Shri Inder Malhotra:* The purport was the same, that we want to clearly reassert in spite of Home Ministry's denial that the news came from a responsible source in the Home Ministry.

I am sorry for the error and I have taken the earliest opportunity to correct it.

*Mr. Chairman:* Can you produce the draft here?

*Shri Inder Malhotra:* At the moment the Editor possesses it....

*Mr. Chairman:* You can get it from him?

*Shri Inder Malhotra:* Yes, Sir, I can get it and send it to you.

*Shri N. C. Chatterjee:* That will be very good.

*Mr. Chairman:* You can telephone him to-day.

*Shri Inder Malhotra:* I will send a teleprinter message.

*Mr. Chairman:* By Saturday you will be able to send it to us?

*Shri Inder Malhotra:* Certainly, Sir.

*Mr. Chairman:* Now, what do you say about the source of information?

*Shri Inder Malhotra:* In accordance with your direction last time, I went to my news source and sought his permission for the disclosure of his name. I have to report that that permission was refused and I do hope that you and your Committee will appreciate that my responsibility as a reporter which is always great and which is never to disclose my source of information, becomes even greater when this permission has been refused.....

*Shri N. C. Chatterjee:* Did you tell him that you had appeared before the Committee?

*Shri Inder Malhotra:* Yes, Sir; I said so and I have, in fact, made it very clear that I had come there at the express direction of the Committee.

**Shri N. C. Chatterjee:** It was definitely refused?

**Shri Inder Malhotra:** Yes, Sir, definitely refused.

**Shri Sumat Prasad:** Therefore, you can't disclose his name?

**Shri Inder Malhotra:** Well, Sir, his permission has been refused . . .

**Sardar Kapur Singh:** You are not disclosing the source for two reasons, ethical and practical—'ethical' because it is a convention that you should not disclose your source of news and 'practical' because if you disclose the source, your career as a journalist will come to an end—do I understand you correctly?

**Shri Inder Malhotra:** Yes, Sir.

**Mr. Chairman:** Then you will come into trouble.

**Shri Inder Malhotra:** I am entirely in your hands; I am wholly at your disposal; and it does both grieve me and upset me when you say that I will be in trouble. But before you make up your mind on this, I want to make one or two submissions and I will be most grateful if you will give me a few minutes of your valuable time. In fact, Sir, I was in the midst of making this submission last Thursday when I was directed to go to my source and seek his permission, and that was why my submission was interrupted. If you will kindly give two minutes of your valuable time, I would like to make one preliminary submission and depending on your response to that submission, I can make my second submission. I am entirely in your hands.

**Mr. Chairman:** Yes, go on.

**Shri Inder Malhotra:** You will kindly appreciate that there is no motion of privilege against me, nor is this motion in relation to the news story that I have written. The motion of privilege has been against an editorial of ours. The acting Editor has furnished a full reply to that motion and I will beg of you kindly to pay attention to that reply, especially part 3. If you will kindly do so, you will see that the whole substance of the case of my Editor is this: Whatever the source was, whether we are right in asserting—of course this is not going back on the facts—that the story came from a responsible Home Ministry source. The question of privilege does not arise. It is not said that our stand has got to be accepted in preference to the Minister's denial. But the point is, on the issue of privilege, i.e. by writing that editorial we committed a breach of privilege of Mr. Nanda as Member of Parliament, the substance of our whole argument is that the source is quite immaterial. The whole point is that the kind of privilege claimed for Mr. Nanda does not exist. All we have done

is, in an editorial written in parliamentary and temperate language, we have given our version of the situation as against Mr. Nanda's.

*Mr. Chairman:* That is the stand you have taken.

*Shri Inder Malhotra:* Also you will see, Sir, in that we have given in an Appendix a number of other cases where Ministers other than Mr. Nanda have made solemn and repeated statements on the floor of the House which have been challenged both in the House and elsewhere. Irrespective of whether the people were challenging them on factual basis or not, we have said the privilege question does not arise. My submission to you is this. If you would kindly take up and dispose of the Editor's basic statement, which does not really in any way bring in the question of the source, then the whole procedure would be easy, inasmuch as if you accept his contention, as I very much hope that you would, the subsequent question of source or the fact whether we are in a position to disclose the source or not, does not arise.

*Mr. Chairman:* Your vicarious responsibility does not cease, Mr. Malhotra, because you are the correspondent of the paper here. It is on your information that he makes those remarks and the privilege is against the Editor no doubt, but your vicarious responsibility does not, cease.

*Shri Inder Malhotra:* I am not at all shying away from my responsibility if the question under discussion is the establishment of the fact whether the story came from Home Ministry and so my responsibility is there. All I am talking about is this. You kindly first consider and dispose of Editor's contention.

*Shri N. C. Chatterjee:* Are you speaking on behalf of your Editor? Is your Editor contending that the Editor of a paper is justified in saying that a Member of Parliament is telling a lie and that he has got information to the contrary and he reiterates that after the Minister's denial there is no question of privilege.

*Shri Inder Malhotra:* No, Sir. He is not contending that. If he says that the Minister is telling a lie, probably the question would be open. If you kindly look at part 3, you will see that he has never said that. All he says is that when we are called liars, our right to state our position in language which is parliamentary, which is temperate, is there and he has also given 5 other instances.

*Shri Sinhasan Singh:* All these arguments and facts have been given in the written statement.

*Shri Inder Malhotra:* So I say, if you dispose of that, for instance, if you accept his contention, what I am submitting is that then the question of source really does not become material and then I hope the unfortunate possibility that you may have to hold me responsible for my inability to disclose the source, need not arise.

*Shri N. C. Chatterjee:* Did you confront your friend—the source of your information—with the fact that the information is required by this Committee?

*Shri Inder Malhotra:* I told him that I am appearing before the Privileges Committee, that I am on oath and I can disclose the source only with his consent.

*Shri N. C. Chatterjee:* In spite of that, he refused.

*Shri Inder Malhotra:* Yes, Sir. He refused. My point is if you accept the Editor's position, which I very much hope you would, the whole question of source becomes immaterial. If on the other hand, you do not accept that and irrespective of that you want to be assured, you want to make sure about what I am telling, what the Editor is asserting and I am reiterating that the story came from a responsible Home Ministry source, if irrespective of that you want to be satisfied on that, Sir, then I have to make a second submission and that is this. Maybe, Sir, if you will just give me another five minutes, without necessarily having to disclose that source, I can give you five submissions, which you, Sir, in your kindness, may judge and which I very much hope would convince you.

*Shri N. C. Chatterjee:* We want only facts.

*Shri Inder Malhotra:* The first fact is—and with all solemnity and with a full sense of responsibility I am repeating it to this Committee—that this story came from a responsible Home Ministry source. In addition to that—Sir, I had just started developing this point when you kindly asked me to go to the source and see if he would give permission—is this circumstantial fact—and I hope you would consider it in the wider perspective of preserving both the privileges of a member of Parliament and the rights of the Press—that on the night of August 9, when I wrote the story, long before any trouble about that news story arose, there could be no possible motive for me to concoct that story or to collect it from the market place and foist it on the Home Ministry.

*Sardar Kapur Singh:* May I suggest the motive. The possible motive could be that you wanted your story to look more authoritative than it really was.

*Shri Inder Malhotra:* The point is, it could well be, but why should I invent a story.

*Shri N. C. Chatterjee:* What are the other facts?

*Shri Inder Malhotra:* The third fact is, Sir, a very eloquent fact about the letter written by the Information Officer of the Home Ministry insisting that irrespective of the proceedings in Parliament, we must carry the letter of denial. The Information Officer withdrew the letter promptly and when we said we will not do so except with that foot-note.

The fourth fact is the fact, which you will permit me to mention, that in both Houses of Parliament—in the Lok Sabha itself and the other House too—a large number of Members of Parliament at the time when Home Minister, Mr. Nanda, made his assertions, expressed complete scepticism about his statement. That scepticism continues to be repeated till today. It was repeated yesterday in the Rajya Sabha, and Sir it has been stated that which we have written one editorial to vindicate our position, but you will see that other newspapers, apart from other people outside, in print, even after the privilege motion was tabled and admitted against us, repeated that scepticism for Mr. Nanda's version.

My fifth fact, which I would normally not have mentioned but which has found a mention in the proceedings of the Rajya Sabha and in our Memorandum therefore, was the private meeting between me and Mr. Nanda on August 10, i.e., after the initial protest had been made in the Lok Sabha but the call attention motion was to be taken the next day. He asked me over.....

*Shri N. C. Chatterjee:* The conference took place in his office.

*Shri Inder Malhotra:* It took place in Parliament House in Mr. Sachin Chaudhuri's room (because in his room the then Home Minister was having a larger conference). He telephoned me and in response to that I came to Parliament House. It was a private meeting and I would not have referred to it at all except only to repeat what Mr. Nanda himself has revealed about that meeting—that is on the record of Rajya Sabha and also in our Memorandum. In that meeting I made him aware of the fact that our source was in the Home Ministry. And the sixth and the final fact which I would beg of you to take into account before coming to your conclusion, is that at the time this controversy of ours erupted in August last, there was a brief discussion in both Houses of Parliament. At that very time there were a number of other matters. But I will go into one of them and I will draw your kind attention to that

specifically. The other day the Home Ministry had to admit—the Home Minister had made a categorical statement which ultimately turned out to be wrong; and the specific point and the specific case is West Bengal investigation of Sunildas case. The Home Minister had made a statement based on some information. Ultimately Mr. Hathi had to admit that that information was wrong and a wrong statement had been made by the former Home Minister. There was a separate privilege motion which was not admitted. So what I submit is this that the Home Minister had been misinformed into making that statement. He has been misinformed by his people. I do hope, Sir, that in view of this, and the other facts I have submitted before you, Sir, you would be very kind and magnanimous and take a broader view of the whole matter, and not a very technical view, and see that I am not put into trouble. I do not have to assure this Committee of my utmost anxiety to cooperate with it to the utmost extent possible. I do hope, Sir, that my difficulties which are both professional and moral, will be taken into account. I am entirely in the hands, and at the mercy of the Committee.

*Mr. Chairman:* Do you have any expression of regret?

*Shri Inder Malhotra:* I am fully complying with your orders. Except for the fact that one is always sorry when these things take place, I have no reason to have regret. I have done nothing wrong in this whole instance.

*Mr. Chairman:* What you have done is all right?

*Shri Inder Malhotra:* I have done nothing wrong, Sir. One does not want to be disrespectful to any Member of Parliament, let alone the former Home Minister. I would say there is no element of lack of respect to any Member of Parliament, not to speak of a Parliamentary institution as such.

*Shri Sinhasan Singh:* Your statement does show some lack of respect.

*Shri Inder Malhotra:* The mistake was admitted and it is quite possible that the mistake may have been made good.

*Mr. Chairman:* All right, that is all.

*Shri Inder Malhotra:* Thank you very much. I am most grateful to you for your kind patience.

*Sardar Kapur Singh:* We appreciate it.

(The witness then withdrew.)



**APPENDIX**

(See para 4 of the Report)

**THE STATESMAN LTD.**

**STATESMAN HOUSE P.O. BOX 272 G.P.O.**

**CALCUTTA-1.**

**September 16, 1966.**

Shri M. C. Chawla,  
Deputy Secretary,  
Lok Sabha Secretariat,  
Parliament House,  
New Delhi-1.

Dear Sir,

With reference to your letter of September 6, 1966, kindly find enclosed our comments on the breach of privilege motion moved by Shri H. V. Kamath, Member of Parliament, in respect of our editorial, "Home Truth" published on August 26, 1966.

We have confined our comments to this editorial only. Although in the record of proceedings you sent to us with your letter of September 6, the Speaker refers to more than one editorial, in fact we published only one on this subject.

Also, we have confined our comments to the specific issue of breach of privilege raised in Shri Kamath's motion and referred to in your letter.

Should the Privileges Committee require any elucidation of or information about the submissions enclosed herewith, we would gladly furnish it, in person or in writing, as the Committee may desire.

With regards,

Yours faithfully,  
Sd/- PRAN CHOPRA,  
Acting Editor.

*Comments by the Acting Editor of the Statesman, on the Motion of breach of Privilege against the newspaper by Shri H. V. Kamath, M.P., in respect of the editorial "Home Truth" published in the Calcutta and Delhi Editions of the newspaper on August 26, 1966.*

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We offer our comments in four parts.

In the first part, the editorial is examined to show that none of the statements or suggestions contained in it is inaccurate; let alone deliberately false.

The second part contains our comments on the observation by the Honourable the Speaker that we have "asserted or insisted" upon our position and "persisted in (it) again and again".

In the third part the nature of the divergence between the position taken by the Home Minister, Shri Nanda, and ourselves is explained, and the conclusion suggested that such a divergence does not constitute a breach of privilege.

In the last part we have ventured to suggest certain implications of the contention of Shri Kamath that even a divergence of this nature, maintained in the circumstances and in the manner we have explained in the third part, amounts to a breach of privilege.

#### PART I

The first two paragraphs of the editorial are simply a brief narration of some of the events as they developed between August 10 and August 12. They contain little comment by us.

In the next two, the circumstances in which the Home Ministry's contradiction was first addressed to us and then withdrawn are referred to. We also give our reasons for publishing, without any annotation by us, the denial made by the Home Minister in Parliament while declining to publish without a comment of our own, the denial directly addressed to us.

The difference between the two kinds of denial is obvious. If we had published the Home Ministry's letter of denial without our footnote, it would have implied our acceptance of the denial as correct, which we know it was not. But no such implication was involved in reporting Mr. Nanda's denials in Parliament as part of 'the day's Parliamentary proceedings'. We would have reported these proceedings in any case, as part of the day's news; but we also, and naturally, took note of the fact that the proceedings showed how many M.Ps. had found Mr. Nanda's denials unconvincing.

The fifth paragraph of the editorial contains the sentence particularly referred to in Shri Kamath's motion: "We presume Mr. Nanda is fully aware of the source from which the story came to us and of the circumstances in which the Ministry agreed that the contradiction it had earlier sent to us need not be published".

The presumption is entirely justified by the facts known to us at the time and subsequently to Parliament. It was correct for us to presume that the Information Officer of the Home Ministry had conveyed to Mr. Nanda the purport of his exchanges, over the telephone and in writing, with the Resident Editor of *The Statesman*, New Delhi, in the course of which it was agreed that the Ministry's letter of denial need not be published (This was prior to the publication by us of the denial made by the Home Minister in Parliament). Similarly it was known to us at the time, and to Parliament subsequently, that our Political Correspondent (not Special Representative as stated by Mr. Nanda) had met the Home Minister in response to a telephone call from the latter; the two had gone into the question of the source of our story and our Political Correspondent had assured Mr. Nanda that the source was within the Home Ministry.

We did not wish to refer to this meeting specifically in our editorial of August 26, because the talk was confidential; we would not have referred to it now if Mr. Nanda had not disregarded this confidence in the course of his statement in Rajya Sabha on August 26.

It should be clear from these facts that we were justified in saying in our editorial that "We presume Mr. Nanda is fully aware of the source from which the story came to us and of the circumstances in which the Ministry agreed that the contradiction it had earlier sent to us need not be published." Whether Mr. Nanda believed our version or not, he was not left in any doubt about it.

In the last paragraph of the editorial we have spoken of the scepticism with which Mr. Nanda's denials were received in the two Houses. As the record shows, Mr. Nanda carried very little conviction with the M.Ps. who took part in the proceedings in the Lok Sabha. He was more or less flatly contradicted by Shri A. K. Gopalan, Shri Kamath, Shri M. N. Swamy, Shri Hiren Mukerjee, Mrs. Renu Chakravartty and Shri Madhu Limaye prior to the publication of our editorial. Shri Hiren Mukerjee restated his doubts even after the editorial was published.

We also wish to invite the Committee's attention to the proceedings of Rajya Sabha on August 26, when Shri Bhupesh Gupta, Shri A. B. Vajpayee and Shri A. D. Mani expressed their disbelief in the Home Minister's denials. Relevant extracts from the remarks by these members have been included in an appendix to this note; the Privileges Committee's attention is invited to them since some of the remarks are also relevant to subsequent parts of this note.

To sum up this part: the editorial of August 26 contains no comment or suggestion which is inaccurate, let alone deliberately false.

## PART II

The Honourable the Speaker observed in the Lok Sabha on August 31: "It is true that even after the Home Minister's statement, *The Statesman* had asserted or insisted that it is true that the Home Ministry, or some official of that Ministry, leaked out or gave that information. It is being persisted in again and again by *The Statesman* and two editorials have been written on this."

With due respect to the Speaker and his high office, and with the permission of the Privileges Committee, we wish to point out a few inaccuracies in this comment. They have probably arisen from the mistaken impression the Speaker has that we published more than one editorial on this subject. This is not the case. For a whole fortnight, from the date the news item appeared on August 10 to the publication of the editorial on August 26, we only reported, without any comment by us, the various observations on this item by various individuals and parties, in and outside Parliament. In the three weeks or so since the editorial appeared we have published no comment of our own or any statement of our position; we have again published as only the views and comments of other people.

Therefore the question of our having said anything even after the Home Minister's denial does not arise. We commented *only* after the denial, *only once* and only for reasons which are explained below. This cannot in fairness be described as insistence or assertion in the manner which is suggested by the context in which the words were used by the Honourable the Speaker, especially if the editorial is read in the context of our reasons for writing it.

The difference between expressing our position once or many times, or between expressing it and asserting it, may be small. But

in view of the weight which must attach to every word and nuance attributed to such an eminent dignitary as the Speaker, the facts should be accurately known lest any misunderstanding with regard to them should mislead judgment. An impression of "persistence" on our part might have existed in the mind of the Honourable the Speaker and influenced his decision to refer the motion to the Privileges Committee. But the explanation we are giving here of the actual position might clarify the Committee's view with regard to our editorial.

When the Home Minister denied in the Lok Sabha on August 11 that our report had emanated from his Ministry, we published his denial at two places, prominently in our own correspondent's report of the day's proceedings on the front page, and again in the more detailed agency version on an inside page. When Mr. Nanda repeated the denial on August 25, it was again covered with equal prominence and both in our correspondent's summary and in the more detailed report by the news agencies.

In the meantime, when two Communist leaders, Shri A. K. Gopalan and Shri Basavapunniah, issued a contradiction of our report about their party's alleged activities, we published the contradiction in the same place where the earlier news had appeared, and in this case too, as in the case of the first denial by Shri Nanda, we refrained from going into the question whether the contradiction was correct or not. This corroborates that we had no interest whatever in insisting that our news report was proof against challenge.

We would have let the Home Minister's second denial also to stand, without any comment of our own, against our earlier report, which we had not withdrawn or contradicted, if Shri Nanda had not compelled us to clarify our own position.

The Home Minister made two observations on August 24. He said that the paper had committed an indiscretion and he did not want it to commit another by "publishing a Minister's name or something like that". Secondly he asked, almost as a challenge, "If it is necessary for them (The Statesman) somehow to vindicate their position, who stopped them from doing it?" (We may also point out that three days later, while speaking in the Rajya Sabha, he carried his aspersions on the newspaper a stage further when he said in the Rajya Sabha, as reported by PTI, that "the newspaper was clutching at some straw to get out of the position".)

Thus between August 11 and August 24, the Home Minister had moved on from merely denying our version of the source of our

story to making certain unwarranted charges against the newspaper. Like any person or institution upon whom reflections are cast, we had the duty and responsibility to defend our integrity, notwithstanding the fact that we were completely unprotected by the privileges enjoyed by the Home Minister.

We wish to submit most respectfully that we were left with no alternative but to state our position *vis-a-vis* the impugned report. This we did in our editorial of August 26. It will be seen from the language, the tenor and the preface of the editorial that we were only concerned with the charge of indiscretion which had been made against us.

To remain silent in the face of the charge of indiscretion made against us, especially when Shri Nanda categorically asked us why we did not vindicate ourselves, would have amounted to accepting the charge. The public would have drawn only one conclusion from it, that we had based our news report on gossip or our imagination, which we most certainly did not. In fact as a responsible newspaper we had no motive whatsoever for doing so.

We repeat, in conclusion, that the record shows no eagerness on our part to go out of our way to controvert the Home Minister (or anyone else, who held an opinion different from ours about the news item we published). On the other hand, it shows that the Home Minister went out of his way to disparage *The Statesman* in a manner quite irrelevant to his main purpose, which was only to deny that the news had emanated from the Home Ministry.

### PART III

We submit that in moving his motion of privilege on August 31, Shri Kamath read more into the divergence between Shri Nanda and ourselves than is warranted by the facts or the language of our editorial.

Shri Kamath spoke of *The Statesman* "Insinuating, if not asserting.....etc." This is not only an unfair allegation, unsupported by facts, but a wrong approach to the issue he wanted the Privileges Committee to examine. We stated our position, clearly, unambiguously, in the language of reason and moderation. We left no room for insinuation either by us about others or by others about us. We urge the Privileges Committee to look at the plain meaning of words and the context in which they have been used. Once we begin to read insinuations into the ordinary language of public life,

subjective interpretation replaces the established meaning of words, imagination displaces facts.

Still more unjustified and further removed from facts is the nature of the insinuation attributed to us by Shri Kamath, that "the Home Minister has wilfully and deliberately suppressed the source of the news report which appeared earlier in that paper (The Statesman), and thereby held an untruth to, and misled, the House. . . .". Shri Nanda could be said to have misled the House deliberately if he had held back what he believed to be true. We have nowhere alleged or implied that he did so. We made him aware that our source was the Home Ministry. But he is under no obligation to believe us, just as we are free to believe him or not. If a person gives out some information but denies this fact to his superior, the latter is free to decide whether to believe his subordinate or the newspaper. But his purely personal predilections in this matter cannot be made the basis of an issue of breach of his privileges as a Member of Parliament, such as has been alleged by Shri Kamath.

To look at the same point from another angle, we have not alleged in any manner that our source was Shri Nanda himself. If we had said or implied this at any time it could have been argued against us that in disbelieving Shri Nanda's denial we had by implication accused him of uttering a falsehood. But that, very clearly, is not the case.

Shri Kamath was much closer to the truth, as were some other M.Ps. also it various stages of the discussion of this matter in the two Houses, when he said that someone else in the Home Ministry might have given this news to us. But howsoever justified or otherwise our own or other people's conviction that our source was in the Home Ministry, and no matter how frequently we might have conveyed this to the Home Minister, the latter unquestionably had the discretion either to believe us or those who may have assured him that they were not the source. It is only if he believed one thing and said another that he could be said to have committed a breach of the privileges of the House. As a corollary it follows that if we said he had done so, then and then alone, could we be charged with having committed a breach of his privileges as a Member of Parliament.

We were correct in presuming, on the basis of what we had told him, that we had made him aware of our source—though we did not assume, nor did we have the right to, that we had necessarily carried conviction with him.

The charge of breach of privilege against us fails also for another and still more essential reason: at no stage, by assertion or insinuation, have we attributed *mala fide* to Shri Nanda or even suspected him of it. If it is permissible to quote May's Parliamentary Practice to a distinguished Committee of Parliament, we would like to point out how relevant to the present case are two of the observations contained in the book. In one, it quotes a resolution of the House of Commons which says "wrong imputations, as affecting a Member of Parliament, may amount to breach of privilege, without, perhaps, being libel at common law". But within the same paragraph it also says "Reflections on Members even in their Parliamentary capacity have been ruled not to constitute a breach of privilege because *mala fide* was not imputed". By quoting the second observation we are in no way conceding that we cast a reflection upon Shri Nanda, but the quotation does prove conclusively that Shri Kamath's motion against us is lacking in a most essential ingredient.

At the risk of labouring the point even more than necessary we would draw the Committee's attention to the content and tone of Shri Nanda's statement in the Rajya Sabha on August 26, that is after our editorial had appeared. There is nowhere in it the slightest suggestion that we had questioned his motives; whatever else the tone of the statement suggests, especially the purely subjective judgment by which he bears out his conclusion, is for the Privileges Committee to judge. He said "Now, where *The Statesman* maintains that the Home Ministry knows the source, the representative of *The Statesman* told me that he had in mind some person. That was before I made the statement. . . . I am giving my statement on the basis of my own study of the case and my knowledge. The question is whether to my knowledge it was not a correct statement. . . . whether the Minister was lying to me, somebody has to prove that he lied to me, as even after that I questioned him. I still believe that what he told me was a good explanation and it appealed to me. At least, I was convinced that he was not the source. . . ."

To sum up: Our editorial of August 26 does not in any way attribute *mala fide* to Shri Nanda; nor is its language even remotely excessive or unparliamentary.

On the basis of assurance received from his staff, Mr. Nanda may sincerely hold the impression that our description of the source is wrong. We have not in any way question his sincerity—though his impression is erroneous—and for this reason some of the expressions used by Shri Kamath are entirely unjustified. It is in no way a



breach of a Member's privileges if a newspaper, relying upon its own sources, believes its own version of certain events and declines to endorse the version upon which a Minister, relying upon his sources, insists.

If in spite of this we are held guilty of a breach of privilege, such a severe restriction upon the freedom of expression will follow from the precedent, that we are obliged to elucidate the implications, which we do in the last part, below.

#### PART IV

In spite of what Shri Kamath suggests, the essence of the divergence between the Home Minister and *The Statesman* is that each has received information which is in conflict with the other's and each insists in all sincerity that its own is more correct.

If in such circumstances the Privileges Committee and the Lok Sabha hold that *The Statesman* is guilty of breach of privilege, the ruling will become a powerful precedent, considering the issue and the status of the parties. If it does, no one will dare contradict any statements the Government or any Member might choose to make on the floor of Parliament; or if anyone does, he will have to furnish conclusive proof of his *bona fides*.

If this restriction were to apply only to charges of *mala fides* or personal or official corruption etc, it would be very welcome indeed. We have ourselves supported, editorially and otherwise, all feasible restrictions upon the unbridled bandying about of charges which has become a habit in our public life.

But if the convention grows out of the present case, it would apply even more to criticism of the conduct of the affairs of State. Thus it would cripple the right of dissent, as a few examples will show:

(1) Only a few days ago numerous Opposition MPs insisted in the Lok Sabha that they were being shadowed, their houses watched, their telephones tapped and their letters opened by the Intelligence apparatus of the Home Ministry. The Home Minister vehemently denied the allegations, and Opposition MPs repeated it with still greater vehemence even after the denial.

All that was done within the shelter of Parliamentary privilege. But if any of the MPs were to repeat their allegations outside and

a newspaper were to report them, both would come within the mischief of our hypothetical ruling. They would either have to furnish proof of their statements or else face the charge of breach of privilege.

In fact even if their allegations turned out to be true, they could still be held guilty of a breach of privilege because, to quote from May's Parliamentary Practice again, the falsity of anything libellous or defamatory said about a Member (in this case the Minister whose statement is contradicted) "is not an essential element in the offence".

(2) In spite of repeated statements by the Government—not of one Minister but several, including the Prime Minister—that the rupee was not devalued under American pressure, the charge that it was, has been repeatedly made by all Opposition parties on the Left; it has been reported by all newspapers and some have made it off their own bat too. The ruling in question would throw them open to the charge of breach of privilege. The most recent victim of the restraint would be the Communist Journal "People's Democracy", which alleged as late as September 18, in an article by Shri Ranadive, that devaluation and the Fourth Plan were "dictated" by the USA. Some of the prospective victims would be all those who, it can be taken for granted, will be making and reporting these and similar other allegations in the coming round of election campaigns.

(3) On July 27 Shri J. R. D. Tata denied in a public statement an allegation made in the Lok Sabha by Shri Madhu Limaye with regard to placement of an officer of Air India. Would Shri Tata be considered by our analogy to have committed breach of privilege?

(4) In spite of the Government's reported denials, several Opposition parties have made the allegation, outside the sanctuary of Parliament, and all newspapers have reported it, that India signed the Tashkent Declaration under powerful Russian pressure, that Shri Lal Bahadur Shastri's death was the direct result of this pressure. And if this be considered not sufficiently specific charges to be relevant to our argument here, one could mention the allegation, also repeatedly made by MPs and others despite official denials, that Shri Lal Bahadur died because medical aid was not rendered in time.

(3) There are any number of examples, which half-an-hour's research in a newspaper file could throw up, of insinuations and

direct allegations made against Mr. C. Subramaniam for his conduct of affairs as Steel Minister long after he had categorically denied some of the allegations made against him in comments by MPs upon PAC reports.

(6) In entries 1, 2, 3, 4, 6, 7, 8 and 9 in the Annexure attached Shri A. K. Gopalan, Shri Umanath, Shri M. N. Swamy, Shri Hiren Mukerjee, Shrimati Renu Chakravartty and Shri Madhu Limaye reported, after the denial by Shri Nanda, that the news published by us on August 10 had been given out by someone or the other in the Home Ministry. If they supported this contention outside Parliament, they and those who published their views would come within the mischief of the same breach of privilege which Shri Kamath's motion attempts to trace to us.

Thus at one stroke with a favourable ruling upon Shri Kamath's motion, Parliament would confer vast powers upon the Government to strike down any observation, howsoever responsibly made in any newspaper, if not even to strike down the newspaper itself. Government would acquire the power not only to contradict news item or opinion, but in the manner of Shri Nanda's speeches on August 24 and August 26, pour ridicule upon the authors. The latter would be confronted with a choice of two evils: either they would have to run the gauntlet of breach of privilege, or they would have to keep their mouths shut and let their reading public draw the conclusion, however damaging to them and contrary to facts, that the Government had proved them false by the simple act of making an affirmation in Parliament.

We trust that the Privileges Committee will not be so guided by the erroneous imputations contained in Shri Kamath's motion as to let loose such a severe restriction upon freedom of expression, which Parliament should help to preserve and extend, not circumscribe. *The Statesman* has always tried to maintain high standards of journalism in reporting, and comment. In particular it has always sought to uphold the dignity and prestige of Parliament and of its presiding authorities. No reasons of expediency have ever made us deviate from these standards; as for reasons of principle, we have always held and often stated in our editorials that the future of Indian society is tied up with the future of Parliamentary institutions and it will progress only in so far as these institutions earn and receive the respect of all citizens.

Such a limited issue as the reliability of a single news item would not persuade us to question the Privileges of Parliament, of either

of its Houses or any of its Members. Even the much larger issue of the defence of one of India's leading newspapers against unmerited aspersions would not induce us to do that, let alone to attribute *mala fides* to a Member—and an Honourable Minister at that. As such, we submit that there is no substance in Shri Kamath's motion and no breach of privilege has been committed by us.

September 16, 1966.  
Enclosure.

Sd./- Pran Chopra,  
Acting Editor.

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### ANNEXURE

1. Shri A. K. Gopalan said in the Lok Sabha on 11.8.66, after the Home Minister's denial, that "there is reason to believe that someone in the Home Ministry might have given a handout....."
2. Shri Umanath said "some Home Ministry official—I am asking whether it is a fact or not—has given out a handout .....and that now he is backing out?"
3. After a further denial by Shri Nanda, Shri M. N. Swamy said "some time ago the Home Ministry had spread some cock and bull story. In 1964 itself, the Home Minister, Shri Nanda, concocted some stories".
4. A little later Shri Swamy added "we have got definite information that a handout has been given by the Ministry of Home Affairs".
5. Shri Hiren Mukerji asked whether it was the Government's intention "now to come forward in this kind of surreptitious manner to secure a widespread all-India publicity against political parties".
6. After further denial by Shri Nanda, Shrimati Renu Chakravartty said "I hope that he (Shri Nanda) understands also that we know who that person is...we know certainly who has given this handout".
7. On August 24, 13 days after the Home Minister's denial, Shri Madhu Limaye said "I think the fault is the Home Ministry's—Shri Nanda does not know what his colleagues might be doing. It is not good to blame newspapers".

8. After the second repetition of denials by Shri Nanda, Shri A. K. Gopalan said in the Lok Sabha on 29.8.66 "A Member of Parliament scandalizes a party, maligns a party and then the paper is blamed".
  9. Shri Hiren Mukherji said "...by the backdoor from an apparently Government source all kinds of things are said which are contradicted here untruthfully".
  10. Shri A. D. Mani said in the Rajya Sabha on August 27 that he was "morally convinced from the Government's practice of giving unofficial notes and telephonic dictations to the Press that the Home Ministry gave out the report".
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