

COMMITTEE OF PRIVILEGES

THIRD REPORT

(FOURTH LOK SABHA)

(Presented on the 15th November, 1967)



**LOK SABHA SECRETARIAT
NEW DELHI**

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**PERSONNEL OF THE COMMITTEE OF PRIVILEGES
(1967-68)**

CHAIRMAN

1. Shri R. K. Khadilkar

MEMBERS

2. Shri Rajendranath Barua
3. Shri Hem Raj
4. Shri J. M. Imam
5. Shri S. M. Joshi
6. Shri Thandavan Kiruttinan
7. Shri Bal Raj Madhok
8. Lt. Col. H.H. Maharaja Manabendra Shah of Tehri Garhwal
9. Shri P. Govinda Menon
10. Shri H. N. Mukerjee
11. Shri Anand Narain Mulla
12. Shri G. L. Nanda
13. Shri P. Ramamurti
14. Shri A. K. Sen
15. Dr. Ram Subhag Singh

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

THIRD REPORT OF THE COMMITTEE OF PRIVILEGES

(Fourth 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 by Shri P. K. Deo, M.P., and referred¹ to the Committee by the House on the 13th July, 1967, against the *Kalinga*, an Oriya Daily of Cuttack, for alleged misreporting,² in its issue, dated the 5th July, 1967 of the speech delivered by Shri P. K. Deo, M.P., in Lok Sabha on the 3rd July, 1967.

2. The Committee held three sittings. The relevant Minutes of these sittings form part of the report.

3. At the first sitting held on the 15th July, 1967, the Committee decided that, in the first instance, the Editor of the *Kalinga*, be asked to state what he had to say in the matter, for the consideration of the Committee.

4. At the second sitting held on the 5th August, 1967, the Committee considered the explanation³ submitted by the Editor of the *Kalinga*. The Committee directed that the Editor be asked to publish prominently in his newspaper the correct version of the speech of Shri P. K. Deo, M.P., in the Lok Sabha on the 3rd July, 1967, as pointed out by Shri P. K. Deo while raising the question of privilege in the House on the 13th July, 1967, together with his unqualified regret for the wrong impression created by the impugned news-report published in the *Kalinga* on the 5th July, 1967.

The Committee also directed that the Editor of the *Kalinga* be asked to send a copy of the relevant issue of the paper in which the necessary correction and his regret were published, with an English translation thereof, for the information of the Committee.

¹ L.S. Deb., dt. 13-7-1967.

² English translation of the impugned news-report furnished by Shri P.K. Deo, M.P., is contained in Appendix I.

³ See Appendix II.

5. At the third sitting held on the 9th November, 1967, the Committee considered their draft report and adopted it.

II. FACTS OF THE CASE

6. On the 13th July, 1967, Shri P. K. Deo, M.P., while raising the question of privilege against the *Kalinga* for the publication of an alleged "false and perverted" version of his speech in Lok Sabha on the 3rd July, 1967 on the Home Ministry's Demands for Grants, in the *Kalinga* newspaper, dated the 5th July, 1967, stated *inter alia*:

"In this regard, I would like to point out that the whole caption of this news-item is perverted and has ulterior motives.

It mentions 'the demand before the Government to appoint a commission of enquiry to enquire into the allegations against members of the coalition government.' The further heading says: 'strong support by the Swatantra Leader of Kalahandi Raja to the memorandum of Congress representatives.' Lastly, the last para says 'Our correspondent reports that the top leader of the Swatantra Party, Member of the Lok Sabha, Shri Pratap Kesari Deo supported the memorandum submitted by the Congress MPs and MLAs and made a demand for the appointment of a commission of enquiry'. It is far from true. I never extended any support to this memorandum which was submitted to the President by the Congress MPs and MLAs. Rather, on the other hand, I said that this matter might be referred to the Lok Pal who was going to be appointed—not a commission of enquiry. I would like to make a distinction between the commission of enquiry and the Lok Pal who is going to be appointed. I said that the first item of work to be entrusted to the Lok Pal would be looking into this memorandum. It will not only prove the frivolousness of the various charges and explode the myth of the memorandum but will drive another nail into the coffin of the Congress in my State. In spite of my categorical statement in this House, I beg to submit that this perverted reporting in the paper is a serious breach of privilege of this House.

* * * * *

I beg to submit that *prima facie* there has been a breach of privilege by this misreporting, and it has been done with a mischievous intention to malign me, and to blur my image in the public eye in my State. So, it is a serious matter, and I seek your protection. I submit that the most appropriate thing would be to refer the matter to the Privileges Committee."

7. After some discussion, the House referred the matter to the Committee of Privileges on a motion moved by Shri P. K. Deo, M.P.

8. The relevant portions of Shri P. K. Deo's speech in Lok Sabha on the 3rd July, 1967, which according to him, have been misreported by the *Kalinga* in its issue, dated the 5th July, 1967, read as follows:—

"I suggest that the Lok Pal should be appointed very soon and the first task that should be entrusted to him should be to look into the latest memorandum submitted by the Congress MLAs and MPs against the Ministers of the Gantantra Parishad-Congress Coalition Government for the period 1959 to 1961.

* * * * *

I sincerely want that the memorandum should be gone through and they should look at the *pros* and *cons* of it. I am quite sure the findings will not only prove the frivolousness of the charges and will explode the myth of the memorandum, but will drive another nail on the coffin of the Congress in my State."

III. FINDINGS OF THE COMMITTEE

9. From the above extracts from the speech of Shri P. K. Deo in Lok Sabha, it is seen that he wanted the memorandum submitted by the Congress M.Ps. and M.L.As, against the Ministers of the Gantantra Parishad-Congress Coalition Government for the period 1959—1961 to be gone through by the Lok Pal to "prove the frivolousness of the

charges". The news-report published in the *Kalinga*, dated the 5th July, 1967, however, stated that Shri P. K. Deo "supported the memorandum submitted by the Congress M.Ps. and M.L.As. and made a demand for the appointment of a Commission of Enquiry".

10. The position in this regard has been stated as follows by *May*:—

"Analogous to the publication of libels upon either House is the publication of false or perverted, or of partial and injurious reports of debates or proceedings of either House or committees of either House or misrepresentations of the speeches of particular Members.

* * * * *

So long as the debates are correctly and faithfully reported the orders which prohibit their publication are not enforced; but when they are reported *mala fide*, the publishers of newspapers are liable to punishment.

The following are instances of misconduct in connection with the publication of debates which has been treated as a breach of privilege.

* * * * *

Publishing gross or wilful misrepresentations of particular Members' speeches."

[*May's Parliamentary Practice*, 17th Ed., pp. 118-119.]

11. The Committee considered the explanation⁴ submitted by the Editor of the *Kalinga*, wherein he had stated *inter alia*:

"Any misunderstanding caused on that score is sincerely regretted and the undersigned would not hesitate to publish the clarification of Shri P. K. Deo made in the Lok Sabha on 13th July 1967, explaining the purport of his speech, if it is so directed by the Privileges Committee."

12. The Committee were not satisfied with the explanation of the Editor of the *Kalinga* and decided that he be asked to publish prominently in his newspaper the correct version of the speech of Shri P. K.

⁴ See Appendix II.

Deo in Lok Sabha on the 3rd July, 1967, as pointed out by Shri P. K. Deo while raising the question of privilege in the House on the 13th July, 1967, together with his unqualified regret for the wrong impression created by the impugned news-report published in his newspaper on the 5th July, 1967.

13. The necessary correction and his regret were, accordingly, published⁵ by the Editor in the *Kalinga*, in its issue dated the 9th September, 1967.

14. The Committee feel that the correction and the expression of regret published by the Editor of the *Kalinga* are sufficient in the circumstances of the case and that no further action is called for in the matter.

IV. RECOMMENDATION OF THE COMMITTEE

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

NEW DELHI;
The 9th November, 1967

R. K. KHADILKAR,
Chairman,
Committee of Privileges.

⁵ English translation of the relevant report as furnished by the Editor, *Kalinga* is set forth in Appendix III.

MINUTES

I

First Sitting

New Delhi, Saturday, the 15th July, 1967.

The Committee sat from 16-00 to 16-30 hours.

PRESENT

Shri R. K. Khadilkar—*Chairman.*

MEMBERS

2. Shri Rajendranath Barua
3. Lt. Col. H.H. Maharaja Manabendra Shah of Tehri Garhwal
4. Shri G. L. Nanda
5. Shri P. Ramamurti
6. Dr. Ram Subhag Singh.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered the question of privilege raised by Shri P. K. Deo, M.P., against the *Kalinga* newspaper for alleged mis-reporting of his speech in Lok Sabha in its issue dated the 5th July, 1967.

3. The Committee decided that, in the first instance, the Editor of the *Kalinga*, be asked to state what he had to say in the matter, for the consideration of the Committee.

The Committee then adjourned.

II

Second Sitting

New Delhi, Saturday, the 5th August, 1967.

The Committee sat from 10-00 to 12-10 hours.

PRESENT

Shri R. K. Khadilkar—*Chairman.*

MEMBERS

2. Shri Rajendranath Barua
3. Shri S. M. Joshi
4. Shri Thandavan Kiruttinan
5. Shri Bal Raj Madhok
6. Lt. Col. H.H. Maharaja Manabendra Shah of Tehri Garhwal
7. Shri H. N. Mukerjee
8. Shri Anand Narain Mulla
9. Shri G. L. Nanda
10. Shri P. Ramamurti
11. Dr. Ram Subhag Singh.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered the letter dated the 29th July, 1967 from the Editor of the *Kalinga* newspaper published from Cuttack, explaining his position with regard to the question of privilege regarding alleged misreporting of the speech of Shri P. K. Deo, M.P., in the Lok Sabha on the 3rd July, 1967 in its issue dated the 5th July, 1967.

3. The Committee were not satisfied with the explanation of the Editor of the *Kalinga* and directed that he be asked to publish prominently in his newspaper the correct version of the speech of Shri P. K. Deo in Lok Sabha on the 3rd July, 1967, as pointed out by Shri P. K. Deo while raising the question of privilege on the 13th July, 1967, together with his unqualified regret for the wrong impression created by the impugned news-report published in his newspaper on the 5th July, 1967.

4. The Committee also directed that the Editor of *Kalinga* be asked to send the relevant issue of the *Kalinga* in which the necessary correction and his regret were published, with an English translation thereof, for the information of the Committee.

* * * * *

8. The Committee decided to meet again two or three days before the commencement of the next session of Lok Sabha to deliberate on these two matters.

The Committee then adjourned.

III

Third Sitting

New Delhi, Thursday, the 9th November, 1967.

The Committee sat from 15-30 to 16-10 hours.

PRESENT

Shri R. K. Khadilkar—*Chairman.*

MEMBERS

2. Shri ~~J. M. Imam~~ ^{Hem Raj}
3. Shri J. M. Imam
4. Shri Thandavan Kiruttinan
5. Shri Bal Raj Madhok
6. Shri Anand Narain Mulla
7. Shri P. Ramamurti
8. Dr. Ram Subhag Singh

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered their draft Third Report on the question of privilege against the *Kalinga* and adopted it.

3. The Committee authorised the Chairman and, in his absence, Shri Bal Raj Madhok, to present the Report to the House on the 15th November, 1967.

† † † † †

The Committee then adjourned.

†††† Paragraph 4 ~~is~~ related to another case and will be included in the Minutes of the relevant case.

***** Paragraphs 5 to 7 relate to another case and will be included in the Minutes of the relevant Report.

APPENDICES

APPENDIX I

(See para 1 of Report)

Translation of the news-item published in the 'Kalinga' dated the 5th July, 1967, furnished by Shri P. K. Deo, M.P.

Headings:

(1) Demand before the Government to appoint a Commission of Inquiry to inquire into the allegations against Members of the Coalition Government.

(2) Let there be an Inquiry into the allegations of corruption against Mahatab, Singh Deo, etc.

(3) Strong demand by Swatantra Leader Raja of Kalahandi, Shri Partap Kesari Deo in the Lok Sabha.

(4) Let Lok Pal be appointed to go into the memorandum submitted to the President by Orissa Congress M.Ps. and M.L.As.

(5) After strong support of the Swatantra Leader Kalahandi Raja to the memorandum of Congress representatives the political circles strongly believe that Chief Minister Singh Deo will welcome a Commission of Inquiry.

New Delhi—4th July, 1967.—Yesterday the Swatantra Party Leader Kalahandi Maharaja Shri Pratap Kesari Deo demanded that the Central Government should start an immediate inquiry into the allegations of corruption against the Jana Congress leader Shri Harekrishna Mehtab and Chief Minister Shri Rajendra Narayan Singh Deo etc., as reported by PTI.

Reiterating his demand the Kalahandi Maharaja said that Central Government should immediately appoint "Lok Pal" to inquire into the allegations against the former "Congress Ganatantra Coalition Ministers" on the basis of the memorandum submitted to Rashtrapati by Congress M.Ps. and M.L.As., few days back and the first act of the Lok Pal would be to go into these allegations of former Ministers.

It may be recalled that Orissa Congress M.Ps. and M.L.As. a few days back submitted a memorandum to the Rashtrapati alleging grave charges of corruption against the Jana Congress leader Shri Harekrishna Mehtab, Chief Minister, Shri Rajendra Narayan Singh Deo,

Deputy Chief Minister Shri Pavitra Mohan Pradhan and other Ministers of Coalition Government and sent copies of the memorandum to Prime Minister Smt. Gandhi, Deputy Prime Minister Shri Morarji Desai and Home Minister Shri Chavan.

Shri Pratap Kesari Deo while pressing his demand stated that the Central Government should soon appoint Lok Pal. It will be the first duty of the Lok Pal to go into the allegations of corruption against the then Chief Minister in 1959—61, Congress Ganatantra Coalition Government, Shri Harekrishna Mehtab and its Finance Minister, Shri Singh Deo and Ministers of the present Coalition Government. It may be noted that the Administrative Reforms Commission has recently recommended for the appointment of Lok Pal.

Our correspondent reports that the top leader of the Swatantra Party and Member of Lok Sabha Shri Pratap Kesari Deo supported the memorandum submitted by the Congress MPs. and MLAs. and made a demand for the appointment of a Commission of Inquiry. On this basis it is believed in political circles here that the Orissa Chief Minister, Shri Rajendra Narayan Singh Deo while supporting the leadership and action of his party will welcome a Commission of Inquiry.

APPENDIX II

(See para 4 of Report)

Explanation from the Editor of 'Kalinga'

SURENDRA MAHANTY
Editor,
KALINGA.

CUTTACK—1.
July 29, 1967.

To

The Secretary,
Lok Sabha, Parliament House,
New Delhi.

REF.—Lok Sabha Secretariat Letter No. 18/4/C-I/67, dated
July 15, 1967.

SUB.—Motion of Privilege against 'KALINGA'.

Sir,

In inviting a reference to the communication on the subject noted

above, the undersigned has the honour to present his compliments to the Privileges Committee and state as follows:

(1) A news-report was published in the *Kalinga* dated the 5th July, 1967 regarding a speech of Shri P. K. Deo, M.P., made in Lok Sabha on the 3rd July, 1967.

(2) On 13th July 1967 Shri P. K. Deo, M.P., brought a Motion of breach of privilege against *KALINGA* in the Lok Sabha for the aforesaid news-report and the matter was referred to the Privileges Committee of the House.

(3) The gravamen of charges against the impugned publication is as follows: (a) the whole caption of this news-item is alleged to be perverted and with **ULTERIOR** motives, and (b) is alleged to be a distortion and has been deliberately done with a **MALICE**.

(4) The undersigned strongly repudiates both the charges and having himself been a Member of the Parliament for a decade, nothing could have been farther from his intention than to publish false or perverted or injurious report of parliamentary debates or of speeches of individual Members. The paper has or had no **ULTERIOR** motives nor the paper bears any **MALICE** against anybody in due discharge of its duties, though at times it might have been the victim of it. In the present instance the Member concerned is a long associate of the undersigned as he himself has been good enough to record in his speech in the Lok Sabha on 13th July 1967 and therefore imputation of "Ulterior motives" and "malice" against him should not arise.

(5) The undersigned further begs to submit that the publication in question was a fair report without any malice.

(6) The news-report has three clear parts: 1st part is the *caption*, with an explanatory "*intro*", the second part is his *speech* as reported by the *E.T.I.* and the third part is a *report* from our Representative conveying his own subjective impressions.

(7) As it appears from the speech of Shri P. K. Deo while moving his motion on 13th July 1967 in the Lok Sabha, exception had been

taken to the "WHOLE CAPTION" as being "PERVERTED". The caption was as follows:

FOR INVESTIGATING INTO THE ALLEGATIONS AGAINST MEMBERS OF THE COALITION MINISTRY. (Banner Line).

DEMAND FOR EARLY APPOINTMENT OF A COMMISSION BY GOVERNMENT OF INDIA. (Second Banner).

LET THERE BE AN ENQUIRY INTO THE ALLEGATIONS AGAINST MESSRS. MAHATAB AND SINGH DEO. (Third Line).

STRONG DEMAND BY KALAHANDI RAJA SHRI PRATAP KESHARI DEO IN LOK SABHA. (Fourth Line).

LET LOKPAL BE APPOINTED AT THE EARLIEST FOR INITIATING ACTION ON THE MEMORANDUM SUBMITTED TO THE PRESIDENT BY CONGRESS M.L.As. AND M.Ps. (Fifth Line).

BELIEF IN THE POLITICAL CIRCLES TO THE EFFECT THAT CHIEF MINISTER SINGH DEO WILL WELCOME ENQUIRY COMMISSION AFTER KALAHANDI RAJA'S STRONG SUPPORT TO THE MEMORANDUM BY THE CONGRESS REPRESENTATIVES.

It is respectfully submitted that even a casual scrutiny of the above caption will convince anybody that the caption was neither perverted nor malicious.

As it would be seen from the speech of Shri Deo, he had demanded that the Memorandum of charges of corruption against Messrs. Mahatab and Singh Deo (Chief Minister and Deputy Chief Minister in the Coalition Ministry) "BE REFERRED TO THE LOK PAL" to look into charges brought against them.

This fact has been highlighted in the third, fourth and fifth banner lines of the caption. Where then is malice? And perverted reporting?

As it is well-known, appointment of Lokpal featured in the recommendations of the Administrative Reforms Commission; the exact

nature, status and scope of which has not yet received any legal status. When Shri Deo demanded that let a Lokpal be appointed to look into the memorandum it was perhaps taken for granted that the office of the Lokpal had already come into existence. This might also be true according to his state of information and knowledge. But since rest of the country was in dark about it, while processing the report the demand was construed as a plea for appointment of "A COMMISSION" which featured in the Second Banner of the caption. Commission means an *Authority* and it may consist of a single person or a number of persons. Liberally interpreted the LOKPAL is also a COMMISSION. At least that was in our mind while processing the report with the above headline. Without relying on the freedom of the Press, the undersigned ventures to submit that from this alone the Headline should not be condemned as malicious. The First Banner line of the caption is similarly factual and is neither perverted nor malicious. The last lines of the caption; are merely speculative and has nothing to do with the proceedings of the House or of the learned speech of the member concerned.

Exception has been taken to the headline: "KALAHANDI RAJA'S STRONG SUPPORT TO THE MEMORANDUM BY THE CONGRESS REPRESENTATIVES." But the support to the operative portion of the demand by the Congress Representatives for initiating enquiry into their memorandum (by demanding the early appointment of a Lokpal), so thoughtfully extended by the Member concerned was reported in the caption as "*support to the memorandum by the Congress Representatives*". Had he opposed the demand for an Enquiry and we would have published the speech as supporting the Congress demand for an enquiry, then certainly this paper would have been charged of wrong reporting. The undersigned therefore ventures to submit that the Privileges Committee may be gracious enough to consider the issue in the light of the above explanation.

(8) Further exception has been taken to the following report from our Correspondent, which reads as follows in translation:—

"It is learnt from our Representative that in view of the strong support extended by Shri P. K. Deo, an eminent leader of the Swatantra Party and Member, Lok Sabha to the demand for an Enquiry

Commission by supporting the Memorandum of the Congress M.L.As. and M.Ps.; Chief Minister Sri Rajendra Narayan Singh Deo, in keeping with his party's leadership and programme, would welcome the appointment of an Enquiry Commission. This is the belief here in the Political Circles". It is respectfully submitted that the above impression of our Representative is in keeping with the freedom of Press, which has been so graciously assured by the Parliament and it is heartening to note that, in the above report, the freedom has not been abused to offer any indignity to the Member concerned, by publishing a false report.

In conclusion the undersigned begs to inform the Privileges Committee that after the said report was published in the *Kalinga*, "Swarajya" the Oriya Daily owned by the Swatantra Party published a news-item under *four column spread headline* reporting that the Orissa Chief Minister had sent a telegram to Shri P. K. Deo, advising him to give notice of breach of privilege against the KALINGA, for its news-report.

Under the circumstances it is submitted that no attempt was made to publish the speech of Mr. P. K. Deo in a perverted or malicious way. It was a fair reporting. Any misunderstanding caused on that score is sincerely regretted and the undersigned would not hesitate to publish the clarification of Shri P. K. Deo made in the Lok Sabha on 13th July 1967 explaining the purport of his speech, if it is so directed by the Privileges Committee.

Yours faithfully,

(Sd.) S. Mahanty

Editor.

APPENDIX III

(See para 13 of Report)

Report published in the 'Kalinga', dated the 9th September, 1967, giving correct version of the speech of Shri P. K. Deo, M.P., in Lok Sabha on the 3rd July, 1967, together with the regret of the Editor.

(Translation supplied by the Editor—original in Oriya).

AGAINST COALITION MINISTRY
LET LOKPAL PROBE INTO LATEST CONGRESS MEMORANDUM

P. K. DEO'S SPEECH IN LOK SABHA

New Delhi—On July 3rd 1967, Sri P. K. Deo said: "I suggest that the Lokpal should be appointed very soon and the first task that should be entrusted to him should be to look into the latest memorandum submitted by the Congress MLAs and MPs against the Ministers of the Ganatantra Parishad-Congress Coalition Government for the period 1959 to 1961. I make this statement because, I appreciate the belated alertness of my Congress friends. They slept all these 9 years and woke up in the last minute, on the eve of the Commission of Inquiry to be appointed to go into the misdeeds of Mr. Biju Patnaik and Company. After the Coalition Ministry, the Congress Ministry was there for a spell of 6 years from 1961 to 1967 and was in the know of all the so-called deeds and misdeeds of the Coalition Ministry. I sincerely want that the memorandum should be gone through and they should look at the *pros* and *cons* of it. I am quite sure the findings will not only prove the frivolousness of the charges and will explode the myth of the memorandum but will drive another nail on the coffin of the Congress in my State."

* * * * *

On the 3rd July, 1967, Swatantra Member Sri P. K. Deo (Kalahandi) spoke as above, in course of his speech in Lok Sabha. His speech as published in *Kalinga* in its issue dated 5th July, 1967 was not properly presented in the *Kalinga* as alleged by Sri P. K. Deo,

who tabled a breach of privilege motion against *Kalnga*. In this connection, *Kalinga* sent an explanation to the Privileges Committee. The Privileges Committee considering this explanation, has directed to publish the exact version of the relevant portion of the speech of Sri P. K. Deo. The quotation from his speech has been published as mentioned above. For the misunderstanding created by our publication we do sincerely *regret*.