

**COMMITTEE OF PRIVILEGES
(FOURTEENTH LOK SABHA)**

9

NINTH REPORT

**(Presented to Speaker, Lok Sabha on 20 November, 2007)
(Laid on the table of Lok Sabha on 22 November, 2007)**

SEAL

**LOK SABHA SECRETARIAT
NEW DELHI**

November, 2007/Kartika, 1929 (Saka)

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**PERSONNEL OF THE COMMITTEE OF PRIVILEGES
(14TH Lok Sabha)**

Shri V.Kishore Chandra S.Deo - Chairman

MEMBERS

2. Shri Omar Abdullah
3. Shri Sartaj Singh Chhatwal
4. Shri Anantkumar Hegde
5. Shri Virendra Kumar
6. Shri Hemlal Murmu
7. Shri Brajesh Pathak
8. Shri Shriniwas Patil
9. Dr. Sebastian Paul
10. Shri Varkala Radhakrishnan
11. Shri Raju Rana
12. Shri D. Vittal Rao
13. Shri Iqbal Ahmed Saradgi
14. Choudhary Bijendra Singh
15. Shri Beni Prasad Verma

SECRETARIAT

1. Shri P.D.T. Achary - Secretary General
 2. Shri V.K. Sharma - Joint Secretary
 3. Shri Ravindra Garimella - Deputy Secretary
 4. Shri Ashok Sajwan - Deputy Secretary-II
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NINTH REPORT OF THE COMMITTEE OF PRIVILEGES (FOURTEENTH LOK SABHA)

I. Introduction and Procedure

I, the Chairman of the Committee of Privileges, having been authorized by the Committee to submit the Report on their behalf, present this their Ninth Report to the Speaker on the question of casting of aspersions on members of Parliament by Shri Ronen Sen, India's Ambassador in USA in an interview.

2. The Committee held four sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. At their first sitting held on 23 July,2007, the Committee considered the matter and decided to hear the members who had given notices of question of privilege against Shri Ronen Sen in the matter.

4. At their second sitting held on 14 September,2007, the Committee examined on oath Sarvashri Gurudas Dasgupta, Rupchand Pal and Ajoy Chakraborty, MPs. The Committee decided that it might not be necessary for Shri Varkala Radhakrishnan, a member of the Committee who had also given notice of question of privilege to give his evidence before the Committee. The

Committee also decided that since Shri Varkala Radhakrishnan had no personal interest in the matter, he could attend the sittings of the Committee during the consideration of the matter by the Committee.

5. At their third sitting held on 29 October,2007, the Committee examined on oath Shri Ronen Sen, Indian Ambassador in USA.

6. At their fourth sitting held on 16 November,2007 the Committee considered their draft Report and adopted the same.

II. Facts of the Case

7. On 21 August,2007 Sarvashri Varkala Radhakrishnan, Ajoy Chakraborty, P. Karunakaran, Rupchand Pal, Basudeb Acharia and Gurudas Dasgupta, MPs and on 22 August,2007 Shri P.C. Thomas and Shri Anant G. Geete, MPs gave notices of question of privilege alleging that Shri Ronen Sen, India's Ambassador in USA had cast aspersions on members of Parliament in an interview given to Rediff News Agency on India-US civil nuclear agreement. Elaborating, the members stated that Shri Sen in the impugned interview had stated that **“the Parliamentarians are like headless chickens...The Parliamentarians don't even seem to be aware of what they are saying, the import of what they are saying”**.

The members also enclosed copies of the transcript of the said interview, given by Shri Ronen Sen, in support of their contention. In the transcript of the said interview captioned ‘ *Sen calls N-critics headless chickens*’, it was *inter alia* reported that “ *Prime Minister Manmohan Singh’s key man for the civil nuclear energy agreement in Washington, Ambassador Ronen Sen, has attacked India’s parliamentarians for opposing the deal. ‘It has been approved here (in Washington D.C.) by the President and there (in New Delhi), it has been approved by the Indian Cabinet. So why do we have all this running around like headless chickens, looking for a comment here or a comment there, and these little storms in a teacup?’ ”*

8. On 21 August, 2007, several members raised the matter in the House with the permission of the Speaker. Thereafter, Shri Pranab Mukherjee, Leader of the House and Minister of External Affairs, who was present in the House, stated, “*...I have contacted our Ambassador who has informed me that certain comments, either deliberately or through misunderstanding, were published by the Correspondent. The Correspondent has also misquoted our Ambassador in several respects. I have asked our Ambassador to issue a clarification. These comments, if made by our Ambassador, and reported correctly, are totally unwarranted and unacceptable. In democracy, there will always be dissension and divergence of opinions. Nobody can accuse others who hold divergent*

views. I regret the alleged comments which have hurt the feelings of hon. Members...”

When the House met again at 1400 hrs. on the same day, Shri Pranab Mukherjee informed the House that he has received a communication from Ambassador Sen stating as follows :-

“...I have received several queries about a report datelined Washington DC, August 20, 2007 by Mr. Aziz Haniffa of Rediff India Abroad, which quoted me extensively on the India-US Civil Nuclear Agreement. I had an off the record conversation with the Correspondent giving some assessments on this subject. A number of the comments were, however, either misunderstood or misquoted or quoted out of context. For instance, I did not say that the Hyde Act could not be renegotiated, but said that the bilateral agreement could not , in my view, be renegotiated. With reference to the Hyde Act, I had expressed my assessment it would not be amended in the foreseeable future...Some of the comments attributed to me in this off-the-record conversation were made by me in my personal capacity and do not reflect the positions of the Government...I fully recognize that such personal views, even in a private conversation, should have been expressed with better judgment and due decorum. For instance, my comment about ‘running around like a headless chicken looking for a comment here or a comment there’ was a tactless observation on some of my media friends and most certainly not with reference to any hon. Member of Parliament, it was certainly not my intention to cast aspersions on any individual or organization. However, if I have unwittingly hurt any sentiments, I offer my unqualified apologies...”

9. The Ministry of External Affairs were requested to furnish comments of Shri Ronen Sen in the matter. The Foreign Secretary *vide* his communication dated 23 August, 2007, forwarded the comments of Shri Ronen Sen in the matter.

Shri Ronen Sen, in his comments, furnished through the Ministry of External Affairs, stated as follows:-

“ I would at the outset like to say that I did not give an interview to Mr. Aziz Haniffa. I had conversations on my mobile telephone with Mr. Aziz Haniffa of Rediff India Abroad and with Mr. Chidanand Rajghatta of ‘The Times of India’ during last weekend on either 18 or 19 August, 2007. At the beginning of both these conversations, I recall stating that I could not give comments on record and that people should not be looking for a comment here or a comment there. I had, prior to these conversations, also instructed my colleagues in the Embassy not to make any statements or observations to the media on the debate on various interpretations on the India-US civil nuclear agreement. Several of these comments in the off-the-record conversation were made by me in my personal capacity and do not reflect the positions of the Government of India. I do not have a total recollection of every word I uttered, and cannot deny having made many of the comments attributed to me. However, I did not make any statements about ‘parliamentarians running around like headless chicken’ or about ‘parliamentarians having childish tantrums’. Yet, I fully recognize that a number of my personal observations, even in private conversations, were couched in a tactless manner and demonstrated poor taste. Such observations should have been expressed with better judgment, greater restraint and due decorum, particularly by a former civil servant holding public office. It was most certainly not my intention to cast aspersions on any individuals or any organization, let alone the august institution of Parliament. I would like to reiterate that if I have unwittingly hurt any sentiments , I offer my sincere and unqualified apologies.”

The Foreign Secretary stated in his communication that “*the Ministry have no choice but to crave the indulgence of the Hon’ble Speaker in the error of judgement by Ambassador Ronen Sen and to request that his unqualified apologies be accepted.*”

10. On 30 August, 2007, the Speaker, Lok Sabha in exercise of his powers under Rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha, referred the matter to the Committee of Privileges for examination, investigation and report.

III. EVIDENCE

Evidence of Shri Gurudas Dasgupta, MP

11. Shri Gurudas Dasgupta, MP during his evidence on 14 September, 2007, *inter-alia* stated as follows:

“... The whole intention of our raising this matter is this. What is the mandate of an Ambassador? The Ambassador has his jurisdiction, constitutional, legal, moral and administrative. In this case, he has gone beyond his mandate. Why? When there is a political controversy in the country with regard to a deal, which is the atomic deal with America and when he is the Ambassador of India in America, when the political circles are divided in India, when they are debating the issue, some in favour and some against, the first wrong that he has done is to take part in the debate. His official duty does not enjoin upon himself to take part in the debate; whether the deal is right, whether the deal is wrong, whether the deal is in the interest of the country or whether the deal is against the interest of the country, he has no business to come in support of the deal because it is not finalized. Therefore, he has taken part in a political debate and discussion on the soil of a foreign country and occupying the office of an Ambassador. This is absolutely beyond the official mandate and official function that he has to perform. Secondly, why did he do it? He did it to appease the Government, because the Government has done the preliminary treaty and they are going to finalise it. He has come in support of the Government. There was no need to support the Government. There is the Prime Minister and there are other Ministers who can do it. So, by taking part in this debate he had (made) himself controversial. A Government official cannot be controversial. He cannot go beyond his duties. Thirdly, the language that he has used by using words like ‘headless chicken’, it is not derogatory, it is the language of lumpens. Whether he has used it against members of Parliament or

against the media or against anybody else does not matter, but he has discarded the elementary decency in describing people whom he has meant as 'headless chickens'. This only tantamount to lowering his position. He has lowered his position. Fourthly, he tried to incur the generosity of the American Administration. He wanted to place himself in the good book of Bush Administration. Fifthly, he gave the interview knowing fully well that it is going to be published. Therefore, he has deliberately fomented a controversy. Taking everything together, he has committed a breach of privilege because indirectly he has taken part in a debate which Parliament was to debate. He has indirectly spoken against members of Parliament who are opposing the deal. A politician can do it, a Member of Parliament can do it, but an Ambassador cannot do it. By attacking the critics of the deal, he has not gone only beyond his jurisdiction and powers, but he has lowered the prestige and dignity of members of Parliament. Sixthly, there is a linguistic maneuver in the whole thing. The words, 'headless chickens', whether he has stated this with regard to members of Parliament or not, that is a different matter. Somebody is opposing the agreement, somebody is supporting the agreement, the media is writing in support of the agreement and the media is also writing opposing the agreement. He has described the media as 'headless chicken'. Similarly by implication 'headless chickens' are members of Parliament because they are opposing the agreement. So, he has definitely committed a breach of privilege and the Committee in its own wisdom should proceed against him..."

12. On being told, that the Minister of External Affairs had stated in the House that Shri Ronen Sen had not made any such remarks and he had not given an interview as alleged, and asked what are his views in the light of the explanation given by the Minister of External Affairs on the floor of the House, Shri Gurudas Dasgupta stated as follows:

"The statement of the Minister of External Affairs is not a matter of discussion. Therefore, I will not reflect on that. Whether he has denied or whether he has not denied will be proved by the copy of the statement that has been given. The copy of the statement that has been circulated among us bears the truth that he has given the interview, that he has taken part in the political controversy, that he himself has generated a political controversy and that he has taken part in a debate which the Parliament

was supposed to have done. So, while taking part in the debate, through the interview, he has made caustic remarks about the media and members of Parliament. If he says that those who are opposing it in the media or writing reports are “headless chickens”, then by implication it is also attributed to others who are opposing it. Therefore, I am not reflecting on what the Minister of External Affairs had stated. I confine myself to the statement that is made. Secondly, he had apologized for making the statement. Therefore, it is accepted by him that he had made the statement. The very fact that he had apologized and the apology had been conveyed to us is an indication beyond doubt that he had made the statement. So, the statement that had been made is owned by him and the copy that has been given also mentions the words ‘headless chicken’. The words ‘headless chicken’ may be with reference to the media directly, but this is linguistic jugglery. If it means about the media, then what he says that those who are opposing or writing about it are headless chickens, therefore, those members of Parliament who are opposing it by implication can be categorized by media and which can be described as ‘headless chickens’. Therefore, he cannot be exonerated.”

13. When his attention was drawn to the passage from Shri Ronen Sen’s interview given to Mr. Aziz Haniffa of Rediff India Abroad stating that ‘it has been approved by the Indian Cabinet, So why do you have all this running around like headless chicken, looking for a comment here or comment there, and these little storms in a tea cup’ and asked how did this statement reflect on Parliament and Parliamentarians and not to media persons as stated by Shri Ronen Sen in his comments, Shri Gurudas Dasgupta replied, “My little knowledge of English suggests that this comment is about the critics of the deal. ‘Looking for a comment here or comment there’ is for whom? Comment from the politicians, including comments from the members of Parliament. If the people looking for a comment are headless chickens, by implication...those

who are making comment are also headless chickens... Breach of privilege does not mean only to malign individual members, but breach of privilege is also committed when the institution of Parliament is maligned. He has maligned the institution of Parliament because the Parliament was supposed to have discussed the deal and discussion on the deal means opposing the deal or supporting the deal. Headless chickens are media persons and also headless chickens are those who are making statement or making a comment by implication. This is a derogatory statement reflecting on the dignity of the members of Parliament.”

Evidence of Shri Ajoy Chakraborty, MP

14. Shri Ajoy Chakraborty, MP during his evidence on 14 September, 2007 *inter-alia* stated as follows:

“I have submitted a notice of question of privilege to the Secretary General, Lok Sabha on 27 August, 2007 against our Ambassador to USA Shri Ronen Sen because in Rediff India Abroad, a news agency, he has made some statements which caste grievous aspersions on the Parliament...The statement made by our Ambassador against the Indian Parliament is very much derogatory and defamatory. It is not only an insult to the public representatives but it is an insult to the people of the country because members of Parliament represent the people of the country. He has targeted those persons who have criticized the deal. This Ambassador has no business to pass such remarks...The Cabinet might have approved the India-US civil nuclear agreement, but it is not binding upon the members of Parliament... My humble submission before the Committee is that he should be summoned and reply to the charges before the Committee...The Rediff News Agency should also be asked to appear before the Committee to clarify their stand...”

Evidence of Shri Rupchand Pal, MP

15. Shri Rupchand Pal, MP during his evidence before the Committee on 14 September, 2007 *inter-alia* stated as follows:

“Mr. Ronen Sen has been a career diplomat. I think he has a very good track record. I know him personally very well. Now, in US he is a political appointee. What has happened is this. The issue is that how the comments made by him breach the privilege of a Member of Parliament or the institution itself. In parliamentary democracy, the dissent has a role that everyone should conform to everything and Parliament will debate and discuss and will ultimately come to the conclusion. Unfortunately, the Parliament in India has not been able to debate and discuss a very important and sensitive issue which has a lot of dimensions, as is made clear by different political views from important political parties that have been made at different quarters publicly and to the media. What he has made as a political appointee is this. At one place he has said that he has been misquoted. This can be confirmed by the agency itself whether he has been misquoted or not. It is because, the next day, the particular correspondent came out with a confirmation that what he has written, what he has seen, fully conforms to what has come out and what has been spoken by this particular Ambassador. Secondly, he said that it was off-the-record. But the very next day, the correspondent confirmed that everything is on record and he can challenge; he can put it before any Committee anywhere. Now, it came that there has been one-third denial, one-third rationalization and one-third holding that what he commented was misquoted and then he spoke on a personal capacity. That is a very dangerous part – a political appointee speaking on a very important issue, making such observations even before the debate took place, making a comment which has serious implications in the Foreign Policy of India as also our relations with the United States. What he says is that ‘once in a millennium such an effect has come and we shall never find such a President, who is a friend of India, even in future.’ That is a very dangerous statement for the Parliament because Parliament has come out with certain sort of agreement on the Foreign Policy initiative and there is a national consensus on the Foreign Policy. How can a political appointee make such an observation that ‘this is the first and last President, who is friend to India.’? This is dangerous for the Indian parliamentary democracy, for the Indian Parliament because it has not debated and discussed the issue. He had admitted it. Then he says, “I have not said it about the MPs but it is about the Media.”...He is a Government appointee. From the Government side, Shri Pranab Mukherjee said:

“What he has stated is unwarranted and unacceptable.” It is the response of the Government on the floor of the House that “what he has said is unwarranted and unacceptable.” After that, Shri Priya Ranjan Dasmunsi, Minister of Parliamentary Affairs has also said: “he has no right to cast aspersions on anyone or abuse anyone. Dissension is a part of the democracy” because he has been making observations on the Defence deal itself, about the provisions of the Hyde Act, about the future President, who may or may not be friendly, about the present US President and all these things. He was questioning the role of dissent itself. This attracts privilege. In a parliamentary democracy, the Opposition has a role. Several views are to be summed up and a common conclusion is to be reached. That is the purpose of Parliament. He was influencing the very soul of the Indian parliamentary democracy by hitting at the role of dissent...Here, the Indian political appointee is establishing the supremacy of the US Congress over the Indian Parliament. Here, it attracts the question of privilege. It is the breach of privilege not only of the individual members who have been holding dissenting views but it is the breach of privilege of the Institution itself. He has apologized, I think, unconditionally and let us accept that. But the Committee should be convinced about two things. He should be called by this Committee and the quality of his apology should be verified about such tactless observations having been made even in his personal capacity putting the US Congress above the Indian Parliament. Even before the Indian Parliament took up the issue, he is giving his own comments as a political appointee and claiming it to be given in his personal capacity. We appreciate that he has got good track record. If he apologizes to this Committee, I think the Committee should be convinced that he should conduct himself appropriately in future and he should just rectify his conduct. Lastly, I think that the media has also been subjected to such humiliations. So, he should apologize in an appropriate form to the media also. He should apologize not only to the Indian Parliament through this Committee but to the media also. I think this Committee represents Parliament, and he need not come to the bar of the House. He should apologize to this Committee. This Committee represents us only. If he is appropriately reprimanded, and appropriately given the direction how to conduct himself in future, we think this matter should end there. Thank you.”

Evidence of Shri Ronen Sen, India's Ambassador in USA

16. Shri Ronen Sen, India's Ambassador to USA, during his interview before the Committee on 29 October, 2007, *inter alia* stated as follows:

“Prior to my assuming my current assignment as Ambassador to the US as a political appointee of the UPA Government, I had served numerous Governments of different political affiliations for 36 years as a career diplomat. Before I had the honour of being the first Indian to have ambassadorial assignments in three of the five P-5 capitals and four of the eight G-8 Countries, I served as a foreign and defence Advisor to three successive Prime Ministers of India and was given a rare and the first farewell dinner by the fourth Prime Minister who assumed office thereafter. During my six years as Envoy in Russia, there were four changes of Government in India...Even when I was a civil servant, I did not hesitate in questioning decisions recommended at any level though I faithfully and to the best of my ability implemented the final political decision. My views were, of course, always conveyed in restricted internal discussions...These views did not change with changes of Government. A secondary but important consideration was my discretion and what some people felt was my near-obsessive belief in the need-to-know principle for sharing information and my assessment combined with a low public profile. For instance, Mr. Chairman, with one solitary exception, there were no news reports or even speculation or any information whatsoever of my meetings with a number of Heads of States of Governments as a Special Envoy of the Prime Minister of India in 1980s. Even during my diplomatic assignments, Sir, when public speaking and media interactions were essential for the performance of one's duties, my inherent trait of caution continued. Hence, during all interviews with the print media and radio including those carried out over the telephone, it has been my invariable practice to consult written notes prepared in advance and to retain those notes or tapes till the interview was published or aired. Therefore, for all my interviews on record, my recollection based on my notes is usually detailed and accurate. It has, however, not been my practice to either use or maintain notes for off the record or personal conversations. I did not give any on-the-record interview to Mr. Aziz Haniffa of Rediff India abroad. I had frank telephone conversations with Mr. Haniffa and with Mr. Chidanand Rajghatta of ‘*The Times of India*’ on either the 18th or 19th of August, 2007. This was the week end. Both these telephone conversations took place in the wake of my declining a series of requests sought for, including both these gentlemen, interviews and from other Indian, US and Western correspondents. I refused these interviews keeping in mind the sensitivities as well as the complexities of the issues involved, the undesirability and in fact the impropriety of

commenting on a major policy issue which was yet to be debated in our Parliament. In fact, I had instructed my colleagues in the Embassy to refrain from making any comments or offering any clarifications on the debate both in India and in the US on the various interpretations of the Indo-US Civil Nuclear Agreement. Sir, on the following day which was Monday, the 20th August, during a meeting over lunch, Mr. Chidanand Rajghatta of '*The Times of India*' told me that he was surprised that I had given an on-the-record interview to Mr. Haniffa while not agreeing to do so with him. I told him that this was not so. I called Mr. Haniffa on the telephone immediately after the lunch to seek his explanation. He responded defensively and claimed that he had only quoted some general statements which should not cause me any concern and he assured me that he had taken what he called special care to ascribe what he referred to as sensitive remarks to unidentified diplomatic observers in Washington D.C. I rushed to the Embassy and, Mr. Chairman, I was aghast to see the text of the report filed by Mr. Haniffa. I tried to call him immediately after that on the telephone, the same telephone I talked to him just a few minutes before. But that continued to ring and it went into a voice mail. I left a brief voice mail message expressing my deep disappointment and remarked that he had thoughtlessly destroyed my credibility. Mr. Chairman Sir, if you could allow me a few minutes, the controversy and uproar created by Mr. Haniffa's report datelined Washington D.C. 20th August, 2007 was only to be expected. Demands were made for the entire text of what was reported to be an interview. These demands were fully justified. However, as I had mentioned earlier, since I was speaking off-the-cuff and without notes in what was supposed to be an informal conversation, I am sorry that I do not remember the entire conversation. In fact, I do not even now recall the exact or the approximate duration of the conversation like whether it lasted for 15 or 20 or even 30 minutes. The report of my conversation was disjointed and a number of comments were either misunderstood or misquoted or quoted out of context. Mr. Haniffa obviously had the advantage in this regard since he was, unknown to me, obviously keeping copious notes of our conversation. I said keeping copious notes of our conversation because if he recorded it, he was violating the law. I cannot deny having made most of the comments attributed to me directly or indirectly. The fact that this conversation was in an imprecise and even somewhat convoluted stream of consciousness pattern is yet another indication that the interview was conducted without my prior consent or knowledge. There is not a single instance, Sir, and not one instance of any published interview of mine over the past four decades which is not precise and measured in tone and substance. However imprecise my recollection in the present case, I do not recollect making any specific reference and it was certainly not my intention to make any specific reference like "Parliamentarians running around like 'headless chickens' or 'Parliamentarians having childish tantrums'". However, I fully recognize that a number of colloquial phrases or descriptions which are used in

informal conversations were used in a tactless manner demonstrating bad judgement and poor taste on my part. Mr. Chairman, having coordinated the preparation of policy papers of the Department of Atomic Energy for three successive Governments in the late 1970s, after the unilateral US abrogation of the Tarapur agreement and having dealt with the civilian as well as the most sensitive strategic components of our nuclear programme in the 1980s and the 1990s, I was anguished and frankly exasperated at the prospects of losing a major historic opportunity for India. This disturbed state of mind caused me to give vent to some of my personal feelings on this issue at an unguarded moment. This was a serious error of judgement for which I have no excuse. It was the sole violation of the standards which I had set for myself and adhered to for over four decades. I have clearly stated and I repeat that I did not reflect the positions and the policies of the Government of India in my remarks. I recognise that I should not have one set of views in private and another for official pronouncements. But I acted on my own without the knowledge of the Government and I am fully and solely responsible for this lapse. Mr. Chairman, debate and dissent are part of, indeed the essence of, our democratic polity. I recognize that it is unacceptable to cast any unwarranted aspersions directly or indirectly, in private or in public, on any fellow citizen having different views, let alone hon. Members of our Parliament. Mr. Chairman, I also recognize that a number of my personal remarks and terminologies are unacceptable whatever the circumstances and context in which they were made. Such expressions or personal views should have been expressed, if at all, with better judgement, greater restraint and due decorum. It was certainly not my intention to cast aspersions or to call into question the motivation of hon. Members of Parliament, let alone the august institution of Parliament which is the supreme bastion of our democracy. I would once again reiterate, Mr. Chairman, that if I have hurt any sentiments, I offer my most sincere and unqualified apologies...”

17. When asked whether the interview he gave to Mr. Aziz Haniffa was an arranged one or a casual one, Shri Ronen Sen replied, “ It was not an arranged interview. I would like to inform you that this took place in the background of my refusal to give an interview. I had told Mr. Haniffa and I had told every journalist, whether Indian journalist or foreign journalist; US journalist as well as non-US journalist that I am not giving any interview. So, he caught me on my mobile phone, like another person, namely Shri Chidanand Rajghatta...He

asked certain questions and I gave some remarks. He further asked certain questions, which got me a little irritated and I made those most ill-advised comments. But I repeat that it was not an interview and I was totally shocked.”

18. On being asked what prompted him and under what circumstances he gave interview to Mr. Haniffa on an issue which had created a heated controversy in India inside and outside Parliament and also in media, Shri Ronen Sen stated, “I should not have. In fact, I fully agree with you that it was a very very bad judgement on my part, particularly after declining this request, having also just on the previous Thursday in officers’ meeting told all my colleagues that they should not say one word on this issue, on background or on record. Having done that, very frankly I should not have been ambushed in this manner. For a person of my experience, I have no excuse and I apologize.”

19. On being further asked whether he actually used the words like ‘headless chicken’ and if so under what circumstances, Shri Ronen Sen replied, “...Those who know me know that I do use colloquial phrases, like ‘headless chicken’, in the informal conversation. It is a fact. I do it without meaning any disrespect. I use this term in regard to myself also. Say, for instance, when I am inundated with work of a routine nature, I say: “Look, I am just running around from here and there like a headless chicken”. Sometimes I refer to my wife also. It is not that I do not respect her. But the explanation which I am giving to you is no

excuse for using them in a particular context because whether you take it in terms of individuals or you take it for anybody, it could have been misconstrued. I was only using it because I thought it was completely private. But that was a poor judgement on my part and I apologise for that.”

IV. Findings and Conclusions

20. At the very outset the Committee would like to invite attention to the well established position with regard to privilege implications of casting aspersions on members of Parliament. According to **‘Practice and Procedure of Parliament’ by Kaul & Shakhder**, “It is a breach of privilege and contempt of the House to make speeches or to print or publish any libels, reflecting on the character or proceedings of the House or its Committees, or any member of the House for or relating to his character or conduct as a member of Parliament.” (5th edn. p. 278).

21. The Committee observe that the term *‘headless chicken’* has been defined as follows:-

- If some one rushes about like a headless chicken, they move very fast all over the place, usually, without thinking. **(Courtesy- Using English. Com)**

- If you do something like a headless chicken, you do it very quickly and without thinking carefully about what you are doing **(Courtesy-Free Dictionary, Thesaurus and Encyclopedia)**

The Committee further observe that, according to **Wikipedia Encyclopedia**, “In 19th and 20th century, it was common practice for farmers to behead chickens they wished to kill. The chicken would then proceed to run around in circles like mad until finally dying. Such behaviour has entered folklore as representing blind panic or action without thinking.”

22. The use of the expression “*headless chicken*” vis-a-vis members of Parliament in discharge of their parliamentary duties could, therefore, be said to constitute a breach of privilege of members and contempt of the House.

23. The limited issue before the Committee is, therefore, whether Shri Ronen Sen, India’s Ambassador in the United States of America used the words “*headless chicken*” to refer to members of Parliament either directly or by way of implication in his interview to Shri Aziz Haniffa of the news portal Rediff India Abroad, thereby casting aspersions on the members of Parliament. Incidental to this issue is the point whether the words, “*headless chickens*” were used by the Ambassador in an interview which was on-the-record or off-the-record.

24. The Committee note that Shri Ronen Sen in his comments furnished through the Ministry of External Affairs as well as during his evidence before

the Committee, denied making any statement about parliamentarians ‘running around like headless chickens’.

In his comments furnished through the Ministry of External Affairs, Shri Sen had categorically stated, “My comment about ‘running around like headless chicken looking for a comment here or there’ was a tactless observation on some of my media friends.”

Shri Sen further clarified this point during his evidence before the Committee, when he said, “I have been talking to this and other gentlemen (journalists) ... I used to tell them, ‘Look why is it that over the years ... you run after persons like Christina Rocca, Robin Raphael and now Richard Bouche?.. They appear in front pages of our newspapers. Every word you hang on, every word you publicise and you make headlines. Why do you not have a little bit more self-respect? Our people are not treated in that manner... So my only plea to them was that, ‘Look, let us treat them like you do anybody else.’...This is what I meant by ‘Running here and there looking for a comment here or there’.”

25. The Committee are convinced with this explanation given by Shri Sen. The Committee feel that the words “for a comment here or comment there” are crucial to determine whether the phrase “*headless chicken*” was directed against the media persons or against politicians and members of Parliament. It is a fact that media persons run after politicians and members of Parliament for

comments/bytes on important issues. Politicians and members of Parliament, as a matter of fact, are the persons who are making comments; they are not the persons running after comments here and there.

The Committee are, therefore, of the view that the phrase “*headless chicken*” was not used by Shri Sen in respect of members of Parliament or politicians.

26. The next issue to be determined is whether Shri Sen made these remarks during an interview given to Shri Haniffa or during an informal conversation with him. The Committee observe that Shri Ronen Sen has throughout maintained that he did not give an interview to Shri Aziz Haniffa; he had only a conversation on mobile phone with him which was off-the-record. On the other hand, Shri Haniffa in his letter dated 9 October, 2007 while forwarding transcript of the impugned ‘interview’ *inter alia* stated that “I also wish to state that at no point of the conversation did Ambassador Sen specify that the interview was off-the-record or even on the background.”

27. Shri Ronen Sen has never denied having made the “*headless chicken*” remark. He has however, throughout stated that the remark was made during a telephonic conversation and not during an interview. Seen in the backdrop of facts narrated by Shri Sen before the Committee during his evidence, there appears to be a ring of truth in Shri Sen’s assertion that he had not given an

interview to Shri Haniffa. Shri Sen stated before the Committee that he had declined a series of requests from journalists, including one from Shri Haniffa, for interviews on the subject “keeping in mind the sensitivities and complexities of the issues involved, the undesirability and in fact the impropriety of commenting on a major policy issue which was yet to be debated in our Parliament.” He also stated that he had “instructed his colleagues in the Embassy to refrain from making any comments or offering any clarification on the debate both in India and US on the various interpretations on the Indo-US Civil Nuclear Agreement.”

28. Under these circumstances when Shri Haniffa rang up Shri Sen on his mobile phone, as a person who had already declined Shri Haniffa’s request for an interview on the issue Shri Sen obviously presumed that Shri Haniffa was simply informally discussing the matter with him. Shri Haniffa is, therefore, only half correct when he says that “at no point of the conversation did Ambassador Sen specify that the interview was off-the-record or was on the background.” There was apparently no need for Shri Sen to say so since he felt that he was simply being engaged in an informal conversation and not giving a formal interview. He had perhaps no idea that his remarks made in the course of informal conversation would be published by Shri Haniffa. A perusal of the transcript of the “so called interview” provided by Shri Haniffa strengthens the Committee in their belief that it was really not an interview. The disjointed

manner in which questions were put and answers given cannot be expected from a seasoned diplomat if he were giving a formal interview.

29. The Committee are, therefore, convinced that Shri Ronen Sen did not give an interview to Shri Haniffa; the remarks made by him were actually made during a casual conversation and there was, therefore, no cause for Shri Sen to realise that he was required to specify even during a casual conversation that the remarks were off-the-record.

30. Needless to state that Shri Ronen Sen's off-the-record conversation with Shri Aziz Haniffa on the India-US Civil Nuclear Agreement took place at time when the issue was being heatedly debated upon; it was pending discussion in Parliament and there were divergent views thereon among members of Parliament as well as political parties. On his own admission Shri Sen was passionately involved in the ongoing negotiations regarding the India-US Civil Nuclear Agreement at that point of time and views expressed during his 'conversation' with Shri Haniffa were an expression of his personal anguish and exasperation about some aspects of the debate on India-US Civil Nuclear Agreement in India and he sought to give his personal assessment over the issue.

31. The Committee note that Shri Ronen Sen had in his written submissions unequivocally conceded that “a number of his personal observations, even in private conversations were couched in tactless manner and demonstrated poor taste. Such observations should have been expressed with better judgment, greater restraint and due decorum, particularly by former civil servant holding public office.”

During his evidence Shri Sen, further continuing in this strain, conceded that “this was a serious error of judgment for which I have no excuse. It was the sole violation of the standards which I had set for myself and adhered to for over four decades. I am fully and solely responsible for this lapse... I recognize that it is unacceptable to cast any unwarranted aspersions directly or indirectly, in private or in public, on any fellow citizen having different views, let alone Hon’ble Members of Parliament.

32. In this context the Committee would like to bring it on record that Shri Ronen Sen while categorically submitting that it was never his “intention to cast aspersions or to call into question the motivation of Hon’ble Members of Parliament; let alone the august institution of Parliament which is the supreme bastion of our democracy,” tendered his most sincere and unqualified apologies.

33. The Committee are of the view that notwithstanding Shri Ronen Sen's self-confessed penchant for frequently using the expression '*headless chicken*' as a colloquial expression or as a playful banter without any malice, and the circumstances and context in which it had been used, it was indeed an act of indiscretion on his part for having used this expression even in an informal chat with a media person. Why would a correspondent/ media person seek views of a diplomat or any public figure? Surely not for any academic purpose! Obviously it would be for the purpose to publish or transmit the same as news and if possible as a breaking news. While it is not a sin, not even for a diplomat, to have personal opinion on important issues, it was lamentably *naive* of a seasoned career civil servant and diplomat to have given vent to his personal opinion on such an issue to a media person, *albeit* in a unguarded moment.

34. The Committee nevertheless discern that Shri Ronen Sen was genuinely contrite for his indiscretion and he has expressed his anguish and regrets in unqualified terms. The Committee appreciate his candour and forthrightness in his regard.

35. As already observed by the Committee the expression "*headless chicken*" was not attributable to parliamentarians. As for the misgivings arising out of Shri Sen's interview, the Committee are satisfied with by the clarifications

given by Shri Ronen Sen that there was no *malafide* intention whatsoever on his part and accept his unqualified apologies tendered by him.

36. The Committee are, therefore, of the view that no breach of privilege or contempt of the House is involved in the matter.

37. The Committee, nevertheless, feel that the India-US Nuclear Agreement is a contentious issue which is being debated upon in various fora. At the relevant point of time the said issue even found its echo within the portals of Parliament. The proponents and opponents of this issue, justifiably, held strong positions on the pros and cons of the Agreement. Needless to state, divergence of opinions is an integral part of a vibrant democracy. In the present era of competitive journalism, the journalists/media persons tenaciously going for each and every comment particularly on an emotive issue such as India-US Nuclear Agreement, from authoritative sources, 'looking for a comment here and there', is quite understandable. As is evident, Shri Ronen Sen was one of the critical players from the Indian Executive which were assiduously working for successful clinching of the deal. In such a scenario, even inadvertent off-the-cuff remarks coming from him, which could be construed as being critical of opponents of the subject in question, should have been well avoided. It is in cases such as these that the fine art of diplomacy; the strength to suppress the

irrepressible urge to proffer comments and air views, become *sine quo non* for a seasoned diplomat.

The instant matter is a case in point as to how uncalled for expression of pent up feelings on a highly sensitive issue in one unguarded moment by a responsible diplomat can give rise to so many misgivings. **This matter could well serve as an advisory on what ought not to be done by a diplomat.**

38. The Committee are well aware that there are in place many directives and advisories on do's and don'ts for diplomats with regard to their interactions and interfaces with media and on non official forums. However, in view of the present experience, the Committee feel that there is need for review of the same as also evolution of certain checks and balances to avert such piquant situations.

39. The Committee are here reminded of a very apt proverb: '***Discretion in speech is more important than eloquence.***'

In this context, the Committee would like to cite the following quotation by Joseph Addison:- ,

“There are many shining qualities of the mind of man: but none so useful as discretion. It is this which gives a value to all the rest, and sets them at work in their proper places, and turns them to the advantage of their possessor. Without it, learning is pedantry; wit, impertinence; virtue itself looks like weakness; and the best parts only qualify a man to be more sparingly in errors, and active to his own prejudice. Though a man has all other perfections and wants discretion, he will be of no great consequence in the world: but if he has this single talent in

perfection, and but a common share of others, he may do what he pleases in his station of life.”

V. Recommendation

40. The Committee recommend that in view of their findings contained in paras 25, 29 and 35 above and keeping in view the unconditional apologies tendered by Shri Ronen Sen, India’s Ambassador in USA, the matter may be treated as closed.

**V. KISHORE CHANDRA S. DEO
CHAIRMAN
COMMITTEE OF PRIVILEGES**

**New Delhi,
16 November,2007**