

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

5

**FIFTH REPORT**

**Notice of question of privilege dated 14 March, 2016 given by Shri Shyama Charan Gupta, MP against Indian Express and Deccan Herald for having allegedly published misleading information pertaining to his parliamentary conduct. [Examination of concerned representatives of Deccan Herald]**

*[Presented to the Speaker, Lok Sabha on 13 December, 2017]*

*[Laid on the Table on 20 December, 2017]*



सत्यमेव जयते

**LOK SABHA SECRETARIAT  
NEW DELHI**

December, 2017/*Agrahayana, 1939 (Saka)*

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**PERSONNEL OF THE COMMITTEE OF PRIVILEGES  
(2017-2018)**

**Smt. Meenakashi Lekhi - Chairperson**

**MEMBERS**

2. Shri Anandrao Adsul
3. Shri Kalyan Banerjee
4. Shri Anant Kumar Hegde
5. Shri Kesineni Srinivas
6. Shri J.J.T. Natterjee
7. Shri Jagdambika Pal
8. Shri Konda Vishweshwar Reddy
9. Shri Tathagata Satpathy
10. Shri Jyotiraditya M. Scindia
11. Shri Raj Kumar Singh
12. Shri Rakesh Singh
13. Shri Sushil Kumar Singh
14. Dr. Kirit Somaiya
15. Prof.(Dr.) Ram Shankar

Secretariat

- |                            |   |                  |
|----------------------------|---|------------------|
| 1. Shri Ravindra Garimella | - | Joint Secretary  |
| 2. Shri M.K. Madhusudhan   | - | Director         |
| 3. Ms. Miranda Ingudam     | - | Deputy Secretary |

# REPORT OF COMMITTEE OF PRIVILEGES

(SIXTEENTH LOK SABHA)

## **I. Introduction**

I, the Chairperson of the Committee of Privileges, having been authorized by the Committee to submit the Seventh Report on their behalf, present this report to the Speaker, Lok Sabha on the Notice of question of privilege dated 14 March, 2016 given by Shri Shyama Charan Gupta, MP against the two newspapers viz. Indian Express and Deccan Herald for having allegedly published misleading information pertaining to his parliamentary conduct.

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

3. The Committee at their sitting held on 03 November, 2016 considered the Memorandum on the subject. The Committee, thereafter, decided to hear Shri Shyama Charan Gupta, MP in the first instance.

4. The Committee at their second sitting held on 27 July, 2017 heard the Member and also decided to call the Correspondent and the Editor of Indian Express as well as the Correspondent, Former Associate Editor and Editor of Deccan Herald to depose before the Committee.

5. The Committee, at their third sitting held on 18 August, 2017 further examined on oath Shri Rakesh Sinha, Editor, Indian Express, Delhi Edition. The Committee also examined on oath Shri K. N. Tilak Kumar, Shri K. Subrahmanya, and Shri Kalyan Ray, Editor, Former Associate Editor, Special Correspondent, Deccan Herald respectively.

6. At their sitting held on 9 October, 2017, the Committee considered the draft reports and after some deliberations adopted them. The Committee, then, authorized the Chairperson to finalize these reports accordingly and present the same to the Speaker, Lok Sabha and thereafter, to lay the same in the House.

## **II. Facts of the Case**

7. Shri Shyama Charan Gupta, MP vide his notice<sup>1</sup> of question of privilege dated 11 March, 2016 had alleged breach of his privilege by two newspapers viz. Indian Express and Deccan Herald for having allegedly published misleading information pertaining to his parliamentary conduct.

Elaborating, the Member stated that on 11 March, 2016 the Committee on Subordinate Legislation deliberated on the draft Eleventh Report on ‘The Cigarette and Other Tobacco Product (Packaging and Labelling) Amendment Rules, 2014’ and adopted the same. In keeping with the highest traditions and conventions of parliamentary etiquette and also in consonance with the provisions contained in this regard in the Directions of the Speaker, the Member recused himself from attending the

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<sup>1</sup> Appendix-I

sitting of the House that day. Notwithstanding the above, the Indian Express in their news report dated 12 March, 2016 (New Delhi Edition) published under the caption ‘warning should cover 50%, not 85% of tobacco pack... Lok Sabha Panel’ reported inter alia that ‘those who attended the meeting included Allahabad MP, Shri S.C. Gupta whose *bidi* empire, according to his own estimates, is worth Rs. 250 crores...’

Similarly, the DHNS (Deccan Herald News Service), another Media House, in their news report dated 12 March, 2016 [published in their news daily “Deccan Herald”] (New Delhi Edition) under the caption “House Panel for less warning space on tobacco packs” reported *inter-alia* that the Panel headed by Shri Dileep K. Mansukhlal Gandhi, MP and having *bidi* baron Shri S.C. Gupta as one of its members met here on Friday to finalize the Report.

The Member further stated that these two news reports were factually incorrect and by publishing false news reports, an attempt had been made to tarnish his image and cast reflections upon him which tantamounts to breach of his privilege.

The Member, therefore, sought to raise a question of privilege in this regard under Rule 223 of the Rules of Procedure and Conduct of Business in Lok Sabha.

**8. The news item as published in ‘The Indian Express’ dated 12 March, 2016 reads as under:-**

**“Warning should cover 50%, not 85% of tobacco pack - Lok Sabha Panel Report**

Exactly one year after its interim report stalled 85 per cent pictorial warnings on tobacco packets, the Committee on Subordinate Legislation of the Lok Sabha, in a sparsely attended meeting on Friday, finalised its report which recommends that 50 per cent of the total display area of tobacco packets should carry a warning. The report is expected to be tabled in Parliament as soon as the remaining members have signed it.

The Committee are of considered (opinion) that in order to have a balanced approach, the warning on the cigarette packets should be 50% of the principal display area instead of 85% of the principal display area as it will be too harsh and as deliberated in the earlier paras. Will result in flooding of illicit cigarettes in the Country. This may lead to a general perception that imported cigarettes are safer than Indian brands, which will also impact government revenues,” says the report. For beedis, 50 per cent of only one side of the pack should have the warning.

Those who attended the meeting *included Allahabad MP S C Gupta, whose beedi empire, according to his own estimates, is worth Rs. 250 crore.* Committee Chairman Dilip Gandhi was not available for comment. His PA said he was at the World Culture Festival.

It was the interim report of the same Committee, submitted in March last year, that made the government put on hold a notification originally issued in October



2014 mandating 85 per cent pictorial warnings on tobacco packets. Following resolute stonewalling from the government, it had to capitulate after the Rajasthan High Court directed the government to implement the notification. The new date now stands at April 1, 2016, exactly a year after the original date of implementation. At present pictorial warnings on tobacco packets cover 40 per cent of the principal display area.

The final report mentions that the *bidi* industry had not been consulted in the drafting of the rules and its implementation would “hammer a death knell for the entire beedi industry”. “The Committee strongly feels that the Government needs to reconsider their decision to cover beedi industry under the amended rules and recommend that a practical approach in the matter may be adopted by increasing the size of warning upto 50% on one side of the beedi pack, which will be feasible to follow and which would also ensure that a large number of people in the trade will be saved from being rendered unemployed, the report says.”

**9. The news item as published by ‘The Deccan Herald’ dated 12 March, 2016 reads as under:-**

**“House panel for less warning space on tobacco packs**

A month after the Health Ministry decided to print warning messages on 85% area of a tobacco pack, a panel of lawmakers has recommended lowering the area to 50% of the space.

In order to have a balanced approach, the warning on the cigarette packets should be 50% on both sides of the principal display area instead of 85% of the principal display area as it will be too harsh,” the Parliamentary Committee on Subordinate Legislation has stated in its report.

The panel, headed by BJP MP Dilip Gandhi *and having beedi baron lawmaker S C Gupta as one of its members*, met here on Friday to finalise the report. By rule, Parliamentary panel reports are advisory in nature. If Indian tobacco products have larger warning messages on the pack, it would lead to flooding of illicit cigarettes in the country, the panel argued in its report, besides claiming that such a step would adversely affect the farmers and Indian tobacco companies. “Beedis are packed in bundles of 10-25 and length of beedis vary from 55-75 mm. If 85% of area is earmarked for printing specified health warning, there is virtually no space left for printing brand long, name and address of manufacturers, no of beedis and customer care no as required under the law,” says a draft of the report, accessed by Deccan Herald. Last month, the Ministry notified the new pictorial warning scheme to print the warning on 85% of the principal display area from April 1, following an order from the Rajasthan High Court. In March 2015, the Health Ministry put on hold this notification with the excuse that it was done following a request from the Parliamentary Committee that was reviewing the tobacco laws. The move stirred a hornet's nest due to the presence of Gupta and his conflict of interests. While recommending less space

for publishing the warning message, the panel relied on the opinion from the Ministries of Commerce and Labour, both of whom recommended against the move. The Labour Ministry said it would affect people's livelihood, while the commerce ministry, quoting a Deolite report, claimed 'no impact' of larger warning.

### **Parliamentary Panel Suggests Reducing Size of Pictorial Warnings on Tobacco Products**

Members of a Parliamentary Panel looking into the vexed issue of pictorial warnings on tobacco products are understood to have favoured drastic reduction in size of such warnings to 50% from the proposed 85% terming it "too harsh".

Ahead of the April 1 deadline for increasing pictorial warnings on cigarette and beedi products from present 40 to 85 per cent, the panel members suggested that it should be 50 per cent instead, as "the proposed graphic warnings have potential to severely affect Indian farmers and Companies".

"The Committee is of the considered view that in order to have a balanced approach, the warning on cigarette packets should be 50 per cent on both sides of the principal display area instead of 85 per cent of the area, as it will be too harsh and will result in flooding of illicit cigarettes in the Country," the report is learnt to have suggested.

Highly-placed sources said though a number of Committee Members was not present, those present have authorised Chairman Dilip Gandhi to finalise the report.

Since the Aadhar Bill was discussed in Lok Sabha at the time, some members urged the Committee Chairman not to rush through the report and postpone the meeting instead. The report is likely to be submitted in Parliament in a day or two, the sources added.

10. In view of the above, comments of the 'Indian Express' and DHNS (Deccan Herald) were called for and the same have since been received which *inter alia* state as under:

**Position as stated by the Editor of the Indian Express in his reply dated 26 March, 2016 :-**

“Inquiries were made (by the Editor) with the reporter, Ms. Abantika Ghosh, who reverted on 25th March, 2016, and confirmed the mistake in the news report titled ‘Warning should cover 50%, not 85%, of tobacco pack: Lok Sabha Panel Report’ appearing in the newspaper issue dated 12th March 2016. Accordingly, immediate instructions were given to inform the readers of the error, to clarify the matter and to express the deepest regrets, which were carried in The Indian Express, New Delhi, the very next day, viz. 26th March 2016, under the caption ‘Clarifications & Corrections’, as follows:

*The News report 'Warning should cover 50%, not 85%, of tobacco pack: Lok Sabha panel report', erroneously mentioned that Allahabad MP Shyama Charan Gupta was present at the final meeting of the Subordinate Legislation Committee during which the report was finalized. Gupta had recused himself from the meeting. The embarrassment caused to him is deeply regretted.*

We say that the error was unintentional and we express our deep regrets to Shri Shyama Charan Gupta MP. The concerned reporter has been cautioned to avoid such mistakes. In view of our prompt response and immediately publication as stated above, it is humbly requested to drop the question of privilege raised against the newspaper.”

**Position as stated by the Special Correspondent of the Deccan Herald, Delhi Bureau, in his reply dated 31 March, 2016, states as under :-**

“I wish to state that any careful reading of my report, ‘House panel for less warning space on tobacco packs’ of March 12, 2016 will make it clear that it only mentions that the Committee on Subordinate Legislation, of which Mr. Gupta is a member, met to finalise the report. It did not specifically say that he attended the meet. There was no intention on my part to cast any aspersion on Mr. Gupta excepting to report the findings of the Committee. I wish to express regret to Mr. Gupta if an impression was caused inadvertently by the report to the effect that he attended the meeting. I apologise for the same.”

**11. However, the then Associate Editor of the Deccan Herald in his reply dated 5 April, 2016 has challenged the *locus standi* as well as the maintainability of the privilege notice given by Shri Shyama Charan Gupta, under Rule 223 of the Rules of Procedure and Conduct of Business.**

**Relevant extract of the reply of the then Associate Editor of the Deccan Herald dated 5 April, 2016 *inter alia* reads as under:-**

“...from a perusal of the news article, it is clear that the news article does not at all state whether or not the Hon’ble Member attended the sitting, held on 11 March, 2016. What the news article stated is that Hon’ble Shri Shyama Charan Gupta is a member of the Panel, which is headed by BJP member Dilip Gandhi. It did not state that the Hon’ble member attended the meeting of the panel held on 11 March, 2016. Here we quote the relevant portion of the news report. ‘The panel, headed by BJP MP Dilip Gandhi and having beedi baron lawmaker S C Gupta as one of its member, met here on Friday to finalize the report.’ Therefore, there is no false or misleading report which may constitute breach of privilege as alleged. The news article has not tarnished the image or cast reflection/aspersion on the Hon’ble member as alleged. It is denied that the impugned article or any portion thereof or the alleged meaning/interpretation thereof are either defamatory or has caused any injury or harm to the alleged reputation of the Hon’ble member Shri Shyama Charan Gupta. The news article was published as information to the

general public and not with a view/intention to defame or cast aspersions on the Hon'ble member. The publication is fair, impartial and accurate. The publication is not actuated by malice. The publication is made in good faith. In view of the foregoing, it is respectfully prayed that further proceedings may kindly be dropped.”

12. On due consideration, the Hon'ble Speaker, Lok Sabha on 13 May, 2016 under powers conferred 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 Shyama Charan Gupta, MP**

13. During his evidence before the Committee, Shri Shyama Charan Gupta, MP on 27 July, 2017, *inter-alia* stated as follows:-

"Madam Chairperson, this issue is about the newspapers of the Indian Express and the D.H.N.S, that were published on the 12th of March. These newspapers had printed some news about me. At that time, discussions on 'less warning on tobacco products' were going on. I was a member of the Committee on Subordinate Legislation at that time. This matter was running in that Committee. I, myself, am related to *Bidi* trade and I had my own business of *Bidi*. When the

matter started in the Committee of Subordinate Legislation, at that time, the Hon'ble Chairperson and other people had advised me that when they would be examining the matter and would be calling for witnesses, I should not be there in the Committee meetings. I had agreed to their advice. After that, I presented a written application to the Hon'ble Chairperson requesting that I might be excused from sitting in those meetings and I shall not participate in the meetings of the Committee till the evidence/ witnesses related to this matter are not over . . .

. . . Madam, on the 12th of March, the 'Indian Express' newspaper said that I was present in these meetings. The news item was published on 12th of March, 2016 in Indian Express mentioning my name that I was present in the meeting, which is wrong. It has been done with an intention of tarnishing my image and also lowering the prestige of the Committee and Lok Sabha as well. The report was also published in DHNS dated 12th March, 2016 in New Delhi edition under caption 'House panel for less warning on tobacco products'. Madam, I have also brought with me the Attendance Register of the Committee on Subordinate Legislation . . .

. . . These newspapers wrote that I was present on those meetings. This is the proof in the Committee's booklet. You can see in this Attendance Register that I was not there in these meetings. This is not just about the 11th of March, but also



of 4.8.15, 7.8.15, 15.7.15, 12.8.15, 30.7.15, 27.8.15, 10.9.15 and 11.3.16. I was not there in all these meetings of the Committee on Subordinate Legislation . . ."

". . . In spite of my absence, these newspapers published this, due to which, mine as well as my Committee's reputation/ image was tarnished. I have proof of this and I have also given witness. Since I was not present in any of the meetings of the Committee, that is why this Attendance Register does not have my signatures anywhere. I want to ask that despite this, why did these newspapers print my name? I have complaints about this. They have done this to tarnish my image and to deteriorate the image of my Committee and Parliamentary proceedings. I am present here to put this complaint in front of you."

14. On being asked as to whether the Member had ever communicated with the editor of these newspapers by writing letter or through any other medium, Sh. Shyama Charan Gupta replied as under:-

" No Madam. I have not done anything like that. I have directly spoken about this to the Chairman of my Committee. Under this situation, the people of the Committee advised me to present the complaint regarding this incident in front of you. I intentionally did not go to these meetings , because my own business is related to Tobacco."

15. When asked as to whether it is true that nobody from the newspapers communicated with him after he gave his notice of question of Privilege on 12 March, 2017, Shri Shyama Charan Gupta, MP, while replying in the affirmative, stated as follows :-

"After the 12th, neither after the 11th did anybody communicate with me."

16. Drawing attention of Shri Shyama Charan Gupta, MP to the deep regrets expressed by the Indian Express in their 'Correction & Clarification published on 26.3.2017', the Committee sought to know whether any communication was addressed by the Indian Express to him. In response, Shri Shyama Charan Gupta, MP, stated as under:-

"Nothing like that came up to my information"

17. The Committee sought to know whether Shri Shyama Charan Gupta, recused himself only for the sitting of the Committee on Subordinate Legislation held on 11 March, 2016 but had also recused himself from all the sittings held by the Committee relating to the examination of the subject of tobacco warning, Shri Shyama Charan Gupta replied that :-

"Whenever the subject of tobacco and warning regarding tobacco came, I had never attended any meeting in this."

## **Evidence of Shri K.N. Tilak Kumar, Editor, Deccan Herald**

18. During his evidence before the Committee on 18 August, 2017, Shri K.N. Tilak Kumar *inter-alia* stated as follows:-

“We have got a notice from the Committee about the report given by Shri Kalyan Ray, our Correspondent in Delhi regarding the proceedings that we have said about Shri Gupta, that we have wrongly reported about his presence in the Committee. . . In the Report we have not said that Shri Gupta was present in the meeting. We had just mentioned his name. We have done a mistake. We should have contacted Shri Gupta to respond to that but we did not do that. That is a lapse on our part and we regret it. Our Report was done in good faith, *bona fide*, we regret it and apologize for having done that.”

19. The witness added:-

“We regret whatever has happened. I am not saying that there is nothing to regret. We regret what has been done.”

20. When asked to state as to what was wrong in their news Report, Shri K.N. Tilak Kumar stated:-

“We should not have mentioned that Shri S.C. Gupta was one of the Members of the Panel. We should also not have mentioned that the move stirred a hornet's

nest due to the presence of Gupta and his conflict of interests . . . We may not have done that but we have no disrespect and it was done in good faith . . . I did not say that there is nothing wrong. I admit that it was a mistake and I apologize for it.”

21. On further being asked as to whether he realized that a breach of privilege has been committed in the instant case, Shri K.N. Tilak Kumar replied in the affirmative.

22. To a pointed query whether the reporter or the Editor or the newspaper checked as to whether Shri Gupta was present in the meeting or not, Shri K.N. Tilak Kuma while replying in the negative stated as under:-

“No. He has not done that. He should have checked with him . . . He has not done that and that is a lapse on his part. He should have done that.”

23. When asked whether before publishing the news item about the concerned MP (Shri Gupta), did anyone from the newspaper give a call or send an e-mail to the concerned MP to know if he has anything to say in the matter, Shri K.N. Tilak Kumar stated:-

“He has not done that. That is a normal procedure which should have been done. That is a lapse on his part. I agree with that.”

24. On being asked whether such kind of a defamatory report could have brought down the reputation of a sitting Member of Parliament in the eyes of people, Shri K.N. Tilak Kumar stated:-

“It was not the intention. We did not intent to do that . . . Madam, I regret it and apologise for the same. It should not have been done. I fully agree with you.”

25. The Committee sought to know from the witness, whether the contents of the news-report apparently were intended to portray that Parliamentary Committees do not have any check and balance system and that all MPs are law unto themselves and that Committees can be influenced, biased and they work for certain interest groups. In response, Shri K.N. Tilak Kumar stated as under:-

“Madam, it was not the intention . . . It may have those connotations, but it was not our intention . . . We did not have any intention to do like that . . . Madam, it was not the intent at all . . . We have no intention to defame anybody here . . . I am saying it that I apologise . . .”

26. When pointed out the apparent contradiction in the stand of the Deccan Herald where in earlier response the newspaper apparently challenged the authority of the Committee, whereas in their deposition before the Committee, an unconditional apology has been sought to be tendered, Shri K.N. Tilak Kumar stated :-

“We have no intention of challenging anybody’s authority . . . I apologise unconditionally. It is a lapse on our part. I have said it many a times. That is a stand we have taken.”

27. To a specific question whether the magazine accept that the reply/comments which they had furnished in response to the notice, was incorrect, Shri K.N. Tilak Kumar stated:-

“Yes. We will withdraw that.”

28. When asked whether any harm or injury was intended to be caused to the reputation of the Member (Shri Shyama Charan Gupta) by the news-report, the witness submitted:-

“We did not have any intent to do that . . . If it is caused, I am sorry about that. We regret it.”

29. On being categorically asked by the Committee whether he agrees that the earlier response of the Newspaper to the notice of question of Privileges was itself wrong, Shri Tilak replied in the affirmative.

30. On further being asked whether they would like to withdraw their earlier reply, Shri Tilak Kumar replied in the affirmative.

31. When asked whether they would like to tender their unconditional apology in writing, he stated:-

“We can give that . . . We can do that . . . We will do that.”

**Evidence of Shri K. Subrahmanya, the then Associate Editor, Deccan Herald**

32. Shri K. Subrahmanya, former Associate Editor, Deccan Herald, during his evidence before the Committee on 18.8.2017 *inter-alia* stated as follows:-

“We received a notice in this regard and to that a reply was given in my name. At that time, I was the Associate Editor and I have since retired. I do not think the reply that we gave accurately reflects our intentions and position. Which is why, at the very outset, I would urge this Committee to allow us to withdraw that letter.

Secondly, as far as I am concerned, the factual position is that our report in question about that Sub-Committee meeting had one lapse. A lapse in the sense that we mentioned that this Committee is chaired by Shri Gandhi and one of the Members of that Committee is Shri Shyama Charan Gupta. We did not name other 13 Members of the Committee. We just named one Member. Since we

named one Member, it would have been appropriate and proper for us to contact him since we mentioned the name of the hon. Member. Our Reporter should have contacted that hon. Member and taken his comments and that should have reflected in our report. That was not done. Which is why an impression is created that probably some motive is attributed. Honestly that was not our intention and that was not an intention of our Reporter. I have found it out and yet that was a lapse on the part of Reporter. It was also a lapse on the part of our news team at the back end. Which is why, I state that this is not reflected in the letter that we submitted in response to the notice. That is why, I have no hesitation in urging before this Committee that we would wish to withdraw that letter because that lapse is there which has given an impression that we had an ulterior motive or so. I would like to withdraw that and tender an apology in this regard.”

33. On being pointed out that the impugned news item contained several mistakes and that there was total lack of a system of check and balances while filing news-reports on Parliament or its Members, Shri K. Subrahmanya replied as under:-

“Madam, I mentioned one obvious mistake because that was mentioned in the notice. About the second one, yes, certainly, I myself have covered Parliament for almost two decades and I know the responsibilities and I entirely agree that newspapers and journalists have no business to wile out those frameworks within



which Parliament works. As an individual journalist and as a newspaper organisation, I and the newspaper really hold Parliament in very high esteem.”

34. On being pointed out that Shri S.C. Gupta, MP and member of Committee on Subordinate Legislation at no point of time was present when the matter was discussed by the Committee in their sittings and therefore, the news item was incorrect, Shri K. Subrahmanya stated:-

“That is what I mentioned at the outset . . . What we have mentioned in the report is that ‘one of the Members’. . . Sir, what we have mentioned is that it is the panel that met on such and such date . . . Sir, that is what I mentioned. If that has given an impression I have no hesitation . . . Sir, before that there is a word ‘panel’ met on such and such date . . . Sir, I have no hesitation in saying that it was a mistake.”

35. When asked whether the newspaper would admit in writing that Shri Gupta was not present in the meeting, Shri K. Subrahmanya stated in the affirmative as follows:-

“Sir, we will certainly do that . . . Our report is inaccurate and that is why, I have no hesitation in saying that he was not present. We will issue a clarification that he was not present.”

36. To a pointed query whether the impugned news-item gives a message that the Parliamentary Committee was manipulated by vested interests, Shri K. Subrahmanya admitted that it creates that impression.

37. When asked to state categorically whether he would agree that the news item had cast aspersion on the member, leading to breach of his privilege and should be withdrawn, Shri K. Subrahmanya while replying in the affirmative stated that this needs to be withdrawn.

38. When asked whether the apology needs to be published as prominently as the impugned news item has been published, Shri K. Subrahmanya replied in the affirmative.

39. On being asked as to whether he would like to withdraw his earlier reply and is willing to apologise unconditionally for the lapse, Shri K. Subrahmanya replied in the affirmative.

**Evidence of Shri Kalyan Ray, Correspondent, Deccan Herald.**

40. Shri Kalyan Ray, Correspondent, Deccan Herald, during his evidence before the Committee on 18 August, 2017, *inter-alia* stated as follows:-

“I have already given an apology letter last year itself. I admit that it was a mistake on my part. I should have spoken to Shri Gupta since I mentioned his name. The fact that he has rescued himself from attending that meeting was not known to me. I should have spoken to him. I am sorry for the mistake. I have already apologised for that mistake.”

41. On being asked to respond as to what he meant when he stated “having beedi baron S.C. Gupta as one of its Members, met here on Friday.....the move stirred up a hornet’s nest due to the presence of Gupta and his conflict of interest” in the impugned news report, Shri Kalyan Ray stated:-

“I should have spoken to Mr. Gupta while filing the report . . . I admit my mistake. I should have spoken to Mr. Gupta.”

42. To a pointed query as to whether he made any attempt to check the veracity of the facts, Shri Kalyan Ray replied in the negative.

43. On being asked did he not feel that while filing a story on a member of a Parliament, the least that could have done is to speak to the MP and seek his response, Shri Kalyan Ray replied in the affirmative.

44. On being asked to respond to the point that the entire article very clearly states or suggests that the Parliamentary Committee has been manipulated by vested interests, by beedi barons, Shri Kalyan Ray replied:-

“That was not the intention.”

45. On being categorically asked to state whether the news-item convey the impression that this Committee was influenced by vested interests, by beedi barons, Shri Kalyan Ray submitted as under:-

“It does . . . I admitted my mistake . . . I apologize for that . . . Yes Sir, from the bottom of my heart . . . From the bottom of my heart, I apologize for the mistake that I committed . . . I will not commit such mistakes in future. I want to assure the Committee on that”

46. When asked to state whether there are any published guidelines or rules governing the coverage of the news on the Parliament and Parliamentary Standing Committees and the MPs concerned, Shri Kalyan Ray replied in the negative and stated as under:-

“No, Madam . . . To be factual and accurate, we go by the Committee Reports and actual proceedings that come up on the website. . . It is not written. It is a kind of unstated rule . . . There is nothing written. The editor decides it and I cannot decide it . . . Yes. We will try to have this.”

47. While tendering his unconditional apology to the Committee as also to the MP concerned, Shri Kalyan Ray stated:-

“Yes, Madam. It is an unconditional apology from the bottom of my heart to the Hon. Member and to the panel . . . I can offer a letter of apology . . . And, to the Committee . . . Yes, ‘and to the Committee’.”

48. Subsequent to their deposition before the Committee, the Editor, former Associate Editor and the Correspondent, Deccan Herald in compliance of their assurance given to the Committee furnished separate letters to the Committee wherein they expressed unconditional apology, for the grave lapse on their part.

49. Further, as assured to the Committee, the Editor, Deccan Herald, also carried an apology in their edition dated 25<sup>th</sup> August, 2017. Subsequently a correction to the apology was also carried in their edition dated 27<sup>th</sup> August, 2017. The same reads as under:-

**“DH apologises: Allahabad MP had recused from parliamentary panel meet**

DH News Service, Bengaluru, Aug 25 2017, 13:16 IST

The news report ‘House panel for less warning space on tobacco packs’, which appeared on this page on March 12, 2016, mentioned that the Committee on Subordinate Legislation of Lok Sabha, of which Allahabad MP Shyama Charan

Gupta was one of the members, met on March 11, 2016 to finalise its report on ‘The Cigarette and Other Tobacco products (Packaging and labelling) Amendment Rules, 2014. It creates an impression that Mr Gupta attended the said meeting, which was not the case.

The Lok Sabha Committee on Subordinate Legislation examines all regulations, rules, sub-rules and bye-laws commonly known as ‘Orders’ and effectively comes out with oversight on delegated legislation. As one of its tasks, the panel examined a new set of rules framed under the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003. The rules were published in the official gazette on October 15, 2014 and were to come into force from April 1, 2015. The amended rules envisaged an increase in the size of the specified health warning from 40% to 85% of the principal display area of the package of all kinds of tobacco products.

In keeping with the highest traditions and conventions of the Parliamentary etiquette, Mr Gupta had recused himself from the meeting on March 11, when the report was finalised. The said news report did not reflect this fact. It gave rise to a negative and misleading impression about the proceedings of the House panel’s meeting, which was completely unintended. There was no intention on our part to cast any aspersion on Mr. Gupta, as a member of the Parliament and proceedings of the Committee. Deccan Herald deeply regrets the unfortunate and inadvertent

error, and apologises unconditionally for the embarrassment caused to Mr Gupta. The reference to him in the report is retracted.

- Editor

**Sunday, August 27, 2017**

### **Correction**

With reference to the report with headline “Allahabad MP had recused from privilege panel meet” on Page 9 of the edition dated August 25, it is clarified that Allahabad MP Shyama Charan Gupta had recused himself from attending the meeting of the Lok Sabha Committee on Subordinate Legislation and not the Privilege Committee meeting, as mentioned in the headline. The error is regretted.”

### **IV. Findings and Conclusions**

50. The Committee note that the main thrust of Shri Shyama Charan Gupta, MP in his notice of question of privilege against the 'Deccan Herald' is as follows :

- (i) The news-item published in the 'Deccan Herald' on 12 March 2016 under the caption “House panel for less warning space on tobacco packs” have *inter alia* reported that “The panel.....having bidi baron lawmaker SC Gupta as one of its Members, met here on Friday to finalise the Report .....The move stirred a hornet’s nest due to the presence of Gupta and his conflict of interests...” These remarks in the news-item were

intended to tarnish his image as a Member of Parliament and has been portrayed to have vested interest in Beedi Trade and using the forum of Parliament and Parliamentary Committees to further his business interests’, and

- (ii) The contents and the intention of the news-item were insinuatary and cast aspersions on the working of the Parliamentary Committee and brought disrepute to the Parliamentary Committee in question and in turn to the Parliament as a whole, as an Institution and thus lowered its image in the general public.

51. The Committee note that the impugned news-item had inappropriately used the term ‘bidi baron’ to describe the status of Shri S.C. Gupta, MP who is also Member of the Committee on Subordinate Legislation. Further by explicitly stating “the presence of the Member and his conflict of interests stirred a hornet’s nest” the newspaper had made insinuation and passed derogatory remarks on the conduct of the Member. Singling out Shri Gupta out of a total of 15 Members of the Committee on Subordinate Legislation and highlighting his conflict of interests while reporting about the sitting of the Committee on Subordinate Legislation held on 11 March, 2016 was disparaging and have cast aspersions on the Member’s conduct in relation to his discharging of Parliamentary duties and created an impression that the presence of the Member in the Committee might have manipulated the outcome of the Parliamentary Committee



Report to suit his vested interests. The Committee further note that both the intent and the content of the news-item had apparently brought down the image of a Parliamentary Committee in the eyes of the people by projecting that the Committee deliberations may have been manipulated by vested interests of the Members who are in the Committee.

52. The Committee are surprised to note that even after the impugned remarks contained in their news item were pointed out and a copy of the notice of question of privilege dated 14 March, 2016 given by the Member was sent to them seeking their comments in the matter, the newspaper did not bother to express any regret or tender apology neither to the Member nor made any attempt to publish correction/clarification. On the contrary, they sought to defend the contents of their news-item and even went to the extent of questioning the *locus standi* of the member to raise the question of privilege as also the maintainability of the notice. The Committee are, therefore, inclined to observe that the newspaper by its actions have not only taken the notice of question of privilege given by the Member casually but also shown utter disrespect and disregard to the Parliament and Parliamentary Committees in general and to Members of Parliament in particular.

53. Having taken note of the allegation made by the member in his notice of question of privilege, the defence plea taken by the Deccan Herald which had alleged to have breached his privilege and that of the Parliamentary Committee concerned, the Committee are of the view that the matter primarily involves the following issues:-

(i) Whether by publishing a news-item, wherein pejorative and denigrating terms have been used to describe a Member of Parliament, the Deccan Herald has subjected the Member to defamation and tarnished his image, resulting in breach of his Privilege; and

(ii) Whether the said news-item has also in turn brought down the image and reputation of the Parliamentary Committee thereby leading to contempt of the Committee and, that of the Parliament as an Institution.

54. The Committee note that Press is the fourth pillar of democracy and by its constructive role makes the democracy participative, lively and inclusive. However, when the Press discharges its responsibility without due diligence and care, the result can at times be catastrophe and to the detriment of all stakeholders. The Committee here again would like to reiterate that the Committee of Privileges have all through upheld freedom of speech and expression of the Press and their right of fair comment. It has, however, been held that Parliament has a right to intervene in the event of *malafide* exercise of this freedom or if comments are made with malice.

55. The Committee note that in the *Times of India case*, the Committee of Privileges (Sixth Lok Sabha) in their Fourth Report presented to the House on 22 March, 1979, *inter-alia* observed:-

“The Committee are conscious that the freedom of the Press is an integral part of the fundamental right of the freedom of speech and expression guaranteed to all citizens under article 19(1)(a) of the Constitution. The Committee consider it

important that in a Parliamentary system, the Press should enjoy complete freedom to report the proceedings of Parliament fairly and faithfully. If, however, freedom of the Press is exercised *mala fide*, it is the duty of Parliament to intervene in such cases. At the same time, the Committee are of the view that Parliamentary privilege should in no way fetter or discourage the free expression of opinion or fair comment.”

56. The Committee are of the view that in the instant case, the Deccan Herald published a news-item about a sitting of the Committee on Subordinate Legislation, Lok Sabha held on 11 March, 2016 in connection with consideration of the report on 'The Cigarette and Other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014'. Apparently, the content and intent of the news-item were based on incorrect surmises portraying a picture contrary to the factual position. Besides, the newspaper made insinuations against the member of the Committee i.e. Shri S.C. Gupta by describing him as a “*bidi baron*” and making remarks viz. “the move stirs an hornet’s nest due to the presence of Shri Gupta and his conflict of interest” which are highly objectionable having pejorative connotations. These remarks which were totally unwarranted establishes the malicious intent of the newspaper which suggests that the finalisation and adoption of the said Report by the Parliamentary Committee was being manipulated and influenced by vested interests of some of its Members with the intention to further their business interests. The Committee are, therefore, of the view

that the news item has brought disrepute to Parliamentary Committees and in turn to the Parliament as a whole.

57. The Committee note that it is a well established Parliamentary Practice that a Member of a Parliamentary Committee, generally recuses himself from sitting(s) of the Committee whenever any subject matter in respect of which there is an apparent conflict of interest, is taken up for discussion or deliberation by the Committee. The Committee further note that, in his deposition before the Committee, Shri Shyama Charan Gupta, MP had categorically stated that he had not only recused himself from the sitting of the Committee on Subordinate Legislation held on 11 March, 2016 but had recused himself from all the sittings of the Committee, whenever the subject matter 'The Cigarette and Other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014' were taken up. The Committee also note that the data pertaining to attendance by Members to Parliamentary Committee Sittings are uploaded in the Committee Home Page in the Lok Sabha website and therefore, is in the public domain. It is clear that the Deccan Herald Correspondent, Shri Kalyan Ray has not made any attempt to seek the comments of Shri Shyama Charan Gupta, MP on the issue before filing his report or checked from authentic sources on the aspect of his presence in the Committee's sittings. In the light of the aforesaid facts, the Committee, therefore, find that the Correspondent, Deccan Herald who despite his several years of experience of reporting on Parliament, has neither exercised any due diligence nor adhered to any semblance of Journalistic Prudence and norms and was found to have gone overboard while preparing the news

report. The casual attitude of the Correspondent, in filing his report is reflective of the falling standards of journalistic standards and ethics. Intriguingly, the newspaper did not own up their mistake and lapses but went on to defend their stand and challenged the notice of question of breach privilege given by the Member. The Committee also find that the newspaper had neither published any clarification or correction nor tendered any apology/regrets either in their newspaper or to the Member.

58. The Committee were aghast to find that Shri Subrahmanya, the then Associate Editor of Deccan Herald in his reply/comments dated 5 April, 2016 to the notice of question of privilege given by Shri S.C. Gupta had questioned the *locus standi* of the member to raise the notice of question of privilege and also challenged the maintainability of the privilege notice. The Committee note that in his reply the then Associate Editor had stated that the publication of the news item was fair, impartial and accurate, and not actuated by malice and was made in good faith, as an information to the general public and not with a view/intention to defame or cast aspersions on the Member. However, during his deposition before the Committee, Shri Subrahmanya submitted that the reply he had furnished in response to the notice of question of privilege does not accurately reflect the intentions and position of the newspaper and sought the permission of Committee to withdraw the letter and permit him to tender an unconditional apology for the lapses that the newspaper had committed.

59. As regards privilege implications of defamatory news items published in the media are concerned, the position in this regard stands settled as laid down in **Practice and Procedure of Parliament by Kaul and Shakhder (6th edn. P. 293)**.

*“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...Speeches and writings reflecting on the House or its Committees or members are punished by the House as a contempt on the principle that such acts tend to obstruct the Houses in the performance of their functions by diminishing the respect due to them...In order to constitute a breach of privilege, however, a libel upon a member of Parliament must concern his character or conduct in his capacity as a member of the House and must be based on matters arising in the actual transaction of the business of the House.”*

60. Further, according to **Erskine May's "Treatise on the Law, Privileges, Proceedings and Usages of Parliament (24th edition): -**

*"Reflections upon Members, the particular individuals not being named or otherwise indicated, are equivalent to reflections on the House." (p. 258).*

*"Speeches and writings reflecting upon the conduct of Members as Members have been treated as analogous to their molestation on account of their behaviour in Parliament.*

*Written imputations, as affecting a Member of Parliament, may amount to contempt, without, perhaps, being libels at common law, but to constitute a contempt a libel upon a Member must concern the character or conduct of the Member in that capacity."(p.263).*

*"More general reflections on Members accusing them of corruption in the discharge of their duties, challenging their motives and veracity, or describing their conduct as 'inhuman' and degrading have also been found objectionable and proceeded against"(pp 263-64).*

61. The Committee are, therefore, left with no alternative but to conclude that the news-item published by the Deccan Herald is defamatory and insinuatary, imputes motives and casts aspersion on the Member in relation to the discharge of his parliamentary duties and responsibilities, which had tarnished his public image in general. The Committee are also of the firm view that the use of term “bidi baron” to describe a Member of Parliament has a pejorative connotation and is highly objectionable. The impugned news-item, therefore, has resulted in the breach of his parliamentary privileges.

62. Further, the Committee cannot but conclude that the intent and the content of the impugned news-item as published by the Deccan Herald also resulted in casting aspersion on the Parliamentary Committee concerned and have imputed motives to the findings and recommendations of that Committee *vis-à-vis* their Report on 'The Cigarette and Other Tobacco Products (Packaging and Labelling) Amendment Rules,

2014'. The Committee observe that the remarks in the news-item viz. "the presence of the Member has stirred a hornet's nest" does establish implicitly the intent of the newspaper to convey the impression to the general public as to how Parliamentary Committee deliberations are liable to be influenced and manipulated by Members of the Committee who have a conflict of interest, to sway the decision of the Committee in favour of their business interests. The Committee find that the news-item has therefore, undoubtedly breached the privilege of the Parliamentary Committee and have tarnished its image and thereby brought disrepute to Parliament and Parliamentarians in general.

**63. The Committee, however note, that the Editor, Deccan Herald, Shri K.N. Tilak Kumar, during his deposition before the Committee expressed his unconditional apology and deep regrets for the lapses on the part of their newspaper being the Editor also owned up the responsibility. The Committee further note that the Editor repeatedly apologised for the damage that the news-item had caused to the reputation of the Member as also to the Parliamentary Committee and in turn to the Parliament as an institution. The Committee also take note of the averments of the Editor stating that it was never their intention to cause any defamation or bring disrepute to the Parliament and its constituents and that the newspaper and its team uphold the Parliament and its Members in highest esteem. The Committee also find that in compliance to the assurance given to the Committee during their deposition, the Editor, Former Associate Editor and the Correspondent of Deccan Herald *vide* their separate letters dated 18 August, 2017**



**expressed their unconditional apologies to the Committee. The Committee further note that the Deccan Herald published their apology prominently in Page 10 of their Newspaper edition dated 25 August, 2017 (which was subsequently corrected for an error therein in their newspaper dated 27 August, 2017).**

## **V. Recommendations**

**64. The Committee wish to reiterate the guidelines enunciated by the Press Council of India which state that the fundamental objectives of journalism is to serve the people with news, views, comments and information on matters of public interest in a fair, accurate, unbiased, sober and decent manner. To serve this end, the Press is expected to conduct itself in keeping with certain norms of professionalism which are universally recognized, namely accuracy and fairness in report, pre-publication verification of report, caution against defamatory writings and to faithfully report the proceedings of either House of Parliament or Parliamentary Committees without malice. The Committee are of the view that Deccan Herald newspaper failed to adhere to these basic tenets of journalistic ethics and prudence expected from a newspaper. The Committee desire that the newspaper should come out with a documented editorial guidelines to be followed so that a robust system of due diligence procedure is put in place so as to obviate any scope of recurrence of such misreporting in future.**

**65. The Committee take in view the fact that the Editor and former Associate Editor, Deccan Herald withdrew their earlier letter challenging the locus standi and the maintainability of the notice of breach of privilege given by the Member and also tendered their unconditional apologies both orally and in writing to the Committee for the grave errors that crept in the impugned news item and that the Correspondent, Deccan Herald, also expressed his unconditional apology both orally and also in writing; followed by publication of an ‘Apology’ prominently in their edition dated 25<sup>th</sup> August, 2017 (in compliance of direction of the Committee). In the light of these developments, the Committee recommend that the matter be allowed to rest. The Committee expect that the newspaper would discourage such irresponsible reporting in future particularly about Parliament and its constituents and would sensitize its correspondents and reporters for strictly complying with a well documented due diligence procedures and adhering to the journalistic ethics.**

**SMT. MEENAKASHI LEKHI  
CHAIRPERSON  
COMMITTEE OF PRIVILEGES**

**New Delhi  
December, 2017**

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# **MINUTES OF SITTINGS**

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## **MINUTES OF THE NINETEENTH SITTING OF THE COMMITTEE OF PRIVILEGES**

The Committee sat on Thursday, 03 November, 2016 from 1130 hrs. to 1325 hrs. in Room No. 53, Parliament House, New Delhi.

### **PRESENT**

Smt. Meenakashi Lekhi - Chairperson

### **MEMBERS**

2. Shri J.J.T. Natterjee
3. Shri Konda Vishweshwar Reddy
4. Shri Tathagata Satpathy
5. Shri Jyotiraditya M. Scindia
6. Prof.(Dr.) Ram Shankar

### **LOK SABHA SECRETARIAT**

1. Shri Ravindra Garimella - Joint Secretary
2. Dr. Rajiv Mani - Additional Director

At the outset the Chairperson extended a warm welcome to the members of the Committee.

2. \*\*\*
3. The Committee then took up the next item of the agenda *i.e.* Consideration of the memoranda on; (i) \*\*\* (ii) *Notice of question of privilege dated 14 March, 2016 given*

*by Shri Shyama Charan Gupta, MP against the two newspapers for having allegedly published misleading information pertaining to his parliamentary conduct.*

The Committee decided to call the concerned witnesses in the respective cases at their future sitting(s).

***The Committee then adjourned.***

## **MINUTES OF THE TWENTY SECOND SITTING OF THE COMMITTEE OF PRIVILEGES**

The Committee sat on Thursday, 27 July, 2017 from 1500 hrs. to 1535 hrs. in Committee Room 'D', Ground Floor, Parliament House Annexe, New Delhi.

### **PRESENT**

**Smt. Meenakashi Lekhi - Chairperson**

### **MEMBERS**

2. Shri Kalyan Banerjee
3. Shri Jagdambika Pal
4. Shri Raj Kumar Singh
5. Shri Rakesh Singh
6. Shri Sushil Kumar Singh
7. Dr. Kirit Somaiya

### **LOK SABHA SECRETARIAT**

Shri M. K. Madhusudhan - Director  
Ms. Miranda Ingudam - Deputy Secretary

### **WITNESS:-**

Shri Shyama Charan Gupta, MP

At the outset, the Chairperson extended a warm welcome to the members of the Committee. Thereafter, the Committee took up the first item of the agenda *i.e.* further

examination of notice of question of privilege given by Shri Shyama Charan Gupta, MP against two newspapers viz. Indian Express and the Deccan Herald for having allegedly published misleading information pertaining to his parliamentary conduct.

Shri Shyama Charan Gupta, MP who was present was called in and examined on oath.

*(Verbatim record of his evidence was kept)*

*(The member then withdrew).*

2.	***	***	***
3.	***	***	***

***The Committee then adjourned.***

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**MINUTES OF THE TWENTY FOURTH SITTING OF THE COMMITTEE  
OF PRIVILEGES**

The Committee sat on Friday, 18 August, 2017 from 1130 hrs. to 1335 hrs. in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

**PRESENT**

**Smt. Meenakshi Lekhi - Chairperson**

**MEMBERS**

2. Shri Anandrao Adsul
3. Shri Kalyan Banerjee
4. Shri J. J. T. Natterjee
5. Shri Konda Vishweshwar Reddy
6. Shri Raj Kumar Singh
7. Shri Sushil Kumar Singh
8. Dr. Kirit Somaiya
9. Prof.(Dr.) Ram Shankar

**LOK SABHA SECRETARIAT**

Shri Ravindra Garimella	-	Joint Secretary
Shri M. K. Madhusudhan	-	Director
Ms. Miranda Ingudam	-	Deputy Secretary



## WITNESSES:-

- (i)     \*\*\*                                 \*\*\*                                 \*\*\*
- (ii)    Shri K. N. Tilak Kumar, Editor, Deccan Herald
- (iii)   Shri K. Subrahmanya, Former Associate Editor, Deccan Herald
- (iv)    Shri Kalyan Ray, Correspondent, Deccan Herald

At the outset, the Chairperson extended a warm welcome to the members of the Committee. Thereafter, the Committee took up the agenda *i.e.* further examination of notice of question of privilege given by Shri Shyama Charan Gupta, MP against the two newspapers viz. Indian Express, Delhi Edition and the Deccan Herald for having allegedly published misleading information pertaining to his parliamentary conduct.

2.     \*\*\*                                 \*\*\*                                 \*\*\*
3.     Shri K. N. Tilak Kumar, Editor, Deccan Herald was called in and examined on oath. The Committee asked him to tender an apology in writing and also to publish a correction in their newspaper prominently. The witness agreed to comply with the direction.

*(Verbatim record of his evidence was kept)*

*(The witness then withdrew).*

4.     Shri K. Subrahmanya, Former Associate Editor, Deccan Herald was called in and examined on oath. At the outset, he stated that the reply he had submitted

earlier to the Committee Secretariat, in his capacity as Associate Editor do not accurately reflect their intention and position and, therefore, would like to withdraw it. He also tendered an unconditional apology for the lapse. After some deliberations, the Committee asked him to publish an apology as prominently as the impugned item had been published, to which he agreed.

*(Verbatim record of his evidence was kept)*

*(The witness then withdrew).*

5. Shri Kalyan Ray, Correspondent, Deccan Herald was called in and examined on oath. At the outset, he admitted his lapse and offered his unconditional apology and also assured the Committee that he will not commit such mistakes in future and will never bring the Parliament into disrepute. After some deliberations, the Committee felt the need for some written editorial guidelines. Thereafter, the Committee directed him to furnish a letter of unconditional apology to the Committee as well as to the Member and also to publish a correction in the newspaper, with same spacing, same identical column space, etc., to which he agreed.

*(Verbatim record of his evidence was kept)*

*(The witness then withdrew).*

***The Committee then adjourned***

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## **MINUTES OF THE TWENTY EIGHTH SITTING OF THE COMMITTEE OF PRIVILEGES**

The Committee sat on Monday, 09 October, 2017 from 1400 hrs. to 1535 hrs. in Room No. 53, First Floor, Parliament House, New Delhi.

### **PRESENT**

Smt. Meenakashi Lekhi - Chairperson

### **MEMBERS**

2. Shri Kalyan Banerjee
3. Shri Kesineni (Nani)
4. Shri J. J. T. Natterjee
5. Shri Tathagata Satpathy
6. Shri Rakesh Singh
7. Dr. Kirit Somaiya

### **LOK SABHA SECRETARIAT**

Shri Ravindra Garimella - Joint Secretary

Ms. Miranda Ingudam - Deputy Secretary

### **WITNESS:-**

- |       |     |     |     |
|-------|-----|-----|-----|
| (i)   | *** | *** | *** |
| (ii)  | *** | *** | *** |
| (iii) | *** | *** | *** |

At the outset, the Chairperson extended a warm welcome to the members of the Committee. Thereafter, the Committee took up the first item of the agenda *i.e.* consideration of the two separate draft Reports pertaining to the Indian Express and the Deccan Herald on the notice of question of privilege dated 14 March, 2016 given by Shri Shyama Charan Gupta, MP against two newspapers *viz.* Indian Express and the Deccan Herald for having allegedly published misleading information pertaining to his parliamentary conduct. After some deliberations, the Committee adopted the two draft Reports with some modifications. The Committee also authorized the Chairperson to finalize these Reports accordingly and present the same to the Speaker, Lok Sabha and thereafter, to lay the same in the House.

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|----|-----|-----|-----|
| 2. | *** | *** | *** |
| 3. | *** | *** | *** |
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| 5. | *** | *** | *** |
| 6. | *** | *** | *** |
| 7. | *** | *** | *** |
| 8. | *** | *** | *** |

***The Committee then adjourned.***

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## APPENDIX I

Dated : 14<sup>th</sup> March, 2016

To

The Secretary General,  
Lok Sabha.

Sir,

Under Rule 223 of the Rules of Procedure and Conduct of Business in Lok Sabha, I wish to raise a privilege issue against two newspapers, namely, the Indian Express and DHNS.

2. The crux of the matter is on 11 March, 2016 the Committee on Subordinate Legislation considered their 11<sup>th</sup> Report on “The cigarette and Other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014” and adopted the same. Keeping with the highest traditions and conventions of parliamentary etiquette and also in consonance with the provisions contained in this regard in the Directions of the Speaker I had recused from attending the sitting of the House that day.

Despite this, the Indian Express in their news report published on Indian Express (New Delhi edition) published on 12 March, 2016 under the caption “Warning should cover 50 per cent, not 85 per cent of tobacco pack...Lok Sabha Panel” had inter alia reported that “those who attended the meeting included Allahabad M.P., Shri S.C. Gupta whose *bidi* empire according to his own estimates is worth 250 crores...”

Similarly, the DHNS in their news report dated 12 March, 2016 (New Delhi edition) under the caption “House Panel for less warning space on tobacco packs” in their news report inter alia reported that “the panel headed by Shri Dileep K.

Mansukhlal Gandhi, M.P. and having *bidi* baron Shri S.C. Gupta as one of its members met here on Friday to finalise the report.”

3. The above two news reports re factually incorrect as I have already stated in keeping the highest tradition I did not attend the sitting held that day. By giving a false reporting, an attempt has been made to tarnish my image and cast reflections upon me which has breached my privileges. I wish to raise a question of privilege in this regard.

Yours faithfully,

Sd/-  
(SHYAMA CHARAN GUPTA)