COMMITTEE OF PRIVILEGES

(SEVENTH LOK SABHA)

(FIFTH REPORT)

25 AUG 1983

(Presented on August, 1983)



LOK SABHA SECRETARIAT NEW DELHI

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CONTENTS

						PAGE
1.	Personnel of the Committee of Privileges	•	•			(iii)
2.	Report			•		1
3.	Minutes of sittings of Committee				• • •	15
4.	Minutes of evidence		•	•	•	38
5.	Appendices					88

PERSONNEL OF THE COMMITTEE OF PRIVILEGES* (1983-84)

Shri R. R. Bhole-Chairman

Members

- 2. Shri H. K. L. Bhagat
- 3. Shri Buta Singh
- 4. Shri Chandulal Chandrakar
- 5. Shri Somnath Chatterjee
- 6. Shri George Fernandes
- 7. Shri Indrajit Gupta
- 8. Shri Ram Jethmalani
- 9. Shri Jaipal Singh Kashyap
- 10. Shri Jagan Nath Kaushal
- 11. Shri Y. S. Mahajan
- 12. Shri K. Ramamurthy
- 13. Shri Ramayan Rai
- 14. Shri P. Shiv Shankar
- 15. Shri Zainul Basher

SECRETARIAT

Shri K. K. Saxena-Joint Secretary

Shri M. P. Gupta-Chief Examiner of Bills and Resolutions

^{*}The Committee of Privileges was nominated by the Speaker on 1 June, 1983.

FIFTH REPORT OF THE COMMITTEE OF PRIVILEGES (SEVENTH LOK SABHA)

I. Introduction and Procedure

- I, the Chairman of the Committee of Privileges, having been authorised by the Committee to submit the Report on their behalf present this their Fifth Report to the House on the question of privilege raised by Shri Satish Agarwal, M.P., against Shri R. K. Karanjia, Editor-in-Chief of Blitz, Bombay and Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder, for allegedly misrepresenting the proceedings of the House and casting reflections on Shri Satish Agarwal, M.P., in a news report and in an article published in the Blitz in its issue dated 21 November, 1981 and referred to the Committee by the House on 17 March, 1982.
- '2. The Committee held twelve sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.
- 3. At their first and second sittings held on 14 April and 4 May, 1982. the Committee decided that in the first instance, Shri Satish Agarwal, M.P., be requested to appear before the Committee for oral examination.
- 4. At their third sitting held on 10 June, 1982, the Committee examined on oath, Shri Satish Agarwal, M.P.

The Committee also decided that Shri R. K. Karanjia, Editor-in-Chief of *Blitz*, Bombay and Shri Rajpal Singh Chowdhury, Editor of *Delhi Recorder*, be asked to appear before the Committee for oral examination.

- 5. At their fourth sitting held on 2 July, 1982, the Committee examined on oath, Shri Rajpal Singh Chowdhury, Editor of *Delhi Recorder* and Shri R. K. Karanjia, Editor-in-Chief of *Blitz*, Bombay
- 6. At their fifth sitting held on 10 August, 1982, the Committee considered the matter further.
- 7. At their sixth sitting held on 27 September, 1982, the Committee noted the apology published by Shri R. K. Karanjia in the *Blitz* dated 10 July, 1982.

L. S. Deb., dt. 17-3-1982, cc. 288-90.

The Committee directed that Shri Rajpal Singh Chowdhury be asked to publish his apology in the next issue of his magazine Delhi Recorder, prominently.

- 8. At their seventh sitting held on 5 November, 1982, the Committee noted that no intimation had been received from Shri Rajpal Singh Chowdhury that he had published his apology in the Delhi Recorder. The Committee directed that he be asked to appear before the Committee again.
- 9. At their eighth sitting held on 18 November, 1982, the Committee further examined Shri Rajpal Singh Chowdhury.
- 10. At their ninth sitting held on 24 January, 1983, the Committee noted the apology published by Shri Rajpal Singh Chowdhury in this magazine Delhi Recorder in its November, 1982, issue.
- 11. At their tenth and eleventh sittings held on 30 May and 28 June, 1983, the Committee deliberated on the matter and arrived at their conclusions.
- 12. At their twelfth sitting held on 8 July, 1983, the Committee considered their draft Report and adopted it.

II. Facts of the case

- 13. On 9 December, 1981, Shri Satish Agarwal, M.P., gave notice of a question of privilege against Shri R. K. Karanjia, Editor-in-Chief of Blitz and Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder for allegedly misrepresenting the proceedings of the House and casting reflections on him in a news report published on the front page under the caption 'Did Agarwal lie to Parliament?', and in an article under the caption 'Change of hospital site irked Agarwal...Planned tarring of Antulay', published in Blitz dated 21 November, 1981.
- 14. In the impugned news report, Shri R. K. Karanjia had inter alia stated as follows:—

"One of these votaries of truth Satish Agarwal himself concealed the truth when he focussed aftention to Antulay's links with

See Appendix I.

³ See Appendix II.

See Appendix III.

London millionaire Nirmal Sethia in Parhament early September this year conveniently forgetting his very own Sethia connection."

- "As Minister of State for Finance in the Janata Government, Agarwal himself pulled Sethia's chestnuts out of the Customs fire on the intervention of the late Bishwanath Jhunjhunwala then Janata M.P."
- 15. Shri Rajpal Singh Chowdhury, in his article published in the Blitz had inter alia stated as follows:—
 - "The question, it seemed to me, underlying the whole sordid affair was why would Agarwal launch an attack in Parliament against Sethia and ask for the files on the London-based business magnate to be reopened while, at the same time, taking very great care to conceal from his fellow MPs the crucial fact of his own relationship and assistance to Sethia in the past."
 - "The question that cries out for an answer is, why did Agarwal mislead the public by hiding the fact in Parliament that he was well acquainted and had, indeed, helped the very person against whom his accusations were levelled? Could it be only a matter of pique because Sethia had changed his mind about financing a hospital in Rajasthan and decided to respond to Antulay's appeal to build the hospital in the Konkan, instead? Or was Agarwal exploiting the sheer good fortune of being able to combine his attack on Sethia with the more ambitious goal of mounting a campaign against the Maharashtra Chief Minister?"
- 16. Shri Satish Agarwal had inter alia stated in his notice fhat "I never spoke in Parliament at any time either in September or at any other time referring to any alleged links of Antulay with London millionaire Nirmal Sethia. There was no occasion of any kind when I suppressed any truth whatsoever." He had contended that "articles such as these based as they are basically upon a wilful misrepresentation of the proceedings of the House constitute a gross breach of privilege by themselves."
- 17. Under the directions of the Speaker, copies of the notice of question of privilege given by Shri Satish Agarwal, M.P., were forwarded to Shri R. K. Karanjia and Shri Rajpal Singh Chowdhury, and they were asked to state what they might have to say in the matter for consideration of the Speaker.

^b See Appendix I.

18. Shri R. K. Karanjia in his reply dated 29 December, 1981, inter alia stated as follows:—

".....when the question of Mr. A. R. Antulay's Trusts was raised by Mr. Arun Shourie in the Indian Express the atmosphere in the Lok Sabha and Rajya Sabha was very tense. All kinds of allegations were being made. The Finance Minister's statement in the Rajya Sabha was termed as 'lies'; the Prime Minister's version of the Pratibha Pratishthan Trust was doubted; and the rulings given by you and the Hon'ble Chairman of the Rajya Sabha, Mr. Hidayatullah, were challenged with motives openly imputed in the daily papers. Even though the cases pertaining to these trusts are pending and the matter is sub judice, all kinds of controversial statements were and are being made.

It was in this atmosphere that I came across the November issue of the *Delhi Recorder*. On page 80 of the issue, on interview with Mr. Nirmal Sethia was published by the Editor, Mr. Rajpal Singh Chowdhury; and amongst other issues it dealt with Mr. Satish Agarwal.

It was surprised by the contents of this interview; so I contacted Mr. Chowdhury to find out whether he had really checked up on the letters he referred to in the interview to support his version. He brought me photo copies of the letters together with his version. After reading them, I requested him to let me publish the photo copies together with an article written by him on the controversy.

He agreed; and the article in question was written by Mr. Chowdhury. The portion published on the front page is only the summary of his article appearing on pages 22 and 23.

Here I would invite your attention to the heading of the article, 'Did Agarwal lie to Parliament?' Blitz has not asserted, or made a positive statement such as 'Agarwal told lies to Parliament'. From the contents of the article, I could have easily made such a statement if I had any malice or ill-will towards Mr. Agarwal.

In fact, I had expected Mr. Agarwal to send us his version of what actually had happened; and we would have, without the least hestitation, published it. But neither did Mr. Chowdhury, nor did we receive any repudiation or explana-

[•] See Appendix IV.

tion from Mr. Agarwal. Had he sent us such a statement and we had not published it, then it would certainly have established malice on our part.

Even now we would request Mr. Agarwal to send us his version, and assure him that we would gladly publish the same. On the other hand if by the publication of the article in Blitz we have in any way hurt the feelings of Mr. Agarwal, we regret the same, and once more, through you we request Mr. Agarwal to send his rejoinder for publication in Blitz."

- 19. In his further letter dated 2 February, 1982, Shri R. K. Karanjia stated as follows:—
 - "Point No. 1....under reply states 'I never spoke in Parliament at any time either in September or at any other time referring to any alleged links of Antulay with London millionaire Nirmal Sethia. There was no occasion of any kind when I suppressed any truth whatsoever.'

In answer, I invite your attention to the article in *Blutz* of 21st November, 1982, where on page 22, under the subheading 'Harassment by Customs', you will find the relevant matter which reads as under:

'The question, it seemed to me, underlying the whole sordid affair was why would Agarwal launch an attack in Parliament against Sethia and ask for the files on the London-based business magnate to be reopened while, at the same time, taking very great care to conceal from his fellow-MPs, the crucial fact of his own relationship and assistance to Sethia in the past.'

I further invite your aftention to page 82 of *Delhi Recorder* issue dated November 1981, wherein there is a reference to Mr. Agarwal's statement in Parliament in the course of an interview by Mr. Rajpal Chowdhury with Mr. Nirmal Sethia:

- 'Q: But it was Mr. Satish Agarwal who has raised the matter about the enforcement cases against you in Parliament. Do you have any comment about this?'

⁷ See Appendix V.

20. Shri Rajpal Singh Chowdhury in his reply dated 18 February, 1982, inter alia, stated as follows:—

"The expressions (i) 'concealed the truth when he focused attention on Antulay's links with London millionaire Nirmal Sethia in Parliament early September this year.........; and (ii) '.........Truth surfaced with the discovery of tell-tale letters which damn crusader Agarwal as the culprit who knowingly and deliberately got Sethia out of trouble....' cited by Shri Agarwal in sub-paras (a) and (b) of para 2 of his undated letter addressed to the Speaker, Lok Sabha were used in the November 21, 1981 issue of the weekly 'Blitz' by its editor while introducing and presenting my article captioned, 'Change of hospital site irekd Agrawal' in the same issue. As I am not the author of these expressions, you will kindly agree that the question of a breach of privilege against me on account of them does not arise.

In the aforesaid article contributed by me I inter alia stated, 'Check Sethia's connections with a Janata Cabinet one of my sources said: 'Find out if Sethia antagonised any of the politicians in Parliament because he decided to build a hospital in the Konkan rather than in Rajasthan' said another source. And a fhird murmured in my ear, 'who is the person who fed the journalists the line about Antulay's trusts being illegal and why did a former Janata Cabinet Minister make accusations about Sethia in Parliament while taking great pains to conceal the relationship he had established with Sethia during the Janata regime?' As you will kindly observe. I quoted a 'source' posing to me informally the question: 'who is the person who fed the journalists the line about Antulay's trusts being illegal and why did a former Janata Cabinet Minister make accusations about Sethia in Parliament while taking great pains to conceal the relationship he had established with Sethia during the Janata Regime' and I did not myself moot or propound a charge against anyone of making accusations about Shri Sethia in Parliament. What followed in that article as my analysis of the matter flowed from the basic premise suggested to me by my informant or 'source', believing which to be true. I mentioned it in my article.

If I gave credence to an assertion which is now not borne out by facts in sofar as Shri Agarwal did not, as he claims.

See Appendix VI.

actually speak in Parliament about any alleged links of Shri Antulay with Shri Nirmal Sethia, I have no hesitation in expressing my sincere regrets for any wrong impression that my article may have caused.

I may assure you, Sir, that through my article mentioned above I had no intention whatsoever of either misrepresenting the proceedings of the Lok Sabha or of maligning an Hon'ble Member of our august Parliament.

I may also point out that I have nothing personal against Shri Satish Agarwal, MP, and had he brought to my notice the fact of his not having referred to the alleged links of Shri Antulay and Sethia on the floor of the House I would have gladly published his version in my magazine, Delhi Recorder and put the record straight. I am even prepared to do it now if Shri Agarwal so desires."

21. On 17 March, 1982, Shri Satish Agarwal raised the question of privilege in the House with the consent of the Speaker and moved the following motion which was adopted by the House:—

"That the question of privilege against Shri R. K. Karanjia, Editorin-Chief of the *Blitz* and Shri Rajpal Singh Chowdhury, Editor of *Delhi Recorder* for allegedly misrepresenting the proceedings of the House and casting reflections on Shri Satish Agarwal, a Member of this House, in a news report and an article published in *Blitz* dated 21 November, 1981, be referred to the Committee of Privileges for examination and report."

III. Findings of the Committee

- 22. Shri Satish Agarwal, M.P., during the course of his evidence before the Committee stated, inter alia, as follows:—-
 - "...... I have not known Nirmal Sethia at any time. Neither I asked, nor he agreed to construct any hospital in Rajasthan at my instance. Nor did I know that he had changed his plans at Antulay's instance. There was no question of my entertaining any animus against him (Sethia) and I have not in any manner displayed that animus against him...the insinuation that I got him out of trouble or 'pulled his chestnuts out of Customs

L. S. Deb., dt. 17-3-1982, cc. 288-90.

¹⁰ See Minutes of Evidence.

fire' is a clumsy and irresponsible insinuation. It is solely intended to tarnish my image as a Parliamentarian and is meant to deter me from raising issues of public importance in the House."

Shri Satish Agarwal added that ".......... this is absolutely false that I raised any question in the Lok Sabha either in 1980 or in 1981 or even in 1982 or even till this date. Not a single sentence I have uttered in Parliament against Mr. Sethia regarding Enforcement Directorate or enforcement cases pending against him or any other issue."

- 23. Shri Rajpal Singh Chowdhury, during his evidence before the Committee was specifically asked: "Did you make any enquiries to find out whether in fact Shri Satish Agarwal had made such a statement in Parliament?" He replied: "Truthfully, I have not gone through the proceedings of Parliament as yet. But, if you read my earlier letter, I did mention that if Shri Satish Agarwal did not make any statement in Parliament, I tender my apologies, a conditional apology." Subsequently, when he conceded that "I do realise that he has not made a statement in Parliament", the witness was asked: "you have just now said that you did verify finally and discovered that Shri Satish Agarwal did not make a statement in Parliament. When did you make this discovery?". Shri Rajpal Singh Chowdhury replied: "This was in the last two months."
- 24. Shri R. K. Karanjia, during his evidence¹² before the Committee stated *inter alia*: "Unfortunately I took whatever was published by the *Delhi Recorder* as true." He conceded that it was an error on his part to have published it.

Shri Karanjia added: "I am sorry for it. I said so. Not only that, it was certainly not motivated by wilful misrepresentation as has been said. I think I am as much a victim of a plant as was Mr. Satish Agarwal. I took whatever had appeared as true."

- Shri R. K. Karanjia readily agreed to publish his apology in the Blitz.
- 25. The Committee note the regrets published by Shri R. K. Karanjia in the *Blitz* in its issue dated 10 July, 1982, under the caption 'Agarwal did not lie to Parliament' in the following terms.—

"In the heat of the Antulay controversy, Blitz of November 21, 1981, published a story titled 'DID AGARWAL LIE TO

¹¹ See Minutes of Evidence.

¹⁸ See Minutes of Evidence.

PARLIAMENT?', submitted to us by Rajpal Singh Chowdhury, Editor of the *Delhi Recorder*, and based on his reportedly well researched findings.

The report stated, inter alia, that "Satish Agarwal (BJP-MP) concealed the truth when he focused attention on Antulay's links with London millionaire Nirmal Sethia in Parliament early September this year...... conveniently forgetting his very own connection', and that 'the truth surfaced with the discovery of tell-tale letters which damn crusader Agarwal as the culprit who knowingly and deliberately got Sethia out of trouble.'

At that time, BLITZ had no reason to doubt the veracity of these statements as several photocopies were furnished by Editor Chowdhury in support of his contentions.

'Mr. Satish Agarwal, however, subsequently repudiated it as "false and malicious accusation", with the unequivocal denial that I never spoke in Parliament at any time, either in September 1981 or at any other time, referring to any alleged links of Antulay with London millionaire Nirmal Sethia. There was no occasion of any kind when I in any manner whatsoever concealed any truth from the House or even remotely misled the House.'

BLITZ's own enquiries since reveal that Mr. Agarwal's contentions are correct. He never spoke in Parliament on the alleged links of Antulay with Nirmal Sethia, nor could we find any evidence that he concealed any truth from Parliament or in any way misled the House.

BLITZ, therefore, considers it its duty to withdraw, voluntarily and of its own accord, all charges against Mr. Agarwal in the story and regrets the embarassment caused to him by the publication."

26. Shri Rajpal Singh Chowdhury submitted to the Committee a letter dated 2 July, 1982, containing his unconditional and unqualified apology in the following terms:—

"This morning when I gave evidence, I made my position clear by tendering unconditional and unqualified apology for the matter of breach of privilege which is under inquiry by the Committee of Privileges. Even though I had no reservation on my part, yet I left with a feeling that I gave an impression to the Hon'ble Members of the Committee that the apology offered by me was not unreserved. I am extremely grateful to the Committee for having thrown the suggestion that I should tender a written apology for the kind consideration of the Committee. I sincerely regret if I have given an impression that I was acting in a reserved manner in offering the apology. I am only sorry that my way of expression which is the usual way of conversation seems to have given this impression, but I assure the Hon'ble Members of the Committee that in no manner whatsoever I had any reservation in offering my apology and that further I had no intention whatsoever of giving an otherwise impression than the unqualified apology that I tendered. I reiterate that my statement in the Delhi Recorder was based on wrong facts that Shri Satish Agarwal, M.P., had launched an attack in the Parliament against Shri Nirmal Sethia, and that he had misled the public and fellow M.Ps. by hiding the fact in the Parliament.

I regret for the inconvenience caused to Shri Agarwal and also to Hon'ble Members of Parliament and the Committee Members. I seek the permission of the Committee to publish the apology in my magazine, namely Della Recorder. I assure the Committee of my fullest cooperation and request that my unqualified and unconditional apology may please be accepted."

27. The Committee note that in his apology¹³, published in November, 1982 issue of *Delhi Recorder*, Shri Rajpal Singh Chowdhury stated, *interalia*, as follows:—

"In retrospect and upon further investigation it was found that the story published in 'Blitz' dated 21 November, 1981, was inaccurate as the (ex) minister never spoke in the Parliament on the concerned subject and had on no occasion concealed any truth from the House or even remotely misled it.........

The Editor accepts that the story as it was carried did misrepresent proceedings of the Łok Sabha and caused distress to Mr. Agarwal. The reputation of the House and of the ex-minister are the foremost concern of the Editor, personally and professionally. The Editor tenders his deep regrets and apology for this serious mistake.

¹³ See Appendix VII.

IV. Conclusions

- 28. It is well-established that misrepresenting the proceedings of the House and casting reflections on a member in regard to his conduct in Parliament constitutes a gross breach of privilege and contempt of the House.
- 29. In the present case, it is obvious from the evidence and documents before the Committee that the impugned news report and the article published in the *Blitz* in its issue dated 21 November, 1981, grossly misrepresented the proceedings of the House and cast serious reflections on Shri Satish Agarwal, M.P., which constitute a breach of privilege and contempt of the House.
- 30. The Committee are, therefore, of the opinion that both Shri Rajpal Singh Chowdhury as well as Shri R. K. Karanjia are guilty of committing a breach of privilege and contempt of the House.
- 31 The Committee are, however, of the view that the unconditional and unqualified apologies fendered by Shri Rajpal Singh Chowdhury and Shri R. K. Karanjia to the Committee and publication thereof by them in the *Delhi Recorder* and the *Blitz*, respectively, may be considered as adequate and that no further action be taken by the House in the matter.

V. Recommendation of the Committee

32. The Committee recommend that no further action be taken by the House in the matter and it may be dropped.

R. R. BHOLE Chairman,
Committee of Privileges.

New Delhi, July 8, 1983 Asadha 17, 1905 (Saka)

MINUTES

13

S/1 LSS/83-2

MINUTES

I

First Sitting

New Delhi, Wednesday, 14 April, 1982

The Committee sat from 16.00 to 16.40 hours.

PRESENT

Shri Harinatha Misra-Chairman.

Members

- 2. Shri R. L. Bhatia
- 3. Shri G. L. Dogra
- 4. Shri Ram Jethmalani
- 5. Shri Jagan Nath Kaushal
- 6. Shri P. Shiv Shankar
- 7. Shri P. Venkatasubbaiah

SECRETARIAT

Shri M. P. Gupta-Senior Table Officer

2-4.

5. The Committee then considered Memorandum No. 9 on the question of privilege raised by Shri Satish Agarwal M.P., against Shri R. K. Karanjia, Editor-in-Chief of Blitz, Bombay and Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder, for allegedly misrepresenting the proceedings of the House and casting reflections on him in a news report and an article published in the Blitz in its issue dated 21 November, 1981.

The Committee decided that in the first instance, Shri Satish Agarwal, M.P., might be requested to appear before the Committee for oral evidence at a subsequent sitting of the Committee.

6.

The Committee then adjourned.

^{**}Paras 2-4 and 6 relate to other cases and have accordingly been omitted.

Second Sitting

New Delhi, Tuesday, 4 May, 1982

The Committee sat from 16.00 to 16.30 hours.

PRESENT

Shri Harinatha Misra-Chairman

Members

- 2. Shri G. L. Dogra
- 3. Shri Jagan Nath Kaushal
- 4. Shri P. Venkatasubbaiah
- 5. Shri Vijay Kumar Yadav

SECRETARIAT

Shri K. K. Saxena—Chief Examiner of Bills and Resolutions.

Shri M. P. Gupta-Sendor Table Officer.

- 2. The Committee considered the programme of sittings of the Committee for consideration of the questions of privilege pending before the Committee of Privileges.
- 3. The Committee decided that in the first instance, Shri Satish Agarwal, M.P., might be requested to appear before the Committee for oral evidence on Thursday, 10 June, 1982, in connection with the question of privilege raised by him against Shri R. K. Karanjia, Editor-in-Chief of Bluz, Bombay and Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder, for allegedly misrepresenting the proceedings of the House and casting reflections on him in a news report and an article published in the Blitz in its issue dated 21 November, 1981.

The Committee then adjourned.

Ш

Third Sitting

New Delhi, Thursday, 10 June, 1982

The Committee sat from 10.30 to 11.50 hours.

PRESENT

Shri Harinatha Misra-Chairman

MEMBERS

- 2. Shri George Fernandes
- 3. Shri Jagan Nath Kaushal
- 4. Shri A. A. Rahim
- 5. Shri P. Shiv Shankar
- 6. Shri P. Venkatasubbaiah
- 7. Shri Ram Singh Yadav
- 8. Shri Vijay Kumar Yadav

SECRETARIAT

Shri K. K. Saxena—Chief Examiner of Bills and Resolutions.

WITNESS

Shri Satish Agarwal, M.P.

2. The Committee took up consideration of the question of privilege raised by Shri Satish Agarwal, M.P., against Shri R. K. Karanjia, Editor-in-Chief of *Blitz*, Bombay and Shri Rajpal Singh Chowdhury, Editor of *Delhi Recorder*, for allegedly misrepresenting the proceedings of the House and casting reflections on him in a news report and an article published in the *Blitz* in its issue dated 21 November, 1981.

3. Shri Satish Agarwal, M.P., was then called in and examined by the Committee on oath.

(Verbatim record of the evidence was kept)

(The witness then withdrew)

- 4. The Committee directed that the verbatim record of the initial statement made by Shri Satish Agarwal, M.P., before the Committee be circulated to the members of the Committee.
- 5. The Committee decided that Shri R. K. Karanjia, Editor-in-Chiet of Blitz, Bombay and Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder, be asked to appear before the Committee for oral evidence on Friday, 2 July, 1982.

The Committee directed that Sarvashri R. K. Karanjia and Rajpan Singh Chowdhury might also be asked to submit written statements to the Committee, if they wished to state anything in addition to what they had stated in their earlier letters addressed to the Speaker, so as to reach the Committee at least a week before the date of their appearance before the Committee.

6. ** ** **

The Committee then adjourned.

^{**}Para 6 relates to another case and has accordingly been omitted.

IV

Fourth Sitting

New Delhi, Friday, 2 July, 1982

The Committee sat from 10.30 to 12.25 hours.

PRESENT

Shri Harinatha Misra-Chairman

Members

- 2. Shri H. K. L. Bhagat
- 3. Shri Chandulal Chandrakar
- 4. Shri Somnath Chatterjee
- 5. Shri George Fernandes
- 6. Shri Ram Jethmalani
- 7. Shri Jagan Nath Kaushal
- 8 Shri P. Shiv Shankar
- 9. Shri Dharam Bir Sinha
- 10. Shri Vijay Kumar Yadav
- 11. Shri Zainul Basher

SECRETARIAT

Shri K. K. Saxena—Joint Secretary

WITNESSES

- (1) Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder, New Delhi.
- (2) Shri R. K. Karanjia Editor-in-Chief of Blitz, Bombay.
- 2. Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder, was called in and examined on oath by the Committee in connection with the question

of privilege raised by Shri Satish Agarwal, M.P., against Shri R. K. Karanjia, Editor-in Chief of *Blitz*, Bombay, and Shri Rajpal Singh Chowdhury, Editor of *Delhi Recorder*, for allegedly misrepresenting the proceedings of the House and casting reflections on him in a news report and an article published in the *Blitz* in its issue dated 21 November, 1981.

Shri Rajpal Singh Chowdhury made a statement before the Committee and submitted a copy thereof to the Committee at their direction.

The Committee were not satisfied with the statement made by Shri Rajpal Singh Chowdhury and asked him to give in writing what he had to say.

(Verbatim record of evidence was kept)
(The witness then withdrew)

3. Shri R. K. Karanjia, Editor-in-Chief of *Blitz* was then called in and examined on oath by the Committee. Shri R. K. Karanjia tendered his unconditional apology for writing the impugned news report in *Blitz* dated 21 November, 1981.

The Committee were generally satisfied with his apology,

(Verbatim record of evidence was kept)

(The witness then withdrew)

The Committee then adjourned

Fifth Sitting

New Delhi, Tuesday, 10 August, 1982

The Committee sat from 16.00 to 17.15 hours

PRESENT

Shri Harinatha Misra-Chairman

Members

- 2. Shri H. K. L. Bhagat
- 3. Shri Chandulal Chandrakar
- 4. Shri Somnath Chatterjee
- 5. Shri Jagan Nath Kaushal
- 6. Shri Y. S. Mahajan
- 7. Shri K. Ramamurthy
- 8. Shri P. Shiv Shankar
- 9. Shri Dharam Bir Sinha
- 10. Shri Zainul Basher

SECRETARIAT

Shri M. P. Gupta—Chief Examiner of Bills and Resolutions.

5. The Committee also decided to further consider at their next sitting the question of privilege raised by Shri Satish Agarwal, MP, against Shri R. K. Karanjia, Editor-in-Chief of Blitz, Bombay and Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder, for allegedly misrepresenting

^{**}Paras 2-4 relate to other cases and have accordingly been omitted.

the proceedings of the House and casting reflections on him in a news report and an article published in the Blitz in its issue dated 21 November, 1981.

6. ** ** **

7. The Committee then adjourned to meet again on 9 and 10 September, 1982.

^{**} Par a 6 relates to another case and has accordingly been omitted.

Sixth Sitting

New Delhi, Monday, 27 September, 1982

The Committee sat from 11.00 to 12.10 hours.

PRESENT

Shri Harinatha Misra—Chairman

Members

- 2. Shri H. K. L. Bhagat
- 3. Shri Chandulal Chandrakar
- 4. Shri George Fernandes
- 5 Shri Jagan Nath Kaushal
- 6. Shri K. Ramamurthy
- 7. Shri P. Shiv Shankar
- 8. Shri Krishna Prakash Tewari
- 9. Shri P. Venkatasubbaiah
- 10. Shri Vijay Kumar Yadav
- 11. Shri Zainul Basher

SECRETARIAT

- (1) Shri K. K. Saxena—Joint Secretary.
- (2) Shri M. P. Gupta—Chief Examiner of Bills and Resolutions.

2. ** ** **

3. The Committee then deliberated on the question of privilege raised by Shri Satish Agarwal, MP, against Shri R. K. Karanjia, Editor-in-Chief of Blitz, Bombay and Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder for allegedly misrepresenting the proceedings of the House and casting reflections on him in a news report and in an article published in the Blitz in its issue dated 21 November, 1981.

^{**}Para 2 relates to another case and has accordingly been omitted.

The Committee noted the apology published by Shri R. K. Karanjia, on the third page of the *Blitz* in its issue dated 10 July, 1982, under the caption "Agarwal did not lie to Parliament" and were satisfied.

The Committee were also satisfied with the written apology tendered to the Committee by Shri Rajpal Singh Chowdhury on 2 July, 1982. The Committee decided that Shri Rajpal Singh Chowdhury might be directed to publish his apology in the next issue of his magazine, *Delhi Recorder* prominently.

The Committee also decided that the matter might be considered further after publication of his apology by Shri Rajpal Singh Chowdhury in his magazine.

The Committee then adjourned.

VII

Seventh Sitting

New Delhi, Friday, 5 November, 1982

The Committee sat from 16.00 to 16.30 hours.

PRESENT

Shri Harinatha Misra-Chairman

Members

- 2. Shri H. K. L. Bhagat
- 3. Shri George Fernandes
- 4. Shri Ram Jethmalani
- 5. Shri Y. S. Mahajan
- 6. Shri Dharam Bir Sinha
- 7. Shri P. Venkatasubbaiah
- 8. Shri Zainul Basher

SECRETARIAT

Shri M. P. Gupta—Chief Examiner of Bills and Resolutions.

2. The Committee considered their future programme of sittings to consider the cases pending before them. The Committee decided to hold their sittings on 17 and 18 November, 1982.

3-4.

5. The Chairman then apprised the Committee that, as directed by the Committee at their sitting held on 27 September, 1982, Shri Rajpal Singh Chowdhury, Editor of *Delhi Recorder* was asked on 4 October, 1982, to publish his apology in the next issue of his magazine and forward a copy thereof for being placed before the Committee. When no reply

^{**}Paras 3-4 relate to other cases and have accordingly been omitted.

was received from him, a written reminder was sent to him on 19 October, 1982, to do the needful expeditiously. But no reply had so far been received from Shri Rajpal Singh Chowdhury that his apology had been published in the *Delhi Recorder*.

The Committee directed that Shri Rajpal Singh Chowdhury might be asked to appear before the Committee on 18 November, 1982.

6. ** ** ** **

7. The Committee then adjourned to meet again on 17 and 18 November, 1982.

^{**}Para 6 relates to other cases and has accordingly been omitted.

VIII

Eighth Sitting

New Delhi, Thursday, 18 November, 1982

The Committee sat from 10.30 to 12.40 hours.

PRESENT

Shri Vijay Kumar Yadav-In the Chair.

Members

- 2. Shri Chandulal Chandrakar
- 3. Shri Jagan Nath Kaushal
- 4. Shri K. Ramamurthy
- 5. Shri Dharam Bir Sinha
- 6. Shri Krishna Prakash Tewari
- 7. Shri P. Venkatasubbaiah
- 8. Shri Zainul Basher

SECRETARIAT

Shri M. P. Gupta—Chief Examiner of Bills and Resolutions.

WITNESSES

- (1) Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder.
- (2) (3)
- 2. The Committee, in the absence of the Chairman, chose Shri Vijay Kumar Yadav, to take the Chair.
- 3. The Committee took up consideration of the question of privilege raised by Shri Satish Agarwal, MP, against Shri R. K. Karanjia, Editorin-Chief of *Blitz*, Bombay and Shri Rajpal Singh Chowdhury, Editor of *Delhi Recorder* for allegedly misrepresenting the proceedings of the House

^{**}Serial Nos. (2) and (3) relate to another case and have accordingly been omitted.

and casting reflections on him in a news report and an article published in the Blitz in its issue dated 21 November, 1981.

4. Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder, was then called in and examined by the Committee.

Shri Rajpal Singh Chowdhury informed the Committee that he had published his apology in the November, 1982, issue of his magazine Delhi Recorder, as directed by the Committee. He also handed over some copies of Delhi Recorder, November, 1982 issue, containing his apology (See Appendix VII).

(Verbatim record of evidence was kept)
(The witness then withdrew)

5-6. ** ** **

7. The Committee then adjourned to meet again on 20 and 21 December, 1982.

^{**}Paras 5-6 relate to another case and have accordingly been omitted.

Ninth Sitting

New Delhi, Monday, 24 January, 1983

The Committee sat from 15.00 to 16.30 hours.

PRESENT

Shri Harinatha Misra-Chairman

Members

- 2. Shri Chandulal Chandrakar
- 3. Shri Somnath Chatterjee
- 4. Shri George Fernandes
- 5. Shri Jagan Nath Kaushal
- 6. Shri Y. S. Mahajan
- 7. Shri K. Ramamurthy
- 8. Shri Dharam Bir Sinha
- 9. Shri Krishna Prakash Tewari
- 10. Shri P. Venkatasubbajah
- 11. Shri Vijay Kumar Yadav
- 12. Shri Zainul Basher

SECRETARIAT

Shri M. P. Gupta-Chief Examiner of Bills and Resolutions.

2--3.

4. The Committee then took up consideration of the question of privilege raised by Shri Satish Agarwal, MP, against Shri R. K. Karanjia, Editor-in-Chief of *Blitz*, Bombay and Shri Rajpal Singh Chowdhury, Editor of *Delhi Recorder* for allegedly mis-representing the proceedings of the House and

^{**}Paras 2-3 relate to other cases and have accordingly been omitted.

casting reflections on him in a news report and an article published in the Blitz in its issue dated 21 November, 1981. The Committee perused the apology published by Shri Rajpal Singh Chowdhury in his magazine "Delhi Recorder".

The Committee decided to postpone further consideration of the matter to a subsequent sitting of the Committee.

The Committee then adjourned to meet again on 25 January, 1983.

Tenth Sitting

New Delhi, Monday, 30 May, 1983

The Committee sat from 11.00 to 12.15 hours

PRESENT

Shri R. R. Bhole-Chairman

MEMBERS

- 2. Shri H. K. L. Bhagat
- 3. Shri George Fernandes
- 4. Shri Jagan Nath Kaushal
- 5. Shri Y. S. Mahajan
- 6. Shri P. Shiv Shankar
- 7. Shri Krishna Prakash Tewart
- 8. Shri P. Venkatasubbaiah
- 9. Shri Vijay Kumar Yadav

SECRETARIAT

Shri M. P. Gupta-Chief Examiner of Bills and Resolutions

2-3.

- 4. The Committee also decided to take up further consideration of the question of privilege raised by Shri Satish Agarwal, M.P., against Shri R. K. Karanjia, Editor-in-Chief of Blitz, Bombay and Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder for allegedly misrepresenting the proceedings of the House and casting reflections on him in a news report and an article published in the Blitz in its issue dated 21 November, 1981, at their next sitting.
 - 5. The Committee decided to hold their next sitting on 28 June, 1983.

The Committee then adjourned.

^{**}Paras 2-3 relate to other cases and have accordingly been omitted.

XI

Eleventh Sitting

New Delhi, Tuesday, 28 Junz, 1983

The Committee sat from 11.00 to 11.50 hours and again from 15.30 to 16.30 hours.

PRESENT

Shri R. R. Bhole-Chairman

MEMBERS

- 2. Shri H. K. L. Bhagat
- 3. Shri Chandulal Chandrakar
- 4. Shri George Fernandes
- 5. Shri Jaipal Singh Kashyap
- 6. Shri Jagan Nath Kaushal
- 7. Shri K. Ramamurthy
- 8. Shri Ramayan Rai
- 9. Shri P. Shiv Shankar
- 10. Shri Zainul Basher

SECRETARIAT

Shri K. K. Saxena-Joint Secretary

2. At the outset, the Chairman welcomed the Members of the New Committee.

3—5.

6. The Committee then took up consideration of the question of privilege raised by Shri Satish Agarwal, M.P., against Shri R. K. Karanjia, Editorin-Chief of Blitz, Bombay and Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder for allegedly misrepresenting the proceedings of the House and casting reflections on him in a news report and an article published in the Blitz in its issue dated 21 November, 1981.

^{**}Paras 3-5 relate to another case and have accordingly been omitted.

The Committee decided to accept the apology tendered before the Committee by Shri Rajpal Singh Chowdhury and published by him in his magazine Delhi Recorder. The Committee also decided to accept the apology tendered by Shri R. K. Karanjia and published by him in Blitz.

7. The Committee decided that the draft Report on the matter might be prepared and circulated to the members of the Committee for consideration at their next sitting.

8-10.

The Committee then adjourned.

^{**}Paras 8-10 relate to other cases and have accordingly been omitted.

XII

Twelfth Sitting

New Delhi, Friday, 8 July, 1983

The Committee sat from 11.00 to 12.00 hours

PRESENT

Shri R. R. Bhole-Chairman

MEMBERS

- 2. Shri Chandulal Chandrakar
- 3. Shri Somnath Chatterjee
- 4. Shri Jaipal Singh Kashyap
- 5. Shri Y. S. Mahajan
- 6. Shri K. Ramamurthy

SECRETARIAT

Shri K. K. Saxena—Joint Secretary.

2-3.

- 4. The Committee then considered their draft Fifth Report on the question of privilege raised by Shri Satish Agarwal, M.P., against Shri R. K. Karanjia, Editor-in-Chief of Blitz, Bombay and Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder for allegedly misrepresenting the proceedings of the House and casting reflections on him in a news report and an article published in the Blitz in its issue dated 21 November, 1981 and adopted it.
- 5. The Committee decided that the evidence taken before the Committee be appended to the Report of the Committee.
- 6. The Committee authorised the Chairman and, in his absence, Shri Y. S. Mahajan, M.P., to present their Fifth Report to the House.

7---9.

The Committee then adjourned.

^{**}Paras 2-3 and 7-9 relate to other cases and have accordingly been omitted.

MINUTES OF EVIDENCE

LIST OF WITNESSES

Thursday, 10 June, 1982

											PAGE
Shri Satish Agarwal, M.P.			•	•	•	•	•	•	•	•	38
		F	riday	, 2 Ju	<i>ly</i> , 19	82					
(1)	1) Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder, New Delhi										54
(2) Shri R. K. Karanjia, Editor-in-Chief of Blitz, Bombay .										•	75
	Th	ursd	ay, 1	8 <i>No</i> :	vembe	r, 191	82				
Shr	i Rajpal Singh Chowdhury, E	dito	r of L	elhi I	Record	ler, N	ew D	lhi	•	•	81

MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE OF PRIVILEGES

·Thursday, 10. June, 1982

PRESENT

Shri Harinatha Mishra-Chairman

MEMBERS

- 2. Shri George Fernandes
- 3. Shri Jagan Nath Kaushal
- 4. Shri A. A. Rahim
- 5. Shri P. Shiv Shankar
- 6. Shri P. Venkatasubbaiah
- 7. Shri Ram Singh Yadav
- 8. Shri Vijay Kumar Yadav

SECRETARIAT

Shri K. K. Saxena—Chief Examiner of Bills and Resolutions

WITNESS

Shri Satish Agarwal, M.P.

(The Committee met at 10.30 hours)

Evidence of Shri Satish Agarwal, M.P.

MR. CHAIRMAN: Shri Agarwal, you have been requested to appear before this Committee to give evidence in connection with the question of privilege raised by you against Shri R. K. Karanjia, Editor-in-Chief, Blitz and Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder for allegedly misrepresenting the proceedings of the House and casting reflections on you in a news report and an article published in Blitz dated 21st November, 1981. I hope, you will state the factual position frankly and freely to enable this Committee to arrive at correct findings.

I may further inform you that your evidence will be treated as confidential till the report of the Committee and its proceedings are presented to Lok Sabha. Any premature disclosure of the proceedings would amount to breach of privilege. The evidence which you will give before the Committee may be reported to the House. You may now take oath or affirmation as you may desire.

(Shri Satish Agarwal then took the oath).

MR. CHAIRMAN: Mr. Agarwal, if you want to make any statement or place any written document, or both, you may do so.

SHRI SATISH AGARWAL: Thank you very much, Mr. Chairman.

Hon. Chairman and members of this august body, I wish to state as follows, in connection with the privilege Motion that I moved in the House:

A notice of breach of privilege and contempt of the House was given by me on 9th December, 1981 against Shri R. K. Karanjia, Editor, Blitz and Shri Rajpal Singh Chowdhury, Editor, Delhi Recorder.

Shri Karanjia replied to this notice of mine vide his letters dated 29th December, 1981 and 2nd February, 1982 while Shri Rajpal Singh Chowdhury, Editor, Delhi Recorder replied to this notice on 18th February, 1982.

The Hon. Speaker, Lok Sabha granted me permission to raise this issue in the Lok Sabha on the 17th March, 1982. After this matter having been raised by me in the Lok Sabha, the House unanimously referred this matter to this august body for examination and report. The facts leading to my moving this motion are briefly as under:

In the issue of November 21, 1981 of the weekly Blitz published by Shri R. K. Karanjia on the front page, appeared a news item under the caption: "Did Agarwal lie to Parliament?" A full story about this very news item appears on pages 22 and 23 of the same issue. The said story had been contributed by Shri Rajpal Singh Chowdhury, Editor, Delhi Recorder. Both Shri R. K. Karanjia and Shri Rajpal Singh Chowdhury are guilty of gross and palpable breach of privilege and contempt of the House inasmuch as—

(a) a false and malicious accusation has been levelled against me in my capacity as a Member of the Lok Sabha for having "concealed the truth when I focussed attention on Antulay's links with London millionaire Nirmal Sethia in Parliament early in September 1981...."

The said statement is a complete tissue of lies.....

MR. CHAIRMAN: May I point out to you, Mr. Agarwal, that what you are reading is being recorded. So, in order to enable the Reporters to do it, kindly read a little slowly, so that your statement may be recorded properly.

SHRI SATISH AGARWAL: Yes, Sir.

- "......The said statement is a complete tissue of lies. I never spoke in Parliament either in September or at any other time referring to any alleged links of Antulay with London millionaire Nirmal Sethia. There was no occasion of any kind when I in any manner whatsoever concealed any truth from the House or even remotely misled the House.

This statement is also a complete distortion of facts since truth had never been suppressed and so, there is no question of its being discovered, much less that truth was discovered because of the fourth letters mentioned in the article, photo copies of which have been printed in the same issue.

The letter of 25th of April, 1978 is a letter addressed to me by Shri Bishwanath Jhunjhunwala, an ex-Member of Parliament from Rajasthan. As it was my duty as a Minister, I got the matter examined and informed Shri Jhunjhunwala that I was getting the matter examined vide letter dated 29th April, 1978. I never issued any instructions to the Coflector of Customs. When the enquiry came to be made, obviously, the action was taken by the department itself. Whatever action the department took, was communicated by me through a letter dated 26th August, 1978 to Shri Bishwanath Jhunjhunwala. Vide letter dated the 4th September, 1978, Shri Jhunjhunwala in turn appears to have conveyed to Nismal Sethia in London what he had heard from me. To suggest that I got Sethia out of any trouble, or that I had suppressed this fact from the House, is a total concoction.

(c) Equally false is the story that I had some animus against Sethia because he had decided, at the instance of Mr. Antulay, fo change the venue of his proposed hospital from Rajasthan to Konkan.

According to Mr. Nirmal Sethia, it was the decision to change the venue of the hospital he intended to build in Rajasthan at my instance to Konkan which led me to whip the very man whom I had met, known and belped. As stated above, this in wholly false and fabricated story. I have not known Nirmal Sethia at any time. Neither I asked, nor he agreed to construct any hospital in Rajasthan at my instance. I know that he had changed his plans at Antulav's instance. There was no question of my entertaining any animus against him (Sethia) have not in any manner displayed that animus against him. It is obvious from the letter of 25th April, 1978 that Nirmal Sethia was being roughly an undesirable person treated as by the Customs India. When a respectable ex-Member of Parliament personally cortified that he (Sethia) comes from a respectable family and he should not be unnecessarily harassed in future, it was my duty, as Minister, to have the matter investigated in the routine course; and this is exactly what happened.

The author of the article, Mr. Rajpal Singh Chowdhury himself asserts that Sethia is so respectable and has such a reputable family background that it is impossible that he was engaged in anything shady. Under these circumstances, the insinuation that I got him out of trouble or "pulled his chestnuts out of Customs fire" is a clumsy and irresponsible insinuation. It is solely intended to tarnish my image as a Parliamentarian and is meant to deter me from raising issues of public importance in the House.

The whole tenor of the article, and the manner of its presentation leave no doubt whatsoever that the article is an inspired defence of former Chief Minister Antulay who is depicted as a "victim of a plot" and Sethia who is depicted as "baring facts" and me as living in a glass house.

Articles such as these, based as they are basically upon a wilful misrepresentation of the proceedings of the House, constitute a gross breach of privilege by themselves. The further motive of maligning a Member of Parliament to screen a corrupt politician or his friend is an aggravating circumstance which makes the offence of Shri R. K. Karanjia, Editor, Bittz and Shri Rajpal Singh Chowdhury, Editor, Delhi Recorder unusually heinous. Both of them are guilty of breach of privilege and contempt of the House.

The explanation offered by Shri R. K. Karanjia in his reply to the notice of breach of privilege vide his two letters dated 29th December, 1981 and 2nd February, 1982 as also the reply furnished by Shri Rajpal Singh Chowdhury, vide his letter dated 18th February, 1982 are not at all satisfactory and a plain reading of these replies will amply prove my contentions.

Mr. Karanjia is seeking shelter under the plea that the article as published in the Blitz of 21st November, 1981 was written by Mr. Rajpal Singh Chowdhury and the same has only been reproduced in the issue dated 21st November, 1981. He probably means to suggest that if any one is liable for contempt or breach of privilege it is not he, but Mr. Rajpal Singh Chowdhury.

On the other hand, Mr. Rajpal Singh Chowdhury is trying to shield his guilt under the garb of some source having passed this information to him.

The explanations now being offered are absolutely untenable and these two gentlemen cannot be absolved of their liability for contempt and breach of privilege which is manifest per se. The way in which the explanations have been offered, further aggravates their crime and they do not deserve any sympathy whatsoever at the hands of this august body.

In his reply dated 29th December, 1981, Mr. Karanjia has stated that the caption, "Did Agarwal lie to Parliament?" was not a positive statement such as "Agarwal told lies to Parliament" and this proves his absence of malice or ill-will towards me. Drawing of such a distinction does not absolve him of his misrepresenting or misreporting the proceedings of the House or making false charges and insinuations which were wholly unfounded and unwarranted.

In his letter dated 2nd February, 1982, Mr. Karanjia while replying to point No. 1, has not replied to this point at all. Point No. 1 is: "I never spoke in Parliament at any time either in September or at any other time referring to any alleged links of Antulay with London millionaire Nirmal Sethia, there was no occasion of any kind when I suppressed any truth whatsoever".

On the contrary, he has reproduced those very facts in his reply which are absolutely incorrect and baseless. By re-asserting these facts in his reply he has not only evaded a faithful reply to the points raised in the notice issued by Lok Sabha, but has further aggravated his crime by reproducing these facts and this repetition of unfounded charges and insinuations makes him guilty of further misleading the House and the Committee.

Similarly, Shri Rajpal Singh Chowdhury in his reply dated 18th February, 1982 has tried to shift the burden on Shri Karanjia for using this caption as may be clear from para 3 of his reply wherein he has stated:

"The expressions (i) "concealed the truth when I focussed attention on Antulay's links with London millionaire Nirmal Sethia in Parliament early September this year......" and (ii)

Truth surfaced with the discovery of tell-tale letters which damn crusader Agarwal as the culprit who knowingly and deliberately got Sethia out of trouble........." cited by Shri Agarwal in sub-paras (a) and (b) of para 2 of his undated letter addressed to the Speaker, Lok Sabha were used in the November 21, 1981 issue of the weekly 'Blitz' by its editor while introducing and presenting my article capfioned, 'change of hospital site irked Agarwal' in the same issue. As I am not the author of these expressions, you will kindly agree that the question of a breach of privilege against me on account of them does not arise."

This is the reply dated 18th February, 1982 given by Shri Rajpal Singh Chowdhury.

The prime objective of these two gentlemen was to misreport, misrepresent and malign me in order to deter me from raising or highlighting the gross misuse of authority by the former Chief Minister of Maharashtra, Shri A. R. Antulay in the distribution of cement against receipt of crores of rupees by way of donations to the several trusts created by him. This charge was ultimately established beyond any doubt vide judgement delivered by Justice Lentin of Bombay High Court on 12th January, 1982.

If severe punishment is not awarded to these gentlemen for grossly misrepresenting the proceedings of the House and for making insinuations and charges wholly unfounded and unwarranted against a Member of Parliament with a view to deter him from performing his Parliamentary duties in the public interest, this will amount to putting a premium on yellow journalism and will lead to a degeneration of the whole democratic system.

Further, I would like to add a few more sentences to show why I was made a target for this. On 31st August, 1981, a lot of adjournment motions

were given notice of by the Opposition Members about the cement scandal in Maharashtra, and the hon. Speaker did not allow any on the plea that the Maharashtra Assembly was in session; it was a State subject and should be discussed there. It was only I who had suggested one way out. You will kindly find it on page 325 of the Lok Sabha debates dated 31st August, 1981, wherein I had suggested that this issue can be discussed in the House because the exemptions had been granted under the Income-tax Law, and the income-tax was a Central subject. It was only I who made this point. Later on the motion was admitted in the form of a calling attention motion and it was discussed on 2nd September, 1981. It is very much relevant in this issue. The form of the motion was:

"Reported irregularities in granting income-tax exemptions to certain trusts in Maharashtra and mal-distribution of all essential commodities in that State."

Probably, Shri Antulay or his friends were very much angered with the entire opposition and particularly with me on this account. It was at their instance that they tried to sort out these matters in this way. Probably at their instance, Shri Rajpal Singh Chowdhury might have gone to London to meet Shri Nirmal Sethia and got copies of these letters, which I personally never wrote to him. It is absolutely false that I wrote any letter to Shri Sethia. I only replied to the ex-Member of Parliament, Shri Bishwanath Jhunjhunwala. In the article, it was made to show that I wrote to Shri Sethia. In fact, I did not know him, and I have never met him. Perhaps, his wife, Mrs. Chetna Sethia is one of the contributors to these trusts. Shri Sethia got angry with me and passed on these letters to Shri Rajpal Singh Chowdhury. But this is a matter for investigation by this hon. Committee. The question is how a journalist of the standing of Shri Rajpal Singh Chowdhury, whose Delhi Recorder is a recent publication and whose circulation is not very large could go to London to meet Mr. Sethia at his own expense. I have my own apprehensions and my information from certain journalists is that he was sent to London to fetch some material against me in order to malign me and to deter me from performing my parliamentary duties.

That is all I have to say.

MR. CHAIRMAN: Shri Satish Agarwal has made an elaborate statement. The letter which he wrote to Secretary, Lok Sabha, has also been mainly repeated here and has become the property of this Committee.

The hon. Members may like to ask any questions.

S MISS

SHRI GEORGE FERNANDES: There are paras in the article which I think you have obviously clarified. You see page 455—Harassment by Customs. It says as follows:

"The question, it seemed to me underlying the whole sordid affair was why would Agarwal launch an attack in Parliament against Sethia and ask for the files on the London based business magnate to be reopened while, at the same time, taking very great care to conceal from his fellow-MPs the crucial fact of his own relationship and assistance to Sethia in the past."

There has been no assistance, there has been no relationship. Then it further says as follows:

"Agarwal did not consider it worthwhile to mention in Parliament that he had been introduced to Sethia by the late Bishwanath Jhunjhunwala, a former Janata MP, and that he had devoted considerable effort to be of help to Sethia.

The Indian born millionaire explained that he had complained to Agarwal during a meeting in the latter's house in New Delhi that he was being unduly harassed by Customs Department officials at Santa Cruz Airport."

I would like to know whether they have been contradicted because I came late.

SHRI SATISH AGARWAL: As far as Nirmal Sethia is concerned. I had at no point of time met him; I did not know him. I do not know who this gentleman is. For the first time, Mr. Jhunjhunwala, who was an MP from Rajasthan in 1971 from Chittorgarh Constituency wrote a letter to me regarding harassment being caused by the Customs Department. I acknowledged that letter. Then I instructed the Department to make an enquiry about it, because the general policy of the Government then was not to cause any harassment to any gentleman. This is absolutely false that I raised any question in the Lok Sabha either in 1980 or in 1981 or even in 1982 or even till this date. Not a single sentence I have uttered in Parliament against Mr. Sethia regarding Enforcement Directorate or enforcement cases pending against him or any other issue. It was only written by Mr. Jhunjhunwala. After four months, the Department was told that the Collector of Customs should be addressed suitably. I did not write any letter directly to the Collector of Customs that no harassment should be caused to anybody including this gentleman. I communicated S/1 LSS/83---4

to Mr. Jhunjhunwala that suitable instructions had been sent to the Collector of Customs. I do not remember to have met him. I do not know his family. This is all false.

SHRI P. SHIV SHANKAR; If an MP or ex-MP goes on writing, we just acknowledge by saying that this will be examined or this is being examined. This does not establish our relationship with the person concerned.

SHRI SATISH AGARWAL: I received a letter and I acknowledged it.

SHRI P. VENKATASUBBAIAH: One thing is intriguing. On page 456, it says as follows:

"Sethia told me that both he and Jhunjhunwala wrote separately to Agarwal regarding the Customs Department harassment and Agarwal had acknowledged the letters in a note to Jhunjhunwala, dated April 29, 1978, assuring him that the matter would be examined.

The examination, Sethia noted, must have been exhaustive because it took four moths and it was not until August 26, 1978, that Agarwal wrote to Jhunjhunwala to say that the complaint had been investigated, the Collector of Customs had been 'addressed suitably in the matter', and expressed the hope that 'such incidents would not recur'. Smiling ironically, Sethia said the hope did, indeed, come true, because 'ever after Agarwal wrote that letter to me, I have been going to India regularly, I have never been bothered, never been harassed and nothing unusual has taken place'."

Mr. Sethia seemed to have told this to Mr. Chowdhury when Mr. Chowdhury met him in London. This is another allegation.

SHRI SATISH AGARWAL: As I submitted earlier, I never addressed any letter to Mr. Sethia. If he was being harassed at the customs office or for that purpose if anybody else is being harassed, then, naturally it is the duty of the Minister incharge to see to it that there is no more harassment. If there is no material proof against him, then why should he be harassed?

SHRI P. SHIV SHANKAR: You have already made your position clear that you did not know this man at all. It is a matter for us to

cross-examine him and ultimately if Mr. Sethia is produced as a witness, that would be a different story. You confine yourself to this aspect. My presumption is that your comments stand.

SHRI SATISH AGARWAL: You see page 461. It says as follows:

- "Q: But it was Mr. Satish Agarwal who has raised the matter about the enforcement cases against you in Parliament. Do you have any comment about this?"
- "A: Basically I think these are opposition tricks. Mr. Satish Agarwal is trying hard to bring my letter to the attention of the present Finance Minister, but what I don't understand is why is he trying to hide the fact that he had met me and that he had written a letter to me himself saying that the incidents of airport harassment would not re-occur."

This is absolutely false. The four letters that have been printed were not addressed to Nirmal Sethia. I have not raised any question in Parliament. So, the questions are misdirected, concocted or motivated. This is a concocted story.

SHRI P. VENKATASUBBAIAH: You have made two points. (1) The statement made by Shri Sethia that he met you in your house is not correct. (2) The statement that you saved him from customs harassment is not correct.

SHRI SATISH AGARWAL: I do not remember to have received any letter from Shri Nirmal Sethia.

SHRI P. VENKATASUBBAIAH: One statement was that he met you in your house. That has been contradicted by you. Secondly, he said that he and Shri Jhunjhunwala have written letters to Shri Agarwal, complaining about customs harassment.

SHRI SATISH AGARWAL: So far as the letter from Shri Jhunjhunwala is concerned, it is all printed. I did not receive any letter from Shri Sethia nor write to him. Suppose he has sent a letter to the Department in the normal course, they might have disposed it of. But I do not remember to have written any letter to Shri Nirmal Sethia.

SHRI GEORGE FERNANDES: The letter from Shri Jhunjhunwala says:

"Reference out talks in Delhi regarding Mr. Sethia of London, I am attaching herewith a letter which is self-explanatory."

There are two points. There were some discussions before this letter came, when Shri Jhunjhunwala met you. You yourself mentioned that peopie come and one does not remember all these things. It is quite possible that when Shri Jhunjhunwala came and met you, he was accompanied by Shri Sethia. Secondly he says that he is attaching a letter, which is self-explanatory. That could be a letter from Shri Sethia; it could not be from anybody else.

SHRI P. SHIV SHANKAR: May I request that the entire correspondence from the Finance Ministry may be called for so that we can properly go through the same.

MR. CHAIRMAN: We will examine it.

SHRI P. SHIV SHANKAR: So far as Shri Agarwal is concerned, he has made his position clear. Now the records will speak for themselves. He has categorically stated that he has not addressed any letter to Shri Sethia. But it is quite possible that the department might have received a letter and it was replied in the normal course. If the documents are there, we could ourselves look into and find out the position.

MR. CHAIRMAN: I quite realise that serious issues are raised, which should be considered. But off hand I would not be able to give a reply. We will consider it.

SHRI SATISH AGARWAL: I may say in reply to Shri Fernandes that it is possible when I received a letter from Shri Jhunjhunwala there might have been a representation addressed to me as Minister by Shri Nirmal Sethia. My normal practice was to acknowledge the letters received from Members of Parliament and not to acknowledge or send replies to all those who are making representations.

MR. CHAIRMAN: On one point you are categorical that Shri Sethia never met you other than in New Delhi.

SHRI SATISH AGARWAL: I am 100 per cent sure about it.

MR. CHAIRMAN: Shri Chowdhury never met you?

SHRI SATISH AGARWAL: Never.

SHRI RAM SINGH YADAV: You have mentioned in your statement that Shri Sethia was never in trouble or had any harassment from the Collector of Customs. The letter of Shri Jhunjhunwala Annexure II, says:

"I know Mr. Sethia since last 25 years and I do not think he is an undesirable person."

So, Shri Jhunjhunwala testified to his character and you relied on him. You have stated that there was no difficulty for Shri Sethia from the Collector of Customs. But in your letter of 26th August 1978 you have stated:

"I have got the matter looked into. It has been reported that the Collectors of Customs have been addressed suitably in the matter. I hope such incidents would not recur."

Can you say what type of "incident" took place with Shri Sethia, because you have stated that there will be no recurrence of such incidents?

SHRI SATISH AGARWAL: Shri Sethia in his representation, which accompanied the letter of Shri Jhunjhunwala, had alleged some harassment at the Customs. The matter was investigated by the Department concerned. So, I communicated that the "Collectors of Customs have been addressed suitably in the matter." The object was that nobody should be unnecessarily harassed, because it was the general policy of the then Government that no harassment should be caused to anybody.

MR. CHAIRMAN: Now, I put a simple question to you. Why were you chosen, particularly when you did not take part in the deliberations, by these two journalists who are supposed to be intelligent persons for all sort of these remarks against you?

SHRI SATISH AGARWAL: There are two types of evidence. One is, direct evidence and the other is, circumstantial evidence. I have no direct evidence to link it up with Mr. Chowdhury or Mr. Nirmal Sethia or Mr. Karanjia. But there is one circumstantial evidence which your honour may consider. In the month of September, 1981, I had addressed a letter to the Finance Minister, Mr. R. Venkataraman, regarding the withdrawal of cases against Galadhari brothers. In that letter, I had mentioned that these Galadhari brothers had their links at the centres of power, not only in Bombay but even in Delhi. In that particular letter, I had also

mentioned that we must not allow foreign poison to be swallowed by this country. I had also given some background material with regard to Galadhari brothers, how they were indulging in smuggling activities into this country for more than two decades, how one of them jumped bail and how they are carrying on their activities. These particular facts regarding Galadhari brothers were brought out in my letter addressed to the Finance Minister sometime in the month of September, 1981. In that particular letter, I had mentioned, without mentioning Mr. Antulay's name, that one Mrs. Chitra, wife of Mr. Nirmal Sethia, is said to have contributed Rs. 4 crores to Antulay's Trusts. I did not leak it to the press; I did not release it to the press. Somehow, it got leaked to the press through some quarters; I do not know whether it was from the Finance Ministry. It found a place in the Hindustan Times. There it was stated that Mrs. Chitra, wife of Mr. Nirmal Sethia and one of the Galadhari brothers were in Delhi, staying in Taj Mahal Hotel in Delhi, and watching the proceedings of the discussions in the Lok Sabha, in the Raiva Sabha and in the Congress Party. That appeared in the newspaper. Mrs. Chitra happens to be the wife of Mr. Nirmal Sethia. Naturally, Mr. Nirmal Sethia got angry. Mr. Nirmal Sethia had very good relations with Mr. Antulay because Mr. Nirmal Sethia had publicly expressed that Mr. Antulay was the finest person in the world. So, naturally, they have got very good contacts. That is how Mr. Antulay has got very good relations with Mr. Nirmal Sethia and Mr. Antulay utilised the services of Mr. Chowdhury. Mr. Chowdhury got a chance to go abroad and collect material from Mr. Nirmal Sethia. This is how the things must have developed.

As you know, there are two types of evidence. I have no direct evidence to link it up with the issue. This is only circumstantial evidence. This is to be considered and appreciated by you and not by me.

MR. CHAIRMAN: This will be considered by the Committee.

SHRI SATISH AGARWAL: It is for the Committee to find out how a particular journalist with very modest means with a little circulation of his recent publication, could afford to go to London and interview that man in London. I could understand Mr. Karanjia going to London, but not Mr. Rajpal Singh Chowdhury.

SHRI P. VENKATASUBBAIAH: Mr. Rajpal Singh Chowdhury had also recorded one very interesting thing. I would like to invite the attention of the Committee to that. The article says:

"The Indian-born millionaire explained that he had complained to Agarwal during a meeting in the latter's house in New Delhi that he was being unduly harassed by Customs Department officials at Santa Cruz airport. Agarwal offered as an excuse, the plea that many innocent persons, such as Sethia, had been similarly harassed during the Congress regime, but he promised he would look into the matter and take whatever action was necessary to remedy the situation".

This has got much relevance to the letter. Mr. Ram Singh Yadav read out.

Mr. Sethia has testified before Mr. Chowdhury that he met you in Delhi.

SHRI SATISH AGARWAL: Mr. Sethia also replied to a question of Mr. Chowdhury that Mr. Agarwal was raising questions against him in Parliament. I never raised any questions.

SHRI P. SHIV SHANKAR: So far as you are concerned, you have made your position absolutely clear. I think, if the Chairman agrees, we would stop here as no further elucidation seems to be necessary because the witness has put his case absolutely clearly.

MR. CHAIRMAN: My only suggestion is—he can go out, but before he leaves, he may just take a cup of tea.

SHRI GEORGE FERNANDES: This is a statement that was read out by the Minister of Parliamentary Affairs:

"The Indian-born millionaire explained that he had complained to Agarwal during a meeting in the latter's house in New Delhi that he was being unduly harassed by Customs Department officials at Santa Cruz airport. Agarwal offered as an excuse, the plea that many innocent persons, such as Sethia, had been similarly harassed during the Congress regime, but he promised he would look into the matter and take whatever action was necessary to remedy the situation".

He is also making a statement that he has addressed a letter to you—which letter is still not there before us as part of the record and which, I hope, with the decision that the Chairman takes, will become relevant to us. Is it possible or not that Mr. Jhunjhunwala might have been accompanied by Mr. Sethia? At this point of time it would be difficult for you to really remember. Mr. Jhunjhunwala is somebody whom we knew. He was a Member of the Fourth Lok Sabha. If Mr. Jhunjhunwala seeks an appointment with a Minister, he will not be refused. It is quite likely that that man might have been accompanied by another gentleman who may or may not have been Sethia but who may now say, 'I was with Mr. Jhunjhunwala when he met you'. Why I am asking this question is this. We have not seen Mr. Sethia's letter and I do not think we should, therefore, completely

eliminate the possibility of Mr. Sethia having been with Mr. Jhunjhunwala. He might have stayed behind in the outside room or when Mr. Jhunjhunwala was leaving, he might have been introduced. So would you rule out this possibility?

SHRI SATISH AGARWAL: That possibility cannot be ruled out. In any case I knew Mr. Jhunjhunwala from 1971 when he contested Lok Sabha election from Chithorgarh Parliamentary constituency. I went for canvassing for Mr. Jhunihunwala in 1971 and apart from that, I was the Convener of the four party front so far as Rajasthan was concerned. So practically I knew every Member of Parliament from Rajasthan. I knew Mr. Jhunjhunwala quite well. He came to my house. He met me in the Central Hall also. If anybody else came along with him to my house and was sitting outside, I might have met Mr. Jhunjhunwala in the drawing room and that man might have been sitting in the office room. So I cannot say that nobody accompanied him. So far as I remember, I can definitely say that I have not seen Mr. Nirmal Sethia. I do not know Mr. Nirmal Sethia. I did not write any letter to him. Any representation of Mr. Sethia that might have accompanied Mr. Jhunjhunwala's letter might have gone to the Department. This august body can summon that file. so far as raising questions against Mr. Sethia and maligning him or being angry with him or raising questions against him in Parliament, that is all absolutely false.

MR. CHAIRMAN: In addition to what Mr. Satish Agarwal has stated, I would like to draw your attention to page 456. There it is said:

"Sethia told me that both he and Jhunjhunwala wrote separately to Agarwal regarding the Customs Department harassment and Agarwal had acknowledged the letters in a note to Jhunjhunwala, dated April 29, 1978 (see photo copy), assuring him that the matter would be examined."

Here if you look to the photo copy of the letters exchanged, on the face of the letters, what Chowdhury writes appears to me not relevant.

SHRI P. SHIV SHANKAR: Please do not come to the conclusion.

MR. CHAIRMAN: I am not coming to any conclusion. Now Shri Shiv Shankar has vast experience. The question is whether the relevant information may be obtained from the Finance Ministry? All that must be considered.

SHRI P. SHIV SHANKAR: I would like to know whether my presumption is correct? This is based on the question that has been put by my hon, colleague and the answer that has been given by you. I am

assuming—because I would like to know whether my presumption is correct or not—that my hon. colleague has put the question on the premise that what has been written here is correct. Assuming for a moment that this man was not with him when he met you, it is on this assumption that he has explained the position and said, 'Could it not be possible to meet a Minister?' An M.P. or an ex-M.P. may go over and see the Minister and along with him sometimes 2 or 3 people may come. The Minister may not know who has come. He gives the credibility to the person who comes up because he is an ex-M.P. and during the conversation those people will sit outside without the Minister knowing who those persons are and it is possible that some persons might have accompanied and it is very difficult for you to recall at this stage whether anybody accompanied or not accompanied and it is possible that such a person might emerge ultimately as Mr. Sethia and he might say, 'Look, I was the person who accompanied Mr. Jhunjhunwala.'

So, it is on this premise that my colleague put the question to you and it is obviously not possible for a Minister to clearly lay his mind on this factor and say "No, I did not mean him at all," because it is impossible if you don't know a man and if he has followed the M.P., he might sit down separately, the entire conversation might go on with the M.P. or the M.L.A. and ultimately this man says that he followed. It is all only an assumption and that is the assumption which my hon. friend has brought out and it is not possible for you to accept. Your answer in pursuance of this question is that it is not possible. I think my presumption is correct.

SHRI SATISH AGARWAL: Your presumption is quite correct. Moreover, it is possible for anyone to remember as to who was accompanying a Member of Parliament or an ex-Member of Parliament. Perhaps the person to justify this fact is M1. Bishwanath Jhunjhunwala. Even if he had met me and I had assured him that no harassment would be caused, it was always my attitude. Even if Mrs. Gandhi and M1. Sanjay Gandhi had come for justice to m2, I would give them justice. This was my attitude at that point.

SHRI P. SHIV SHANKAR: Even assuming that Mr. Sethia comes and gives an evidence that he has come and talked to you, well that evidence will have to be weighed on its own merits.

SHRI SATISH AGARWAL: That is correct.

(The witness then withdrew).

Friday, 2 July, 1982

PRESENT

Shri Harinatha Misra — Chairman

Members

- 2. Shri H. K. L. Bhagat
- 3. Shri Chandulal Chandrakar
- 4. Shri Somnath Chatterjee
- 5. Shri George Fernandes
- 6. Shri Ram Jethmalani
- 7. Shri Jagan Nath Kaushal
- 8. Shri P. Shiv Shankar
- 9. Shri Dharam Bir Sinha
- 10. Shri Vijay Kumar Yadav
- 11. Shri Zainul Basher.

SECRETARIAT

Shri K. K. Saxona — Joint Secretary.

WITNESSES

- (1) Shri Rajpal Singh Chowdhury, Editor of *Delhi Recorder*, New Delhi.
- (2) Shri R. K. Karanjia, Editor-in-Chief of Blitz, Bombay.

(The Committee met at 10.30 hours)

(1) Evidence of Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder, New Delhi.

MR. CHAIRMAN: Shri Rajpal Singh Chowdhury, you have been asked to appear before this Committee to give evidence in connection with the question of privilege raised by Shri Satish Agarwal, M.P., against you and Shri R. K. Karanjia, Editor-in-Chief, 'Blitz', for allegedly misrepresenting the proceedings of the House and casting reflections on him in a news

report and an article published in the 'Blitz' in its issue dated 21 November, 1981.

I hope you will state the factual position frankly and truthfully to enable this Committee to arrive at a correct finding.

I may inform you that under Rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you as confidential till the Report of the Committee and its proceedings are presented to Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute a breach of privilege and contempt of the Committee. The evidence which you will give before the Committee may be reported to the House.

Now you may please take oath or affirmation as you like.

(The witness then took oath)

MR. CHAIRMAN: If you have any statement to make or any document to place before the Committee, you may do so.

SHRI RAJPAL SINGH CHOWDHURY: I have a letter to place before the Committee.

MR. CHAIRMAN: It will be better if you read out this letter slowly so that every word of it is recorded.

SHRI RAJPAL SINGH CHOWDHURY: This is a letter written by me to the hon. Chairman and Members of the Committee of Privileges, Lok Sabha Secretariat, New Delhi. The text is like this:

"Most respectfully, I beg to submit the following written statement on the question of privilege raised by Shri Satish Agarwal, M.P. against me in respect of an article published in "Blitz' dated 21st November, 1981.

1. I beg to draw the attention of the Hon'ble Committee to the fact that the whole written complaint given by Shri Satish Agarwal does not contain any allegations against me personally. A bare reading of the notice should satisfy the Hon'ble Committee that Shri S. C. Agarwal has a grievance against the front page story captioned as "Did Agarwal lie to Parliament". I may say at the outset that I am not the author of the front page story of the 'Blitz'.

- 2. Taking the complaint of Shii S. C. Agarwal parawise I may point out that paragraph (a) of his complaint deals with the front page story contained in paragraph marked I in red in the copy of the 'Blitz' which I am filing along with my written statement. Since I am not the author of the allegations contained in this para, I cannot be asked to explain them.
- 3. Similarly, paragraph (b) of his complaint relates to the front page writing of the 'Blitz' marked II in red of this said newspaper. The fact remains that I had not written these columns and as such I am not liable to answer these allegations.
- 4. Shri S. C. Agarwal in paragraph (c) has also complained about the allegations contained in the column marked III in red on the front page of 'Blitz'. My reply to this also remains the same that I have not written this column and the charge in respect of these allegations cannot be levelled against me. Even in respect of the remaining part of the complaint of Shri S. C. Agarwal, I may state that all allegations form part of the front page story of the 'Blitz' and have nothing to do with my story which appeared on pages 22 and 23 of the same issue of the Blitz. As a matter of fact, this complaint is only confined to the front page of the 'Blitz' including captions and the photographs. It will be conceded by Shri S. C. Agarwal that the front page of 'Blitz' is certainly not my article. It is mentioned on the front page of 'Blitz' itself that my story is printed on page 22 and 23 about which Shri S. C. Agarwal has not made any complaint in the notice of the privileges sent to the Hon'ble Committee.
- 5. I have already submitted another written statement on 18 February, 1982 which may kindly be read as a part of this written statement.

I sincerely regret that I could not file this written statement a week earlier as I was out of station.

In view of my above submissions, I humbly request that this Hon'ble Committee may kindly hold that I had not committed any breach of the privilege as complained by Shri S. C. Agarwal, M.P. and drop the proceedings against me."

SHRI RAM JETHMALANI: Did you see the article, which appeared in 'Blitz' which mentioned that Shri Satish Agarwal made a certain statement in Parliament in which he suppressed the truth?

SHRI RAJPAL SINGH CHOWDHURY: That is right.

SHRI RAM JETHMALANI: Did you make any enquiries to find out whether in fact Shri Satish Agarwal had made such a statement in Parliament?

SHRI RAJPAL SINGH CHOWDHURY: Truthfully, I have not gone through the proceedings of Parliament as yet. But, if you read my earlier letter, I did mention that if Shri Satish Agarwal did not make any statement in Parliament. I tender my apologies, a conditional apology.

SHRI RAM JETHMALANI: You think you have no duty or obligation to the country and to your readers? When a Member of Parliament, solemnly declares that he has not made any statement, you should at least take the trouble of verifying it.

SHRI RAJPAL SINGH CHOWDHURY: My first contention is that I am not a party to the article, which is the subject matter of privilege.

SHRI RAM JETHMALANI: The notice to you was not sent by Shri Satish Agarwal. You received a notice from Lok Sabha that your statement that Shri Satish Agarwal made a statement in Parkiament on this subject is a false report.

SHRI RAJPAL SINGH CHOWDHURY: First of all, there is nothing against me in the notice. Still, as I mentioned in my earlier letter, I have tendered my apology. If he has not said anything in Parliament, I have regretted. In fact, if Shri Agarwal had mentioned it earlier to me, I was willing to correct myself.

SHRI RAM JETHMALANI: It is only in very exceptional cirumstances that conditional apologies are accepted. It was your duty to have found out whether your statement was correct or not because the statement of Shri Agarwal is a matter of public record. Instead of trying to find out the truth, you say you are not responsible for it. You refuse to say you are responsible for it.

SHRI RAJPAL SINGH CHOWDHURY: As I have already mentioned, if he has not said it in Parliament, I have regretted it. That is all. What more can I do? I am still maintaining that stand.

SHRI P. SHIV SHANKAR: You should remember that you are before a Committee and that you have got to speak in a manner that maintains the dignity of the Committee.

SHRI RAJPAL SINGH CHOWDHURY: I am bearing that in mind. I am not in inuating anything. I am stating what I know. I am not a law-yer. What I am saying is that technically Shri Satish Agarwal has not

alleged anything against me. He is referring to the front page story in *Blitz*. If you go through the front page story, you will know what I am talking about.

SHRI P. SHIV SHANKAR: Your contention is that Shri Satish Agarwal has not made any complaint against you. Is that correct?

SHRI RAJPAL SINGH CHOWDHURY: It is right.

SHRI P. SHIV SHANKAR: If you look at the complaint, Shri Agarwal has said:

"The said story purports to have been contributed by Shri Rajpal Singh Chowdhury, Editor, *Delhi Recorder*. Both Shri R. K. Karanjia and Shri Rajpal Singh Chowdhury are guilty of gross and palpable breach of privilege and contempt of House..."

SHRI RAJPAL SINGH CHOWDHURY: In the following para he says:

"a false and a malicious accusation has been levelled against me in my capacity as a Member of the Lok Sabha by having concealed the truth when I focussed attention on Antulay's links with London millionaire Nirmal Sethia..."

This is not part of my story.

SHRI P. SHIV SHANKAR: Am I to understand that it is your case that notwithstanding the fact that the earlier part of the statement made a specific reference to you, it is offset by the subsequent paragraph?

SHRI RAJPAL SINGH CHOWDHURY: That is my case.

SHRI P. SHIV SHANKAR: Will you kindly look at the last para of his complaint, where he says:

"Articles such as these, based as they are basically upon a wilful misrepresentation of the proceedings of the House constitute a gross breach of privilege by themselves. The further motive of maligning a Member of Parliament to screen a corrupt politician or his friend is an aggravating circumstance which makes the offence of Shri R. K. Karanjia, Editor Blitz and Shri Rajpal Singh Chowdhury, Editor, Delhi Recorder unusually heinous. Both of them are guilty of breach of privilege and contempt of the House."

Do you mean to say this is also nothing against you? By your letter, which you read now, you seem to take the stand that Shri Satish Agarwal has not

made a complaint against you, therefore, the jurisdiction of this committee is non-existent and hence you must be discharged of the contempt of the House. Is that what you want to say?

SHRI RAJPAL SINGH CHOWDHURY: That is right.

SHRI P. SHIV SHANKAR: I read out to you the first portion and you have explained what you think. On the last para also, is it your case that even this also does not involve you in whatsoever manner?

SHRI RAJPAL SINGH CHOWDHURY: I am trying to say that what he has stated in the first and last paragraph are on the basis of what is mentioned in paras A to D. They do not relate to me.

SHRI P. SHIV SHANKAR: Do you know that notwithstanding a complaint not being filed, if it is a scurrilous matter or a matter which affects the dignity of the House, the House can take cognisance of that matter and refer it to the Privileges Committee for deciding whether a contempt of the House is involved?

· SHRI RAJPAL SINGH CHOWDHURY: I am aware of it.

SHRI P. SHIV SHANKAR: Have you seen the reference that has been made to the Privileges Committee?

SHRI RAJPAL SINGH CHOWDHURY: I have.

SHRI P. SHIV SHANKAR: The Resolution of the House reads:

"That the question of privilege against Shri R. K. Karanjia, Editor-in-Chief of the *Blitz* and Shri Rajpal Singh Chowdhury, Editor of *Delhi Recorder* for allegedly misrepresenting the proceedings of the House and casting reflections on Shri Satish Agarwal, a Member of this House, in a news report and an article published in *Blitz* dated 21st November, 1981 be referred to the Committee of Privileges for examination and report."

So, are you aware that the House has passed a Resolution, referring the matter of privilege against you also to this Committee?

SHRI RAJPAL SINGH CHOWDHURY: Yes, Sir. May I say that I have mentioned all this in my earlier letter? I will read out those paragraphs.

SHRI P. SHIV SHANKAR: Now what have you to say on the merits of the case? It was the article in the Delhi Recorder which was published

in the *Blitz*. Are you in a position to give any explanation on that? Or, do you feel that you have made a mistake and, therefore, you want to offer an unconditional apology before this Committee?

SHRI RAJPAL SINGH CHOWDHURY: Whatever I have to say, I have said in that letter. I have mentioned there:

"I may assure you, Sir, that through my article mentioned above I had no intention whatsoever of either misrepresenting the proceedings of the Lok Sabha or of maligning an hon. Member of our august Parliament. I may also point out that I have nothing personal against Shri Satish Agarwal, MP, and had he brought to my notice the fact of his not having referred to the alleged links of Shri Antulay and Sethia on the floor of the House I would have gladly published his version in my magazine, Delhi Recorder and put the record straight."

SHRI P. SHIV SHANKAR: We have read your letter. Is it your case that you have nothing to add to what you have read today and what you have stated in your earlier letter?

SHRI RAJPAL SINGH CHOWDHURY: I have nothing more to say.

SHRI RAM JETHMALANI: Your article contains the following statement:

"And a third murmured in my ear, 'who is the person who fed the journalists the line about Antulay's trusts being illegel and why did a former Janata Cabinet Minister make accusations about Sethia in Parliament, while taking great pains to conceal the relationship he had established with Sethia during the Janata regime?"

Do you concede that this is a para written by you?

SHRI RAJPAL SINGH CHOWDHURY: That is right.

SHRI RAM JETHMALANI: In this para you said that Shri Satish Agarwal made a statement in Parliament.

SHRI RAJPAL SINGH CHOWDHURY: That is right.

SHRI RAM JETHMALANI: When you wrote that article, did you verify it and find out for yourself whether Shri Agarwal made a statement in Parliament or you published that statement without taking care to find out the truth? I want a simple answer to this question.

SHRI RAJPAL SINGH CHOWDHURY: It is from some resource.

SHRI RAM JETHMALANI: Some source told you and you did not verify it?

SHRI RAJPAL SINGH CHOWDHURY: Some source told me.

SHRI RAM JETHMALANI: You are a responsible journalist. You know that the proceedings of the House can very easily be verified. You have not read of such proceedings of the House in any newspaper. Yet, on the basis of some secret information, you misrepresented the proceedings of the House.

SHRI RAJPAL SINGH CHOWDHURY: For that I have tendered my apology to the House.

SHRI P. SHIV SHANKAR: Apology is not a weapon of defence. Whether it should be accepted or not is entirely at the discretion of the Committee. Of course, it is for you to decide how you should put up the case.

SHRI RAM JETHMALANI: Even till today you have not verified it. Even after a solemn declaration by a Member of Parliament, you have not cared to look at the records to find out whether your statement was right or not.

SHRI RAJPAL SINGH CHOWDHURY: There was no attempt on my part to misrepresent my case or to malign him in any way. If Shri Satish Agarwal had written to me his version, I would have published it.

sile of SHRI RAM JETHMALANI : I am asking you, I as a responsible bijournalist what have you done?

SHRI RAJPAL SINGH CHOWDHURY: I have apologized.

SHRI RAM JETHMALANI: Apologized for what?

SHRI RAJPAL SINGH CHOWDHURY: It was not mentioned in Parliament. So, I apologized.

SHRI RAM JETHMALANI: After getting a solemn notice from the Committee, you have not cared to verify whether what you have stated is right or not. What kind of responsible journalist are you?

SHRI RAJPAL SINGH CHOWDHURY: I verified to the extent I could verify.

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SHRI RAM JETHMALANI: When did you verify? What did you verify?

SHRI RAJPAL SINGH CHOWDHURY: I will not get into an argument.

SHRI RAM JETHMALANI: You have put yourself in this position.

SHRI RAJPAL SINGH CHOWDHURY: I stick to my point: The notice is not against me personally. Secondly, if I have made a mistake, I have tendered my apology. That is all I can say.

SHRI RAM JETHMALANI: Do you realise that you have made a mistake?

SHRI RAJPAL SINGH CHOWDHURY: I do realise that he has not made a statement in Parliament.

SHRI RAM JETHMALANI: You have found out that Shri Satish Agarwal has not made a statement in the House.

SHRI RAJPAL SINGH CHOWDHURY: That is right.

SHRI H. K. L. BHAGAT: My question is simple and you give a straight answer without any 'ifs' and 'buts'. When you heard from some source that Shri Agarwal has made some statement in Parliament, as a responsible journalist it was your duty to verify it from the records of Parliament, or from the Member concerned whether he had said it. You did not do that. Even at that stage we expect when some reference is made to the proceedings of Parliament the journalist should verify. You should have verified.

The whole thing must be made straight. There is no question of ifs and buts. You yourself have said that you could know about it. When he has not said anything in Parliament where is the question of saying 'if he has not said this in Parliament'? Why do you not say that your regret is sincere? Having known now that it is wrong and you committed a mistake, you are absolutely sorry for this. I want a straight answer. Instead of using ifs and buts do you not feel that you committed a mistake by saying that he said this thing in Parliament and having come to know that he has not said you offer an unqualified apology?

SHRI RAJPAL SINGH CHOWDHURY; Yes, Sir. I do offer an unqualified apology.

SHRI RAM JETHMALANI: Will you publicly state it in your newspaper?

MR. CHAIRMAN: No ifs and buts.

SHRI RAJPAL SINGH CHOWDHURY: I am ready to tender apology and shall do so publicly in my paper.

SHRI RAM JETHMALANI: You will publish that your original statement was wrong. You found out that Shri Satish Agarwal made no such statement. You have tendered an unqualified apology. All these facts you are putting.

SHRI RAJPAL SINGH CHOWDHURY: That is right.

SHRI GEORGE FERNANDES: You have just now said that you did verify finally and discovered that Shri Satish Agarwal did not make a statement in Parliament. When did you make this discovery?

SHRI RAJPAL SINGH CHOWDHURY: This was in the last two months.

SHRI GEORGE FERNANDES: Was it after you wrote this letter to the Privileges Committee or before that?

SHRI RAJPAL SINGH CHOWDHURY: Part of it I had verified. All the sources were not available. I, therefore, wanted to be very sure.

SHRI GEORGE FERNANDES: I am asking about Shri Satish Agarwal having made the statement or not having made the statement.

SHRI RAJPAL SINGH CHOWDHURY: While I wrote my first letter, my sources were not very clear. But it was confirmed from the same source and a few others after I had written the first letter.

SHRI GEORGE FERNANDES: The defence that you took before and which I presume is still your position is, you have said in the second letter that various points have been raised, etc. etc. Are you very technical when you take this position or you are taking.....

SHRI RAJPAL SINGH CHOWDHURY: I am being very technical.

SHRI GEORGE FERNANDES: I would like to draw your attention to—

"Concealed the truth when I focussed attention on Antulay's links with London Millionaire Nirmal Sethia in Parliament early September this year".

Your point is that you did not make that statement.

SHRI RAJPAL SINGH CHOWDHURY: That is right.

SHRI GEORGE FERNANDES: Will you look into that article? Harassment by Customs.

"The question, it seemed to me underlying the whole sordid affair was why would Agarwal launch an attack in Parliament against Sethia and ask for the files on the London-based business magnato to be re-opened while, at the same time, taking very great care to conceal from his fellow-MPs the crucial fact of his own relationship and assistance to Sethia in the past."

Do you see any similarity in para 8 and what you have written?

SHRI RAJPAL SINGH CHOWDHURY: Except "concealed". The rest is on the front page.

SHRI GEORGE FERNANDES: The article of the Editor of Bhitz is a synopsis of what you have written.

SHRI RAJPAL SINGH CHOWDHURY: May be, Mr. Karanjia has given his statement. I cannot say.

SHRI GEORGE FERNANDES: Why did Mr. Agarwal plead that he was well qualified and had held the point against whom the accusations were levelled?

Para 'c' of Shri Agarwal's letter where again you deny the quote. Do you see any similarity in what Shri Karanjia has written in his synopsis and what you have written?

SHRI RAJPAL SINGH CHOWDHURY: I am purely going by notice. Agarwal Customs victim, etc. is not written by me. Whatever he has given in the *Blitz*, I am not aware. You have to ask him.

Even going further, victim of plot, etc., is on the front page.

I am very technical. So far as my conscience says I have apologised.

SHRI SOMNATH CHATTERJEE: You do not dispute that your article was based on the premise that Shri Agarwal had said certain things on the floor of Parliament. Is it right or not?

SHRI RAJPAL SINGH CHOWDHURY: My assumption was on the basis of certain sources. I have mentioned that earlier.

SHRI SOMNATH CHATTERJEE: Do you agree with me that it was the premise?

SHRI RAJPAL SINGH CHOWDHURY: My article is about Shri Nirmal Sethia and Satish Agarwal. That is my basic story. My story is not based on whether he said in the Parliament or he had not said in the Parliament. The breach is because of that technical problem. But my story was something else.

SHRI SOMNATH CHATTERJEE: That was not the premise. You say, yes or no.

SHRI RAJPAL SINGH CHOWDHURY: Yes Sir.

SHRI SOMNATH CHATTERJEE: Would you now look at your letter of 18th February, 1982 addressed to the hon. Speaker? You come to the 4th paragraph beginning with the words "In the aforesaid article contributed by me....". You see that last sentence. For this premise, you relied on your so-called source information and not the proceedings of the Parliament which are available very easily. Is that the position?

SHRI RAJPAL SINGH CHOWDHURY: I will go into detail. When I was doing this article, I was not in the country. I was talking more on the telephone. The people in the office were preparing this article. I was in New York. So, I had to back on my sources. It is only when I got back to India, I got to know about the facts.

SHRI SOMNATH CHATTERJEE: We are concerned about the facts of Mr. Agarwal and about his making this statement in the House or not. Please do not run away from this.

SHRI RAJPAL SINGH CHOWDHURY: I have verified it only after my return.

SHRI SOMNATH CHATTERJEE: Mr. Chowdhury, we understand that in respect of proceedings in Parliament, what one Member may have said or may not have said, you rely on your so-called source information and not the records of Parliament. You are prepared to make statements, allegations, insinuation against a Member of Parliament without caring to ascertain what are the records of the House.

SHRI RAJPAL SINGH CHOWDHURY: I did not say that.

MR. CHAIRMAN: If you rely on your source information which proved to be utterly unreliable, have you not to pay the price as a seasoned and responsible journalist?

SHRI RAJPAL SINGH CHOWDHURY: What is the price?

MR. CHAIRMAN: The price may be unqualified apology.

SHRI JAGANNATH KAUSHAL: No. The price is, if you commit contempt of the House, your source will not be able to save you. You please again try to understand. All the hon. Members are trying to tell you that there is a simple issue which you are facing. You said, on the basis of some information given to you, 'Mr Satish Agarwal has made certain statement in Parliament'. In that case, (1) it is the duty of a journalist to verify from the record of Parliament whether such a statement was made or not; (2) if the statement which was given to you by the source proves to be incorrect, you have to pay the price unless you rectify your mistake at the appropriate time. This is what all the hon. Members of the Committee are trying to tell you.

SHRI RAJPAL SINGH CHOWDHURY: I have already mentioned to you. I am willing to give an apology, an unqualified apology and I am willing to publish it in my paper.

SHRI JAGANNATH KAUSHAL: Again, may I say, the question of willing or unwilling to give an apology does not arise? Are you really sorry? Are you really repentant that this is a mistake you committed?

SHRI RAJPAL SINGH CHOWDHURY: This is what I wanted to say.

OF INTERNIBLE

SHRI CHANDU LAL CHANDRAKAR: I think, you have already heard our colleagues very carefully. I think, as a responsible journalist, you would like to realise what the feelings of the Members are. At the same time, you would like to consider all these things that you have written today or you want some time to say something finally? Do you think that you require some more time for it? Have you studied everything or you want to study something more?

SHRI RAJPAL SINGH CHOWDHURY: That is what I say. express my apology.

SHRI P. SHIV SHANKAR: On the question of apology, I want to make one thing clear. As I said earlier, apology is not a weapon of defence. Those who offer the apology must purge their conscience. It must come from the heart. You must feel innately that you have committed the mistake and you should give an impression that you are really very sorry and that must come from the bottom of the heart as though you are purging. The way in which you are trying to say is not convincing the Committee. It gives an impression that as if we are very keen to get an apology. I do not think anybody here is keen to get an apology. Please don't be under

the impression that merely because you will give an apology that we will accept it. That is also not the point. The choice is yours—absolutely yours. The tenor and tone is also yours. Nobody is in a position to control you. At the outset, I made certain positions clear to you. I thought at this stage, I must make the position clearer on the basis of what my learned colleagues have observed.

SHRI RAJPAL SINGH CHOWDHURY: I am trying to explain in the best possible way. It is my sincere apology—may be, not the way in which you expect me to express.

SHRI GEORGE FERNANDES: Insofar as the willingness to express the apology is concerned, is it only with regard to the simple question of Mr. Agarwal not having made the statement in Parliament? As for the rest of the article, do you stand by it?

SHRI RAJPAL SINGH CHOWDHURY: Yes Sir.

SHRI RAM JETHMALANI: If he says that he stands by the rest of the story, it means he still maintains that Mr. Satish Agarwal has suppressed the truth. If you remove the "Parliament" factor, you maintain that he has suppressed the truth somewhere. Right?

SHRI RAJPAL SINGH CHOWDHURY: Outside the Parliament, may be, yes; in the public, may be, yes. I am a journalist. I have still not completed my story.

SHRI RAM JETHMALANI: You still maintain that he has concealed the truth from his fellow Members of Parliament, but not on the floor of the House. If you still maintain that, then I have a few questions to ask you.

SHRI RAJPAL SINGH CHOWDHURY: I think, I have not been called here to say that my whole story is wrong.

SHRI RAM JETHMALANI: After a few questions, you will admit that even that is wrong.

SHRI RAJPAL SINGH CHOWDHURY: Whatever I am able to answer, I will do. For whatever I cannot answer, you will have to give me some more time.

SHRI RAM JETHMALANI: When you wrote this article, you know that you were attacking Mr. Satish Agarwal's character as a Member of Parliament—forget whether it was on the floor of the House or elsewhere

SHRI RAJPAL SINGH CHOWDHURY: Let me first make clear that I knew the story I was doing....

SHRI RAM JETHMALANI: When you wrote this article, you intended to attack Mr. Satish Agarwal's character as a Member of Parliament that he was guilty of suppressing the truth.

SHRI RAJPAL SINGH CHOWDHURY: After interviewing Mr. Nirmal Sethia, after taking his version, and after seeing the other documents, yes.

SHRI RAM JETHMALANI: By writing this article you did intend to tell the public that Mr. Satish Agarwal was a dishonourable Member of Parliament.

SHRI RAJPAL SINGH CHOWDHURY: I would not like to answer that at this moment. I am not a lawyer.

SHRI RAM JETHMALANI: You do not have to be a lawyer to answer that.

SHRI RAJPAL SINGH CHOWDHURY: This question I cannot answer at this moment. I will have to consult my lawyer.

SHRI RAM JETHMALANI: You refuse to answer the question.

SHRI RAJPAL SINGH CHOWDHURY: I do not say, I refuse to answer; I say, at this moment, I cannot answer.

SHRI RAM JETHMALANI: Before you wrote this article attacking Mr. Satish Agarwal's character, did you have the decency to contact Mr. Satish Agarwal and ask his version?

SHRI RAJPAL SINGH CHOWDHURY: Before publishing the article in Blitz. I did.

SHRI RAM JETHMALANI: Before writing this article, did you contact Mr. Satish Agarwal and find out what he had to say?

SHRI RAJPAL SINGH CHOWDHURY: Through a 'source', yes; not personally.

SHRI RAM JETHMALANI: Did your 'source' intimate to you that he had contacted Mr. Satish Agarwal? Did your 'source' report back to you? You told Mr. George Ferenandes that you still maintain the rest of the story as truth. I want to show you how irresponsible you are.

SHRI RAJPAL SINGH CHOWDHURY: My article was on the basis of an interview with Mr. Nirmal Sethia and the documents which I received. That is all.

SHRI RAM JETHMALANI: Did your 'source' inform you, after contacting Mr. Satish Agarwal, that Mr. Satish Agarwal had admitted to him that he had made a statement in Parliament?

SHRI RAJPAL SINGH CHOWDHURY: I am not trying to go round. What I am trying to explain is that it is on the basis of an interview with Mr. Nirmal Sethia. He mentioned it to me. I did not mention it. I just published my interview with him. I am only quoting him, not me.

SHRI RAM JETHMALANI: Why did you not in your article publish what Mr. Satish Agarwal had told your source?

SHRI RAJPAL SINGH CHOWDHURY: I could not get him. Even after having published the article, if he had anything to say, I am still willing to publish it. I had gone by the interview given by Mr. Nirmal Sethia and the facts given to me.

SHRI RAM JETHMALANI: You had not contacted Mr. Satish Agarwal personally before the article was published.

SHRI RAJPAL SINGH CHOWDHURY: He was just not available.

SHRI P. SHIV SHANKAR: Your article in Delhi Recorder was published after you interviewed Mr. Nirmal Sethia.

SHRI RAJPAL SINGH CHOWDHURY: That is right.

SHRI P. SHIV SHANKAR: I am just referring to your question on page 82 of Delhi Recorder. You put a question to Mr. Nirmal Sethia. I quote:

"Q.: But it was Mr. Satish Agarwal who has raised the matter about the enforcement cases against you in Parliament. Do you have any comment about this?

A: Basically, I think, these are Opposition tricks. Mr. Satish Agarwal is trying hard to bring my letter to the attention of the present Finance Minister but what I don't understand is why is he trying to hide the fact that he had met me and that he has written a letter to me himself saying that the incidents of airport harassment would not re-occur..."

Is this position correct? You put the question and the answer was given.

SHRI RAJPAL SINGH CHOWDHURY: Yes.

SHRI RAM JETHMALANI: You tried to contact Mr. Satish Agarwal through a 'source' and that 'source' never reported back to you what Mr. Agarwal had to say.

SHRI RAJPAL SINGH CHOWDHURY: I did not say, he never reported back to me. I think, he was out of station; he was not available.

SHRI RAM JETHMALANI: Therefore, your 'source' did not report that he has not been able to contact Mr. Satish Agarwal.

SHRI RAJPAL SINGH CHOWDHURY: My conscience is very clear....

SHRI RAM JETHMALANI: I am not worried about your conscience; I am worried about the facts. Before you published this article, you neither contacted Mr. Satish Agarwal personally nor succeeded in contacting him through any source.

SHRI RAJPAL SINGH CHOWDHURY: That is right.

SHRI RAM JETHMALANI: Therefore, you did not know at all what Mr. Satish Agarwal had to say on the point.

SHRI RAJPAL SINGH CHOWDHURY: That is right.

SHRI RAM JETHMALANI: About these letters, from where did they Come, from whom?

SHRI RAJPAL SINGH CHOWDHURY: I cannot tell you my 'source' without consulting my lawyer about this. How can I give you my 'source'? I am a journalist. I cannot give you my source, who said what to me.

SHRÎ P. SHIV SHANKAR: The question that is being asked is, whether these letters have been handed over to you through your 'source'.

SHRI RAJPAL SINGH CHOWDHURY: It has to be through some 'source':

SHRI P. SHIV SHANKAR: I think, you can be specific. The question that is being asked is, whether these letters that came to your possession were handed over to you through your own 'source'.

SHRI RAJPAL SINGH CHOWDHURY: That is right.

SHRI RAM JETHMALANI: Beyond the letters or the links which these letters disclose, you say, you have no other material.

SHRI RAJPAL SINGH CHOWDHURY: Besides these letters, I had other material which I have not published as yet. I still have some material with me. Whatever I wanted to publish at that stage, I did.

SHRI RAM JETHMALANI: Whatever you have published is based only on the basis of those letters.

SHRI RAJPAL SINGH CHOWDHURY: It is based on those letters and the interview given to me by Mr. Nirmal Sethia.

SHRI RAM JETHMALANI: All the three letters disclose that the Member of Parliament wrote something to the Minister and the Minister said, "I will have it examined in due course."

SHRI RAJPAL SINGH CHOWDHURY: I do not know what you are trying to get at.

SHRI RAM JETHMALANI: You have read these letters?

SHRI RAJPAL SINGH CHOWDHARY: Yes.

SHRI RAM JETHMALANI: You know, whenever any Member of Parliament or ex-Member of Parliament has any grievance to make to the Minister, the Minister in the normal routine course of things gets the matter examined by the Department. Do you know it as a responsible journalist?

SHRI RAJPAL SINGH CHOWDHURY: I will not go into the details of my story right now. It is an unfinished story. I have been hauled up for a breach of privilege. That is why I have stopped writing it. I have certain proofs that he had links with Mr. Nirmal Sethia. I take his word. He gave me an interview.

This is what Mr. Nirmal Sethia told me and this is what I have written. I have not gone into further details.

SHRI RAM JETHMALANI: How much care had you taken to examine the Antulay affair? You have mentioned about Mr. Antulay in this article. How much of investigation had you done on that?

SHRI RAJPAL SINGH CHOWDHURY: I have been writing on Mr. Antulay for a long time. This was not my first article on him.

SHRI RAM JETHMALANI: Since when?

SHRI RAJPAL SINGH CHOWDHURY: For quite some time. I do not remember, since when, But I have written quite a few articles.

SHRI RAM JETHMALANI: I want to know about the material published about him in this article.

SHRI RAJPAL SINGH CHOWDHURY: I am quite familiar with Mr. Antulay and the Maharashtra politics. I have been writing about him and about the Maharashtra scene for a long time. But what I am trying to say now is that, if my breech is restricted to the fact whether he said or not in Parliament, I apologize sincerely. The rest of my story has nothing to do with it.

SHRI RAM JETHMALANI: If you were thoroughly irresponsible and were making an attack on a Member of Parliament without verification of facts, without talking to him, we may not accept your apology.

SHRI RAJPAL SINGH CHOWDHURY: I am willing to apologise very sincerely. But what you are trying to say is that my story is incorrect. That is a different thing altogether. Let us not mix up the two things.

SHRI RAM JETHMALANI: Unless I am satisfied about the genuincness of your apology....

SHRI RAJPAL SINGH CHOWDHURY: I will satisfy you to any extent on that. But my story has nothing to do with that. I regret that my source was not a good source, I should not have relied upon him, and I sincerely regret for that.

SHRI RAM JETHMALANI: It is the same source which has again given this....

SHRI RAJPAL SINGH CHOWDHURY: I have not said, the same source. There are many other sources.

SHRI RAM JETHMALANI: I am still not satisfied.

SHRI H. K. L. BHAGAT: We shall see after the witness goes away whether we are willing to accept his apology or not. As far as I am concerned, I am not going into the qestion of the rest of your story, Mr. Rajpal Singh Choudhury, what Mr. Nirmal Sethia said, and so on. If necessary and if the Committee thinks it proper to go into that question, we will do that. Here one thing which needs to be made clear is this. You did not make an enquiry about his speech in Parliament, whether he spoke or not, which you should have made. Any source may tell you anything, but it is

your responsibility as a journalist to make an enquiry from the person concerned or to check up from the record of Parliament. But you did not do that and you published it on the basis of what the source told you, and you feel sorry for it. As Mr. Shiv Shankar has said, we are not out to extract an apology from you. We may or may not accept your apology, but we want to be satisfied with your apology so far as your reference to his making the speech in Parliament is concerned, whether you sincerely, from the core of your heart, tender an unqualified apology which you will publish in your paper. That is my straight question. You may say 'yes' or 'no' without any arguments.

SHRI RAJPAL SINGH CHOWDHURY: Yes, Sir.

SHRI SOMNATH CHATTERJEE: The matter was raised in Parliament by Mr. Satish Agarwal on 9th December, 1981. You came to know about it from newspapers, I take it.

SHRI RAJPAL SINGH CHOWDHURY : Yes, Sir.

SHRI SOMNATH CHATTERJEE: Then you sent a reply, pursuant to a notice from the Lok Sabha, on the 18th February, 1982, that is, more than two months later. In that letter, in the last portion, you say:

"If I gave credence to an assertion which is now not borne out by facts in so far as Mr. Agarwal did not, as he claims, actually speak in Parliament about any affeged links of Mr. Antulay with Shri Nirmal Sethia, I have no hesitation in expressing my sincere regrets for any wrong impression that my article may have caused."

Even after more than two months, you had not verified it. Was that the position then when you wrote this letter?

SHRI RAJPAL SINGH CHOWDHURY: At that time I was not fully satisfied.

SHRI SOMNATH CHATTERJEE: Before writing the letter to the Speaker, Lok Sabha, you had not verified that at all!

SHRI RAJPAL SINGH CHOWDHURY: I had not. The reason for this was, I had been told by my source, he had made a certain statement, and I was trying to go through newspapers and others. In the meantime I had to give a reply and I went ahead with the reply.

SHRI SOMNATH CHATTERJEE: If you come to your article which was published in the *Blitz* under the heading "Harassment by Customs", you have said in one of the paragraphs:

"The question, it seemed to me underlying the whole sordid affair was why would Mr. Agarwal launch an attack in Parliament against

Mr. Sethia and ask for the files on the London-based business magnate to be reopened while, at the same time, taking very great care to conceal from his fellow MPs the crucial fact of his own relationship and assistance to Mr. Sethia in the past."

In the next paragraph you say:

"...that he had devoted a considerable effort to be of help to Mr. Sethia..."

These two paragraphs clearly refer to his conduct as a Member of Parliament. What you intended to refer or mention in these two paragraphs was the conduct of Mr. Satish Agarwal as a Member of Parliament clearly; unequivocally these two paragraphs refer to his conduct in Parliament. Did you not intend that? Answer 'yes' or 'no'.

SHRI RAJPAL SINGH CHOWDHURY: I have apologized, and I sincerely apologize, I am very sorry, that my source was incorrect; I should have checked up whether he said on the floor of the House or not. I regret very sincerely for that, and I well mean it.

SHRI SOMNATH CHATTERJEE: Does your apology also extend to those two paragraphs?

SHRI RAJPAL SINGH CHOWDHURY: That is something also altogether. That is my story...

SHRI SOMNATH CHATTERJEE: I have again to go back to my question. Did you not intend to refer to Mr. Agarwal's conduct in Parliament when you wrote these two paragraphs? Say 'yes' or 'no'.

SHRI RAJPAL SINGH CHOWDHURY: I don't think so. That was not my intention.

SHRI P. SHIV SHANKAR: Have you anything more to say?

SHRI RAJPAL SINGH CHOWDHURY: I would like to sum up by saying that I sincerely regret that I did not go through, check with, the proceedings of the House before publishing or writing the fact that he said in Parliament. I should have checked up. For that I sincerely regret.

SHRI P. SHIV SHANKAR: Speaking for myself, your tone and tenor of speaking have been such that we are not satisfied, at least I am not satisfied, with the sincerity of your apology. Please put it in writing and pass it on to us. We shall consider.

SHRI RAJPAL SINGH CHOWDHURY: I shall do that.

MR. CHAIRMAN: You may go back, and after some time, send in writing what you have to say; because may be, at times people are agitated, and only in cooler moments, when they are calm and collected, the true feelings are expressed. And then whatever you write is supposed to be the true feelings....

SHRI H. K. L. BHAGAT: If you are giving an unqulified apology for that, give it in writing.

MR. CHAIRMAN: On this issue you have understood the whole tenor of the discussion. So whatever you have to say, you please give it in writing. It will be helpful to the Committee as also to you.

SHRI RAJPAL SINGH CHOWDHURY: Could I do it tomorrow or do you want it to-day?

MR. CHAIRMAN: To-day after an hour—if that is possible.

SHRI DHARAM BIR SINHA: Will you take into consideration the two paragraphs Mr. Chatterjee referred to. You say:

"The question, it seemed to me, underlying the whole sordid affair was why would Agarwal launch at attack in Parliament against Sethia..."

Whether it did reflection Mr Agarwal's conduct as a Member of Parliament—when you write your letter, you clarify that point.

SHRI H. K. L. BHAGAT: Just I am endorsing what Mr. Sinha has said. In these two paragraphs there is a reference that Mr. Agarwal as a Member of Parliament is not honest. In the apology you make it clear that you had no intention to attack Mr. Agarwal as a Member of Parliament.

The witness then withdrew.

(2) Evidence of Shri R. K. Karanjia, Editor-in-Chief, BLITZ, Bombay.

MR. CHAIRMAN: Shri R. K. Karanjia, you have been asked to appear before this Committee to give evidence in connection with the question of privilege raised by Shri Satish Agarwal, M. P., against you and Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder, for allegedly misrepresenting the proceedings of the House and casting reflections on him in a news report and an article published in the Blitz in its issue dated 21st November, 1981.

I hope you will state the factual position frankly and truthfully to enable this Committee to arrive at a correct finding.

I may inform you that under Rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you as confidential till the Report of the Committee and its proceedings are presented to Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute a breach of privilege and contempt of the Committee. The evidence which you will give before the Committee may be reported to the House.

Now you may please take oath or affirmation as you like.

The witness then made the affirmation.

MR. CHAIRMAN: If you have any documents that you want to place before the Committee, you may do so.

SHRI R. K. KARANJIA: Nothing beyond what I have already placed before the committee.

SHRI RAM JETHMALANI: The communication which you have sent to this committee—I have gone through it. I take it that your stand is that you published an article written by somebody else and you published more or less a synopsis of what that article says without any independent inquiry of your own.

SHRI R. K. KARANJIA: That is true. Unfortunately I took whatever was published by the *Delhi Recorder* as true. I questioned the editor and then I asked him to contribute an article together with the extra materials that he had in his possession in the form of photostat copies of the letters. Of course, I took his word.

SHRI RAM JETHMALANI: In the light of the subsequent events I think you have discovered that it was an error on your part to have published it.

SHRI KARANJIA: Absolutely. There is no doubt at all.

SHRI RAM JETHMALANI: I think you are sorry for it.

SHRI KARANJIA: I am sorry for it. I said so. Not only that, it was certainly not motivated by wilful misrepresentation as has been said. I think I am as much a victim of a plan as was Mr. Satish Agarwal. I took whatever had appeared as true.

SHRI RAM JETHMALANI: I hope you will give due publicity to it in your paper.

SHRIR. K. KARANJIA: Yes, of course, I have maintained in my letter that if Mr. Agarwal or any body else repudiates what we had published or what had been published three weeks previously in the *Delhi Recorder*. I would out of my own sense of honesty and fairness have published it and also expressed my regret for it.

SHRI RAM JETHMALANI: We hope you will do that now.

SHRI R. K. KARANJIA: With pleasure.

SHRI P. SHIV SHANKAR: Repudiation is a different aspect altogether. The main point is and I quote:

"One of these votaries of truth Satish Agarwal himself concealed the truth when he focussed attention on Antulay's links with London millionaire Nirmal Sethia in Parliament early September this year conveniently forgetting his very own Sethia connection."

It transpires that so far as Mr. Agarwal is concerned he did not make any reference or even did not speak in Parliament itself. Of course, you have said whatever had appeared in the *Delhi Recorder* and on the basis of what was handed down to you by Mr. Chowdhury you published. I presume that once you had come to know that Mr. Agarwal himself did not make any statement you must have felt sorry from the very bottom of your heart....

SHRI R. K. KARANJIA: I did.

SHRIP. SHIV SHANKAR: ... and as Mr. Jethmalani put it whether Mr. Satish Agarwal repudiates it or not the correct position would be that in the apologetic tone you would certainly publish it in your paper.

SHRI R. K. KARANJIA: Yes.

SHRI SOMNATH CHATTERJEE: Mr. Karanjia, you are an experienced journalist. Here you have not only reproduced an Article but you have also given your comments. Do I take it that your comments were based solely on your appreciation or understading of what was written by Mr. Chowdhury?

SHRI R. K. KARANJIA: To the best of my knowledge, yes. Since the same Mr. Chowdhury had contributed a similar Article to his own Paper and I was in Delhi and also in Bombay where I saw the walls plastered with posters and in the background of what had become a turbulent controversy at that time where everything was said on all sides in that kind of cli mate I thought I would call Mr. Chowdhury, speak to him and ask him to corroborate his Articles. He had mentioned about some photo copies. I S/1 LSS/83—6

did not see the photo copies but when he came to me he managed to convince me about his bonafides and somehow or other I did not make the necessary inquiries as to the basis of the Article whether Mr. Satish Agarwal had made such a speech in Parliament or not.

SHRI SOMNATH CHATTERJEE: We appreciate what you say but do I take it that your news report was based on your understanding of Mr. Chowdhury's Article or on some independent inquiry?

'SHRI R. K. KARANJIA: Just M1. Chowdhury's Article.

SHRI SOMNATH CHATTERJEE: Do I take it that you appreciate when an Article refers to a speech made in Patliament the best way to verify it is from the records of the House?

SHRI R. K. KARANJIA: Yes.

SHRI SOMNATH CHATTERJEE: And that was not done.

SHRI R. K. KARANJIA: It was not done.

SHRI SOMNATH CHATTERJEE: There was some reference in Mr. Chowdhury's Article to Mr. Satish Agarwal's conduct as Member of Parliament. Have you to say anything about that?

SHRI R. K. KARANJIA: Since Delhi Recorder had come out with all fanfare of publicity and there was no rejoinder and I also asked Mr. Chowdhury as to whether he received any reply. He said what reply can there be. He had been to two continents and done investigatory reporting and get the photo copies and met the persons...

SHRI RAM JETHMALANI: Except the person whom he attacked.

SHRI R. K. KARANJIA: May be so,

MR. CHAIRMAN: Am I correct that whatever might have been the reason for your publishing what you did in the issue of Blitz Nov, 21, 1981 you sincerely regret that.

SHRI R, K. KARANJIA; I do, I have nothing but admiration for Mr. Agarwal and the way he stood up for popular causes. Unfortunately, on this particular issue we were involved in an angry controversy over Mr. Antulay—whether he was right or not—and that controversy had dragged the Presiding Officers of both the Houses...

MR. CHAIRMAN: That we understand.

- SHRI DHARAM BIR SINHA: There are other aspects in the Article which reflect on Mr. Satish Agarwal's conduct as Member of Parliament. Are you sorry about that also?
- SHRI R. K. KARANJIA: Yes, Once the basis of the Article is blown up the rest follows. If you want me I would be happy to publish a statement.
- MR. CHAIRMAN: When you publish the necessary Article expressing regrets please send a copy of the same to the committee.

SHRI R. K. KARANJIA: Yes.

MR. CHAIRMAN: It should be published on the front page.

SHRI R. K. KARANJIA: I will do so. I hope the Committee will realise that it was not done out of any...

MR. CHAIRMAN: That you have already explained.

SHRIP. SHIV SHANKAR: Since you have expressed your intention to publish please don't write that you are doing it at our instance. Please don't make any reference to the committee.

SHRI R. K. KARANJIA: Yes.

SHRI GEORGE FERNANDES: In your letter you have mentioned that whatever you wrote on the front page is but a summary of what Mr. Chowdhury had written on pages 22-23. Do you feel that it was a faithful summary or synopsis of Mr. Chowdhury's article?

SHRI R. K. KARANJIA: I will tell you why I did it: It does not itself say anything: it is only just a re-production of another publication. I think I have said it already.

SHRI P. SHIV SHANKAR: You said that it is a brief summary. Now, I think, what my learned friend would like to know is this: You have fust relied on what is published in the 'Delhi Recorder' and you have reproduced—perhaps in your own language, but the substance is the same.

SHRI R. K. KARANJIA: I don't think there was anything added.

SHRI RAM JETHMALANI: No part of it is your document, so to say.

SHRI H. K. L. BHAGAT: We very much appreciate the right stand you have taken—you have been a journalist of national and international reputation—and we specially appreciate the straightforward attitude

which you have taken in this matter. You said, Mr. Agarwal did not send his version. If he had sent his version, you would have very gladly published it. As a matter of principle what is the correct practice, I just want to know. When such a story comes to you for publication, should it not first be verified independently with the persons who are actually concerned? It should have been done automatically, without any body complaining to you, without the Privilege Committee taking note of it. When did you come to know of this fact, that Agarwal did not make a speech in Parliament? If you came to know of it, why was it not published then and there?

SHRI R. K. KARANJIA: I came to know after the Privileges Committee was seized of the matter.

My Legal Adviser said, if I say anything, it was likely to be treated as contempt; the better thing is that I should keep quite. I should not say anything till the matter is finished.

But, on the other hand, if Mr. Agarwal or any body, any Member of Parliament had pointed out to me that such a speech was never made and so on, I would certainly have published it on my own—I would not say 'apology', but the other version of it—so that readers are aware of the version of both the sides.

SHRI H. K. L. BHAGAT: The front-page headline says: 'Did Mr. Agarwal lie to the Parliament?' Would you not agree with me that if the story is wrong, and if such a headline is put, it would not be proper; such innuendoes should never be made. It is not proper; and without verification such a thing should never be published. Actually, without verification it has been put.

SHRI R. K. KARANJIA: The fault was, I did not verify it.

SHRI H. K. L. BHAGAT: Thank you very much. I have finished.

SHRI P. SHIV SHANKAR: You will, I think, put it in the same type of bold letters, so that people will be satisfied that you have put the truth correctly. We leave it to you. Thank you very much.

SHRI RAM JETHMALANI: So that the damage done is effectively repaired. We leave it to you; You do it as effectively as possible. Thank you.

MR. CHAIRMAN: Thank you, Mr. Karanjia, you may now retire.

SHRI R. K. KARANJIA: Thank you, Sir.

(The witness then withdrew).

Thursday, 18 November, 1982

PRESENT

Shri Vijay Kumar Yadav — In the Chair.

MEMBERS

- 2. Shri Chandulal Chandrakar
- 3. Shri Jagan Nath Kaushal
- 4. Shri K. Ramamurthy
- 5. Shri Dharam Bir Sinha
- 6. Shri Krishna Prakash Tewari
- 7. Shri P. Venkatasubbaiah
- 8. Shri Zainul Basher.

SECRETARIAT

Shri M. P. Gupta-Chief Examiner of Bills and Resolutions

WITNESS

Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder.

(The Committee met at 10.30 hours)

Evidence of Shri Rajpl Singh Chowdhury, Editor of Delhi Recorder.

MR. CHAIRMAN: Shri Rajpal Singh Chowdhury: You have been asked to appear before the Committee of Privileges in connection with the question of privilege raised by Shri Satish Agarwal, M.P. against you and Shri R. K. Karanjia, Editor-in-Chief of Blitz, Bombay for allegedly misrepresenting the proceedings of the House and casting reflections on him in a news report and an article published in the Blitz in its issue dated 21 November, 1981.

As decided by the Committee, you were asked on 4 October, 1982, to publish your apology prominently in your magazine, Delhi Recorder, in its next issue and forward a copy thereof expeditiously for being placed before the Committee. You were also reminded on 19 October, 1982 to publish your apology expeditiously.

Please explain the reasons for not publishing your apology so far.

SHRI RAJPAL SINGH CHOWDHURY: I got the letter. My office received the letter on 4th October when I was out of town. I had left instructions to the office that no confidential letter addressed to me should be opened, since I was in the field. When I came back, I was told about the letter by the office. Later on, the letter dated 19th October was sent when I was still out of station. That explains the delay in replying to your letter.

As far as printing is concerned, we normally close it 15 to 16 days before the date of issue. We received the letter only on the 4th October. We should have closed the magazine latest by the 25th of the earlier month. Hence it was not possible to print it in the October issue. A reply to your letter dated 5-11-1982 was sent on 10-11-1982, explaining my position. It says:

".....However, in this connection it may be mentioned that your letter No. 18/1/82-Priv./L-1 dated 19-10-1982 was duly acknowledged on October 20, 1982 by Registered A.D. Post. It was pointed out therein that as the Editor, Mr. Rajpal Singh Chowdhury, was out of station, the apology will be published in our next issue.

It was followed by another letter dated October 25, 1982 in which we had mentioned that we will certainly accommodate the apology in the next issue in the manner suggested by you.

This is to confirm that the matter for the apology has already been sent to the Press, and it will be carried in the November issue. A copy of the same will be sent to you as soon as the magazine is out."

I have got the magazine before me now. There was a strike. What I have with me is not a complete issue. Anyway, I will now circulate it to the Members of the Committee. It is at page 2.

SHRI K. RAMAMURTHY: Most of the correspondence with this Secretariat was made only through your G.M. You never signed any one of the letters. This particular privilege issue was raised against you since you are incharge of this magazine. What made you not to sign that correspondence?

SHRI CHOWDHURY: As a normal practice, I do not sign specially when I am out of station.

SHRI K. RAMAMURTHY: Then how did you come to know about this correspondence?

SHRI CHOWDHURY: I gave instructions to open it.

SHRI K. RAMAMURTHY: This particular issue is against you particularly, not against the company. He may be the executive head of your concern. What made you not to sign any letter?

SHRI CHOWDHURY: I have no objection in signing any letter. This is a matter of practice.

SHRI K. RAMAMURTH Y: It is peculiar to know that these papers were not signed by you. This is a matter concerning yourself and your magazine. I thought you deliberately did not sign.

SHRI CHOWDHURY: That is not the case.

SHRI K. RAMAMURTHY; Your GM cannot carry out all sort of responsibilities.

SHRI CHOWDHURY: He is not carrying out all sort of responsibilities.

MR. CHAIRMAN: You may go now.

The witness then withdrew.

APPENDICES

LIST OF APPENDICES

		PAGE
I.	Copy of Notice of question of privilege dated 9 December, 1981, by Shri Satish Agarwal, M.P.	88
II.	Copy of News Report by Shri R. K. Karanjia, published in BLITZ dated 21 November, 1981.	91
Ш.	Copy of article by Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder published in BLITZ dated 21 November, 1981	95
Į٧.	Copy of letter dated 29 December, 1981, from Shri R. K. Karanjia, Editor-in-Chief, BLITZ, to the Speaker, Lok Sabha	101
٧.	Copy of letter dated 2 February, 1982, from Shri R. K. Karanjia, Editorin-Chief, BLITZ to the Speaker, Lok Sabha	103
VI.	Copy of letter dated 18 February, 1982, from Shri Rajpal Singh Chowdhury, Editor & Publisher, Delhi Recorder to the Speaker, Lok Sabha	105
VII.	Copy of apology by Shri Rajpal Singh Chowdhury, Editor, Delhi Recorder, published on page 4 of Delhi Recorder of November, 1982	108

111

APPENDIX I

(See paras 13 and 16 of the Report)

Copy of Notice dated 9 December, 1981, by Shri Satish Agarwal, M.P.

From

Shri Satish Agarwal, M.P. 3, Ferozeshah Road, New Delhi.

To

The Secretary, Lok Sabha, New Delhi.

Dear Sir.

I hereby give notice of breach of privilege and contempt of House under Rule 222 of the Rules of Procedure and Conduct of Business in Lok Sabha against Shri R. K. Karanjia, Editor, Blitz and Shri Rajpal Singh Chowdhury, Editor, Delhi Recorder as under alongwith the relevant copy of the Blitz dated the 21st November, 1981:—

In the issue of November 21, 1981 of the Weekly *Blitz* published by Shri R. K. Karanjia on the front page appeared a news item under the caption: "Did Agarwal lie to Parliament" A full story about this very news item appears on pages 22 and 23 of the same issue. The said story purports to have been contributed by Shri Rajpal Singh Chowdhury, Editor, *Delhi Recorder*. Both Shri R. K. Karanjia and Shri Rajpal Singh Chowdhury are guilty of gross and palpable breach of privilege and contempt of House in as much as—

(a) a false and malicious accusation has been levelled against me in my capacity as a Member of the Lok Sabha by having "concealed the truth when I focussed attention on Antulay's links with London millionaire Nirmal Sethia in Parliament earlier September this year....." The said statement is a complete tissue of lies. I never spoke in Parliament at any time either in September or at any other time referring to any alleged links of Antulay with London millionaire Nirmal Sethia. There was no occasion of any kind when I suppressed any truth whatsoever. There was no occasion of any kind when I in any manner whatsoever concealed any truth from the House or even remotely misled the House.

(b) There is a further insinuation that the "... Truth surfaced with the discovery of tell-tale letters which damn crusader Agarwal as the culprit who knowingly and deliberately got Sethia out of trouble..." This statement is also a complete distortion of facts since truth had never been suppressed and so there is no question of its being discovered, much less that truth was discovered because of the four letters mentioned in the article photocopies of which have been printed in the same issue.

The letter of 25th of April, 1978, is a letter addressed to me by Shri Bishwanath Jhunjhunwala, an ex-Member of Parliament from Rajasthan. As it was my duty as a Minister I got the matter examined and informed Mr. Jhunjhunwala that I was getting the matter examined vide letter dated 29th April, 1978. I never issued any instructions to the Collector of Customs. When the enquiry came to be made obviously the action was taken by the department itself. Whatever action the department took was communicated by me through a letter dated 26th August, 1978 to Shri Bishwanath Jhunjhunwala. Vide letter dated the 4th September, 1978 Shri Jhunjhunwala in turn appears to have conveyed to Nirmal Sethia in London what he had heard from me. To suggest that I got Sethia out of any trouble or that I had suppressed this fact from the House is a total concoction.

(c) Equally false is the story that I had some animus against Sethia because he had decided at the instance of Mr. Antulay to change the venue of his proposed Hospital from Rajasthan to Konkan.

According to Mr. Nirmal Sethia it was the decision to change the venue of the Hospital he intended to build in Rajasthan at Agarwal's instance, to the Konkan which led me to whip the very man whom I had met, known and helped. As stated above, this is wholly false and fabricated story I have not known Nirmal Sethia at any time. Neither I asked nor he agreed to construct any hospital in Rajasthan at my instance. Nor did I know that he had changed his plans at Antulay's

instance. There was no question of my entertaining any animus against him and I have not in any manner displayed that animus against him. It is obvious from the letter of 25th April, 1978 that Nirmal Sethia was being roughly treated as an undesirable person by the customs authorities in India. When a respectable ex-Member of Parliament personally certified that he comes from a respectable family and he should not be unnecessarily harassed in future, it was my duty to have the matter investigated in the routine course and this is exactly what happened.

The author of the article Mr. Rajpal Singh Chowdhury himself asserts that Sethia is so respectable and has such a reputable family background that it is impossible that he was engaged in anything shady. Under the circumstances, the insinuation that I got him out of trouble or "pulled his chestnuts out of customs fire" is a clumsy and irresponsible insinuation. It is solely intended to tarnish my image as a Parliamentarian and is meant to deter me from raising issues of Public Importance in the House.

The whole tenor of the article and the manner of its presentation leave no doubt whatsoever that the article is an inspired defence of Chief Minister Antulay who is depicted as a "victim of a plot" and Sethia who is depicted as "baring facts" and me as living in a glass house.

Articles such as these based as they are basically upon a wilful misrepresentation of the proceedings of the House constitute a gross breach of privilege by themselves. The further motive of maligning a Member of Parliament to screen a corrupt politician or his friend is an aggravating circumstance which makes the offence of Shri R. K. Karanjia, Editor, Blitz and Shri Rajpal Singh Chowdhury, Editor, Delhi Recorder unusually heinous. Both of them are guilty of breach of privilege and contempt of the House.

Yours faithfully,

Sd/-SATISH AGARWAL Division No. 457

Encl: Copy of the Blitz dt. 21-11-81.

APPENDIX II

(See para 13 of the Report)

Copy of News Report by Shri R. K. Karanjia published in BLITZ, dated
November 21, 1981.

DID AGARWAL LIE TO PARLIAMENT?

Critics of Chief Minister A. R. Antulay, who have been freely throwing the charge of "LIES" at everybody, including Prime Minister Indira Gandhi, Rajya Sabha Chairman Hidayatullah and Lok Sabha Speaker Jakhar, themselves cannot escape the taint of black kettles,

One of these votaries of truth Satish Agarwal, himself concealed the truth when he focussed attention on Antulay's links with London millionaire Nirmal Sethia in Parliament early September this year, conveniently forgetting his very own Sethia connection.

As Minister of State for Finance in the Janata Government, Agarwal himself pulled Sethia's chestnuts out of the Customs fire on the intervention of the late Bishwanath Jhunjhunwala, then Janata M.P.

This shocking truth surfaced with the discovery of tell-tale letters* (see photocopies) which damn crusader Agarwal as the culprit who knowingly and deliberately got Sethia out of trouble, as one of his subsequent letters to Jhunjhunwala clearly assured "Collectors of Customs have been addressed suitably in the matter.....such incidents would not recur."

While launching a tirade against Antulay, Agarwal evidently thought his own role in helping Sethia whould not be revealed, and merrily opened a broadside against his friend Sethia and Antulay, to the delight of the latter's critics, little realising that, one day, his own part in a sordid episode would be exposed.

What led Agarwal to whip the very man he had met, known and helped?

According to Sethia, it was the decision to change the venue of the hospital he intended to build in Rajasthan, at Agarwal's instance, to the Konkan, on Antulay's persuasion. Evidently, any stick is good enough in politics, even if, in the end, it lands on ones own back.

^{*}See Annexure.

ANNEXURE TO APPENDIX II

·Bishwanath Jhunjhunwala Ex-Member of Parliament (Lok Sabha) Phones: Off: 21-3631/32/33 33-A, Chowringhee Road, 10th Floor, Calcutta-700071 25th April, 1978

My dear Syt. Satish ji,

Reference our talks in Delhi regarding Mr. Sethia of London, I am attaching herewith a letter which is self-explanatory. I know Mr. Sethia since last 25 years and I do not think he is an undesirable person. I would be grateful if you would personally look into the matter so that this gentleman who comes from a respectable family may not be unnecessarily harassed in future. I am coming to Delhi on the 23rd morning to attend Kanwarlalji's daughter's marriage when I will have the pleasure to meet you and I do hope that by that time you will be familiar with the matter.

With kind regards,

Yours sincerely,
Sd/(B. N. JHUNJHUNWAL A)

Encl: As above.

Syt. Satish Agarwal, Minister of State for Finance, Government of India, New Delhi.

3261/115 (EC)78

MINISTER OF STATE FOR FINANCE INDIA NEW DELHI April 29, 1978

Dear Shri Jhunjhunwala,

I have received your letter of 25th April regarding Shri Sethia of London. I am getting the matter examined.

2. I look forward to meet you in Delhi on 24th May when you are coming to attend the marriage of Shri Kanwarlalji's daughter.

With regards,

Yours sincerely, Sd/-(SATISH AGARWAL)

Shri Bishwanath Jhunjhunwaia, En-Member of Parliament, 33-A, Chowringhee Road (10th floor), Calcutta-700071.

D.O. No. 2693/ES/SC/78
MINISTER OF STATE FOR FINANCE
INDIA
NEW DELHI
August 26, 1978

Dear Shri Bishwanathji,

Please refer to your letter dated 25-4-1978 concerning Shri Sethia.

2. I have got the matter looked into. It has been reported that the Collectors of Customs have been addressed suitably in the matter. I hope such incidents would not recur.

With regards,

Yours Sincerely,
Sd/(SATISH AGARWAL)

Shri Bishwanath Jhunjhunwala, Ex-Member of Parliament, 33-A, Chowringhee Road, (10th Floor), Calcutta-700071.

Bishwanath Jhunihunwala

33-A, Chowringhee Road, (10th Floor), CALCUTTA-700071.

4th September, 1978

My dear Nirmalji,

I am sending herewith a copy of a letter received from the Minister of State for Finance, which is self-explanatory, for your information.

With kind regards,

Yours sincerely,

Sd/-

.a.)

Section 3

(B. N. JHUNJHUNWALA)

Encl: As above.

11.11.11

Mr. N. K. Sethia, 69, The Ridgeway, London NW11 8 PH.

APPENDIX III

(See para 13 of the Report)

Copy of article by Shri Rajpal Singh Chowdhury, Editor of Delhi Recorder published in BLITZ dated November 21, 1981.

CHANGE OF HOSPITAL SITE IRKED AGARWAL.....PLANNED
TARRING OF ANTULAY

Rajpal Singh Chowdhury, Editor of *Delhi Recorder*, has done valuable research into the Antulay affair all the way from Bombay and Delhi to London. BLITZ therefore invited him to contribute an article on THE OTHER SIDE of the case on which the rest of the press has apparently put an embargo—Editor.

Every so often a journalist gets a gut feeling that a story still in a nascent stage will ultimately let loose shock waves that will reverberate throughout the land. This was the feeling I had last May, when I was in Bombay doing the spadework on a story for the *Delhi Recorder*.

My instincts told me then that Maharashtra Chief Minister A. R. Antulay was heading for a barrel of trouble because the spectacular schemes he planned to implement for the betterment of the city of Bombay and the State of Maharashtra were antagonising too many vested interests.

Vested conspiracy for CM's ouster

Antulay and his plans to decongest Bombay, clean up the city's horrendous slums, to move the textile industries out of the island city, to relocate Mantralaya and all government establishments on the mainland and to make the administration work for the poor and the needy, would soon have to deal with an Opposition united only in their common leisure to thwart the Chief Minister and safeguard their long-held preserves of power and patronage.

Intimations of the coming storm came to me from a top operator in the real estate and construction business who expressed his concern at the "hmatic act" which would cause a crash in the housing and building economy. Since the "economy" had been thriving on an appalling situation where a flat in Bombay cost anything between Rs. five lakhs to a crore, the repercussions of Antulay's determination to decongest the city by moving both the government and industry out can well be imagined.

This announcement at a time when the Maharashtra government was under pressure to raise the FSI which would have put a few more hundred crores into the pockets of the sharks completed the background to the vested conspiracy for the Chief Minister's ouster.

Once the storm over his bold plan to decongest, clean up and beautify Bombay broke over his head, it was certain that the Maratha power based on the sugar lobby he had crushed would join the Opposition he had managed to defeat for a determined counter-attack.

Echoing my fears for Antulay's political future was no less a personage than the country's leading industrialist J. R. D. Tata.

When the storm broke, I had that instinctive feeling again that underlying the fury was a carefully orchestrated campaign that was making Antulay its victim rather than its target. Careful analysis of the treatment of the trust funds that Antulay had set up clearly revealed that each new revelation was merely a rehash of the original, carefully contrived articles that had been crafted with a malicious touch by a self-avowed opponent of the Prime Minister.

Planned articles with malicious touch

My enquiries also elicited whispers of a name—Nirmal Sethia—and tantalising tidbits about a young millionaire who left India, as a teenager, apprenticed himself in the tea trade in London and rapidly built his company into a multinational.

"Check Sethia's connections with a Janata Cabinet minister", one of my sources said: "Find out if Sethia antagonised any of the politicians in Parliament because he decided to build a hospital in the Konkan rather than in Rajasthan," said another source. And a third murmured in my car, "Who is the person who fed the journalists the line about Antulay's trusts being illegal and why did a former Janata Cabinet minister make accusations about Sethia in Parliament while taking great pains to conceal the relationship he had established with Sethia during the Janata regime?"

Following the trail of these tips took me to London and a lengthy interview with Sethia, who talked with the frankness of someone who has

nothing to hide. The young, personable business magnate, who has wide-spread trading interests in Africa, struck me as someone who had initially been bewildered by the gossip and speculation centring on his name, but was angry now because he had come to realise that he had become the innocent weapon with which vested interests wished to spear the honour and reputation of Antulay, whom Sethia described firmly as "one of the finest persons I have met in my life."

Sethia related how he had come to meet Antulay and discussed with him a plan to build a major hospital in Jaipur to honour his father's memory. He went on to narrate how Antulay had convinced him that Jaipur had sufficient hospitals and that the elder Sethia's life would be better commemorated by locating the hospital in the Konkan, an area that desperately needed medical facilities.

The young businessman explained, that in agreeing to locate the hospital complex in the Konkan, he must have aroused the wrath of Satish Agarwal, the Minister of State for Finance in the Janata Government and a native son of Rajasthan. Sethia speculated this must have been the reason why Agarwal went out of his way to cast aspersions on Sethia's relationship with the Maharashtra Chief Minister by linking Sethia to enforcement cases and Mrs. Sethia to income-tax cases.

Harassment by Customs

Sethia categorically denied that his wife was involved in any case under the income-tax laws. As for the Enforcement cases against him, Sethia clarified that the cases had been filed, indeed, but they had been filed against his father's business firm, and Sethia, himself, was involved in them only because as a teenager he had been designated a director in the firm by his father.

The question, it seemed to me underlying the whole sordid affair was why would Agarwal launch an attack in Parliament against Sethia and ask for the files on the London based business magnate to be reopened while, at the same time, taking very great care to conceal from his fellow-MPs the crucial fact of his own retationship and assistance to Sethia in the past.

Agarwal did not consider it worthwhile to mention in Parliament that he had been introduced to Sethia by the late Bishwanath Jhunjhunwala, a former Janata MP, and that he had devoted considerable effort to be of help to Sethia.

The Indian-born millionaire explained that he had complained to Agarwal during a meeting in the latter's house in New Delhi that he was

being unduly harassed by Customs Department officials at Santa Cruz airport. Agarwal offered as an excuse, the plea that many innocent persons, such as Sethia, had been similarly harassed during the Congress regime, but he promised he would look into the matter and take what ever action was necessary to remedy the situation.

Sethia told me that both he and Jhunjhunwala wrote separately to Agarwal regarding the Customs Department harassment and Agarwal had acknowledged the letters in a note to Jhunjhunwala, dated April 29, 1978 (see photocopy)*, assuring him that the matter would be examined.

Unmerited Innuendos

The examination, Sethia noted, must have been exhaustive because it took four months and it was not until August 26, 1978, that Agarwal wrote to Jhunjhunwala (photocopy)* to say that the complaint had been investigated, the Collector of Customs had been "addressed suitably in the matter", and expressed the hope that "such incidents would not recur". Smiling ironically, Sethia said the hope did, indeed, come true, because "ever after Agarwal wrote that letter to me, I have been going to India regularly, I have never been bothered, never been harassed and nothing unusual has taken place."

The question that cries out for an answer is, why did Agarwal mislead the public by hiding the fact in Parliament that he was well acquainted and had, indeed, helped the very person against whom his accusations were levelled? Could it be only a matter of pique because Sethia had changed his mind about financing a hospital in Rajasthan and decided to respond to Antulay's appeal to build the hospital in the Konkan, instead? Or was Agarwal exploiting the sheer good fortune of being able to combine his attack on Sethia with the more ambitious goal of mounting a campaign against the Maharashtra Chief Minister?

I am convinced the answers to these questions will shed light on the whole sorry episode. If this is the strategy, then it can succeed only if the innuendos and allegations against Sethia and Antulay hold up under scrutiny. The information I collected in London, and later in Bombay, unequivocally show they are without merit.

CONSIDER: Sethia is a millionaire and the scion of a long established business house. His personal fortune and reputation of his family both preclude the possibility of his engaging himself in so risky and disreputable an activity as smuggling.

^{*}See Annexure to Appendix II.

CONSIDER: Sethia made no effort to hide the fact that there had been Enforcement cases filed against him. But he pointed out, that these cases were actually filed against his father's business firm in which he happened to have been a director appointed by his father.

CONSIDER: Another interesting revelation by Sethia was, that these same Enforcement cases against him were very much alive during the Janata regime, which would mean that despite an exhaustive investigation by Agarwal lasting four months, the Janata Minister had rated Sethia sufficiently "clean" to help him in a matter involving the Customs Department.

CONSIDER: Much has been made about Sethia paying medical bills incurred by Antulay during a hospital stay in London. Sethia explained that the Maharashtra Chief Minister did have a minor medical problem attended to while in London and the bill in question that Sethia paid did not amount to more than a couple of hundred pounds. There had been other instances of friends from India being his guests in London and Sethia considered it a pleasure to pay their bills in his role as their host.

Planned character assassination

Now that the hoopla has died down and the "scandalous revelations" about the Maharashtra Chief Minister's "misdeeds" have turned out to be much sound and no fury, the question that arises is, whether Sethia and Antulay are the victims of a well-planned campaign of character assassination?

Antulay may have been taken aback initially by the viciousness of the attack against him, but it didn't take him long to recover and counter attack with facts.

And the facts are, Antulay has never tried to hide the trusts. Instead, he started them with a great deal of publicity, to maximise the response to them. Even his detractors have been photographed presenting him with eneques for impressive amounts donated to one of the Antulay trusts.

The facts are, the people who have benefited from the trusts are clearly men and women in need but too proud and dignified to ask for financial assistance.

Antulay unhesitatingly conceded that a trust was named for the Prime Minister, but ne had not obtained prior formal approval from Mrs. Gandhi. To atone for this lapse, Antulay apologised to Mrs. Gandhi for any embarrassment he may have caused her, and offered her his resignation as Chief Minister. It is only simple justice to Antulay that Mrs. Gandhi wisely refused to accept the resignation.

No need for PM's name to raise donations

It has been insinuated, that one of the trusts was deliberately named after Mrs. Gandhi, in the hope that this would result in attracting vast donations. I am a journalist, but it does not need a journalist's acumen to realise that the Chief Minister of so important and rich a state as Maharashtra cannot on his own—and without the help of the "magic" of Mrs. Gandhi's name—collect a mere Rs. 4.4 crores in contributions!

Antulay's critics cannot eat their cake and have it too. If he is the unscrupulous, arm-twisting person they are trying to make him out to be, then with assistance from Mrs. Gandhi's name, he would have been able to collect quite easily at least Rs. 150 crores for the trust. But the trust fund amounts to less than Rs. 5 crores—and there is no question that the Chief Minister of any state in India should be able to raise this amount in donations, without having to use Mrs. Gandhi's name.

APPENDIX IV

(See para 18 of the Report)

Copy of letter dated 29 December, 1981 from Shri R. K. Karanjia, Editor-in-Chief, Blitz, to the Speaker, Lok Sabha.

BLITZ PUBLICATIONS PRIVATE LTD. Editor-in-Chief: R. K. KARANIIA

17/17H Cowasji Patel Street, BOMBAY—400 001.

29th December, 1981

To

The Honourable Speaker, Lok Sabha, Lok Sabha Secretariat, NEW DELHI—110 001.

Dear Sir.

I have received a letter from Mr. M. P. Gupta, Senior Table Officer, asking me to state what I have to say in the matter of the Privilege Notice given by Mr. Satish Agarwal in regard to an article published in BLITZ dated 21st November, 1981.

To begin with, I have to submit that I bear no ill-will or malice towards Mr. Satish Agarwal, on the contrary, I have the highest regard for him both as a person and a politician.

You will recall, Sir, that when the question of Mr. A. R. Antulay's Trusts was raised by Mr. Arun Shourie in the Indian Express, the atmosphere in the Lok Sabha and Rajya Sabha was very tense. All kinds of allegations were being made. The Finance Minister's statement in the Rajya Sabha was termed as "lies"; the Prime Minister's version of the Pratibha Pratisthan Trust was doubted; and the rulings given by you and the Hon'ble Chairman of the Rajya Sabha, Mr. Hidayatullah, were challenged with motives openly imputed in the daily papers. Even though the cases pertaining to these trusts are pending and the matter is sub judice, all kinds of controversial statements were and are being made.

It was in this atmosphere that I came across the November issue of the Delhi Recorder. On page 80 of the issue, an interview with Mr. Nirmal Sethia was published by the editor, Mr. Rajpal Singh Chowdhury; and amongst other issues it dealt with Mr. Satish Agarwal.

I was surprised by the contents of this interview; so I contacted Mr. Chowdhury to find out whether he had really checked up on the letters he referred to in the interview to support his version. He brought me photo copies of the letters together with his version. After reading them, I requested him to let me publish the photo copies together with an article written by him on the controversy.

He agreed and the article in question was written by Mr. Chowdhury. The portion published on the front page is only the summary of his article appearing on pages 22 and 23.

Here I would invite your attention to the heading of the article, "Did Agarwal lie to Parliament?" BLITZ has not asserted, or made a positive statement such as "Agarwal told lies to Parliament". From the contents of the article, I could have easily made such a statement if I had any malice or ill-will towards Mr. Agarwal.

In fact, I had expected Mr. Agarwal to send us his version of what actually had happened; and we would have, without the least hesitation, published it. But neither did Mr. Chowdhury, nor did we receive any repudiation or explanation from Mr. Agarwal. Had he sent us such a statement and we had not published it, then it would certainly have established malice on our part.

Even now we would request Mr. Agarwal to send us his version, and assure him that we would gladly publish the same. On the other hand, if by the publication of the article in *BLITZ* we have in any way hurt the feelings of Mr. Agarwal, we regret the same, and once more, through you we request Mr. Agarwal to send his rejoinder for publication in *BLITZ*.

In the end, I would request you, Sir, to take into account the atmosphere prevailing in Parliament and among the public at the time, as also our willingness, then as now, to publish Mr. Agarwal's version of the controversy in the same public interest that prompted us to feature Mr. Chowdhury's article.

Assuring you of our cooperation, I remain,

APPENDIX V

(See para 19 of the Report)

Copy of letter dated 2 February, 1982, from Shri R. K. Karanjia, Editor-in-Chief, Blitz to the Speaker, Lok Sabha.

BLITZ PUBLICATIONS PRIVATE LTD. Editor-in-Chief: R. K. KARANJIA

17/17H Cowasji Patel Street, Bombay—400 001.

2nd February, 1982

To

The Honourable Speaker, Lok Sabha, Lok Sabha Secretariat, New Delhi—110 001.

Dear Sir.

With reference to the letter from Mr. M. P. Gupta, Senior Table Officer, dated 27th January, 1982, and in continuation of our letter dated 30th January, 1982, I have to state as under:

Point No. 1 in his letter under reply states: "I never spoke in Parliament at any time either in September or at any other time referring to any alleged links of Antulay with London millionaire Nirmal Sethia, there was no occasion of any kind when I suppressed any truth whatsoever."

In answer, I invite your attention to the article in *BLITZ* of 21st November, 1982, where, on page 22, under the sub-heading "Harassment by Customs", you will find the relevant matter which reads as under:

"The question, it seemed to me, underlying the whole sordid affair was why would Agarwal launch an attack in Parliament against Sethia and ask for the files on the London-based business magnate to be reopened while, at the same time, taking very great care to conceal from his fellow-MPs the crucial fact of his own relationship and assistance to Sethia in the past."

I further invite your attention to page 82 of Delhi Recorder issue dated November 1981, wherein there is a reference to Mr. Agarwal's statement in Parliament in the course of an interview by Mr. Rajpal Chowdhury with Mr. Nirmal Sethia:

"Q: But it was Mr. Satish Agarwal who has raised the matter about the enforcement cases against you in Parliament. Do you have any comment about this?"

"A: Basically I think these are Opposition tricks. Mr. Satish Agarwal is trying hard to bring my letter to the attention of the present Finance Minister, but what I don't understand is why is he trying to hide the fact that he had met me and that he had written a letter to me himself saying that the incidents of airport harassment would not re-occur....".

With reference to Point No. 2, concerning the letters dated 10th and 23rd December 1981, and January 1, 1982, in the first place it was clearly stated in the introduction to the article itself, that Mr. Rajpal Singh Chowdhury Editor of Delhi Recorder, had written it. My staff presumed that the letters sent to our office were copies of Mr. Gupta's letters to Rajpal Singh Chowdhury and not intended to be forwarded to him. They also presumed that these letters were sent to us for our reference, since the address of Rajpal Chowdhury and the Delhi Recorder must have been known to everyone in Delhi.

In addition to this, I may state that Rajpal Chowdhury came to our office some time mid-January, inspected the correspondence and took copies of the same including our replies to you; hence I think that this issue has arisen due to some misunderstanding.

Yours faithfully, Sd/- R. K. KARANJIA

APPENDIX VI

(See para 20 of the Report)

Copy of letter dated 18 February, 1982, from Shri Rajpal Singh Chowdhury, Editor & Publisher, Delhi Recorder to the Speaker, Lok Sabha.

India's Feature Monthly
DELHI RECORDER
DR/RSC/1079

MOST IMMEDIATE CONFIDENTIAL February 18, 1982

From

Mr. Rajpal Singh Chowdhury, Editor & Publisher, DELHI RECORDER.

To

The Hon'ble Speaker, Lok Sabha, New Delhi.

SUBJECT: Notice of question of privilege by Shri Satish Agarwal, MP, against Shri R. K. Karanjia, Editor BLITZ and Shri Rajpal Singh Chowdhury, Editor DELHI RECORDER for allegedly misrepresenting the proceedings of the House and casting reflections on him in a news report and an article published in BLITZ dated November 21, 1981.

Sir,

May I invite your kind attention to the correspondence resting with my letter dated February 17, 1982 to Shri M. P. Gupta, Senior Table Officer, Lok Sebha Secretariat on the subject indicated above?

In letter No. 17/106/81/Priv./L-I dated December 10, 1981 which Shri Gupta wrote under your direction I was asked to state what I have to say in the matter for consideration by you. My comments are contained in the succeeding paragraphs.

The expressions (i) "concealed the truth when I focussed attention on Antulay's links with London millionaire Nirmal Sethia in Parliament early September this year..."; and (ii) "....Truth surfaced with the discovery of tell-tale letters which damn crusader Agarwal as the culprit who knowingly and deliberately got Sethia out of trouble...." cited by Shri Agarwal in sub-paras (a) and (b) of para 2 of his undated letter addressed to the Speaker, Lok Sabha were used in the November 21, 1981 issue of the weekly 'BLITZ' by its editor while introducing and presenting my article captioned, "Change of hospital site irked Agarwal" in the same issue. As I am not the author of these expressions, you will kindly agree what the question of a breach of privilege against me on account of them does not arise.

In the aforesaid article contributed by me I inter alia stated, "Check Sethia's connections with a Janata Cabinet Minister", one of my sources said: "Find out if Sethia antagonised any of the politicians in Parliament because he decided to build a hospital in the Konkan rather than in Rajasthan" said another source. And a third murmured in my ear, "Who is the person who fed the journalists the line about Antulay's trusts being illegal and why did a former Janata Cabinet Minister make accusations about Sethia in Parliament while taking great pains to conceal the relationship he had established with Sethia during the Janata regime?" As you will kindly observe, I quoted a 'source' posing to me informally the question: "who is the person who fed the journalists the line about Antulay's trusts. being illegal and why did a former Janata Cabinet Minister make accusations about Sethia in Parliament while taking great pains to conceal the relationship he had established with Sethia during the Janata regime?" and I did not myself moot or propound a charge against anyone of making accusations about Shri Sethia in Parliament. What followed in that article as my analysis of the matter flowed from the basic premise suggested to me by my informant or "source", believing which to be true, I mentioned it in my article.

If I gave credence to an assertion which is now not borne out by facts in so far as Shri Agarwal did not, as he claims, actually speak in Parliament about any alleged links of Shri Antulay with Shri Nirmal Sethia, I have no hesitation in expressing my sincere regrets for any wrong impression that my article may have caused.

I may assure you, Sir, that through my article mentioned above I had no intention whatsoever of either misrepresenting the proceedings of the Lok Sabha or of maligning an Hon'ble Member of our August Parliament.

I may also point out that I have nothing personal against Shri Satish Agarwal, MP, and had he brought to my notice the fact of his not having referred to the alleged links of Shri Antulay and Sethia on the floor of the House I would have gladly published his version in my magazine, 'Delhi Recorder' and put the record straight. I am even prepared to do it now if Shri Agarwal so desires.

I submit, therefore, that viewed in the true perspective, the matter will hardly permit any question of breach of privilege of the Lok Sabha being admitted against me.

Yours faithfully, Sd/- RAJPAL SINGH CHOWDHURY

Shri Bal Ram Jakhar, Speaker, Lok Sabha, New Delhi.

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APPENDIX VII

(See para 27 of the Report)

Apology by Shri Rajpal Singh Chowdhury, Editor, Delhi Recorder, published on page 4 of Delhi Recorder of November, 1982.

Agarwal Did Not Lie

The Press has a difficult role to play in matters of public importance. Collecting or receiving information, processing it, and publishing it with appropriate perspective upon authentication of the reported facts all has to be done with the strict constraint of deadlines. Judgement plays an important part and all human judgement is prone to error.

The Editor regrets that such a bona fide error of judgement crept into his assessment of the facts regarding the involvement of Mr. Satish Agarwal, ex-Minister of State for Finance in the affairs of one Mr. Nirmal Sethia. In retrospect and upon further investigation it was found that the story published in 'Blitz' dated 21 November, 1981, was inaccurate as the minister never spoke in the Parliament on the concerned subject and had on no occasion concealed any truth from the House or even remotely mislead it. The truth was that the minister was acting in his formal capacity in response to a specific request made by a respectable member of Parliament and had no personal knowledge or reason to believe that his attention had been drawn to anything but a legitimate grievance.

The Editor accepts that the story as it was carried did misrepresent proceedings of the Lok Sabha and caused distress to Mr. Agarwal. The reputation of the House and of the ex-minister are the foremost concern of the Editor, personally and professionally. The Editor tenders his deep regrets and apology for this serious mistake and assures the readers of greater effort in ascertaining the truth of controversial stories.

-Editor