

COMMITTEE OF PRIVILEGES

FOURTH REPORT

(FOURTH LOK SABHA)

(Presented on the 12th December, 1967)



**LOK SABHA SECRETARIAT
NEW DELHI**

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C O N T E N T S

	PAGE
1. Personnel of the Committee of Privileges	(iii)
2. Report	1
3. Minutes	6
4. Evidence	14
5. Appendices	40

PERSONNEL OF THE COMMITTEE OF PRIVILEGES
(1967-68)

CHAIRMAN

1. Shri R. K. Khadilkar

MEMBERS

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

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

FOURTH REPORT OF THE COMMITTEE OF PRIVILEGES

(Fourth Lok Sabha)

I. INTRODUCTION AND PROCEDURE

1. The Chairman of the Committee of Privileges, having been authorised to submit the report on their behalf, present this report to the House on the question of privilege raised by Shri Madhu Limaye, M.P., and referred¹ to the Committee by the House on the 7th June, 1967, in respect of the article² captioned "Shades of the Star Chamber", published in the *Hindustan Times* dated the 4th June, 1967.

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

3. At the first sitting held on the 12th June, 1967, the Committee decided that, in the first instance, Shri S. Mulgaokar, Editor-in-Chief, *Hindustan Times* and author of the impugned article, be asked to state what he might have to say in the matter for the consideration of the Committee.

4. At the second sitting held on the 14th June, 1967, the Committee considered the draft letter to be sent to the Editor-in-Chief of the *Hindustan Times* and approved it.

5. At the third sitting held on the 22nd June, 1967, the Committee considered the explanation³ submitted by Shri S. Mulgaokar, Editor-in-Chief, *Hindustan Times* and author of the article.

6. At the fourth sitting held on the 5th July, 1967, the Committee decided that Shri S. Mulgaokar, Editor-in-Chief of the *Hindustan Times* be asked to appear in person before the Committee.

7. At the fifth sitting held on the 12th July, 1967, the Committee decided to grant a week's extension of time to Shri S. Mulgaokar to appear before the Committee as he was abroad, as requested by the Editor of the *Hindustan Times*.

8. At the sixth sitting held on the 5th August, 1967, the Committee examined Shri S. Mulgaokar on oath.

9. At the seventh and eighth sittings held on the 9th and 28th November, 1967, the Committee deliberated on the matter and arrived at their conclusions.

¹ L.S. Deb. dated 7-6-1967, cc. 3514—25.

² See Appendix—I.

³ See Appendix—II.

10. At the ninth sitting held on the 5th December, 1967, the Committee considered their draft report and adopted it.

II. FACTS OF THE CASE

11. On the 7th June, 1967, Shri Madhu Limaye, M.P., raised a question of privilege in the House on the ground that the article⁴ captioned "Shades of the Star Chamber", by "S.M.", published in the *Hindustan Times*, dated the 4th June, 1967, constituted a breach of privilege and contempt of the House. The said article contained, *inter alia*, the following passages:—

- (1) "But this is precisely what it amounts to if we are to take with any seriousness the wild charges which have been flung in Parliament against the Birlas."
- (2) "The question that now arises is how far can we go in allowing Parliament to behave like some kind of a star chamber sitting in judgment on individuals and institutions who have no means of defending themselves without undermining democracy itself."
- (3) "There are a hundred ways in which malefactors can be brought to book—even if they happen to be Birlas—but there are not many remedies against those who use the freedom of an open democratic society for the express purpose of subverting it."
- (4) "Restraining members of Parliament is more difficult but while privilege may continue to apply to what is said in Parliament, that privilege need not extend to published reports of discussions in Parliament."

12. While raising the question of privilege, Shri Madhu Limaye alleged that by using the words "Shades of the Star Chamber" in the title of the article, in reference to Parliament, the author of the article had made the allegation that the proceedings and procedure of Parliament were a means of repression and that Parliament had become an instrument of repression.

13. After some discussion, the matter was referred to the Committee of Privileges by the House on the following motion moved by Shri Madhu Limaye:—

"That this question of breach of privilege against the Columnist, Editor, Publisher, Printer and Proprietor of the *Hindustan Times* be referred to the Committee of Privileges."

III. FINDINGS OF THE COMMITTEE

14. The Committee, in the first instance, decided to give an opportunity to Shri S. Mulgaokar, the author of the impugned

⁴ See Appendix—I.

article as also the Editor-in-Chief of the *Hindustan Times*, to make his submissions in writing for the consideration of the Committee on the question of privilege against him. Shri S. Mulgaokar, in his reply⁵, dated the 16th June, 1967, stated that it never occurred to him "that the article in whole or any of its parts could be interpreted as an encroachment on the privileges that Parliament must enjoy in a democratic constitution for its proper functioning" and that "though sometimes an error of view may occur, it cannot be Parliament's intention to act in a way to suggest that every error regardless of the intention behind it is in contempt of the privileges of Parliament". Shri S. Mulgaokar, did not, however, offer any explanation or clarification with regard to the use of the words "Star Chamber" with reference to Parliament in the caption of the article as well as in its text and the specific passages⁶ in the article to which objection was taken on the floor of the House as constituting a breach of privilege and contempt of the House.

15. The Committee, therefore, decided to examine Shri S. Mulgaokar in person.

16. Shri S. Mulgaokar, in his evidence before the Committee, did not deny that he had used the term "Star Chamber" with reference to Parliament because some odium was attached to that term and that he wanted to convey that. He admitted that he might have been "unwise" in using the expression "Star Chamber" which might be "unhappy" and that he was familiar with the background of the term "Star Chamber". He also admitted that at one or two places the expression of the article was "rather loose" and that if he were to re-write the article, perhaps "the phrasing would be different". He, however, asserted that the reference to the "Star Chamber" did not constitute an offence against the privileges of Parliament. He said that in his article he had not referred to a large number of Members of Parliament who functioned in a completely irresponsible manner, misbehaved and attacked the people outside without proof but that "certainly there have been some" such members. He stated that he had nowhere indicated that he was trying "to condemn the entire parliamentary system as it functions" and that "it was not my intention to bring the institution of Parliament in disrespect".

17. The Committee were not satisfied with the explanations offered by Shri S. Mulgaokar in his written reply and the oral evidence given before Committee.

18. According to Webster's Dictionary, in English History, the "Star Chamber" was an ancient High Court exercising wide civil

⁵. See Appendix—II.

⁶. See para 11 above.

and criminal jurisdiction, which could proceed on mere rumour, examine witnesses and could apply torture. It is noted for "summary and arbitrary procedure". This term is often used to mean "any secret, oppressive or irresponsible tribunal".

19. The Committee are of the view that the use of the term "Star Chamber" with reference to Parliament by Shri S. Mulgaokar in his impugned article carries the insinuation that Parliament as an institution is a sort of an oppressive and irresponsible tribunal and that a large number of Members of Parliament function in a completely irresponsible manner, misbehave and attack the people outside without proof. The Committee do not agree with the contention of Shri S. Mulgaokar in his evidence that in using the term "Star Chamber" in his article with reference to Parliament he was referring "to the assumption of judicial functions more than to the oppressive part of it". He admitted before the Committee that he was aware of the background of the term "Star Chamber". There is nothing in the impugned article to indicate that Shri S. Mulgaokar was referring only to a few members of Parliament who, according to him, had used unjustifiable language in Parliament. In the opinion of the Committee, the impugned article gives the impression of condemnation of the institution of Parliament as such.

20. The Committee are of the view that the article read as a whole and in particular the passages quoted in para 11 above, cast grave reflections on the institution of Parliament as such and the members thereof and, therefore, constitute a gross breach of privilege and contempt of the House.

21. The Committee gave every opportunity to Shri S. Mulgaokar to express his regret for the offending expressions in the article. He, however, said :

".....I shall readily express regret if that is the general impression created. But to the best of my own belief and conviction that is not what I intended to do.

* * * * *

My difficulty is if I am not convinced... I can understand that you, Gentlemen, have to do your duty as you see it. I have to do mine as I see it."

22. The Committee are of the view that Shri S. Mulgaokar, the author of the impugned article and the Editor-in-Chief of the *Hindustan Times*, is guilty of a gross breach of privilege and contempt of the House. The printer and publisher of the *Hindustan Times* is also technically guilty of a breach of privilege and contempt of the House.

23. As regards the proprietor, apart from the fact that the *Hindustan Times* is a limited company ownership of which vests in shareholders and Shri Mulgaokar denied in his evidence that the Birlas had asked him to write the impugned article or that he had written it to please the Birlas, there is nothing to show that any one else was responsible for the writing or publication of the offending article.

IV. RECOMMENDATIONS OF THE COMMITTEE

24. The Committee feel that the penal powers of the House for breach of privilege or contempt of the House should be exercised only in extreme cases where a deliberate attempt is made to bring the institution of Parliament into disrespect and undermine public confidence in and support of Parliament. In the present case Shri S. Mulgaokar repeatedly disclaimed before the Committee that he had any intention to bring the institution of Parliament in disrespect and contempt and said that if that was the result produced by his article then he would be very sorry about it. While the Committee feel that Shri S. Mulgaokar should have unhesitatingly and gracefully expressed an unconditional and unqualified regret, they consider that in the totality of circumstances, it would be better to ignore it, as that would add to the dignity of the House. The Committee, therefore, do not consider it proper to recommend that any action should be taken against him.

25. The Committee, therefore, recommend that no further action be taken by the House in the matter.

NEW DELHI;
The 5th December, 1967.

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

MINUTES

I

First Sitting

New Delhi, Monday, the 12th June, 1967

The Committee sat from 16.00 to 17.00 hours.

PRESENT

Shri R. K. Khadilkar—*Chairman*

MEMBERS

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

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered the procedure to be followed in dealing with the questions of privilege in respect of (i) ⁷****, (ii) the article titled "Shades of the Star Chamber", published in the *Hindustan Times* in its issue, dated the 4th June, 1967, allegedly casting aspersions on Members of Parliament.

3. The Committee decided that, in the first instance, ⁷**** the Editor-in-Chief (Shri S. Mulgaokar) of the *Hindustan Times* be asked to state what they might have to say for the consideration of the Committee, by the 21st June, 1967.

4. The Committee decided to meet again to consider the draft letters to be sent to the above named persons, on Wednesday, the 14th June, 1967 at 16.00 hours.

The Committee then adjourned.

⁷ The omitted portion relates to another case and has been included in the Minutes of the Second Report (4 LS).

II

Second Sitting

New Delhi, Wednesday, the 14th June, 1967

The Committee sat from 14.45 to 15.00 hours.

PRESENT

Shri R. K. Khadilkar—*Chairman*

MEMBERS

2. Shri Rajendranath Barua
3. Shri Bal Raj Madhok
4. Shri H. N. Mukerjee
5. Shri Anand Narain Mulla
6. Shri G. L. Nanda
7. Dr. Ram Subhag Singh.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary*.

2. The Committee considered the draft letters to be sent to the Editor-in-Chief of the *Hindustan Times* asking them to state what they might have to say in the matter of the questions of privilege against them, and approved them.

The Committee then adjourned.

III

Third Sitting

New Delhi, Thursday, the 22nd June, 1967

The Committee sat from 16.00 to 17.10 hours.

PRESENT

Shri R. K. Khadilkar—*Chairman*

MEMBERS

2. Shri Rajendranath Barua
3. Shri Hem Raj
4. Shri J. M. Imam
5. Shri S. M. Joshi
6. Shri Bal Raj Madhok

* The omitted portion relates to another case and has been included in the Minutes of the Second Report (4 LS).

7. Lt. Col. H.H. Maharaja Manabendra Shah of Tehri Garhwal
8. H. N. Mukerjee
9. Shri Anand Narain Mulla
10. Shri G. L. Nanda
11. Dr. Ram Subhag Singh.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

3. The Committee then deliberated on the question of privilege in respect of the article titled "Shades of the Star Chamber" published in the *Hindustan Times* dated the 4th June, 1967 and the reply dated the 16th June, 1967 submitted by Shri S. Mulgaokar, the Editor-in-Chief of the *Hindustan Times*,

4. The Committee desired that copies of the relevant debate in Rajya Sabha on the Hazari Report might be made available to the members of the Committee before their next sitting.

5. The Committee authorised the Chairman to fix the date for their next sitting.

The Committee then adjourned.

IV

Fourth Sitting

New Delhi, Wednesday, the 5th July, 1967

The Committee sat from 16.00 to 16.30 hours.

PRESENT

Shri R. K. Khadilkar—*Chairman*

MEMBERS

2. Shri Hem Raj
3. Shri J. M. Imam
4. Shri S. M. Joshi
5. Shri Bal Raj Madhok
6. Lt. Col. H.H. Maharaja Manabendra Shah of Tehri Garhwal
7. Shri P. Govinda Menon
8. Shri Anand Narain Mulla
9. Dr. Ram Subhag Singh.

* Paragraph 2 relates to another case and has been included in the Minutes of the Second Report (4 LS).

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

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4. The Committee then considered the question of privilege against the *Hindustan Times* in respect of the article titled "Shades of the Star Chamber", published in its issue dated the 4th June, 1967. The Committee decided that Shri S. Mulgaokar, Editor-in-Chief of the *Hindustan Times* be asked to appear in person before the Committee on the 25th July, 1967 at 16.00 hours.

The Committee then adjourned.

V

Fifth Sitting

New Delhi, Wednesday, the 12th July, 1967

The Committee sat from 16.00 to 16.30 hours.

PRESENT

Shri R. K. Khadilkar—*Chairman*

MEMBERS

2. Shri Rajendranath Barua
3. Shri Hem Raj
4. Shri Bal Raj Madhok
5. Lt. Col. H.H. Maharaja Manabendra Shah of Tehri Garhwal
6. Shri H. N. Mukerjee
7. Shri Anand Narain Mulla
8. Shri P. Ramamurti
9. Dr. Ram Subhag Singh.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered the request of the Editor of the *Hindustan Times* to grant a week's extension of time to Shri S. Mulgaokar, Editor-in-Chief of the paper, to appear before the Committee, as he was abroad. The Committee acceded to his request and decided to hear him on Saturday, the 5th August, 1967 at 10.00 hours.

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The Committee then adjourned.

¹⁰ Paragraphs 2 and 3 relate to another case and have been included in the Minutes of the Second Report (4 LS).

¹¹ Paragraphs 3 to 5 relate to another case and have been included in the Second Report (4 LS).

VI

Sixth Sitting

New Delhi, Saturday, the 5th August, 1967

The Committee sat from 10.00 to 12.10 hours.

PRESENT

Shri R. K. Khadilkar—*Chairman*

MEMBERS

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

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

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5. The Committee then examined the objectionable passages of the article titled "Shades of the Star Chamber" published in the *Hindustan Times*, dated the 4th June, 1967.

6. Shri S. Mulgaokar, Editor-in-Chief of the *Hindustan Times*, was then called in and examined by the Committee on oath.

The witness then withdrew.

7. The Committee directed that the verbatim report of the evidence given by Shri S. Mulgaokar before the Committee be circulated to the members of the Committee.

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

The Committee then adjourned.

¹² Paragraphs 2 to 4 relate to another case and have been included in the Minutes of the Third Report (4 LS).

VII

Seventh Sitting*New Delhi, Thursday, the 9th November, 1967*

The Committee sat from 15.30 to 16.10 hours.

PRESENTShri R. K. Khadilkar—*Chairman***MEMBERS**

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

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

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4. The Committee then considered the question of privilege against the *Hindustan Times* in respect of the article captioned "Shades of the Star Chamber", published in its issue dated the 4th June, 1967 and deferred further consideration till they met again on the 23rd November, 1967 at 15.30 hours.

The Committee then adjourned.

VIII

Eighth Sitting*New Delhi, Tuesday, the 28th November, 1967*

The Committee sat from 16.00 to 17.00 hours.

PRESENTShri R. K. Khadilkar—*Chairman***MEMBERS**

2. Shri Hem Raj
3. Shri J. M. Imam
4. Shri S. M. Joshi
5. Shri Thandavan Kiruttinan

¹³. Paragraphs 2 and 3 relate to another case and have been included in the Minutes of the Third Report (4 LS).

6. Shri H. N. Mukerjee
7. Shri Anand Narain Mulla
8. Shri P. Ramamurti.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee deliberated on the question of privilege in respect of the article captioned "Shades of the Star Chamber" published in the *Hindustan Times*, dated the 4th June, 1967.

3. The Committee came to the conclusion that a gross breach of privilege and contempt of the House had been committed by Shri S. Mulgaokar, the author of the article and the Editor of the newspaper.

4. The Committee, however, decided to recommend that no further action be taken by the House in the matter.

5. The Committee decided to meet again on Tuesday, the 5th December, 1967 at 16.00 hours to consider their Draft Report.

The Committee then adjourned.

IX

Ninth Sitting

New Delhi, Tuesday, the 5th December, 1967

The Committee sat from 16.30 to 16.50 hours.

PRESENT

Shri R. K. Khadilkar—*Chairman*

MEMBERS

2. Shri Rajendranath Barua
3. Shri Hem Raj
4. Shri J. M. Imam
5. Shri Thandavan Kiruttinan
6. Shri Bal Raj Madhok
7. Shri Anand Narain Mulla
8. Shri P. Ramamurti.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered their Draft Fourth Report on the question of privilege in respect of the article captioned "Shades of the Star Chamber" published in the *Hindustan Times*, dated the 4th

June, 1967, and adopted it subject to the modification that for the last sentence of para 24, the following be substituted:

"While the Committee feel that Shri S. Mulgaokar should have unhesitatingly and gracefully expressed an unconditional and unqualified regret, they consider that in the totality of circumstances, it would be better to ignore it, as that would add to the dignity of the House. The Committee, therefore, do not consider it proper to recommend that any action should be taken against him."

3. The Committee decided that the evidence given by Shri S. Mulgaokar before the Committee be appended to the Report of the Committee.

4. The Committee authorised the Chairman and, in his absence, Shri Anand Narain Mulla, to present the Report to the House on the 12th December, 1967.

The Committee then adjourned.

MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE OF PRIVILEGES

Saturday, the 5th August, 1967

PRESENT

CHAIRMAN

Shri R. K. Khadilkar.

MEMBERS

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

SECRETARIAT

Shri M. C. Chawla—Deputy Secretary.

WITNESS

Shri S. Mulgaokar—Editor-in-Chief, "Hindustan Times".

(The Committee met at 10-00 hours)

EVIDENCE OF SHRI S. MULGAOKAR

Mr. Chairman: Mr. Mulgaokar, please take your oath.

Shri S. Mulgaokar: I, S. Mulgaokar, do solemnly affirm that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

Mr. Chairman: There was an article under the caption 'Shades of the Star Chamber' published in the Hindustan Times signed by S. M. I presume it was yours.

Shri S. Mulgaokar: Yes, Sir. It was mine.

Mr. Chairman: Now, you are aware that Parliament thought that by publishing this Article, you have committed a breach of privilege and that the matter should be referred to our Committee. Regarding the article 'Shades of the Star Chamber' and the argument that you have given in your reply, a serious objection was taken because it was not considered a fair comment and in May's Parliamentary Practice on page 118, it has been stated:

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

I may also point out para 893 from the Halsbury's Laws of England, Vol. 28, III edition. It has been stated here that the House of Lords and the House of Commons shall constitute a High Court of Parliament in regard to protection of certain rights and privileges of the Members in the House. Each House is the guardian of the rights and privileges of its Members. If they consider any person as having committed a breach of privilege or contempt of the House, they can punish him. Since the commencement of the Constitution, we are following the Law of Privileges as laid down in the House of Commons.

Therefore, I would like to know from you as to what you have got to say with regard to this. Serious objection was taken to the caption 'Shades of the Star Chamber'. I presume that you have gone through the proceedings in the House.

Shri S. Mulgaokar: Yes, Sir. The Star Chamber, as you know, was the King's Council which assumed judicial functions. The Minister himself in reply to the debate in the Rajya Sabha had talked about the debate having been lapsed into a trial of an accused person. So, the reference was in that connection. The impression that the public got of the debate was that this was a trial. And this is what I meant by the reference to the Star Chamber.

As for the definition of contempt of the House which you have read out, I am not convinced that what I wrote falls within it. One definition relates to misreporting and the other is about what is stated in Halsbury's Laws of England.

Mr. Chairman: I am getting the edition. I have got the quotation with me. It is in volume 20—Privileges of Parliament, para 7, page 454. I am getting you the latest edition and I shall give you.

Shri S. Mulgaokar: Let me have it.

Mr. Chairman: Yes, please. There was a word—if I remember correctly—'trial' used by the Minister himself. Perhaps it inspired you to refer to the Star Chamber. And that was your contention. For your benefit I will point out what the Star Chamber means according to the Encyclopaedia. I will refer you to page 330. Generally speaking, it was a court of criminal jurisdiction particularly in respect of violation of Royal Proclamations. Here all those persons who have violated that may be examined and punished with a fine or with imprisonment even. As the Parliamentary Practices developed, however, if the Parliament had incurred the odium, a very severe punishment is provided for. So, the use of 'Star Chamber' in the ordinary sense was perhaps referred to as a 'trial' by the Minister himself.

In reply to the debate, he might have referred to it.

Shri S. Mulgaokar: In the beginning of the Star Chamber does it not say that this was a King's Council of Advisers who began to assume the judicial functions of a Court of law?

Shri Bal Raj Madhok: It was a Committee of the Council which was given the judicial functions.

Shri S. Mulgaokar: In the beginning if I am not mistaken, it was the King's Council of Advisers who started to assume the powers of a Court.

Shri Bal Raj Madhok: The King's Council had a Baronial Council. That Council used to meet three to four times and used to advise the King on different matters. In due course of time, a Committee of the Privy Council was set up which used to sit in a room which had a roof—the ceiling—covered with Stars. This Committee used to hear the cases of those who had violated the law. So it became a court of Star Chamber. The Committee of the Privy Council used to

sit in that room with a starred ceiling and that way it came to be known as 'Star Chamber'.

Shri A. N. Mulla: Your knowledge of English is well-known. Does the term 'Court of Star Chamber' not mean an engine of unprincipled oppression? What anybody will understand by this term 'Star Chamber' would be that a set of unprincipled oppressors are there.

Shri S. Mulgaokar: As I said my understanding is that the Star Chamber was really the King's Council of Advisors which assumed judicial powers.

Shri Bal Raj Madhok: Not assumed, but they were given by the King. To begin with it is true. But in course of time this Star Chamber court of the King's Council became an engine of oppression under Charles II and Charles III and Parliament had to pass laws to curb that.

Shri S. M. Joshi: If so, you could have used the term 'Supreme Court' or High Court. Instead, you used the term 'Star Chamber' because some odium is attached to it and that you wanted to convey.

Shri S. Mulgaokar: Certainly I am not denying that. I have not said that it is a Star Chamber. I have said that it is a kind of a Star Chamber. 'Shades of Star Chamber' was the headline.

Shri A. N. Mulla: That means we may not have become full-fledged oppressors, but we are on the way to become so.

Mr. Chairman: That is the impression conveyed by the caption itself.

Shri S. Mulgaokar: I find it difficult to take that view.

Shri S. M. Joshi: I hope an answer will come to my question. What I suggest is that in the House the Minister said that it is becoming a trial. If you were to say that we are making Parliament as a sort of court where we are proceeding against certain people whom we consider as people who have been alleged to have committed some offences, but that is not the idea because you have used the term 'Star Chamber', not 'Supreme Court' or 'High Court' or any 'Court'. You selected from all the courts of the world one court which was called the 'Star Chamber'. So, it means that in your mind you have the idea that this is something like a court where you do not get justice. Am I correct? Let us be frank.

Shri S. Mulgaokar: My reference was to the assumption of judicial functions more than to the oppressive part of it.

Shri A. N. Mulla: Then do you think that it might have been any other Court and that it was just an accident that you picked up the expression 'Star Chamber'.

Shri G. L. Nanda: What does 'Shades' mean?

Shri H. N. Mukerjee: Mr. Mulgaokar, you are too capable and experienced a journalist not to know the story of the struggle between the King and Parliament in England. People looked upon the Star Chamber as an instrument of tyranny of the King and those who were in favour of the Star Chamber came to be looked upon by Parliament as their bitter enemies. They were impeached and Acts of Attainder were passed in order to do away with them. That is to say in Parliamentary parlance with which you are familiar 'Star Chamber' embodies an accusation of the most serious sort about the unconstitutionality of the procedure of a particular body. Now it may be that you were rather annoyed with certain goings on in Parliament. Some of us are ourselves annoyed with certain goings on. Let me put it to you: do you think that it is warranted to compare Parliament, particularly when it is in seisin of the proceedings relating to the Birla Group which also owns your newspaper, to the Star Chamber? Is it not something which fundamentally reflects on the integrity of Parliament and, therefore, brings it down in the public esteem? I would like you to make your position clear.

Shri S. Mulgaokar: It is possible that I was unwise in using this expression 'Star Chamber'. But the reference to the Star Chamber, I still do not see, constitutes an offence against the privileges of Parliament.

Shri H. N. Mukerjee: I understand the temptation which a journalist, a good journalist, will feel for certain phrases while writing about Parliamentary proceedings. Here you have said:

"The question that now arises is how far can we go in allowing Parliament to behave like some kind of a star chamber sitting in judgment on individuals and institutions which have no means of defending themselves without undermining democracy itself."

This is almost a declaration of a crusade against Parliament as it is today, when you know very well that inside Parliament there are representatives of different groups and you know also how the Birla group functions.

Shri S. Mulgaokar: I do not.

Shri H. N. Mukerjee: I wonder. But you have to remember that certain things were being discussed in Parliament and certain things were being discussed also in the country as well and your statement might have suffered from a kind of exaggerated emphasis but at that point of time your editorial has a certain motivation and the desired consequence was that Parliament should be denigrated and this kind of discussion should be scotched or at least held in a different way.

Shri S. Mulgaokar: It was broadly my case that debates of this nature themselves constituted a serious denigration of Parliament.

Shri H. N. Mukerjee: You have stated in the article that "restraining Members of Parliament is more difficult, but while privilege may continue to apply to what is said in Parliament, that privilege need not extend to published reports of discussions in Parliament." You have implied that even though it is difficult, restraining Members has become a necessity.

Shri S. Mulgaokar: I have said that to put restraints on Members would be difficult.

Shri H. N. Mukerjee: Whatever your intention may be, we are reading it in the context of certain happenings. The Hazari Report had been published, though your estimation of it may be different. Your article is signed, for which you take the entire responsibility. It is stated clearly "restraining Members of Parliament is more difficult"; in other words it is meant that restraining Members of Parliament in their functioning is a desirability, but it cannot be done and it is regrettable. If you had other intentions, you can tell the Committee.

Shri S. Mulgaokar: I have explained it by saying that the privilege, if it does not apply to publication outside, that will be a restraint.

Shri A. N. Mulla: I believe you will agree that more than your intention the important thing is what would be the impression created by your article on the mind of your readers.

Shri S. Mulgaokar: On principle I certainly agree with that.

Shri A. N. Mulla: If it is agreed, after reading your own article it correct or not that the reader will come to the conclusion that a large number of Members of Parliament function in a completely

irresponsible manner, misbehave and attack the people outside without proof?

Shri S. Mulgaokar: I don't think I have said a large number of Members of Parliament, but certainly there have been some.

Shri A. N. Mulla: Is it a fact or not that what had been stated in the Parliament annoyed you or it led you to write that article? There can be and there is in the country a great difference of opinion and there are large sections in the country who believe that the administration of this country is not being conducted properly because of the influence of industrialists in the counsels of the Government and Birla is one of them.

Shri S. Mulgaokar: That is entirely possible. That large number of people think so does not mean anything.

Shri A. N. Mulla: If there are large number of persons who can honestly believe it, do you think that if the representatives of the people voice that belief on the floor of Parliament is it a sacrilege of democratic principles that you were tempted to write this article?

Shri S. Mulgaokar: Let me quote some of the things that were said. Mr. Bhupesh Gupta said in the Rajya Sabha during the debate: "The Birla Empire has been built up on corruption and bribery; The Birla Empire has been built up on treachery to the nation; The Birla Empire has been built up on exploitation, on plunder, on swindle and fraud. The Birla Empire has been built up on political corruption..... The Birlas have become a great menace to our political life; The Birlas have become a great menace to our national life. The Birlas are a pestilence; The Birlas are a scourge on our modern society; they are the foulest creatures going under all names and covers, committing every single crime from murdering workers of the Trade Union down to the plunder of the Treasury, from buying up Ministers and officials and politicians down to petty bribery of the small employees and policemen. This is called Birla Empire. It is an empire of shame and dishonour and disgrace. It is an empire which is in league with every kind of corruption and villainy of all types."

As I said, this is a judgment, an *ex-parte* judgment. I do not know; the Birlas may well be guilty of all this. That is not the point. The point is that this has not been satisfactorily proved by proper legal processes. So, what you say about our people's feeling about Birlas, their strong views and so, on and so forth. I don't know how these can be expressed in language of this kind without

some sort of proof, legal backing, and if you think that this is the just expression of the feelings of a great number of people in this country, well, I can only say that I must differ.

Shri A. N. Mulla: You have read out the extracts from the speech of one Member. Is this the tone of all the Members who raised their voice? Can you pick up one or two other Members who used such an expression?

Shri S. Mulgaokar: As I told you earlier, I do not accept that the reference in the Article was to a large number of M.Ps. That is why I checked you on that at once. It is also not as if this is only one Member's expression. I have got one or two more and I can bring to your notice some others also. But that is not the main issue.

Shri A. N. Mulla: Accepted. Even if a few members according to you indulged in unjustifiable language, is there anything in your article which would indicate that you were dissatisfied with only a few Members and you were not dissatisfied with the entire lot of Members?

Shri S. Mulgaokar: I have made it clear. I was troubled by certain aspects of parliamentary procedures. I have nowhere indicated that I am trying to condemn the entire parliamentary system as it functions.

Shri A. N. Mulla: Reading your article, one will get the impression of wholesale condemnation of the Parliament.

Shri S. Mulgaokar: I do not think so; I do not accept that at all.

Shri A. N. Mulla: According to you it condemns only a very few Members of Parliament.

Shri S. Mulgaokar: It refers to certain trends which were noticeable in this debate particularly.

Mr. Chairman: May I read out one sentence in your article? "The question that now arises is how far can we go in allowing Parliament to behave like some kind of a Star Chamber sitting in judgment on individuals and institutions who have no means of defending themselves without undermining democracy itself." You were annoyed with certain unrestrained views of a Member of Parliament or some Members and therefore you were passing a judgment on the institution of Parliament as such.

Shri S. Mulgaokar: It is not precise legal language that one finds in newspaper articles. Perhaps it can be read in the fashion that you described. It is possible. But that was certainly not my intention.

Shri A. N. Mulla: You have used these words "But there are not many remedies against those who use the freedom of an open democratic society for the express purpose of subverting it". Therefore according to you this personal tirade was such a major lapse that it was uprooting the very foundations of democracy.

Shri S. Mulgaokar: No. It was not only in relation to the Birlas, though this assumed large proportions in the debate in question, but this trend has been there for quite some time.

Shri A. N. Mulla: But this article was written after criticism of the Birlas.

Shri S. Mulgaokar: We have been referring to it earlier also.

Shri A. N. Mulla: But not in such a language in which you expressed it now.

Shri S. Mulgaokar: Perhaps not.

Shri A. N. Mulla: I have said that there are quite a number of people in this country who may not express themselves in the same terminology which you read out to us, but who still basically agree with the substance of what is contained in those extracts. And, therefore, what you are against is, that people express themselves in such terminology, and so you expressed that feeling against Parliament, as a whole.

Shri S. Mulgaokar: First of all, this is a matter of opinion and I have no opinion in this matter myself. But certainly don't you think if this was done outside Parliament, it would constitute libel.

Shri A. N. Mulla: If this is published outside Parliament, my view is that it would be open to Mr. Birla to get proceedings against the person who made these statements started but he will have to think several times before he takes that step, for the other party has also his legal rights to substantiate what he has said. He will have to weight the chances before he comes forward and prosecutes him.

Shri S. Mulgaokar: That is as it may be. You may be right about that.

Shri A. N. Mulla: Therefore you have made a suggestion that Parliament should be restrained and certain norms should be developed and the existing liberty which is given to the Members of

Parliament is being abused by them and a certain procedure should be adopted to change this liberty which is enjoyed by the Members of Parliament. Is it not the privilege of the House which you are attacking?

Shri S. Mulgaokar: No. I have said that it is not possible or it is difficult to think in these terms. That is what I have said.

Shri Bal Raj Madhok: Not going into the background of the whole thing what Parliaments are and what Parliaments are not, we are here just concerned with the article as it is and what effect it might have created. Now I would like to know from you when you gave this caption and when you referred to Star Chamber.....

Shri S. Mulgaokar: Let me tell you the caption was not mine. Not that I say that in order to deny the responsibility but as a matter of truth; that is what I am concerned about; I am not evading the responsibility for this. The caption was not mine.

Shri Bal Raj Madhok: Should we presume that when this caption was given or when reference to Star Chamber was made, the full history and the background of the Star Chamber and what it means and how it came in clash with the Parliament and how Parliament had to take firm action to suppress it and that actually when British Parliament suppressed the Court of Star Chamber, the Court of High Commission, only then the victory of Parliament over monarchy was established—all this background was known to those who referred to it.

Shri S. Mulgaokar: I can only speak for myself and because I have used the word Star Chamber in the article, so it does not really matter. I don't say I am a student of history, but I was familiar with the background.

Shri Bal Raj Madhok: In your article you have referred to—"but there are not many remedies against those who use the freedom of an open democratic society for the express purpose of subverting it". We know there are people in this country who do not believe in democracy, who would like democracy to be wrecked. But do you think that the Parliament itself is becoming a means or a forum which itself will scuttle itself.

Shri S. Mulgaokar: No. I do not think I have said that, though it is possible to read that article to mean that there are certain dangers present.

Shri Bal Raj Madhok: As you have read out some extracts from the speech of Mr. Bhupesh Gupta, there may be some others also of that type, but they are individual members and as Mr. Mukerjee pointed out we also do not feel very happy about certain things that are happening. But Parliament as an institution is something which is sacred, which is above individuals and the Parliament itself—as it happens so many times; the other day somebody showed a shoe and Parliament had to take objection and he had to apologise before the House—takes action against such people and therefore Parliament can restrain itself; Parliament is sovereign. But do you suppose that some outside agency, some outside machinery has to be created to restrain Parliament through some kind of violent mass action or some kind of demonstration or Gherao of Parliament?

Shri S. Mulgaokar: No.

Shri Bal Raj Madhok: If that is not the case, don't you think that if instead of making the whole reference in a general way which can be construed as an attack on Parliamentary institution as a whole, you could have referred to individual lapses—the lapse of individual members—and still the purpose that you had in view could be served.

Shri S. Mulgaokar: All I can say is that it was not my intention, to bring the institution of Parliament in disrespect.

Shri Bal Raj Madhok: If that was not your intention, have you any objection to making clear by saying that that was not your intention and if that that impression has been created, you are sorry for it, because that kind of impression—you will agree with us—that kind of impression is created by this kind of article, although you may not have that intention.

Shri S. Mulgaokar: Are you now talking of a formal regret or are you asking....

Shri Bal Raj Madhok: That is for the Committee to take a decision. I am personally asking you.

Mr. Chairman: Even assuming you had no intention, we will go by the results.

Shri S. Mulgaokar: If that is the result produced, I would be very sorry about it.

Mr. Chairman : The point is whether you are convinced, even if you had no intention to give that impression, that the article when read as a whole brings into contempt the Parliament as an institution.

Shri S. Mulgaokar : I don't see it clearly, but it is possible that such an impression has been formed in some minds.

Mr. Chairman : May I point out that the law of libel and the law of privileges are at par in England as well as here. If a magistrate considers that a contempt of the court is committed, then there is no question, because it is the impression of certain action that matters. If impression is created that a certain witness may not state the truth or will be deterred from stating the truth, that is enough. In the same manner, here, for instance, by your writing you created the impression. Both are at par—our privileges and the contempt of the court. In this article apart from whatever Hazari Report might have said, you could have very well argued that Hazari Report points out to the failure of the Government machinery in this respect that one Group could get the lion's share. This is the main thing. Members of Parliament are very much concerned about it. You are perhaps angered by the language of some members, as my friend, Shri Madhok, put it. We are also sometimes not very happy. But we ought to realise it now in the changed context of the situation. Leave aside what Mr. Bhupesh Gupta said—there the background may not be as sophisticated as—you, the Editor of a national daily, would like to assume. That aspect must be taken into consideration when you deal with the Parliament as an institution in the present context of the political situation. Apart from a Member of Parliament, any outsider who has read this will naturally feel that we are exceeding the limits, abusing our privileges that are inherent in our institution, while criticising certain aspects of the life and particularly the domination of certain big industrial houses in our country. So, in this context, don't you think what impression the article as a whole creates. You read it. For the time being, you forget that you have written it. Because sometimes there is a certain fixation because you have written it. There is the subjective aspect of it. If you look at it from an objective angle, you would yourself realise it.

Shri S. Mulgaokar : I admit that at one or two places the expression is rather loose. And I accepted it when Prof. Mukerjee was questioning me. But as I said, still it does not seem to me that it becomes an offence against the privileges of Parliament serious enough to warrant this kind of notice.

Mr. Chairman : Do you not think that if Parliament were to remain vigilant, even assuming that there are certain lapses committed by some elements inside the Chamber, we are competent to punish them or bring them to order. That is a different aspect. But, if you believe in Parliamentary institution, do you not accept that Parliament should take notice of criticism of this nature, where the impression is given—'No, you don't deserve these privileges. You are abusing them'?

Shri S. Mulgaokar : I do not think that I have sought to create that impression.

Mr. Chairman : That may not be your intention. But, as I said, you should read it from an objective angle, not from a subjective one.

Shri S. Mulgaokar : I have only deplored certain tendencies. That is all. I do not think that I have sought to create that kind of impression at all.

Shri G. L. Nanda : I think the essence of the matter has been already brought out one after the other by my colleagues. Some of the points I might stress again. I read the article once. I read it again now. The point is that it is not a question of a few persons here and there on a few occasions here and there that they act in a manner which cannot be worthy of Members of Parliament. The charge is that Parliament itself has become an engine of oppression. It is true that it is an instrument of pressure and there is no kind of appeal against this. It is not that every member behaves in an ideal manner. But there are correctives inside the functioning of the Parliament. There is the Speaker, there are Rules, there are directions. Therefore, if a member exceeds the bounds, within the system there are arrangements, there are restraints, so that these things do not get too far. Is it being urged that the whole Parliamentary system with all the safeguards is not capable of functioning in a manner which will be fair to the nation, to the people. But if it is thought that Parliament itself is becoming a kind of menace, a kind of danger, it is something very, very serious. I personally would not at all grudge reasonable latitude to a person, a newspaperman—newspapermen themselves go on saying things against others for which there is no remedy at all. But that is not the point. Parliamentary decorum must be observed; and parliamentary institutions may be helped to improve. But, here, such kind of things as appear in the article tarnish the whole image of Parliament. This is the effect. And this is a bad thing. We

have to improve Parliament. But such attacks are a great risk for democracy in the country.

Shri Manabendra Shah : As far as I understand, the editorial wanted to convey the mood of certain things to the readers—the trend towards which certain things are moving. As far as I can understand, the aim of this editorial was to point out that as things are progressing it may lead to something else. The intention of the publication was to point out that as things are moving unhappily, it may ultimately go to dangerous ends. The term has been used by some of our members here. Keeping the aim of the publication in view, as I have just mentioned, I also probably understand that if it had been done in a softer tone, or in a milder tone, then it would have been all right.

Mr. Chairman : It would still give that impression.....

Shri Manabendra Shah : I am coming to that. There is a certain feeling in the Committee that if it had been done in a milder tone, things would have been all right. What I understand from the editorial also is this that if it had been in a milder tone, then it would not have been taken notice of. The intention of the editorial, as far as I see, is to put it in such a manner that the Parliament itself take cognizance of things that are happening within the Parliament. And, under these circumstances, if the words had been too harsh, I feel that it has been done only with the specific purpose of bringing it to the notice of the Parliament that if they do not want to watch our own interest, the chances are we may give up all our rights also.

I, therefore, think Mr. Mulgaokar will agree that this interpretation of the editorial is correct.

Shri G. L. Nanda : May I add, Mr. Chairman, a word on this. Sir, as you pointed out yourself it is not a question of mildness. It is a question of target. Here the target is the Institution. "How far can we go in allowing Parliament..".

Shri Manabendra Shah : Parliament as far as I understand, is a thing which consists of people and if people talk of Parliament it is Parliament talking. Parliament is a building and it is the people in it who are speaking. If there are such people who are talking in a certain tone or trend....

Shri S. M. Joshi : This discussion can take place after we had finished with the witness.

Shri Manabendra Shah : Would I be correct in interpreting the editorial in this fashion? This is my interpretation.

Shri S. M. Joshi : Are you asking this question from Mr. Mulgaokar?

Shri H. N. Mukerjee : Mr. Mulgaokar you know very well the report of the Press Commission and the observations which the Commission made after looking into this subject from all sides. Now, in regard to the penetration of big money into the newspaper industry, it is common knowledge how very important editors have been pushed out suddenly without any notice. I do not mean only the Birla Group but the other big money interests have done it. So it is a common phenomenon these days in our country. We have got big money interests controlling the so-called national newspapers and it so happens that in this particular case when one of the big money interests was being criticised for alleged mis-conduct—it may or may not prove to be substantial later on—it was exactly at that point of time that the newspaper which is known to be owned by Birla Group makes this kind of comment. Now would you not think as a journalist—try to take a detached view—that this is an aggravation of whatever wrong might or might not have been committed because at a point when the whole country's attention is riveted on the idea of big money controlling certain important aspects of our economy and at a point of time when Parliament is discussing this matter and coming to certain decisions it was at that time that Parliament appears to have been denigrated. Besides, if you had the conduct of individual members in view a journalist has always the advantage of being able to put a politician on the mat in many different ways. You can do that by proper means. You can exercise your discretion and your influence on public affairs. In this particular case you have not done that. What you have done is you have attacked the whole institution. Am I justified in saying this? Please also try to tell me that there was no—not even a remote—contact between the big money interests which owned the paper and the kind of observations which were made through the article which you wrote and which is under scrutiny at this present moment. Please tell me as a detached journalist.

Shri S. Mulgaokar : Are you asking me whether the Birlas who own the paper asked me to write the article? Is that what you are trying to ask me in simple language?

Shri H. N. Mukerjee : Yes.

Shri S. Mulgaokar : That is not so.

Mr. Chairman : I may add. Were you indirectly influenced in writing this article? Direct suggestion might not be there.

Shri S. Mulgaokar : Indirectly—no I was not doing this merely to please Birlas. I do not think so. If Prof. Mukerjee—who was kind in praising my abilities as a journalist earlier—was trying to argue that if this is a bad journalistic piece, there I might be able to agree with him. That is, I could have done it in many other ways.

Shri S. M. Joshi : I just wanted to know whatever might have been your intentions but the fact remains that your Paper is in English and it is read by intellectuals. Now do you agree that in this country the people who consider themselves as intellectuals have started feeling that this democracy we are not really fit for. It has been said times without number that we are not fit for this democracy and, therefore, if that is the mood in the intellectual circles will you not agree with me that an article of this kind will help that mood to grow? Further when you say "Shades of the Star Chamber", might be you have not given that caption but you have seen the caption.

Shri S. Mulgaokar : I did not see the caption. I was not in Delhi.

Shri S. M. Joshi : Even if that caption is not given by you, don't you think that the tone of the article is such that the caption of this kind should be given. In the article you have said: "The question that now arises is how far can we go in allowing Parliament to behave like some kind of a star chamber sitting in judgment on individuals and institutions who have no means of defending themselves without undermining democracy itself." Here you have raised very crucial issue where you say you do not allow the Parliament to do this or that. If you were to write the same paragraph 'that I would appeal to the Parliament that they should restrain such people' one can understand but here you have written in the last paragraph "Restraining members of Parliament is more difficult:"—

Shri S. Mulgaokar : That is institutional restraint. That is what I wanted to say.

Shri S. M. Joshi : If you want democracy to function in this country and that is, on the basis of adult suffrage, in the under-developed stage of our society the representatives of the people may use language which sometimes you and I may not accept. We are masters of this country and Parliament is sovereign authority. Now here it seems that you are challenging that right of Parliament. You

say, we do not allow these people to do these things. We don't agree with so many things that happened. But here the whole thing is this.

Shri S. Mulgaokar: How far can this kind of thing go on without this thing. That is the main idea.

Shri S. M. Joshi: We are forgetting about the Birlas. I am only concerned with this. I do not want even to say that you are a servant of the Birlas and therefore you must do it. You might have said it even if it were some other person. I am only saying this. I have been listening to these things. Some people say, there must be dictatorship. It is not poor people only, but people supposed to be intellectuals who say. They say, this country cannot go on like this. When you write an article like this, don't you think that the entire system of Parliamentary democracy as it is functioning in this country is brought into disrepute and contempt?

Shri S. Mulgaokar: That was farthest from my thought.

Shri S. M. Joshi: It was not the intention. But the outcome after you read this article is that this country is not really competent to have a Government which we are having. You have also stated that the first thing to do is to establish some norms in public discussions not only in Parliament but outside it. You also say that it has become an instrument in the hands of blackmailers and subverters. Here you are saying that Parliament has become incompetent to stop these blackmailers and subverters. Here the question is not about blackmailers and subverters. They may be there. Let us assume it. But the implication is, Parliament has failed to do it. That means, Parliament is incompetent body which cannot function as sovereign body. If such impression goes into the public mind it has to be corrected. Your intention was not that. I don't say it was your intention. If you have to write one para and say that Parliament should by now take these things and see how these things don't happen, that is understandable. You can as well put up a plea, I am asking the people to do it. You think that Parliament is not doing it and people must rise and revolt against the Parliament and set them right. I am not an intellectual. But sometimes intellectuals use language in a manner which gives pain to a common man like me. Actually we belong to the poor people. We have the good intention of serving our people. But if this impression goes on, the feeling that we are not fit for democracy will be allowed to grow. You have no intention, but the effect is there.

Mr. Chairman: The sub-title 'Bad image' is not yours most probably?

Shri S. Mulgaokar : It is not.

Mr. Chairman : Editing must have been done by somebody.

Shri Rajendranath Barua : In your article you have said that "the question that now arises is how far can we go in allowing Parliament to behave like some kind of a star chamber sitting in judgment on individuals and institutions who have no means of defending themselves without undermining democracy itself". Do you stand by it?

Shri S. Mulgaokar : I have already said in reply to Prof. Mukherjee that the wording is a little unwise. If I were to re-write it now, perhaps I would agree with you that the phrasing would be different.

Shri Rajendranath Barua : You say that law of libel must be changed in the country. You say it must be brought in line with modern laws.

Shri S. Mulgaokar : This refers to discussion outside Parliament, about the norms of discussion inside and outside Parliament. It is in this context that reference to the law of libel is there.

Shri Rajendranath Barua : This has no reference to Parliament.

Shri S. Mulgaokar : No.

Shri Rajendranath Barua : You say 'It has become an instrument in the hands of blackmailers and subverters'. Does it mean Parliament?

Shri S. Mulgaokar : I am sorry I did not bring a copy of the article.

Deputy Secretary : The copy is here. (A copy was given to the witness).

Shri Rajendranath Barua : You say that the first thing is to establish some norms in public discussion not only in Parliament but outside it.

Shri S. Mulgaokar : The reference is not to Parliament. This refers to the present law of libel.

Shri Rajendranath Barua : As it works outside Parliament?

Shri S. Mulgaokar : Yes.

Shri Rajendranath Barua : How does it come here?

Shri S. Mulgaokar : I have talked about some norms in the public discussions not only in Parliament, but outside it.

Shri Rajendranath Barua : Do you agree that in the present context of things we shall have to tolerate monopoly for sometime in order to make strides in science and technology in a big way?

Shri S. Mulgaokar : If you ask for my personal opinion, we do not have to tolerate monopoly at any time.

Shri Rajendranath Barua : You do not agree with this statement?

Shri S. Mulgaokar : I said we do not have to tolerate monopoly.

Shri Rajendranath Barua : You have supported your argument by quoting Hazari report which says:

“If monopoly or near monopoly is thereby permitted or tolerated, it should clearly be recognised that this is a necessary price that has to be paid for modern technology till such time as the size of the market for individual products....”

Shri S. Mulgaokar : That is what the Hazari report said, not what I said.

Shri Rajendranath Barua : Do you agree with this proposition?

Shri S. Mulgaokar : The word ‘monopoly’ tends to be used rather loosely for bigness. ‘Monopoly’ as I understand it is absence of competition. I do not know what Hazari means by the word. I certainly oppose it.

Shri Rajendranath Barua : It is in the Hazari report and you agree with that?

Shri S. Mulgaokar : If it means only bigness....

Shri Rajendranath Barua : You got it from Hazari report and there it means what he means by that.

Shri S. Mulgaokar : Whatever Dr. Hazari means, what I understand by that word is absence of competition and I certainly do not stand for it. But if Dr. Hazari meant bigness....

Shri Rajendranath Barua: The debate in the Rajya Sabha is against the monopoly in the country based on Hazari report and that is why the Birlas were very much annoyed.

Shri S. Mulgaokar: I am sure the Birlas must have been greatly annoyed by all this; anybody would be. I did not ask them, but I suppose so.

Shri Rajendranath Barua: You did not write the article to please Birlas?

Shri S. Mulgaokar: No.

Shri S. M. Joshi: The portion which was read out is your own; it is not a quotation from the Hazari report?

Shri S. Mulgaokar: It is a quotation.

Shri S. M. Joshi: I do not see the quotation marks.

Shri S. Mulgaokar: They may have been omitted in typing.

Shri Rajendranath Barua: In your reply you have said:

"It has seemed to me and to many others that some of the recent debates have left the unfortunate impression in the public mind that this distinction is in danger of being lost sight of."

Here do you mean the series of debates or a particular debate?

Shri S. Mulgaokar: Are you asking me which other debates I had in mind apart from the debate on Hazari report?

Shri Rajendranath Barua: Yes, because you have said earlier:

"But I have been troubled, as a large section of responsible opinion in the country is, by certain aspects of the functioning of Parliament."

Further down you have said what I have earlier read out. What are these aspects?

Shri S. Mulgaokar: I think that is quite clear. I was referring to, for example, the passage quoted from Mr. Bhupesh Gupta.

Shri Rajendranath Barua: Is that the only aspect that agitated your mind?

Shri S. Mulgaokar: Yes—this kind of charges being made against people who are not present to reply to them.

Shri Rajendranath Barua: That is one aspect. You have said “certain aspects”. You have used the plural form of the word, probably purposely. And your reference is to the functioning of Parliament, not to speeches. What was in your mind?

Shri S. Mulgaokar: Apart from these loose charges and allegations, immediately I cannot recall what they are.

Shri Rajendranath Barua: I was quoting only from your explanation where you have said “certain aspects of the functioning of Parliament.”

Shri S. Mulgaokar: That is true. I shall say that what Prof. Mukherjee so kindly said about my ability was a little premature.

Shri P. Ramamurti: I am not interested just now in your understanding of the term ‘monopoly.’ You may have your own interpretation. That is an economic term and we are not concerned with that. Granting that your own conclusion from the Hazari report might be different, I would like to point out that you have come to certain conclusions after the entire discussion. We are concerned only with that. In one of the paragraphs you have said:

“The question that now arises is how far can we go in allowing Parliament to behave like some kind of a star chamber sitting in judgment on individuals and institutions who have no means of defending themselves without undermining democracy itself. There are a hundred ways in which malefactors can be brought to book—even if they happen to be Birlas—but there are not many remedies against those who use the freedom of an open democratic society for the express purpose of subverting it.”

This paragraph is not to be read in isolation. It has to be read in the whole context of the debate that has taken place in the Parliament over the Hazari report over which you have commented. The conclusion is irresistible that you painted the entire debate in the Parliament as a Star Chamber performance with malefactors and so on and you also said that people in the Parliament were out to subvert democracy itself. Can you say anything about this?

Shri S. Mulgaokar: If this kind of proceedings are to continue, Parliamentary Democracy would be in grave danger.

Shri P. Ramamurti: The whole question is whether you are not talking about some future danger. You are talking as to how far the Parliament can go on behaving like this. This is a criticism of the debate in the House.

Shri S. Mulgaokar: I am talking of the future which will be in grave danger.

Shri P. Ramamurti: If you are talking of some future danger isolated from anything that happened in Parliament, that is a different matter. The whole debate took place on the Hazari report discussion. And you have commented about that report and have also commented that the Members were not behaving properly. I am only concerned with this thing viz., that you have described the Parliament as a 'Star Chamber'. This is an offending paragraph. And this is the paragraph about which we are more concerned with.

Shri S. Mulgaokar: Perhaps the phrase that I have used might be unhappy.

Shri S. M. Joshi: Please see page 24. You have stated that most of the speakers in the debate in the Rajya Sabha did not have the advantage of reading the report. You said that some Members of Parliament when they talked in the House did so without reading the report. If you were to say that some people did like that, I am not saying that it is a privilege.

Shri A. N. Mulla: That would not be a privilege.

Shri S. M. Joshi: Is there not a feeling in the minds of the public that these fellows are thoroughly useless to do a job for which they are intended to. Therefore, here also there is a looseness in the writing. If you say 'some people' we can understand. But, when you say most of the people, then it is a bit serious.

Shri P. Ramamurti: See the further sentences. There are a hundred of ways in which the malefactors could be brought to book even if they happen to be Birlas. Here the discussion happened to be on Birlas. Even if it is a case of Birlas, there are hundred other ways other than discussion in the Parliament by which malefactors could be brought to book. This is what you are saying. There are hundred other ways of bringing Mr. Birla to book. Instead of that,

this is being utilised in Parliament for the express purpose of subverting the Parliamentary Democracy. In regard to this particular debate this is what you are saying. So, what is your defence against this? This is not a happy wording. But, I feel that these words have been very carefully chosen. Mr. Mulgaokar has been a writer for such a long time and he is now the Chief Editor of the Hindustan Times paper. Therefore, your words must be chosen deliberately.

Mr. Chairman: There are occasions where the writers are carried away by the words themselves! Quite often it so happens.

Shri P. Ramamurti: He should know this being a responsible man of a paper.

Shri S. M. Joshi: I would like to ask you one question. When you wrote this article, on what basis did you rely? Did you rely on the basis of the report of any agency or your own reporter in Parliament? And did you go through the entire proceedings that took place in Parliament?

Shri S. Mulgaokar: I did not go through the entire proceedings.

Mr. Chairman: One more aspect I would like to bring to your notice. You must have observed that there was a demand on the floor of the House when the question of privilege was referred to the Committee, that the House should not ignore the proprietorship of the Press. Probably you are aware of the Press Commission Report, Chapter 15. I do not want to refer to that in this Committee. But, there are certain observations connected with the proprietor's influence in the papers. There are a number of other things which have been mentioned here. We, as Members of Parliament, are concerned ourselves with our own institution as an instrument for democratic functioning. Press also we consider as an independent institution. You must have seen that on the floor of the House Members have been expressing time and again great concern about the freedom of the press—freedom of the editorial staff.

With this background, the Committee has to take a view. I am bringing this to your notice for one reason *viz.*, that several Members of Parliament have shown greater concern for the freedom of expression of the editors and others. From the statements given, two things are very clear. As you have explained, you had no intention of casting aspersion. There is no doubt about that. Sometimes it so happens that even on the floor of the House, one is carried away by phrases and expressions. Excepting those who have sat on the bench like, Justice Mulla, we also sometimes are carried away by certain phrases or expressions. Here we

are concerned with the general impression and from these two or three passages that we read out to you it appears very clearly that it gives an impression that as an institution you have projected a very bad image, if I may put it very mildly, of Parliament. Even apart from what A or B has said, you have yourself said:

"The country is very near to the point where the public is losing all confidence in the instruments of democratic organization."

Do you think that by such an approach to the problem you can restore faith in democratic institutions or do you want to shatter it? That is the straight question. I am not concerned with other things which are ephemeral, I would say.

Shri S. Mulgaokar: This is intended as a warning. This is what we may be facing.

Mr. Chairman: It does not say that it is a warning. That it appears you have practically come to a conclusion. This is the main question agitating our mind. It is not a question of A or B.

I want to clinch the issue. To this extent an impression has been created not only on the Members of Parliament but I may say, on others as well I had discussed this matter with outsiders also. They said this was the impression they also gathered. This talk was to ascertain whether I was right in my view. If you have anything to say, if you had approached the problem in the manner that this is the danger; these are the correctives, it will be different. But there is no corrective, no positive suggestion. You have pointed out the danger and in such a manner that the institution deserves to be condemned. That is all. There is no possibility of resurrection.

Shri S. Mulgaokar: I do not think that is the view I have conveyed.

Shri A. N. Mulla: You have in the course of answering the questions put to you by the Members of this Committee admitted that if you were to re-write this article, perhaps you would not use the same terminology, you would change the words, and you might express it somewhat differently. You also wrote to us a letter that you consider that the line that divides fair and responsible comment from transgressions into the privileges of Parliament might have been crossed. So do you think that after all these admissions it would be much better—from the questions we have been putting to you—you perhaps might have got an inkling of our mind; of

course, we may change our mind as well—that you advance a step further and then we may consider the whole thing as closed?

(No answer. There was a pause)

Mr. Chairman: What have you got to say? Otherwise we may proceed further.

Shri S. Mulgaokar: As I said earlier also I shall readily express regret if that is the general impression created. But to the best of my own belief and conviction that is not what I intended to do.

Shri A. N. Mulla: Your intention we accept. It is only the impression caused by your leader that we are concerned with.

Shri S. Mulgaokar: My difficulty is if I am not convinced..... I can understand that you, Gentlemen, have to do your duty as you see it. I have to do mine as I see it.

Shri P. Ramamurti: You have been a good writer for a long time. I would just request you to take this passage from your leader:

“But the stronger case is against a government which permitted all these things to happen because it was, as we are told, beholden to the Birlas.”

Then you say:

“The proposition has only to be put in this manner to recognize the absurdity of it.”

That is, you come to the conclusion that the Government itself was a party to that. If you put it that way, then the whole thing will look absurd. But then you say:

“But this is precisely what it amounts to if we are to take with any seriousness the wild charges which have been flung in Parliament against Birlas.”

Therefore, you say.....

Shri S. Mulgaokar: I have quoted some other words. I have earlier quoted some of the charges.

Shri P. Ramamurti: The point is that you have come to the conclusion that there were very wild charges that have been flung against the Birlas in Parliament.

Shri S. Mulgaokar: Yes, I am not saying that they may not be true. So long as they are not proved, they are charges.

Shri P. Ramamurti: You have come to the conclusion that they are wild charges and in that particular connection, in that connection of wild charges being flung in the Parliament against the Birlas, on the best of your understanding of it, you come to the conclusion. "The question that now arises is how far can we go to allow these things." It does not stand in the air. You are an intelligent person who has been an editor in the journalist world for a long time. What is the impression this leader would create? This creates the impression that the Members of Parliament are indulging in wild charges for the purpose of subverting democracy and all that. After saying that wild charges have been flung—you are an intelligent person I take it—what do you expect the people to understand?

Mr. Chairman: So we conclude. I will make a request. You please contact our Secretary, Mr. Chawla, and get the transcript of your reply and correct if there is any verbal mistake.

(The witness then withdrew)

APPENDICES

APPENDIX I

(See para. 1 of Report)

Article by "S.M.", published in the 'Hindustan Times', dated the 4th June, 1967.

SHADES OF THE STAR CHAMBER

[National Affairs]

Discussion we had last week in the Rajya Sabha on the buccaneering and brigandage propensities of the Birla clan, one obvious accusation was missing: that the Hazari report itself was the work of a Birla hireling. On the internal evidence of what the report itself actually says—and looking for evidence is out of fashion in Parliament anyhow—such an accusation would have been well founded.

For here are some of the conclusions of Dr. Hazari :

Monopoly: We are not suffering in India from the evils of monopoly in the conventional sense. Concentration of economic strength is not synonymous with monopoly in this country because every large group has diversified industrial interests and there is practically no industry which can be said to be the monopoly of a particular group.

Concentration: Dr. Hazari expresses some concern that the two largest complexes—Tatas and Birlas—accounted (in 1958) for approximately one-fifth of the physical assets of the corporate private sector. He describes this as "certainly excessive but explains that it only reflects the continuance of a low level of development of resources and entrepreneurship in the economy which is the basic problem that requires attention."

Uneconomic Plants

Dr. Hazari is critical of the Government claim that the policy of licensing a large number of new units in a given industry is to disperse economic power. The implementation of this policy, he says, has actually left a legacy of uneconomic small-sized plants and has entailed high foreign exchange costs. To avoid repetition of this experience, he recommends an insistence on plants of an economic

size. He also thinks that in giving licences and assistance to medium groups the attainment by them of certain minimum levels of efficiency must be a required condition.

If monopoly or near monopoly is thereby permitted or tolerated, it should clearly be recognized that this is a necessary price that has to be paid for modern technology till such time as the size of the market for individual products expands sufficiently to permit the economic viability of a large number of producers of each product.

One could think in terms of imposing severe restrictions on the growth of the large groups if there was reasonable confidence that small and medium groups and the State could set up and expand a wide variety of large-scale industries with the speed and efficiency expected of the large group. But, in Dr. Hazari's opinion, there are no grounds for such confidence.

Pre-emption of Capacity: On this count, Dr. Hazari has expressed some misgivings, but his data has been challenged. For example, Dr. Hazari himself at various times has mentioned different figures in his assessment of the number of companies in the Birla group and in the present report has assumed as belonging to the group several companies over which the Birlas have no control. But even in this matter of Birla pre-ponderance in the number of licences issued, Dr. Hazari acknowledges that their success was mainly attributable to enterprise, imaginative understanding of licensing formalities and astute management.

This is Dr. Hazari. Most of the speakers in the debate in the Rajya Sabha did not start with the disadvantage of reading the report: The discussion was thus allowed to range over a wide variety of matters such as the Birlas alleged fraudulent financial manipulations, their corruption of administrative processes, their control of the Congress Party machinery, so powerful, it seemed, that they had nominees in the Cabinet and the Prime Minister herself was their creation.

Public Interest

If it is to be assumed that even a tenth of these allegations are true, then we have a case here of collusion between the Congress Government and the house of Birlas to the clear detriment of public interest. If the Birlas have foreclosed industrial licensing, if the Birlas have evaded income-tax, if the Birlas have salted away foreign exchange by fraud, there is a case for letting them take their deserts.

under the law of the land. But the stronger case is against a government which permitted all these things to happen because it was, as we are told, beholden to the Birlas.

The proposition has only to be put in this manner to recognize the absurdity of it. But this is precisely what it amounts to if we are to take with any seriousness the wild charges which have been flung in Parliament against the Birlas.

The question that now arises is how far can we go in allowing Parliament to behave like some kind of a star chamber sitting in judgment on individuals and institutions who have no means of defending themselves without undermining democracy itself. There are a hundred ways in which malefactors can be brought to book—even if they happen to be Birlas—but there are not many remedies against those who use the freedom of an open democratic society for the express purpose of subverting it. The danger that this can happen is now very real and the surprise is that the Congress and other democratic parties behave in a manner to suggest that they are completely unaware of it.

Bad Image

The country is very near to the point where the public is losing all confidence in the instruments of democratic organization. Big industry, we are told, has a bad image. This is nothing to the bad image of the politician, especially the Congress politician. The Birlas may go and so may the Congress, and the public may not shed tears at their going, but what we have to guard against is that we do not throw out democracy with them.

The first thing to do is to establish some norms in public discussion, not only in Parliament but outside it. The century-old libel law is completely obsolete in today's conditions. It has become an instrument in the hands of blackmailers and subverters. That law must be changed at once and brought in line with modern law in this matter elsewhere in the democratic world.

Restraining Members of Parliament is more difficult but while privilege may continue to apply to what is said in Parliament, that privilege need not extend to published reports of discussions in Parliament. Perhaps, this remedy will raise other complications. There is certainly a danger that this will place a limitation on free expression. But the main point is that we need protection against unsupported allegations being given currency in the public mind if democracy is to survive in this country.

APPENDIX II

(See para 3 of Report)

Letter dated 16th June, 1967 from Shri S. Mulgaokar, Editor-in-Chief, the 'Hindustan Times', New Delhi.

I have your letter asking me to make my submission in the article entitled "Shades of the Star Chamber" in the *Hindustan Times* of June 4, 1967 which is now before the Committee of Privileges of the Lok Sabha.

May I say at once that it never occurred to me that the article in whole or any of its parts could be interpreted as an encroachment on the privileges that Parliament must enjoy in a democratic constitution for its proper functioning. But I have been troubled, as a large section of responsible opinion in the country is, by certain aspects of the functioning of Parliament. It is Parliament's duty and responsibility to keep a vigilant eye on matters affecting public interest in their entirety, which must of course include suspected transgressions by private individuals at the expense of public good. But it is one thing to ask for an investigation of such suspected transgressions and quite another to proceed on the basis that the transgressions have been already established. It has seemed to me and to many others that some of the recent debates have left the unfortunate impression in the public mind that this distinction is in danger of being lost sight of. It is my humble opinion that such trends will constitute a danger to our democratic functioning.

The reference to the law of libel is not in the context of the work of Parliament. But I believe that the law of libel as it now stands is conducive to a climate of character assassination in discussion of public issues in some sections of the press. This also constitutes a danger to democratic functioning.

Members of Parliament are the supreme upholders of our democratic constitution. But lesser citizens also have their duties and responsibilities as members of a democracy. We discharge them according to our lights and though sometimes an error of view may occur, it cannot be Parliament's intention to act in a way to suggest that every error regardless of the intention behind it is in contempt of the privileges of Parliament.



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