

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

4

**FOURTH REPORT**

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

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

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



**LOK SABHA SECRETARIAT**

**NEW DELHI**

December, 2017/Agrahayana, 1939 (Saka)

## COMMITTEE OF PRIVILEGES

**(SIXTEENTH LOK SABHA)**

### **FOURTH REPORT**

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

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

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



**LOK SABHA SECRETARIAT  
NEW DELHI**

December, 2017/Agrahayana, 1939 (Saka)

## **CONTENTS**

	PAGE
Personnel of the Committee of Privileges .....	(iv)
Report .....	1
Minutes of sittings of Committee.....	45
Appendices.....	57

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

**Smt. Meenakashi Lekhi - Chairperson**

**MEMBERS**

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

**Secretariat**

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

## REPORT OF COMMITTEE OF PRIVILEGES

(SIXTEENTH LOK SABHA)

### **I. Introduction**

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

2. The Committee in all held five sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.
3. The Committee at their sitting held on 03 November, 2016 considered the Memorandum on the subject. The Committee, thereafter, decided to hear Shri Shyama Charan Gupta, MP in the first instance.
4. The Committee at their second sitting held on 27 July, 2017 heard the Member and also decided to call the Correspondent and the Editor of Indian Express as well as the Correspondent, Former Associate Editor and Editor of Deccan Herald to depose before the Committee.

5. At their third sitting held on 08 August, 2017, the Committee examined on oath Ms. Abantika Ghosh, Special Correspondent and Shri Rakesh Sinha, Editor, Indian Express, Delhi Edition respectively.

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

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

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

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

Elaborating, the Member stated that on 11 March, 2016 the Committee on Subordinate Legislation deliberated on the draft Eleventh Report on ‘The Cigarette

---

<sup>1</sup> Appendix I

and Other Tobacco Product (Packaging and Labelling) Amendment Rules, 2014' and adopted the same. In keeping with the highest traditions and conventions of parliamentary etiquette and also in consonance with the provisions contained in this regard in the Directions of the Speaker, he recused himself from attending the sitting of the House that day. Notwithstanding the above, the Indian Express in their news report dated 12 March, 2016 (New Delhi Edition) published under the caption 'warning should cover 50%, not 85% of tobacco pack... Lok Sabha Panel' *inter alia* reported that 'those who attended the meeting included Allahabad MP, Shri S.C. Gupta whose *bidi* empire, according to his own estimates, is worth Rs. 250 crores...'

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

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

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

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

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

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

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

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

It was the interim report of the same Committee, submitted in March last year, that made the government put on hold a notification originally issued in October 2014 mandating 85 per cent pictorial warnings on tobacco packets. Following resolute stonewalling from the government, it had to capitulate after the Rajasthan High Court directed the government to implement the notification. The new date now stands at April 1, 2016, exactly a year after the original date of implementation. At present pictorial warnings on tobacco packets cover 40 per cent of the principal display area.

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

that a large number of people in the trade will be saved from being rendered unemployed,” the report says.

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

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

A month after the health ministry decided to print warning messages on 85% area of a tobacco pack, a panel of lawmakers has recommended lowering the area to 50% of the space. “In order to have a balanced approach, the warning on the cigarette packets should be 50% on both sides of the principal display area instead of 85% of the principal display area as it will be too harsh,” the Parliamentary Committee on Subordinate Legislation has stated in its report. The panel, headed by BJP MP Dilip Gandhi and having beedi baron lawmaker S C Gupta as one of its members, met here on Friday to finalise the report. By rule, Parliamentary panel reports are advisory in nature. If Indian tobacco products have larger warning messages on the pack, it would lead to flooding of illicit cigarettes in the country, the panel argued in its report, besides claiming that such a step would adversely affect the farmers and Indian tobacco companies.“Beedis are packed in bundles of 10-25 and length of beedis vary from 55-75 mm. If 85% of area is earmarked for printing specified health warning, there is virtually no space left for printing

brand long, name and address of manufacturers, no of beedis and customer care no as required under the law," says a draft of the report, accessed by Deccan Herald. Last month, the Ministry notified the new pictorial warning scheme to print the warning on 85% of the principal display area from April 1, following an order from the Rajasthan High Court. In March 2015, the Health Ministry put on hold this notification with the excuse that it was done following a request from the Parliamentary committee that was reviewing the tobacco laws. The move stirred a hornet's nest due to the presence of Gupta and his conflict of interests. While recommending less space for publishing the warning message, the panel relied on the opinion from the Ministries of Commerce and Labour, both of whom recommended against the move. The Labour Ministry said it would affect people's livelihood, while the commerce ministry, quoting a Deolite report, claimed 'no impact' of larger warning.

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

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

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

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

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

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

11. In view of the above, comments of the 'Indian Express' and DHNS (Deccan Herald) on the notice of question of Privilege raised by Shri S.C. Gupta, MP were called for and the same have since been received, which *inter alia* state as under:

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

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

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

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

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

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

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

**Statement of the Associate Editor of the Deccan Herald in his reply dated 5 April, 2016:**

“....from a perusal of the news article, it is clear that the news article does not at all state whether or not the Hon’ble Member attended the sitting, held on 11 March, 2016. What the news article stated is that Hon’ble Shri Shyama Charan Gupta is a member of the Panel, which is headed by BJP member Dilip Gandhi. It did not state that the Hon’ble member attended the

meeting of the panel held on 11 March, 2016. Here we quote the relevant portion of the news report. ‘The panel, headed by BJP MP Dilip Gandhi and having beedi baron lawmaker S C Gupta as one of its member, met here on Friday to finalize the report.’ Therefore, there is no false or misleading report which may constitute breach of privilege as alleged. The news article has not tarnished the image or cast reflection/aspersion on the Hon’ble member as alleged. It is denied that the impugned article or any portion thereof or the alleged meaning/interpretation thereof are either defamatory or has caused any injury or harm to the alleged reputation of the Hon’ble member Shri Shyama Charan Gupta. The news article was published as information to the general public and not with a view/intention to defame or cast aspersions on the Hon’ble member. The publication is fair, impartial and accurate. The publication is not actuated by malice. The publication is made in good faith. In view of the foregoing, it is respectfully prayed that further proceedings may kindly be dropped.”

13. On due consideration, the Hon’ble Speaker, Lok Sabha on 13 May, 2016 under powers conferred under Rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha, referred the matter to the Committee of Privileges for examination, investigation and report.

### **III- Evidence**

#### **Evidence of Shri Shyama Charan Gupta, MP**

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

"Madam Chairperson, this issue is about the newspapers of the Indian Express and the D.H.N.S, that were published on the 12th of March. These newspapers had printed some news about me. At that time, discussions on 'less warning on tobacco products' were going on. I was a member of the Committee on Subordinate Legislation at that time. This matter was running in that Committee. I, myself, am related to *Bidi* trade and I had my own business of *Bidi*. When the matter started in the Committee of Subordinate Legislation, at that time, the Hon'ble Chairperson and other people had advised me that when they would be examining the matter and would be calling for witnesses, I should not be there in the Committee meetings. I had agreed to their advice. After that, I presented a written application to the Hon'ble Chairperson requesting that I might be excused from sitting in those meetings and I shall not participate in the meetings of the Committee till the evidence/ witnesses related to this matter are not over . . .

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

... These newspapers wrote that I was present on those meetings. This is the proof in the Committee's booklet. You can see in this Attendance Register that I was not there in these meetings. This is not just about the 11th of March, but also of 4.8.15, 7.8.15, 15.7.15, 12.8.15, 30.7.15, 27.8.15, 10.9.15 and 11.3.16. I was not there in all these meetings of the Committee on Subordinate Legislation . . ."

"... In spite of my absence, these newspapers published this, due to which, mine as well as my Committee's reputation/ image was tarnished. I have proof of this and I have also given witness. Since I was not present in any of the meetings of the Committee, that is why this Attendance Register does not have my signatures anywhere. I want to ask that despite this, why did

these newspapers print my name? I have complaints about this. They have done this to tarnish my image and to deteriorate the image of my Committee and Parliamentary proceedings. I am present here to put this complaint in front of you."

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

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

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

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

17. Drawing attention of Shri Shyama Charan Gupta, MP to the deep regrets expressed by the Indian Express in their 'Correction & Clarification published on

26.3.2017', the Committee sought to know whether any communication was addressed by the Indian Express to him. In response, Shri Shyama Charan Gupta, MP, stated as under:-

"Nothing like that came up to my information"

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

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

**Evidences of the Representatives of Indian Express, Delhi Edition**

**Evidence of Ms. Abantika Ghosh, Special Correspondent of the Indian Express on 8.8.2017.**

19. Ms. Abantika Ghosh, Special Correspondent, Indian Express during her evidence before the Committee on 08 August, 2017, *inter-alia* stated as follows:

"I was misinformed and I sincerely regret having made that mistake. I have been covering Parliament proceedings for 16 years and never made this kind

of mistake. This is the first time I have committed such an error. At that point of time had done due diligence but it was a mistake and I apologize before the Committee.”

20. When asked about the nature of due diligence done as also the data sources that are used to publish news on any subject, she stated as under:

“This was quite a while back. So, I do not remember whom I spoke to on that but normally we speak to the people who are associated with a particular subject and try to ascertain the facts.”

21. On being asked to state whether whatever was printed benefited the newspaper or it hurt the newspaper, Ms. Ghosh replied:

“It definitely hurt the newspaper because we carried a clarification . . . In this case, the mistake was on page 10 but the clarification was on page 2.”

22. When asked as to who decides the merits of the content and what kind of due diligence happens in the case of reporting on Parliament and Parliamentarians, Ms Abantika Ghosh replied as under:

“In most cases, when it is a Parliamentary Committee Report for example we have the Report. I do not remember it; I have to check that story. If I am quoting from the Report I would have the Report. But in terms of a

particular person being present or absent, I do not think we had documents at that point of time. So, we have to check with others. Normally, when it is a Parliamentary Committee Report, we go by the letter of the Report; we just quote.”

23. To a pointed query as to whether any call was made to a Parliamentarian for his/ her comments before a news report about him/ her is published, Ms. Abantika Ghosh replied as under:

“We do that mostly.”

24. On being asked as to why a clarification to the impugned item was published and how did they come to know of their mistake , Ms. Ghosh replied as under:

“It is because we made a mistake. . . It is because we received a notice from the concerned Hon'ble MP and then immediately after we received it, my editor got in touch with me and said that go back and check and by which time all the things had come. I checked and I said no. He was right. He was not present.”

25. On being asked pointedly whether they did not realise the mistake themselves, she replied in the affirmative and stated that it was realised only after the notice of question of privilege dated 17 March, 2016 was received by them.

26. On being asked to confirm that if the news-item was of 12 March, 2016, the clarification was belatedly published on 26 March, she replied in the affirmative.

27. When countered with the question that it (news report) did not appear to be an honest mistake and it was a carefully calibrated attempt to convey a message to lower the esteem of that Parliamentary Committee in the eyes of the general people, Ms. Ghosh replied that she did not do it with any such intention.

The witness further stated as under:

“Whatever be the reason, no reporter ever likes his or her story to be refuted which to my mind is the biggest reason for doing checks and everything. In this case, this was a person being present or absent was a ‘yes’ or ‘no’ thing. There was no analysis in it. If I knew I was wrong I would have never written it because it can be very easily refuted. I would not write something which can be easily said, ‘It is wrong.’”

28. When asked whether she had checked the Committee’s Homepage regarding the presence of its Members in the meeting before filing the report, she replied:

“When I was filing it, it had not come so far as I remember.”

The witness added:-

“It was not uploaded at that point of time.”

29. On further being asked as to whether she did not think it prudent to wait till the data is uploaded on the Lok Sabha webpage, which is an authentic source or try to obtain it from the Secretariat, Ms. Ghosh stated:

“I tried to call him (Chairperson). The Chairman was not available. This was in the evening. I was writing this in the evening.”

30. On being pointedly asked as to what was the pressing hurry to file the news-report without having it verified and checked and whether there was any kind of pressure on her, the witness replied in the negative.

31. When asked whether the news-item was published in only one edition or/and in the social media, net edition etc., Ms. Abantika Ghosh stated:

“It was published on the e-paper. If you search for this story on the internet, now, that line will not be there. It was removed online also . . . I would not know whether it was published in all editions. I do not know that.”

32. On being asked to state categorically whether the clarification or apology was also published online, she replied as under:

“I do not know. . . Sir, please, let me clarify. I said three things. That story, the day it appeared was uploaded like all stories were. When it was uploaded, that line was there. After that mistake was pointed out and we issued this clarification, that line was removed. ‘Whether there was a

clarification published online', I do not know. I am saying 'I do not know', because I do not want to lie."

**Evidence of Shri Rakesh Sinha, Editor, Indian Express, Delhi Edition on 8**

**August, 2017**

33. During his evidence before the Committee on 08 August, 2017, Shri Rakesh Sinha stated *inter-alia* as follows:

"In this case, Ms. Abantika Ghosh my colleague is the Reporter covering Parliament. I am responsible, as the Editor, Delhi for the reporting that goes into press. It is my job to supervise, to oversee what goes into print . . . Ms. Abantika Ghosh is a seasoned Reporter. She has almost 16 years of work experience. There was no reason for me to believe that she would make a mistake in her report, that is in question. Reporters do file copies and we try to maintain accuracy. I have to ensure that accuracy in reporting is maintained. The errors are few but rare. But, this is one such case where a mistake was made and we deeply regret the error . . . I can assure you that this was completely unintentional. We have the highest regard for the hon. Member here Shri Shyama Charan Gupta. We hold him in the highest esteem as we do this Committee and the Parliament. There was no malice. The moment this error was brought to my notice, I asked her to check and she reverted saying that she had made a mistake. That very day I instructed

the News Desk by saying that we need to carry a correction, inform the readers that we have made an error and express regret to Shri Gupta for the embarrassment caused.”

34. When asked doesn’t he think that the content of the impugned news item brought down the image of the entire Standing Committee which was dealing with the subject of tobacco because the reporting was not about Shri Shyama Charan Gupta, in individual capacity, but his presence on the Committee that the proceedings of the Committee were stated to be vitiated, Shri Rakesh Sinha stated:

“I would not agree with that... No, it was not our intention. Ms. Abantika also covers matters related to health and maybe, that is the reason she was tracking this report closely. It was never our intention nor was there any malice . . . I do not think there was any attempt to denigrate the Committee.”

35. When the Committee sought to know as to why facts were not properly verified before publication of the news report, Shri Rakesh Sinha stated:

“I agree, Sir. That is the mistake she made . . . Sir, it is an error on my part . . . She should have taken care of it . . . She should have got the comments from them. She should have spoken to them. She has made a mistake . . . It is a mistake on my part. The error cracked in and I deeply regret it.”

36. On being asked as to whether any action was taken against the Special Correspondent, Shri Rakesh Sinha merely stated that she was called and given an oral warning.

37. When pointed out that the expression of the clarification as well its placing was inappropriate and was deliberately concealed in an obscure corner so that it was missed by everybody, Shri Rakesh Sinha submitted as follows:

“Sir, I want to make a submission here. The format is a fixed format . . . I am the editor for the Delhi edition. There are other editors. I do not decide on my own.”

38. When asked to state whether the correction published constitutes any redress at all for the slander that the report has caused, Shri Rakesh Sinha stated:

“No Sir. On this report we are very sorry that it went in. I offer an unconditional apology. Sir, there was a mistake that crept in.”

39. Enquired about the ‘due diligence’ procedure if any, was followed in their organisation, Shri Rakesh Sinha stated that:

“There is a process . . . There is a process that if any name is being taken, the reporter concerned has to call the person concerned and get his or her side of the story. In this case she did not speak to Shri Gupta.”

40. On being asked to state whether this due diligence process was documented, Shri Rakesh Sinha stated that:

“There is no written document . . . Sir, there is a team of editors . . . We are trained on the job for that . . . There are editors and there are filters in place.”

41. When further asked as to how many Members attended the meeting on that day, Shri Rakesh Sinha replied as under:

“Sir, I am not aware of how many attended.”

42. To a specific query whether the mention of only the name of Shri Shyama Charan Gupta, MP in the impugned news-item was done with a dubious intention, Shri Rakesh Sinha replied in negative.

43. On being asked as to why the newspaper had mentioned only clarification and correction and have not apologized, Shri Rakesh Sinha stated as under:

“Sir, in this case we are ready to offer an unconditional apology . . . Once we received the notice from the Privileges and Ethics Committee, we came to know . . . Sir, I had no reason to suspect that this was a wrong report because she is a veteran Reporter and she covers Parliament regularly. So I carried it in good faith assuming that the contents are correct. But only after the notice was received, we realised the mistake.”

44. When asked to state whether the intention of the news-item was to slander a Parliamentary Committee in good faith, Shri Rakesh Sinha replied:

“No Sir . . . That was not the intention Sir.”

45. On being pointed out that the subsequent ‘Correction and Clarification’ that was brought out by the ‘Indian Express’ dated 26.03.2017 was misleading as it appeared to convey that the correction was done on the initiative of the Newspaper and not after it was pointed out by the Committee and it also appeared in an obscure corner, Shri Rakesh Sinha stated:

“It appeared on the 26<sup>th</sup> morning . . . The notice was received on 21<sup>st</sup> March; and it was brought to my notice on 22<sup>nd</sup> . . . Sir, 12/3 refers to the date . . . Sir, it mentions that Mr. Gupta had recused himself from the meeting.”

46. On being asked, what in his opinion, was the definition of news, Shri Rakesh Sinha replied:

“Sir, it has to be facts with great ideology . . . News report cannot be swayed by popular notions . . . News as the facts play out . . . They have to be accurate . . . They have to be fair, absolutely . . .”

**Further Evidence of Shri Rakesh Sinha, Editor, Indian Express, Delhi Edition on 18 August, 2017**

47. In his further evidence before the Committee held on 18.08.2017 Shri Rakesh Sinha, Editor, Indian Express, Delhi Edition made the following submissions:

“Madam, it is essentially a reiteration of what I had said at the last hearing. This is in continuation of the previous written submissions filed by the

undersigned and by the author of the impugned news report. It is further in continuation of the previous correspondence in this regard including but not limited to the retraction and apology published by the Indian Express, Delhi. The undersigned along with the author of the news item had appeared before the hon. Committee on 08.08.2017. As directed, the undersigned have furnished copies of the newspaper. To the understanding of the undersigned, as the matter is illegal in nature and as it has potential consequences, the undersigned had engaged a council who had accompanied the undersigned for the hearing. As a council was not permitted to participate in the hearing, the undersigned is appearing before the hon. Committee today without the assistance of a council. However, given that the matter is legal in nature, the undersigned wishes to place certain submissions on the record. These submissions are being made by the undersigned pursuant to his understanding of the law. As the undersigned is not an advocate and is unaware of the niceties of law, it is requested that the submissions may kindly be read in that light. A jurisdiction which is comparable to the present matter is a jurisdiction exercised by the hon. Supreme Court and by the hon. High Courts under the contempt of court's provisions.

As a senior journalist, to my understanding, the purpose of both the matters relating to privilege, as also matters relating to contempt of courts have one

common thread, namely, to ensure that the incumbents in office can freely exercise the good conscience in pursuit of their duties. I understand that the hon. Courts have held that if the error was inadvertent as opposed to deliberate, malicious, malafide, premeditated or otherwise, motivated. If the retraction was prompt, if the apology was tendered in the very first instance, the contempt stands purged.

My understanding of the proceedings of 08.08.2017 is that the Committee objected to the tone and tenor of the impugned news report. In that respect, I humbly submit that much as the hon. Parliament and its hon. Members are committed to working for the good of the people as a member of the press so am I. As the editor, Delhi, it is my submission that the contextual interpretation of the impugned news report, when read as a whole, is that the Parliament can take more effective steps in stamping on the bane that is tobacco.

In this context, I submit that in several developed countries, for instance, in the U.K., the law requires that cigarette packets do not carry any distinctive features of colour, logo, marks or other identifying features as would make a cigarette packet manufactured by one manufacturer visually distinct from a cigarette packet manufactured by another. The law there also requires the pictorial depiction of disease to cover almost 100 per cent of the large side

of a cigarette packet. Further, the manufacturer is required by law to use graphic images. The law requires such images to be multifarious rather than a single image being replicated over and over again. Additionally, the U.K. law requires when does not to display tobacco products at all. These products are required to be stacked behind opaque shut doors. All these measures are in addition to prohibition of sale of tobacco products to any person of age below 25 years and the levy of a sin tax on tobacco products.

The other sense that I derived from the hearing dated 08.08.2017 was that the hon. Committee wished the retraction to be published again on page-1 of the newspaper. In that context, I humbly submit that the impugned news report had appeared on page-10 while the retraction was published on page-2 which is the turn page of the Indian Express, Delhi from page-1 and, therefore, is more in the nature of a continuation of the page-1 given that the stories that begin on page-1 are concluded on page-2. As such, news reports of prominence and importance are commenced on page-1 and continued on page-2, therefore, attracting the reader's attention to page-2 of the newspaper. I also submit that our previous submissions including the only factual error in the four-column impugned news report was the participation of the hon. Member in the deliberation of the Committee be taken note of. There were no other factual errors in that story. It goes without saying that

the error was unfortunate but inadvertent and corrective measures were immediately taken and a sincerely apology tendered. As I am not a lawyer, I refrain from dwelling into the legal issues of privilege in respect of statements on the Floor of the House when compared with proceedings of a Parliamentary Committee. I fully acknowledge that the proceedings of a Parliamentary Committee are of incredible importance and are sacrosanct. I, therefore, urge the hon. Committee to take on record the retraction and the sincere apology to drop any further proceedings in the matter.”

48. The Committee pointed out that the statement given by the Editor before the Committee on 18.8.2017 is apparently inconsistent with the apology tendered by him before the Committee during his first oral evidence held on 8.8.2017. On being asked to categorically state whether he wants to restrict himself only to the apology or insist on keeping the above statement, Shri Rakesh Sinha replied as under:

“I wish to tender an unconditional apology, Sir . . . I withdraw my statement . . .”

49. On being asked as to whether the newspaper is willing to express a public regret, Shri Rakesh Sinha stated:

"We will carry it. If that is what the Committee wishes, we will carry it on the page it appeared . . . At the earliest, Madam Chairperson . . . We will send both the hard copy and the soft copy to the office here."

In compliance to the directions given by the Committee, the 'Indian Express' published their apology in page 10 of their newspaper dated 19 August, 2017 which are reproduced below:

"Apology"

The news report 'Warning should cover 50%, not 85%, of tobacco packs: LS panel report', which appeared on this page on March 12, 2016, erroneously mentioned that Allahabad MP Shyama Charan Gupta was present at the meeting of the Committee on Subordinate Legislation of Lok Sabha during which it finalised its report on 'The Cigarette and Other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014'. Gupta had recused himself from the meeting. The *Indian Express* deeply regrets the unfortunate, inadvertent error and apologises unconditionally for the embarrassment caused to Shyama Charan Gupta. the reference to him in the report is retracted." -EDITOR (DELHI)

The newspaper had published the apology in all its editions, which had carried the impugned news-item viz. Delhi, Mumbai and Ahmedabad. Besides, the newspaper had also published the apology in other editions as well viz. Chandigarh, Kolkata, Lucknow and Pune (which did not publish the impugned news-item). The Editor, Indian Express, New Delhi Edition vide his letter dated 28 August, 2017 had forwarded original copies of all the seven editions of their newspapers which contained the above apology.

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

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

- (i) The news-item published in the 'Indian Express' on 12 March 2016 not only mentioned his name incorrectly as having attended the sitting of the Committee on Subordinate Legislation held on 11 March, 2016 but also had cast aspersion on him by describing him as 'Allahabad MP SC Gupta, whose beedi empire, according to his own estimates, is worth 250 crore.' The news-item has tarnished his image as a Member of Parliament who has been portrayed to have vested interest in Beedi

Trade and using the mechanism of Parliament to further his business interests.

- (ii) The contents and the intention of the news-item was insinuatory and slandered a Parliamentary Committee and brought disrepute to the Parliament as an Institution; and
- (iii) The Correspondent did not seek to verify the veracity of the facts from any authentic source either from the Lok Sabha website or from the Committee Secretariat or from the Member himself, before filing a 'slanderous' and 'defamatory' article on the Parliamentary Conduct of a Member of Parliament and of a Parliamentary Committee.

51. The Committee are concerned to note that no semblance of 'due diligence' had been followed while filing the news-item, which apparently was published in a tearing hurry, a day after the sitting of the Committee on Subordinate Legislation which was held on 11 March, 2016 and without verifying the veracity of the facts from any authentic source viz. Lok Sabha/Committee Home Page; Committee Secretariat or from the Member concerned. The Committee take exception to the manner and content of the news-item which singled out the name of the Member Shri S.C. Gupta from out of a total of 15 Members of the Committee on Subordinate Legislation and had cast aspersion on the Member by describing him

as the 'Allahabad MP SC Gupta, whose *beedi* empire, according to his own estimates, is worth 250 crores', thereby suggesting or giving a colour/slant to the story that the presence of the Member, who is a '*bidi* baron', might have manipulated the outcome of the Parliamentary Committee Report to suit his vested interests. The Committee are dismayed to observe that while the intent and the content of the news-item has apparently brought down the image of a Parliamentary Committee in the eyes of the people in so far as it had sought to slander a Parliamentary Committee's prestige by projecting that the Committee deliberations may have been manipulated by vested interests, even without bothering to verify the veracity of basic facts of 'presence' or 'absence' of the Member in the sitting.

52. The Committee are surprised to note that the newspaper came to know about their mistake/lapse, only when a copy of the notice of question of Privilege dated 14 March, 2016 given by the Member was sent to them seeking their comments in the matter. Though the newspaper, thereafter, published a 'Clarification/Correction' to the impugned news-item, however it appears to be a little too less in size, font and also too late and misleading in the sense that it was made to appear that the correction was done on their own. Moreover, the clarifications appeared in Page 2 of the newspaper in an obscure place which would easily be missed by the reader. The Committee also observe that the correction was in the form of a clarification

and not an ‘apology’ which further diluted its effect and impact. The Committee, therefore, observe that the newspaper has not apparently taken the notice of question of privilege contentions made therein seriously.

53. Having taken note of the allegation made by the member in his notice of question of privilege; and the plea taken by the Correspondent and Editor alleged to have breached his privilege; and that of the Parliamentary Committee concerned, the Committee are of the view that the matter primarily involves the following issues, namely:

(i) whether by publishing an incorrect and insinuatory news-item, the Indian Express has subjected the Member to defamation and tarnished his image, resulting in breach of his Parliamentary Privileges and whether the said intent and content of the news-item also tantamounted to the contempt of the Parliamentary Committee which had brought down its image and that of the Parliament as a whole, in the eyes of the people?

54. The Committee note that Press is the fourth pillar of democracy and by its constructive role makes the democracy participative, lively and inclusive. However, when the Press discharges its responsibility without due diligence and care, the result can at times be catastrophic and to the detriment of all stakeholders. The Committee here again would like to reiterate that the Committees of Privileges have all through upheld freedom of speech and expression of the Press and their

right of fair comment. It has, however, been held that Parliament has a right to intervene in the event of *malafide* exercise of this freedom or if comments are made with malice.

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

“The Committee are conscious that the freedom of the Press is an integral part of the fundamental right of the freedom of speech and expression guaranteed to all citizens under article 19(1)(a) of the Constitution. The Committee consider it important that in a Parliamentary system, the Press should enjoy complete freedom to report the proceedings of Parliament fairly and faithfully. If, however, freedom of the Press is exercised *mala fide*, it is the duty of Parliament to intervene in such cases. At the same time, the Committee are of the view that Parliamentary privilege should in no way fetter or discourage the free expression of opinion or fair comment.”

56. The Committee are of the view that in the instant case, the Indian Express published a news-item about a sitting of the Committee on Subordinate Legislation, Lok Sabha held on 11 March, 2016 which considered their report on the size of 'The Cigarette and Other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014', based on the story filed by its Correspondent Ms.

Abantika Ghosh. Apparently, the content and intent of the news-item were based on incorrect surmises portraying a picture contrary to the factual position coupled with insinuatory conclusions in regard to a Parliamentary Committee Sitting, with the presence of a Member, having clear conflict of interest, with the vested interest of manipulating the Parliamentary Committee Report to suit his business interests.

The Committee wish to stress here that aforementioned conclusions drawn by the newspapers besides being insinuatory as already observed are completely lacking factual basis and hence misleading.

57. In this context that the Committee note that it is a well established Parliamentary Practice that a Member of a Parliamentary Committee, generally recuses himself from sitting(s) of the Committee whenever any subject matter in respect of which there is an apparent conflict of interest, is taken up for discussion or deliberation by the Committee. The Committee further note that, in his deposition before the Committee, Shri Shyama Charan Gupta, MP had categorically stated that he had not only recused himself from the sitting of the Committee on Subordinate Legislation held on 11 March, 2016 but had recused himself from all the sittings of the Committee, whenever the subject matter 'The Cigarette and Other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014' was taken up. The Committee also note that the data pertaining to attendance by Members to Parliamentary Committee Sittings are uploaded in the

Committee Home Page in the Lok Sabha website and therefore, is in the public domain. It is clear that the Indian Express Correspondent, Ms. Abantika Ghosh has not made any attempt to seek the comments of Shri Shyama Charan Gupta, MP on the issue before filing her report or checked from authentic sources on the aspect of his presence in the Committee's sittings. In the light of the aforesaid facts, the Committee, therefore, find that the Correspondent, Indian Express who despite her several years of experience of reporting on Parliament has neither exercised any due diligence nor adhered to any semblance of Journalistic Prudence and norms and has been found to have gone overboard while preparing the news report. *The casual attitude of the Correspondent, in filing her report is reflective of the falling standards of journalistic standards and ethics. Intriguingly, the newspaper did not own up their mistake and lapses but went on to defend their stand and challenged the notice of question of breach privilege given by the Member. The Committee also find that the newspaper neither published any clarification or correction nor tendered any apology/regrets either in their newspaper or to the Member.*

58. The Committee further note the tearing hurry with which the news-item was published, without exercising any due diligence and checking the veracity from any authentic sources, which cast a doubt as to whether there was any undue pressure from any quarter for the publication of the aforesaid news-item. The Committee on a plain reading of the news-item published by the Indian Express

find that there appears to be *malafide* intention on the part of the newspaper. The erroneous mention of the attendance of Shri Shyama Charan Gupta, MP in the meeting of the Committee on 11.03.2017 as also the remarks alluding the Member *viz.* “Allahabad MP, Shri S.C. Gupta whose *bidi* empire according to his own estimates, is worth Rs. 250 crore”, establishes the *malafide* intent of the news-item.

59. The Committee are of the view that the intended impact of the news-item was to convey to the general public that Parliamentary Committees are dominated by Members who have conflict of interest and who influence and manipulate recommendations/observations of their Report to suit their business interest. **The Committee are of the considered view that the main intent of the news-item and the manner and form of its publication was a deliberate calibrated attempt to bring disrespect to the Member and tarnish his image, as well on the Parliamentary Committee.**

60. *The Committee are also of the view that the news-item was apparently biased and motivated because it clearly mentioned the turnover of the Bidi Company belonging to the Member which was a deliberate attempt not only to get Television Rating Points (TRP) and conveying a message that conduct of Members of Parliament are unethical and that Parliamentary Committees are being used to further their business interests.*

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

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

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

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

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

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

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

**63. The Committee cannot but conclude that the intent and the content of the impugned news-item as published by the Indian Express did result in casting aspersions and making insinuations against the member as well as functioning of the Parliamentary Committee and thereby Parliament itself, in relation to discharge of his parliamentary duties which tarnished his public image and therefore, has resulted in the breach of his parliamentary privileges. Further in the news item motives have been imputed to the findings and recommendation of that Committee *vis-à-vis* their Report on 'The Cigarette and Other Tobacco Products (Packaging and Labelling)**

**Amendment Rules, 2014'. Hence the newspapers i.e. The Indian Express has undoubtedly breached the privilege of the Parliamentary Committee too and have tarnished its image and thereby brought disrepute to Parliament and Parliamentarians in general.**

64. The Committee are also constrained to note that the font, size and placement of the 'Corrections and Clarifications' that the Indian Express initially carried in its Delhi Edition dated 26 March, 2016 subsequent to the notice of breach of privilege given by the Member did not give an effective redressal to the issue. The Committee observe that the entire purpose of a clarification was defeated by its obscure placement and font size. The Committee, however, noted that the Indian Express subsequently carried an appropriate 'Apology' in Page 10 of their newspaper dated 19 August, 2017 wherein they have expressed deep regrets and apologies unconditionally. The Apology was published in seven editions of the newspaper.

65. The Committee are also constrained to note the casual approach of Ms. Abantika Ghose, Correspondent of the Indian Express in filing the story besides displaying total lack of preparedness and was found wanting in her responses to various queries put by Members of the Committee pertaining to issue. The Committee are surprised to note that despite being a journalist who has covered Parliament for more than 16 long years, she has not followed the basic journalistic

norms and due diligence while filing her news report. The Committee, however, take note of her defence plea that there was absence of any malafide intention on her part in the publication of the news-item and admitted to her mistake and stated that this was the first time she had committed such an error. She had also tendered her unconditional apology. The Committee further note Shri Rakesh Sinha, the Editor, Indian Express, Delhi Edition had put it on record in his deposition that Ms. Abantika Ghose has already been given an oral warning. The Editor admitted that it was an error on his part not to have checked upon the mistake and has deeply regretted it and have also offered unconditional apology. The Editor further submitted that it was an inadvertent error on the part of the newspaper for which he as Editor owned up the responsibility. The Committee also note that both the Correspondent and the Editor has made a written submission to the Committee on 8 August, 2017 after their deposition before the Committee wherein they have stated that they have the highest respect and regard for the Parliament and hold it in high esteem and the news-item was published in good faith, in public interest and without malice towards anyone. They have also tendered their unconditional apology and assured that such mistake would not be repeated in future.

**66. The Committee also note that both the Correspondent and the Editor, Indian Express, Delhi Edition while depositing before the Committee repeatedly admitted to their lapse and tendered their unconditional apology**

**and also emphasised that there was no intention to carry a defamatory or slanderous report about any member of Parliament and they hold the Hon'ble Member and the Parliament in highest esteem and can never hold any malice against it.**

**67. The Committee further note that in compliance with their directions, the Indian Express had published their apology prominently in page 10 of their newspaper on 19 August, 2017 in seven different editions. Out of these three editions are those which had carried the impugned news-item (Delhi, Mumbai and Ahmedabad Editions) and apart from these, four other editions (Chandigarh, Kolkata, Lucknow and Pune), which did not publish the impugned news-item, also carried the apology.**

## **V. Recommendations**

**68. The Committee wish to reiterate the guidelines enunciated by the Press Council of India which state that the fundamental objectives of journalism is to serve the people with news, views, comments and information on matters of public interest in a fair, accurate, unbiased, sober and decent manner. To serve this end, the Press is expected to conduct itself in keeping with certain**

norms of professionalism, universally recognized namely, accuracy and fairness in report, pre-publication verification of report, caution against defamatory writings and to faithfully report the proceedings of either House of Parliament or Parliamentary Committees without malice. The Committee are of the view that the Indian Express newspaper failed to adhere to these basic tenets of journalism expected from a newspaper of its standing and reputation. The Committee desires that the newspaper should come out with a documented editorial guidelines to be followed so that a robust system of due diligence procedure is put in place to avert such incidence and obviate any scope of recurrence of such misreporting about Parliament, its Committees or individual Members of the House.

69. The Committee, however, keeping in view the Apology published by the newspaper about the error made by it in the publication of the news item followed by the honest admission of lapse and error of judgment coupled with expression of genuine regrets by the Correspondent and Editor, Indian Express, Delhi Edition, recommend that the matter be allowed to rest, particularly in view of the apology placed on record. The Committee expect that the newspaper would discourage such irresponsible reporting in future particularly about Parliament and its constituents and would sensitize its

**correspondents and reporters for strictly complying with a documented due diligence procedure for upholding the journalistic ethics.**

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

**New Delhi  
December, 2017**

---

## **MINUTES OF SITTINGS**

---

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

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

### **PRESENT**

Smt. Meenakashi Lekhi - Chairperson

### **MEMBERS**

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

### **LOK SABHA SECRETARIAT**

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

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

2. \*\*\*

\*\*\*

\*\*\*

3. The Committee then took up the next item of the agenda *i.e.* Consideration of the memoranda on; (i) \*\*\* (ii) *Notice of question of privilege dated 14 March, 2016 given by Shri Shyama Charan Gupta, MP against the two newspapers for having allegedly published misleading information pertaining to his parliamentary conduct.*

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

***The Committee then adjourned.***

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

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

### **PRESENT**

Smt. Meenakashi Lekhi - Chairperson

### **MEMBERS**

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

### **LOK SABHA SECRETARIAT**

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

### **WITNESS:-**

Shri Shyama Charan Gupta, MP

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

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

*(Verbatim record of his evidence was kept)*

*(The member then withdrew).*

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

***The Committee then adjourned.***

\*\*\*\*

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

The Committee sat on Tuesday, 8 August, 2017 from 1500 hrs. to 1740 hrs. in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

### **PRESENT**

Smt. Meenakashi Lekhi - Chairperson

### **MEMBERS**

2. Shri Kesineni (Nani)
3. Shri J. J. T. Natterjee
4. Shri Jagdambika Pal
5. Shri Konda Vishweshwar Reddy
6. Shri Tathagata Satpathy
7. Shri Raj Kumar Singh
8. Dr. Kirit Somaiya

### **LOK SABHA SECRETARIAT**

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

## **WITNESSES:-**

(i) Ms. Abantika Ghosh, Special Correspondent, Indian Express, Delhi Edition

(ii) Shri Rakesh Sinha, Editor, Indian Express, Delhi Edition

At the outset, the Chairperson extended a warm welcome to the members of the Committee. Thereafter, the Committee took up the first item of the agenda *i.e.* further examination of notice of question of privilege given by Shri Shyama Charan Gupta, MP against the two newspapers viz. Indian Express, Delhi Edition and the Deccan Herald for having allegedly published misleading information pertaining to his parliamentary conduct. Ms. Abantika Ghosh, Special Correspondent, Indian Express, Delhi Edition, who was present was called in and examined on oath.

*(Verbatim record of his evidence was kept)*

*(The witness then withdrew).*

2.                   \*\*\*                   \*\*\*                   \*\*\*

3.     The Committee, thereafter, took up again the first item of the agenda for further examination. Shri Rakesh Sinha, Editor, Indian Express (Delhi Edition) was called in and examined on oath.

*(Verbatim record of his evidence was kept)*

*(The witness then withdrew).*

4. The Committee, then took on record the apology letter jointly signed by the Correspondent and the Editor, Indian Express and after some deliberation in the matter decided to further hear the Editor, Indian Express (Delhi Edition) at their next sitting along with three other witnesses from the Deccan Herald *viz.* Special Correspondent, Former Associate Editor and Editor in the instant matter.

***The Committee then adjourned.***

\*\*\*\*

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

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

### **PRESENT**

Smt. Meenakashi Lekhi - Chairperson

### **MEMBERS**

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

### **LOK SABHA SECRETARIAT**

Shri Ravindra Garimella - Joint Secretary

Shri M. K. Madhusudhan - Director

Ms. Miranda Ingudam - Deputy Secretary

## **WITNESSES:-**

(i) Shri Rakesh Sinha, Editor, Indian Express, Delhi Edition

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

2. Shri Rakesh Sinha, Editor, Indian Express (Delhi Edition) was called in and examined on oath. He read out a statement which *inter-alia* contained some remarks to which the Committee took objection and asked him to withdraw it. After some deliberation, the witness retracted and agreed to withdraw the statement he had made.

*(Verbatim record of his evidence was kept)*

*(The witness then withdrew).*

3.	***	***	***
4.	***	***	***
5.	***	***	***

***The Committee then adjourned.***

\*\*\*\*

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

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

### **PRESENT**

Smt. Meenakashi Lekhi - Chairperson

### **MEMBERS**

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

### **LOK SABHA SECRETARIAT**

Shri Ravindra Garimella	-	Joint Secretary
Ms. Miranda Ingudam	-	Deputy Secretary

### **WITNESS:-**

(i)	***	***	***
(ii)	***	***	***
(iii)	***	***	***

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

2.	***	***	***
3.	***	***	***
4.	***	***	***
5.	***	***	***
6.	***	***	***
7.	***	***	***
8.	***	***	***

***The Committee then adjourned.***

\*\*\*\*

## APPENDIX I

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

To

The Secretary General,  
Lok Sabha.

Sir,

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

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

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

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

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

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

Yours faithfully,

Sd/-  
(SHYAMA CHARAN GUPTA)