

RAJYA SABHA

(1981)

Point of privilege

Alleged misrepresentation and distortion by a newspaper of a ruling given by the Chairman

Facts of the case and reference to the Committee of Privileges.

On 23rd April, 1981, Shri Murlidhar Chandrakant Bhandare and 43 other members gave notice of a question of privilege against the Editor of Blitz a weekly published from Bombay and Shri A. Raghavan, Chief of its Delhi Bureau for misrepresenting and distorting the ruling of the Chairman delivered in the House on 26th March, 1981, regarding notices of a question of privilege against Shri C. P. N. Singh, the then Minister of State in the Ministry of Defence, in an article published in the Weekly in its issue dated 11th April, 1981, under the caption "Alva blamelesssays Hidayatullah..... Minister exposed in Centurion deal."

2. On 29th June, 1981, the Chairman (Shri M. Hidayatullah), after considering the reply received from the Editor of the Blitz who had been asked to state what he had to say in the matter, referred the matter to the Committee of Privileges for examination, investigation and report.

Findings and recommendations of the Committee

3. The Committee of Privileges, in their Twenty Second Report, presented to the House on 12th March, 1982, reported inter alia as follows:-

(i) "The genesis of the complaint is that on August 6th and 18th, 1980, Shrimati Alva, a member of the House had made a statement in the Rajya Sabha making certain allegations against Shri C. P. N. Singh the then Minister of State in the Ministry of Defence. By a personal explanation on November 17th, 1980, Shri Singh refuted the allegations and made certain counter allegations against Shrimati Alva, for which he said he had evidence in his possession. Shrimati Alva disowned the Ministers' charge on a personal explanation made in the House on November 20, 1980. Thereafter, Shri Era Sezhiyan and Shrimati Alva gave notices of breach of privilege against the Minister on the ground that the Minister had deliberately made a misleading statement about Shrimati Alva. The Chairman remitted the matter, to the Committee for opinion as to whether the statement made by the Minister in the House was supported by the evidence or not or whether it was a misleading statement. On the basis of the findings of the Committee, the Chairman gave a ruling in the House on March 26th, 1981. The gist of the ruling of the Chairman was that Shri Singh had made the impugned statement in the House on November 17th, 1980 on the strength of a document in his possession and so he did not deliberately make a statement in the House which he knew or had reason to believe was misleading, The Chairman also observed:

It is pity that when I allowed the personal explanation of the Minister I took it on trust; otherwise I would not have allowed him to stray into a counter-allegation against the Hon'ble member If anybody is to be blamed, it is Michele and I

think the Minister should not have placed implicit trust in what he said. I am also of opinion on an examination of dates, etc., that Shrimati Alva's statement is absolutely truthful and there is no stain on her integrity I also agree that the Minister himself was misled by Mr. Michele and should not have made this counter charge on such doubtful evidence'."

(ii) "Immediately after the Chairman's ruling on March 26th, 1981, some members made certain observations in the House thereon. The House adjourned sine die on the same date. On March 27th 1981, a clarification appeared in some newspapers regarding the ruling of the Chairman. The Chairman was reported to have clarified that he had no intention to pass any stricture against Shri C.P.N. Singh; that it was not part of his duty to do so. The Chairman was reported to have stated:

I have read the proceedings after I left the Rajya Sabha and the speeches which were made, I regret to say that my observations have been unduly played up. The issue was whether when the Minister had said that he had evidence, had he misled the House?

Both the privileges Committee and I have found that he (Mr. Singh) had the evidence. His statement was true that he had the evidence. Whether the evidence was acceptable or not is for the particular person who receives it to decide. I found no malafides or I would have said so. In fact, I have said that the Minister was himself misled. I only thought that the Minister could have ignored that evidence. But that is a matter of one's own opinion and impression'.

(Hindustan Times dated 27-3-1981)"

(iii) "Subsequently, the "Blitz" published the impugned article under the caption 'Alva blameless, says Hidayatullah..... Minister exposed in Centurion deal', the latter part in bold letters. The impugned passages in the write up to which the members giving notice of breach of privilege against the "Blitz" have particularly taken objection and the reasons therefor are as follows:--

Impugned passage

(i) 'Chairman Hidayatullah has blasted Minister C. P. N. Singh for his unfounded statements'.

Reasons for objection

'A fair reading of the Chairman's ruling does not give any impression that he had blasted the Minister or that the Minister made any unfounded statements'.

Impugned passage

(ii) 'The Privileges Committee has completely vindicated Mrs. Alva and found no proof of the Minister's allegation in the House that it was the lady member who had rung up W. R. M. MICHELE and not the other way round which amounted to a dark hint that she, not he, was in collusion with that international gun runner .

Reasons for objection

'The findings of the Privileges Committee have been distorted inasmuch as the question before the Committee was not whether the allegation against Shrimati Alva was proved. The worst part of the report is that, it suggests, by inference, that it had been established that Shri Singh was in collusion with the international gun-runner'.

Impugned passage

(iii) Following the strictures, the Parliament lobbies are reverberating with a "Sack Singh Demand'."

Reasons for objection

'It is not only an unfair reading of the Chairman's ruling but is a deliberate distortion to suggest that the ruling contained any strictures against, Shri Singh'.

Impugned passage

(iv) 'Chairman Hidayatullah through his ruling of March 26, virtually convicted him'.

Reasons for objection

'It is a deliberate distortion and false misrepresentation of the Chairman's ruling to suggest that the ruling amounts to conviction of Shri Singh, by implication, 'for his alleged hand in the alleged corruption in the Centurion deal'.

Impugned passage

(v) 'And then came the coup de grace: "I (also) agree that the Minister himself was misled by (Mr.) Michele". The grey eminence of the Indian judicial world could not have chosen a harsher word. But was C.P.N. Singh only misled? No, he was one of the ring leaders.'

Reasons for objection

'It is a clear distortion and palpable misrepresentation of the Chairman's ruling to suggest that it (the ruling), amounted to any coup de grace'."

(iv) "The Editor of the 'Blitz' in his reply has justified the impugned report on grounds of national and international importance of the Centurion tanks deal;

His reply is in four parts

(i) 'In the first part, the "Blitz" has stressed the importance-national and international of the centurion tanks deal. This has been given to serve as a background of the impugned "Blitz" report of April 11.'

(ii) 'In the second part, the "Blitz" has justified each impugned passage by the remarks and, the reactions of some members to the Hon'ble Chairman's ruling in the House the same day as reported by newspapers.'

(iii) 'In the third part of the reply, the "Blitz" has reiterated its stand that the "Blitz" report was an expose of the entire gamut of the centurion tanks deal and prayed that, the relevant files of the deal be requisitioned from the Ministry of Defence before pronouncing on the Blitz" report'.

(iv) 'In the end, the Editor has justified the impugned report on the ground of national importance and stated that while publishing the same he did not intend to offend the sensibilities of any member of the Rajya Sabha nor was it in his mind that it would amount to breach of privilege of the House and further that if the publication had unwittingly caused any offence to, any member, the "Blitz" could only regret it'."

(v) "The Committee has gone through the impugned write-up in the "Blitz" carefully and considered the complaint of breach of privilege against: it in all its aspects. The: Committee feels that the Chief of Delhi Bureau of the "Blitz" has distorted the ruling of the Chairman and used intemperate language in relation to the, ruling. of the Chairman disposing of the complaint of breach of privilege against Shri C.P.N. Singh. The "Blitz" appears to have unduly played up the Chairman's observeds. blown them out of proportion and given them the slant which was not intended. The article read as a whole produces an impression and effect which is contrary to what has been stated and intended by the Chairman and to that extent amounts to; misrepresentation of the proceedings of the House."

(vi) "Nevertheless, the Committee feels that it is not necessary to attach undue significance to the write-up especially in the context of the following expressions of regret contained in the concluding part of the Editor's explanation:

'We did, not intend to, offend the sensibilities of any member of the Rajya Sabha nor was it in our mind that it would amount to a breach of privilege of the House. If the, publication has unwittingly caused any offence to Any member, we can only. regret it'."

(vii) "In the view taken by the Committee and in the circumstances of the case, the Committee recommends that the matter need not be pursued further."

Action taken by the House

4. No further action was taken by the House in the matter.