

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

9

**NINTH REPORT
ON**

Notice of question of privilege dated 24 March, 28 March and 10 April, 2017 given by Sarvashri A.P. Jithender Reddy and A.T. Nana Patil, MPs respectively against the Editor and Publisher of Hindustan Times newspaper for allegedly publishing a false and defamatory news item wherein they have been reported to have low attendance in the House.

[Presented to the Speaker, Lok Sabha on 29 December, 2017]

[Laid on the Table on 3 January, 2018]



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**LOK SABHA SECRETARIAT
NEW DELHI**

January, 2018/*Pausha, 1939 (Saka)*

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

Smt. Meenakshi Lekhi - Chairperson

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2. Shri Anandrao Adsul
3. Shri Kalyan Banerjee
4. Shri Anant Kumar Hegde
5. Shri Kesineni Srinivas
6. Shri J.J.T. Natterjee
7. Shri Jagdambika Pal
8. Shri Konda Vishweshwar Reddy
9. Shri Tathagata Satpathy
10. Shri Jyotiraditya M. Scindia
11. Shri Raj Kumar Singh
12. Shri Rakesh Singh
13. Shri Sushil Kumar Singh
14. Dr. Kirit Somaiya
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| 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 Ninth Report on their behalf, present this report to the Speaker, Lok Sabha on the notice of question of privilege dated 24 March, 28 March and 10 April, 2017 given by Sarvashri A.P. Jithender Reddy and A.T. Nana Patil, MPs respectively against the Editor and Publisher of Hindustan Times newspaper for allegedly publishing a false and defamatory news item wherein they have been reported to have low attendance in the House.

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

3. The Committee at their sitting held on 27 July, 2017 considered the Memorandum on the subject and then decided to hear Sarvashri A.P. Jithender Reddy and A.T. Nana Patil, Members in the first instance.

4. At their second sitting held on 8 August, 2017, the Committee heard both the Members and decided to summon the Editor-in-Chief, Managing Editor and Deputy Political Editor of the Hindustan Times and also the representatives of the PRS Legislative Research to depose before the Committee.

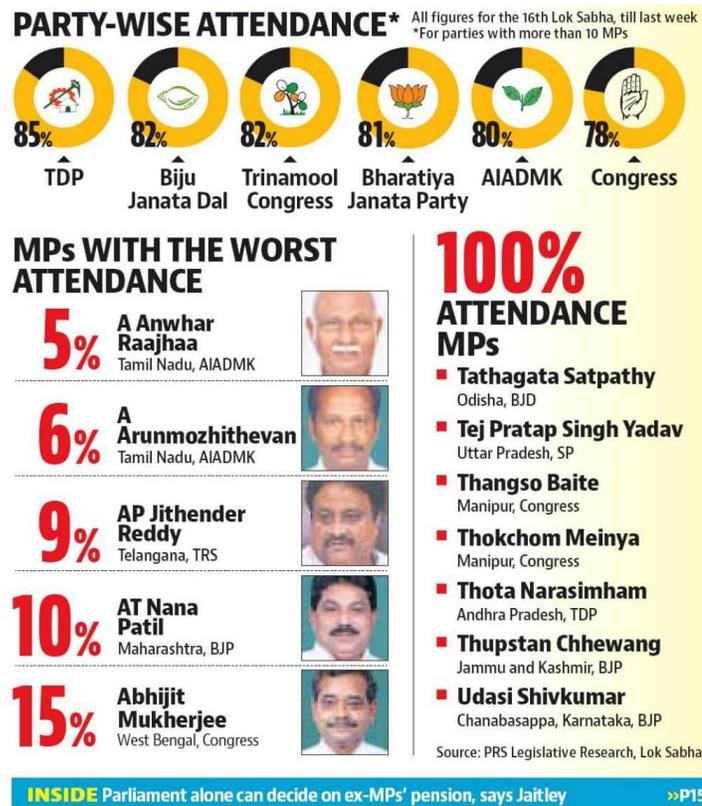
5. At their third sitting held on 30 August, 2017, the Committee examined on oath Shri Soumya Bhattacharya, Managing Editor, Hindustan Times.

6. At their fourth sitting held on 6 September, 2017, the Committee examined on oath Shri Chakshu Roy and Dr. Mandira Kala of the PRS Legislative Research.
7. At their fifth sitting held on 15 September, 2017, the Committee examined on oath Shri Aparisim Bobby Ghose, Editor-in Chief, Hindustan Times Digital Streams.
8. At their sixth sitting held on 27 December, 2017, the Committee considered the draft report and after some deliberations adopted the same. The Committee, then, authorized the Chairperson to finalize the report accordingly and present the same to the Speaker, Lok Sabha and thereafter, to lay the same in the House.

II. Facts of the Case

9. On 24th March, 2017 a news item under the caption-"***House Call***" appeared in the '***Hindustan Times New Delhi Edition***' which reads as under:-

"The much debated issue of attendance of Members of Parliament has hit the headlines again. Prime Minister Narendra Modi warned party MPs earlier this week that he could summon "any MP any time", putting them on alert. Modi is not the only leader who has had to remind colleagues to take Parliament sessions more seriously. Earlier, Congress President Sonia Gandhi had to repeatedly tell party MPs to improve their attendance. Absence of MPs and disruptions in Parliament have also raised questions of accountability and commitment to the people, especially when they get a healthy dose of perks and allowances to function. MPs get to decide their own salaries and perks. There has been a debate over whether an MP should continue to draw salary and allowances if he or she actively participates in disrupting the House and does not allow it to function.



10. Shri A.P. Jithender Reddy, MP gave a notice¹ of question of privilege on 24th March, 2017 addressed to Hon'ble Speaker, wherein he had *inter alia* stated as under:

“In a report published on the front page today, the newspaper has mentioned that the attendance of Shri A.P. Jithender Reddy, MP, Telangana, TRS is 9%. This is totally incorrect, as my attendance is very much more than this. By putting this false report, the newspaper has defamed me and lowered my standing among my electorate and general public.”

The matter was also raised in the House by the Member on 24 March, 2017.

11. Subsequently, Shri A. T. Nana Patil, MP *vide* his notice² of question of privilege dated 28 March, 2017 stated as under:

¹ Appendix I

“Please refer to the news published on front page of Hindustan Times page One plus dated 24th March, 2017 - Editor’s pick under the caption “House Call Rs. 2000”. In the news my name has been shown under the heading “MPs with the worst attendance” with only 10% attendance in Parliament. The source of the news has been referred to as PRS Legislative Research.

I have 87% attendance in Parliament during my whole career of 15th and 16th Lok Sabha. The fact can be verified from Lok Sabha records as well as from the website of PRS Legislative Research.

It seems that it is an intentional bid to tarnish my image before the Honourable Prime Minister, my Party as well as the voters of my Jalgaon parliamentary constituency. Such bid does not conform to the image of a National Daily.”

12. In his further notice³ dated 10 April, 2017, Shri A. T. Nana Patil, MP stated as under:

“Please refer to the news published on front page of Hindustan Times page One plus dated 24th March, 2017 - Editor's pick under the caption "House Call Rs. 2000". In the news, names of five Members of Parliament, including myself, have been shown under the heading "MPs with the worst attendance" with only 10% attendance in Parliament in bold and very large fonts on front page. The source of the news has been referred to as PRS Legislative Research. The following table shows the correct attendance of these five Members:

² Appendix II

³ Appendix III

Name of Members	Correct Attendance	Published Wrong
A.Anwar Raajhar	74%	5%
A.Arunmozhitheven	89%	6%
A.P. Jithender Reddy	87%	9%
A.T. Nana Patil	87%	10%
Abhijit Mukherjee	97%	15%

All the above Members have attendance between 74% to 97%, my attendance being 87%. The fact can be verified from Lok Sabha records as well as from the website of PRS Legislative Research. When I took up this matter with the Editor of Hindustan Times, an erratum in very small fonts has been published in their 25th March, 2017 edition.

It seems that it is an intentional bid in certain quarters of Media to tarnish the image of respected Members of Parliament before the Honourable Prime Minister, their respective parties as well as the voters of their parliamentary constituencies. Such bid does not conform to the image of a National Daily. In my view, there should be some kind of guidelines for media to publish such information about Members of Parliament only after verifying the same from authentic sources.”

13.. Clarification/Correction by the *Hindustan Times* on 25 March, 2017:

Hindustan Times e-Paper - Delhi - 25 Mar 2017 - Page #3

CORRECTION

In the article titled 'House Call' published in Hindustan Times' edition dated 24.3.17, the data on the attendance of MPs of Lok Sabha were erroneous. The mistake was made in computing and identifying the members with the highest and lowest attendance. HT deeply regrets the error. Here are the corrected attendance figures for both MPs and parties.

For the five MPs erroneously identified as the worst performers, their accurate attendance is:

Member	Correct	Wrong
A Anwhar Raajhaa (Tamil Nadu, AIADMK)	74%	5%
A Arunmozhihevan (Tamil Nadu, AIADMK)	89%	6%
AP Jithender Reddy (Telangana, TRS)	87%	9%
AT Nana Patil (Maharashtra, BJP)	87%	10%
Abhijit Mukherjee (West Bengal, Congress)	97%	15%

For the seven MPs who were reported to have 100% attendance, the correct figures are:

Tathagata Satpathy (Odisha, BJD)	91%
Tej Pratap Singh Yadav (Uttar Pradesh, SP)	81%
Thangso Baite (Manipur, Congress)	91%
Thokchom Meinya (Manipur, Congress)	91%
Thota Narasimham (Andhra Pradesh, TDP)	95%
Thupstan Chhewang (Jammu & Kashmir, BJP)	91%
Udasi Shivkumar (Karnataka, BJP)	96%

Average attendance of parties with more than 10 MPs

Party	Correct	Wrong
Telugu Desam Party	79.6%	85%
Biju Janata Dal	82.7%	82%
Trinamool Congress	66.6%	82%
Bharatiya Janata Party	86.5%	81%
AIADMK	82.9%	80%
Congress	79.4%	78%

Source: PRS Legislative Research, Lok Sabha. All figures for the 16th Lok Sabha till last week.

14. A perusal of the privilege notices and the correction carried out by the newspaper revealed that the issues raised by the members have neither been explained satisfactorily nor does the correction/corrigendum compares in size with that of the impugned misleading item of publication. On 30 March, 2017, the

Speaker, Lok Sabha, after examining the notice of Shri A.P. Jithender Reddy, MP in the matter, in exercise of her powers 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.

15. As the notice of question of Privilege given by Shri A.P. Jithender Reddy, MP was already submitted for a decision of Hon'ble Speaker, the notice of Shri A.T. Nana Patil, MP which was received subsequently was kept in abeyance. Since the notice of question of Privilege given by Shri A.P. Jithender Reddy, MP had been referred by Hon'ble Speaker on 30 March, 2017 to the Committee of Privileges for examination and Report, Orders of Hon'ble Speaker for clubbing the notice of Shri A.T. Nana Patil, MP, which was identical with that of Shri A.P. Jithender Reddy, MP's case was obtained separately on 13 April, 2017, for detailed examination and Report.

III – EVIDENCE

I. Evidence of Shri A.P. Jithender Reddy, MP

16. During his evidence before the Committee on 27 July, 2017, Shri Jithender Reddy, MP *inter-alia* stated as follows:-

“ Hon. Chairperson, on March 24, 2017, the front page of Hindustan Times Delhi edition carried an infographic piece titled “House Call” which was regarding the attendance of few Members of Parliament. It mentioned the names of five Members having the worst attendance in Lok Sabha and seven Members having 100 per cent attendance in Lok Sabha. My name was featured under the Members having the worst attendance and it was stated that my attendance stood at mere 9 per cent for the 16th Lok Sabha up to

week prior to the one ending March 24, 2017. My average attendance for the 16th Lok Sabha is 87 per cent. The infographic published on the very top of the front page on the said date was outrageous as well as defamatory in nature. I thereby moved a motion for breach of privilege against the editor and publisher of Hindustan Times under Rule 224 of the Rules of Procedure. Based on the false infographic figures so published, news articles were carried out in local media by Deccan Chronicle and this has led to my image getting tarnished in my constituency and my home State. It has lowered my reputation in the eyes of the public of my constituency and it gives out my impression that I leave Hyderabad to attend the Parliament Session but fail to do so.....While the false infographic was published on the very top of the front page of the paper, the very next day a corrigendum was published, very conveniently on the left bottom corner of the page. A copy of the false report as well as the corrigendum are attached along with this in order for the Committee to see. While the report was carried out on the top with the pictures of the supposedly erring Members and commentary citing how absence of Members raise questions of accountability and commitment. A corrigendum on the other hand is published on the left bottom corner stating that the corrected and prior wrong figures taking far lesser space than the false report. Such journalist practices by leading daily of the country raise questions of the accountability of independent press and their commitment to ethical journalism. The corrected infographic states that the error was a computing one and hence the same got published. Hindustan Times is a leading in the country and to publish an erroneous report on the very first page shows lax and highly irresponsible approach on the part of the editor. If a report is to be carried out on the front page of the paper, the very basic journalistic practice is to cross check and verify the same before going ahead

with the publication. It is understandable that a sensational news infographic carrying the report of attendance of Members of Parliament would create a wide publicity of the media outlet and increase the circulation. An apology that too that was sought that was carried out in this case is absolutely no need for the Members whose image was considerably tarnished through false reporting. This is not only a breach of the privilege of the Member concerned but it is a contempt of the House and should be dealt with accordingly. The punishment in this case should befit the repercussions arising out of the negligible act of the editor and the publisher. I demand that a heavy penalty be imposed on them for such thoughtless and false reporting having grave implications on the reputation of the Member of Parliament.

I have submitted my statement.”

17. On being asked as to what was his response when the news-item was published, Shri A.P. Jithender Reddy replied as under:-

“Sir, normally, *Hindustan Times* does not come. I get *The Hindu* and *The Economic Times*. I get other newspapers also. But all of a sudden, early in the morning, since 6.30 a.m., suddenly I started getting calls from many people from the constituency as well as from my colleagues from Delhi. They were all telling me that so and so news had come about you that your attendance was only nine per cent and they had asked where I had gone.

So immediately, I got hold of the newspaper and saw the news. It was published as front page news. I brought the newspaper into the House. As the Speaker Madam is the custodian of all the parliamentarians, I told her that a breach of privilege has been done on me and this is a breach.”

18. When asked as to whether he had given it in writing, Shri A.P. Jithender Reddy stated as follows:-

“I spoke in the House. I showed the newspaper. Madam had allowed me to speak. I had shown the newspaper and I was told that I should address it to the Secretary-General. On the same day, I wrote a letter to the Secretary-General that it should be admitted. I think after that today I have been called here for giving my oral evidence.”

19. On being asked as to whether he had written any letter to the Editor of the newspaper, Shri A.P. Jithender Reddy replied as under:-

“No, I have not approached them. I have not talked to them. One or two people tried to speak to me and apologize, which I refused because after this, whatever I have done, I have done it in writing. So I said I would take it up at the appropriate place.”

20. When asked as to who had approached from the newspaper, Shri A.P. Jithender Reddy replied as under:-

“Some people called me up.....Yes, some Reporters tried to call me..... I do not remember his name because I was reluctant to take the call...It was only on the telephone....”

21. The Committee sought to know whether a mere apology would be sufficient to restore the honour of the Member, Shri A.P. Jithender Reddy replied that:-

“Definitely, it will not. If I had taken this lightly, I would not have come up to this stage.”

22. Shri A.P. Jithender Reddy further added:-

“But also, I would like to say and even I suggest--I do not know how the Chairperson will take it--that I have recently seen some information regarding the Karnataka case where when the breach of privilege has been done, the court also summoned them and put Rs.10,000 fine and also one year imprisonment. Here what I would like to say is, it is on the front page. The responsibility of the Editor is to see the front page. The Editor is supposed to see the front page. I do not know if he sees the second page or third page if the news should have come on other newspapers and all that. But at least, for his post, as an Editor he has to screen it. He has to screen the first page and see that no false news is printed.”

23. On further being asked as to whether he could ever think of explaining to all the people who had read the newspaper that it was false and that he was not as reminisced as have been painted, Shri A.P. Jithender Reddy replied in the negative and stated that:-

“ I definitely cannot.”

24. The Committee sought to know whether he agreed that the damage, which had been done to his reputation, was almost irreparable and most of the people, to whom he had not spoken, will think that he bunks Parliament and will also think that he was irresponsible, Shri A.P. Jithender Reddy replied in the affirmative very emphatically.

25. The Committee sought his comments on the manner in which the clarification had been given, wherein there was no apology and its positioning also was such that nobody will see it unless somebody was looking for it. In response, Shri Jithender Reddy stated that they say that it is a computing error.

II. Evidence of Shri A.T. Nana Patil, Member of Parliament, Lok Sabha

26. During his evidence before the Committee, Shri A.T. Nana Patil, MP on 27 July, 2017 *inter-alia* stated as follows:-

“On 24.3.2017, a news item in Hindustan Times was published, where attendance of 5 MPs was mentioned. I was one of those five members. I have 87% attendance, whereas Newspaper reported it as 10%. No one from the newspaper responded to my phone calls. The one who attended my call said sorry and assured correction in big font on front page. But the correction was published in middle pages in small font. By publishing misleading news, our credibility gets affected. We have to explain to the people of our constituency that we attend House regularly. Stringent action should be taken against this newspaper for publishing misleading news. We represent a constituency of 25 lakh population.”

27. On being asked as to whether anyone from Newspaper contacted him before publishing this news, Shri A.T. Nana Patil replied in the negative.

28. The Committee sought to know whether he contacted any of newspaper persons, Shri A.T. Nana Patil while replying in the affirmative stated that he had contacted the newspaper and he was told that it was a mistake. He further stated that they did not write any letter to him nor did they apologised for their fault. He further stated that he had raised the issue in the Zero hour and also wrote a letter to the Hon'ble Speaker as well as to the Committee of Privileges. He also requested the Committee that strict action should be taken against the newspaper for tarnishing his image.

29. The Committee sought the comments of the Member on the fact that the news got published on 24th and clarification on 25th March, 2017, Shri A.T. Nana Patil replied as under:-

“Yes. But clarification was in small font.”

30. The Member further stated that:-

“...The 24th March news-item contained my photo...Please ask what enmity they have with me...they have published negative news. I wish to bring a Private Members Bill on the Media’s role in publishing negative news to get TRP.....so many well wishers called me and expressed their shock that how a person of good image could be victimised and tarnished like this.....”

III. Evidence of Shri Soumya Bhattacharya, Managing Editor, Hindustan Times

31. During his evidence before the Committee on 30 August, 2017, Shri Soumya Bhattacharya *inter-alia* stated as follows:-

“What was published was not intentional. It was an error. It was a massive error. It was not a human error entirely. It was an error of the collective team as you can see in what has been submitted before the Committee. There is no byline to this story. So the Reporter gathered the data and that data was run by our Data Visualization Team, which is a separate team altogether, through a software. There was an error in the software and the running of that data. So, what came out was not accurate. We realized this the following day and then we carried a correction in a place where we usually do not

publish it because we realized the gravity of what had appeared and wanted to make amends.”

32. To a pointed query whether he knew about the Committee which deals with the matters of those Members who were absent from Parliament., Shri Soumya Bhattacharya replied as under:-

“No, I was not aware of that.”

33. On being asked to state whether he had ever checked up the report of the Committee on Absence of Members of Parliament, Shri Soumya Bhattacharya replied as follows:-

“No, I personally have not but our Reporter may well have.”

34. When asked about the source of knowledge of the attendance figures of MPs that appeared in the news-item, Shri Soumya Bhattacharya stated as follows:-

“Again the Reporter will know from where the data was collected but it was not the Reporter’s fault. It was the Data Team which ran that data through.....We have a separate Data Team.....The Reporter collected the data and passed it on to the Data Team.....Yes, the Reporter knows where he got the data from. He is with us.....”

35. On being asked about his responsibility in the error that appeared in the news-item, Shri Soumya Bhattacharya stated as under:-

Yes, therefore, I am here today to plead my apologies.....we have published a correction as well.....the day after.....at exactly the same place.....in page one plus..... It is the flap.....we call it the flap.....”

36. To a pointed query whether he was agreeable to seek an unconditional apology for misreporting of the things in his newspaper in the same page, Shri Soumya Bhattacharya stated as under:-

“We will carry an apology in whichever way you would like us to. I am afraid, I again must emphasize that if the apology we carried does not seem adequate, we will carry an apology anyway you would like us to as we are sincere when we are apologizing. Please believe me we are genuinely sincerely apologetic about the matter.”

37. When asked to explain the software that was run through which purportedly led to the wrong data of Member’s attendance getting published, Shri Soumya Bhattacharya stated as follows:-

“It is to sift those numbers and give them a pattern.....We do it for lots of other things.....My understanding is this.....It sifts through the data emerges with the pattern.....It is the pattern of ascending or descending order.....It feeds it and then it emerges with the pattern.....”

38. When asked to state what are the duties, rights and authorities of a Reporter, Editor and Managing Editor, Shri Soumya Bhattacharya stated as under:-

“Sir, a Reporter is responsible for collating data, talking to his sources and reporting a story. I am responsible largely for overseeing many of our editions and overseeing our editorial page.”

39. To a pointed query whether there was an internal check system in their newspaper, Shri Soumya Bhattacharya replied:-

“We usually do that. In this case, it fell through the crack.....We did not order an inquiry in writing. We found out how it happened.....What I meant when I said that was we inquired and found out.....”

40. On being asked to state as to what guidelines the newspaper have for reporting, Shri Soumya Bhattacharya stated as under:-

“If it is a story which is valid, on a case to case basis, we would have carried it. We would have published it.....We would have followed our usual standard operating procedure.....We would have gone back to the person against whom the allegation is and cross-checked the allegation.....We would have tried to get in touch with the person against whom there is an allegation, cross-check and take his point of view.....We did not do it.....”

41. To a pointed query whether he has any respect for the media or for the Parliament, Shri Soumya Bhattacharya replied in the affirmative and stated as under:-

“Ours is a paper with a very rich history. It was involved in the freedom struggle. Something like this never happened earlier. We always treat Parliament as a temple of democracy.....”

IV. Evidence of Shri Aparisim Bobby Ghosh, Editor-in-Chief, Hindustan Times Digital Streams

42. During his evidence before the Committee on 15 September, 2017, Shri Aparisim Bobby Ghosh, Editor-in-Chief, Hindustan Times Digital Streams *inter-alia* stated as follows:-

“I have got a letter which I will submit as part of these proceedings.....I want to start by saying and I think it is clear in this Committee that we made a terrible error. We published something that was wrong. A number of our systems that were designed to prevent such errors failed. So, first and foremost, I would like to offer from myself and from the organization I represent complete, total and unconditional apology. There is no excuse and I will not try to mitigate our mistake. We made a very terrible mistake.....We tried to set that right by publishing a correction the very next day in the same place where the original mistake had taken place. I am reliably informed that that is the single largest correction that the Hindustan Times has ever published. As you will know that typically when a newspaper publishes a correction, it is a small paragraph at page 6 or 7. We did not do that. We published it on the same space at which the mistake occurred.I have been a journalist for 30 odd years and have been fortunate to spend a lot of it in many parts of the world. I have never seen a newspaper publishing a correction error and apology of that size. I hope that will be evidence of our sincerity and the fact that we are not taking the matter lightly..... We have also taken measures to make sure that this sort of mistake does not happen again. We have hauled up all the people who were responsible for the mistake. They have been reprimanded verbally because that is the way we do things typically. We have introduced a new system to make sure that that kind of error does not take place.....If I can quickly finish, I just want to say that no malice was ever intended. The mistake was entirely ours and our apology is total and unconditional. We have instituted measures to make sure that something like this never happens again.”

43. When asked to state the institutional mechanism that has been set up, Shri Aparisim Bobby Ghosh stated:-

“We have answered some of the questions that were raised in writing. I will submit this to you before I leave.....Basically, some of the mistakes involved technology, the improper use of Excel which is a Microsoft product. It is a spread-sheet which, if you do not configure it properly, can throw up wrong results. We have stopped using Excel altogether just to avoid this problem.....Secondly, the people who were responsible for the mistake across the chain of command have been reprimanded. Some of them have been taken off any kind of work relating to Parliament as a form of reprimand. The Correspondent, who covers Parliament for us, will also be brought before you. He has also been reprimanded. He now makes sure that any story that has to do with any Member of Parliament, even if it is a story which comes from one of our States, he personally anchors and supervises it. Of course, the Delhi Editor makes sure that he or she, whoever is the Editor-in-charge on a given night, pays special attention to it.”

44. To a pointed query as to the actual implication of an oral reprimand, Shri Aparisim Bobby Ghosh stated as under:-

“In our environment, it is quite strong.”

45. To a pointed query as to why the correction that was published by the newspaper did not carry the photograph of MPs whereas the original news-item had photos of MPs, Shri Aparisim Bobby Ghosh replied as follows:-

“The journalistic convention basically is to, as I said, carry the correction inside usually.....Convention of journalism around the

world.....I will take that on advice, but it did not come up for discussion. If you feel strongly that that is what we can do, we will.....”

46. On being pointed out that the source of their erroneous data the PRS Legislative Research had disowned the figures published by the newspaper as not being theirs, Shri Aparisim Bobby Ghosh stated as under:-

“The data we got from PRS is accurate. The error was on our side when we analysed the data. They were absolutely right that the data they gave us is one hundred per cent correct. When we put it on our Excel sheet, we took all the names of MPs alphabetically and on another column, we looked at their attendance record. First, it was done alphabetically. Then, you change the column to see who has the highest and who has the lowest. Since the system was bad at our end, not at PRS end, because it was not properly configured, the column with attendance changed, but the column with names did not change. That is why, you will notice that most of the names are starting with ‘A’ because the alphabetical order on the first column just remained as it was and we did not spot that. We assumed that both sets of column would change, which they should if the system is properly put together. It was not.”

47. On being asked as to whether the newspaper was ready to give the correct attendance along with the photographs of the Members in the page where they had published the original thing, Shri Aparisim Bobby Ghosh replied in the affirmative.

48. The Committee sought to know what exactly was the correction to the news-item was published the next day, Shri Aparisim Bobby Ghosh stated as under:-

“We felt it was an apology.....It is an admission of error on our part. It says, ‘HT deeply regrets the errorI think it is both. We say, ‘we deeply regret’.”

49. On a pointed query on the original intention of the story, Shri Aparisim Bobby Ghosh stated as follows:-

“The story originated from the fact that the Prime Minister had made a statement of dissatisfaction over the attendance rate of his party MPs. Since the PM mentioned, it was widely reported. We looked at the record of all MPs, not just BJP MPs. That is where it started.....We were intending to show the MPs with best and worst attendance.”

50. The witness further stated:-

“Every day, in the same space on our paper, we do a data story. That day, it was about Parliament; it is about sports today. Every day, we give the same amount of importance to a topic for which there is data. In the past, we have done it on business also, when it had to do with business.....If we do a data story, we put it in the same place.”

51. The Committee sought to know whether the news reporter should have sought the response and reaction of the Members, Shri Aparisim Bobby Ghosh replied in the affirmative and stated as under:-

“That is correct.....We failed to get that. That is why we are apologising. We absolutely failed to do that.”

52. On a pointed query on the newspaper’s very wide impact on the general public, Shri Aparisim Bobby Ghosh stated that:-

“I think, we are embarrassed that it has had that impact on them.....I accept that it is a valid point.”

53. On a pointed query as to whether there was any intention involved because the subject were politicians or Parliamentarians, Shri Aparisim Bobby Ghosh replied that:-

“That is not our intention.....We made a mistake.”

54. Responding to the Committee’s observation that the corrected version ought to have been placed at the same place and the apology should sound like an apology with pictures etc. placed so that the atmosphere around that was correct and the absorption by the public was in the same manner Shri Aparisim Bobby Ghosh stated:-

“We are happy to do that. Do you want to recommend some specific language that we should use.”

55. On the aspect of publishing an unconditional apology, Shri Aparisim Bobby Ghosh submitted as under:-

“Can I get absolute and complete clarity on this so that we will be absolutely clear and there will not be any ambiguity? On Monday, we will publish in the same place.....We will look at the correct attendance and numbers. We will have the photographs of the people with the best attendance and the photographs of the people with the worst attendance. We will make sure that we have the accurate ones. Now, they may not be the same people. Obviously, they will not be the same people because we got it wrong.....What you are saying is that the correction should be larger. What you are asking more or less is what we have done in the correction. It should be larger and it should have the photographs and the word apology should be there.....You can take it from me that it does come from within. We have no intention of maligning the

institution.....all of my colleagues are bound by what I am saying here. They all agree with me and we will comply with the directions. We will publish it on Monday and we will send it to the Committee.”

56. On being asked to be more careful in future, Shri Aparisim Bobby Ghosh stated as under:-

“Sir, I assure you of that.”

57. The Editor-in-Chief, Hindustan Times Digital Streams *vide* his letter dated 15 September, 2017 addressed to the Hon’ble Chairperson, Committee of Privileges had made the following written submissions:-

“On March 24, 2017 the Hindustan Times published a graphic on the flap of our newspaper on party-wise and individual MPs’ attendance in Lok Sabha. The graphic and accompanying intro was filled with errors, the result of technical flaws, negligence and lack of supervision throughout the chain of command in the newsroom.

We are here to offer my complete and unconditional apology for these errors. No malice or disrespect was ever intended.

We tender our unconditional apology to your committee and all the members of Parliament. We hold Parliament of India in the highest esteem and it will never be our intent to insult its members.

In addition to the unconditional apology, we wish to submit our reply to the following points, as directed by the Committee.

I, We have a robust internal control mechanism to ensure the accuracy and objectivity of our stories. We only rely on official or authentic sources fro

news and data, and attribute them. We also cross-check facts and figures before publishing a news item. We are always especially careful about news related to Parliament and its members. The errors that have occurred are very, very rare.

Our response was to publish a substantial apology on the flap the very next day.

Additionally, we conducted a verbal enquiry internally, as is done in all cases of errors in reporting. We found that the erroneous representation of the attendance of some Hon'ble MPs was a collective failure of our editorial team. There were also some technical glitches. Our parliamentary affairs reporter provided the basic data from the PRS Legislative Research. After computation, the wrong data went through several hands, including reporters, design and production team, but unfortunately this was not detected.

We have cautioned all people involved, and each one of them has expressed deep regret and unconditional apology for this mistake.

(ii) As a result of the technical glitch, only some names starting with the letter 'A' appeared on one column of the Microsoft Excel spreadsheet, while in the other column the names with "T" and "U" appeared. All these names of Hon'ble MPs were erroneously attributed with wrong attendance percentage. This was an error of omission: the glitch should have been spotted.

On top of this, we erred in not cross-checking with the Hon'ble MPs named in the piece before publishing the graphic.

- (iii) We used Microsoft Excel to sort the basic data set. However, the computer that was used to sort it did not have the software settings configured properly. That led to sorting the attendance column, but not all the other attributes that went with it. Because of the same, while the attendance was sorted in ascending order, the names remained in their previous alphabetical order. Meaning that wrong names appeared next to the attendance of each person. Since the party calculations were performed on the sorted sheet, those numbers also turned out to be incorrect.
- (iv) We relied on the PRS Legislative for data to produce this graphics as the most reliable data on Parliamentary issues. But it was entirely our fault that the data was wrongly analysed.

We stand ready to answer any other queries that the committee may have.”

Evidence of Shri Chakshu Roy, Head of Legislative and Civic Engagement, PRS Legislative Research.

58. During his evidence before the Committee on 6 September, 2017, Shri Chakshu Roy, Head of Legislative and Civic Engagement, PRS Legislative Research *inter-alia* stated as follows:-

“Good afternoon to hon. Chairperson and Members of the Committee on Privileges and Ethics. Thank you for inviting us to appear before the Committee. My colleague Dr. Mandira Kala and I, Chakshu Roy, work with PRS Legislative Research. We are here to explain the process by which information made available by Lok Sabha is collated and presented by PRS on our website.....Lok Sabha has been at the forefront of making information available about its functioning on its website. The Lok Sabha

website has a wealth of information about the day-to-day functioning of the House and also details about the participation of individual MPs in House proceedings. The website also provides the List of Business and Bulletin-I on a daily basis when the House is sitting. The List of Questions is also put online a few days in advance. At the end of every sitting of the House, the website is updated with the verbatim proceedings of the debates held in the Lok Sabha.....We collate four types of information: attendance of Members, Questions asked, participation in various debates, and introduction of Private Members' Bills. On the Lok Sabha website there is a section titled Attendance of Members. It contains tables which give two types of information. First, it has aggregate information about the number of MPs who signed the Register on every sitting day of the House. This information is organized by term, session and day of sitting of Lok Sabha. The second information is about the signing of Register by individual MPs. The tables on the Lok Sabha website show the status of each MP as either having signed or not signed the Register for a particular sitting.....The PRS website has a section titled MP Track. This section provides our website user with the ability to view the activity of each MP in Parliament. The source for all this data is the Lok Sabha website. The data is organized and presented in two ways. First, a website user can view individual MP activity segregated by dates and sessions. Secondly, they can download a Microsoft Excel file which aggregates this information for all MPs.....Website users can choose either of these ways for freely accessing information without needing any permission or authorization from PRS. The activity information on the PRS website is organized alphabetically by name of each Member of Parliament.....PRS does not rank the activities of the MPs. It compiles the information about signing

of register of MPs from the Lok Sabha website. From the table of the Lok Sabha website, we used to arrive at the percentage of each MP which is the total number of days the register was signed by an MP divided by the total number of sittings of the House. This is ordinarily updated twice a week during parliamentary session. We explain in the website that the information on the Speaker and Deputy Speaker, Leader of Opposition and Ministers is not available as these Members do not sign the attendance registers. We are providing the Committee an extract from the database from the PRS website. This extract shows the attendance information available on the PRS website as on 23rd March. The information published in Hindustan Times on 24th of March did not correspond to the data published in the PRS website. The PRS was not approached nor did it provide attendance of the MPs.....The second thing is questions. Our data on questions is based on the Question List posted on the Lok Sabha website a few days before the date of listing of questions. If a question is asked by more than one MP, the name of each of the MP is listed. For Debates, we used to use as our source the Lok Sabha Bulletin I of the Lok Sabha. We take the data of each MP who participated in the debate other than Zero Hour, from the debates published on the Lok Sabha website. We obtain the data for Private Members' Bill from Bulletin I of the Lok Sabha website. We are providing to the Committee a table which contains the links of the Lok Sabha website used to collate the above information. We thank the Committee gave us an opportunity to present and explain the above.”

59. When asked whether the story as published by the Hindustan Times would discredit the PRS because it says that it was as per the information given on the PRS website, Shri Chakshu Roy stated as under:-

“Yes, we have seen it. As I mentioned, nobody from the Hindustan Times reached out to PRS to ask us about the information either by telephone or email. The information, the extract of which we will share with you was put on the website of the PRS and anybody, including the Hindustan Times, could have downloaded that information. The information was correct at the PRS. We are giving you the extract of the data published on PRS website on 23rd March the day before the story appeared in Hindustan Times on 24th of March. It will show you what the correct data was.....If I had to phrase my answer, I would say that the Hindustan Times did not correctly report the data that was put on the PRS website.”

60. To a pointed query as to whether the PRS was wrongly discredited by the Hindustan Times, Shri Chakshu Roy stated as under:-

“I want to clarify two things. One, PRS never ever does the ranking of MPs or provides data which is the ranking of up or down. All the data on PRS is provided in alphabetical order. This is the practice that we mimic from certain sections of the Lok Sabha website. The Lok Sabha Website organizes the data in two ways: it is either by division no. or in alphabetical order. Some part of Lok Sabha website is alphabetical, some part of it is by division no. We go by the alphabetical order because that is the most intuitive way for a non-Parliament person to understand the sequence of names.”

61. On being asked whether the Hindustan Times should have gone to the Lok Sabha website to verify their information which was statedly sourced from the PRS website, Shri Chakshu Roy replied as under:-

“You are absolutely correct. It is the duty of any body, which is either of the nature of PRS or of the nature of a media house, to verify the information that they receive before they put it out in the public domain. I cannot comment on the Hindustan Times but what I can comment is that we compile our data and the reason both of us are here today is that we cross-check it multiple times before it goes on. We have a mechanism wherein Members of Parliament call us up and sometimes point out that there is a number missing or the number is not correct and in such cases, the number is corrected. We have the data updated twice a week as soon as Lok Sabha website is updated. What we have tried to do is to put some checks and mechanisms to ensure that at our end, the data does not get incorrectly represented. We have always believed that when Lok Sabha website puts out the data and PRS puts out the data, the reason for putting out the data is that more and more people can come closer to the working of the Parliament and get to understand the work of Parliament in a better way.”

62. When asked whether PRS feels that any wrong information that was published in a newspaper which says that the source of the information was PRS Legislative Research would it not only be misleading but also bring defamation to the PRS, Shri Chakshu Roy replied as under:-

“I think there are two aspects to it. One aspect is the legal aspect of defamation. The legal acumen I find in this room is more than half a century. I would not comment on the defamation side of it. We noticed the story when Shri A.P. Jithender Reddy raised the matter during Zero Hour and we watched it on the Lok Sabha TV channel. The first thing we did was that we took a snapshot of our website’s database that in case the Committee on Privileges reaches out to us, we should have the information available to

share with them. When I looked at the story in the hard copy of the newspaper, it did not mention the name.”

63. The Committee when sought to know whether there was any system in PRS to read all the newspapers, especially national newspapers and keep them on record, Shri Chakshu Roy stated that:-

“We do not have a formalised mechanism of reading either all national newspapers or all regional newspapers. But as conscientious citizens, we keep ourselves updated.”

64. To a pointed query whether PRS keep the Hindustan Times (HT), Shri Chakshu Roy replied in the affirmative.

65. On being asked whether there any comparison was done by the PRS of the data used by Hindustan Times in their news item, the moment it was seen that PRS was mentioned as source, Shri Chakshu Roy replied:-

“We compared after it was raised.”

66. On further being asked whether the PRS checked up with the records, Shri Chakshu Roy replied in the affirmative.

67. On further being asked why the PRS did not send any letter asking *The Hindustan Times* why PRS has been named as the source when the information has not been properly given, Shri Chakshu Roy replied:-

“I completely agree with you. I think, the lapse on our part was that the only action that we took was to preserve the record that we have so that we could share it at an opportune time if we were asked to. Your question was whether after we discovered the error in the reporting did we proactively

reach out to the newspaper and write to them to point it out. We did not. That is something I admit.”

68. On being asked as to why PRS, being an accredited and reputed Institution did not find it important to defend their standing and credibility which was apparently dented by the erroneous data published by HT, which was shown to be sourced from the PRS website, Shri Chakshu Roy replied:-

“I think, hon. Chairperson and hon. Members have reposed a lot of faith in the work we do and that faith brings a sense of responsibility with which we function. I think, it will not be appropriate for me to say if there are excuses why it was not done. I admit the fact that it should be a part of our normal work that when our name is cited in a news report and that data is incorrect we should take steps to either clear our name or to make sure that the institution of Parliament’s name is properly maintained.”

69. On a pointed query as to whether all the newspapers and media regularly use their data/information, Shri Chakshu Roy while replying in the affirmative stated as under:-

“Our activities are twofold. One of our activity is that when any legislation is introduced in Parliament, we prepare a summary of that legislation of about five pages. We prepare a one-page summary also. These are non-partisan analysis of those Bills. That is one part of our activity.....The other part of our activity is that at the request of a Member of Parliament we make available...Yes. The Media uses our information regularly, if I look at the numbers from last year, by almost 400 to 500 times.”

70. On being asked about the impact assessment of the news item on the readers, Shri Chakshu Roy stated as under:-

“Your question is that have we gauged the impact of a front page story.....The impact of the story is that it reaches thousands of people who subscribe to this newspaper and since it is on the front page they would definitely notice it.”

71. Subsequently, Shri Chakshu Roy, Head of Legislative and Civic Engagement, PRS Legislative Research *vide* his letter dated 20 September, 2017 addressed to the Secretariat furnished their written replies to the clarification sought by the Committee during the sitting:-

Point (i) Why PRS Legislative Research did not explicitly dissociate themselves with the Hindustan Times news-item dated 24 March, 2017 which was stated to have been sourced from the PRS Legislative Research, after it came to their knowledge?

“The news item appeared in the Hindustan Times dated March 24, 2017. The story had errors in the attendance data of several Members of Parliament, and cited PRS Legislative Research and Lok Sabha as sources. We noticed the article around noon that day. We were planning to write to them indicating the error but saw a corrected story on the front page of the Hindustan Times the next day (March 25, 2017). The data in this second corrected story matched with our data. We did not write to them.

In hindsight, this was a mistake on our part. We should have acted promptly and written to them that they had incorrectly cited PRS Legislative Research. We are now putting in place a system to respond to any publication that we notice as incorrectly citing us.”

Point (ii) Impact Assessment on the newspaper readers/media users of the impugned news item published by Hindustan Times, he stated as under:-

“We are not in a position to judge the impact of the impugned news item on the newspaper readers/media users.”

Point (iii) Furnish data newspaper wise of last one year of top five English national dailies (including Times of India and Hindustan Times) and top two Hindi dailies in circulation in Delhi showing number of times these dailies wrongly quoted the PRS data, as was done in the instant case.

“To the best of our knowledge, there is no other instance in the last one year of PRS data being wrongly quoted by the top dailies.”

72. Subsequently, as assured to the Committee, the Hindustan Times in their edition dated 18 September, 2017 had published their unconditional apology in page one Plus i.e., the Flap page of the newspaper titled ‘An Apology’ alongwith photographs of the Members. The same is reproduced as under:-

hindustan

New Delhi/METRO Vol. XCII No. 222

MONDAY, SEPTEMBER 11, 2017

hindustantimes
PAGE ONE PLUS

EDITOR'S PICK

AN APOLOGY

In the edition of March 24, 2017, we had, because of a technical glitch, erroneously reported the attendance in Parliament of certain MPs. Below are the accurate figures. Hindustan Times offers an unconditional apology, and deeply regrets any offence or inconvenience caused.



PARTY-WISE ATTENDANCE

All figures for the 16th Lok Sabha, as of March 20, 2017
(For parties with more than 10 MPs)



Actual figures for MPs who we'd said had the worst attendance

	Abhijit Mukherjee West Bengal, Congress	97%
	A Arunmozhithevan Tamil Nadu, AIADMK	89%
	AP Jithender Reddy Telangana, TRS	87%
	AT Nana Patil Maharashtra, BJP	87%
	A Anwhar	71%

100% ATTENDANCE* MPs

Bhairon Prasad Mishra Uttar Pradesh, BJP
Gopal Chinayya Shetty Maharashtra, BJP
Kirit Premjibhai Solanki Gujarat, BJP
Kulamani Samal Odisha, Biju Janata Dal
Niranjan Jyoti Uttar Pradesh, BJP
Ramesh Chander Kaushik Uttar Pradesh, BJP

For the seven MPs who we'd reported to have 100% attendance, the correct figures are:

Udasi Shivkumar Karnataka, BJP	96%
Thota Narasimham Andhra Pradesh, TDP	95%
Tathagata Satpathy Odisha, BJD	91%
Thangso Baite Manipur, Congress	91%
Thokchom Meinya Manipur, Congress	91%
Thupstan Chhewang Jammu and Kashmir, BJP	91%
Tej Pratap Singh Yadav	81%

IV. Findings and Conclusions

73. The Committee note that the gist of contentions of Sarvashri A.P. Jithender Reddy and A.T. Nana Patil, MPs against the ‘Hindustan Times’ as brought out in their notices of question of privilege and their averments made before the Committee is as follows:

- (i) The news-item published in the ‘Hindustan Times’ on 24 March, 2017 under the caption “House Call” have alleged that their attendance as reported in the paper was totally incorrect and the news-item had tarnished their image. While the impugned news-item had reported lowest attendance figures ranging between 5% to 15%, the Members have stated that all the five members as a matter of fact have attendance between 74% to 97%, which can be verified from Lok Sabha records as well as from the PRS Legislative Research. The MPs have alleged that they have been portrayed to have bunked Parliament which had lowered their reputation and standing amongst their electorate and the general public. The contents of the news-item were defamatory and cast aspersions on the conduct of these Members in-so-far as their attendance in Lok Sabha was concerned and had, therefore, brought disrepute to the Parliament as a whole, as an Institution and thus lowered its image in the eyes of the general public; and
- (ii) The correction that was subsequently published by the Hindustan Times in their edition dated 25 March, 2017 was in very small fonts, appeared in Page 3 and did not contain the photos of the MPs. The correction was not prominent enough and was, therefore, intended to

be missed by the general public. The regrets expressed in the correction was apparently half-hearted and insufficient to redress the damage caused to the reputation and image of the Members. Further, the impugned news-item, appeared prominently in the first page of the newspaper in much bigger font(s) alongwith photographs of the Members, and was therefore, eye-catching for the readers.

74. The Committee note that the impugned news-item had published names of five Lok Sabha Members having worst attendance ranging from 5% to 15% along with their photographs. The Committee observe that the attendance figures that were cited in the news-report were factually incorrect and no semblance of due diligence was adhered to by the hierarchy of the editorial team of newspaper before publishing the impugned defamatory news-item about Members of Parliament. The Committee find that the tone and tenor of the contents of the news-item which stated that ‘Absence of MPs and disruptions in Parliament have also raised questions of accountability and commitment to the people, especially when they get a healthy dose of perks and allowances to function. MPs get to divide their own salaries and perks.....’ have undoubtedly caused damage to the reputation and image of not only the concerned MPs but of all Members of Parliament in general and have dented the image of Parliament as an Institution in the eyes of the general public, more specifically amongst the electorate/constituency of these five MPs who have been portrayed as lacking in their commitments and responsibilities as Parliamentarians. Moreso, it has undoubtedly created a negative image of the Parliament.

75. The Committee note that the correction to the impugned news item that was published on the next day i.e., on 25th March, 2017 (appeared in Page 3 of the Newspaper) was printed in smaller fonts and without the photographs of the five

Lok Sabha MPs, who were reported to be having the lowest attendance. Though the ‘correction’ that was published set right the figures/data and reflected correctly the attendance figures of the MPs, which ranged from 74% to 97% pertaining to these five MPs and deeply regretted the error, however, no apology was expressed in the “Correction” nor any apology in writing was sent to these MPs whose reputations have been damaged considerably due to this slanderous report. *The Committee find that the correction published do not effectively redress the damage that has been done to the image of the MPs or that of the Parliament. The Committee are, therefore, inclined to observe that the newspaper by its action have shown scant regard and respect to the Members and that of the Parliament.*

76. Having taken note of the allegations made by the members in their notices of question of privilege, the correct factual position as placed by the PRS Legislative Research which is the source of data relied upon by the Hindustan Times and the plea taken by the Hindustan Times which had allegedly breached their Parliamentary privilege, the Committee are of the view that the matter primarily involves the following issues:-

- (i) Whether the impugned news-item, which blatantly attributed wrong attendance figures to the members have cast reflections on the conduct of the members in performance of their Parliamentary duties and also cast aspersions on the Members by causing defamation and tarnishing their image, thereby resulting in breach of their Privileges and also brought down the image and reputation of Parliament as an Institution; and
- (ii) Whether the ‘Correction’ to the impugned news-item was adequate and sufficient enough to undo the damage that has been caused to the

reputation and image of the members, and that the newspaper was genuine in expression of its regrets.

77. 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.

78. 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.”

79. The Committee are of the view that in the instant case, the Hindustan Times published a news-item about low attendance of Lok Sabha MPs with the data

purportedly sourced from the PRS Legislative Research. Apparently, the content and intent of the news-item were based on blatantly incorrect data and portrays a picture contrary to the factual position. The lowest attendance figures attributed to the five MPs in the impugned news-item varied between 5% to 15% with the attendance of Shri A.P. Jithender Reddy, MP shown as 9% and that of Shri A.T. Nana Patil as 10% respectively. Whereas the actual figures of the five MPs varied from 74% to 97% and that of the members in question namely Shri A.P. Jithender Reddy and A.T. Nana Patil stood at 87%. *The Committee are aghast at the wide variation in the figures of attendance as published in the impugned news item vis-à-vis the actual figures revealing the level of inaccuracy and total lack of due diligence. The Committee are, therefore, dismayed to observe that the intent as well as the contents of the impugned news-item have undoubtedly tarnished the image of not only the five Lok Sabha MPs concerned, but have stigmatized all MPs in general and has brought disrepute to the Parliament as a whole.* Interestingly, when it comes to 100% attendance figures, the newspaper did not feel it deemed to publish photos of the seven Members which indicates that the main thrust of the news-item was to create a negative image of the Parliamentarians.

80. The Committee note that the Hindustan Times have cited the source of data relating to the attendance figures of MPs used in the impugned news-item, as that of the PRS Legislative Research. However, the Committee find from the representative of the PRS Legislative Research that the data/information as given in their website was correct and the Hindustan Times had erroneously interpreted the data. They also submitted a copy of the extracts of the data published on their website on 23rd March, 2017, the day before the impugned news item appeared in the Hindustan Times on 24th March, 2017 in support of their contention. The

Committee also find that the Hindustan Times have neither reached out to PRS through telephone or e-mail for vetting the data proposed to be used in their impugned news-item or checked the veracity of the facts/data that was being sourced from the PRS website which is anything but gross negligence and also inexplicable.

81. The Committee cannot but emphasise that it is the bounden duty of any media House for correctly and accurately disseminating the information pertaining to the working of the Parliament and its constituents *viz.* Members of Parliament, to verify information/data from authenticated primary source *viz.* the Lok Sabha website, before they are put in the public domain.

82. The Committee understand that the PRS have a mechanism wherein facts and data are checked multiple times at the stage of compilation and also a system wherein inputs from MPs are also sought and incorporated to data disseminated and placed in the public domain, in case of inaccuracies pointed out. Admittedly, even though the PRS noticed the Hindustan Times news item when Shri A.P. Jithender Reddy, MP raised the matter during Zero Hour, however, they were not proactive enough to reach out to the Hindustan Times and point out the error. Keeping in view the fact that the PRS has established itself as an accredited and reputed Institution disseminating information/facts about the Parliament and that information/data sourced from the PRS are, therefore, usually taken as authentic and used and relied upon by many Members of Parliament, the Committee feel that PRS has to constantly monitor the news items pertaining to the Parliamentary functioning that are published by newspapers and magazines so on to instill faith and credibility to the data about Parliament that it disseminates. The Committee feel that that the PRS, should have an appropriate in-built mechanism to clear their name in such instances wherein data about Parliament have been sourced from

their website but erroneously interpreted and published by the newspapers. The Committee, hope that as assured, the PRS would institute an appropriate in-built systematic mechanism to ensure that the Institution of Parliament is not denigrated in any way. The Committee further hope that PRS would continuously enhance and strengthen their institutional mechanism to fulfill the objectives set out in their Core Mission of enhancing the understanding of the working of the Parliament and Parliamentarians which indeed complements the efforts and endeavours of the Parliament to reach out to the citizens of the country.

83. The Committee note that the Lok Sabha website uploads the attendance of MPs in the Lok Sabha regularly on a daily basis and are put in the public domain. It is clear that the concerned Hindustan Times Correspondent, Shri Saubhadra Chatterjee, Deputy Political Editor has not made any attempt to either check the veracity of the attendance data that was included in the impugned news-item from any authentic primary sources viz. Lok Sabha Home Page or the PRS website nor spoken to any of the Members whose names had appeared in the news-item on to the PRS Team. Surprisingly, the chain of hierarchy in the Editorial Board had passed the news-item without any semblance of due diligence reflecting the haste in which they had published a very negative news-report of Parliament and its Members, which apparently shows that the intent of the news-item is to have maximum misplaced negative impact on the readers.

84. In the light of the aforesaid facts, the Committee, therefore, find that the Correspondent, Hindustan Times, has neither exercised any due diligence nor adhered to any semblance of journalistic prudence and norms and was found to have gone overboard while preparing the news report. The casual attitude of the Correspondent, in filing his report as also the lapses in the whole chain of editorial hierarchy, is reflective of the falling standards of journalistic standards and ethics.

The Committee were further dismayed at the way in which the ‘correction’ to the impugned news-item was carried out. The small font of the letters, the placement of the correction in page 3 and the absence of the photographs of the Members, reveals the half hearted manner in which the regret was expressed as also the casual attitude and scant regard of the newspaper towards the Members of the Parliament as well as to the Parliament itself.

85. 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 (7th edn. P. 304-305).**

"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 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. The House may punish not only contempts arising out of facts of which the ordinary courts will take cognizance, but those of which they cannot. Thus a libel on a Member of Parliament may amount to a breach of privilege without being a libel under the civil or criminal law.

* * * *

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.

* * * *

On a similar consideration, defamatory words against a particular section of the House or against a particular party in the House are not treated as constituting contempt of the House, since the whole House is not affected."

86. 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).

87. *The Committee are, therefore, left with no alternative but to conclude that the news-item published by the Hindustan Times was defamatory, casts aspersions as well as stigmatise the Members in relation to the discharge of their parliamentary duties and responsibilities, and also had tarnished their public*

image in general. The impugned news-item, therefore, has resulted in the breach of their parliamentary privileges.

88. The Committee, however note, that the Editor-in-Chief of Hindustan Times Digital Streams, Shri Aparisim Bobby Ghosh, during his deposition before the Committee tendered an unconditional apology from his side as well as from the Hindustan Times for the terrible mistake committed on the part of their newspaper and being the overall Editor-in-Chief also owned up the responsibility. The Committee also find that the Editor-in-Chief, *vide* their letter dated 15 September, 2017 also expressed their unconditional apologies to the Committee. The Committee were apprised that the newspaper has taken measures to make sure that this sort of mistake does not recur and have reprimanded the chain of command responsible for this mistake. The Committee find that the mistake was attributed to the malfunctioning of the software that was used, whereby the infographics and accompanying information was filled with errors resulting in technical flaws, which reveals utter negligence, lack of due diligence and ineffective supervision throughout the editorial chain of command in the newspaper. The Committee further note that the Editor-in-Chief offered his unconditional apology for the errors and stated that no malice or disrespect was ever intended. The Committee also take note of the averments of the Editor-in-chief stating that it was never their intention to cause any defamation or bring disrepute to the Parliament and its constituents and that the newspaper and its team uphold the Parliament and its Members in highest esteem. The Committee find that as a result of the technical glitch, only some names starting with the letter ‘A’ appeared in one column of the Microsoft Excel Spreadsheet, while in other column, the names with ‘T’ and ‘U’ appeared and all these MPs were erroneously attributed with

wrong attendance percentage. The Committee was apprised that in addition there was an error of omission due to which this glitch could not be detected. The Committee also find that the newspaper erred in not cross checking with the MPs before publishing the news-item. The Committee, however, note that the Hindustan Times subsequently published their apology prominently in Page One Plus Flap page of their Newspaper edition dated 18 September, 2017 in compliance with the directions of the Committee.

V. Recommendations

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

90. The Committee taking into consideration the fact that the Editor-in-Chief tendered his unconditional apologies both orally and in writing to the Committee for the grave errors that crept in the impugned news item; followed by publication of an ‘Apology’ prominently in Page One Plus flap page in their edition dated 18 September, 2017 (in compliance of direction of the Committee), recommend that the matter be allowed to rest. The Committee expect that the newspaper would discourage such irresponsible reporting in future particularly about Parliament and its constituents and would sensitize its correspondents and reporters for strictly complying with a well documented due diligence procedures and adhering to the journalistic ethics.

91. Taking into cognizance the important role that the PRS Legislative Research plays in providing a comprehensive and credible resource base to access Parliament specific data and the fact that data sourced from PRS are widely accepted as authentic and credible even by MPs themselves, the Committee expect that the PRS take their task with utmost responsibility commensurate to the faith reposed upon them and as assured to the Committee, put in place a systematic institutional mechanism to continuously monitor the wrong-erroneous interpretation of their data and strengthen and enhance their capabilities to ensure that the institution of Parliament as well as Parliamentarians are not denigrated in any way.

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

**New Delhi
27, December, 2017**

MINUTES OF SITTINGS

MINUTES OF THE TWENTY SECOND SITTING OF THE COMMITTEE OF PRIVILEGES

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

PRESENT

Smt. Meenakashi Lekhi - Chairperson

MEMBERS

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

LOK SABHA SECRETARIAT

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

WITNESS:-

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

(iii) Shri A. T. Nana Patil, MP

(iv) ***

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

2. The Committee then took up the next item of the agenda *i.e.* examination of notice of question of privilege dated 24 March, 2017 given by Shri A. P. Jithender Reddy and notices of question of privilege dated 28 March and 10 April, 2017 given by Shri A. T. Nana Patil, MPs against the Editor and Publisher of 'Hindustan Times' newspaper for allegedly publishing a false and defamatory news item wherein they have been reported to have low attendance in the House. Shri A. P. Jithender Reddy, MP, who was present was called in and examined on oath.

(Verbatim record of his evidence was kept)

(The member then withdrew).

Thereafter Shri A. T. Nana Patil, MP who was present was called in and examined on oath.

(Verbatim record of his evidence was kept)

(The member then withdrew).

3. ***

4. ***

The Committee then adjourned.

MINUTES OF THE TWENTY FIFTH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Wednesday, 30 August, 2017 from 1130 hrs. to 1335 hrs. in Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Smt. Meenakshi Lekhi - Chairperson

MEMBERS

2. Shri Anandrao Adsul
3. Shri Kalyan Banerjee
4. Shri Kesineni (Nani)
5. Shri J. J. T. Natterjee
6. Shri Jyotiraditya M. Scindia
7. Shri Raj Kumar Singh
8. Dr. Kirit Somaiya
9. Prof. (Dr.) Ram Shankar

LOK SABHA SECRETARIAT

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

WITNESSES:-

(i) *** *** ***

MINUTES OF THE TWENTY SIXTH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Wednesday, 6 September, 2017 from 1400 hrs. to 1515 hrs. in Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Smt. Meenakashi Lekhi - Chairperson

MEMBERS

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

LOK SABHA SECRETARIAT

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

WITNESSES:-

- (i) Shri Chakshu Roy, Representatives, PRS Legislative Research
- (ii) Dr. Mandira Kala, Representatives, PRS Legislative Research

At the outset, the Chairperson extended a warm welcome to the members of the Committee. Thereafter, the Committee took up the second item of the agenda

MINUTES OF THE TWENTY SEVENTH SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Friday, 15 September, 2017 from 1400 hrs. to 1500 hrs. in Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Smt. Meenakashi Lekhi - Chairperson

MEMBERS

2. Shri Anandrao Adsul
3. Shri Kalyan Banerjee
4. Shri Kesineni (Nani)
5. Shri J. J. T. Natterjee
6. Shri Jagdambika Pal
7. Shri Jyotiraditya M. Scindia
8. Dr. Kirit Somaiya

LOK SABHA SECRETARIAT

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

WITNESS:-

Shri Aparisim Bobby Ghosh, Editor-in-Chief, Hindustan Times

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 Memorandum No. 11 on notice of question of privilege

dated 24 March, 2017 given by Shri A. P. Jithender Reddy and notices of question of privilege dated 28 March and 10 April, 2017 given by Shri A. T. Nana Patil, MPs against the Managing Editor and Publisher of ‘Hindustan Times’ newspaper for allegedly publishing a false and defamatory news item wherein they have been reported to have low attendance in the House.

2. Shri Aparisim Bobby Ghosh, Editor-in-Chief, Hindustan Times was called in and examined on oath. The Committee took on record the unconditional apology tendered by Shri Ghosh. The Committee asked him to publish their apology as well as the correct attendance figures along with the photographs of all the MPs, whose attendance figures were wrongly mentioned in the ‘impugned’ news item. The witness agreed and assured the Committee that the apology would be published on 18 September, 2017. In view of the unconditional apology tendered and assurance given by the Editor-in-Chief that all the other witnesses would be bound by his statement, the Committee decided to dispense with the other witnesses from the Hindustan Times.

(Verbatim record of the evidence was kept)

(The witness then withdrew)

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| 5. | *** | *** | *** |
| 6. | *** | *** | *** |

The Committee then adjourned.

MINUTES OF THE THIRTY FIRST SITTING OF THE COMMITTEE OF PRIVILEGES

The Committee sat on Wednesday, 27 December, 2017 from 1500 hrs. to 1542 hrs. in Committee Room No. 'E', Parliament House Annexe, New Delhi.

PRESENT

Smt. Meenakashi Lekhi - Chairperson

MEMBERS

2. Shri Anandrao Adsul
3. Shri Kesineni (Nani)
4. Shri J. J. T. Natterjee
5. Shri Sushil Kumar Singh
6. Dr. Kirit Somaiya

LOK SABHA SECRETARIAT

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

WITNESS:-

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

2.

APPENDIX I

Dated : 24 March, 2017

To

The Secretary General,
Lok Sabha.

Dear Sir,

After Compliments

Under Rule 224 of the Rules of Procedure, I want to move a motion for breach of Privilege against the Editor and Publisher of Hindustan Times published from New Delhi today i.e., 24th March, 2017.

In a report published on the front page today, the newspaper has mentioned that the attendance of A.P. Jithender Reddy, MP, Telangan, TRS is 9%. This is totally incorrect, as my attendance is very much more than this. By putting this false report, the newspaper has defamed me and lowered my standing among my electorate and general public.

I move that the matter may be referred to the Privileges Committee for consideration.

Thanking you,

Yours Sincerely,
Sd/-
(A.P. Jithender Reddy)

APPENDIX II

Dated : 24 March, 2017

To

Honourable Speaker,
Lok Sabha.
Parliament House,
New Delhi

Sub: Bid to tarnish my image through the false news in Hindustan Times

Sir,

Please refer to the news published on front page of Hindustan Times page One plus dated 24th March, 2017- Editor's pick under the caption "House Call Rs. 2000". In the news my name has been shown under the heading "MPs with the worst attendance" with only 10% attendance in Parliament. The source of the news has been referred to as PRS Legislative Research.

I have 87% attendance in Parliament during my whole career of 15th and 16th Lok Sabha. The fact can be verified from Lok Sabha records as well as from the website of PRS Legislative Research.

It seems that it is an intentional bid to tarnish my image before the Honourable Prime Minister, my Party as well as the voters of my Jalgaon parliamentary constituency. Such bid does not conform to the image of a National Daily.

You are requested to kindly look into the matter and refer this case to the Committee on Privileges for taking action against the newspaper for their bid tarnishing the image of a Member of Parliament.

Yours faithfully,
Sd/-
(A.T. Nana Patil)

APPENDIX III

Dated : 27 March, 2017

Smt. Sumitra Tai Mahajan
Honourable Speaker,
Lok Sabha, Parliament House,
New Delhi

Sub: Bid to tarnish the image members of Parliament through the false news in Hindustan Times

Respected Madam,

Please refer to the news published on front page of Hindustan Times page One plus dated 24th March, 2017- Editor's pick under the caption "House Call Rs. 2000" (copy enclosed). In the news, names of five Members of Parliament, including myself, have been shown under the heading "MPs with the worst attendance" with only 10% attendance in Parliament in bold and very large fonts on front page. The source of the news has been referred to as PRS Legislative Research. The following table shows the correct attendance of these five Members.

Name of Members	Correct Attendance	Published wrong
A. Anwar Raajhar	74%	5%
A. Arunmozhitheven	89%	6%
A.P. Jithender Reddy	87%	9%
A.T. Nana Patil	87%	10%
Abhijit Mukherjee	97%	15%

All the above Members have attendance between 74% to 97%, my attendance being 87%. The fact can be verified from Lok Sabha records as well as

from the website of PRS Legislative Research. When I took up this matter with the Editor of Hindustan times, an erratum in very small fonts has been published in their 25th March, 2017 edition.

It seems that it is an intentional bid in certain quarters of Media to tarnish the image of respected Members of Parliament before the Honourable Prime Minister, their respective parties as well as the voters of their parliamentary constituencies. Such bid does not conform to the image of a National Daily. In my view, there should be some kind of guidelines for media to publish such information about Members of Parliament only after verifying the same from authentic sources.

You are requested to kindly look into the matter and refer this case to the Committee on Privileges for taking such action as may be deemed fit in order to save the Members of Parliament from such intentional bids of media to tarnishing the image of Members of Parliament.

**Yours faithfully,
Sd/-
(A.T. Nana Patil)**