

NAGPUR HIGH COURT

M.V. Rajwade I.A.S

Vs

S.M. Hassan

Misc. Criminal Cases Nos. 35 to 39, 48 and 50 of 1953

(Sinha, C.J. and Bhutt, J.)

21.08.1953

JUDGMENT

Sinha, C.J.

1. This order shall govern the disposal of the following Miscellaneous Criminal Cases:

*Shri M.V. Rajwade v. Dr. S.M. Hasan and others*¹.

*Shri M.V. Rajwade v. Shri Abhilas Chandra*².

*Shri M.V. Rajwade v. Dr. N.B. Khare and others*³.

*Shri M.V. Rajwade v. Swami K.N. Sokhta and another*⁴.

*Shri M.V. Rajwade v. Shri R.K. Shukla and others*⁵.

*Shri M.V. Rajwade v. Thakur Pyarelal Singh and another*⁶.

*In re Shri Ramgopal Maheshwari and another*⁷.

2. Shri M.V. Rajwade, I.A.S., who is the petitioner in the first six cases is the Deputy Commissioner, Durg. The last case was registered on a petition filed by the Deputy Registrar, High Court of Judicature at Nagpur. These petitions were filed under Section 3 of the Contempt of Courts Act, 1952, for taking action against the alleged contemnors in respect of certain publications.

3. Respondents in these cases are the authors and/or publishers of the impugned articles.

(A) The authors concerned are -

(1) Dr. S.M. Hasan, Ex-Minister of the State, Nagpur. (Respondent 1 in M. Cr. C. 35/53).

(2) Dr. N. B. Khare, President, Civil Liberties Union, Nagpur. (Respondent 1 in M. Cr. C. 37/53).

(3) Shri R. K. Shukla, M. L. A. and President, Bar Association, Rajnandgaon (Respondent 1 in M. Cr. C. 39/53).

(4) Shri M. R. Awari, M. L. A., Nagpur. (Respondent 2 in M. Cr. C. 39/53).

¹ No. 35/53

³ No. 37/53

⁵ No. 39/53

⁷ No. 48/53

² No. 36/53

⁴ No. 38/53

⁶ No. 50/53

(5) Thakur Pyarelal Singh, M. L. A., Raipur. (Respondent 1 in M. Cr. C. 50/53).

(B) The newspapers concerned are -

(1) The "Nagpur Times", Nagpur, which is an English Daily. Shri P. Y. Deshpande, Shri K. P. Narayanan and Shri A. G. Sheorey, are respectively the Managing Editor, Editor, and Printer and Publisher of the paper and are respondents 2-4 in M. Cr. Cases 35 and 37 of 1953.

(2) The "Hitavada", Nagpur, which is also an English Daily. Shri A. D. Mani and Shri K. S. Bharadwaj are respectively the Managing Editor, and Printer and Publisher of the paper and are respondents 5 and 6 in M. Cr. Cases 35 and 37 of 1953, and respondents 2 and 3 in M. Cr. C. 39 of 1953.

(3) The "Yugsandesh", Nagpur, which is a Hindi Weekly. The respondent in M. Cr. C. 36 of 1953, Shri Abhilash Chandra, is its Editor, and also Printer and Publisher.

(4) The "Nayakhun", Nagpur, which is also a Hindi Weekly. Respondents in M. Cr. C. 38 of 1953, Shri K. N. Sokhta and Shri Madanlal Paliwal, are its Editor and Co-Editor, respectively.

(5) The "Nava Bharat", Nagpur, which is a Hindi Daily. Respondent 1 in M. Cr. C. 48 of 1953, Shri Ramgopal Maheshwari, is its Editor and also Printer and Publisher.

(6) In M. Cr. C. 50 of 1953 respondent 2, Shri Kanhaiyalal Agarwal, is the Printer, Bharti Press, Rajnandgaon, which had printed the impugned pamphlet.

4. There was considerable public agitation in Chhuikhadan, in the State of Madhya Pradesh, over the Government's decision to abolish and close the Tahsil. On the 9th January 1953, while the treasury and records were being removed from the Tahsil building, the Police opened fire on a mob, as a result of which 5 persons died and several persons were injured. The Government of Madhya Pradesh accordingly appointed a Commission of Inquiry under the Commissions of Inquiry Act, 1952, with the Honourable Shri Justice B. K. Choudhuri of the Nagpur High Court as the sole member. A notification to that effect was published in the Madhya Pradesh Gazette, Extraordinary, dated the 14th January 1953. The Commission was asked to enquire and report whether –

(i) the firing was justified;

(ii) excessive force was used; and

(iii) after the firing adequate action was taken to maintain peace and order, to prevent recrudescence of trouble and to give adequate medical and other aid to the injured.

Government were also pleased to direct that "all the provisions of the Commissions of Inquiry Act, 1952, shall apply to the proceedings of the Commission."

5. The impugned publications refer to the Police action of the 9th January 1953 and to the appointment of the Commission. The details of the publications, briefly are these :

(1) M. Cr. C. 35 of 1953-This relates to the statement of Dr. S. M. "Hasan, Ex-Minister of the State, which was published in the issue of "Nagpur Times", dated the 28th January 1953, under the caption "Chhuikhadan Tragedy and After", and with slight variations in the issue of "Hitavada", dated the 29th January 1953, under the heading "The Chhuikhadan Tragedy". In this statement Dr. S. M. Hasan first described the interview that he had with the injured men and women in the Khairagarh Hospital and later gave the gist of the speeches delivered by some leaders, including himself, in the meeting held at Chhuikhadan to commemorate the 13th day ceremony of the persons who died as a result of the firing. Reading the two publications together, the firing has been described as an "outrage", "inhuman", "indiscriminate", and as "killing of the innocent" by the Police. In the publication in "Nagpur Times" particular reference has been made to shooting by 303 rifles which has been described as an act done under the influence of liquor or insanity, amounting to shooting of human beings as "wild beasts of prey".

(2) M. Cr. C. 36 of 1953-This refers to an article in "Yugsandesh" in the issue of the 25th January 1953, under the head lines "what is the Good, if OH unjust. (you) strike any helpless person". In this article the incident has been described as "noli with blood", no like example of which "can be found in history even on search". Particular reference is made to Shri Awasthi who, being annoyed with the show of black flags on his visit to Chhuikhadan. is said to have met the Chief Minister and returned to the spot with the Deputy Commissioner Shri Rajwade and a posse of Police Constables.

The firing has been described as "indiscriminate", and directed against "poor, inactive and innocent persons", particular reference being made to the shots having been fired at the delicate parts of some "fleeing women". On the same page of the issue, under the caption "Some things to be known in respect of Chhuikhadan firing (chapter)", reference is made to the firing having been resorted to outside the area covered by the order under Section 144, Criminal Procedure Code, and directed against innocent persons engaged in lawful avocation, and also to the neglect of the Civil Surgeon, Raipur, and the matron Shrimati Nulkar who had accompanied him, to attend to the injured persons.

(3) M. Cr. C. 37 of 1953 - This relates to the publication of a resolution of the Executive Committee of the Civil Liberties Union, which was passed in an extraordinary meeting held on the 2nd February, 1953, under the presidentship of Dr. N. B. Khare. The resolution was published in the issue of "Hitavada", dated the 3rd February 1953, and of "Nagpur Times", dated the 5th February 1953. It was stated in the resolution that from all accounts

"this Union has come to the view that the shooting to death of Ramsir Bai by a Sub-Inspector of Police at point blank range is an incident entirely unconnected with, and independent of, the firing episode at Chhuikhadan and amounts to a deliberate manslaughter."

(4) M. Cr. C. 38 of 1953 - This relates to an article published in the issue of "Nayakhun",

dated the 16th January 1953, under the head lines "Chhuikhadan firing the climax of Congress Ministry's hostile attitude towards the public". In this article the firing at Chhuikhadan has been compared with that at Jaliyanwala Bagh and has been described as "indiscriminate", "reckless" and "wrongful".

(5) M. Cr. C. 39 of 1953 - This relates to the statement of Shri R. K. Shukla, M. L. A., which was published in the issue of "Hitavada", dated the 21st January 1953, under the caption "Democracy shot dead". It was stated by him that the firing appeared from certain facts to be "indiscriminate" and that "Persons actually running away" had been shot, and it was asked whether it was an act of revenge since it was reported that "Shri H. S. Awasthi told the people before firing that you showed black flags to me the other day and today I shall show you to the red flag." Reference was also made to Ramsir Bai who is said to have been shot while protesting against the act of a Constable who was kicking with his boots the chest of a fallen woman. It was further alleged that the authorities were callous in making arrangements for first-aid and there was "wanton neglect" on their part in the disposal of the dead bodies.

(6) M. Cr. C. 48 of 1953 - This relates to the publication of the gist of a letter written by Shri M. R. Awari, M. L. A., in the issue of "Nava Bharat", dated the 3rd February 1953. Correctness of the gist is denied by the author. At his instance Shri Ramgopal Maheshwari, Editor and Publisher of the paper, was asked to produce the original letter which could not, however, be produced as it was said to be lost. In the gist as published, it is stated that the former "Ruler of Khairagarh" who is a Deputy Minister of the State, is "concerned with the case of the inquiry". Reference was also made to a report "that the Hon'ble Shri Justice Choudhuri has been selected for the Inquiry Commission" for the reason "that his father had been a former Diwan of Khairagarh". It was further stated that "Shri Awari has asked for appointment of an impartial and independent Judge on the Inquiry Commission."

(7) M. Cr. C. 50 of 1953 - This relates to the publication of certain pamphlets under the signature of Thakur Pyarelal Singh, M. L. A., and others, appealing to the people of Madhya Pradesh to observe "Chhuikhadan Martyrs' Day" on the 9th March 1953. In these pamphlets reference was made to the death of Ramsir Bai who is said to have been shot thrice on her bosom when she protested against a Sub-Inspector kicking with his boots the chest of a "young sister". It was also alleged that several persons who were witnessing the scene from a distance and "some mothers, sisters and persons" who were engrossed in their "respective works" were all "marked as targets of shots", and that "the officers came running, leaving the injured persons to their fate". The incident has been described as "inhuman massacre" and as "murderers playing Holi thus shamelessly with the blood of innocent mothers and sisters."

6. Before we take up other points urged in these cases, we shall first dispose of an argument that Shri C.B. Parakh, learned counsel for Dr. S. M. Hasan, addressed to us regarding the validity of the appointment of Shri Justice B.K. Choudhuri on the Commission of Inquiry. It was contended that his appointment was 'ultra vires' of the Constitution of India, and, therefore, as the

Commission of Inquiry was not validly constituted, the writings cannot amount to contempt of Court. The question of the validity of Shri Justice B.K. Choudhuri's appointment was already raised and decided in - '*Samaruram Holiram v. B.K. Choudhuri*⁸', by a Division Bench of the High Court, to which one of us (Bhutt, J.) was a party. It was contended by Shri Parakh that the decision in that case was not based on a correct approach to the problem, in so far as

⁸AIR 1953 Nag 331

while a search ought to have been made to find out if there was any provision in the Constitution under which Shri Justice B.K. Choudhuri could accept the appointment, the question was decided negatively on the ground that there was no prohibition in the Constitution to his doing so. So far as this argument is concerned, we do not see any force in it. Where a party challenges an appointment, it is for it to show a provision of law which inhibits it. Other points urged were already considered in - 'AIR 1953 Nagpur 331', and nothing has been shown which may throw doubt on the view that was taken in it. We, therefore, hold that Shri Justice B.K. Choudhuri was validly appointed as the sole member of the Commission of Inquiry.

7. The question of contempt in the proceedings before us depends on the answers to the following points :

- (1) Whether the Commission of Inquiry was a Court within the meaning of the Contempt of Courts Act, 1952;
- (2) Whether the proceedings before the Commission of Inquiry were judicial proceedings; and
- (3) Whether the publications constitute contempt of Court punishable under the Contempt of Courts Act, 1952.

8. The first two questions depend mainly upon the interpretation of Section 4 and sub-sections (4) and (5) of Section 5 of the Commissions of Inquiry Act, 1952, which are reproduced below:

"4. The Commission shall have the powers of a Civil Court, while trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely -

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any Court or office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) any other matter which may be prescribed.

5. (4) The Commission shall be deemed to be a civil Court and when any offence as is described in Section 175, Section 178, Section 179, Section 180 or Section 228 of the Indian Penal Code (Act XLV of 1860) is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898 (Act V of 1898), forward the case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been

forwarded to him under Section 482 of the Code of Criminal Procedure, 1898.

(5) Any proceedings before the Commission shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code (Act XLV of 1860)."

It would appear from Section 4 that it only clothes the Commission with certain powers of a Civil Court but does not confer on it the status of a Court. It is only under sub-section (4) of Section 5 that the Commission is deemed to be a Civil Court and sub-section (5) imparts to the proceeding before it the character of a judicial proceeding. However, these provisions only create a fiction which cannot extend beyond the purpose for which it is created.

9. In - '*Radha Kissen v. Durga Prosad*⁹, the question that was mooted was the right of an attaching decree-holder to adjust the decree with the judgment-debtors for a sum smaller than the amount of the decree. This involved the interpretation of Order 21, Rule 53 (3) of the Code of Civil Procedure, 1908, read with Section 19(3) of the Public Demands Recovery Act, 1913. Order 21, Rule 53 (3) is in these terms :

"The holder of a decree sought to be executed by the attachment of another decree of the nature specified in sub-rule (1) shall be deemed to be the representative of the holder of the attached decree and to be entitled to execute such attached decree in any manner lawful for the holder thereof."

Sub-section (3) of Section 19 of the Public Demands Recovery Act, 1913, is in similar terms. Nasim Ali, J. who delivered the judgment of the High Court held that the meaning of the words "representative of the holder of the attached decree", occurring in these provisions, is limited by the words immediately following and that the rule meant that the attaching decree-holder was deemed to be such representative for the limited purpose of executing the decree and not for all purposes. This interpretation was accepted by their Lordships of the Privy Council, and it was held that the attaching creditor was not entitled to adjust the decree for a sum smaller than the amount due under it. Referring to clause (3) of Rule 53, Order 21, of the Code of Civil Procedure, 1908, in this connection their Lordships of the Privy Council observed :

"It does not say that the attaching decree-holder will be 'deemed to be' the 'holder of the attached decree'. This would certainly have been a simpler way of stating the intention of the Legislature if it was to clothe the attaching decree-holder with all the rights of the holder of the attached decree as if he was his assignee."

In support of this view their Lordships also relied on the antecedent history of Order 21, Rule 53 of the Code of Civil Procedure, 1908, and referred to clause (1) (b) (ii) of the said rule and to sub-section (2) of Section 19 of the Public Demands Recovery Act, 1913, which gave right to the holder of the attached decree to intervene in execution proceedings. This, however, was adverted to only as an additional ground and does not affect the question of interpretation. The purpose for which the fiction has been created is, therefore, to be gathered from what follows after the words which create the fiction.

10. Applying this test to the instant case, it would appear that the purpose for which the fiction is created in sub-section (4) of Section 5 of the Commissions of Inquiry

⁹ AIR 1940 PC 167

Act, 1952, is to be inferred from the words that follow the expression "the Commission shall be deemed to be a civil Court." It would not be correct to contend that the above expression is full and complete in itself and what follows it only denotes the limitation on the full-fledged status and powers of a civil Court that the Commission would otherwise have possessed. If that was the intention of the Legislature, the sentence would have been completed after the words "civil Court" and what follows it would have been the subject of a separate sub-section or sentence. It is, therefore, clear that under the Commissions of Inquiry Act, 1952, the Commission is fictionally a civil Court only for the purpose of the contempts punishable under Sections 175, 178, 179, 180 and 223 of the Indian Penal Code, 1860, subject to the condition that it has not the right itself to punish the contemners, a right which other Courts possess under Section 480 of the Code of Criminal Procedure, 1898. Similarly it follows that the fiction relating to the proceedings before the Commission is confined to offences that are punishable under Sections 193 and 228 of the Indian Penal Code, 1860, referred to in sub-section (5) of the Act, and does not extend beyond this limit.

11. In - '*M.M. Khan v. Emperor*¹⁰', it was held that the Special Commissioners appointed under the Public Servants (Inquiries) Act, 1850, constitute a "Court" within the meaning of Section 195 of the Code of Criminal Procedure 1898, and the fact that they did not give any final decision did not detract from their status as a Court. An analogy was drawn in this connection from their Lordships of the Privy Council, who only advised His Majesty and did not deliver any judgment themselves. Irrespective of whether the analogy is appropriate, it is clear from the provisions of the Public Servants (Inquiries) Act, 1850, that the inquiry contemplated thereunder is of a judicial nature, on the result of which the Government, under Section 22, is required to pass orders one way or the other. Under this Act, the Government acts virtually as an appellate Court with power to affirm, reverse or modify the recommendations of the Special Commissioners. So far as the enquiry itself is concerned, it has all the attributes of a criminal trial except that the case can be proceeded with 'ex parte' and the Commissioners can only recommend but not take any final decision. There is, however, no doubt that the enquiry furnishes the basis to determine the guilt of the "accused", as the public servant concerned is described in the Act, and to that extent forms a step towards the making of a final decision. It is in fact a judicial enquiry into the guilt of an accused, and this position is not affected by the fact that the final judgment is delivered by another authority.

12. An enquiry under the Commissions of Inquiry Act, 1952, on the other hand, is of wholly different character. There is no accuser, no accused and no specific charges for trial; nor is the Government, under the law, required to pronounce, one way or the other, on the findings of the Commission. '*In re Maharaja Madhava Singh*¹¹', (D), was a case of the Commissioners appointed by the Viceroy and Governor-General in Council for the purpose of enquiring into the truth of a certain imputation against the Maharajah, in which their Lordships of the Privy Council observed :

"It is sufficient to say that the Commission in question was one appointed by

¹⁰AIR 1931 Lah 662

¹¹32 Cal 1 (PC)

the Viceroy himself for the information of his own mind, in order that he should not act in his political and sovereign character otherwise than in accordance with the dictates of justice and equity, and was not in any sense a Court, or, if a Court, was not a Court from which an appeal lies to His Majesty in Council."

The 'ratio decidendi' in this case was that the Commission was not a Court. So far as the question regarding the maintainability of an appeal to His Majesty in Council was concerned, the answer thereto followed from the main decision. These observations apply 'mutatis mutandis' to the instant case. The Commission in question was obviously appointed by the State Government "for the information of its own mind", in order that it should not act, in exercise of its executive power, "otherwise than in accordance with the dictates of justice and equity" in ordering a departmental enquiry against its officers. It was, therefore, a fact finding body meant only to instruct the mind of the Government without producing any document of a judicial nature. The two cases are parallel, and the decision must be, as in - 'In re Maharaja Madhava Singh (D)', that the Commission was not a Court.

13. The term "Court" has not been defined in the Contempt of Courts Act, 1952. Its definition in the Indian Evidence Act, 1872, is not exhaustive and is intended only for purposes of the Act. The Contempt of Courts Act, 1952 however, does contemplate a "Court of Justice" which as defined in Section 20, Penal Code, 1860 denotes "a Judge who is empowered by law to act judicially". The word "Judge" is defined in Section 19 as denoting every person –

"Who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive x x x".

The minimum test of a "Court of Justice", in the above definition, is, therefore, the legal power to give a judgment which, if confirmed by some other authority, would be definitive. Such is the case with the Commission appointed under the Public Servants (Inquiries) Act, 1850, whose recommendations constitute a definitive judgment when confirmed by the Government. This, however, is not the case with a Commission appointed under the Commissions of Inquiry Act, 1952, whose findings are not contemplated by law as liable at any stage to confirmation by any authority so as to assume the character of a final decision.

14. A "Court" is defined in Coke on Littleton and by Stroud as a place where justice is judicially administered. According to Stephen (Stephen's Commentaries on the Laws of England, 6th Edn., page 383) –

"In every Court, there must be at least three constituent parts - the 'actor', 'reus' and 'judex': the 'actor' or plaintiff, who complains of an injury done; the 'reus' or defendant, who is called upon to make satisfaction for it; and the 'judex' or judicial power, which is to examine the truth of the fact, and to determine the law arising upon that fact, and if any injury appears to have been done, to ascertain, and by its officers to apply, the remedy."

In - '*Mahabaleswarappa v. Gopaldaswami*¹²', Curgenven, J., after reviewing several authorities, observed :

"To summarise the effect of these decisions it would seem that we have to look, not to the source of a tribunal's authority, or to any peculiarity in the method adopted of creating it (though it is undoubtedly, a consideration that it derives its powers mediately or immediately from the Crown) but to the general character of its powers and activities. If it has power to regulate 'legal rights by the delivery of definitive judgments', and to enforce its orders by legal sanctions, and if its procedure is judicial in character, in such matters as the taking of evidence and the administration of the oath, then it is a Court." (Underlining (here in single quotation) is ours).

These observations were approved in - '*Hari Charan v. Kaushi Charan*¹³', and also in - '*Deputy Commr., Goalpara v. Upendra Saran*¹⁴', The least that is required of a Court is the capacity to deliver a "definitive judgment", and unless this power vests in a tribunal in any particular case, the mere fact that the procedure adopted by it is of a legal character and it has the power to administer an oath will not impart to it the status of a Court.

15. In - '*Satdeo v. Baba Raghav Das*¹⁵', on a difference having arisen between the Honourable Judges composing the Bench on the question whether the Court of an Assistant Collector, First Class, under the Land Revenue Act was subordinate to the High Court for the purposes of Section 2(1) of the Contempt of Courts Act, 1926, the matter was referred to Wali Ullah, J., who observed as below :

"In the present case, the whole difficulty has arisen with regard to the proper interpretation of the expression 'Courts subordinate to them'in sub-section (1) of Section 2. The 'Court'of an Assistant Collector of the First Class, obviously, as its name indicates, is a 'Court'. It is a Court as understood in the Contempt of Courts Act where the term has been used in a wide sense, as including a tribunal, legally authorized to deal with particular matter judicially. The Assistant Collector is undoubtedly entrusted with certain 'judicial functions'; such judicial functions include the function of 'deciding litigated questions according to law'- deciding them not arbitrarily, but according to certain rules and procedure which ensure that the person called upon to decide them acts with fairness and impartiality."

Although in the above observations it is stated that the term "Court" in the Contempt of Courts Act, 1926, is used in a wide sense and includes a tribunal, it is nevertheless pertinent that the tribunal, in order to claim protection under the Act, should be legally authorized to deal with any particular matter judicially. This is, in substance, the least attribute of a tribunal which would make it a Court within the meaning of the

¹²AIR 1935 Mad 673

¹⁴AIR 1950 Ass 25

¹³AIR 1940 Cal 286

¹⁵AIR 1953 All 419

Contempt of Courts Act of 1926 or 1952. This implies that the matter decided by the tribunal should constitute a judgment which is either definitive in itself or, as contemplated by the

Indian Penal Code, would be definitive if confirmed by some other authority. Judged on this standard, we have no hesitation in holding that the Commission, presided over by the Honourable Shri Justice B.K. Choudhuri, was not a Court within the meaning of the Contempt of Courts Act, 1952.

16. In the view we have taken, we need not consider the further questions, viz., whether the Commission was subordinate to the High Court within the meaning of the Contempt of Courts Act, 1952, and whether the publications are indictable as contempt or privileged under Article 19 of the Constitution of India. We may only mention that the meaning of the words "subordinate to the High Court" has been considered in - '*Satdeo v. Baba Raghav Das (cit. sup.)*' (H)' and the other question has been the subject of decision in - '*Lakhan Singh v. Balbir Singh*'¹⁶, with which, as at present advised, we are in respectful agreement.

17. We would like to mention that we are alive to the duty of the Press and the public men towards the people. At the same time it is also their duty to properly instruct and guide public opinion, particularly in matters of grave public importance. If authorities charged with any public duty or function are maligned and an atmosphere is created, which is likely to prejudice mankind against them, then, irrespective of whether the matter is indictable, we would expect the Press and the public men to act with the greatest caution before publishing any such inflammatory statement or narration. In this context we appreciate the apologies, in some cases wholly unconditional, which have been tendered by most of the respondents including all the newspapers concerned. We trust that the Press and public men will always endeavour to exercise moderation and while upholding the privileges of the public, not act in a manner which may shake public confidence in the Courts. Tribunals or authorities functioning within the State. We also trust that all those who are charged with public duty whatever the domain of their service, will act with large-hearted sympathy and understanding and make this great country a haven of peace, amity and concord.

18. The Rules in all the cases are discharged. There will be no order as to costs.
Rule discharged.

¹⁶AIR 1953 All 342