

RAJYA SABHA

(1981)

Point of privilege

Refusal of permission by an Officer of a State Government to some news papers to publish a detailed report of proceedings of the House

Facts of the case and ruling by the Chairman

On 2nd March, 1981, the Chairman (Shri M. Hidayatullah) informed¹ the House as follows: --

"A largely signed notice of breach of privilege has been pending before me against the Director of Information and Public Relations, Government of Assam, for refusal to permit some daily newspapers to publish a detailed report of the proceedings of the Rajya Sabha of the 24th December, 1980, arising from the mass satyagraha on the issue of foreigners. According to the hon. Members, only brief reports of the discussion were published by some of the daily newspapers and they were anxious to publish a detailed account, but under the law in Assam, this account had to be submitted to the Director of Information and Public Relations. The said officer did not permit a second publication on the ground that the report of the Agency has already been published. This was said to raise a question of privilege as it amounted to obstruction in the discharge of the duties of a Member.

There is no question of obstruction of any kind so far as our members are concerned. The House had not ordered publication nor is it the right of the members to insist on publication. Article 361 of the Constitution, however, by implication allows substantially true reports of any proceedings of Parliament to be published without any adverse consequences to the news papers.

The question whether the non-publication of proceedings of Parliament amounts to breach of privilege may be answered at once in the negative.

The question, however, remains whether there can be a ban by legislation or by executive fiat on any such publication. This is an important question which may some day be necessary to consider. Proceedings in the House are public property unless the House decides to the contrary. No executive fiat can issue to newspapers without authority of law. Proceedings which are open to the public, must necessarily be open to the newspapers to report. The newspapers are the eyes and ears of the public not present in the House. Unless the House puts a ban, the newspaper must be held to have the right to reproduce fairly and faithfully and accurately the proceedings or any part thereof without let or hindrance from any person not authorised by the House or by any law. The newspapers may not misrepresent by editing, adding or unfairly omitting to give a totally wrong impression.

In the present case, however, the question does not arise because what happened is this: The Report sought to be published begins by saying: 'New Delhi. Dec. 25--In reply to a Calling Attention notice on the Assam situation in the Rajya Sabha yesterday (agency report already published); the Home. Minister, Shri Zail Singh,

gave a resume of the various talks..' and it goes on. In the margin there is a note in relation to the observation in brackets--which I read again--agency report already published so not to be reported'. This is signed by someone 'for' Director. There is room to think that the remark was made bona fide and was induced by the words in brackets. Therefore I do not think any question of privilege arises.

The matter was, therefore, closed.

1. R. S. Deb., dt. 2-3-1981.