

## RAJYA SABHA

(1971)

### Point of privilege

*Alleged imputation of motives to a member by a newspaper for being absent from the House during voting on a Bill.*

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

On the 7th April, 1971, Shri A. P. Chatterjee, a member, raised' a question of privilege against the Editor, Printer and Publisher of the Ananda Bazar Patrika, a Bengali daily of Calcutta, for reproducing a photograph of a wall poster in its issue dated the 19th February, 1971, allegedly imputing motives to Shri Chatterjee for not being present in the House on the 5th September, 1970, when the Constitution (Twenty-fourth Amendment) Bill, 1970, to abolish the Privy Purses, was voted upon by the House. Shri Chatterjee alleged that it was stated in the photograph that the Constitution, (Amendment) Bill, 1970, was defeated due to one vote and that vote was of Shri A. P. Chatterjee. He said that the allegation was false and incorrect as many other members were also not present on that day. He therefore, contended that by publishing this photograph, the paper had committed a breach of privilege and contempt of the House.

2 Shri A. P. Chatterjee then moved the following motion which was adopted <sup>2</sup> by the House: --

"That the complaint by Shri A. P. Chatterjee of breach of privilege against the editor, printer and publisher of Ananda Bazar Patrika, Calcutta, for publishing a cartoon on the 19th February, 1971, be referred to the Committee of Privileges, with instructions to report to this House before the end of the next Session."

### Findings and recommendations of the Committee

3. The Committee of Privileges, in their Fourteenth Report, presented to the House on the 17th June, 1971, reported inter alia as follows: --

(i) "The photograph...in fact reproduced five wall posters and the poster at the top left was the one to which objection has been taken. This photograph of the poster which forms the subject matter of the 'complaint indicates a prince being carried in a palanquin by four bearers describing the two at the left as 'Arun Prakash' and 'Jyoti' and the two at the right as 'Nijalingappa' and 'Atulya'. The poster also contains the following descriptive words and it is to these words that Shri Chatterjee has drawn particular attention in his notice: --

Words appearing at top left Words appearing at top left

Do you know ? For only one vote the

Privy Purse Abolition

Bill was not accepted.

Whose Vote was it ?

G.P. M's M. P. Arun

Prakash Chatterjee.

Words appearing at the Secret love between

bottom of the poster agent and agent-

Syndicate and C. P. M

(New Congress)

The following inscription has been added to the by the Ananda Bazar Patrika:-

'Walls in Calcutta are also full of cartoons and couplets. Top left, New Congress; top right C.P.(M); cartoons and couplets of SUC, RSP and Forward Bloc respectively are at the bottom'."

(ii) "Shri Chatterjee's contention was that by publishing the aforesaid photograph of the wall poster in the Patrika a sordid motive' had been attributed to him for not being present in the Rajya Sabha on the day of the voting on the Constitution (Twenty-fourth Amendment) Bill, 1970, to abolish the Privy Purses and that a false statement had been made that the one vote that sealed the fate of that Bill was his vote, though there were other members besides himself who could not be present. He therefore urged that publishing the photograph of the wall poster with the aforesaid descriptive words the Editor and the printer and Publisher of the Ananda Bazar Patrika committed a breach of privilege and contempt of the House."

(iii) "After considering the matter in detail, the Committee noted that the Ananda Bazar Patrika in its issue dated February 19th, 1971 published a photograph of five posters purported to have been displayed on the walls of Calcutta by various political parties while campaigning during the recent elections to the Lok Sabha and West Bengal Legislative Assembly held in March, 1971. Considering the circumstances in which the impugned poster had been reproduced in the Patrika and recognising that freedom of the Press, to express itself without fear or favour on matters of public import has to be cherished in a democratic society like ours, the Committee came to the conclusion that there was no breach of privilege or contempt of the House involved in the complaint of Shri A. P. Chatterjee and that it was too trivial a matter to be taken notice of by the House."

(iv) 'The Committee accordingly recommends to the House that no action is called for on Shri Chatterjee's complaint.'

### **Action taken by the House**

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

1. R.S. Deb., dt. 7-4-71, cc. 209-214.

2. Ibid., C-214.