

Presented to the House on 24th February, 2014.



TRIPURA LEGISLATIVE ASSEMBLY

REPORT OF THE COMMITTEE ON PRIVILEGES

45TH (Forty-fifth) REPORT

on

the question of alleged breach of privileges raised by **Shri Pabitra Kar, Hon'ble Member** (at present Hon'ble Deputy Speaker of Tripura Legislative Assembly) against the Editor and Publisher of **TRIPURA TIMES** newspaper.



Tripura Legislative Assembly Secretariat
Agartala – 799010

FEBRUARY, 2014

**COMPOSITION OF THE
COMMITTEE ON PRIVILEGES
(2013–14)**

HON'BLE CHAIRMAN

SHRI MADHAB CHANDRA SAHA

HON'BLE MEMBERS

- 2) Shri Niranjan Deb Barma,
- 3) Shri Basudev Majumder,
- 4) Smt. Bijoy Laxmi Sinha,
- 5) Shri Ratan Das,
- 6) Shri Ramendra Narayan Deb Barma,
- 7) Shri Shyamal Chakraborty,
- 8) Shri Gopal Chandra Roy,
- 9) Shri Asish Kumar Saha.

SECRETARIAT

- | | | |
|----|----------------------------|----------------------|
| 1. | Shri Subhas Bhattacharjee, | Secretary |
| 2. | Smt. L. Debbarma, | Dy. Secretary |
| 3. | Shri H. B. Debnath, | Under Secretary (C). |

45TH REPORT OF THE COMMITTEE ON PRIVILEGES
TRIPURA LEGISLATIVE ASSEMBLY
(2013–2014)

I, the Chairman of the Committee on Privileges having been authorized by the Committee to present its **45th Report** before the House. The Committee on Privileges for the year **2013-2014** was constituted by the Hon'ble Speaker on **20th March, 2013** in pursuance of Rules **202** and **204** of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly with the following Members namely :-

- | | |
|-------------------------------------|------------------|
| 1) Shri Madhab Chandra Saha, | Hon'ble Chairman |
| 2) Shri Niranjana Deb Barma, | Hon'ble Member |
| 3) Shri Basudev Majumder, | Hon'ble Member |
| 4) Smt. Bijoy Laxmi Sinha, | Hon'ble Member |
| 5) Shri Ratan Das, | Hon'ble Member |
| 6) Shri Ramendra Narayan Deb Barma, | Hon'ble Member |
| 7) Shri Shyamal Chakraborty, | Hon'ble Member |
| 8) Shri Gopal Chandra Roy, | Hon'ble Member |
| 9) Shri Asish Kumar Saha, | Hon'ble Member. |

The Committee and the previous Committee for the year **2012-2013** in all had **5**(five) meetings on **06/07/2012, 24/08/2012, 08/10/2012, 23/10/2013 and 20/11/2013** for examination of the question of alleged breach of privilege raised by Shri Pabitra Kar, Hon'ble Member (at present Hon'ble Deputy Speaker of Tripura Legislative Assembly) against the Editor and Publisher of Tripura Times newspaper and finalized the issue in its meeting held on 7th February, 2014..

FACTS OF THE CASE

Shri Pabitra Kar, Hon'ble Member gave a notice of breach of privilege on **10/03/2011** against the Editor and Publisher of **Tripura Times** newspaper.

In his complaint Shri Kar stated that on 09/03/2011 Hon'ble Speaker has given a ruling in the House that “অধ্যক্ষ সভায় না থাকা অবস্থায় কোন সংবাদ প্রতিনিধি সভার ভেতরের কোন দৃশ্য তুলে থাকলে প্রদর্শন ও প্রকাশ করা যাবে না ।” But on 10/03/2011 in the newspaper **Tripura Times** has published a picture of inside the House in the front page which was snapped after adjournment of the House. It has been alleged by the Hon'ble Member that the picture which has been published in the newspaper Tripura Times has defamed the sanctity of the House. Shri Kar, therefore, requested the Hon'ble Speaker to take necessary action against the Editor and Publisher of the said newspaper for defamation the sanctity of the House by them.

REFERENCE TO THE COMMITTEE

On receipt such notice, the matter was accordingly placed before the Hon'ble Speaker, Tripura Legislative Assembly on 11/03/2011 in the House and on that date the Hon'ble Speaker referred the matter to the Committee on Privileges for examination and report and acquainted the House therefore.

EXAMINATION OF THE CASE AND FINDINGS OF THE COMMITTEE

The Committee in its meeting held on 06/07/2012 decided to go through the proceedings of the House dated 09/03/2011 of that particular ruling given by the Hon'ble Speaker in the Floor of the House in the next meeting of the Committee.

The Committee, in its next meeting held on 24/08/2012 while determining the prima-facie of the case whether any breach of privilege is involved or not against the Editor and Publisher of Tripura Times newspaper on the said picture published on 10/03/2011 in the said newspaper have examined the proceedings of the House of the said particular day (09/03/2011) . The

Committee, after examining the proceedings opined that the complaint raised by the Hon'ble Member Shri Pabitra Kar is justified and it is determined the prima-facie of the case. Because, the Hon'ble Speaker has given a Ruling nothing to publish in any kinds of media after the adjournment of the House. Although, a picture of inside the House has been published in the front page of the newspaper Tripura Times. Therefore, the Committee decided to hear the Editor and Publisher of the said newspaper in the next meeting of the Committee. In this respect, the Committee directed to the Secretary, Tripura Legislative Assembly to send notices to the Editor and Publisher respectively of Tripura Times newspaper to appear before the Committee to submit their opinion.

Accordingly, Notices were sent to the Editor and Publisher of Tripura Times newspaper on 22/09/2012 to appear before the Committee in its next meeting was fixed on 08/10/2012. In respect of the Notices above, the Editor and Publisher of newspaper Tripura Times both are sent letters on 08/10/2012 to the Hon'ble Members of the Committee on Privileges. In the said letters, they both noted that Shri Apangshu Mohan Lodh, Editor of Tripura Times newspaper was sick, as such, they could not appeared before the Committee. They informed the Committee that their Reporter and Photographer were present at that time inside the Assembly and there was a specific Ruling by the Hon'ble Speaker in regard to “**Electronics Media**” . Tripura Times, being the “**Print Media**” had published the photograph. In view of the said specific Ruling, there was no restriction or embargo on the Print Media to carry on any news and/or picture taken during the said adjourned period. There was a clear difference between “Electronics Media” and “Print Media” and one cannot be compared to each other. They both also informed that the proceedings initiated against them may not be sustained further and prayed to drop the proceedings because of the fact that there

was no breach of privilege as raised by the Hon'ble Member Shri Pabitra Kar . They both had written in their letters, even after that, if the Committee feels their presence before the Committee, they would appear for any clarification in this regard.

During discussion on the matter, Hon'ble Member of the Committee Shri Gopal Chandra Roy expressed that the Hon'ble Speaker in his Ruling specifically mentioned in regard to Electronics Media, he did not mention about Print Media. And it is also clear in the Ruling given by the Hon'ble Speaker, notice of breach of privilege given by the Hon'ble Member Shri Pabitra Kar and in the letters submitted by the Editor and Publisher of the newspaper. Therefore, it is better to drop the matter as there is no scope for further discussion on the matter.

In this respect, Hon'ble Member of the Committee Shri Pranab Deb Barma stated that the Hon'ble Speaker mentioned in the first part of the Ruling in regard to Electronics Media but in the last part he clearly mentioned “**nothing will come after adjournment of the House**” . So, it will be improper to drop the matter except details discussion.

In fine, the Hon'ble Chairman of the Committee expressed that the further step will be taken after hearing the Editor and Publisher of Tripura Times newspaper in the next meeting of the Committee.

Next meeting of the Committee on Privileges (2013-2014) held on 23/10/2013 to discuss on the matter. In this meeting, the Committee decided to hear the Editor and Publisher of newspaper Tripura Times about their intention of publishing the inside picture of the House in the said newspaper on 10/03/2011 in the next meeting of the Committee. The Hon'ble Member Shri Gopal Chandra Roy opposed the decision of the Committee and given his “ **note on dissent**”.

According, to the decision of the Committee on Privileges, Notices were sent on 30/10/2013 to the Editor and Publisher of newspaper Tripura Times to appear before the Committee on 20/11/2013 to clarify about their intention of publishing the inside picture of the House in the said newspaper on 10/03/2011.

During examination on the matter in the next meeting of the Committee held on 20/11/2013, the Secretary, Tripura Legislative Assembly reported to the Committee that notices were sent to the Editor and Publisher of newspaper Tripura Times to appear before the Committee to-day (on 20/11/2013), but they did not appear even did not inform the Committee regarding their absent before the Committee.

Thereafter, major part of the Hon'ble Members of the Committee expressed their displeasure in regard to absence of the Editor and Publisher and also opined to take decision exparte against the Editor and Publisher without further delay. Besides, the Hon'ble Members also expressed that the Editor and Publisher of newspaper Tripura Times have practiced the punishable offence by publishing the inside picture of the House after particular Ruling of the Hon'ble Speaker .

In this respect, the Hon'ble Member of the Committee Shri Ramendra Narayan Deb Barma opined to give a chance to the Editor and Publisher to submit their opinion before the Committee.

Hon'ble Members of the Committee Shri Gopal Chandra Roy expressed that the Committee may consider to drop the matter as the Hon'ble Speaker in his ruling mentioned in regard to Electronics Media not to Print Media. He stated, therefore, there is no scope for further discussion on the matter.

The Hon'ble Chairman of the Committee in his opinion stated that there is no justification to waste time on the matter as the Editor and Publisher not

appeared before the Committee after receiving the Notices of Tripura Legislative Assembly Secretariat. He expressed that punishment will be recommended against the Editor and Publisher of newspaper Tripura Times according to the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly as the major part of the Hon'ble Members of the Committee on Privileges are held the same opinion that the Editor and Publisher have dishonored the House by publication of inside picture of the House during adjournment.

Thereafter, the Hon'ble Chairman stated that this Committee firstly opined that the Editor and Publisher have defamed the sanctity of the House by publication of inside picture of the House. Secondly, it is a punishable offence according to the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly and thirdly, letters to be sent again to the Editor and Publisher of Tripura Times newspaper to appear before the Committee to submit their opinion before recommendation of punishment by the Committee against them.

The Hon'ble Member of the Committee Shri Gopal Chandra Roy has given his “**note on dissent**” protesting the opinion of the Hon'ble Chairman of the Committee and walked-out the meeting .

Afterwards, on 17/12/2013 a letter received by this Secretariat from Shri Arindam Lodh, Publisher of newspaper Tripura Times where he mentioned the following reasons of failure to attend before the Committee meeting on 20/11/2013.

i) The Publisher of the said newspaper has mentioned in his letter that Shri Apangshu Mohan Lodh, Editor of the newspaper Tripura Times (father of the publisher of the newspaper) had suffered brain stroke twice during this period and he was hospitalized in **AAMRI**, Salt Lake, Kolkata and the Publisher personally remained with his father for all those days. The Editor

was in ICU for last many days and at present he is at a stage of “**COMA**”. As such, the notice reached to the Publisher only on 12th December, 2013 through his manager.

In the letter, he mentioned that they never had any intention to disrespect or violate any provisions of the Assembly Rules and Regulations and any proceedings thereof. The mistake, if any, was caused was due to inadvertence and there was no intentional violation of the rulings of the Hon'ble Speaker of the Tripura Legislative Assembly. They are extremely sorry whatever mistake the Committed for the publication of the photograph of “**Mock Assembly**” in their newspaper. He prayed to the Hon'ble Members of the Committee to exonerate them from the charge leveled against them and he also undertook that, in future they will be more cautious in publication of any such news or photographs over which rulings would be made. He further clarified that, if the Hon'ble Members of the Committee feel it necessary for his presence personally, he would definitely appear and cooperate with the Hon'ble Members of the Committee.

Next meeting of the Committee held on 7th February, 2014 and accordingly discussed on the contents of the said letter of Publisher of newspaper Tripura Times and unanimously decided that since the main allegation of the Hon'ble Member Shri Pabitra Kar was against the inside picture of the House in the newspaper Tripura Times on 10/03/2011 in spite of the ruling of the Hon'ble Speaker and since for the said picture Shri Arindam Lodh, Publisher of the newspaper Tripura Times admitted his unintentional view and expressed regret for publication of the said picture and also undertook the Hon'ble Members of the Committee on Privileges that they will be more cautious in publication of any such news or photographs over which rulings would be made and also considering the death-bed condition of Shri Apangshu

Mohan Lodh, Editor of the said newspaper by the Committee, may not be proceeded further and may be dropped.

RECOMMENDATIONS

After due and careful scrutiny and also taking into consideration of the opinion/justification rendered by the Hon'ble Members of the Committee on Privileges of Tripura Legislative Assembly during discussion on the matter in issue, this Committee unanimously decided not to proceed against the Editor and Publisher of "Tripura Times" newspaper. Therefore, the Committee would recommend that not to proceed further against the Editor and Publisher of "Tripura Times" newspaper and the matter may be dropped.

Dated, Agartala,
the 7th February, 2014.



(MADHAB CH. SAHA)
Hon'ble Chairman
Committee on Privileges
Tripura Legislative Assembly