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FIFTH KERALA LEGISLATIVE ASSEMBLY

COMMITTEE OF PRIVILEGES

FIRST REPORT

*K. MOHANDAS MENON
Secretary
Legislative Secretariat
Trivandrum*

**SECRETARIAT OF THE KERALA LEGISLATURE
TRIVANDRUM
AUGUST, 1978**



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COMPOSITION OF THE COMMITTEE OF PRIVILEGES

Chairman

1. Shri A. K. Antony—Chief Minister

Members

2. Shri E. Ahamed
3. „ K. Chandrasekharan
4. „ E. Chandrasekharan Nair
5. Dr. George Mathew
6. Shri K. Karunakaran
7. „ M. K. Raghavan
8. „ T. K. Ramakrishnan
9. „ R. S. Unni

Secretariat

- Dr. R. Prasannan—Secretary

REPORT

I. Introduction

I, the Chairman of the Committee of Privileges, present this Report to the House on the following question of privilege:—

Shri R. S. Unni, Member, Legislative Assembly, in his notice dated July 13, 1977 had sought to raise a question of breach of privilege against the Editor and Printer and Publisher of Kerala Rajyam in respect of a report which appeared in the daily dated July 5, 1977 under the caption "കേരള നിയമസഭയിലും കവലചട്ടമ്പികളും."

According to the member, the report in question contained many statements which were injurious and defamatory to him and made with the intention of character assassination. It was pointed out that this had been done deliberately, wilfully and intentionally and hence it amounted to a breach of privilege of the House.

The question was referred by the Speaker to the Committee of Privileges under Rule 158 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly for examination and report as he was convinced that there was a prima facie case of breach of privilege in this case.

The Committee held three sittings. The extracts of the minutes of the meetings are appended (Appendix—I).

At the first sitting held on November 8, 1977, the Committee decided to call for the explanation from the Editor and Printer and Publisher of Kerala Rajyam.

At the second sitting held on February 13, 1978 the Committee considered the letters dated February 10, 1978 received from the Editor and Printer and Publisher of "Kerala Rajyam". The first letter from the Editor contained a request to supply him with a copy of the relevant proceedings of the Assembly. In the second letter of the same date received from the Editor he had expressed regret for having published such a report. The Committee felt that the above replies were evasive and the question required further examination. The Committee decided to summon the Editor and Printer and Publisher of the 'Kerala Rajyam' before the Committee at their next meeting.

At the third sitting held on June 3, 1978, the Committee heard the Editor and Printer and Publisher. The Editor and Printer and Publisher of Kerala Rajyam tendered unconditional apology and expressed regret for having published the news item under reference in their Daily. They also gave an assurance to the Committee that they would publish a statement expressing regret for having published the news item in their Daily. Accordingly a statement expressing regret was published in the Daily dated July 26, 1978 an extract of which is appended. (Appendix VII).

At the fourth sitting held on July 31, 1978 the draft report was approved by the Committee.

II. Findings of the Committee

After a careful consideration of the impugned report (Appendix II) the Committee came to the conclusion that the report is a highly distorted version of the proceedings of the Assembly dated July 4, 1977 and contained several words which are defamatory to Shri R. S. Unni and calculated to undermine the dignity of the member and lower him in the estimation of the public.

Recommendation of the Committee

Having considered the question in all its aspects, the Committee are convinced that the Editor and Printer and Publisher of the Kerala Rajyam Daily have committed gross breach of privilege and contempt of the House by publishing the report under reference. However, as already mentioned, both the Editor and Printer and Publisher of the Kerala Rajyam Daily have tendered their unconditional apology before the Committee for having published the report. They have also published a statement expressing regret for having published the report in question in the Daily dated July 26, 1978. The Committee feel that in the present case the ends of justice will be met by accepting the apology.

The Committee recommend to the House that no action be taken against the Editor and Printer and Publisher of the Kerala Rajyam Daily for the incorrect report published in the Kerala Rajyam Daily dated July 5, 1977 under the caption "കേരള നിയമസഭയിലും കവലച്ചട്ടമ്പികളോ" in view of the unconditional apology tendered by them before the Committee.

Trivandrum,
August 1, 1978.

A. K. ANTONY,
Chairman,
Committee of Privileges.

APPENDICES

APPENDIX—I

Extracts from the Minutes of the Meeting of the Committee of Privileges held on November 8, 1977

The Committee of Privileges met at 3 p.m. on November 8, 1977 in the Durbar Hall, Secretariat Buildings, Trivandrum. Shri P. K. Vasudevan Nair, Minister for Industries and Chairman, presided. The following members were present.

Shri E. Ahamed
,, N. K. Balakrishnan
,, K. Chandrasekharan
Dr. George Mathew
Shri T. K. Ramakrishnan
,, R. S. Unni.

Secretariat

Dr. R. Prasannan, Secretary
Shri S. Balakrishna Kurup, Joint Secretary
Shri E. F. George, Under Secretary.

The Committee considered the following questions of breach of privilege referred to them under rule 158 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

* x *

- (ii) *Question of privilege against the Editor, Printer and Publisher, 'Kerala Rajyam' Daily.*

Notice was given by Shri R. S. Unni under Rule 154 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly to raise a question of breach of privilege against the Editor, Printer and Publisher of the "Kerala Rajyam" based on a report which appeared in the Daily dated July 5, 1977 under the caption "കേരള നിയമസഭയിലും കവലച്ചട്ടമ്പികളും?".

2/2907/MC

According to the member, the report in question contained many statements which were injurious and defamatory and made with the intention of character assassination. It was pointed out that this had been done deliberately, wilfully and intentionally and that it tantamounted to a breach of privilege of the Assembly.

The question had been referred by the Speaker to the Committee of Privileges under Rule 158 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly for examination and report as he was convinced that there was a prima facie case of breach of privilege in this case.

The Committee decided to call for the explanation from the Editor, Printer and Publisher of 'Kerala Rajyam' in the first instance.

**Extracts from the Minutes of the Meeting of the Committee of
Privileges held on February 13, 1978**

The Committee of Privileges met at 3.30 p.m. on February 13, 1978 in the Durbar Hall, Secretariat Buildings, Trivandrum. Shri P. K. Vasudevan Nair, Minister for Industries and Electricity and Chairman presided. The following members were present.

Shri E. Ahamed
,, N. K. Balakrishnan
,, K. Chandrasekharan
Dr. George Mathew
Shri K. Karunakaran
,, A. A. Rahim
,, T. K. Ramakrishnan

Secretariat

Dr. R. Prasanna, Secretary
Shri S. Balakrishna Kurup, Joint Secretary
,, E. F. George, Under Secretary.

The Committee resumed consideration of the following questions of breach of privilege referred to them under Rule 158 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

* * * *

II. *Question of privilege against the Editor and Printer and Publisher, 'Kerala Rajyam' Daily.*

The Committee considered the letters dated 10-2-1978 received from the Editor and Printer and Publisher of 'Kerala Rajyam' requesting to supply them with a copy of the proceedings by which the question of privilege was referred to the Committee and the subsequent letter of the same date received from the Editor of the paper expressing regret in having published such a report on account of some misunderstanding. The Committee felt that the above replies were evasive and this question required further examination. The Committee decided to summon the Editor, Printer and Publisher of the 'Kerala Rajyam' before the Committee at their next meeting.

**Extracts from the Minutes of the Meeting of the Committee of
Privileges held on June 3, 1978**

The Committee met at 3 p.m. on June 3, 1978 in the Durbar Hall, Secretariat Buildings, Trivandrum. Shri A. K. Antony, Chief Minister and Chairman presided. The following members were present.

Shri K. Chandrasekharan

Dr. George Mathew

Shri M. K. Raghavan.

Secretariat

Dr. R. Prasannan, Secretary

Shri S. Balakrishna Kurup, Joint Secretary

„ E. F. George, Under Secretary.

The Committee resumed consideration of the following questions of breach of privilege referred to them under Rule 158 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

* * * *

(ii) *Question of Privilege against the Editor, Printer and Publisher, Kerala Rajyam Daily.*

In response to the summons issued, Shri O. Gopalakrishna Pillai, Printer and Publisher and Shri K. N. V. Kurup, Editor, Kerala Rajyam appeared before the Committee. They tendered unconditional apology and expressed regret for having published the news item under reference in their Daily. They also gave an assurance to the Committee that they would publish a statement expressing their regret for having published the news item in their Daily.

The Committee decided to recommend that the matter might not be pursued further in view of the unqualified apology tendered by the Editor and Printer and Publisher of Kerala Rajyam for the incorrect report published in the 'Kerala Rajyam' dated July 5, 1977 under the caption "കേരള നിയമ സഭയിലും കവലച്ചട്ടന്മാരികളോ".

APPENDIX—II

കേരളരാജ്യം, ജൂലായ് 5, 1977

“ചോദ്യോത്തരങ്ങൾക്കുശേഷമാണ് കരുണാകരൻ കോൺഗ്രസ് നിയമസഭാ കക്ഷിനേതാവായിരിക്കുന്നതിന്റെ ഒരുചിത്രത്തെ ചോദ്യം ചെയ്തു കൊണ്ട് ഈ.എം.എസ്. സംസാരമാരംഭിച്ചത്. അദ്ദേഹത്തിന്റെ ഓരോ വാമുഖങ്ങളും ഭരണകക്ഷിയംഗങ്ങളുടെ നേരെ കൂരന്മയോടെ പാഞ്ഞുകൊണ്ടിരുന്നു. അതു പലരിലും വല്ലാത്ത മുറിവുകൾ തന്നെ സൃഷ്ടിച്ചു.

പക്ഷെ ഏറ്റവും കൂടുതൽ മുറിവു സൃഷ്ടിച്ചത് സാക്ഷാൽ ‘വിദ്വപ സോഷ്യലിസ്റ്റായ’ ആർ. എസ്. ഉണ്ണിയായിരുന്നു. പല്ലുകൊഴിഞ്ഞ കോൺഗ്രസിന്റെ തൊഴുത്തിൽ കെട്ടിയിരിക്കുന്ന ‘വിദ്വപ ഇറ്ററപ്പിലിക്ക്’ പെട്ടെന്നു ശര്യം കേറിയങ്ങുമുത്തു. (ഒരു പക്ഷേ ഈ വീര്യം കരുണാകരനിൽനിന്നു ലഭിച്ചതാകാം.) പ്രതിപക്ഷനേതാവിന് ഈ പ്രശ്നം ഉന്നയിക്കാൻ അവകാശമില്ലെന്നായിരുന്നു ഉണ്ണിയുടെ വാമുഖം. ഈ. എം. എസ്സിനു സംസാരിക്കാൻ അവകാശമുണ്ടെന്നു സ്പീക്കർ പറഞ്ഞിട്ടും അനവധി വർഷം ഡെപ്യൂട്ടി സ്പീക്കറായിരുന്ന ഉണ്ണിക്കുതു അത്ര സ്വീകാര്യമായില്ല. കൊല്ലത്തെ പഴയ പത്തൽ രാഷ്ട്രീയക്കാരനെന്നപ്പോലെ മുണ്ടും മടക്കിയടുത്തുകൊണ്ട് പിന്നീടു നടന്ന ഭരണകക്ഷിക്കാരുടെ കൂട്ടിത്തരത്തിന് നേതൃത്വം കൊടുക്കുകയാണ് ഉണ്ണി ചെയ്തത്. കൊലയാളി കരുണാകരനെ രക്ഷിക്കാൻ കോൺഗ്രസുകാരെക്കാളും വ്യഗ്രത ‘ഈ വിദ്വപസോഷ്യലിസ്റ്റ്’ പ്രകടിപ്പിക്കുകയാണുണ്ടായത്.

അപ്രതീക്ഷിതമായി ലഭിച്ച സ്മാനലബ്ധികൊണ്ടോ എന്തോ സഭാ നേതാവായ പി. കെ. വാസുദേവൻ നായരും ഉണ്ണിയോടൊപ്പം ബഹളത്തിന്റെ മാലപ്പടക്കത്തിന് തിരികൊളുത്തി.

ബഹളത്തിന്റെ ഒരു ഘട്ടത്തിൽ ആർ. എസ്. ഉണ്ണി പ്രതിപക്ഷനേതാവ് ഈ. എം. എസ്സിന്റെ മുഖത്തുനോക്കി ‘അടിച്ചു പല്ലു തെറിപ്പിച്ചു കളയുമെന്നു’വരെ പറയുകയുണ്ടായി. കേരള രാഷ്ട്രീയത്തിൽ വളരെയധികം പാരമ്പര്യമുള്ള ഉണ്ണിയുടെ ധിക്കാരങ്ങൾ ഭരണകക്ഷികളിൽപ്പെട്ട ചിലരെപ്പോലും ലജ്ജിപ്പിച്ചുകളഞ്ഞു.

എന്തായാലും ചുരുങ്ങിയ നിമിഷംകൊണ്ട് ഭരണകക്ഷികളിലെ എം.എൽ. എ.മാർ കൊല്ലത്തെ പഴയ പത്തലു വിദ്വപ ആർ. എസ്. പി. കാരെപ്പോലെ ആർ. എസ്. ഉണ്ണിയുടെ ‘ധീരനേതൃത്വത്തിൻകീഴിൽ അധഃപതിച്ച കാഴ്ചയാണ് ഉന്നലെ നിയമസഭയിൽ പ്രകടമായത്’.

APPENDIX—III

**Extract of Proceedings of the Legislative Assembly
dated July 4, 1977**

ശ്രീ. ആർ. എസ്. ഉണ്ണി: സർ, സഭയിൽ നടക്കുന്ന ഏതു സബ്മിഷനും ചട്ടത്തിനു വിധേയമായിരിക്കണം. ഇവിടെ ബഹുമാനപ്പെട്ട പ്രതിപക്ഷ നേതാവ് പരാമർശിക്കുന്നത് വെറും സബ്മിഷന്റെ പരിധിയിൽ നിൽക്കുന്ന കാര്യങ്ങളല്ല. സഭയുടെ നടപടിക്രമങ്ങളനുസരിച്ചും ചട്ടങ്ങളനുസരിച്ചും സഭയിൽ ഒരു മോഷൻവഴി ഉന്നയിക്കേണ്ട പ്രശ്നങ്ങൾ കേവലം ഒരു സബ്മിഷൻ വഴി ഉന്നയിച്ചാൽ, നയപരമായ പ്രശ്നങ്ങളും വാദപ്രതിവാദങ്ങൾക്കു വിധേയമാകേണ്ട പ്രശ്നങ്ങളും സബ്മിഷൻ മൂലം ഉന്നയിക്കുന്നത്, ആർഡറിലാണോ എന്നുള്ളതിന് റൂളിംഗ് വേണം.

APPENDIX—IV

Copy of letter dated February 10, 1978, received from Shri K. N. P. Kurup, Editor, Kerala Rajyam

I am in receipt of a communication dated 2-12-1977 directing me to state what I have to say in the matter concerning a 'News' item dated July 5, 1977 under the Caption "കേരള നിയമസഭയിലും കവലച്ചട്ടമ്പികളോ" which according to the privilege committee of the Kerala Legislative Assembly is a news item involving breach of privilege of the Kerala Legislative Assembly.

It may be pointed out that the said news item was published without any intention of defaming any member of the Kerala Legislative Assembly. It was published in public interest and the report was bona fide. It had given only a narration of what actually happened within the assembly hall. Almost all papers have published such news items.

It may be pointed out that I have not received a copy of the proceedings how a question involving breach of privilege had been referred to the committee of privileges. I could give a detailed reply if I am enlightened regarding the matter in which the news item came up for examination and report under rule 158 of the Rules of Procedure and Conduct of Business in the Kerala Assembly.

I can give a detailed reply explaining my position if I get a copy of the proceedings by which the matter was referred to the Committee. At any rate I can assure you that the news item was published without malice and the best of intension with no ill-will.

APPENDIX—V

**Copy of letter dated February 10, 1978 received from
Shri O. Gopalakrishna Pillai, Printer and Publisher,
Kerala Rajyam**

While endorsing the views expressed by the Editor, I beg to inform you that I have published the news item bonafidely believing them and with the best of intention.

APPENDIX—VI

Copy of letter dated February 10, 1978 received from Shri K. N. P. Kurup, Editor, Kerala Rajyam

The report published on July 5, 1977 in Kerala Rajyam, under the heading "കേരള നിയമസഭയിലും കവലച്ചട്ടനിയമങ്ങളും" was not deliberately meant to decry the Legislature or the M.L.As. It was published on account of some misunderstanding.

The fact that such a report came to be published is regretted.

APPENDIX VII

**Statement of Regret Published in Kerala Rajyam
(Front Page) dated July 26, 1978**

“ഞങ്ങൾ വേദിക്കുന്നു

1977 ജൂലായ് 5-ാം തീയതിയിലെ കേരള രാജ്യത്തിൽ ‘കേരള നിയമസഭയിലും കവലച്ചട്ടമ്പികളോ’ എന്ന തലക്കെട്ടിൽ പ്രസിദ്ധീകരിച്ചിരുന്ന വാർത്ത അടിസ്ഥാനരഹിതമാണെന്ന് പിന്നീടുള്ള അന്വേഷണത്തിൽ അറിഞ്ഞു.

ഇത്തരത്തിൽ അടിസ്ഥാനരഹിതമായ ഒരു വാർത്ത പ്രസിദ്ധീകരിക്കാനിടയായതിൽ ഞങ്ങൾ നിർവ്യാജം വേദിക്കുന്നു.

പത്രാധിപർ”