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THE KERALA LEGISLATIVE ASSEMBLY

K. MOHANA KUMAR
Secretary
Legislative Assembly
Thiruvananthapuram

COMMITTEE OF PRIVILEGES

THIRD REPORT

1969

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Government of Kerala
1969

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COMPOSITION OF THE COMMITTEE OF PRIVILEGES

(Constituted on the 30th March, 1967)

Shri E. M. S. Namboodiripad (Chairman)

„ E. Ahamed	Member
„ E. M. George	„
„ G. Gopinathan Pillai	„
„ K. Karunakaran	„
„ K. M. Mani	„
„ P. Ravindran	„

Secretariat

Shri V. P. N. Nambudiri, Secretary.

Dr. R. Prasannan, Joint Secretary.

INTRODUCTION

I, the Chairman of the Committee of Privileges, present to the House this Third Report of the Committee on the question of Privilege raised by Shri E. K. Imbichi Bava, Transport Minister and referred to the Committee by the House on the 24th February 1969 against, the Printer and Publisher of the 'Janayugom' (Malayalam daily) in respect of a report appeared in its issue dated 20th February 1969.

The Committee held three sittings. At the first sitting held on the 10th March 1969, the Committee examined the newspaper report and decided that an opportunity should be given to the Printer and Publisher of the paper to offer his explanation as to why further proceedings should not be taken against him.

At the second sitting held on 24th April 1969, the Committee considered the reply from the Printer and Publisher of the paper and arrived at its conclusion which is embodied in the Report.

At the third sitting held on 27th May, 1969, the Committee considered the draft report and adopted it.

The minutes of the meetings are appended—Appendix D.

REPORT

The Janayugom, a Malayalam daily had in its issue dated 20th February 1969 published a report under the caption—

“മന്ത്രി ഇമ്പിച്ചിബാവ രാജിവെയ്ക്കണം—കണ്ണൻബാവ കേസിലെ കോടതി വിധി കരുണാകരൻ സഭയിൽ ഉദ്ധരിച്ചു.” The relevant extract of the report is given below:

കണ്ണൻബാവ കൊലക്കേസിലെ പ്രതിയെ രക്ഷിക്കാൻ ശ്രീ. ഇമ്പിച്ചിബാവ ശ്രമിച്ചതായുള്ള കോടതിവിധിയിലെ പരാമർശം നിയമസഭയുടെ ശ്രദ്ധയിൽ പെടുത്തിക്കൊണ്ടു് അധികാരം ദുരുപയോഗപ്പെടുത്തിയ മന്ത്രി രാജിവെയ്ക്കണമെന്ന കോൺഗ്രസ്സ് കക്ഷിനേതാവു് ശ്രീ. കെ. കരുണാകരൻ ഇന്നു നിയമസഭയിൽ ആവശ്യപ്പെട്ടിരിക്കുന്നു.”

Shri E. K. Imbichi Bava, Transport Minister while raising the question of privilege in the House on 24th February 1969 alleged that the report which appeared in the daily is ‘malafide’ as no mention was made about Kunjan Bava murder case by Shri Karunakaran in his speech made in the House on 19th February 1969. Shri Karunakaran, while making an allegation against the Minister had only mention about a case of one Shri Mammoo. According to Shri Imbichi Bava, the speech was misreported and the impugned report was published with ulterior motive calculated to ridicule him and to create a wrong impression among the people and hence it amounted to a breach of privilege of the member and of the House.

The matter was referred to the Committee of Privileges by the House on a motion moved by the Leader of the House.

Finding of the Committee.

The Committee in the first instance decided to give an opportunity to the Printer and Publisher of the paper to offer his explanation as to why further proceedings should not be taken against him for the impugned news report on the question of privilege against him. The Printer and Publisher of the Janayugom daily, in his reply dated 5th April 1969 (see Appendix C) stated that as soon as the correspondent of the paper informed that there was factual error in the report published on the 20th February 1969, a correction with an apology was published in the next issue of the daily dated 21st February 1969. It was further stated that it was never their “intention or calculation” to ridicule the Minister nor was it their intention or calculation” to infringe the privileges of the Assembly or any member thereof.

The Committee is of the opinion that in view of the reply given by the Printer and Publisher no further action need be taken in the matter.

Recommendation of the Committee.

The Committee recommend that the reply dated 5th April 1969 by the Printer and Publisher of the Janayugom daily be accepted and that no further action be taken by the House in the matter.

Trivandrum,
5th August, 1969.

E. M. S. NAMBOODIRIPAD,
Chairman,
Committee of Privileges.

APPENDIX A

Extract from the report contained in the Malayalam Daily "Janayugom" in its issue dated 20th February, 1969.

“മന്ത്രി ഇമ്പിച്ചിബാവ രാജിവയ്ക്കണം”

“കുഞ്ഞൻബാവ കൊലക്കേസിലെ കോടതിവിധി കരുണാകരൻ സഭയിൽ ഉദ്ധരിച്ചു.”

(സ്വന്തം ലേഖകൻ)

തിരുവനന്തപുരം, ഫെബ്രുവരി 19—കുഞ്ഞൻബാവ കൊലക്കേസിലെ പ്രതിയെ രക്ഷിക്കാൻ ശ്രീ. ഇമ്പിച്ചിബാവ ശ്രമിച്ചതായുള്ള കോടതിവിധിയിലെ പരാമർശം നിയമസഭയുടെ ശ്രദ്ധയിൽപ്പെടുത്തിക്കൊണ്ടു് അധികാരം ദുരുപയോഗപ്പെടുത്തിയ മന്ത്രി രാജിവയ്ക്കണമെന്നു് കോൺഗ്രസ് കക്ഷിനേതാവു് ശ്രീ. കെ. കരുണാകരനു് ഇന്നു നിയമസഭയിൽ ആവശ്യപ്പെട്ടിരിക്കുന്നു.”

APPENDIX B

Letter No. 1043-LA.1/69 dated 1st April, 1969 from the Secretary, Legislative Assembly to the Printer and Publisher, "Janayugom Daily", Quilon.

I am directed to inform you that a question involving a breach of privilege of the Kerala Legislative Assembly arising out of a report appeared in the "Janayugom" dated 20th February, 1969 under the caption

“മന്ത്രി ഇമ്പിച്ചിബാവ രാജിവയ്ക്കണം—കുഞ്ഞൻബാവകേസിലെ കോടതി വിധി കരുണാകരൻ സഭയിൽ ഉദ്ധരിച്ചു ”

was raised by Shri E. K. Imbichi Bava, Transport Minister in the Assembly on 24th February, 1969. The relevant extract of the report is given below:—

കുഞ്ഞൻബാവ കേസിലെ പ്രതിയെ രക്ഷിക്കാൻ ശ്രീ. ഇമ്പിച്ചിബാവ ശ്രമിച്ചതായുള്ള കോടതിവിധിയിലെ പരാമർശം നിയമസഭയുടെ ശ്രദ്ധയിൽപ്പെടുത്തിക്കൊണ്ടു് അധികാരം ദുരുപയോഗപ്പെടുത്തിയ മന്ത്രി രാജിവയ്ക്കണമെന്നു് കോൺഗ്രസ് കക്ഷിനേതാവു് ശ്രീ. കെ. കരുണാകരൻ ഇന്നു നിയമസഭയിൽ ആവശ്യപ്പെട്ടിരിക്കുന്നു.

According to Shri Imbichi Bava, the above report is malafide and is calculated to bring him into ridicule and lower him in the estimation of the people and would therefore amount to a breach of privilege of the member and of the House.

Leave was granted by the Assembly and on a motion moved by the Leader of the House, the question was referred to the Committee of Privileges for investigation and report.

The Committee at its meeting held on 10th March, 1969 considered the question and decided that an opportunity should be given to you to offer an explanation, before taking further steps in the matter.

I am, therefore, directed to request you to show cause within two weeks of receipt of this letter why further proceedings should not be taken against you.

APPENDIX C

Reply dated 5th April, 1969 from the Printer and Publisher (Shri Thengamom Balakrishnan) "Janayugom".
Daily, Quilon.

With reference to your letter cited above, I would like to submit the following for your consideration.

1. We had published an item of Assembly report on 20th February, 1969 as quoted in your letter.
2. As soon as our correspondent came to know that there was a factual error in the concerned report, he informed us the matter and we published a correction with apology in the next issue of Janayugom Daily (on 21st February 1969).
3. We never had any intention or calculation to ridicule the Minister Shri Impichibava as mentioned in your letter.
4. We do wish to convey to you that it was neither our intention nor calculation to infringe upon the privilege at the Assembly or a member of the Assembly.

APPENDIX D

I

Extract from the Minutes of the meeting of the Committee on Privileges held on Monday, the 10th March, 1969.

The Committee of Privileges met at 3 p.m. on Monday, the 10th March, 1969 in the Assembly Chamber, Trivandrum. Shri E. M. S. Namboodiripad, Chairman, presided. The following members were present:

1. Shri G. Gopinathan Pillai
2. „ K. Karunakaran and
3. „ P. Ravindran.

Secretariat.

Shri V. P. N. Nambudiri, Secretary.
Dr. R. Prasannan, Joint Secretary.

2. The Committee then considered the question of breach of Privilege arising out of a report which appeared in the Malayalam Daily, "Janayugom" in its issue dated 20th February, 1969. The Committee thought that there is a prima facie case of breach of Privilege and decided to call for the explanation of the Printer and Publisher of the paper as to why action should not be taken against them and the paper.

II

Extract from the Minutes of the meeting of the Committee of Privileges held at 3 p.m. on Thursday, the 24th April, 1969.

A meeting of the Committee of privileges was held at 3 p.m. on Thursday, the 24th April, 1969, in the Assembly Chamber, Trivandrum, Shri E. M. S. Namboodiripad, Chief Minister and Chairman of the Committee presided. The following members of the Committee were present:

1. Shri E. Ahamed
2. „ E. M. George
3. „ G. Gopinathan Pillai and
4. „ P. Ravindran.

Legislature Secretariat.

Shri V. P. N. Namboodiri, Secretary.

Dr. R. Prasannan, Joint Secretary.

Shri C. M. Kuruvila, Senior Government Pleader who is in charge of the Advocate General was also present.

3. The Committee next considered the question of breach of privilege arising out of a report which appeared in the Malayalam daily "Janayugom" in its issue dated 20th February 1969 under the Caption: "മന്ത്രി ഇമ്പിച്ചിബാവ രാജിവെള്ളം.—കണ്ണൻബാവകോടിലെ കോടതിവിധി കരുണാകരൻ സഭയിൽ ഉദ്ധരിച്ചു."

The reply dated 5th April 1969 received from the Printer & Publisher of 'Janayugom' to the show cause notice was considered by the Committee. The reply stated that correction with apology was published in the next issue of Janayugom daily (21st February 1969) as soon as it was brought to their notice that there was a factual error in the report. Further it was stated that it was never their, "intention or

calculation" to ridicule Shri Imbichi Bava nor was it their "intention or calculation" to infringe the privilege of the Assembly or any member of the Assembly.

In view of the above reply the Committee decided to recommend that further proceedings against the daily be dropped.

III

Extract from the Minutes of the meeting of the Committee of Privileges held at 4 p.m. on Tuesday, the 27th May 1969, in the Committee Room, Legislature Secretariat, Trivandrum.

The Committee of privileges met in the Committee Room, Legislature Secretariat at 4 p.m. on Tuesday, the 27th May, 1969. Shri E. M. S. Namboodiripad, Chairman presided. The following members were present:—

1. Shri E. Ahamed
2. „ E. M. George
3. „ G. Gopinathan Pillai
4. „ K. Karunakaran and
5. „ P. Ravindran.

Legislature Secretariat.

Shri V. P. N. Nambudiri, Secretary.

Dr. R. Prasannan, Joint Secretary.

Shri C. M. Kuruvila, Senior Government pleader who is in charge of the Advocate General was also present.

3. The Committee then considered and approved the draft report on the question of Privilege raised by Shri E. K. Imbichi Bava, Transport Minister and which was referred to the Committee by the House on the 24th February 1969 against the printer and publisher of the 'Janayugom' (Malayalam daily) in respect of a report that appeared in its issue dated 20th February 1969.
