

# **COMMITTEE OF PRIVILEGES**

(FIFTH LOK SABHA)

## **SECOND REPORT**



**LOK SABHA SECRETARIAT  
NEW DELHI**

*June, 1973/Jyaishta, 1895 (Saka)*

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# PERSONNEL OF THE COMMITTEE OF PRIVILEGES

(1973-74)

- Dr. Henry Austin—*Chairman*
2. Shri Frank Anthony
  3. Shri H. K. L. Bhagat
  4. Shri Somnath Chatterjee
  5. Shri Darbara Singh
  6. Shri H. R. Gokhale
  7. Shri Nihar Laskar
  8. Shri B. P. Maurya
  9. Shri H. N. Mukerjee
  10. Shri K. Raghuramaiah
  11. Shri Vasant Sathe ..
  12. Dr. Shankar Dayal Sharma
  13. Shri Maddi Sudarsanam
  14. Shri R. P. Ulaganambi
  15. Shri Atal Bihari Vajpayee

## SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary.*

Shri B. K. Mukherjee—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

PERSONNEL OF THE COMMITTEE OF PRIVILEGES  
(1972-73)

- \*1. Dr. Henry Austin—*Chairman*
2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Darbara Singh
5. Shri H. R. Gokhale
6. Shri Dinesh Chandra Goswami
7. Shri Jagannathrao Joshi
8. Shri Nihar Laskar
- \*\*9. Shri B. P. Maurya
10. Shri H. N. Mukerjee
- \$11. Shri K. Raghuramaiah
12. Shri Vasant Sathe
13. Dr. Shankar Dayal Sharma
14. Shri Satyendra Narayan Sinha
15. Shri R. P. Ulaganambi

SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary.*

Shri B. K. Mukherjee—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

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\*Appointed Chairman with effect from 27-2-1973, *vice* Shri R. D. Bhandare ceased to be a member of Lok Sabha.

\*\*Appointed with effect from 16-3-1973, *vice* Shri R.D. Bhandare ceased to be a member of Lok Sabha.

£Appointed with effect from 22-3-1973, *vice* Shri Raj Bahadur resigned from the Committee of Privileges.

**SECOND REPORT OF THE COMMITTEE OF PRIVILEGES**  
(Fifth Lok Sabha)

**I. Introduction and Procedure**

I, the Chairman of the Committee of Privileges, having been authorised to submit the report on their behalf, present this their Second Report to the House on the question of privilege raised<sup>1</sup> by Shri Era Sezhiyan, M.P., on the 23rd June, 1971 and referred<sup>2</sup> to the Committee by the House on the 5th August, 1971, against the Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum*, Shillong, for publishing in its issue dated the 12th June, 1971, a news report containing remarks allegedly defamatory of Shri G. G. Swell, Deputy Speaker of Lok Sabha.

2. The Committee held nineteen sittings. The relevant minutes of these sittings form part of the report and are appended hereto.

3. At the first sitting held on the 11th August, 1971, the Committee decided that Shri U.L.L.D. Basan, the then Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum*, Shillong, and Shri C. M. Lyngdoh, the alleged author of the impugned news letter, might be called to appear in person before the Committee for examination.

4. At the third sitting held on the 13th October, 1971, the Committee perused the letter dated the 8th September, 1971, received from Shri U.L.L.D. Basan, ex-Editor of the concerned newspaper and noted therefrom that Shri U.L.L.D. Basan had not been able to trace the said Shri C. M. Lyngdoh and that he himself was unable to appear before the Committee as he was in poor health and it was beyond his financial resources to come to Delhi. The Committee decided to pay to Shri U.L.L.D. Basan rail-fare from Shillong to Delhi and back.

5. At the fourth sitting held on the 10th November, 1971, the Committee noted that Shri U.L.L.D. Basan, in his letter, dated the 29th October, 1971, had stated that owing to his ill health he could not undertake train journey and requested for air-fare with an escort. The Committee decided that Shri U.L.L.D. Basan might be asked to get himself medically examined by the Civil Surgeon of

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1. L. S. Deb., dt. 23-6-1971, cc. 143-45.

2. L. S. Deb., dt. 5-8-1971, c. 186.

Shillong and furnish the latter's certificate before his request for air-fare was considered by the Committee.

6. At the sixth sitting held on the 15th January, 1972, the Committee perused the medical certificate issued by the Civil Surgeon of Shillong on the health of Shri U.L.L.D. Basan, received through the Government of Meghalaya. The Committee decided to hear the views of Shri Era Sezhiyan, M.P., who had raised this question of privilege in Lok Sabha, before proceeding further in the matter.

7. At the seventh sitting held on the 21st April, 1972, the Committee heard the views of Shri Era Sezhiyan, M.P. The Committee decided that the opinion of the Ministry of Law and Justice might be obtained on certain questions of law involved in the matter.

8. At the eighth sitting held on the 9th May, 1972, the Committee perused the opinion of the Ministry of Law and Justice in the matter.

9. At the ninth sitting held on the 25th May, 1972, the Committee again heard the views of Shri Era Sezhiyan, M.P., on the matter, and came to their conclusions.

10. At the tenth sitting held on the 20th July, 1972, the Committee considered their draft Report.

11. At the eleventh to fifteenth sittings held on the 29th August, 2nd September, 5th October, 13th December, 1972, and 24th January, 1973, respectively, the Committee considered certain points arising from their draft Report. The Committee observed that the letter of apology, dated the 13th July, 1971, written by Shri U.L.L.D. Basan, to the Speaker, Lok Sabha, was published in the *Ka Pyrtu U Riewlum*, a Khasi newspaper of Shillong, dated the 25th July, 1971, without his signature underneath. The Committee decided that Shri Basan might be directed to publish his aforesaid letter of apology in the *U Kywoh Ka Rilum* or any other newspaper of Shillong under his signature within a fortnight and forward a copy of the newspaper publishing his letter of apology for the information of the Committee.

12. At the sixteenth sitting held on the 13th March, 1973, the Committee observed that Shri U.L.L.D. Basan, who had been asked by a letter, dated the 27th January, 1973 to republish his letter of apology in a newspaper of Shillong under his signature within a fortnight of the receipt of that letter, had not sent any reply to the Committee.

The Committee decided that Shri U.L.L.D. Basan might be asked again to publish his letter of apology in a newspaper of Shillong under his signature within one month of the receipt of letter by him.

13. At the seventeenth and eighteenth sittings held on the 5th April and 16th May, 1973, the Committee considered the letter, dated the 21st March, 1973, received from Shri U.L.L.D. Basan in which he had stated *inter alia* that he had tried his best to get a press for printing relevant papers. The Committee observed that Shri Basan had apologised to the Committee for publishing the impugned news-item in his newspaper and had also published his apology in a Khasi newspaper *Ka Pyrta U Riewlum*. The Committee also noted that Shri Basan had made efforts to get a press for printing the relevant papers including his letter of apology. Taking into account all these circumstances and the apology tendered by Shri Basan, the Committee decided to recommend to the House that no further action be taken in the matter.

14. At the nineteenth sitting held on the 18th June, 1973, the Committee considered their draft Report and adopted it.

## II. Facts of the Case

15. On the 23rd June, 1971, Shri Era Sezhiyan, M.P. raised<sup>3</sup> a question of privilege in the House, against the Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum*, a weekly newspaper published in Khasi language from Shillong, for publishing the following news report in its issue, dated the 12th June, 1971:—

*“Rs. 750/- per month for Refugees Chairman*

It is learnt that Mr. G. G. Swell has been appointed Chairman of Bangla Desh Refugees on a salary of Rs. 750/- per month. Friends, how do you feel about it? Is it because of this that the A.P.H.L.C. world is now quiet? This is the real patriot, is he not?”

16. After some discussion in the House, the Speaker observed *inter alia* as follows:—

“I will refer this to the Editor of the paper. After I receive the reply, I will consult Mr. Sezhiyan and the Deputy-

Speaker. If they are satisfied, I will drop it. Otherwise, this will go to the Privileges Committee. I hope, all of you agree."

17. A letter was, accordingly, sent to the Editor of the said newspaper on the 23rd June, 1971, asking him to say what he had to say in the matter for the consideration of the Speaker, Lok Sabha.

18. In his reply<sup>4</sup>, dated the 13th July, 1971, Shri U.L.L.D. Basan describing himself as the ex-Editor of the said newspaper, stated *inter alia* as follows:—

".....the news-item was really a letter to the Editor from C. M. Lyngdoh dated 10th June, 1971 and the letter was published as a news item instead of a letter to the Editor.

I have resigned, since 22nd June, 1971 as the Editor, Printer and Publisher of the paper. The main reason is due to my ill-health and for which reason I could not even check in the stated issue dated 12th June, 1971 by myself in a proper way.

The paper stopped publication for some time. Because of my health, I have not been able to publish the contradictions and explanations upto now, and I hope Prof. G. G. Swell will not mind for the delay and I shall do it as soon as possible, and send the copy of the same as required in his letter.....

Sir, it is not my intention to defame the Deputy Speaker of the House of the people. It is a fact that Mr. G. G. Swell did go to some areas on the border of our District United Khasi-Jaintia Hills to see for himself the poor and unfortunate refugees of Bangla Desh. I did not know that the Deputy Speaker cannot do any other business or be paid extra remuneration for extra work done.

Again Sir, it is not my intention to ridicule or speak contemptuously against the dignity of the House of the people or of the Office of the Deputy Speaker. I am very sorry I caused pain to the Hon'ble Member of the House of the People. I am sorry also I hurt the feelings of

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<sup>4</sup>See Appendix I.



Prof. G. G. Swell and apologise for the same as well as the delay of sending my reply.

In the above circumstances, I fervently appeal and pray the Honourable Speaker may be pleased to drop the matter and for which act of kindness, I shall remain very grateful."

19. Thereupon, under the directions of the Speaker, Lok Sabha, a letter was addressed to Shri U.L.L.D. Basan on the 20th July, 1971, asking him to have his contradiction and regret in respect of the impugned news-item published prominently in the next issue of the *U Kyrwoh Ka Rilum* and to send a copy thereof for the information of the Speaker. On the same day, another letter was addressed to Shri C. M. Lyngdoh, the alleged author of the impugned news letter, C/o Shri U.L.L.D. Basan, asking him to send his explanation in the matter for the consideration of the Speaker, by the 31st July, 1971.

20. On the 5th August, 1971, the Speaker informed<sup>5</sup> the House that no further reply had been received till then either from Shri U.L.L.D. Basan or Shri C. M. Lyngdoh, the alleged author of the impugned news letter. The Speaker then observed:

"In the circumstances, if the House agrees, the matter may be referred to the Committee of Privileges."

The House agreed and the matter was referred to the Committee of Privileges.

### III. Findings of the Committee

21. The Committee decided to give an opportunity to Shri U.L.L.D. Basan, ex-Editor of the *U Kyrwoh Ka Rilum*, Shillong, and Shri C. M. Lyngdoh, the alleged author of the impugned news letter, to appear before the Committee to have their say in the matter.

22. Since Shri U.L.L. D. basan, had in his letter<sup>6</sup>, dated the 18th July, 1971, started *inter alia* that he had resigned as the Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum*, from the 22nd June, 1971, on account of his ill-health, an enquiry was made from the Government of Meghalaya. The Government of Meghalaya, in their reply<sup>7</sup>, dated the 7th October, 1971, stated that one Shri S. R. Moksha, Member, District Council, Jaiaw Pdeng, Shillong, had taken over as the new Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum* and

<sup>5</sup>L. S. Deb., dt. 5-8-1971, cc. 184-86.

<sup>6</sup>See Appendix I.

<sup>7</sup>See Appendix II.

that approximately one thousand copies only of the said newspaper were circulated which indicated a below average popularity of that weekly newspaper.

23. Shri U. LL. D. Basan, in his letter<sup>8</sup> dated the 8th September, 1971, stated that in spite of his best efforts he had not been able to trace Shri C. M. Lyngdon and that he himself was unable to appear before the Committee due to his poor health and lack of financial resources to come to Delhi. He had further stated that he had published prominently his earlier letter<sup>9</sup>, dated the 13th July, 1971, containing his contradiction and regret, in another *Khasi* language newspaper *Ka Pyrta U Riewlum*, dated the 25th July, 1971. He requested the Committee to accept his apology.

24. Subsequently, the Civil Surgeon, Shillong, who examined Shri U. LL. D. Basan at the instance of the Committee, stated in his medical certificate<sup>10</sup> that Shri Basan could travel to Delhi by Railway journey only with difficulty and with escort and that even if Shri Basan travelled by Air, as escort would be advisable.

The Committee felt that in view of Shri Basan's poor health, it was not necessary to enforce his attendance before the Committee.

25. The Committee considered a suggestion that as Shri U.L.L.D. Basan had not got his letter, dated the 13th July, 1971, containing his apology, published in the *U Kyrwoh Ka Rilum* and as he was no more its Editor, Printer and Publisher, the present Editor of *U Kyrwoh Ka Rilum* might be asked to publish Shri U.L.L. D. Basan's said letter of apology in that newspaper.

26. The Committee, however, observe that the new Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum* cannot be held responsible for the publication of the impugned news report by the former Editor, Printer and Publisher, Shri U. LL. D. Basan, and that the new Editor, Printer and Publisher cannot be compelled to publish in his newspaper the letter of apology of Shri U. LL. D. Basan in respect of the impugned news report. The opinion<sup>11</sup> of the Ministry of Law and Justice on the matter is also the same.

27. On the 24th August, 1972, the Minister of Parliamentary Affairs suggested that the matter might be re-examined by the Committee.

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<sup>8</sup>See Appendix III.\*

<sup>9</sup>See Appendix I.

<sup>10</sup>See Appendix IV.

<sup>11</sup>See Appendix V.

As the letter of apology, dated the 13th July, 1971, written by Shri U.L.L.D. Basan, to the Speaker, Lok Sabha, was published<sup>12</sup> in the *Ka Pyrta U Riewlum*, Khasi newspaper of Shillong, dated the 25th July, 1971, without Shri Basan's signature underneath (although his name was mentioned in the caption and introduction thereto), the Committee desired Shri Basan to republish his aforesaid letter in the *U Kyrwoh Ka Rilum* or any other newspaper of Shillong under his signature.

28. Shri U. LL. D. Basan in his letter<sup>13</sup> dated the 21st March, 1973, to the Committee stated *inter alia* that he had tried his best to get a press for printing all relevant papers in connection with the case, but without success.

29. The Committee observe that Shri U. LL. D. Basan has apologised for publishing the impugned news-item in his newspaper and has also published his letter of apology in a *Khasi* newspaper *Ka Pyrta U Riewlum* of Shillong. The Committee also note that Shri Basan has made efforts to get a press for printing the relevant papers, including his letter of apology, but his efforts have not been successful.

Taking into account all the circumstances of the case and also the apology tendered by Shri U.L.L.D. Basan, the Committee feel that no further action need be taken in the matter.

#### IV. Recommendation of the Committee

30. The Committee recommend that the matter be dropped.

NEW DELHI;  
The 18th June, 1973.

HENRY AUSTIN,  
Chairman,  
Committee of Privileges.

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<sup>12</sup>See Appendix VI.

<sup>13</sup>See Appendix VII.

# MINUTES

## I

### First Sitting

New Delhi, Wednesday, the 11th August, 1971

The Committee sat from 14.30 to 15.45 hours.

### PRESENT

Shri R. D. Bhandare—*Chairman*

### MEMBERS

2. Dr. Henry Austin
3. Shri Somnath Chatterjee
4. Shri Darbara Singh
5. Shri Jagannathrao Joshi
6. Shri H. N. Mukerjee
7. Shri M. Mathuswamy
8. Shri Chintamani Panigrahi
9. Shri Raj Bahadur
10. Dr. Shankar Dayal Sharma
11. Shri P. Venkatasubbaiah

### SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary*

Shri B. K. Mukherjee—*Deputy Secretary*

Shri J. R. Kapur—*Under Secretary*

2. The Committee considered the question of privilege against the Editor, Printer and Publisher of the *U. Kyrwoh Ka Rilum*. Shillong in respect of the news item published in its issue dated the 12th June, 1971, allegedly casting reflections on Shri G. G. Swell, Deputy Speaker of Lok Sabha. The Committee decided that Shri U. LL. D. Basan, the then Editor of the *U. Kyrwoh Ka Rilum*, Shillong and Shri C. M. Lyngdoh, the alleged author of the impugned news letter,

be called to appear before the Committee on Wednesday, the 8th September, 1971, at 11.00 hours.

4. The Committee then adjourned to meet again on Tuesday, the 7th September, 1971, at 11.00 hours.

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II

**Second Sitting**

*New Delhi, Tuesday, the 7th September, 1971*

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The Committee sat from 15.30 to 17.30 hours.

PRESENT

Shri R. D. Bhandare—*Chairman*

MEMBERS

2. Dr. Henry Austin
3. Shri Somnath Chatterjee
4. Shri Darbara Singh
5. Shri Jagannathrao Joshi
6. Shri H. N. Mukerjee
7. Shri M. Muthuswamy
8. Shri Chintamani Panigrahi
9. Shri Satyendra Narayan Sinha
10. Shri P. Venkatasubbaiah

SECRETARIAT

Shri B. K. Mukherjee—*Deputy Secretary*

Shri J. R. Kapur—*Under Secretary*

2. The Committee took up consideration of the question of the privilege against the Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum*, Shillong, in respect of the news items published in its issue dated the 12th June, 1971, allegedly casting reflections on Shri G. G. Swell, Deputy Speaker of Lok Sabha. The Chairman informed the

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\*Para 3 relates to another case and has accordingly been omitted.

Committee of the following telegram dated the 2nd September, 1971, received from Shri U. LL. D. Basan, who, alongwith Shri C. M. Lyngdoh, the alleged author of the impugned news letter, had been called to appear before the Committee for oral examination on the 8th September, 1971:—

“Regret unable to appear Privileges Committee September eighth ground ill health Lyngdoh not found letter follows”.

The Committee decided that another opportunity might be given both to Shri U. LL. D. Basan and Shri C. M. Lyngdoh to appear before the Committee for oral examination.

The Committee directed that both of them might be asked to appear before the Committee on the 13th October, 1971, at 15.00 hours.

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8. The Committee then adjourned to meet again on Wednesday, the 13th October, 1971, at 15.00 hours.

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### III

#### Third Sitting

*New Delhi, Wednesday, the 13th October, 1971*

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The Committee sat from 15.00 to 15.20 hours.

#### PRESENT

Shri R. D. Bhandare—*Chairman*

#### MEMBERS

2. Dr. Henry Austin
3. Shri Somnath Chatterjee
4. Shri Darbara Singh
5. Shri Jagannathrao Joshi
6. Shri H. N. Mukerjee
7. Shri M. Muthuswamy
8. Shri Raj Bahadur

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\*Para 3 to 7 relate to other cases and have accordingly been omitted.

9. Dr. Shankar Dayal Sharma
10. Shri Satyendra Narayan Sinha
11. Shri P. Venkatasubbaiah
12. Shri Chandrajeet Yadav

## SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary*

Shri B. K. Mukherjee—*Deputy Secretary*

Shri J. R. Kapur—*Under Secretary.*

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3. The Committee then took up consideration of the question of privilege against the Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum*, Shillong, in respect of the news-item published in its issue dated the 12th June, 1971, allegedly casting reflections on Shri G. G. Swell, Deputy Speaker of Lok Sabha. The Committee perused the letter dated the 8th September, 1971, received from Shri U. LL. D. Basan, ex-Editor, *U Kyrwoh Ka Rilum*, Shillong. The Committee noted that Shri U. LL. D. Basan, who along with Shri C. M. Lyngdoh, the alleged author of the impugned news letter, had been called to appear before the Committee on the 13th October, 1971, stated in that letter that he had not been able to trace Shri C. M. Lyngdoh. As regards Shri Basan coming to Delhi to appear before the Committee, he stated:—“(1) It is beyond my financial resources to come to Delhi; (2) I have never been to Delhi; (3) I am in poor health.”

The Committee decided that Shri Basan be called to appear before the Committee on the 10th November, 1971, and that he be informed that he would be paid his rail fare from Shillong to Delhi and back.

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5. The Committee then adjourned to meet again on Wednesday, the 10th November, 1971, at 11.00 hours.

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 IV

## Fourth Sitting

*New Delhi, Wednesday, the 10th November, 1971*

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The Committee sat from 11.00 to 13.10 hours.

## PRESENT

Shri R. D. Bhandare—*Chairman*

## MEMBERS

2. Shri Somnath Chatterjee
3. Shri Darbara Singh
4. Shri Jagannathrao Joshi
5. Shri H. N. Mukerjee
6. Shri M. Muthuswamy
7. Shri Chintamani Panigrahi
8. Shri Raj Bahadur
9. Shri A. K. Sen
10. Dr. Shankar Dayal Sharma
11. Shri Satyendra Narayan Sinha

## SECRETARIAT

Shri P. K. Patnaik—*Joint Secretary.*

Shri J. R. Kapur—*Under Secretary.*

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8. The Committee then took up consideration of the question of privilege against the Editor, Printer and Publisher of the *U. Kyrwoh Ka Rilum*, Shillong, in respect of the news item published in its issue dated the 12th June, 1971, allegedly casting reflection on Shri G. G. Swell, Deputy Speaker of Lok Sabha. The Chairman informed the Committee that Shri U.L.L.D. Basan, who had been called to appear before the Committee on the 10th November, 1971, had in his letter dated the 20th October, 1971, stated that owing to his ill-health he was unable to undertake train journey and therefore made a request for air fare with an escort. Shri Basan had also a medical certificate from a private Registered Medical Practitioner of Shillong.

9. The Committee decided that Shri Basan be asked to get himself medically examined by the Civil Surgeon of Shillong and furnish his certificate before his request for air fare is considered by the Committee.

10. The Committee authorised the Chairman to fix the date of the next sitting of the Committee.

*The Committee then adjourned.*

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\*Paras 2 to 7 relate to other cases and have accordingly been omitted.  
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## V

**Fifth Sitting**

*New Delhi, Thursday, the 9th December, 1971*

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The Committee sat from 12.00 to 12.15 hours.

**PRESENT**

Shri R. D. Bhandare—*Chairman.*

**MEMBERS**

2. Dr. Henery Austin
3. Shri Darbara Singh
4. Shri Jagannathrao Joshi
5. Shri H. N. Mukerjee
6. Shri Raj Bahadur
7. Dr. Shankar Dayal Sharma
8. Shri Satyendra Narayan Sinha
9. Shri Chandrajeet Yadav

**SECRETARIAT**

Shri B. K. Mukherjee—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

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5. The Chairman informed the Committee that a telegram dated the 4th December, 1971, had been received from the Government of Meghalaya in connection with the question of privilege against the Editor, Printer and Publisher of *U. Kyrwoh Ka Rilum*, Shillong, in which that Government had intimated that Shri U. LL. D. Basan had been medically examined by the Civil Surgeon, Shillong, and that the medical report was being sent by registered post. The Committee decided to await the receipt of the medical report of the Civil Surgeon. Shillong.

6. The Committee decided to meet again on Saturday, the 15th January, 1972, at 11.30 hours.

*The Committee then adjourned.*

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**Sixth Sitting***New Delhi, Saturday, the 15th January, 1972.*


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The Committee sat from 11.30 to 12.50 hours.

**PRESENT**

Shri R. D. Bhandare—*Chairman.*

**MEMBERS**

2. Dr. Henry Austin
3. Shri Somnath Chatterjee
4. Shri Jagannathrao Joshi
5. Shri H. N. Mukerjee
6. Shri M. Muthuswamy
- 7 Shri Chintamani Panigrahi
8. Shri Raj Bahadur
9. Shri Satyendra Narayan Sinha
10. Shri P. Venkatasubbaiah

**SECRETARIAT**

Shri P. K. Patnaik—*Joint Secretary.*

Shri B. K. Mukherjee—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

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5. The Committee then took up consideration of the question of privilege against Shri U.L.L. D. Basan who was the Editor, Printer and Publisher of the *U. Kyrwoh Ka Rilum*, Shillong, in respect of the news item published in its issue dated the 12th June, 1971, allegedly casting reflections on Shri G. G. Swell, Deputy Speaker of Lok Sabha. The Committee persued the medical certificate issued by the Civil Surgeon, Shillong, after medical examination of Shri Basan received through the Government of Meghalaya . The Committee

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\*Paras 2 to 4 relate to other cases and have accordingly been omitted.

decided to hear the views of Shri Era Sezhiyan, M.P., who had raised this question of privilege in Lok Sabha on the 23rd June, 1971, before proceeding further in the matter.

6. The Committee authorised the Chairman to fix the date of the next sitting of the Committee after the commencement of the forthcoming session of Lok Sabha.

*The Committee then adjourned.*

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## VII

### Seventh Sitting

*New Delhi, Friday, the 21st April, 1972*

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The Committee sat from 15.00 to 15.45 hours.

#### PRESENT

Shri R. D. Bhandare—*Chairman.*

#### MEMBERS

2. Dr. Henry Austin
3. Shri Somnath Chatterjee
4. Shri H. N. Mukerjee
5. Shri Raj Bahadur
6. Dr. Shankar Dayal Sharma.

Shri Era Sezhiyan *was also present.*

#### SECRETARIAT

Shri B. K. Mukherjee—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

2. The Committee heard the views of Shri Era Sezhiyan, M. P. on the question of privilege against Shri U. LL. D. Basan who was the Editor, Printer and Publisher of the *U. Kyrwoh Ka Rilum*, Shillong, in respect of the news item published in its issue, dated the 12th June, 1971, allegedly casting reflections on Shri G. G. Swell, Deputy Speaker of Lok Sabha.

Shri Era Sezhiyan stated that Shri U. LL. D. Basan had not got his letter of apology, dated the 13th July 1971, published in *U Kyrwoh*

*Ka Rilum*, which he was asked to do. Shri Era Sezhiyan expressed the view that as Shri U. L. L. D. Basan had since resigned as Editor of that paper, the present Editor of *U Kyrwoh Ka Rilum* might be asked to publish Shri Basan's letter of apology in that paper.

3. The Committee decided that the opinion of the Ministry of Law might be obtained on the question as to what extent the new Editor of a paper could be held responsible for the publication of a news report involving an alleged breach of privilege and contempt of the House by a former Editor and whether there was any legal sanction for compelling the new Editor to publish in his paper a letter of apology of the former Editor in respect of such a news report.

\* \* \* \* \*

5. The Committee then adjourned to meet again on Tuesday, the 9th May, 1972, at 15.00 hours.

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### VIII

#### Eighth Sitting

*New Delhi, Tuesday, the 9th May, 1972.*

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The Committee sat from 15.00 to 15.50 hours.

#### PRESENT

Shri R. D. Bhandare—*Chairman.*

#### MEMBERS

2. Shri Somnath Chatterjee
3. Shri Darbara Singh
4. Shri H. R. Gokhale
5. Shri Jagannathrao Joshi
6. Shri Raj Bahadur
7. Shri Satyendra Narayan Sinha

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\*Para 4 another case relates to and has accordingly been omitted.

## SECRETARIAT

Shri B. K. Mukherjee—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

2. The Committee considered the question of privilege against Shri U. LL. D. Basan who was the Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum*, Shillong, in respect of the news-item published in its issue dated the 12th June, 1971, allegedly casting reflections on Shri G. G. Swell, Deputy Speaker of Lok Sabha. The Committee pursued the opinion of the Ministry of Law and Justice received in pursuance of the decision of the Committee *vide* para 3 of the minutes of the sitting of the Committee dated the 21st April, 1972.

The Committee decided to apprise Shri Era Sezhiyan of the opinion received from the Ministry of Law and Justice and also to hear Shri Era Sezhiyan before proceeding further in the matter.

\* \* \* \* \*

5. The Committee then adjourned to meet again on Friday, the 19th May, 1972, at 15.00 hours.

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**IX**
**Ninth Sitting**

*New Delhi, Thursday, the 25th May, 1972.*

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The Committee sat from 15.00 to 16.10 hours.

**PRESENT**

Shri R. D. Bhandare—*Chairman.*

**MEMBERS**

2. Shri Somnath Chatterjee
3. Shri Darbara Singh
4. Shri H. R. Gokhale
5. Shri H. N. Mukerjee
6. Shri Chintamani Panigrahi
7. Shri Raj Bahadur

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\*Paras 3 and 4 relate to other cases and have accordingly been omitted.

†Sittings fixed for 18th May was subsequently postponed to 25th May, 1972.

8. Shri Satyendra Narayan Sinha  
Shri Era Sezhiyan *was also present.*

SECRETARIAT

Shri B. K. Mukherjee—*Deputy Secretary.*  
Shri J. R. Kapur—*Under Secretary.*

\* \* \* \* \*

3. The Committee then heard the views of Shri Era Sezhiyan, M.P. on the question of privilege raised by him against Shri U. LL. D. Basan, who was the Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum*, Shillong, in respect of the news-item published in its issue, dated the 12th June, 1971, allegedly casting reflections on Shri G. G. Swell, Deputy Speaker of Lok Sabha.

4. The Committee noted that according to the opinion of the Ministry of Law, the new Editor of the *U Kyrwoh Ka Rilum* could not be held responsible for the publication of the impugned news report by the former Editor, Shri U. LL. D. Basan, and that the new Editor could not be compelled to publish in his paper the letter of apology of Shri U. LL. D. Basan in respect of that news report.

5. The Committee decided that in view of the apology already tendered by the former Editor, Shri U. LL. D. Basan no further action need be taken in the matter and the matter might be dropped.

*The Committee then adjourned.*

X

Tenth Sitting

*New Delhi, Thursday, the 20th July, 1972.*

The Committee sat from 15.00 to 16.30 hours:

PRESENT

Shri R. D. Bhandare—*Chairman.*

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\*Para 2 relates to another case and has accordingly been omitted.

**MEMBERS**

2. Dr. Henry Austin
3. Shri H. K. L. Bhagat
4. Shri Somnath Chatterjee
5. Shri Dinesh Chandra Goswami
6. Shri Jagannathrao Joshi
7. Shri Nihar Laskar
8. Shri Raj Bahadur
9. Shri Vasant Sathe
10. Dr. Shankar Dayal Sharma
11. Shri Satyendra Narayan Sinha.

**SECRETARIAT**

Shri B. K. Mukherjee—*Deputy Secretary.*

Shri J. R. Kapur—*Under Secretary.*

2. The Committee considered their draft Second Report on the question of privilege raised by Shri Era Sezhiyan, M.P., against Shri U. LL. D. Basan, who was the Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum*, Shillong, in respect of a news-item published in its issue, dated the 12th June, 1971, allegedly casting reflections on Shri G. G. Swell, Deputy Speaker of Lok Sabha, and adopted it.

\* \* \* \* \*

*The Committee then adjourned.*

**XI****Eleventh Sitting**

*New Delhi, Tuesday, The 29th August, 1972.*

The Committee sat from 15.00 to 15.20 hours.

**PRESENT**

Shri R. D. Bhandare—*Chairman*

**MEMBERS**

2. Dr. Henry Austin
3. Shri H. K. L. Bhagat
4. Shri Darbara Singh

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\*Para 3 relates to another case and has accordingly been omitted.

5. Shri Jagannathrao Joshi
6. Shri Vasant Sathe
7. Dr. Shankar Dayal Sharma

**SECRETARIAT**

Shri B. K. Mukherjee—*Deputy Secretary*

Shri J. R. Kapur—*Under Secretary*.

2. The Committee took up consideration of certain points regarding their Second Report on the question of privilege raised by Shri Era Sezhiyan, M.P., against the Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum*, Shillong, for publishing in its issue, dated the 12th June, 1971, a news report containing remarks allegedly defamatory of Shri G. G. Swell, Deputy Speaker, Lok Sabha, which was adopted by them on the 20th July, 1972.

The Committee postponed further consideration of the matter to their next sitting to be held on the 2nd September, 1972.

*The Committee then adjourned .*

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**XII**

**Twelfth Sitting**

*New Deihl, Saturday, The 2nd September, 1972.*

The Committee sat from 16.00 to 16.20 hours.

**PRESENT**

Shri R. D. Bhandare—*Chairman*

**MEMBERS**

2. Shri H. K. L. Bhagat
3. Shri Darbara Singh
4. Shri Nihar Laskar
5. Shri Vasant Sathe
6. Shri Satyendra Narayan Sinha
7. Shri R. P. Ulaganambi

**SECRETARIAT**

Shri B. K. Mukherjee—*Deputy Secretary*

Shri J. R. Kapur—*Under Secretary*

2. The Committee took up consideration of certain points regarding their Second Report on the question of privilege raised by Shri Era Sezhiyan, M.P., against the Editor, Printer and Publisher of the



*U Kyrwoh Ka Rilum*, Shillong, for publishing in its issue, dated the 12th June, 1971, a news report containing remarks allegedly defamatory of Shri G.G. Swell, Deputy Speaker, Lok Sabha, which was adopted by them on the 20th July, 1972.

The Committee postponed further consideration of the matter to their next sitting to be held on the 5th October, 1972.

*The Committee then adjourned.*

### XIII

#### Thirteenth Sitting

*New Delhi, Thursday, The 5th October, 1972.*

The Committee sat from 15.00 hours.

#### PRESENT

Shri R. D. Bhandare—*Chairman*

#### MEMBERS

2. Dr. Henry Austin
3. Shri H. K. L. Bhagat
4. Shri Darbara Singh
5. Shri Dinesh Chandra Goswami
6. Shri Jagannathrao Joshi
7. Shri H. N. Mukerjee
8. Shri Raj Bahadur
9. Shri Vasant Sathe
10. Dr. Shankar Dayal Sharma
11. Shri R. P. Ulaganambi

#### SECRETARIAT

Shri J. R. Kapur—*Under Secretary*

2. The Committee considered the points regarding their Second Report on the question of privilege raised by Shri Era Sezhiyan, M.P., against the Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum*, Shillong, for publishing in its issue dated the 12th June, 1971, a news report containing remarks allegedly defamatory of Shri G.G. Swell, Deputy Speaker, Lok Sabha, which was adopted by the Committee on the 20th July, 1972. The Committee deferred further consideration of the matter to be subsequent sitting.

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\*Para 3 relates to another case and has accordingly been omitted.

4. The Committee then adjourned to meet again on Friday, the 6th October, 1972, at 10.00 hours.

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#### XIV

#### Fourteenth Sitting

*New Delhi, Wednesday, The 13th December, 1972.*

The Committee sat from 15.30 to 16.00 hours.

#### PRESENT

Shri R. D. Bhandare—*Chairman*

#### MEMBERS

2. Shri Somnath Chatterjee
3. Shri Dinesh Chandra Goswami
4. Shri Raj Bahadur
5. Shri Vasant Sathe
6. Shri Satyendra Narayan Sinha
7. Shri R. P. Ulaganambi

#### SECRETARIAT

Shri B. K. Mukherjee—*Deputy Secretary*

Shri J. R. Kapur—*Under Secretary*

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4. The Committee, then, took up consideration of certain points regarding their Second Report on the question of privilege raised by Shri Era Sezhiyan, M.P., against the Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum*, Shillong, for publishing in its issue, dated the 12th June, 1971, a news report containing remarks allegedly defamatory of Shri G. G. Swell, Deputy Speaker, Lok Sabha, which was adopted by them on the 20th July, 1972.

The Committee postponed further consideration of the matter to their next sitting.

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*The Committee then adjourned.*

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\*Paras 2,3,5, and 6 relate to other cases and have accordingly been omitted.

## XV

## Fifteenth Sitting

New Delhi, Wednesday, The 24th January, 1973.

The Committee sat from 15.00 to 15.50 hours.

## PRESENT

Shri R. D. Bhandare—*Chairman*

## MEMBERS

2. Dr. Henry Austin
3. Shri H. K. L. Bhagat
4. Shri Darbara Singh
5. Shri Jagannathrao Joshi
6. Shri Nihar Laskar
7. Shri H. N. Mukerjee
8. Shri Raj Bahadur
9. Shri Vasant Sathe
10. Dr. Shankar Dayal Sharma
11. Shri Satyendra Narayan Sinha
12. Shri R. P. Ulaganambi

## SECRETARIAT

Shri B. K. Mukherjee—*Deputy Secretary*

Shri J. R. Kapur—*Under Secretary*

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3. The Committee then took up consideration of certain points regarding their draft Second Report on the question of privilege raised by Shri Era Sezhiyan, M.P., against the Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum*, Shillong, for publishing in its issue, dated the 12th June, 1971, a news report containing remarks allegedly defamatory of Shri G. G. Swell, Deputy Speaker, Lok Sabha.

The Committee observed that the letter of apology, dated the 13th July, 1971, written by Shri U. LL. D. Basan, to the Speaker, Lok Sabha, was published in the "*K Pyrta U Riewlum*", a Khasi newspaper of Shillong, dated the 25th July, 1971, without his signature underneath. The Committee decided that Shri Basan might be

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\*Para 2 and 4 relates to other cases and have accordingly been omitted.

directed to publish his aforesaid letter of apology in the "*Kyrwoh Ka Rilum*" or any other newspaper of Shillong under his signature within a fortnight and forward a copy of the newspaper publishing his letter of apology for the information of the Committee.

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*The Committee then adjourned.*

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## XVI

### Sixteenth Sitting

*New Delhi, Tuesday, The 13th March, 1973*

The Committee sat from 15.30 to 16.15 hours.

#### PRESENT

Dr. Henry Austin—*Chairman*

#### MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Dinesh Chandra Goswami
5. Shri H. N. Mukerjee

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#### SECRETARIAT

Shri B. K. Mukherjee—*Deputy Secretary*

Shri J. R. Kapur—*Under Secretary*

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6. The Committee then took up further consideration of the question of privilege raised by Shri Era Sezhiyan, M.P., against the Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum*, Shillong (Shri U. LL. D. Basan), for publishing a news report containing remarks allegedly defamatory of Shri G. G. Swell, Deputy Speaker of Lok Sabha.

The Committee observed that Shri U. LL. D. Basan, who had been asked by a letter, dated the 27th January, 1973 to republish his letter of apology in a newspaper of Shillong under his signature within a fortnight of the receipt of that letter, had not sent any reply to the Committee.

The Committee decided that Shri U. LL. D. Basan might be asked again to publish his letter of apology in a newspaper of Shillong under his signature within one month of the receipt of letter by him.

*The Committee then adjourned.*

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## XVII

### Seventh Sitting

*New Delhi, Thursday, the 5th April, 1973*

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#### PRESENT

Dr. Henry Austin—*Chairman*

#### MEMBERS

2. Shri Darbara Singh
3. Shri Dinesh Chandra Goswami
4. Shri Jagannathrao Joshi
5. Shri B. P. Maurya
6. Shri H. N. Mukerjee
7. Shri Vasant Sathe
8. Dr. Shankar Dayal Sharma

#### SECRETARIAT

Shri B. K. Mukherjee—*Deputy Secretary*

Shri J. R. Kapur—*Under Secretary*

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5. The Committee then took up further consideration of the question of privilege raised by Shri Era Sezhiyan, M.P., against the Editor, Printer and Publisher of the *U Kyrwoh Ka Rilum*, Shillong (Shri U. LL. D. Basan), for publishing a news report containing remarks allegedly defamatory of Shri G. K. Swell, Deputy Speaker of Lok Sabha.

The Committee pursued the letter, dated the 21st March, 1973, received from Shri U. LL. D. Basan in which he had stated *inter alia* that he had tried his best to get a press for printing relevant papers. The Committee decided to defer further consideration of the matter to a subsequent sitting.

*The Committee then adjourned.*

## XVIII

## Eighteenth Sitting

New Delhi, Wednesday, the 16th May, 1973.

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The Committee sat from 15.00 to 16.00 hours.

## PRESENT

Dr. Henry Austin—*Chairman*

## MEMBERS

2. Shri Darbara Singh
3. Shri Dinesh Chandra Goswami
4. Shri Nihar Laskar
5. Shri H. N. Mukerjee
6. Shri Vasant Sathe
7. Dr. Shankar Dayal Sharma
8. Shri Satyendra Narayan Sinha

## SECRETARIAT

Shri B. K. Mukherjee—*Deputy Secretary*

Shri J. R. Kapur—*Under Secretary*

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5. The Committee then deliberated on the question of privilege against Shri U. L.L. D. Basan, ex-editor, printer and publisher of the *U Kyrwoh Ka Rilum*, Shillong, for publishing a news report containing remarks allegedly defamatory of Shri G. G. Swell, Deputy Speaker, Lok Sabha.

The Committee observed that Shri Basan had apologised to the Committee for publishing the impugned news-item in his newspaper and had also published his apology in a Khasi newspaper *Ka Pyrta U Riewlum*. The Committee also noted that Shri Basan had made efforts to get a press for printing the relevant papers including his letter of apology. Taking into account all these circumstances and the apology expressed by Shri Basan, the Committee decided to recommend to the House that no further action be taken in the matter.

*The Committee then adjourned.*

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\*Paras 2 to 4 relate to other cases and have accordingly been omitted.

**XIX****Nineteenth Sitting***New Delhi, Monday, the 18th June, 1973*


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The Committee sat from 15.00 to 16.50 hours.

**PRESENT**Dr. Henry Austin—*Chairman***MEMBERS**

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Darbara Singh
5. Shri H. R. Gokhale
6. Shri H. N. Mukerjee
7. Shri Vasant Sathe
8. Dr. Shankar Dayal Sharma
9. Shri R. P. Ulaganambi
10. Shri Atal Bihari Vajpayee

**SECRETARIAT**Shri J. R. Kapur—*Under Secretary*

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7. The Committee then took up consideration of the draft Second Report regarding the question of privilege raised by Shri Era Sezhiyan, M.P., against Shri U. LL. D. Basan, ex-editor, printer and publisher of the newspaper *U Kyrwoh Ka Rilum*, Shillong, for publishing a news report containing remarks allegedly defamatory to Shri G. G. Swell, Deputy Speaker, Lok Sabha, and adopted it.

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*The Committee then adjourned.*

## APPENDIX I

(See paras 18, 22 and 23 of the Report)

Dated Shillong, the 13th July, 1971.

From

U. LL. D. Basan,  
Ex-Editor, *U Kyrwoh Ka Rilum*,  
Jaiaw Lumsyntiew,  
Shillong—2.

To

Shri B. K. Mukherjee,  
Deputy Secretary,  
Lok Sabha Secretariat,  
Parliament House,  
New Delhi—1.

SUBJECT: Question of Privilege.

REFERENCE: *Your letter No. 17|8|C|71, dated 23rd June, 1971.*

Sir,

In my previous letter dated 5th July, 1971, to you I acknowledge receipt of your letter under reference and there I requested you to please put my prayer to the Hon'ble Speaker to extend the time to 15th July, 1971 instead of 7th July, 1971 and am so grateful that it had been granted for the same, *vide* Telegram B. No. 97 dted 10th July, 1971.

Sir, as I have stated that I received your letter with enclosures on 3rd July, 1971 evening and in that letter I wrote that the news-item was really a letter to the Editor from C. M. Lyngdoh dated 10th June, 1971 and the letter was published as a news item instead of



a letter to the Editor (Copy herewith appended). The letter is as follows with English Translation:—

IN KHASI

Ha

U Editor,  
U Kyrwoh Ka Rilum,  
Mawlai, Shillong.

Rangbah,

Ngan da sngewnguh bad burom eh ia phi lada phin pynmih noh kloï ia kane ka jingthoh fong nga ha U Kot Khubor Jongphni.

Ka long kaba sngewsih ban iohsngew in kaba kum kane ka kam, lada ka long kaba shisha te ha nga hi nga sngew ba la pynhiar ia ka Akar ka Burom jong ngi U Khshi u bym ju shim kabu ha ka shitom Kiwei.

U ba Burom eh shibun ia phi,

Uba iohsngew.

Sd|- C. M. LYGDOH,

10-6-1971.

Shillong.

*Rs. 750 p.m. for Refugees' Chairman?*

La iohsngew ba ia U Mr. G. G. Swell la jied bad thung Chairman ki Bangla Desh Refugees bad ka Tulop hana Rs. 750 shi bnai—kumno lok shisha kumta? Imat dei na kata mo ba la kynjah humne ka pyrthei APHLC?—une te ui ieit *Rxshisha shisha mo?*

La don ka jingiathuh ba U Minister Refugee Bangla Desh, Mr. D. D. Pugh hana u byrngem ban phah kem brier ha ka Hartall 9/5 71 phewse imat tang ka kia-hu-wa ruh ym Kia-hu-wa-Balei lok ba la syaid u tdong saphup—Ha la ka ring kyntup Kyntup ne kumno?

ENGLISH TRANSLATION

1.

To

The Editor,  
U Kyrwoh Ka Rilum,  
Mawlai, Shillong.

Gentleman,

I shall be very grateful and respect you much if you will please publish early this my writing in your newspaper.

It is a matter of regret to hear about this kind of affairs, if this is true I personally feel that it is a degradation of the prestige and honour of our Khasi people who never take any undue advantage on the miseries of others.

Yours very respectfully,  
 The one who hears,  
 Sd|- C. M. LYNGDOH,  
 Shillong, 10-6-1971.

**2. Rs. 750|- p.m. for refugees' Chairman?**

It is heard that Mr. G. G. Swell was chosen and appointed chairman of the Bangla Desh Refugees and it is said that he would be paid Rs. 750|- per month—friends how is it true? Is it because of that, that the APHLC world seemed to be quiet? This is the real patriot if, that is true? etc. etc.

*N.B.*—(1). The interrogation mark (?) was somehow omitted and also the word “*haba*” instead of the word “*shisha*” have been printed mistakably.

(2) The word “*la iohsngew*” is equivalent to “*heard*” not “*learnt*” in English. The word *hana* is equivalent to “*is said*” in English and is omitted in the English Translation of the enclosures received by me.

3. I also received the letter from Prof. G. G. Swell, the honourable Deputy Speaker of the Lok Sabha No. GGS|1 (H) |37 dated 22nd June, 1971 which reads as follows:—

The Editor,  
 “U Qyrwoh Ka Rilum”,  
 C|o K. J. Press,  
 Mawkhar, Shillong-1.

Dear Sir,

In the issue of your paper dated 12th June, 1971 you published a news item that I have been appointed Chairman of Bangla Desh Refugees on a salary of Rs. 750|- per month. This is utterly false and malicious, and I ask you to publish a contradiction in the next issue of your paper and send the paper to me for my satisfaction. If

you don't do this, I shall be free to take legal and other measures necessary against you.

Yours sincerely,  
Sd|- G. G. SWELL.

4. Further, in my previous letter dated 5th July, 1971 and as I have mentioned as Ex-Editor because I have resigned since 22nd June, 1971 as the Editor, Printer and publisher of the paper. The main reason is due to my ill-health and for which reason I could not even check in the stated issue dated 12th June, 1971 by myself in a proper way.

The paper stopped publication for sometime. Because of my health, I have not been able to publish the contradictions and explanations uptil now, and I hope Prof. G. G. Swell will not mind for the delay and I shall do it soon as possible, and send the copy for the same as required in his letter stated above.

5. Sir, it is not my intention to defame the Deputy Speaker of the House of the people. It is a fact that Mr. G. G. Swell did go to some areas in the Border of our District United Khasi-Jaintia Hills to see for himself the poor and unfortunate refugees of Bangla Desh. I did not know that the Deputy Speaker cannot do any other business or be paid extra remuneration for extra work done.

6. Again Sir, it is not my intention to ridicule or speak contemptuously against the dignity of the House of the People or of the office of the Deputy Speaker. I am very sorry, I caused pains to the Hon'ble Member of the House of the People. I am sorry also I hurt the feeling of the Prof. G. G. Swell and apologise for the same as well as the delay of sending my reply.

In the above circumstances, I fervently appeal and pray the Honourable Speaker may be pleased to drop the matter and for which act of kindness, I shall remain ever grateful.

Yours in the service of our Mother land,  
THE BHARAT

Sd|-U LL. D. Basan,  
Ex-Editor.

Copy to Prof. G. G. Swell, Deputy Speaker, Lok Sabha, Parliament House, 32, Aurangzeb Road, New Delhi-11.

Sd/- U. LL. D. Basan,  
Ex-Editor.

Dated Shillong, The 13th July, 1971

From

U. LL. D. Basan,  
Ex-Editor, "U Kyrwoh Ka Rilum",  
Jaiaw Lumsyntiew,  
Shillong-2.

To

Prof. G. G. Swell,  
Deputy Speaker,  
Lok Sabha,  
32, Aurangzeb Road,  
New Delhi-11.

Rangbah Badonburom,

Naga sngewsih ba kane ka khubor (jingkylli) kaba la pynmih ha ka 12-6-71 kum ka news-item ha a jaka ba ka dei ban long ka letter to the Editor ka la pynsngewsih pynban ia phi.

Ngam shym poi pyrakhat ei ei ba kane ka khubor (news item) kan phyjahburom ia phi bad ba kan ktah ia ka burom jong ka House of the People.

Nga kyrpad namarkata ba phin nym bat *daw* ei ei ia nga namar kane. Kyrmen ba ka burom jongphi kaba ju long kylluud bad iar kan iai long kumta barobor.

U baieit bad burom ia phi,  
Sd|- U. LL. D. Basan,  
Shillong.

Copy to the Hon'ble Speaker, Lok Sabha, Parliament House,  
New Delhi.

Sd|. U. LL. D. Basan.

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## APPENDIX II

(See para 22 of the Report)

No. CA. 50|71|16

GOVERNMENT OF MEGHALAYA  
CABINET AFFAIRS DEPARTMENT

Dated Shillong, the 7th October, 1971.

From

Shri T. Cajee, I.A.S.,  
Addl. Secretary to Govt. of Meghalaya.

To

The Under Secretary,  
Lok Sabha Secretariat,  
NEW DELHI.

**SUBJECT:**—Question of privilege raised in Lok Sabha on 23-6-71 by Shri Era Sezhiyan, M.P., against the Editor, Printer and Publisher of the "U Kyrwoh ka Rilum".

**Reference:**—Your letter No. 18|4|71, dated 10-9-71.

Sir,

I am directed to refer to your letter quoted above and to furnish the information required by you in respect of the newspaper *U Kyrwoh ka Rilum* as follows:—

1. The number of copies circulated is approximately 1,000 (one thousand) only and indicates to be below average in its popularity).
2. United K. & J. Hills, Calcutta and Delhi.
3. Weekly.
4. Shri S. R. Moksha,  
Member District Council,  
Jaiaw Pdeng,  
Shillong-2.

Yours faithfully,

Sd|- T. CAJEE,

Addl. Secretary to Govt. of Meghalaya,  
Cabinet Affairs Department.

## APPENDIX III

(See para 23 of the Report)

Copy of letter from Shri U. LL. D. Basan, Ex-Editor of  
"U Kyrwoh Ka Rilum"

Dated Shillong.

The 8th September, 1971.

From

U. LL. D. Basan,  
Ex-Editor, "U Kyrwoh Ka Rilum",  
Jaiaw Lumsyntiew, Shillong-2.

To

Shri B. K. Mukherjee,  
Deputy Secretary, Lok Sabha  
Secretariat, Parliament House,  
NEW DELHI.

SUBJECT: *Question of Privilege.*

Sir,

On the 2nd instant I have sent a Telegram to you, wordings:—  
"Regret unable to appear Privilege Committee September Eight.  
Ground ill-health. Lyngdoh not found. Letter follows".

I am sorry, I could not send the reply, as was required of me  
due to above reasons, with the result, that on 25th August, 1971, the  
Hon'ble Speaker referred the matter to the Committee of Privileges.

I have been asked to deliver letters No. 1718|CI|71 dated 20th July,  
1971 and No. 18|4|CI|71 dated 14th August, 1971 of Shri C. M. Lyngdoh  
C/o to my name and address and also to intimate his address. In  
good faith I have accepted the above letters from you.

That, despite my health, I have tried my best in searching and  
enquiring but I could not find the man. Some friends advised me to  
see Mr. Carsely Lyngdoh, working in the Office of the Superintendent  
of Census, Assam, Shillong that he may be the man. Then I  
went to contact him but when I met him he denied of having posted  
the letter dated 10th June, 1971, and flatly rejected to accept the  
above letters.

That I cannot understand why Mr. Lyngdoh denied authorship of the letter posted to me on the 10th June, 1971 and rejected the letters from you C/o to me. He is the brother-in-law of Prof. G. G. Swell.

On the 26th August, 1971, I posted a registered letter with A/D No. 1029 to Mr. C. M. Lyngdoh, Shillong. Again, on the 1st instant I have written to the Post Master, Shillong for enquiry as to why it is so late, but upto the evening the 3rd September, 1971, the letter was returned to me.

Re: Publication of my reply in the columns of the paper—"U Kyrwoh Ka Rilum"; I thought I would do that after I contacted Shri Lyngdoh.

That Sir, in para 6 of my letter dated 13th July, 1971, I have already explained and apologised, the wordings of which run as follows:—

"Again Sir, it is not my intention to ridicule or speak contemptuously against the dignity of the House of the People or of the Office of the Deputy Speaker. I am very sorry if, I caused pains to the Hon'ble Members of the House of the People. I am sorry also if I hurt the feeling of Prof. G. G. Swell and apologise for the same.....".

So I think in my humble opinion that my presence and appearance before the Committee of Privileges is not necessary anymore.

I may be allowed to further say, Sir, that all I wrote to you was already and prominently published in details in another Khasi Paper—"Ka Pytra U Riewlum" on the 25th July, 1971—Vol. XV 52 except letter of C. M. Lyngdoh with unfavourable and illegal comments against me. A copy of my letter to the Hon'ble Speaker was also sent to Prof. G. G. Swell. I

I am very sorry to say that it is not possible for me to come to Delhi—

- (1) It is beyond my financial resources to come to Delhi.
- (2) I have never been to Delhi.
- (3) I am in poor health.

I have not said all this as a bluff. I request you to accept my statement.

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\*Relevant extract from the paper are reproduced at Appendix VI.

I beg the Hon'ble Members of the Committee of Privileges to accept what I have done and to advise me further in the matter and for which act of your kindness, I shall remain ever grateful to you.

Yours in the Service of our Motherland—The Bharat.

Sd|- (U. LL. D. Basan), Ex. Editor.

N.B.:—Another probable person is Shri Cyril Lyngdoh, General Secretary, APHLC-United K-J. Hills, Shillong. A copy of the letter addressed to—1. Mr. Cyril M. Lyngdoh, General Secretary, APHLC., Dist. U.K.—J. Hills, Mission Compound, Shillong-2 dated 8-9-71 and 2. Copy of letter dated 26th August, 1971 addressed to C. M. Lyngdoh, Shillong.

Shillong,

The 8th Sept., 1971.

From

U. LL. D. Basan, Jaiaw Lumsyntiew, Shillong-2.

To

Mr. Cyril. M. Lyngdoh, General Secretary, APHLC, Dist. U.K.-J. Hills, Mission Compound, Mawkhar, Shillong-2.

Bah Lyngdoh,

Kumba nga la iakren bad phi shisien ba ngan sa wan iashem bad phi hynrei sngewsih ba nga la wan wad bunsien ngam man lap satia ia phi ha iing bad ha Dukan ruh kumjuh.

Ka kam ka long be namar ar hylli ki Registered A/D ba la ioh na Delhi care of habad ka kyrteng jong nga ia ki bad lada dei ma phi uba la phah ia ka letter to the Editor 10/7/71 phin sngewbha ban phah shim nengan sa phah ai shaphi.

Sngewbha pyntip ia ka sngi bad ka por ba phim don ha iing ne dukan.

Khublei shibun eh ia phi.

U baburom ia phi,

Sd|- (U. LL. D. Basan), Jaiaw Lumsyntiew, Shillong-2.  
Ex-Editor, "U Kyrwoh Ka Rilum".



The 26th Aug. 1971.

Bah C. M. Lyngdoh,

Nga Sngewlyngngoh ba haba nga pynmin ia kato ka khubor nga negeit phi long uba donburom ha ka jinshaniah nga la phymih ia ka. Nga la khmih lynti be tang phi iohi ia kaba la thoh ha ka paper "Ka Pyrta U Riewlum" phin jin da la wan ia schem bad nga bad ia Pynbeit ia ka kam.

Nga phah kine baroh e2 tylli ki shithi na Parliament shaphi. Sa pyrkhath bad ia kyndoh bad nga.

Khublei shibun ia phi,

U baburom ia phi,

Sd|- (U. LL. D. Basan),

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 To

The Post Master, Shillong.

Sir,

I beg to state that I have sent a letter with A/D No. 1029, on 26/8/71 to Mr. C. M. Lyngdoh but till now I have not received the A/D. So, I request you to kindly enquire about this at your earliest to enable me to correspond to higher authorities.

Thanking you,

Yours faithfully,

Sd|- (U. LL. D. Basan), Ex-Editor,

U Kyrwoh Ka Rilum, Jaiaw

Lum Syntiew, Shillong-2.

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 Dated, The 1st Sept., 1971

## APPENDIX IV

(See para 24 of the Report)

Copy of the Medical Certificate from the Civil Surgeon of Shillong, on the health of Shri U. LL. D. Basan, ex-Editor of "U Kyrwoh Ka Rilum", Shillong, received from the Government of Meghalaya.

### MEDICAL CERTIFICATE

This is to certify that as directed by the Government of Meghalaya, I requested Shri LL. D. Basan, Ex-Editor, "U Kyrwoh Ka Rilum", Jaiaw Lumsyntiew, Shillong-2 to appear before me for Medical Examination. Shri Basan appeared before me at the Shillong Civil Hospital at 9.30 A.M. on 4-12-71. On Examination, Sri Basan was found to have the following:—

- (1) Liver enlarged—3 Fingers
- (2) B. P. 120/80 mm. Hg.
- (3) Pulse 120—per minute
- (4) Presence of moist-sound on the left lung.
- (5) On examination of Chest by Screening by Dr. N. K. Nath, M.R.C.P. of Civil Hospital he found doubtful shadow in the left-lung in mid—and lower zone and he has advised X'ray Chest.

Besides the above, Shri Basan complaints of:—

- (1) Pain on the left side of his Chest.
- (2) Cough and
- (3) Pain on the left Hand and Shoulder.

In view of the present state of his Health Sri Basan can travel to Delhi by Rail-journey only with difficulty and with escort.

- (2) Even if Shri Basan travels by Air an escort will be advisable,

Sd/- C. M. Brahma,  
Civil Surgeon, United K. & J. Hills,  
Shillong.

## APPENDIX V

(See para 26 of the Report)

*Opinion of the Ministry of Law and Justice (Department of Legal Affairs), dated the 1st May, 1972*

The first question upon which advice has been sought is the extent to which the new Editor of a newspaper can be held responsible for the publication of a news report by a former Editor.

2. It is presumed for the purposes of the present discussion that the publication constituted a breach of privilege and contempt of the House. In that event, it would be open to the House to take action against the contemner and to punish him.

3. But the punishment being penal in character, it would not appear to be open to the House to punish an individual who was not a party to the breach of privilege or contempt. It would appear that the present Editor was not connected with or responsible for the publication of the newspaper at the time the offending passage occurred therein. If that is so, he cannot be held vicariously liable for the default of his predecessor.

4. It is well settled that in case of criminal prosecution for defamation against the Editor of a newspaper, the Editor would not be held responsible if he can show that he had at the time of the publication temporarily entrusted the management of the newspaper to a competent person during his absence and that the libel was published without his authority, knowledge or consent (*Ramaswami v. Lokanada*, 9 Madras 387). Similarly, it has been held that if an Editor was on leave at the time of the publication of the alleged libel, he would not be liable to be proceeded against criminally (*State v. Packiaraj*, AIR 1951 Travancore Cochin 105). This principle has also been applied to a case where an Editor was absent from duty for bonafide purposes at the time of publication (*Narayan Singh v. Raj Mal*, AIR 1961 M.P. 12).

5. The new Editor cannot, therefore, be held answerable for the action of his predecessor.

6. The second question is whether the new Editor can be compelled to publish in his newspaper the letter of apology of the former Editor.

7. In this connection, it is relevant in the first place that no breach of privilege has been committed by the present Editor so as to justify the passing of any order against him including an order directing the publication of a particular matter like the letter of apology.

8. It may also be urged that an order directing the publication of a particular matter would offend the right of freedom of speech and expression guaranteed under article 19(1)(a) of the Constitution, and is not saved by clause (2) of the said article. It may be pointed out that with regard to the right to carry on business guaranteed under article 19(1)(g), it has been held that the right to carry on a business includes the right not to carry on a business (Indian Metal and Metallurgical Corporation v. Industrial Tribunal, AIR 1953 Madras 98 at 101).

9. In view of this, it can well be urged that the right of freedom of expression includes the right to refrain from publishing any matter and that consequently an individual cannot be compelled to publish any matter against his will.

10. In view of this as also the decision of the Supreme Court in Sakal Papers (P) Limited v. Union of India (AIR 1962 Supreme Court 305) that the provision of a statute which permitted the allocation of space to advertisements was unconstitutional as affecting the freedom of circulation, it may not be possible to compel the present Editor of the newspaper to publish the apology written by his predecessor.

Sd/- (P. B. Venkatasubramanian),  
(Joint Secretary & Legal Adviser),  
Ministry of Law U.O. No. 21863/72 Adv(F) dated 1-5-1972.

## APPENDIX VI

(See para 27 of the Report).

*Shri U. LL. D. Basan's letter of apology published in Ka Pyrta U Rilum dated the 25th July, 1971.*

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### *Panmap U Ex-editor Kyrwoh Ka Rilum*

U Bah LL. D. Basan, u ex-editor 'U Kyrwoh Ka Rilum', u la panmap na u Bah G. G. Swell, Deputy Speaker ka Lok Sabha, namar ka jingthoh lamler jong u shaphang u Bah Sweel ha ka i hu u 'Kyrwoh' kaba ha ka 12-6-1971 he kaba la ong ba la thung ia u Bah Swell kum u Chairman ki Bangladesh refugees ha ka tulop Rs. 750 shi bnai. U Bah Basan ha ka shithi jong u sha u Bha Sewell kaba ha ka 13 tarik u July u la ong kumne:

"Nga kyrpad n markata ba phin ym bat daw ei ei ia nga namar kane. Kyrmen ba ka borom jong phi kaba ju long kyl uid bad iar kan iai long kumta boropor."

Ha ka shithi jong u shaka Lok Sabha Secretariat pat u Bah Basan u la pynpaw ja ka jingsngewnguh ba la ai por ia u haduh ka 15 tarik u July ban ai jubab ia ka jingkylli jong ka Secretariat. U ong ruh ba namar ba um goit um khiayh um shym is lah ban pyamih ka jingpynbeit ha ki kot khubor bad u kyrmen ba u Bah Swell un nym sngew kane ka jingslem bad ba un sa leh ia kane koi katba lah nym phah copy in kata. U ong ba u sngewsih ba u la pynmong ia ki jingsngew u Bah Swell bad u pan map namarkata.

Ha ka shithi jong u Bah Basan u ong ruh ba la phah ia ka khubor sha da uwei u C. M. Lyngdoh ha kashithi ba u thoh sha u Editor. Ka Lok Sabha Secretariat kan dang pyrkhath ia kijubab u Bah Basan bad rai kasi kaba dei ban leh.

Kine harum ki long ki shithi ba la phsh da u Ban Basan sha u Deputy Secretary Lok Sabha Secretariat bad sa u Bun G. G. Swell—

'Sir,

In my previous letter dated 5th July, 1971 to you I acknowledged receipt of your letter under reference and there I requested you to please put my prayer to the Hon'ble Speaker to extend the time to

15th July, 1971 instead of 7th July, 1971 and am so grateful that it had been granted for the same, vide Telegram B. No. 97 dated 10th July, 1971.

Sir, as I have stated that I received your letter with enclosures on 3rd July, 1971 evening and in that letter I wrote that the news-item was really a letter to the Editor from C. M. Lyngdoh dated 10th June, 1971 and the letter was published as a news item instead of a letter to the Editor.

Further, in my previous letter dated 5th July, 1971 and as I have mentioned as Ex-Editor because I have resigned since 22nd June, 1971 as the Editor, printer and publisher of the paper. The main reason is due to my ill-health and for which reason I could not even check in the stated issue dated 12 June, 1971 by myself in a proper way.

Sir, it is not my intention to defame the Deputy Sepeaker of the House of the people. It is a fact that Mr. G. G. Swell did go to some areas in the Border of our District United Khasi-Jaintia Hills to see for himself the poor and unfortunate refeugees of Bangla Desh. I did not know that the Deputy Speaker cannot do any other business or be paid extra remuneration for extra work done.

Again Sir, it is not my intention to ridicule or speak contemptuously against the dignity of the House of the people or of the Office of the Deputy Speaker. I am very sorry, I caused pains to the Hon'ble Member of the House of the people. I am sorry also I hurt the feeling of Prof. G. G. Swell and apologise for the same as well as the delay of sending my reply.

In the above circumstances, I fervently appeal and pray the Honourable Speaker may be pleased to drop the matter and for which act of kindness, I shall remain ever grateful.

Rangbad Badonburom,

Nga sngewsih ba kane ka khubor (jing ylli) bagha is pynmih ha ka 12-6-71 kum ka news-item ha ka jaka ba ka dei ban long ka letter to the Editor ka la pynsngewsih pynban ia ph.

Ngam shym pot pyrkhat ei ei ha kane ka khubor (news item) kan pynjahhurom ia phi bad ba kan ktah ia ka burom jong ka House of the People.

Nga kyrpad namark to be phin ym bat daw ei ei ia nga namar kane. Kyrmen ba ka burom jong phi kaba ju long kylluid bad iar kan iai long kumta barabor.

## APPENDIX VII

(See para 28 of the Report)

*Copy of the letter dated the 21st March, 1973, received from  
Shri U. LL. D. Basan*

I have the honour to state that I have received your letters and telegram but due to my illness I could not have a chance to reply soon.

In my opinion, Sir, I did not see any need to repeat what I had stated and mentioned in my former letters and besides that nothing came from the Hon'ble Privilege Committee as requested by me in my letter dated the 8th September, 1971 which was more than 14 and a half months when I have received again your first letter of 1973 referred to above dated the 27th January, 1973, for any advice.

It seemed, Sir, that we human beings are always to "ERR" but we forget that "FORGIVE" is Divine: but any way—"MAN NOT WARS WITH THE DEATH"

Further, Sir, may I request you to kindly refer to my letter dated the 4th December, 1971, in reply to your letter dated the 25th November, 1971,

As a matter of courtesy, Sir, I beg to inform you that I have tried my best to get a Press for printing all relevant papers (i.e. Letters, Motion, Statements and all correspondences) in connection with this case but not only a mere apology as required by the Hon'ble Privilege Committee and as soon as completed I shall send a copy to the Hon'ble Speaker, Hon'ble Deputy Speaker, Hon'ble Mover, to you and to both Houses of Parliament (Lok Sabha and Rajya Sabha) if necessary.