

# COMMITTEE OF PRIVILEGES

## NINTH REPORT

(THIRD LOK SABHA)

(Presented on the 22nd August, 1966)



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**LOK SABHA SECRETARIAT  
NEW DELHI**

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES  
(1966-67)

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri Frank Anthony
3. Shri N. C. Chatterjee
4. Sardar Kapur Singh
5. Shri L. D. Kotoki
6. Shri H. N. Mukerjee
7. Shri V. C. Parashar
8. Shri Purushottamdas R. Patel
9. Shri C. R. Fatabhi Raman
10. Shri Jaganath Rao
11. Shri Yuveraj Dutta Singh
12. Shrimati Ramgulari Sinha\*
13. Shri Satya Narayan Sinha
14. Shri Sinhasan Singh
15. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

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\*Nominated on the 3rd August, 1966.

# NINTH REPORT OF THE COMMITTEE OF PRIVILEGES

(THIRD LOK SABHA)

## I. Introduction and Procedure

1. The Chairman of the Committee of Privileges, having been authorised to submit the report on their behalf, present this report to the House on the question of privilege against the *Manorama* (a Malayalam language newspaper) in respect of an editorial article<sup>1</sup> published in its issue dated the 19th April, 1966, given notice<sup>2</sup> of by Shri N. Sreekantan Nair, M.P. and referred<sup>3</sup> to the Committee by the Speaker on the 18th. May, 1966.

2. The Committee held two sittings.

3. At the first sitting held on the 9th August, 1966, the Committee considered the matter and arrived at their conclusions.

4. At the second sitting held on the 16th August, 1966, the Committee considered their draft report and adopted it.

## II. Findings of the Committee

5. Shri N. Sreekantan Nair, in his notice of question of privilege (Appendix II), had quoted certain passages from the impugned editorial article as being "objectionable". He had also complained about the contents of a letter<sup>4</sup>, dated the 2nd May, 1966, received by him from the Managing Editor of the *Manorama*, in reply to his letter in which he had asked the Editor to publish a detailed statement prominently "in order to remove the misunderstanding created among the public by his editorial".

6. The Committee have carefully gone through the translation of the impugned editorial article furnished by Shri N. Sreekantan Nair, his statement as set forth in his notice of question of privilege to the Speaker and the letter of the Editor of the *Manorama* to Shri N. Sreekantan Nair.

7. The Committee are of the opinion that no breach of privilege is involved in the matter.

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<sup>1</sup> A translation in English, furnished by Shri N. Sreekantan Nair, M.P., is reproduced at Appendix I

<sup>2</sup> See Appendix II.

<sup>3</sup> L.S. Deb. dated 18-5-1966.

<sup>4</sup> A translation in English of the letter (original in Malayalam) is given in Appendix III.

**III. Recommendation of the Committee**

8. The Committee recommend that no further action be taken by the House in the matter.

**NEW DELHI;**  
*The 16th August, 1966.*

**S. V. KRISHNAMOORTHY RAO,**  
*Chairman,*  
*Committee of Privileges.*

# MINUTES

## I

### First Sitting

*New Delhi, Tuesday, the 9th August, 1966.*

The Committee met from 16-00 to 16-25 hours.

#### PRESENT

#### CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

#### MEMBERS

2. Shri N. C. Chatterjee
3. Shri L. D. Kotoki
4. Shri V. C. Parashar
5. Shri Purushottamdas R. Patel
6. Shri C. R. Pattabhi Raman.
7. Shri Sumat Prasad.

#### SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered the question of privilege against the *Manorama* (a Malayalam language newspaper) in respect of an editorial article published in its issue, dated the 19th April, 1966, given notice of by Shri N. Sreekantan Nair, M.P.

3. The Committee were of the opinion that no breach of privilege was involved in the matter as the contents of the impugned editorial article were within the limits of fair comment. The Committee, therefore, decided to recommend that no further action be taken by the House in the matter.

4. The Committee decided to meet again on Tuesday, the 16th August, 1966, at 16-00 hours to consider their draft Report.

*The Committee then adjourned.*

## II

**Second Sitting**

*New Delhi, Tuesday, the 16th August, 1966.*

The Committee met from 16-00 to 16-50 hours.

**PRESENT****CHAIRMAN**

Shri S. V. Krishnamoorthy Rao.

**MEMBERS**

2. Shri N. C. Chatterjee
3. Shri L. D. Kotoki
4. Shri H. N. Mukerjee
5. Shri V. C. Parashar
6. Shri Purushottamdas R. Patel
7. Shri C. R. Pattabhi Raman
8. Shri Yuveraj Dutta Singh
9. Shrimati Ramdulari Sinha
10. Shri Sinhasan Singh
11. Shri Sumat Prasad

**SECRETARIAT**

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered their draft Ninth Report and adopted it.

3. The Committee authorised the Chairman and in his absence, Shri V. C. Parashar, to present the Report to the House on the 22nd August, 1966.

*The Committee then adjourned.*

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## APPENDICES

### APPENDIX I

(See para 1 of Report)

*Editorial article published in the Manorama, dated the 19th April, 1966*

#### TRANSLATION (Original in Malayalam)

It is a matter of great regret that in the set up and in the administrative scheme of the Kerala University, some unfortunate procedures are being created. If, in the conduct of an exalted and ideal institution like the University, steps *which appear to be childish* are adopted, it would sully not only the reputation of the University, but also the good name of the State. These procedures are such as to make competent persons hesitate to take up the Vice-Chancellorship of the University.

The Amendment moved by the opposition, to the effect that the three-year term of the present Vice-Chancellor, Prof. Samuel Mathai be reduced to one year, was accepted by the Education Minister, Shri Chagla and by the Ruling Party. The acceptance of the Amendment has to be viewed as an extraordinary experience from the side of the Government. We cannot congratulate the Government and the ruling party on this issue, as if it were the adoption of a properly ripe and just attitude.

It was in an extraordinary situation that the Amendment Act of 1966 had to be passed. The existing course of action in the University is to appoint a three-man Committee, to nominate the new Vice-Chancellor, before the expiry of the term of office of the Vice-Chancellor. On that basis, the three-man Committee could not agree to submit an agreed name to the Governor, who is the Chancellor, nor could they submit a panel of three names from which the Governor could select one. It was when the urgent need to appoint another person in place of Prof. Mathai, whose term had come to a close, arose that the Governor, Shri Jain, used his Emergency Powers and took steps to extend the period of service of Shri Mathai.

This appointment was confirmed only after the University Amendment Act, 1966 was passed. *It can only be said to be unfortunate that the self-same Parliament, which passed the enactment, should accept an amendment, tabled by the opposition, which would bring discredit to a respectable person, who has been appointed to an exalted position.*

After passing an enactment and making an appointment on that basis, if Parliament wants, on reasonable grounds, to amend it, we can understand such a correction to affect future appointments being



made. But that is not what has happened here. To cancel an appointment made on the basis of an enactment is a step of doing injustice to the respectable person who accepted that post. *The doubt arises as to whether it is in keeping with the high responsibilities of the Parliament to create highly objectionable precedents of this nature.* What has been achieved by the **Amendment** is to establish that no one can believe in the Government and accept a post of responsibility.

Mr. Sreekantan Nair, who moved the Amendment in Parliament stated, that the Kerala University has become the seat of nepotism and corruption. This is a very serious allegation. If Shri Samuel Mathai has any responsibility for this degeneration, it is wrong to continue him for one year, even for one month. It has not been heard that the good name which Shri Mathai has earned as Professor and as Secretary of the University Grants Commission, has been lost during the three years of his office as Vice-Chancellor. That his term was extended for three years more, should be considered the evidence of the trust, the Government had in him. If, three months after the new appointment, the restraining hand should be applied to the term of his office, the reasons that justify that action, must be proved.

Anyhow, Government and Parliament have adopted this unusual course of action on the basis of unspecified reasons. Parliament has the right and the power to amend any law. It is also the duty of the Parliament to see that, while doing so, individuals do not suffer injustice. The question is not whether Shri Samuel Mathai, should or should not continue as Vice-Chancellor. *What disturbs us is that it did not come to the notice of the Parliament, that such actions create much anxiety among the people.*

Sd/- N. SREEKANTAN NAIR.

(True Copy)

NOTES:—

1. The underlining has been done by me.
2. These underlined passages are some of the most objectionable portions of this editorial article which was written with the deliberate purpose of belittling the Parliament in the eyes of the people.

## APPENDIX II

(See para 1 of Report)

N. SREEKANTAN NAIR,  
Member of Parliament,  
(Lok Sabha)

17, Windsor Place,  
New Delhi,  
7th May, 1966

To,

The Hon. Speaker,  
Lok Sabha.

SUBJECT.—*Contempt of Parliament committed by the Editor, Malayala Manorama; re. Statutory Resolution on the Kerala University (Amendment) Act, 1966.*

DEAR SIR,

May I bring to your notice the objectionable passage in the editorial article published in the *Malayala Manorama*, dated 19th April, 1966, as translated by me.

1. At lines 9 and 10 of this leading article the Editor refers to the action taken by the Lok Sabha as "steps which appear to be childish".

2. At the bottom of para 3 the editorial runs as follows:

"This appointment was confirmed only after the University Amendment Act, 1966 was passed. It can only be said to be unfortunate that the self-same parliament which passed the enactment should accept an amendment tabled by the opposition, which would bring discredit to a respectable person, who has been appointed to an exalted position."

3. Para 4-12th line from bottom :

"The doubt arises as to whether it is in keeping with the high responsibilities of the parliament to create highly objectionable precedents of this nature."

4. On 24th April, 1966 I sent to the Editor a detailed statement asking him to display it prominently in order to remove the misunderstanding created among the public by his editorial. For this he replied to me on 2nd May, 1966. I am giving below a translation of a certain portion of his reply:

"We do realise that it is our journalistic duty to publish a statement questioning any of our statements or inferences made by a person, who, as member of Parliament from Kerala, as a member of the Senate of Kerala and in several other respects, is eminent in the public life of Kerala. In asking for its publication you need not have threatened to drag us before the Privileges Committee."

5. The above extract shows that what little personal weight I had, had been lost because I dragged in the Privileges Committee of Parliament. As Newspaper magnates who have amassed immense wealth, they consider the Privileges Committee and the Parliament of India as only their subordinates.

The Printer and publisher of the Newspaper is one Mammen Verghese. One K. M. Cherian, M.A. is its Chief Editor and one K. M. Mathew, B.A. is its managing editor.

May I request you, as the custodian of the honour, the dignity and the prestige of the Parliament of India, to give me a chance to raise this issue on the floor of the House.

Thanking you,

Yours faithfully,

Sd/- N. SREEKANTAN NAIR.

## APPENDIX III

(See para 5 of Report)

*English Translation of the letter (In Malayalam), dated the 2nd May, 1966, from the Managing Editor of Malayala Manorama, to Shri N. Sreekantan Nair, M.P.*

Sir,

Received your letter dated the 24th April, 1966.

In respect of the Editorial written in our paper Malayala Manorama dated 19th April, 1966, on the election of Vice-Chancellor of the Kerala University, you had written to me a letter raising certain objections Nos. 1 to 15. It would not be possible for us to examine whether all these were correct.

What we considered important in your letter is that *in the first para of your letter you had stated that if we did not publish your letter at a prominent place in the front page of our paper you will take steps to report about us to the Privileges Committee of Parliament.* In case your intention is to give publicity to the procedure adopted for the election of Vice-Chancellor and to your statement thereon the same could be done subject to the availability of space in our paper. In view of the fact that you are a member of Parliament, you are a member of the Senate, and you are prominent figure in the public life of Kerala, we know that it is our duty to give due publicity in our paper to any statement questioning about any statement that we may make in our paper. *For this you need not have threatened us to report to the Privileges Committee. In the first paragraph of your letter you have stated that we have condemned the Parliament and in the last paragraph you have stated that we would be put into trouble for condemning the Parliament.* We believe in Parliamentary Democracy and we are staunch supporters to maintain the dignity and respect of Parliament. We made this clear on the several occasions in the past in our editorials. In this context even in our wildest dreams we did not think of condemning the Parliament. Even if unknowingly we had written anything which could be interpreted as contempt of Parliament we did not know how our responsibility to that action could be absolved by publication of your letter in our paper. *In view of the fact that any other member of Parliament can similarly threaten us, no purpose would be served for merely trying to appease your anger.* However, as you say that we have condemned the Parliament it would have been helpful to us if you had pointed out to us, which portion of our editorial had amounted to contempt.

Thanking you for your letter.