

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA

Monday, 5th September, 1955

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]  
QUESTIONS AND ANSWERS  
(See Part I)

11-46 A.M.

STATEMENT RE PUBLICATION OF  
BANK AWARD COMMISSION RE-  
PORT BEFORE PRESENTATION  
TO PARLIAMENT

The Minister of Labour (Shri Khan-dubhai Desai): Sir, you remember the unfortunate publication in an Indian newspaper of extracts from the Bank Award Commission Report in advance of the placing of the report on the Table of the House. I have made enquiries to find out how this leakage occurred and I regret to say that I have been unable to locate the source from which the report or extracts from it reached the representatives of the newspaper in question. A report of this nature had to be printed and it was necessary to send it to a large number of persons who were concerned with it. We are arranging for stricter measures to be taken to safeguard from leakage all such documents. In the meanwhile, I wish to express to you my regrets that this leakage should have occurred.

Shri Kamath (Hoshangabad) rose—

Mr. Speaker: Order, order. The House has heard the statement made by the hon. Minister, but I think it is equally the duty of the Press to help observance of parliamentary conventions; it is a wrong practice to obtain

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information in that manner and give publicity to it before a particular matter is placed before the Parliament. I trust and hope that the Press will follow this kind of convention and help the House in that direction.

Shri Kamath: In view of the unsatisfactory statement made by the hon. Minister and in view of the fact that this is a matter concerning the privileges of Members of Parliament, may I request you to appoint a committee for investigation into the matter and finding out how the leakage occurred? I would earnestly request you, as the custodian of the rights and privileges of the House, to do so, because Government enquiries are often slipshod.

Mr. Speaker: The hon. Member need not interrupt like this and carry on a commentary. As regards the question of breach of privilege, we are not quite so sure as to whether it is a breach of privilege. If I was quite so sure of that cent per cent, the question could be straightway put before the Privileges Committee, instead of requesting the Minister to enquire and report. After all, parliamentary conventions have to grow; therefore we shall require the co-operation of all concerned, including the Press. As stated by the Minister, in his statement, when a particular document passes through a large number of hands, everyone knows that there is likely to be a leakage. The point is that it is not sufficient to know that there has been leakage. We must put our finger at the place where the leakage occurred, and it becomes difficult. I am not prepared to say that this statement is slipshod; it is truthful and states the position. It admits that something has happened which ought

[Mr. Speaker]

not to have happened. I do not propose to appoint a committee for this purpose. I do not agree with the hon. Member.

**Shri T. B. Vittal Rao (Khammam):** In view of the fact that only one paper has published this and it has not expressed regret in spite of what you said on that occasion, this matter should go to the Committee of Privileges.

**Mr. Speaker:** I anticipated this question and said that it was doubtful to my mind whether this was a question of privilege or not. It was undoubtedly improper for that paper to do so, but impropriety is one thing and breach of privilege is another thing.

**Shri T. B. Vittal Rao:** It may do so even now.

**Mr. Speaker:** It has not been called upon to do so. It may do it even now if it likes. As I said, it is not a breach of privilege; I am not clear.

**Shri Kamath:** It must do or is it, it may do so?

**Mr. Speaker:** The hon. Member will see that parliamentary democracy cannot develop by coercion and exercise of authority. It requires willing and understanding co-operation from all concerned. It is therefore better that we do not rub matters because the House is sovereign and it has got a certain authority. That is personally my view of the development of conventions. I do not propose to do anything in the matter. It is left to the particular paper to do whatever it likes. It may or it may not do.

#### CONVENTION RE QUORUM\*

**Mr. Speaker:** I shall now come to a point raised on Saturday by an hon. Member of this House as regards the necessity of there being quorum\* in the House between the hours of 1 and 2.30 notwithstanding the unanimous convention agreed to by this House. I think, though a technicality is an im-

portant one, our approach to technicalities has to be somewhat different. There are many technicalities. But, the substance of all rules and regulations and the Constitution is to facilitate the business of the House, to facilitate the conduct of the proceedings. There are technicalities and technicalities. Some may be of substance. Some may be of minor importance. Those of substance may be considered to be mandatory and others may be considered to be directory. Whatever that may be, the House agreed to this convention just because it found it impossible otherwise to put through the large volume of business coming to the House. It was found that the House must sit for a longer time, at least 6 hours every day. Looking to the climatic conditions and the various experiments of meeting from 11 o'clock, sometimes from 12, sometimes from 2, ultimately, the position is settled now, after experimenting for 3 or 4 years, during which time, unfortunately, the Member who raised the point was not in this House....

**Shri Kamath (Hoshangabad):** Unfortunately or fortunately?

**Mr. Speaker:** Unfortunately, I said. Because, I am sure, if he were to take an overall picture, he would have been a party to the convention and he would not have raised this point.

**Shri Kamath:** I am not so sure.

**Mr. Speaker:** Whatever that may be, he may take it as a compliment.

**Shri Kamath:** Thank you.

**Mr. Speaker:** So, it was necessary to find a way out. Therefore, the convention was made in the interests of the business of the House. If a particular provision of a rule or even the Constitution, for the matter of that, comes in the way of enabling the House to carry on the business, one has to reconsider\* it as to whether that provision should remain or should not remain. By the