

[Secretary]

162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Indian Income-tax (Amendment) Bill, 1959, which was passed by the Lok Sabha at its sitting held on the 24th February, 1959, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill "

- (ii) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation Bill, 1959, which was passed by the Lok Sabha at its sitting held on the 25th February, 1959, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill "

12 14 hrs

#### QUESTIONS OF PRIVILEGE

##### LEAKAGE OF MANIPUR BUDGET ESTIMATES

**Mr. Speaker:** Let me explain the position so far as this matter is concerned. I got a notice of a privilege motion from the hon. Member. I have not given my consent. I want to know first of all how a privilege arises so far as this matter is concerned and then, assuming it is a question of privilege, whether, under the circumstances, there is any breach of privilege. These are the two points.

**Shri L. Achaw Singh (Inner Manipur):** I beg to submit that I brought to your notice a question of the breach of privilege and I submit that it is a

very serious one. A local daily called *Smantana Patrika* published the detailed Budget figures for the Union Territory of Manipur under the Ministry of Home Affairs in its issue of 24-25th February, 1959. Generally, these figures cannot be given out in the Press before the Budget is actually presented to the House. The article had actually a heading like this: "Rs 350 crores Budget for Manipur passed for this year". The same paper gives details of a Press Conference where the Chief Commissioner of Manipur announced these details. Further, the paper says that the Budget estimates had been approved by the Manipur Advisory Committee which met recently.

It is a convention of parliamentary democracy that no Budget secrets should be published before the Budget is formally presented to Parliament. But the estimated budget figures given in the article are all taken out from Demand No 57 under the Ministry of Home Affairs. It may concern a small Union Territory. But it has serious effects on the people of the Union Territory. The Territory is directly governed by the Centre and by Parliament. According to democratic parliamentary convention, no individual, however high he may be placed, can give out any Budget secret to anyone not to speak of giving such a wide publicity in a daily paper in Manipur.

I submit, Sir, that the publication of these figures under the different heads of expenditure such as land revenue, excise, registration, forest, veterinary, co-operation, and Scheduled Castes and Scheduled Tribes is deliberate and intentional and is meant for lowering the dignity and prestige and the authority of this House.

I also submit that the Budget estimates were discussed in the meeting of the Manipur Advisory Committee which consists of the Chief Commissioner and Members of Parliament and the Committee under the Chairmanship of the Minister approved it. But

meetings of the committee are secret and confidential and no detail can be given out in the Press without the consent of the Central Government or the Home Ministry. It is unfortunate that these estimates are published under the very nose of the Home Ministry.

It has been held by May, the authority on Parliamentary procedure, that the publication of proceedings of committees conducted with closed doors or draft reports of committees before they have been reported to the House, will constitute a breach of privilege. So, I humbly submit that the act of the Chief Commissioner of Manipur is a clear case of a breach of parliamentary privilege.

The privileges of Parliament are rights which are absolutely necessary for the due execution of duties of its members. They are enjoyed by each House for the protection of its Members and vindication of its own authority and dignity. When any of its rights and immunities, both of the Members individually and of the assembly in its collective capacity, which are known by the general name of privileges are disregarded or attacked by any individual or authority, the offence is called a breach of privilege and is punishable under the law of Parliament.

**Mr. Speaker:** Does he say that this Committee is a Committee of the House—Standing Committee or Select Committee?

**Shri L. Achaw Singh:** No, Sir.

**Mr. Speaker:** It consists of two parts: whether any Budget provision ought to be disclosed to the public or elsewhere before the Budget is presented. That is one part....

**Some Hon. Members:** Yes.

**Mr. Speaker:** I do not want the nodding or assent of any hon. Member. Now, the second part is this. The hon. Member says that there is a committee appointed to look into this matter and that the proceedings of that committee are absolutely secret

and that disclosure by any person who was a member thereof is a breach of privilege of this House. As far as I am able to see, there is a breach of privilege of this House when a Committee is appointed by this House and it has to report to this House and when its proceedings or report is made public before a report is made to this House. I am asking from him whether he says that that committee is a committee of this House by any stretch of language or legal phraseology. He says it is not. Then, it is said that he has disclosed certain facts which ought to have been disclosed to this House in due course in the Budget and that the figures tally. What does the hon. Minister say?

**The Minister of Home Affairs (Shri G. B. Pant):** Sir, I am really perplexed that a notice of this type should have been raised before you. I am utterly at a loss to understand how a question of privilege can arise in a case of this type. The Chief Commissioner, I believe, has even now no idea of the Union Budget or even of its salient features. He never saw the Budget and he cannot possibly have disclosed the Budget. So, the question of his disclosing the Union Budget is inconceivable (*Interruptions*). I am glad to see that many hon. Members are interested in this matter. I thought it concerned only Manipur and only the hon. Member from Manipur was interested. I am happy to find that the question is receiving the attention of the hon. Members and I can count upon their sympathy for the progress of Manipur.

Sir, so far as this particular matter is concerned, the Central territories have not got any legislatures of their own, and the entire executive authority is vested in the President. So an advisory committee has been appointed for each one of the Central territory. Matters of policy and matters relating to legislation and others concerning these territories are placed before these consultative committees which consist mostly of Members of Parliament and representatives of the Territorial Council, or the Corporation

[Shri G. B Pant]

in the case of Delhi, and the Administrator, so that they may be able to consider matters of common interest among themselves It is in the interest of this House and also of the people of the territories concerned that such an arrangement should be made and that it should be given an opportunity for discussing matters which affect only the small areas The Parliament cannot have sufficient time to deal with them, and the people there must have opportunity of expressing their views

So whenever there is any question they are consulted They are also consulted with regard to financial matters Therefore when the proposals are mature in the Home Ministry after consulting the various ministries concerned the Administration, their Territorial Councils, the Corporation and the Finance Ministry, these proposals are placed before these committees for their comments and advice If there is anything that calls for further reference to the Finance Ministry, then such a reference is made

In fact the Budget is never placed before them but what the Home Ministry considers to be reasonable proposals after taking due care to ascertain the wishes of other Ministries, because many Ministries are concerned, are then placed before this committee and they are considered by this committee The committee then expresses its views The proposals then receive either the approval or the disapproval or something like that or something in between, of the committee and its members

There is no question of the Budget being adopted by the committee The Budget is framed by the Finance Ministry and it is presented here by the Finance Minister So, even in this case too, even apart from other things the figures do not suite coincide I may just mention that according to the figures of revenue, for example, for 1958-59 as contained in our Home Ministry's proposals, the amount came

to Rs 43.88 lakhs, but according to the Budget as it has been presented the figure is Rs 26.66 lakhs—a difference of about Rs 17 lakhs, instead of Rs 43.88 lakhs, it is Rs 26.66 lakhs which is the revised figure Similarly, about the estimates for 1959-60, the figures that were placed before the committee were Rs 52.22 lakhs but the corresponding figure in the Budget is Rs 29.58 lakhs Similarly in other matters The Home Ministry's figures, for example, as published in Samant Patrika is Rs 59.4 lakhs but that published in the Budget are Rs 54.74 lakhs There are, similarly other variations too

But I am not very particular about that What I am submitting is that no one has revealed the Budget figures But before any figures have been placed in the Budget there is a lot of discussion among the Ministry between the Finance Ministry between the Administration and so on They are the subject of scrutiny and examination for a long time We feel that whenever any changes are called for in the Budget they ought to be communicated to the Finance Ministry, but it is their right to accept them or not accept them we cannot force them

So, I had thought that Shri Achaw Singh would have really welcomed and in every way accepted and even hailed the procedure that we have adopted The Chief Commissioner cannot possibly imagine that he can commit a breach of privilege of this House or do anything that would affect the dignity of this House, whether of individual Members or collective There is absolutely no question of privilege involved in this If anything these proposals were those of the Home Ministry They were discussed there and they had to be discussed there (Interruption)

Shri Braj Raj Singh (Ferozabad):  
The Chief Commissioner there held a Press conference (Interruption).

Mr. Speaker: Order, order I am not going to allow a general discussion

Shri Jagdish Awasthi (Bilhaur): We want to know about the Press conference held by the Chief Commissioner at Manipur

Mr. Speaker: Order, order It is not denied There was a Press conference I do not find there is any case of privilege in this matter (Interruption) Order, order Up to a particular point, hon Members can go on making submissions When I began to give my ruling merely because of these interruptions, am I going to change what I have already thought about it? It is not right (Interruption) Order, order We are not children sitting here

Shri Tangamani I want to make one submission

Mr Speaker No I cannot allow any further submission I have heard the hon Member who tabled the motion I have heard the objections from this side

Shri Tangamani Is that your ruling, Sir?

Mr Speaker Yes, that is my ruling I have not yet given my consent If I do give my consent, then I will bring it up before the House It is now at the preliminary stage, where it is for me to make up my mind as to whether there is a case of breach of privilege here or not I do not see that there is any case of privilege involved If I say there is a case of privilege I will allow all sections of the House to express their views (Interruption) Order, order This is what I propose to do, and I have done it I am not satisfied that there is any case of privilege here

Two things have been raised One is that there is a breach of privilege because these are Budget figures As soon as the hon Member gave me notice of this motion, I asked him to give a tabular statement showing the

Budget figures and also those figures that have been made public by the Chief Commissioner in his Press conference He gave me the statement. The hon. Minister has already referred to those figures There have been substantial differences So far as the Home Ministry is concerned, Rs 59 lakhs were sought to be asked for by the Commissioner or that Council, but Rs 54 lakhs alone were given As a matter of fact, so far as public health is concerned, Rs 9,000 was asked for and Rs 10 lakhs have been provided The respective figures for education are Rs 30 lakhs and Rs 31 lakhs Thus there have been very little differences After all, it is open to the Council to give its demands The Council's opinion is invited The Commissioner and the various departments first of all make up their mind as to what amount ought to be asked for It is for the Home Ministry in this particular case, and finally the Finance Ministry to decide taking all these matters into consideration, as to what amount ought to be provided The proposals discussed in the committee do not themselves constitute the Budget

Now I would only advise for future consideration by the Commissioner, that he need not hold a Press conference a few days before the presentation of the Budget (Interruption)

Shri Braj Raj Singh He is in close contact with the Home Minister and the Prime Minister

Mr Speaker: Order order If it had been held some 15 or 20 days before, I can understand that because in that case, the Home Minister may take all those things into consideration But, if only four days in advance of the Budget presentation, he does it, he wants to take the wind out of the sails of the hon Finance Minister here, and if he presents his own Budget there, it seems to me that the gentleman there, the Commissioner, wanted to arrogate to himself the position of the Finance Minister.

[Mr. Speaker]

Except for this matter of indiscretion, I do not think there is any question of privilege here. It is open to him and to other members of the Committee also to express their views. If Shri Achaw Singh was a member of the Council and if he himself had held a Press Conference, there would not have been a breach of privilege. He, in that case, only makes a suggestion, and it is for the Home Minister to accept it. Even if the Home Minister accepts it, it is for the Finance Minister, finally, to accept it or reject it. Therefore, any proposal that comes from any department by itself is not a part of the Budget, and at any particular stage during the course of negotiations however carelessly any person might have given out some information to the Press, it is not a breach of privilege of this House.

The other question that he raised was that the proceedings of the committee were secret. If it is intended to be secret, it is right that it is kept so. But any absence of secrecy, is not a breach of privilege of this House. The consultative committee is not a committee of this House. I was told the other day by Shri Achaw Singh that he was asked to keep quiet and not to disclose it to the public. But the Commissioner himself did so. The Commissioner, I am sure, hereafter will not do such things. If he wants to impose a vow of secrecy on the members, he must also observe that secrecy, but if he does not do so, let him allow all the members also to be free.

I am sorry I am not able to agree with the hon. Member that there is any question of privilege involved. I have nothing more to say except to add that on such questions a wise practice may be adopted in future by the Commissioner.

12:21 hrs.

**ALLEGED BREACH OF PRIVILEGE RE:  
GENERAL BUDGET**

**Mr. Speaker: Shri S. M. Banerjee.**

**Shri S. M. Banerjee (Kanpur):** I have received a photostat copy of a letter and I have already sent to you a copy of that letter. That letter is from S. Salig Ram & Co., Proprietors: Raj Sahib Rooria Ram & Surinder Kumar; Distributors: The Imperial Tobacco Company of India, Ltd. The Area Distribution: The Ardath Tobacco Co., London. They are also stockists for the products of Tata Oil Mill Co., Ltd., and are also army and air force contractors. Their letter has been issued from Delhi, 14/70, Kutab Road, and is dated 21st February, 1959. The letter says:

"Messrs Salig Ram & Company,  
Bangalore.

Dear Sirs,

I have come to know that there are chances of enhancement of excise duty on Players and Gold Flakes. As such, please make arrangements to keep stocks for 2/3 months."

The letter was actually written from Delhi on 20th February, 1959 when the budget had not been presented, and it was issued on 21st February, 1959, when the budget was placed before the House only on 28th February, 1959. I know the firm has cleverly used the word "chances", but he has also said, "I have come to know"—know from whom? Surely not from any astrologer. So, my submission is that not only this thing has happened, but I have also received information from Bangalore that this particular company which used to buy articles worth Rs. 1,500, from various places, bought the entire material from one source, namely, Messrs Prem Agencies. Today, the cost of this cigarette, Gold Flake, especially, is 14 annas per