

കലിക്കുന്നുണ്ട്. അവടത്തെ പണികൾ നടത്തുന്നതിലേക്കായി ഒരു അസിസ്റ്റൻറ് എൻജിനീയർ, ഒരു ഡ്രൈവർ അസി: എൻജിനീയർ, മൂന്നു സൂപ്പർവൈസർമാർ, പത്തു വർക്ക്സ് സൂപ്രണ്ടുമാർ എന്നിവരെ സ്റ്റാഫിനെ നിയമിച്ചിട്ടുണ്ട്. അവരുടെ മേൽനോട്ടത്തിലാണ് ഈ പണി നടത്തിയത്. ഗവണ്മെന്റിനു നൽകിയിട്ടുള്ള പരാതികളുടെ അടിസ്ഥാനത്തിൽ സൂപ്രണ്ടിംഗ് എൻജിനീയർവന്നു അന്വേഷണം നടത്തിയിട്ടുണ്ട്. പക്ഷെ, സൂപ്രണ്ടിംഗ് എൻജിനീയർ വരുന്നതിന് മുമ്പായി, അവിടെ ഉണ്ടായിരുന്ന, ശരിയായ ചേരുവയില്ലാതെ കിടന്ന കുമ്മായം, സിമൻറ് മുതലായവ എടുത്തുമാറ്റുകയുണ്ടായി. കെട്ടിടത്തിന്റെ ആവശ്യത്തിനുള്ള ഇരുമ്പുകമ്പികളും സിമൻറും മറ്റും ശരിയായവിധത്തിൽ ഉപയോഗിച്ചിട്ടില്ല. അവ അപഹരിക്കപ്പെട്ടിട്ടുണ്ട്. ഈ കാര്യത്തിൽ ഗവണ്മെൻറ് കാര്യമായി ശ്രദ്ധിച്ചു ആവശ്യമായ നടപടികൾ സ്വീകരിക്കണമെന്നാണ് എനിക്ക് അഭ്യർത്ഥിക്കുവാനുള്ളത്.

വ്യവസായ വകുപ്പുമന്ത്രി (ശ്രീ. കെ. പി. ഗോപാലൻ): സർ, മാവേലിക്കര ഇൻഡസ്ട്രിയൽ എസ്റ്റേറ്റിലെ ചില എടുപ്പുകൾ വീണ്ടുപോയതിനെത്തുടർന്ന്, പബ്ളിക്കുവർക്ക്സ് ഡിപ്പാർട്ടുമെന്റിൽനിന്നും സൂപ്രണ്ടിംഗ് എൻജിനീയറെ അവിടെ അയച്ചു അന്വേഷിപ്പിച്ചു. അതു സംബന്ധിച്ച് അദ്ദേഹത്തിന്റെ റിപ്പോർട്ട് വരുത്തിയിട്ടുണ്ട്. അതിനും പുറമെ ഇൻഡസ്ട്രിയൽ ഡയറക്ടറുടെയും ആ സ്ഥലത്തേക്കു അയച്ചു ടുണ്ട്. അദ്ദേഹത്തിന്റെ റിപ്പോർട്ടിനുവേണ്ടി കാത്തിരിക്കുകയാണ്. ആ റിപ്പോർട്ട് കൂടി ലഭിച്ചുകഴിഞ്ഞാൽ ഗവണ്മെൻറ് ഈ കാര്യത്തെക്കുറിച്ച് വേണ്ട നടപടികൾ എടുക്കുന്നതായിരിക്കും.

### Papers laid on the Table

**Shri T. V. Thomas:** I lay on the table the amendments to the rules made by the former Travancore-Cochin Government under the Motor Vehicles Act, 1939 (Central Act IV of 1939).

### Ruling from the Chair

**Mr. Speaker:** I had promised to give my ruling to the House on a question that arose under the following circumstances:—

On 7-6-1957 the Hon. Finance Minister just before presenting the Budget made a statement which the hon. Members are well aware of, adverting to the leakage of the Budget and the steps that were taken to investigate into the matter, the results of the investigation up to that time and promising to keep the House informed of all informations regarding the same, as and when they are obtained in the course of the investigation. Of course, the statement is in your mind and I need not go into further details. Soon after the Finance Minister had finished his statement, invoking the provision of Rule 174 of the Rules of Procedure and Conduct of Business in the Assembly, Shri M. Marayana Kurup made an oral representation that since a *prima facie* case of breach of privilege has been made out the Speaker must refer the same to the Committee of Privileges. Here is the ruling:

The latest ruling on a matter almost similar to this is the one given by Shri Anantha Sayanam Ayyangar, Speaker, Lok Sabha in 1956. The circumstances that necessitated the ruling were as follows:—

On the 3rd March 1956, Shri A. K. Gopalan and Dr. Lanka Sundaram gave notices of adjournment motions on the leakage of the Budget and financial proposals in Bombay before they had been formally presented to the House on the 29th February 1956.

When the notices were read out in the House, the Prime Minister made a statement that the Government had already taken steps to investigate into the matter and that after the enquiry Government would place the results of their enquiry before the House in due course. Thereupon Shri A. K. Gopalan said that he was satisfied with the statement. Accordingly, the Speaker treated the notices as not pressed and did not give his consent to the motions.

On the 6th March 1956, Dr. Lanka Sundaram reverted to the subject again and pointed out that in as much as the Minister of Finance had given certain additional facts on the previous day to the Rajya Sabha without informing Lok Sabha concurrently or earlier of those facts, an impropriety on the part of the Government had been committed. During the short discussion that followed in which several other Members including the Minister of Finance took part, questions of privilege of the House were raised and a reference of the matter for investigation to the Privileges Committee of the House was suggested.

On the 9th and 12th March the Prime Minister stated the progress made in the matter of investigation. He said that it was discovered that the leakage had taken place in the Printing Press and that some persons were arrested and that some more may be proceeded against. Thereupon some of the Members of the House again referred to the question of privilege and suggested a reference to the Committee of Privileges for investigation into the matter.

The Speaker observed that he would examine the whole matter of procedure and the proceedings which had taken place till then and give his ruling in due course.

On the 19th March 1956, the Speaker gave the promised ruling as follows:—

"In the matter of determination of the privileges of the House, we are governed by the provisions of Article 105(3) of our Constitution which state that the powers, privileges and immunities of the House are such as were enjoyed by the House of Commons in the United Kingdom at the Commencement of our Constitution. The precedents of the United Kingdom should guide us in determining whether any breach of privilege was in fact committed in the present case. So far as I can gather, only two cases occurred in which the House



of commons took notice of the leakage of the budget proposals. They are known as the Thomas case and the Dalton case. In neither of these cases was the leakage treated as a breach of privilege of the House nor were the cases sent to the Committee of Privileges for enquiry. The prevailing view in the House of Commons is that until the financial proposals are placed before the House of Commons, they are an official secret. A reference of the present leakage to the Committee of Privileges does not therefore arise.

Though the leakage of budget proposals may not constitute a breach of privilege of the House, the Parliament has ample power to enquire into the conduct of a Minister in suitable proceedings in relation to the leakage and the circumstances in which the leakage occurred. In the two English cases aforesaid, matters were brought to the notice of the House of Commons by a motion for appointment of special committees or tribunal to enquire into the matter and report the facts thereon to the House.

In the Dalton case, Mr. Dalton who was the Chancellor of the Exchequer, admitted that he did not think of the consequences at the time of the disclosure and in the Thomas case, it was alleged that he disclosed the budget secrets, which he got to know as a Cabinet Minister. It is neither alleged nor even suggested in the case before us that the Finance Minister, was himself responsible for any unauthorised disclosure of the financial proposals. Regarding other persons the Government has already taken steps to investigate into the matter and it is stated that some persons have also been arrested and that prosecutions are being launched against them. In the circumstances it is not clear as to what special advantage would be gained by appointing a special committee which, to a large extent, will go over the same ground which had been previously covered during investigation by the Government."

The circumstances here make it still less a question of privilege. In order to take the House into confidence the Finance Minister has utilised the earliest opportunity to lay before the House all available facts stating also the steps taken by Government to investigate into the matter and bring the offenders to book. For a determination of the question as to whether there has been a breach of privilege necessitating a reference to the Committee of Privileges, precedents of the Mother of Parliaments, and that of our Lok Sabha which should guide us, do not allow me and present before me a case justifying an order by the Speaker to refer this matter to the Committee of Privileges. I fail to understand what special advantage is going to be gained if the matter is referred to a Committee, except that to a large extent the Committee will have to cover again the same ground which had already been gone into by the Government. Further, from the point of view of propriety also a parallel

enquiry to the one that is already being made by the Government will be out of order.

I am sure that the Finance Minister will keep the House informed of the further developments at the appropriate time.

In the circumstances that I have adverted to in detail and in the interests of the due enforcement of law, I hereby give this hon. House my considered ruling that the Committee of Privileges need not be seized of this matter, because it is quite unnecessary.

**Shri P. T. Chacko:** May I know Sir, whether you would propose any other step to be taken in this matter especially in view of the fact that the Finance Minister has not even cared to express in his statement, regret, or to clarify how the leakage took place? In view of this, may I know whether you would suggest any other step to be taken by this House like constituting a Committee to go into this matter and to ascertain whether the Minister for Finance was in any way responsible for the leakage?

**Mr Speaker:** I do not suggest any other means except what has been stated by the Finance Minister. In case hon. Members find that what has been stated by the Finance Minister is incorrect, they can bring in a motion to that effect and that can be discussed by the House.

**Shri E. P. Poulose:** Sir, may I point out that in all the cases referred to by the Speaker, the Finance Minister concerned expressed their willingness to resign their place immediately after the leakage?

**Mr Speaker:** That is not the case. In the Lok Sabha the Minister concerned did not express his willingness to resign and he did not resign.

### General Discussion of the Budget.

**മി. സ്പീക്കർ:** പ്രോഗ്രാം അനുസരിച്ച്, ബഡ്ജറ്റ് പൊതു ചർച്ചയ്ക്ക് മുന്നേറിയതും വളർത്തിയതും. കാലത്തു് ഓരോ മണിക്കൂർ ചോദ്യോത്തരത്തിനുള്ള സമയം കുറഞ്ഞാൽ മൊത്തം 12 മണിക്കൂർ മാത്രമേയുള്ളൂ. അടിയന്തരപ്രമേയം, മുതലായ മറ്റു പ്രശ്നങ്ങളെ പറ്റി സംസാരിക്കുന്നതും ഏകദേശം ഒരു മണിക്കൂറോളം വേണ്ടിവരുമെന്ന് പ്രതീക്ഷിക്കണം. പിന്നെ ശേഷിക്കുന്നത് പതിനൊന്നുമണിക്കൂർ സമയമാണ്. ധനകാര്യമന്ത്രിക്ക് മറുപടിപ്രസംഗത്തിന് അതിൽ ഒരു മണിക്കൂർ നീക്കിയാൽ ബാക്കി പത്തുമണിക്കൂർ സമയമാണ് എല്ലാ പാർട്ടികൾക്കുമായി വിതരിക്കാനുള്ളത്. ഓരോ പാർട്ടിക്കും എത്രസമയം വിതരണം കണമെന്ന് അതാത് പാർട്ടി ലീഡർമാരുമായ് ഇന്നത്തെ സെക്ഷൻ ശേഷം ആലോചിച്ച് തീരുമാനിക്കണമെന്നാണ് ഗ്രഹിക്കുന്നത്. ഇന്നത്തേക്ക് സംസാരിക്കാനുള്ളവരുടെ ഒരു ലിസ്റ്റ് കിട്ടിയുണ്ട്. അതനുസരിച്ച് 15 മിനിറ്റുവിതരണം ഓരോരുത്തർക്കും സംസാരക്കാൻ അനുവദിക്കണം. സമയം കൂടുതൽ ആവശ്യമുണ്ടെങ്കിൽ, പാർട്ടി ലീഡർമാർ ആവശ്യപ്പെട്ടാൽ മൊത്തം സമയത്തിൽനിന്ന് പിന്നീട് അനുവദിക്കുന്നതായിരിക്കും.