

RAJYA SABHA

(1958)

Point of privilege

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Production of certain 'documents in the custody of the Secretariat of the House before Election Tribunal, Calcutta.

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Facts of-the case and reference to the of Privileges.

In April, 1958, the Election Tribunal, Calcutta, addressed a letter to the Secretary, Rajya Sabha requesting him to produce before the Tribunal "by a competent person the file containing the correspondence with the Indo-German Trade Centre, Behala, Calcutta, regarding the installation of the automatic vote recording system in the Rajya Sabha during 1956-57."

2. The Chairman referred the matter to the Committee of Privileges for examination and report.

Findings and recommendations of the Committee

3. The Committee of Privileges, in their first Report, presented to the House on 1st May, 1958, reported. inter alia, as follows :-

(i) "... the general parliamentary practice is that any documents relating to the proceedings of the House or any Committee of the House or in the custody of the Officers of the House cannot be produced elsewhere by a member or officer of the House without the leave of the House being first obtained. The leave is generally granted by the House unless the matter involves any question of privilege".

(ii) "The Committee are therefore of the opinion that no member or officer of the pro House should give evidence in respect of any proceedings of the House or any Committee thereof or any document relating to or connected with any such; proceedings or in the custody of officers of the House or produce any such document, in a court of law without the leave of the House being first obtained ."

1. Shri Somnath Chatterjee a member of the Committee, submitted a separate Note which was appended to the Report of the Committee

(iii) "When the House is not in session, the Chairman may, in emergent cases in order to prevent delays in the administration of justice, permit a member or officer of the House to give evidence before a court of law in respect, of any of he above matters or allow the production of the relevant documents and he will inform the House accordingly of the fact when it assembles. If however the matter involves any question of privilege, especially the privilege of a witness or should the production of the documents appear to the Chairman to be a subject for the discretion of the House itself, he may decline to grant the required permission and refer the matter to the Committee of Privileges for examination and report."

(iv) "The Committee recommend that whenever any document relating to the proceedings of the House or any Committee thereof is required to be produced before a court of law, the court should request the House stating precisely the documents required, the purpose for which they are required

and the date by which they are required. It should also specifically be stated in each case whether only a certified copy of the document should be sent or an officer of the House should produce it before the court. Similarly when the oral evidence of an officer of the House is required the court should request the House stating precisely the matters on which and the purpose for which his evidence is required and the date on which he is required to appear before the court. . . .".

(v) "When a request is received during a session for the production before a court of law of documents relating to or connected with the proceedings of the House or a Committee or in the custody of officers of the House or for oral examination of any member or officer of the House in respect of any such proceedings or documents the case may be referred by the Chairman to the Committee of Privileges. On a report from the Committee a motion may be moved in the House by the Chairman or a member of the Committee to the effect that the House agrees with the report and further action should be taken in accordance with the decision of the House."

vi) "In regard to the case referred to above under consideration of the Committee, the Committee note that-

(a) the contract for installation of the Automatic Vote Recording Equipment in the Rajya Sabha Chamber was entered into between a firm, the Indo-German Trade Centre and the President of India represented by the Director General of Supplies and Disposals;

(b) the Indo-German Trade Centre are the agents of Messrs Telefonbau Und Normalzeit G.M.B.H. of Frankfurt, West Germany, who are the manufacturers of the equipment; and

(c) the tenders were invited and the contract was issued by the Director General, Supplies and Disposals."

(vii) "It appears to the Committee that the Rajya Sabha Secretariat had no hand in the matter of placement of the contract with the Indo-German Trade Centre. The Committee however note that the firm had some correspondence with the Rajya Sabha Secretariat. The Tribunal has requested for production of the file containing the correspondence with the Indo-German Trade Centre regarding the installation of the Vote Recording system in the Rajya Sabha during 1956-57. The file in question contains not only the correspondence which the firm had with the Rajya Sabha Secretariat but also other papers consisting of departmental correspondence and office notes. The Committee are of the view that the whole file need not be produced before the Tribunal. The Committee are of the opinion that it will not be proper for the Committee to decide whether any such correspondence which the firm had with the Rajya Sabha Secretariat is relevant or material for determining the issue before the Tribunal. That is a matter for the decision of the Tribunal. The Committee consider that there should be no objection to the production of such correspondence before the Tribunal."

(viii) "The Committee, therefore, recommend that the Secretary, Rajya Sabha may designate an officer of the Rajya Sabha Secretariat to produce before the Election Tribunal the correspondence between the Indo-German Trade Centre and the Rajya Sabha Secretariat regarding the installation of the automatic vote recording system in the Rajya Sabha during 1956-57."

Action taken by the House

4. On 2 May, 1958, the Report of the Committee was adopted by the House.