

16.14 hrs.

PARLIAMENT (PREVENTION OF DISQUALIFICATION) AMENDMENT BILL

(Amendment of section 3)

MR. DEPUTY-SPEAKER : The House will now take up the Parliament (Prevention of Disqualification) Amendment Bill by Shri N. Sreekantan Nair.

SHRI S. C. SAMANTA (Tamluk) : Sir, on a point of information. Last time when the non-official business was taken up on the 25th June, my Bill about the amendment of the Gift-tax Act was the second one, immediately after the Bill by Shri Jagannatharao Joshi. Now I find that it has been put as a third one. I would like to know how this has happened.

MR. DEPUTY-SPEAKER : This change has taken place because the other Bill was put in Category A.

SHRI N. SREEKANTAN NAIR (Quilon) : My Deputy Speaker, Sir, my Bill is to further amend the Parliament (Prevention of Disqualification) Act, 1959. The statement of objects and reasons has brought out the background of the Bill. For the benefit of those Members who have not read the statement of objects and reasons of my Bill I will read it again:

"The Parliament (Prevention of Disqualification) Act, 1959 listed in Part I of the Schedule, only such Public Sector Undertakings and Companies, as were then functioning and for which it was considered desirable to have Members of Parliament on their Boards of Directors. Since then, several Public Sector Companies both in the State and Central Sectors have been formed. The State Governments have nominated Members of Parliament who believed in the necessity, efficacy and efficiency of the Public Sector to the Boards of Directors of such companies in the State Sector. In most cases, such companies have belied the belief that Public Sector undertakings can run only at a loss,

But the Joint Committee of Parliament on Offices of Profit have taken the view in certain cases that membership on the Boards of Directors of Companies in the Public Sector, which are not specifically exempted in Part I of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959, should be considered as "office of profit."

As all representations to this Joint Committee of Parliament in the past have proved infructuous; this Bill has been prepared to allow such representatives of the people of this country as do believe in developing the Public Sector a prelude to ushering in a Socialist Society to function as members of the Board of Directors of Companies in the Public Sector in order to utilise this wide experience to run these enterprises at a profit."

Sir, this is a very simple Bill intended to amend Section 3 of Act 10 of 1959, by adding a new sub-section 'K' which takes out of the ambit of the 'Offices of Profit', membership of the Board of Directors of any Public Sector company, 'controlled and owned' by the Central and State Governments. I have deliberately narrowed down the scope of the Bill to the dual condition of control and ownership of the Government so that this Parliament in its collective wisdom, may expand the scope if they wish to do so.

That the intention of the Second Lok Sabha which placed this enactment in the Statute Book was to widen the scope of such a Bill is evident from the report of the first sitting of the Joint Committee of Parliament after Act 10 of 1959 came into force. I quote:

"that the Joint Committee on Offices of Profit (Second Lok Sabha), in their first Report made a very important recommendation, which reads as follows:

The Committee feel that in order to obviate the danger of Members of Parliament incurring disqualification, Government should issue instructions to all the public undertakings whether

fully or partially owned by them to provide in their rules that Members of Parliament serving on them shall not be entitled to any sum of money other than "compensatory allowance" as defined in section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. As regards Members of Parliament appointed to serve on non-statutory bodies, the Committee feel that the rules relating to non-statutory bodies framed by Government should also be similarly amended to provide that Members of Parliament shall not be entitled to any sum of money other than 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959."

It is evident from this recommendation of the Second Lok Sabha which was responsible for this piece of legislation envisaged that :

(1) M. Ps would have to be appointed to both statutory and non-statutory bodies in the Public Sector.

(2) The only limitation to be imposed should be that they shall not be entitled to any sum of money other than 'compensatory allowance', as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. But after quoting this declared policy of the Second Lok Sabha, the Joint Committee of the Fourth Lok Sabha took a decision diametrically opposed to this view and recorded as follows—I quote para 7-8, p. 35 of the First Report—and para 7 reads :

"The Committee noted that the non-official Directors of the Bharat Aluminium Company Ltd., were getting remuneration which was more than the 'compensatory allowance' as defined in clause 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959 and the Board of Directors also exercised executive and financial powers and wielded influence and patronage. As such, they were of the view that even

Directorship of the Company ought to disqualify."

I have no quarrel with this.

But para 8 says:

"The Committee also noted that the non-official Directors including the Chairman of the Rehabilitation Industries Corporation Ltd., were entitled to get remuneration which was less than the 'compensatory allowance' as defined in clause 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. But as the Directors exercised executive and financial powers and wielded influence and patronage, the Committee felt that even Directorship of the Corporation ought to disqualify."

This recommendation on the "Rehabilitation Industries Corporation is diametrically opposed to the general" spirit and the principles underlying the Parliament (Prevention of Disqualification) Act, 1959. It converts the Act into, not the Parliament (Prevention of Disqualification) Act, 1959, the Parliament (Imposition of Disqualification) Act.

The Joint Committee rejected the principles laid down by the Act 10 of 1959 and reverted back to the mechanical interpretation of the then Election Commissioner, Shri S. K. Sen, in the matter of the Vindhya Pradesh Legislative Members, which I quote :

"Some offices might be considered 'Offices of Profit' even though the actual payment of emoluments attached thereto, might have fallen into disuse."

The Joint Committee of the Fourth Lok Sabha discarded the principles underlying the Act 10 of 1959 and decided that the basic criterion for disqualification was "the exercise of executive and financial powers and wielding of influence and patronage". With this yardstick, the Joint Committee of the Fourth Lok Sabha

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has recommended disqualification for the Directorships of the following undertakings:

1. The Directors of the Bharat Aluminium Co. Ltd. (First Report, (p. 35, IV Lok Sabha)
2. The Directors of Hindustan Zinc Ltd. (Second Report, p. 9, IV Lok Sabha)
3. The Directors of Janpath Hotels Ltd. (Third Report. pp. 7-8, IV Lok Sabha)
4. The P & T Workshops Board. (Third Report pp. 12-13, IV Lok Sabha)
5. Boards of Trustees for the Ports, Paradip and Marmagao (Fourth Report, p. 24, IV Lok Sabha)

In this, there is another peculiarity. In Part I of the Schedule to the Act 10 of 1959, p. 5, the Trustees of the Port of Bombay, except the Chairman and the Chairman of Port Trust Board of Minor Ports, p. 7, are exempted from disqualification. In the original Act, the trustees of the Port of Bombay and of the minor ports have been exempted definitely and specifically. If a legislation is to be adopted, it is that principle which has got to come into the farming of the legislation. But, unfortunately, this Committee decided to go counter to the spirit of the original Act. But when it comes to the Ports of Paradip and Marmagao, even the membership of the Boards is recommended to be disqualified. So, this goes counter to the spirit of the original Act of the Parliament (Prevention of Disqualification) Act, 1959.

These are the other undertakings :

6. Membership of the Board of the Goa Shipyard Ltd. (Fourth Report, p. 24)

7. Membership of the Jury for Jawaharlal Nehru Award for International Understanding (Fourth Report. p. 24)

This is something which is so fundamental and basic. To say that a Member of Parliament is not fit to be in the Jury for Jawaharlal Nehru Award for International Understanding is an insult to the Parliament, an insult to the Members of Parliament.

8. Directorship of the Assam Small Industries Development Corporation (Fourth Report, p. 24)
9. Membership of the District and Divisional Selection Boards, Maharashtra (Fourth Report, p. 25)
10. Membership of the Planning Board for the Hill Areas of Assam (Fourth Report, p. 25)
11. Membership of the State Managing Committees for Ex-Servicemen, Andhra Pradesh (Fourth Report page 25)
12. Membership of the States Sales Emporia Committee at Calcutta & Howrah (5th report, page 1)
13. Membership of the Board of Review of Publications, West Bengal (5th Report, page 2).
14. Membership of the Panel of the Structural Fabricating Industry (5th Report page 2).
15. Membership of the States Loans and Grants Committee (5th Report, page 2).
16. Membership of the Madhya Pradesh Housing Board (5th Report, page 2).

When the MP Housing Board has been recommended to be disqualified, the original enactment allowed Members of Parliament to be on this Board and they were not disqualified.—Part I of the Schedule of Act 10 of 1959 List (1) Bombay Housing Board and the West Bengal Housing Board page 8 of Act 10 of 1959. So, in these Housing Boards Member of Parliament were allowed to be members. Sir, the Housing Boards of three States were allowed because they have been specifically mentioned and the other Housing Board which came into being could not have been specifically mentioned because they did not exist. The wonderful joint Committee on Offices of Profit declared that after all the Boards which come into existence should be disqualified.

17. Membership of the Delhi Thermal Project Control Board (5th Report, page 2).

Here also there is a peculiar feature. Delhi Electricity Power Control Board has been specifically exempted in Part I of Schedule to Act 10 of 1959 page 8. Rajasthan also has been disqualified. So, what is good for the Electricity is bad for the thermal unit ! So, while we allow electricity Board which produces hydel power but we will penalise the Board which produces power by coal. It is so irrational which does not convey any meaning.

18. Membership of the Central Board of Trustees, Employees' Provident Fund (5th Report, page 4.)

19. Membership of the Cochin Town Planning Trust (-do-)

20. Directorship of the Kerala State Coir Corporation. (5th Report, page 4)

Here is another basic and key example of the irrational approach of the Joint Committee. The reason given by the Committee is :

"The Committee feel that the payment of a sitting fee of Rs. 25/—in addition to TA and DA would be deemed to constitute 'profit'."

The Committee was first under this misconception that the sitting fee and DA

would be given to the Directors for the same day. That was the basis on which they declared this as an office of profit but it was later clarified to them both by the Members of Parliament and also the State Government.

On the basis of Memorandum No. 223 the question of the Kerala State Coir Corporation Ltd. was taken up again in the 28th sitting of the Joint Committee (8th Report, page 5), and was left open. Evidence was recorded from Shrimati Suseela Gopalan, Shri N. Sreekantan Nair and other M. Ps from Kerala and held up the final decision for collecting information from the Kerala Government....

SHRI JAGANATH RAO (Chatrapur) : There are 17 reports of the Standing Committee of Parliament. I do not know whether the hon. Member wants to go through all those 17 reports. What is the principle in reading them ?

SHRI N. SREEKANTAN NAIR : I am only giving annotations which have gone counter to the Act itself. I am only giving details of those committees and Boards of Directors which, I think, go counter to the very basic principle. I am only listing the others. These are important because some of the reasons which prompted the Joint Committee have been given in full and in detail.

The question was taken up at the 36th meeting. After discussing at considerable length, the committee noted that the director of the corporation were only paid a sitting fee of Rs. 25 for the day of the sitting of the corporation and that no d. a. was paid to them and as such the directors did not get more than compensatory allowance and so, they ought not, therefore, to be disqualified. The Committee, however, noted that the board of directors of the said corporation exercised both executive and financial Powers and wielded influential patronage and as such the committee considered that the board of directors of the corporation ought not to be exempted from disqualification. This is where the Fourth Lok Sabha and the committee fo

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Fourth Lok Sabha have laid down in clear unequivocal terms how and why they classified certain public sector undertakings as calling forth disqualification

In Schedule, Part I, of the Act 10 of 1959, the boards of industrial concerns in Mysore are exempted in *toto*. So, any public sector undertaking which existed then and which came into existence after the Act was put on the statute-book, so far as the Mysore State was concerned, was exempted. But the same benefit is denied to Kerala and other States simply because at the time the prevention of Disqualification Bill was on the anvil, we had not brought in such a clause. But you know the general concept of such an Act is that the principle laid down in the Act would be followed later on, and not as has been done by the Joint Committee that it will be countered at every stage and wherever it was not specifically laid down, it would be vetoed and it would be interpreted as bringing in disqualification.

Then we have

21. Directors of the Tungebhadra Steel Products Ltd
22. Members of the Market Committee, Tamil Nadu (5th report, p. 8)

I am citing all this just to mention the names of the States which are involved and the organisations involved. Then, we have

23. Members of the Maharashtra State Dental Council (6th report, page 11)
24. Membership of the arbitration board, Kerala (6th report, page 14)

Incidentally, I might mention that this involves only the handling of industrial disputes or trade disputes. Then, we have

25. Membership of the Andhra Pradesh Road Transport (7th report, page 3),
26. Directorship of the Rajasthan Financial Corporation (7th report, page 4).

27. Members of the State Law Commission, West Bengal (7th report, page 4).

This is the perspective and these are the objectives of the Pandit Thakur Das Bhargava Committee and the general lines laid down by its progeny, the Parliament (Prevention of Disqualification) Act, 1959 but these have been completely lost sight of by the Joint committee which came after it. This becomes a major catastrophe during the revolutionary epoch when the vast majority of the people of India have accepted the socialistic orientation offered by Shrimati Indira Gandhi and voted her back to power with a steam-roller majority to amend the Constitution for adopting a socialist programme. Incidentally, I may add that the composition of the Fifth Lok Sabha has been radically altered, from the reactionary preponderance in Fourth Lok Sabha we have now come to a more progressive House.

SHRI R D BHANDARI (Bombay Central) Let there be no reflections

SHRI N SREEKANTAN NAIR There was a preponderance of reactionary thought in the Fourth Lok Sabha. It is not my reflection but it is a result of the elections. I am adding that none of the Members of the committee, except perhaps Shri Atal Bihari Vajpayee has been returned.

SHRI G VISWANATHAN (Wandiwash) All of them defeated?

SHRI N SREEKANTAN NAIR They have all gone down the drain because of the avalanche of the popular will against reaction.

Socialisation of the major means of production and distribution is the first step towards socialism. That is why I say that in a public sector undertaking Members of Parliament who believe in the efficacy of the public sector must come in. It is because nationalisation of the means of production and distribution is a very basic concept which can take us to a socialist order of society. If we want a socialist order of society, then we got to implement this.

It is not only a question of a few public sector undertakings we now have. If we want to bring about a real socialist transformation, we have to take over the entire gamut of the major undertakings in the country. Then how will you manage them? Are you going to run them in the way the public sector undertakings are being run now, losing every year Rs. 30 crores, Rs. 40 crores and Rs. 50 crores? If that comes to pass, where will our country be? In that case, we will not be able to put into practice the slogan of *garibi hatao*. We will not be able to usher in socialism. Of course, we will be able to bring about socialisation of poverty. But is that our objective? If you want to socialise poverty, well and good, go ahead. Put all the undertakings in the hands of bureaucrats, they will enjoy very comfortably and give all their friends and relatives cushy jobs and after three years walk away to their permanent posts. Nobody cares for the public sector undertakings today. That is why they are losing a lot now.

You may ask, what is the benefit of having MPs in the boards of directors. I do not say every MP will be appointed. My reference is only to such members who are found to be, expected to be, above board, honest, competent, who understand the operation of these industries.

SHRI S. M. BANERJEE (Kanpur) : On a point of order. Why does he say those members who are honest? We are all honest. Let him not cast aspersions on members by saying 'those who are above board, honest' and so on.

SHRI N. SREEKANTAN NAIR : I have not named any particular member. We are all human. There are some black sheep in every fold. Why does he pick holes like this? What I say is a fact... My reference was to those people who have been recognised to be honest and efficient. He may be honest. I may be honest. But I may not be recognised.

SHRI S. M. BANERJEE : Let there be registration and recognition of the honest.

SHRI N. SREEKANTAN NAIR : That requires a thick skin. I do not want to be registered.

My suggestion may be misunderstood and it may be asked how a member put into such a committee can bring about such wonderful changes. I can say from personal experience when a Member is on a committee, the Chairman or Secretary or the board does not go counter to logical and fair suggestions made by the Member, if that Member is worth the name.

I wish to make it plain that MPs need not be there as Chairman or Secretary. They need only be members. With their experience, stature and standing, they can coordinate the various activities and make the organisation function properly. Only if these who believe in a socialist order of society go all out to see that these public sector undertakings work in the proper way, only if they work with devotion and sincerity, only such people can salvage our public sector units and take them out of the morass in which they are now enmeshed.

The question of patronage and influence might be raised. This is a past conception. We know that during the last parliamentary elections, people in authority were swept away like dry leaves. The dominant position of the Congress suffered in several States. The Congress itself split up. It has now been established that men or persons in authority do not command the confidence or get the support of the common people unless they get into contact with them. Their respected position in the past is of no account in this matter. Therefore, the conception of power and patronage has ceased to play any part whatsoever in these matters.

Therefore, in the name of *garibi hatao*—I do not know your Hindi, I have only heard this slogan in the name of socialist trends to be adopted in future, in the name of the efficient working of the public sector undertakings, I appeal to the Government and this House to accept this Bill and place it on the statute book.

Sir, I beg to move :

"That the Bill further to amend the Parliament (Prevention of Disqualification) Act, 1959, be taken into consideration."

MR DEPUTY-SPEAKER : Motion moved

"That the Bill further to amend the Parliament (Prevention of Disqualification) Act, 1959 be taken into consideration "

SHRI DASARATHA DEB (Tripura East) I do not support the Bill as such. This Bill seeks to remove the disqualification of Members of Parliament to become members of Boards of Directors in public undertakings. The Statement of Objects and Reasons says

"The State Governments have nominated Members of Parliament who believed in the necessity efficacy and efficiency of the Public Sector to the Boards of Directors of such companies in the State Sector "

The Mover of the Bill says that some State Governments have already nominated Members of Parliament in such Boards and he wants that this should be regularised by enacting legislation in this House. We cannot support this.

I am prepared to allow a Member of Parliament to function as a member of a Board of Directors if he does not take any salary or any compensatory allowances and works as an honorary member of that Board.

SHRI N. SREEKANTAN NAIR: The remuneration must be less than the compensatory allowance. That is there.

SHRI DASARATHA DEB: He should not get anything. He is getting his salary and everything as a Member of Parliament. Why should he get both from here and there?

Secondly, it is stated in the Statement of Objects and Reasons.

'As all representations to this Joint Committee of Parliament in the past have proved infructuous, this Bill has been prepared to allow such representatives of the people of this country as do believe in developing the Public Sector a prelude

to ushering in a Socialist Society to function as members of the Boards of Directors of Companies in the Public Sector in order to utilise this wide experience to run these enterprises, at a profit "

Without casting any aspersion on Members of Parliament, I should say that by merely becoming a member of Parliament a person cannot be considered very efficient in running these public undertakings. It was argued that if a Member of Parliament was associated in the Board of Directors, he could help to build up the socialist economy in the public sector. But I have got doubts because each and every Member of Parliament is not supposed to subscribe to the socialist ideology or work for fostering and building up a socialist economy in the country. Some are actually opposed to a socialist economy. So, one should not say that by merely becoming a Member of Parliament and being associated in a Board of Directors, a person can help that particular industry to build up a socialist economy.

I do not want to say much on this. I only say that this Bill as such should not be accepted by the House. If the Mover makes an amendment that such Members of Parliament should not take anything by way of salary or compensatory allowance as Directors, it can be accepted. He should also work as an honorary Member of the Board of Directors. Then some consideration may be given and it may be allowed. That is why I oppose this Bill.

श्री कमल मिश्र सधुकर (केसरिया) : सम्पाति महोदय, इस बात को मानते हुए कि इस पार्लियामेंट में हम आम नीतियों पर श्री श्रीकान्त नायर के साथ चलते हैं, उन के इस उद्देश्य को मानते हुए कि सरकारी संस्थानों पर जन-प्रतिनिधियों के माध्यम से जनता का अधिक नियंत्रण होना चाहिए, इस बात को मानते हुए कि नौकरशाही खत्म होनी चाहिए और इस बात को भी मानते हुए कि सरकारी संस्थानों में अधिक कार्यकुशलता बानी चाहिए और उन की अधिक अच्छी व्यवस्था होनी चाहिए,

माननीय सदस्य ने अपने बिल के समर्थन में बोलते हुए जो बातें कही हैं और इस बिल का जो रूप है, उन को दृष्टि में रखते हुए मुझे इस बिल का विरोध करना पड़ता है। और मैं उसका विरोध करता हूँ।

मेरे विचार में शायद श्री श्रीकान्त नायर ने समाजवादी अर्थ-व्यवस्था की समझा नहीं है, क्यों कि ऐसा नहीं है कि किसी सोशलिस्ट कन्ट्री में भी यदि पार्लियामेंट के मेम्बर सरकारी संस्थानों के बोर्ड आफ डायरेक्टर्स से हो जायें, तो वहाँ सोशलिज्म आ जायेगा। सोशलिस्ट कन्ट्रीज का यह नया अनुभव कि जो टेक्नोक्रैट्स हैं, जो विशेषज्ञ हैं, वे आम तौर पर राजनीतिकों का स्थान लेते जा रहे हैं। मैं माननीय सदस्य के प्रति सम्मान प्रकट करते हुए यह कहना चाहता हूँ कि हम पार्लियामेंट के मेम्बर हो गये, इसका मतलब यह नहीं है कि हमारे पास सारे ज्ञान का भंडार हो गया है, हम ईमानदार हो गये हैं या हम सें गलती नहीं हो सकती है। इस लिए जिस उद्देश्य से माननीय सदस्य इस बिल को लाये हैं, उस की पूर्ति नहीं होने जा रही है। माननीय सदस्य, श्री दशरथ देव ने सही कहा है कि अगर इस बिल में यह व्यवस्था कर दी जाये कि बोर्ड आफ डायरेक्टर्स में पार्लियामेंट के मेम्बरों को रखा जाये, लेकिन वे आनरेरी ढंग से काम करे, तो हमें कोई एतराज नहीं है।

आज पार्लियामेंट के मेम्बरों को काफी सुविधायें मिल चुकी हैं। इस लिए देश की वर्तमान स्थिति में उन को और अधिक सुविधायें देने की बात नहीं होनी चाहिए। उन को ये विशेष सुविधायें दे कर सरकारी संस्थानों में एफिसेंसी, कार्यकुशलता और समाजवाद लाने की बात कही गई है, लेकिन ऐसा नहीं होने वाला है।

इस पार्लियामेंट में कांग्रेस दल के सदस्य भी हैं और दूसरे दलों के भी सदस्य हैं, जिन को इस बात की जानकारी नहीं है कि समाजवाद का स्वरूप क्या है, समाजवाद के सिद्धान्त क्या हैं, उस की एप्लिकेशन में क्या प्रश्न और

समस्याएँ आती हैं जिस पार्टी का बहुमत है, जब उस के सदस्यों में भी समाजवाद के सिद्धान्तों के बारे में सफाई नहीं है, तो क्या माननीय सदस्य समझते हैं कि ऐसे लोगों को बोर्ड आफ डायरेक्टर्स में रखने से समाजवाद आ सकता है ?

समाजवाद का मतलब है कि श्रमिकों का अधिकार और हैजिमनी हो और उन के नियंत्रण में सब संस्थान चले। अगर इस बिल को लाने से माननीय सदस्य का उद्देश्य यह है कि सरकारी संस्थानों में कार्य-कुशलता आयेगी या नौकर-शाही खत्म होगी, तो उस उद्देश्य की पूर्ति नहीं होगी। मान लीजिए, दुर्भाग्य से श्री अटल बिहारी वाजपेयी बोर्ड आफ डायरेक्टर्स में चले जायें और माननीय सदस्य भी चले जायें। इस का परिणाम यह होगा कि एक साल श्री वाजपेयी अपनी नीति चलायेंगे और एक साल माननीय सदस्य अपनी नीति चलायेंगे, बोर्ड आफ डायरेक्टर्स में झगड़ा होता रहेगा और वह किसी भी निष्कर्ष पर नहीं पहुँच पायेगा।

इस लिए यह जरूरी नहीं है कि सरकारी संस्थानों के बोर्ड आफ डायरेक्टर्स में पार्लियामेंट के सदस्यों को लिया जाये। अगर वे समझते हैं कि बोर्ड आफ डायरेक्टर्स में जा कर वे सरकारी संस्थानों की कार्यकुशलता बढ़ा सकेंगे, तो मेरी अपील है कि पहले वे पार्लियामेंट की मेम्बरशिप से त्याग पत्र दे दें और उस के बाद खुशी से देश की सेवा के लिए और समाजवाद लाने के लिए बोर्ड आफ डायरेक्टर्स में चले जायें। उस पर किसी को एतराज नहीं हो सकता है।

माननीय सदस्य ने जो सुझाव दिया है, उस से कान्टिन्यूइटी आफ आफिस भी नहीं हो सकता है। पार्लियामेंट के मेम्बर का टर्म पांच साल का होता है। यह जरूरी नहीं है कि वह फिर चुना जाये। इस लिए यह भी तय करना पड़ेगा कि बोर्ड आफ डायरेक्टर्स की अवधि पांच साल से अधिक नहीं होगी। पांच साल के बाद सब को भंग कर दिया जाय। यह भी कार्य-कुशलता नहीं ला सकता है। दूसरे,

[श्री कमल मिश्र मधुकर]

जो यह सस्थान है इन में विशेष ज्ञान की आवश्यकता पड़ती है। पार्लियामेंट के मेम्बरो को आम ज्ञान हो सकता है। कुछ लोग इस में विशेषज्ञ हो सकते हैं, जैसे गोखले साहब हैं कानून के विशेषज्ञ हैं लेकिन सब लोग विशेषज्ञ हो, यह बात नहीं कही जा सकती है। इसलिए इन सरकारी सस्थानों में पार्लियामेंट के मेम्बरो को रख कर जिस उद्देश्य की पूर्ति श्रीकान्तन नायर साहब करना चाहते हैं उस की पूर्ति इस से नहीं होगी। इसलिए मैं इस बिल का विरोध करता हूँ और मैं अपील करूँगा कि वह इस बिल को फिर से सशोधित कर के नये ढंग से लाए जिस में उन के उद्देश्य की भी पूर्ति हो जाय और साथ ही साथ जो खामिया आ गई हैं उन खामियों को भी दूर कर के वह इसे ऐसे रूप से रखें जिस में स्वयं सरकार ही इसे कबूल कर ले तो ज्यादा अच्छा होगा। इन खामियों के चलते मैं इस बिल का विरोध करता हूँ।

डॉ० कौलास (बम्बई दक्षिण) : समापति महोदय, मैं धन्यवाद देना चाहता हूँ श्रीकान्तन जी नायर को कि वह इस प्रकार का बिल इस सदन के सामने लाए। इस में कोई शक नहीं कि इस सभा के सब समासद चाहते हैं कि पब्लिक अडरटैकिंग्स खूब कुशलता से चले, वे इतना धन कमाए कि देश की उन्नति से उस धन को लगाया जा सके। लेकिन मेरी वह समझ से नहीं आया कि श्रीकान्तन जी ने यह जिम्मेदारी अपने ऊपर लेने की कैसे ठानी कि पार्लियामेंट के समासद डायरेक्टर्स बन कर समाजवाद को प्रस्थापित करके उन कारखानों को ठीक प्रकार चला सकेंगे ? जैसा कि पूर्व वक्ताओं ने कहा हम यह समझ सकते हैं कि पार्लियामेंट का सदस्य किसी भी पब्लिक अडरटैकिंग में डायरेक्टर की हैसियत से काम कर सकता है। लेकिन अगर वह वहां से तनखाह लेते हैं और मैं तो यह कहूँगा कि अगर वह आने जाने का किराया इत्यादि भी लेते हैं तो वह दूसरी कमाई हो

जाती है क्योंकि वे पार्लियामेंट से भी कुछ धन पाते हैं। और वहां से भी वह कुछ पाने लग जाय, यह ठीक नहीं होगा और वह परिपाटी हमें नहीं लानी चाहिए। (व्यवधान) मैं जब आने जाने की बात कर रहा था तो पास तो मिलता ही है लेकिन जो राज का भत्ता होता है, डेली एलावेंस वह भी नहीं लिया जाना चाहिए, ऐसी मेरी मान्यता है। लेकिन कुछ भी कारण रहे हो, समाजवाद की दुहाई दे कर यह कहना कि लोक सभा का सदस्य ही वहां जा कर समाजवाद को प्रस्थापित कर सकेगा और इस कारखाने को इस कुशलता में चला सकेगा कि जिसमें घाटा न हो, वह मेरी समझ से ठीक नहीं है (व्यवधान) मैं इतना बता देना चाहता हूँ कि माध्य से इसी सभा-सदन ने मुझे पब्लिक अडरटैकिंग कमेटी का एक समासद बनाया है। तीन बैठकों में मैं जा चुका हूँ। जिस प्रकार की रिपोर्ट वहां पर मेरे सामने आ रही हैं मुझे खुद उसका दुख होता है। जब पब्लिक अडरटैकिंग कमेटी बनाई गई है और पब्लिक अडरटैकिंग कमेटी के समासद उस में रस लेते हैं तो हम तो बोर्ड आफ डायरेक्टर्स से भी ऊपर हैं, हम तो सरकार को भी कह सकते हैं कि किस विधा में हमें जाना है।

वहां पर जितने भी कार्य करनेवाले हैं, चाहे मैनेजिंग डायरेक्टर हो चाहे एक्जिक्यूटिव डायरेक्टर हो, चाहे फाइनेन्शियल डायरेक्टर हो, उन सब को हमारे सामने बुलाया जाता है और जिस प्रकार में हम ने कार्यक्रम बनाया है, कल ही वह मीटिंग हुई थी, उस को दृष्टि में रखते हुए मैं ऐसा मानता हूँ कि कमेटी आफ पब्लिक अडरटैकिंग जितना अच्छा काम कर सकती हैं, उतना शायद बोर्ड आफ डायरेक्टर भी न कर पायें। हम को पांच साल बाद चले जाना है, इस बात की कल्पना शायद श्रीकान्तन नायर जी ने नहीं की है, लेकिन एक बात उन्होंने अपने स्टेटमेंट आफ आन्वैर्स एण्ड रीजन्स में कही है—

"But the Joint Committee of Parliament on Offices of Profit have taken the view in certain cases that membership on the Board of Directors of Companies in the Public Sector, which are not specifically exempted in Part I of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959 should be considered as office of profit".

उन की यह बात मेरी समझ में नहीं आती है, वह इस प्रकार का एम्पर्शन क्यों डाल रहे हैं? समापति महोदय, इस चुनाव के बाद देश की कल्पना कुछ इस प्रकार की बनी है कि ज्वाइन्ट कमेटी का देखने का दृष्टिकोण ही बदल जाने वाला है। जब ज्वाइन्ट कमेटी पब्लिक अण्डरटेकिंग की बनी हुई है, उस पर पार्लियामेंट के सदस्य ही बैठ रहे हैं, जिनका समाजवाद में पूर्ण विश्वास है, मैं समझता हूँ कि वह जरूर उस काम को आगे बढ़ा सकते हैं...

श्री शशि भूषण (दक्षिण दिल्ली) : इस कमेटी की रिक्मेन्डेशन को कोई नहीं मानता। पचासों रिक्मेन्डेशन रही मे पड़ी हुई हैं, तीन-तीन साल बाद तो रिपोर्ट छपती है और कोई जवाब नहीं देता है।

डा० कंलास : बोर्ड आफ डायरेक्टर में बैठ कर ही आप उस को क्या ठीक कर पायेंगे।

श्री शशि भूषण : चेयरमैन बनने की बात करो। एक मजबूत इरादे का डायरेक्टर भी काफी होगा।

डा० कंलास : आपस की चर्चा करने की मेरी आदत नहीं है। मेरा ऐसा विचार है कि अभी इस के लिये समय नहीं है। इस प्रकार की चर्चा अभी हमें नहीं करनी चाहिये कि मेम्बर आफ पार्लियामेंट अगर बोर्ड पर जाय तो उस के डिस्क्वालीफिकेशन की बात न हो। मैं ऐसा मानता हूँ कि अभी इसे नहीं करना चाहिये और जो ज्वाइन्ट कमेटी बनने वाली है, जो नये दृष्टिकोण से इस पर विचार करने वाली है, उस

पर इस विचार को छोड़ दिया जाय कि पार्लियामेंट के सभासद डायरेक्टर होने चाहिये या नहीं।

इन शब्दों के साथ मैं इस बिल का विरोध करता हूँ।

श्री राम रत्न शर्मा (बांदा) : समापति महोदय, मैं श्रीकान्त नायर जी के इस बिल का विरोध करने के लिये खड़ा हुआ हूँ। इस बिल के एम्ज एन्ड आब्जेक्ट्स को भी मैंने देखा है और यह भी समझता हूँ कि देश सेवा की भावना से इस बिल को वे यहां पर लाये हैं ताकि पब्लिक अण्डरटेकिंग में जो घाटा हो रहा है, वह नफे में बदल जाय और वहां पर इस सदन के सदस्य कुछ अधिक कार्य कर सकें। लेकिन बहुत से लोग पुराने सदस्य हैं, उन को 10-10 या 15-15 साल का अनुभव है। मैं बिल्कुल नया सदस्य हूँ, एक कमेटी का सदस्य भी बन गया हूँ लेकिन जितनी लम्बी रिपोर्टें आती हैं, उन को देखते हुए मैं नहीं समझता कि एक आदमी जो इस सभा का सदस्य है, एक-दो कमेटियों में भी है, इस सभा की कमेटियों में भी चुन लिया गया है— वह कैसे ठीक तरह से फंक्शन कर सकता है। यह ठीक है कि हम सब देश सेवा की भावना से यहां आये हैं। हमारा काम यह है कि हम दिशा निर्धारित करें, जैसे अभी एक बुजुर्ग महोदय कह रहे थे, हम अपने हिसाब से दिशा देने यहां पर आये हैं और जो हमारी नीतियां हैं उन के अनुसार दिशा देते हैं।

लेकिन क्या यह आवश्यक है कि हम हर जगह पर बैठें, हर जगह पर जाकर काम करें तभी दिशा निर्धारित कर सकते हैं?

17.00 hrs.

दूसरी चीज यह है कि एक तरफ गरीबी हटाने की बात कही जाये और दूसरी तरफ गरीबी बढ़ाई जाये, जिसको आलरेडी काफी पैसा बेतन भत्ते के रूप में मिलता है, तरह तरह की दूसरी सुविधायें मिलती हैं उसको आप और सुविधायें दें, उसका बेतन और भत्ता और बढ़ा दें—यह कहां तक उचित होगा? फिर यह भी आवश्यक

[श्री रामरतन शर्मा]

नहीं है कि जो इस सभा के सदस्य चुने जायें वही सबसे योग्य हो। इस देश में बहुत सारे टेक्निसियन्स हैं जिनको अपने विषय का बहुत ज्ञान है, उसको वहाँ पर बिठाया जा सकता है। सरकार को इस बात की तरफ ध्यान देना चाहिए कि योग्य से योग्य व्यक्ति इन पब्लिक अडरटेकिंग्स में बैठें और वे गवर्नमेंट के इन्स्ट्रुट्स को वाच करें। इसलिए मैं इस बात को उचित नहीं समझता कि हर जगह पर इस सभा के सदस्य ही बिठाये जायें। मैं समझता हूँ इस बिल का डट कर विरोध होना चाहिए।

दूसरी बात मैं यह भी कहना चाहता हूँ कि यह बिल्कुल सम्भव है कि पब्लिक सेक्टर में भी दलगत राजनीति घुस जाये। अगर यह बिल पास हो जाये तो यह नियम बनाना होगा कि कौन से सदस्य जायें और कैसे जायें, उनका कैसे चुनाव हो। जैसे कि दूसरी कमेटीज में होता है, फिर चुनाव होने में कोई आवश्यक नहीं है कि एक ही विचारधारा के लोग जायें, हो सकता है उनकी दूसरी विचारधारा हो और उनकी कार्य-प्रवृत्ति से बिल्कुल विपरीत जाता हो और उस समय जब विचारों में संघर्ष होगा तो प्राकृतिक है कि काम सफर करेगा और जो कुछ उत्पादन आज हो रहा है वह भी घट जाये तथा एक व्यर्थ का बर्बाद हो जाये। इसलिए मेरा आग्रह है कि इन क्षेत्रों को राजनीति से बिल्कुल दूर ही रखा जाये।

दूसरी बात यह है कि अगर यह बिल पास होता है और यह तय होता है कि सरकार नियुक्ति करेगी तो फिर सरकार जिसको चाहेगी उसको भेजेगी, जो मिनिस्टर नहीं बन पायेंगे उनको भेज देगी। इस प्रकार जिस पहलू से भी हम इस बिल को देखते हैं हमको यही लगता है कि इसका विरोध किया जाना चाहिए। इसलिए मैं श्री नायर से प्रार्थना करूँगा कि वे इस बिल को वापिस ले लें तो बहुत अच्छा होगा।

धन्यवाद।

SHRI G. VISWANATHAN : Mr. Chairman, I rise to support the principle underlying this Bill. After hearing the speeches of the three or four speakers who have preceded me I think the question has boiled down to whether Members of Parliament can serve on the board of public undertaking. It has not stopped there, it went to the problem of TA and DA and also the question of socialism. No doubt, the public sector undertaking has to play a major role, a dominant role in a mixed economy. Two of my Communist friends spoke about public sector undertakings being owned and controlled by the labour force. I do not think it is socialism, it is known as communism. The stage has not reached, and I do not think it will ever reach, when these companies will be managed by the employees but as long as we are in this country and as long as we are having this mixed economy the public sector undertaking has to be managed by a board, whether it is nominated by the government or elected by the shareholders.

Sir, the question whether Members of Parliament can serve on the Board was also discussed. I am sorry to say that some of the speakers were of the opinion that MPs will not be able to serve on the Boards of such companies. A Member of Parliament should not be disqualified if he is really efficient to work on a particular Board. Simply because if we pass this Bill not all of us are going to be nominated on all Boards. Either the Government of India or the Government of the particular State are not going to allow all the MPs to go on the Board. Simply because he becomes an MP he should not be disqualified to work on a Public Undertaking. If he is really capable of running a Public Undertaking or at least giving proper advice to the Public Undertaking he should be appointed on the Board and can be allowed to function as a Member of this particular public undertaking.

Many of the Members spoke about the travelling and the dearness allowances. I do not think it is a big problem. An M.P. need not claim travelling allowance because he is allowed first-class pass. When he goes to attend the Board meeting if the Parliament is in Session he should not claim dearness allowance but if the Parliament is not in Session he should claim dearness allowance.

Dr. Kailas pointed that we have got a committee on Public Undertakings which is a super Board. So, why do you want to go and serve on the Boards of Public Undertakings? Let me remind him, Sir, the Committee on Public Undertakings has hold on the Public Undertakings owned by the Government of India. We have no control and nothing to do with the public sector undertakings owned and controlled by the States. That is why, I think, the MPs should not be disqualified to go and serve on the public sector undertakings owned by the State sector or Central sector.

Again this disqualification whether an MP should not be on the Board of Directors is not there for Members of the legislatures. I know there are MLAs serving on the Board of Cooperatives of Sugar Mills owned by the State Governments. This disqualification is only for MPs. What is a qualification to an MLA is a disqualification to a M.P. This I do not understand.

Hence, I feel that even though the Bill may not be in a proper form the principle underlining the Bill is correct and should be welcomed. I think the Minister will also accept the principle of the Bill. With this I support the Bill.

श्री एच० धामोवाल रेड्डी (निजामाबाद): समापति जी, अभी हमारे कम्युनिस्ट भाई ने इस बिल का विरोध किया है। उन्होंने बताया है कि कांग्रेस वाले अपने नौमिनीज को बोर्ड ऑफ डायरेक्टर्स में और चेयरमैन बनायेंगे। उनको यह जानना चाहिये कि यह कांग्रेस की सरकार है और उसकी पालिसियों को चलाने के लिये कांग्रेस का आदमी ही होना चाहिये, न कि राइट कम्युनिस्ट लेफ्ट कम्युनिस्ट। किसी कम्युनिस्ट मूलक में किसी अन्य पार्टी के मेम्बर को बोर्ड ऑफ डायरेक्टर्स का मेम्बर बनाया है क्या। तो इस नुकतेनजर से वह बिल की मुलासिफत कर रहे हैं, जबकि मैं इस बिल की तारीफ करता हूँ।

पार्लियामेंट का हर मेम्बर बोर्ड आफ डायरेक्टर्स का मेम्बर नहीं बन सकता। वह

मुश्किल भी नहीं है। मैं निजामाबाद को-ऑपरेटिव शुगर फैक्ट्री, आन्ध्र प्रदेश फेडरेशन आफ को-ऑपरेटिव शुगर फैक्ट्रीज का चेयरमैन हूँ और नेशनल फेडरेशन आफ को-ऑपरेटिव फैक्ट्रीज का चेयरमैन हूँ। जिनको उस विषय की जानकारी है उनको ऐसी जगह पर अपीइंट करना चाहिये, और सरकार को इसकी मुलासिफत नहीं करना चाहिये। और अगर कोई डिस्क्वालिफिकेशन है तो उसको निबाल देना चाहिये। क्योंकि पार्लियामेंट सुप्रीम बाँधी है, पार्लियामेंट के मेम्बर्स को छोटी छोटी कम्पनियों में डायरेक्टर बनने से रोका नहीं जाना चाहिये। अगर आप किसी पार्लियामेंट के मेम्बर को मुनासिब न समझें तो डायरेक्टर मत बनाइये। मगर उनके ऊपर यह पाबन्दी रखी है यह ठीक काम नहीं है। दूसरी जो अपोजीशन के मेम्बर्स बार बार यह कहते हैं कि ये जो व्यूरियोक्रेट्स हैं, आफिसर्स हैं ये ठीक काम नहीं करते। हमारे आन्ध्र प्रदेश में निजाम शुगर फैक्ट्री है जो रोजाना 4500 बैलें शुगर बनाती है। उस कन्सर्न को एक आई. ए. एस. आफिसर चला रहा है जिसका प्राफिट हर साल एक करोड़ रुपये का है, सवा करोड़ और डेढ़ करोड़ रुपये तक भी उसका प्रोफिट है। इसलिये मैं यह कहना चाहता हूँ कि हर आफिसर खराब है, हर व्यूरियोक्रेट खराब है, इस तरह का हमारा आइडिया नहीं होना चाहिये क्योंकि एक फैक्टरी पहले जो मनेजिंग एजेंट के पास थी तो उसका प्राफिट 20 या 25 लाख रुपये होता था और अब उसका प्राफिट सवा करोड़ रुपये से ऊपर है। वह फैक्टरी जो 35 करोड़ रुपये से बनी है वह आज 13, 14 करोड़ रुपये की रह गई और वह आफिसर्स की वजह से यह बीज खराब हो गई, इसको मैं मानने के लिये तैयार नहीं हूँ। मैं पार्लियामेंट के मेम्बर्स के डायरेक्टर्स बनाने के बारे में भी बोलने वाला हूँ और मैं इसके खिलाफ हूँ क्योंकि अगर उस फैक्टरी में अगर 40 करोड़ रुपये का नुकसान हो जाता है तो हम वहाँ उसको सपोर्ट करना शुरू कर दें, तो बड़ी मुश्किल हो

[श्री एम० गोपाल रेड्डी]

जाएगी। मैं आपको बताना चाहता हूँ कि नेहरू जी ने कहा था— I do not want to hear any excuses I want the work to be done अगर 40 करोड़ रुपये का नुकसान होता है, तो क्यों यह घाटा हुआ। हम यह चाहते हैं कि जब इतने करोड़ रुपये का इन्वेस्टमेंट किया है तो उसमें हमारी जेब में फायदा भी आना चाहिए और आफिसर्स को नमने की तरह से काम करना चाहिए। हमें सुपर-वाइजरी बाडी की हैसियत से उसकी देखभाल करनी चाहिये न कि खुद बैठकर पूरी जिम्मेदारी अपने सिर पर ले ले और पार्लियामेंट में कुछ मेम्बर्स उसको सपोर्ट करते रहे और दूसरे मेम्बर्स उसका क्रिटिसिज्म करते रहे।

अगर हमारे साथी वहाँ पर डायरेक्टर बनेंगे तो हम यहाँ पर उनको क्रिटिसाइज करना पड़ेगा और यह एक बड़ी भारी एनामली हो जाती है और एक खराब पोजीशन हो जाती है। इस वास्ते मैं चाहूँगा कि यह डिस्क्वालीफिकेशन निकाल देनी चाहिये और इन लोगों को वहाँ पर नहीं रखना चाहिये। दूसरी बात यह है कि जो कांग्रेस पार्टी है तो इस पार्टी में यहाँ पर लगभग 350 मेम्बर्स हैं और राज्य-सभा में भी सौ सवा सौ मेम्बर्स हैं। तो इन साठे चार सौ पाच सौ मेम्बर्स में बहुत से लोग बहुत बेहतरीन लोग हैं जो अच्छा तजुर्बा रखते हैं। पार्टी की जो मशीनरी और पालिसी है उसको चलाने के वास्ते सिर्फ पार्लियामेंट के मेम्बर्स को ही नहीं होना चाहिये बल्कि जो आर्गनाइजेशन है उस आर्गनाइजेशन के जो मेम्बर्स हैं उनको वहाँ पर रखा जा सकता है। किसी मेम्बर को एतराज करने का कोई हक नहीं है क्योंकि कांग्रेस को जो लोगो ने मैन्डेट दिया है और गरीबी हटाने का जो नारा हमारा है वह नारा दूसरों की जवान पर आने में मुझे बुरा लगता है। जो हमारा स्लागन है उसे तुम क्यों लेते हो? जो तुम्हारे पास है उसकी ही तुम क्यों नहीं इस्तेमाल करते हो? हमारा जो लक्ष्य है उस

को तुम क्यों एडाप्ट करते हो? हमी उस लक्ष्य के का पालन पोषण करेंगे। इस वास्ते अपोजीशन की तरफ से जब कभी यह बात कही जाती है तो मुझे बड़ी तकलीफ होती है। क्या इन लोगो के पास कोई अपना स्लागन नहीं है? क्या इन का कोई अपना प्रोग्राम नहीं है सिवाय हमारे प्रोग्राम के? दिन रात ये लोग यही कहते रहते हैं जैसे कोई राम नाम जपता हो। इस के सिवाय उन के पास और कोई चीज नहीं है। हमारी पालिसी को आप लोगो ने पसंद किया है। यह बड़ी अच्छी बात है। मगर यह सब होते हुए भी आप हमारी हर चीज को अपोज करते हैं। इसलिए मेरा सुझाव यह है कि जितने मेम्बर्स आफ पार्लियामेंट हैं उन का उस का डायरेक्टर नहीं होना चाहिए।

दूसरी बात यह है कि मेम्बर पार्लियामेंट के ऊपर बहुत सारा यह क्रिटिसिज्म हाता है कि वे अपनी कास्टीट्यूएन्सी में पाच सल में एक दफा भी चक्कर नहीं लगाते हैं। मैं तो बीच बीच में जाता रहता हूँ और बांस पच्चीस गांव हो कर आया हूँ। मेरी बात अलग है और मैं तेलगाना प्रजा समिति के मुकामिले बहुत मेजारिटी से जीत कर आया हूँ। अब तो श्रीमती इंदिरा गांधी ने एक अच्छा काम किया है और वह यह है कि हर मेम्बर आफ पार्लियामेंट को डायरेक्ट एलेक्शन लड़ना पड़ेगा। पहले तो यह था कि एम एल एज के सिर पर बैठ कर महाशय कहीं से खड़े हो जाते थे और आ जाते थे। अब वह चीज खत्म हो गई है। अब तो अपनी कास्टीट्यूएन्सी में ज्यादा काम करना पड़ेगा। इस वास्ते इन झगड़ों में नहीं पड़ना चाहिए।

एक बात यह है, हमारे पास इतना लिटरैचर आता है कि मुझे तो उस को पढ़ने के लिए आई स्पेशलिस्ट के पास जाना पड़ा। क्यों कि मैं नया आदमी हूँ इस वास्ते पार्लियामेंट से जो भी लिटरैचर दिया जाता है उस को पढ़ना चाहता हूँ। इतना काम पार्लियामेंट में पड़ा हुआ है उस को

करने के बास्ते हमें ज्यादा फुर्सत नहीं मिल रही है तो दुनिया का सब दर्द हमारे जिगर में है ऐसा न सोच कर सब अपना अपना काम चलाएँ तो अच्छा होगा।

श्री शशि भूषण : सभापति महोदय, मैं श्री श्रीकांतन नायर का शुक्रिया अदा करना चाहता हूँ कि उन्होंने इस विषय की ओर इस सदन का ध्यान दिलाया है और इस बिल को यहां लाए है। हम अपने देश को समाजवाद की ओर ले जा रहे हैं, उसको एका नई दिशा दे रहे हैं। मैंबर पार्लियामेंट मिनिस्टर हो सकते हैं और सरकार की जिम्मेदारी सम्भाल सकते हैं तो मैं नहीं समझता हूँ कि कुछ सरकारी संस्थानों में अगर वे जाते हैं तो वे संस्थान कामयाब नहीं होंगे। कुछ लोग अपने आप में कमी महसूस कर सकते हैं और सोच सकते हैं कि शायद वे उनको नहीं चला सकेंगे। यह उनको मुबारक हो। जहां तक श्री नायर का सम्बन्ध है वह एक बड़े राजनैतिक, तपस्वी, त्यागी और बहुत ही अच्छे समाजवादी कार्यकर्ता हैं। वह बहुत सीनियर मैंबर भी हैं। उनका मन में यह भावना कमी नहीं आ सकती कि मैंबर आप पार्लियामेंट के होते बढ़ाये जायें। उनका जीवन जैसा रहा है उससे यह अंदाजा नहीं लग सकता है कि इस भावना से वह इस बिल को लाए हैं और वे यह चाहते हैं कि मैंबर की तनखाह कम या ज्यादा की जाए। सस्ते नारे लगाकर जो इस बिल को दबा देना चाहते हैं, उनका मैं विरोध करता हूँ और वह गलत बात होगी।

सभापति महोदय मैं समझता हूँ कि यह एक गम्भीर समस्या है। अमरीका में जो पार्टी जीत कर आती है, पूरी की पूरी व्यूरोक्रेसी उस पार्टी की अपना हो जाती है, पूरा का पूरा मुल्क के प्रति जिम्मेदारी उसकी हो जाती है। यहां यह हालत है कि जिम्मेदारी हमारी है लेकिन चलाये वाले दूसरे लोग हैं। अमरीका में जब दूसरी पार्टी पावर में आ जाती है तो पहली

पार्टी के लोग बाहर चले जाते हैं। यहां ऐसी कोई बात नहीं है। यहां अगर कोई गलत व्यूरोक्रेट आकर बैठ जाता है तो बीस तीस साल तक जब तक वह रिटायर नहीं होता है, उसको आप हटा नहीं सकते हैं आप को मालूम ही है कि यहां पर श्री नायक जो आई. सी. एस. हैं उनको हटाने के बाद भी एक्स्टेंशन देना पड़ा। हिन्दुस्तान की एक आई. सी. एस. टोली उनकी मदद को दौड़ पड़ी। ठकुर कमिशन उसने खिलाफ बना पाइप लाइन की बंगलिया की वजह से। लेकिन उसके बावजूद भी उसका बाल बाका नहीं किया जा सकता। ठकुर कमिशन को जरूरी फाइल नहीं दी जा रही है।

मैं पूछना चाहता हूँ कि क्या वजह है कि रेलवे बोर्ड में, पी एंड टी बोर्ड में पब्लिक के नुमाइंदे न जायें। मैं तो यहां तक कहता हूँ कि डिस्ट्रिक्ट मैजिस्ट्रेट भी अगर चुने हुए नुमाइंदे हों, जनता के आदर्मी हो तो ज्यादा अच्छा काम हो सकता है। आज कल क्या होता है? लोगों की दरखास्ते अन्दर तक नहीं पहुंचती हैं चिटें लिये लोग बाहर खड़े रहते हैं। मैं समझता हूँ कि जितना ज्यादा से ज्यादा डिस्ट्रिक्शन हो, जितना ज्यादा से ज्यादा पब्लिक के लोगों को अधिकार दिया जाए, उतना ही ज्यादा अच्छा होगा और आप अघरे से बाहर निकल सकेंगे।

कुछ लोगों का यह विश्वास है कि जनता के चुने हुए नुमाइंदे कुछ नहीं कर सकते हैं। जितने यहां ऐश आराम के क्लब हैं, चैम्पफार्ड, जीमखाना क्लब वगैरह वगैरह जिन में बड़े बड़े लोग जाते हैं, आई सी एस आफिसर्स जाते हैं वहां वे लोग यह कहते हुए सुने गए हैं कि ये मिनिस्टर कुछ नहीं कर सकते हैं, मैंबर पार्लियामेंट कुछ नहीं कर सकते हैं। अगर मैंबर पार्लियामेंट भी खुद इस तरह की बातें कहने लगे कि हमारे बस की बात नहीं है तो इससे बड़ी और क्या दुर्भाग्य की बात हो सकती है? आज हम यह नारा दे रहे हैं कि कारखानों में जो चुने कुछ लोग हैं, जो मजदूरों के नुमाइंदे हैं वे वहां के डायरेक्टर बनें। तो क्या वजह है कि

[श्री शशिमूषण]

रेलवे बोर्ड या पी एंड टी बोर्ड जिनका ताल्लुक आम जनता से पड़ता है वहाँ भी पब्लिक के नुमाइन्दे न हों और भी बहुत सी जगहें हैं, एल आई सी है उन में ट्रेड यूनियन के नुमाइन्दे आ रहे हैं। दूसरी जगहों पर जा रहे हैं। ट्रेड यूनियन के नुमाइन्दों को ज्यादा से ज्यादा अधिकार हम दे रहे हैं। अगर हम यह सोचते हैं कि पी यू सी सब कर लेगी तो ऐसा हमारा सोचना एक भूल होगी। पी यू सी की पचासो रिपोर्टें हैं जिन को छापने में तीन तीन साल देर की गई और जान बूझ कर की गई। ब्यूरोक्रेट बिल्कुल झूठे बयान देते हैं। एक को सदन में क्षमा मागनी पड़ी। आपके पास कोई चारा इनके सामने नहीं है। किसी कम्पनी में अगर आप चेयरमैन होंगे या डायरेक्टर हो तो आपका कमांड होगा। दूसरा एक और भी बहुत बड़ा फायदा होगा। बहुत से संस्थान इस बास्ते नहीं चल पाते कि कोई अडर सेक्रेटरी या डिप्टी सेक्रेटरी दफ्तर में बैठ कर कलम लगा देता है और काम नहीं होता है। अगर मੈम्बर पार्लियामेंट किसी पब्लिक संस्थान में होगा तो कम से कम ब्यूरोक्रेसी की बजह से उस संस्थान के सामने रुकावट इस तरह की पेश नहीं आएगी क्योंकि वह सीधा सीधा पार्लियामेंट के सामने जबाब देह होगा हम जानते हैं कि जिस को सरकार पाब हज़ार देती है उसका भी अगर कोई सिफारिश सुझाव का कागज आ जाता है तो एक अडर सेक्रेटरी, जो टेक्नीकल काम नहीं जानता, जो उससे चौथाई तनखाह पाता है, वह उ। सुझाव कागज को रोक कर बैठ जाता है। हैरानी की बात है। ब्यूरो आफ पब्लिक एंटर्प्राइजिज में जो लोग बैठे हुए हैं वे यह नहीं चाहते हैं कि मजदूरों को रिप्रिजेंटेशन मिले। अगर आपका कोई डायरेक्टर होगा या चेयरमैन होगा तो पब्लिक का रिप्रिजेंटेटिव, ट्रेड यूनियन या रिप्रिजेंटेटिव आप से सकेगा। तो समाजवादी संस्थान व उन उद्योग आगे बढ़ सकेंगे।

हमें अपने आप पर विश्वास रखना चाहिए।

इंग्लैंड और अमरीका में, समाजवादी देशों में, दुनिया में सब जगह चुने हुए लोग अपने हाथ में जिम्मेदारी लेते हैं। यहाँ खुद पार्लियामेंट के मेम्बरों को, और साम्यवादी मेम्बरों को, अपने आप पर विश्वास नहीं है, इस से ज्यादा शर्म की बात नहीं हो सकती है। ब्यूरोक्रेसी पर विश्वास नहीं है और अपने आप पर भी विश्वास नहीं है, तो क्या देश को सुधारने के लिए कोई आस्मान से आयेगा पार्लियामेंट के मेम्बर देश की दिशा को बदल सकते हैं, देश का भाग्य उन के हाथ में है, देश में क्रांति लाने का जिम्मेदारी उन पर है, बहुत से साम्यवादी जेल गये हैं, उन्होंने लाठिया खाई हैं, उन्होंने ट्रेड यूनियन आन्दोलनों में भाग लिया है लेकिन वे जिम्मेदारी लेने के लिए तैयार नहीं हैं। मैं कहना चाहता हूँ कि उन को जिम्मेदारी से भागना नहीं चाहिए। हमारे कम्युनिस्ट साथी जहाँ जहाँ ट्रेड यूनियन के रिप्रिजेंटेटिव हो कर सरकारी संस्थानों में गये हैं, वहाँ वे कामयाब रहे हैं। आज उन को अपने आप पर विश्वास होना चाहिए। अगर वह पलायनवादी बनेंगे तो दुख की बात होगी।

प्रजातांत्रिक ढंग से चुने हुए सदस्य ब्यूरोक्रेसी के मुकाबले में कहीं ज्यादा अच्छा और ईनामदारी से काम कर सकते हैं। मैं नहीं कहता कि ब्यूरोक्रेसी में कोई भी अच्छा नहीं है। उन में भी बहुत समाजवादी दिशा के और अच्छे व्यक्ति हैं, जिन को देश के प्रति हमदर्दी है। लेकिन उन में ब्यूरोक्रेसी के कुछ कनीक ऐसे बने हुए हैं, जो देश के हित की बात नहीं सोचते हैं, जो किसी न किसी तरह समझौता कर लें। साम्राज्यवादी देशों से अथवा अमरीका से, गैर जबर सरमाया लायेंगे, चाहे इस में देश का लाखों अरबों रूपयों का नुकसान हो। उन का नीति समाजवादी नहीं हो सकती है।

इस लिए जन संस्थानों के बीच में जनता के चुने हुए सदस्य अवश्य होने चाहिए। इस बारे में कोई प्रतिबंध नहीं होना चाहिए। लेकिन इस

में कोई जल्दबाजी भी नहीं है। रेलवे बोर्ड और पी० एंड टी बोर्ड में लाखों करोड़ों रूपयों का नुकसान होता है, लेकिन उन में एक बार जो मेम्बर आ गये, वे जान नहीं सकते। एक सदस्य ने कहा है कि अगर नुकसान हो जायेगा, तो उसका जवाब कैसे देंगे। पार्लियामेंट का मेम्बर खुद तो नुकसान नहीं करेगा। वह जिम्मेदारी से काम करेगा और अगर नुकसान होगा, तो उस के लिए जिम्मेदारी भी लेगा। आखिर यह मंत्री भी तो जिम्मेदारी लेने है।

हमें चुने हुए सदस्यों पर विटवम रखना चाहिए और अपने पैरों पर खड़े होना चाहिए। जब जनता के चुने हुए लोग मजबूती के साथ समाजवाद की दिशा में काम करेंगे, पब्लिक सेक्टर में ज्यादा इन्ट्रस्ट लेंगे, तो ब्यूरोक्रेमी के लोग भी उन के साथ आयेंगे। उन में अच्छे लोग हैं, जो समाजवाद में विश्वास करने हैं और देश की मलाई चाहते हैं। उनको भी हिम्मत मिलेगी।

मैं श्री श्रीकान्त नायर का समर्थन करना हूँ और मैं चाहता हूँ कि सरकार इस बारे में एक अच्छा सुझाव हुआ जिल लाये।

THE MINISTER OF LAW AND JUSTICE (SHRI H. R. GOKHALE) : I am constrained to say that the Bill has been brought forward on a complete misunderstanding of the existing provisions of the law. I am opposing it not because I am necessarily opposed to the principle underlying it but because it is absolutely unnecessary if the existing law is considered very carefully.

As hon. Members know, we are at present governed by the parliament (Prevention of Disqualification) Act, 1959 which is now sought to be amended by the Bill which the hon. Member has moved before the House. If one understands the scheme of the present Act, it will be clear to one that in the present Act there is no disqualification attached to the directorship of a public sector undertaking if no remuneration is payable. As a matter of fact the present Act makes it clear

in one of the clauses that if no remuneration is payable and if what is payable is only in the nature of a compensatory allowance such as travelling allowance only to meet the actual expenditure incurred by the Member and not by way of remuneration, there is no disqualification of any person becoming a director of a public sector undertaking. In that case, where is the need for this Bill?

The disqualification attaches only to two kinds of people. One is where the office carries with it a remuneration. It must be so, because if it were not so, any Act which said that there would be no disqualification even if remuneration was payable, would be completely *ultra vires* the Constitution, because article 102 and the corresponding article 193 pertaining to an office of profit under the State, make it clear that excepting for those offices which are exempted clearly by law, if it is an office of profit under the State, the Central Government or State Government, there will be a disqualification. That is why the present Act has taken care to see that where the only payment is by way of compensatory allowances add not by way of remuneration, there is no disqualification attached under the existing law to anybody becoming a director of a public sector undertaking.

With apologies to the hon. Member, I must say that the Bill has been brought forward on a complete misunderstanding of the provisions of the existing law. I can understand the apprehension of the hon. member that in spite of the fact that the existing law is like this, the joint Committee on Offices of Profit one hon. member said that they had submitted 17 reports after the 1959 Act was passed—have repeatedly recommended that directorships of these undertakings should be a disqualification. Government's policy so far has been to give effect to the recommendations of a body appointed by this House, namely, joint Committee on offices of Profit. Therefore, although there is no such disqualification attached in the existing law, Government would have considered on the recommendation of the joint Committee creating such a disqualification where it does not exist now because this Committee has so recommended. But so far as the Bill goes

[Shri H. R. Gokhale]

it is unnecessary because there is no disqualification attached to directorship of a public sector undertaking if there is no remuneration paid, and if only compensatory allowance is paid. So what is the propose of bringing this Bill?

The other purpose, which seems to be the real reason for the apprehension of the hon. member, is that to the present Act, there is a Schedule in two parts. In one part, disqualification attaches to chairmanship of some undertakings enumerated in the Schedule; in the other it attaches to chairmanship and secretaryship of some undertakings listed in thereon. This applies irrespective of whether remuneration is payable or not, but it does not apply to directorships. The present Bill seems only to exempt directorships which exemption is already there in the Act. I do not see any reason for amending the Act on the basis of this Bill.

His fear seems to be that Government might bring in legislation in future giving effect to the recommendation of the Joint Committee, which possibility undoubtedly is there. If the Joint Committee says that you must disqualify directors, in the ordinary course, Government would take care to see that the recommendation of a Committee of this House is given effect to. But these are old reports. Now that a new Joint Committee has been appointed recently by the Lok Sabha,...

SHRI G. VISWANATHAN : It can be reconsidered.

SHRI H. R. GOKHALE : ...it can be reconsidered.

SHRI K. BASAPPA (Chitradurga) : Is the recommendation mandatory ?

SHRI H. R. GOKHALE : When the House constitutes a Committee and it makes a unanimous recommendation, naturally Government give weight to it. It is not obligatory. There is no rule like that, that you must give effect to every recommendation of the Joint Committee. But propriety requires that when such a Committee set up by

the House make a unanimous recommendation, due regard should be given to it.

The inclusion of various undertakings, in the Schedule has been done all along on the basis of the scrutiny made by the Committee scrutinising the working of the each undertaking, finding out whether remuneration was payable or not, what was the nature of the duty performed, whether it carried with it any patronage, executive function or executive power. If it did not, it was exempted; if it did, it was included. It was as a result of this laborious work done by the Committee and on its recommendations that certain undertakings had been included in the Schedule to the existing Act

Therefore, it cannot be said that Government have been doing it unilaterally without consulting the House. And even there it does not apply to directorship. It applies in some cases to chairmanship and in some others to chairmanship and secretaryship. In the present Act, in sec. 3 specific cases are clearly set down where it is said that offices of that nature will disqualify a member from being or continuing to be an MP. One of the clauses in this is: 'the office of Chairman, Director or member of any statutory or non-statutory body other than the Chairman or secretary of bodies which are mentioned in the Schedule, but not Director.

Therefore, I do not see why this Bill is Brought, and I have a feeling, with all respect to the hon. member, that this Bill has been brought because of a misunderstanding of the existing position under the law. Under the law as it stands, he cannot become the Chairman or Secretary of bodies specified in the Schedule. Otherwise, he can become even Chairman or Secretary if remuneration is payable and if the undertaking is not mentioned in the Schedule.

Whether or not in future such a disqualification should be created is a matter for Parliament to consider. The Joint Committee has now recently been constituted. The matter can go before the Committee and if the Committee recommends again that the disqualification should be there, the matter can be discussed in the House and a decision

taken. If the Committee recommends that there should not a disqualification that recommendation can be accepted, but I think the present Bill really puts the cart before the horse because there is no such disqualification in the existing law.

The Statement of objects and Reasons shows that the present position of the law is not correctly appreciated. It says that the Schedule to the Act gives a list of undertakings to which the disqualification does not apply. The correct position is otherwise. The Schedule actually gives a list of undertakings to which the disqualification applies,

Therefore, I would request him to withdraw the Bill. The Bill is unnecessary. If he unfortunately does not agree, I will have to oppose it.

SHRI N. SREEKANATAN NAIR : I am very thankful to Members of all sections of the House who participated in this debate. I am thankful to the Hon. Minister also for making the position of the Government very clear. I may be permitted to give my reactions to the debate.

When I heard the opinion expressed from the side of the Socialists and Communists, I was forced to believe that some of them had not read the Bill and so they were against it. They did not even attempt to read the Statement of objects and Reasons or patiently hear my speech when I introduced the Bill. I made it clear that it was not a question of remuneration, that it was the interpretation of the office of profit which was originally given by Mr. Sen as Election Commissioner in the Vindhya Pradesh Disqualifications Bill, which has been brought back even after the passing of the Act of 1969 in accordance with the recommendations of the Joint Committees. It says that some offices might be considered offices of profit even though the actual payment of salary or compensatory allowance may have fallen into disuse. It was the attempt of Parliament to counter that attitude and take out the disqualification of Members of Parliament who had been functioning in such organisations.

Again, some hon. Members were under the impression that every Member of Parlia-

ment would be put in there or only such Members of Parliament belonging to one party would be put in there. Some other Member was under another wrong impression. These are all misconceptions. The object of the Bill is limited and it applies only to such people as are considered and accepted to be competent in certain lines and who can help public sector undertakings. I made it perfectly clear. My friend Mr. Banerjee protested at my imputation that all Members of Parliament are not equally competent, are not equally honest. I must tell him that it is a fact. Why should we shut our eyes? There are MPs and MPs. All MPs may be equally honest but may not be accepted as equally honest. I referred to those who are accepted to be honest and accepted to be competent. I made that very clear. My friend Mr. Deb was not attending to what I said.

The most basic instance in respect of this question stands out. I refer to the Kerala State Coir Corporation. I said in a nutshell that the findings were based on the wrong assumption that the Member of the Board of Directors would get D. A. and sitting fees for the same day. May be it was disproved from the records of the Government and the evidence of the Member who was involved in it, Shrimati Sushila Gopalan, wife of comrade A. K. Gopalan, who was a Member of this House.

When it was found that both the remunerations were not being given or received then they resorted to another argument it has got power and it can dispense favours, so we must disqualify her. The whole thing really started from there, as has been pointed out by the hon. Minister.

Shrimati Sushila Gopalan was not nominated or appointed as a Member of the Board of Directors by the Marxist Communist Ministry. It is the Achutha Menon Ministry which nominated her. Why? Because almost 95 per cent of the workers in the coir industry are women at the spinning stage. A woman born and brought up there and who was in the trade union movement in that centre would know the ins and outs of the industry much more than any other person. Shrimati Sushila Gopalan who was born in

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Shertalai and who has been associated with the trade union movement in the coir industry was nominated by the Achutha Menon Ministry who belonged to a party which was opposed to her party and at later stage had helped the overthrow of the party. That Government nominated this particular person to be a Member of the Board of Directors of the Kerala State Coir Corporation. What is the result? It was one of the few undertakings in the whole of India which showed a profit in the first year of its working. That shows that the people who understand where the shoe pinches, who know how to handle labour and what are the ills and ailments of the public sector undertaking can cure them. It is not replacing technocrats. My friend completely misunderstood and was speaking out of context when he said that we were going to replace technocrats. The technocrats are there in every undertakings, public or private. They will do their job. But it is the management that makes a success or a failure of an undertaking. If there is mismanagement and disregard of the basic concept behind an industry then there will be failure. Even industries have their approaches, concepts and principles. You cannot allow anybody and everybody to play ducks and drakes with it. Then there will be defects and inefficiency. There are certain people in all walks of life who are competent.

Really we have got experts from all walks of life. But one expert in one walk of life may not be an expert in the others. Therefore, it is only such people who are experts in their line and who are supposed to have some competence in these matters whom I wanted or the Kerala Government wanted or any Government would want, to be on the board. Any Government would want only such people.

The second misconception was that these people are sent there as MPS, and so when their term of office as MPS goes, their directorship also goes. This is also wrong. They are not elected from this House, nor are they sent there only because of it. They are sent or nominated or appointed simply because they are eminent in their line, simply because they can deliver the goods. The mere fact that the man or woman

happens to be an MP should not be a bar in salvaging the public sector undertaking out of the morass or the depths into which it has sunk.

Then there is the concept that being a director of a small board or an organisation is not a very, very important thing, and that becoming a member of the Public Undertakings Committee is a much more honourable and much more beneficial thing. It is not a question of importance. The directorship is not offered because it is a post of importance. It is offered because it has got to serve a purpose. I am sorry my colleague who has been in Parliament for so many years thinks that being a member of the committee in respect of the public sector undertakings is a thing of honour, that it is a point of honour. But it is not a question of honour. It has certain duties and responsibilities to that august body which appoints that committee for a purpose. Unfortunately, it is only a question of pointing out the errors which have been committed by that organisation. To find out these things, there is that committee. The Committee on Public Undertakings is of recent origin. But the Public Accounts Committee and the Estimates Committee are older ones. The Public Accounts Committee dissects, does post mortem work. It is the Estimates Committee which goes into the plans or it tries to plan and suggest measures. I have been a Member of the Estimates Committee. Even there I do not think they can work in the way I feel it should. We have attempted to see and rectify and correct certain things. But the function of the Board of Directors is entirely different. The director is on the spot and tries to make it a success. Dissecting the dead-body, doing postmortem work, is something entirely different. My friend must understand that the public sector undertakings...

DR KAILAS: What is the utility of this committee then?

SHRI N. SREEKANTAN NAIR: They are to dissect and find out where the organisation has gone wrong and who is respon-

sible for it so that man or that bureaucrat, whoever it is, may be taken to task and punished and so that the next man does not commit the same mistake. Whether one is successful or not, crime and punishment have a certain concept behind them. Whether one has succeeded in the world or not, we still maintain our Penal Code and the criminal Procedure Code and other codes.

DR. KAILAS : Parliament should not have created this committee.

SHRI N. SREEKANTAN NAIR : They should have. They have to dissect and find out the delays. They are not expected to go and run the management. It is a question of construction; and the other is the question of dissection. Let us understand the difference.

I next come to the criticism of the hon. Minister. The hon. Minister pointed out and perhaps rightly pointed out that the Bill seeks to bring in those organisations where there is a disqualification, which are disqualified. I would only amend it those organisations, the offices in which are disqualified. They are to be employed; the others are not. Well, he has got his interpretation. I am not a lawyer. He is a very great lawyer, and is a retired judge of the high court and all that. My understanding of law may not be that technical. But when I say that such and such offices in a body are disqualified, I understand the implication to be this that the remaining offices are not disqualified. I say that they are the two sides of the same coin. The head is on the one side and the value of the coin is written on the other side. He was referring to the head, and I was referring to the worth of the coin. Therefore, I understood these Parts I and II as indirectly accepting the fact that those except the President in the case of Part I and except the President and Secretary in Part II are exonerated, or excluded.

SHRI R. R. GOKHALE : That is where the misunderstanding comes,

SHRI N. SREEKANTAN NAIR : It is my lack of understanding of law. I am very glad that a categorical assurance has been given by such an eminent lawyer, who had

been a very eminent judge, apart from the fact that he is our Law Minister, to the effect that there is no disqualification. I am very thankful for it. Since the Joint Committee on Offices of Profit started functioning, during the last 8 or 9 years, they have made so many recommendations. I read 28 recommendations for disqualification in my opening speech. Every time, they were harping on this : Why has not the Government brought forward a legislation on this? I have brought to the notice of the House the implications of the recommendations of the Joint Committee on Offices of Profit. When the item in the Order Paper involving the election of members to this Joint Committee was brought here, the Speaker was in the Chair and I raised the very same point that in the past, this Joint Committee had deviated from the basic approach which the second Parliament took in enacting the Parliament (Prevention of Disqualification) Act and how the Joint Committee have all along been insisting upon taking a diametrically opposite view to the enactment and that the members should be now advised to adopt an entirely different attitude in the future. That is on record. The Speaker told me that my suggestion would be conveyed to the members of the Joint Committee. Yet, I thought it better to bring such an Act so that many Members of Parliament who do not know this may know that there is such a Damocles Sword hanging over their head if tomorrow the Minister decides to bring a Bill incorporating the suggestions of the Joint Committee, because the Joint Committee is supposed to be a miniature Parliament and under normal circumstances, its decision should not be countered.

I wanted to bring it to the attention of the House and the Minister that the approach and attitude of the Joint Committee members in the past has been something which is not in the national interest. I do not contend that if an MP becomes a member of the Board of Directors, he is going to usher in socialism. That is another mistaken notion in the minds of friends on both sides. It is not a question of ushering in socialism at all. This is a technical phase. If you want to usher in socialism in any country, you will have to take over the means of production, i.e. nationalise

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them. That means, starting public sector undertakings. But they must be run properly. Otherwise, we will be sharing poverty and not wealth. Sharing poverty is not socialism. Therefore, not only the existing public sector undertakings in the country, but all the major industries in this country will have to come under the Government, i.e. under the common ownership of, the people of this country.

One of my friends on this side was thinking that I am against workers' participation. It is not a question of workers' participation. Workers should be brought into the board of management. But I am thinking of some mature mind to help and guide such boards at the most crucial moment in the history of this country which we want to make a test of this. At such a time the benefit of the advice of Competent and experienced people should not be denied to the public sector undertakings merely because they happen to be Members of Parliament. I am prepared to withdraw the Bill. I beg to move for leave to withdraw the Parliament (Prevention of Disqualification). Amendment Bill.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to withdraw the the Parliament (Prevention of Disqualification) Amendment Bill, 1971".

The motion was adopted.

MR. DEPUTY-SPEAKER : Bill withdrawn by leave.

The Bill was, by leave, withdrawn over.

17.52 hrs.

GIFT-TAX (AMENDMENT) BILL (Amendment of Sections 22, 23 etc.)

SHRI S. C. SAMANTA (Tamluk) : I beg to move :

"That the Bill further to amend the Gift-tax Act, 1958, be taken into consideration".

In the Statement of objects and Reasons I have mentioned why I have brought forward this Bill. I hope by this time Government have given thought to the reasons given by me.

I want to amend the Act only in a simple way. In the Gift-tax Act as passed in 1958 there are some irregularities which have to be remedied. For instance, under the existing Act the officers impose the tax and within a month the assessee can appeal. He can re-appeal also. The assessee can also pray for revaluation of the property for which the tax has been imposed. This is valuation for the second time. The first time it was valued when he was asked to pay. On appeal he can again have it examined by two valuers, who are to be appointed to revalue the property for which tax has been imposed. If these two valuers agree, then there is no problem. But if they differ in valuation, then it is referred to a third valuer. It takes so much of time, so many irregularities creep in and so many difficulties are felt. Then, when these valuers are appointed they have to be paid and at times Government have also have to pay.

Another thing the costs of any arbitration proceedings shall be borne by the Central Government or the assessee as the case may be at whose instance the question was referred to the valuers. Valuers in disposing of any matter referred to them for arbitration under subsection vi hold or cause to be held such enquiry as they think fit and after giving the appellant and the respondent an opportunity of being heard or such orders thereon as they think fit and shall send a copy of such order to the Appellant Tribunal. But that is not the final, Sir.

So, I have proposed the deletion of some provisions and those people who do not submit the money demanded of him for the gift they are punishable with fine which may extend to Rs. 10 for every day during which the default continues. Here I have suggested that imprisonment should be added also, I say that "shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 10 for every day during which the default continues.