

Now, Sir, as the Minister is also equally aware, about 200 M.Ps. of this House have signed a Memorandum and submitted it to the Prime Minister. In this connection I appeal to the hon. Minister that in the next Session of Parliament a Bill giving statutory order to the Scheduled Castes converted to Christianity be brought so that they enjoy the facilities and rights and privileges as Scheduled Castes.

[Translation]

THE MINISTER OF WELFARE (SHRI SITARAM KESRI): Sir, while thanking the hon. Member, Member, I would like to say only this that the question of Jammu and Kashmir has not been taken up due to several reasons. It has been kept aside due to the circumstances through which Jammu and Kashmir is passing today. In the coming days it will be considered when the situation improves.

[English]

MR. SPEAKER: The question is :

"That the Bill, as amended, be passed."

The motion was adopted

18.32 hrs

PARLIAMENT (PREVENTION OF
DISQUALIFICATION) AMENDMENT
BILL

[English]

THE MINISTER OF LAW, JUSTICE
AND COMPANY AFFAIRS (SHRI K. VJAYA
BHASKARA REDDY): Sir, I beg to move.

" That the Bill further to amend
the parliament (prevention of
Disqualification) Act, 1956, be

taken into consideration."

The hon. Member would recall that the Joint Committee of offices of profit presented their second Report to this House on the 9th April, 1992. In that Report the Committee had examined the composition, character, function etc. of four Commissions including the Planning Commission constituted by the Government of India and the emoluments and allowances payable to their chairpersons, vice-chairpersons, members even with a view to consider whether the holders of offices under those Commissions would incur disqualification under Article 102 of the Constitution.

The Commission noted that the term of office of the Deputy Chairman, Commission is for a period of five years from the date of assumption of his office. Further, he is also entitled to a salary of Rs. 2250/- per months plus DA as admissible to the Secretary to the Government of India and other perquisites as admissible to a Minister. They have also noted that the Deputy Chairman of the Planning Commission has been given the status of a Cabinet Minister. It was also noted that the Election Commission of India in reference to case No. 1 of 1990, between Shri A.K. Subhaiah and Rana Krishnaa Hedge had held the office of Deputy Chairman of the Planning Commission is capital of profit being derived as a definite salary is attached to that office and the fact that the incumbent did not draw any salary, did not materially alter the status of that office for being an office of profit. (Interruptions)

SHRI BASU DEB ACHARIA (Bankura):
Mr. Speaker, Sir, I am on a point of order. Now it is beyond 6.00 p.m. and so, the House should be extended now.

MR. SPEAKER: I uphold your point of order. We have acquiesced in sitting here in the House. We will sit here until we complete this business.

SHRI K. VIJAYA BHASKARA REDDY:

The Committee has also opined that the Members of Parliament being the representatives of the people when appointed on such an important Commission could play a very useful; and constructive role, and that they should not be deprived of the membership of the Commission on purely technical grounds. In view of this and in view of the fact that the Ministers at the Centre as well as in the States have already been exempted from incurring disqualification for being chosen, or for being, Members of Parliament vide clause (a) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959, the Committee has recommended that the schedule to the aforesaid Act should be suitably amended expeditiously so as to prevent the person holding the office of Deputy Chairman, Planning Commission from incurring disqualification for being chosen, or for being a Member of Parliament. The Government are anxious to give effect to the aforesaid recommendation. Incidentally, I may mention here that the Government are examining the other recommendations of the Joint Committee along with the earlier reports. It is my earnest hope that the Bill will receive unanimous support from all sections of the House.

Sir, I now commend the Bill for the consideration of the House.

MR. SPEAKER: Motion moved:

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

[Translation]

SHRI DAY DAYAL JOSHI (Kota): I beg to move;

" That the Bill be circulated for the purpose of eliciting opinion thereon

by August 14, 1992."

Mr. Speaker, Sir, I have moved for the circulation this Bill for the purpose the eliciting opinion thereon because all the hon. Member of the House have said just now that the Chairperson of the Minorities Commission should be given the statutory status and hence the Joint Committee on Offices of Profit has presented their Second Report in which they have made recommendation to exempt the Chairpersons of the four Commissions from incurring disqualification.

Keeping in view the granting of exemption from disqualification under Article 102 of the Constitution of India, the officers held by the Chairman, National Commission on Scheduled Casts and Scheduled Tribes; Chairman, Minorities Commission; Chairman, National Commission on Women and Deputy Chairman Planning Commission should be examined whether the Members of Parliament holding these offices can be exempted from incurring disqualification. I am sorry to say that if a Bill was to be brought, what was the hurry, the hon. Minister should have brought forward a comprehensive Bill in the House in view of what had accepted during the last few days. Today, it appears to me that since the elections to the Rajya Sabha are going to be held, this Bill will be known as the Pranab Mukherjee Bill.

It appears to me that in the next Rajya Sabha, the name of Pranab Mukherjee will come as a Member and since the office of the Deputy Chairman of the Planning is equal to that of a Cabinet Minister today. So, it has been done to oblige him and to make him safe and secure.

Sir, as I have come to know, I have just got the information that this Bill has been brought in a hurry just to appear and oblige one person and that too by succumbing to pressure exerted by only one person.

Mr. Speaker, Sir, I would like to request you that if the Bill was to be brought forward, although I do not oppose this Bill as this office is quite necessary and facilities should be given to it, I am sorry to say whether it has ever been taken into account that since its constitution in 1956 the Committee on Offices of Profit has made sixty recommendations. But the Council of Ministers never paid its attention to any recommendation to the extent as it is paying today to this recommendation made in the Second Report presented in the House nor did it ever try to express its opinion in the House. This Second Report is being presented in the House today in a hurry. It would have been better if a Bill would have been brought in the next session if the Government so wished so that all the four Commissions—

MR. SPEAKER: That is all, now to it over and done with. Now do not repeat it.

SHRIDAUDAYALJOSHI: In the coming days, in the next session the Government will come before the House again on the disqualification issue of the Chairpersons of the remaining three Commissions. Therefore, I want that the Bill be circulated for the purpose of eliciting opinion thereon.

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, 'Shri Ramakrishna Hegde was the Deputy Chairman of the Planning Commission and he happened to be the Member of the Karnataka Legislative Assembly. Later on, he was disqualified from the Membership of the Karnataka Legislative Assembly and he continued as the Deputy Chairman of the Planning Commission. This should not happen. This Bill has been brought with the intention of preventing that precedent. It is my submission that though this Bill does not contain any such provision of present, but when it becomes Act, it should be enforced with retrospective effect. Since the Bill had to be brought in view of the prevailing circumstances, it should be

enforced with retrospective effect. That is the only solution. We shall make this request to the Government that if there is any problem in enforcing it immediately, it should be circulated to elicit the opinion on it, and it should be brought in the next session so that it can be enforced with retrospective effect and the disqualification incurred by Ram Krishna Hedge condoned.

[English]

SHRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Speaker, Sir, this is a Bill which is non-controversial in nature and a simple Bill but with a lot of significance.

I wonder how Shri Dau Joshi chose to oppose this Bill. As I understand, the Joint Committee on Offices of Profit has recommended that such an amendment should be brought forward to give exemption to the office of Deputy Chairman, Planning Commission. This has been the unanimous report of the Joint Committee on Offices of Profit. Shri Dau Dayal Joshi is a Member of this Committee and the Committee has unanimously recommended after analysing the entire situation.

[Translation]

SHRI DAU DAYAL JOSHI: The Committee had recommended that all these four should be brought together.

[English]

SHRISRIBALLAV PANIGRAHI: It says: The Committee, therefore, recommends that the Deputy Chairman, Planning Commission should be exempted from the list of offices of profit as for being a Member of Parliament or State legislature, provided that he should not draw salary etc. Only compensatory allowance is admissible.

Since the original Act has been enacted

[Sh. Sriballav Panigrahi]

on 1959, there have been sea-changes in the situation and there are so many public undertakings and other bodies which need active involvement of the people's representatives like MLAs and MPs. There are several Commissions, Corporations and Committees. People's participation holds key to the success of social economic programmes. Therefore, it is only the people's representatives who can arrange effective people's participation. In the present scenario, it needs a fresh approach. There should be a fresh look regarding the provisions of the offices of profit. I request the hon. Minister that he may kindly look into it. In today's situation just because an MP or an MLA becomes a Minister, he is exempted from the list. This provision is not attracted even though he gets salary and allowances. He can serve faithfully and sincerely to the people, the electorates. But an MP is chosen as a director of a public undertaking or a corporation, is he not expected to work sincerely, with devotion and with independence.

In the present scenario, for successful implementation of all our plans and programmes and socioeconomic revolution people's participation is a must.

In order to ensure people's participation for better success of all our schemes, it is high time that the Government also gives a fresh look and comes forward with necessary amendment in all the relevant laws etc.

[Translation]

DR. LAXMIJARAYAN PANDEYA (Mandsaur): Mr. Speaker, Sir, this Bill has been introduced in the House on the recommendation of the Joint Committee on offices of profit and on the basis decision taken by the Election Commission in the

case of Shri A.K. Subhaiah and Shri Ramakrishna Hegde in 1990. About the provisions of the Bill I would like to say that a comprehensive Bill should be brought because whenever the question of offices of profit has been raised in the House a Bill to that has been brought and amendments has been sought. Amendments have been brought sometimes regarding the issue of co-operative and sometimes regarding issue like other commissions and those amendments have been accepted too. Today also an amendment has been brought. As, just now a doubt has been expressed that tomorrow you will come with a demand that it would better if such facilities regarding Woman Commission, Minority Commission or any other Commission should be provided. It is better if once this is considered as a whole. (Interruptions) As far as this Bill is concerned, I think nobody is disagreed with its provisions. This Bill is only about the Deputy Chairman of the Planning Commission. There is no mention of intentions of the Government behind that.

[English]

MR. SPEAKER: I shall now put amendment No. 1 to the motion for consideration moved by Shri Dau Dayal Joshi to the vote of the House.

Amendment No. 1 was put and negatived.

MR. SPEAKER: The question is:

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

The motion was adopted.

MR. SPEAKER: The House will now take up Clause consideration of the Bill.

The question is:

"That Clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

MR. SPEAKER: The question is :-

"That clause 1 the Enacting Formulate and the Long Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Long Title were added to the Bill

SHRI K. VIJAYA BHASKARA REDDY:
Sir, I beg to move:

"That the Bill be passed."

MR. SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

SHRISRIKANTAJENA (Cuttaack): The hon. Minister has given some commitment. The hon. Minister said that he will give some clarification.

SHRI K. VIJAYA BHASKARA REDDY:
I cannot give it. There is already a judgment. I do not know whether we can go back. I will get it examined.

MR. SPEAKER: Mr. Minister, do you want to take up Item Nos. 20, 21 and 22?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTRY OF STATE IN THE MINISTRY OF LAW, JUSTICE, AND COMPANY AFFAIRS (SHRI RANGARAJAN

KUMARAMANGALAM): I have already made statement on the floor of the House when the Deputy Speaker was in the Chair and said that with regard to 20 and 21 etc., Government business, we are not pressing the issue to be taken up today.

MR. SPEAKER: Item No. 22 is 193. There is discussion on the situation arising out of awarding of contract to M/s. Asea Brown Boveri for purchase of electric locomotives.

SHRI INDRAJIT GUPTA (Midnapore):
What about 193?

SHRI RANGARAJAN KUMARAMANGALAM: The hon. Minister is ready. It is up to the House.

SHRI CHANDRA JEET YADAV (Azamgarh): Regarding this, we wrote a letter to you that the same company, ABB has given contract to Gandhar Power Project and another project. That relates to the same Company. The contract is for two power Projects.

MR. SPEAKER: Who has given contract?

SHRI CHANDRA JEET YADAV: The Government of India... the NTPC. It is on the same company.

MR. SPEAKER: Now, this is exactly what is happening. We have a matter on the Agenda. We are pushing it aside and taking up the matter which is not on the Agenda. It pertains to a different Ministry.

SHRI CHANDRA JEET YADAV: No, Sir. We wrote a letter to you because the same company involved. (Interruptions)

MR. SPEAKER: Why I am telling you this thing is because the two hon. Members came to me and said this should be taken up

and things like that. why have we not been able to take it up? When we have an item on the Agenda, we push it aside and take up something else. The Company may be the same but the contract is different. The Ministry is different. Do you think that we will be able to discuss it now?

SHRI CHANDRA JEET YADAV: We are not saying that.

SHRI BASU DEBACHARIA (Bankura): Both can be discussed together.

MR. SPEAKER: How can we? The Minister should be here. The contract is different. The Ministry is different. Let us not do like that.

(Interruptions)

MR. SPEAKER: Shri Sobhanadræwara Rao Vadde to initiate the discussion under Rule 193.

18.52 hrs.

DISCUSSION UNDER RULE 193

CONTRACT TO M/S ASEA BROWN
BOVERI (ABB) FOR PURCHASE OF
ELECTRIC LOCOMOTIVES

[English]

SHRI SOBHADREESWARA RAO VADDO (Vijayavada): Mr. Speaker, Sir, I thank you very much for allowing a discussion on this important matter of awarding of a contract to M/s Asea Brown Boveri for the purchase of electric locomotives. In fact, I have written a letter to the hon. Minister on 27th March asking him to clarify several aspects relating to this contract.

[Translation]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, the debate will take much time. We all know that this thing has also happened earlier. Therefore, I suggest that as now the debate has started it should be allowed to continue in the next session.

[English]

MR. SPEAKER: There will not be any difficulty if they give a fresh notice in the next Session to take it up, instead of saying that we carry it over.

(Interruptions)

SHRI BASU DEB ACHARIA (Bankura) It is possible to carry it over to the next Session. We can continue it in the next Session.

MR. SPEAKER: Shri Basu Deb Acharia, please understand that if you are very keen to discuss in the next Session, nobody is going to say not to do it. But let us not continue it to the next Session.

SHRI BASU DEB ACHARIA: There were instances.

MR. SPEAKER: I agree with you that the same thing can be discussed.

SHRI GEORGE FERNANDES: According to rules, it is possible.
(Interruptions)

MR. SPEAKER: I do not give any promise. I will get it examined.

SHRI BASU DEB ACHARIA: There are a number of instances *(interruptions)*

MR. SPEAKER: There is no difficulty if