

Legislative Assembly (Prevention of Disqualification) Bill

of rule 198 of the Rules of Procedure and Conduct of Business in the House of the People, twenty-five members from among their number to be members of the Committee on Estimates for the year 1953-54".

(3) Elections, if necessary, will be held on Friday, the 15th May, 1953 in Committee Room No. 62, First Floor, Parliament House, between the hours 8-30 A.M. and 11 A.M.

**Mr. Deputy-Speaker:** The question is:

"That the Members of this House do proceed to elect, in the manner required by sub-rule (2) of rule 198 of the Rules of Procedure and Conduct of Business in the House of the People, twenty-five members from among their number to be members of the Committee on Estimates for the year 1953-54".

The motion was adopted

PUBLIC ACCOUNTS COMMITTEE

**Shri Satya Narayan Sinha:** I beg to move:

"That the Members of this House do proceed to elect, in the manner required by sub-rule (1) of rule 197 of the Rules of Procedure and Conduct of Business in the House of the People, fifteen members from among their number to be members of the Committee on Public Accounts for the year 1953-54".

**Mr. Deputy-Speaker:** The question is:

"That the Members of this House do proceed to elect, in the manner required by sub-rule (1) of rule 197 of the Rules of Procedure and Conduct of Business in the House of the People, fifteen members from among their number to be members of the Committee on Public Accounts for the year 1953-54".

The motion was adopted.

**Mr. Deputy-Speaker:** I have to inform the House that the following programme of dates has been fixed for receiving nominations and withdrawal of candidatures, and for holding elections, if necessary, in connection with the Estimates Committee and the Public Accounts Committee—

(1) Nominations to be filed in the Parliamentary Notice Office upto 12 Noon on Tuesday, the 12th May 1953.

(2) Withdrawal of candidatures will be received in the Parliamentary Notice Office upto 12 Noon on Wednesday, the 13th May 1953.

VINDHYA PRADESH LEGISLATIVE ASSEMBLY (PREVENTION OF DISQUALIFICATION) BILL—contd.

**Mr. Deputy-Speaker:** The House will now proceed with the further consideration of the motion moved by the hon. Home Minister 'that the Bill to declare certain offices of profit not to disqualify their holders for being chosen as, or for being, members of the Legislative Assembly of the State of Vindhya Pradesh, be taken into consideration'.

**Shri Frank Anthony** (Nominated—Anglo-Indians): I rise to oppose this Bill. I concede from the beginning that the circumstances under which these Members were disqualified represent a hard case. But it is a notorious legal maxim that hard cases make bad law. I was not in the House when the Attorney-General spoke on behalf of Government. But I read the reports in the press and I have no reason to believe that they do not represent an accurate summary of what happened. And may I say this, with all respect to the learned Attorney-General, that from reading the press reports I felt that he was arguing from a political brief? As a member of the legal profession I know that it is not uncommon for lawyers to resort to casuistry. But I do not think it is necessary for a measure of this kind to be supported by any kind of casuistry.

From the press report I find that some Members raised the issue that in effect this Bill represented an indirect amendment of the Constitution, that in effect the President had exercised the authority under the Constitution, and the Constitution makes his position supreme and final. Not only the Attorney-General but the Home Minister in replying to this argument, I felt, ran away from it. That is a clear cut constitutional issue. He ran away from it and sought to take refuge in a legal quibble. I am not basing my case in an attempt to cross swords with the Attorney-General, but on the purely legal or constitutional position, for what it may be worth, I am giving my opinion here. And with all due respect to the learned Attorney-General I feel that the position which he has taken is not tenable. I have looked at the provisions of the Government of Part C States Act. The Attorney-General has