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employers. Do you not think that an agreement of that character will be most useful and facilitate peace in industry? That is what I mean by bipartite and tri-partite agreements and I do not wish to say that I am against labour legislation. Certainly not. But labour legislation based on the knowledge of facts and agreements would be far more abiding than otherwise. I wanted to make that position quite clear.

Somebody said that we should not feel that because there is a lesser amount of direct action the workers are contented. I quite agree with the proposition. I do not say because there are lesser number of strikes there is greater contentment in labour. But what I say is that the belief of the workers at least during the last two or three years is of such a character that they feel and have great faith in bipartite and tri-partite agreements and they also feel that strike should be the last resort before other attempts at compromise or settlement of disputes is made. I am very glad of that. That is my attitude too—that strike should be the last resort. Collective bargaining should be the basis of the settlement of disputes between workers and employers. I hope I have made my position quite clear and I am sure if only the trade unions and their leaders realise their sense of responsibility, strengthen the trade unions, create sanctions behind them, put forward reasonable demands to employers their course, and the stages through which should pass, are quite clear.

All that I can say is that I have believed in these maxims for a very long time and I am not ashamed to feel that the views that I held thirty or thirty-five years ago have stood the test of time. Those who laugh last laugh best.

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

“That the Bill be passed.”

*The motion was adopted.*

PREVENTION OF DISQUALIFICATION (PARLIAMENT AND PART C STATES LEGISLATURES) AMENDMENT BILL.

**The Minister of Law and Minority Affairs (Shri Biswas):** I beg to move:

“That the Bill to amend the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953, as passed by the Council of States, be taken into consideration.”

This is a very short Bill consisting only of one clause...

**Shri S. S. More (Sholapur):** And very innocent too...

**Shri Biswas:** By that clause it is proposed to extend a certain time-limit from the 30th April 1954 to 31st December 1954. The time-limit prescribes the period up to which membership of various committees referred to in Act I of 1953 will be immune from disqualification. As the House knows, in the last session, Parliament passed a Bill in terms of article 102 of the Constitution. That article lays down:

“A person shall be disqualified for being chosen as, and for being a Member of, either House of Parliament, if he holds any office of profit under the Government of India or the Government of any State other than an office declared by Parliament by law not to disqualify its holder.”

So, although the disqualification was created by a substantive provision in this article, power was reserved to Parliament to make relaxations in certain specified cases. Now in exercise of this power Parliament did enact the law last year, Act I of 1953, that is, the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953. If hon. Members refer to that Act they will find that the scheme of the Act was this. In certain cases permanent removal of disqualification was granted. In other cases exemption only for a temporary period was allowed. Disqualification was re-

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moved permanently in those cases where the offices were not offices of profit. The meaning of the words "office of profit" has been the subject matter of doubt and difficulty, as for instance, whether profit should be regarded as something which is expressible only in terms of money; in other words, whether a person should be held to be deriving profit only if he drew a salary, remuneration, allowance and so forth. On the other hand the view has been taken in the United Kingdom and, I believe, in some other countries as well that profit is not limited to monetary gain only and that something other than monetary gain is also included. Where the holder of an office is entitled to some material advantages not expressible in terms of money, there too that will be regarded as an office of profit. Therefore, the office itself will operate as a disqualification.

From that point of view, having taken legal opinion, Government decided that offices where the functions exercised by the committees were of an advisory character which carried no patronage, no power of making appointments or of exercising other executive functions, those offices would not disqualify.

**Shri Bansal (Jhajjar-Rewari):** Where do you draw the line?

**Shri Biswas:** I was trying to explain where we draw the line Government acted on the view that if the committees were performing functions of an advisory character, they shall not disqualify. I will read out the terms...

**Mr. Deputy-Speaker:** May I interrupt for a minute? Is all that necessary on this Bill? There is the other Bill. The whole ground was traversed on a prior occasion when the hon. Minister said that he would look into individual cases wherever particular Members of Parliament are associated in any body and then he would bring amendments. Now, this Bill is for the purpose of extending the time for preventing the disqualification for some time, till December. In the meanwhile, the Minister says, as

he has stated in the Statement of Objects and Reasons, that he will examine those individual cases, not only those of profit but where it was not considered to be an advisory body—all that will be considered in the later Bill. Therefore, when that Bill comes up it is time enough to consider it. I think, so far as this Bill is concerned, the need for extension alone is the subject-matter now. The hon. Minister need not throw open the whole field. I do not know where it will end.

**Shri Biswas:** I am very grateful to you, Sir.

**Shri Bansal:** In the Statement of Objects and Reasons it is mentioned that Government are considering the cases of bodies of a non-advisory character. Our difficulty is where to draw the line. Some of us are serving on purely advisory bodies. But the Supreme Court or any other court may decide that what we consider or what Government considered at one time to be purely advisory is not advisory.

**Mr. Deputy-Speaker:** I can only say so far as that matter is concerned that what is non-advisory, what is advisory, what is one of profit, what is not one of profit, all that will be taken into consideration by the Minister. Any hon. Member who has got a particular case can certainly write to the Minister or talk to him so as to include that particular case also in that category and get it exempted from the disqualification. That is all for the future. Let not this be the forum for finding ways and means as to what provisions have to be incorporated in a future Bill. This is merely an extension Bill. Whether that should be done or not is the simple point before the House.

**Shri Biswas:** I am very grateful to you for the direction you have given. I thought I should act according to those lines. But unfortunately I find that two hours have been allotted by the Business Advisory Committee for a discussion of this measure. I am anxious to finish it in two minutes

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** May I make one submission? On behalf of the Business Advisory Committee I may inform my hon. colleague...

**Shri Punnoose (Alleppey):** Is he raising a point of order, Sir?

**Shri Satya Narayan Sinha:** My hon. colleague has said that two hours have been set apart for this by the Business Advisory Committee. For his information I may tell you, Sir, that the Committee, when it decided on two hours, had in view the comprehensive Bill which has been drawn up by the hon. Minister. This will not take more than fifteen minutes.

**Shri S. S. More:** May I seek some information? The Minister of Parliamentary Affairs was kind enough to explain that when the Business Advisory Committee made this allotment that Committee was dealing with other Bill which has been promised in the Statement of objects and reasons. Does that mean that that Bill was placed before the Business Advisory Committee?

**Shri Biswas:** I may explain, Sir. I know what happened. But as there was no modification of the time allotted, I was wondering why two hours have been allotted for such a simple Bill like this. In the other House it did not take even twenty minutes.

**Mr. Deputy-Speaker:** I can only say for the information of the House that the Business Advisory Committee always errs on the other side, that is of giving more time, so as to avoid any representation on the floor of the House that the time has been limited. Therefore the hon. Minister need not be carried away by the two hours. And if he has nothing more to say he may sit down.

**Shri Biswas:** I have nothing more to say except to point out why we require this time. There are so many points to be considered, and therefore I think if the blanket cover is extended till the end of the year it will satisfy all parties and all cases. (Shri S. S. More: Go ahead).

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill to amend the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953, as passed by the Council of States, be taken into consideration."

**Shri Ramachandra Reddi (Nellore):** I have only one submission to make. It is stated that all these cases are being further examined by the Government. I would only suggest that some of the Members of Parliament might be taken into confidence while discussing these things, or after a particular stage when the Government comes to certain decisions, so that those decisions can be discussed by the Members of Parliament before they actually frame a Bill.

**Shri S. S. More:** When this Bill was taken up on the floor of the House on the 24th December last I was one of the speakers who expressed himself regarding the utility and the purpose for which the Bill had been moved. My submission then was that this is an attempt to legalise and validate the distribution of patronage. I know that in parliamentary democracy, when parties in power have to keep themselves firmly in their saddle, they are required to distribute patronage to all those who add strength to the saddle itself. But we should not encourage it. And Why? Because, particularly the Congress which happens to be in power has been nurtured on the philosophy of Mahatma Gandhi. And if Mahatma Gandhi had said anything, he had said that no patronage should come into play when Congressmen come to shoulder the responsibility of office. I do not think this Government follows the advice of Walpole that every man has his price. But that is what is happening. I should like to ask why so many Members of Parliament are functioning on so many committees. Is not the work of Parliament sufficiently taxing and sufficient enough to take up all the time and energy that a Member of Parliament may have to contribute for public purposes? If so many Members are having their fingers in dif-

[Shri S. S. More]

ferent pies, it means they are not there purely for tendering advice. I am not prepared to accept the proposition that this country is so dearthful of competent persons that some persons should be given three-fold or four-fold responsibility and asked to go on this committee and that committee and oblige the Government by their very useful and constructive advice. I said on the last occasion and I still repeat it, that we are very recklessly following the American spoils system. When the party in U.S.A. goes to office, it takes along with it a large following. Some distribution of patronage has to be made to keep their loyalty intact to the party in power. That may happen there. Accepting that this House was pleased to pass that measure, the period allowed was 30th of April. As I understood the hon. Minister in charge of this Bill, he gave a categorical assurance that before that time expires, the Government will go into all the individual cases of all the Members who are likely to come under the guillotine of this particular disqualifying clause and they will be instructed to resign their places. Why has this assurance not been implemented? The only reason that I can anticipate or visualise is that these Members are not prepared to give up what they have acquired and they are hesitating, they are refusing and therefore the hon. Minister has come forward obligingly to keep them in their saddle. Otherwise, the moment 30th of April passes, all these seats will be rendered vacant. There was another point on which I wanted some information on the last occasion, from the Law Minister. I shall refer to the proceedings. The question of the Whips and the Deputy Whips of the party in power was raised. He is one of the functionaries who is supposed to be saved from the impending disqualification. I asked one question of the Law Minister whether these Deputy Whips are all statutory officers. I am quoting from the uncorrected report of 24th December. He was pleased to say:

"They are officers of a party in Parliament. It so happens, I do not

know why, they have been appointed by orders made by the President."

Then, I further asked, "Deputy Chief Whips, are they? Under what section?" My question was, under what legal provisions has the President been pleased to appoint these Deputy Whips of the party in power. The Minister was pleased to say, "I do not know."

**Shri N. C. Chatterjee** (Hooghly): Still the answer is the same.

**Shri S. S. More:** Of course, this state of knowledge on the part of the Law Minister regarding actions and orders passed by the President is very heartening at least to the Members of the Opposition. I would rather say, four months have elapsed, is there any change of circumstances by which the stock of knowledge which is possessed by the Law Minister has been augmented to the extent that he knows the provisions under which these orders have been passed? The Deputy Whip is a very useful functionary. He has to go about outside the walls of the House, not on the floor of the House, he has to go to the lobby, to the Central Hall and chit chat over cups of coffee. He has to do all these onerous duties because all the flock has to be kept together. It is a very great responsibility and a trying responsibility and he has to be given some protection. But, I should like to know how the President came to appoint these functionaries. He is a party man; he is discharging a party responsibility. How does he come in the great hierarchy of officers who are appointed by the President? I should like to know under what provisions. If Shri Biswas wants, he can take time to collect this information till the next Bill comes forward. That is the usual state of affairs here. With your permission, I would say that the Law Minister must make out a case why he wants to extend the period from 30th April to the end of December, 7 or 8 months. What are the reasons, what are the impediments coming in

his way, which prevent him from cleaning and purging the composition of this House? Why are so many people allowed to function at different levels to their own financial advantage? Not only financial advantage; but they may be adding to their prestige. Because, as the Law Minister was very much pleased to say, there are gains, monetary gains, non-monetary gains which may be converted into money value after some time like delayed action bombs they become effective after some time. I want to understand all these things. Therefore, the Minister in charge of this Bill may be pleased to add to my knowledge, under what particular provisions these Deputy Whips have been appointed, and what Government functions they discharge.

I further would like to know from the Law Minister whether there is any justifying cause which necessitates the extension of this time-limit up to December. Let him have two months' or three months' time—we shall be very generous to the Law Minister; we like him so much—before the next session of Parliament. Let him take account of the whole situation as to how many individuals are likely to come under this bar and give them some useful constructive advice if they want to keep their seats here. All this cleansing business, all this sanitary business should be discharged within two or three months. Otherwise, my friends like Shri Bansal will always be on tenter-hooks whether they are here or there. They should make up their mind whether they would be in this House or on other committees. At least the Law Minister can be an adviser to all these friends and tell them, to keep their seats here and not to bother about other committees.

**Shri Raghuramaiah (Tenali):** I think I should congratulate the Law Minister for having at least at this stage, three days before the expiry of Section 4 of the present Act, come forward with this measure. The situation created by section 4 has caused considerable anxiety, worry, mental torture to a number of Members in this House.

Many have been asked to resign; some have received advice that they need not resign. The totality of confusion is quite unparalleled in the annals of legislation. The situation is so critical and some of us have been so bothered and worried. I therefore congratulate the Law Minister for having come forward at least to give us this last minute relief.

What, however, worries me is the Statement of Objects and Reasons. It contemplates a comprehensive measure applicable among other things to statutory advisory and non-advisory bodies. I do not pretend that my knowledge of law is absolutely perfect. But, within the compass of my knowledge, I have always wondered whether the Law Minister has not taken up a super-human task in undertaking this work. The distinction between an advisory and a non-advisory body is a matter on which international jurists have differed. Suppose a Committee of Members of Parliament is appointed to gather evidence and submit a report to the Government, on a particular matter, and suppose power is given to appoint typists or chaprasis, does it or does it not have the nature of a body having executive powers? These are very difficult matters. We must remember that the Bill seeks to cover disqualification not only in respect of offices under the Union Government, but also offices under the State. In every case, there should be a general guidance both for the Government here and in the States, in advance as to what kind of bodies will come under the disqualification. This idea of confining the removal of disqualification to only statutory bodies bristles with tremendous difficulties. Because, there are various committees, and advisory bodies appointed by the Central Government and the State Governments which are not necessarily under any statute. For instance, the Indian Central Tobacco Committee, I understand, is not constituted under any statute of this Parliament. But, it was constituted under a resolution of the Government of India. Is it a body which will be regarded as statutory? I

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doubt. If so, it means that a member of the Indian Central Tobacco Committee will not be covered by the contemplated legislation. I have given only one instance.

**Mr. Deputy-Speaker:** Are we going into all these details here? If the hon. Member has got a doubt whether this extension covers membership of the Central Tobacco Committee, that would be relevant. What the hon. Minister is going to decide and incorporate in any future legislation, cannot be quite relevant to the issue today. The hon. Member may discuss with him privately or send him a memorandum.

**Shri Raghuramaiah:** May I submit...

**Shri Biswas:** May I explain? There is a lot of misunderstanding as to the Statement of Objects and Reasons. When the Bill was before this House, which is now an Act, I gave the assurance that I shall have the cases of the statutory bodies, membership of which was being placed under disqualification, examined. That does not mean that non-statutory bodies were exempted from disqualification. If my friend will only look at section 4 of the Act, sub-section (a) of that section refers to committees other than advisory committees, and then sub-section (b) refers to membership of statutory bodies. It is only in respect of statutory bodies I had given that assurance, and I was collecting information from all the Ministries regarding the statutory bodies. Unfortunately, the list I got is not yet complete, and there are more statutory bodies.

**Shri S. S. More:** Will it be complete within two years?

**Shri Biswas:** My friend wants to know if it will be completed within two years. I am not taking two years. I am taking only some months, nine months.

**Shri S. S. More:** Nine months! (laughter)

**Shri Biswas:** The full period of gestation for producing a Bill of this kind!

**Shri Velayudhan** (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): To deliver the goods!

**Mr. Deputy-Speaker:** The hon. Minister will have the right to reply. May I make a suggestion? I shall ask the Secretariat to include a suggestion in the Bulletin that all suggestions may be sent on this matter to the hon. Law Minister, and all suggestions sent will be considered by him. And, as suggested by Mr. Reddy, he may also invite some of the hon. Members of Parliament before the Bill is actually introduced in the House, so that whatever lacuna or whatever things are omitted may be incorporated, and whatever objections may be taken may be deleted.

So far as this Bill is concerned, I think we are unnecessarily spending time as to what the future Bill ought to be. This Bill is merely a continuance of the previous Bill.

I think Mr. Raghuramaiah has said enough.

**Shri Raghuramaiah:** My only object in referring to that is there is a certain impression created by the Statement of Objects and Reasons that the next legislation—there is reference to it—...

**Mr. Deputy-Speaker:** True, I agree.

**Shri Raghuramaiah:** I agree, and I will not discuss about those things, but I want to point out that we are very apprehensive that this kind of a situation should not develop later on, at the last minute when next this comes up. I mean we should know in advance where we stand, whether each one of us has to resign or not. We should know that well in advance and the Bill should be comprehensive enough to cover not only these Advisory bodies set up by the Central Government, but also those set up or which may be set up in future by the State Governments. I have nothing more to add except again to congratulate the hon. Law Minister for the extreme urgency with which he has dealt with the matter and the tremendous relief he has given to every one.

**Shri N. C. Chatterjee:** The position is this. The hon. Minister has come to the House for legalising what *prima facie* is of doubtful legality, if not illegality. That is a menace to democracy that we are taking a short circuit to circumvent the Constitution and the disqualification deliberately imposed by the Constitution. The sooner we get rid of that habit the better.

You know, Sir, we had an elaborate discussion, as you reminded the House, on the question of office of profit, and that was very interesting discussion. Parliamentary authorities and precedents were quoted, and there seems to be a good deal of justification for a stricter view of things that the people who accept one of these offices should not function as Members of Parliament. And the sooner that position is clarified, the better. In all fairness to the Members concerned and to the functioning of an honest and pure democracy, it would have been better for the Government to make up its mind and refer the matter to the Supreme Court. You know, Sir, they have got advisory jurisdiction and they would have disposed of the question and given the final decision, and that would have been accepted as the decision or adjudication of the highest tribunal in this country on a very difficult and complicated point. And that would have been binding on Parliament, the legislatures and all functionaries in this country. I am still hoping...

**Mr. Deputy-Speaker:** What is it that has to be referred to the Supreme Court—whether it is an office of profit or not?

10 A.M.

**Shri N. C. Chatterjee:** What are the offices of profit? You know there was a difference between the Attorney-General and the Election Commission. The Election Commission held in the Vindhya Pradesh case that they were offices of profit and actually declared the Members concerned to be disqualified. Then a Bill was introduced and there was the question...

**Mr. Deputy-Speaker:** If it is not an office of profit, the question of Parliamentary legislation does not arise at all. On the assumption that it is an office of profit, Parliament exercises its discretion to see whether that ought to be exempted or not. Therefore, it is inherent in any legislation that is brought up in regard to removal of disqualification that it is an office of profit or it is on the marginal line.

**Shri N. C. Chatterjee:** As you have pointed out, the issue before the House is not whether we should continue the exemption or continue the life...

**Mr. Deputy-Speaker:** Accepting that every one of these is an office of profit.

**Shri N. C. Chatterjee:** Accepting that. We want to know how many persons are involved. That data should be given before the House. What are the committees or what is the nature of the offices which are involved in this case. I take it that it is not the intention of the hon. Law Minister, as has been suggested by my friend Mr. More, that he wants to continue unfair patronage or that he wants really to continue...

**Shri S. S. More:** I have not criticised the Law Minister individually, but I am accusing the Government.

**Shri N. C. Chatterjee:** I stand corrected. I do not think the Law Minister wants to put his *imprimatur* on the Governmental policy of continuing the unfair spoil system, like the American Government, which is run openly on the system of spoils. What Parliament should be told at this stage is: how many Members are involved. What are the offices or what are the committees on which they are functioning? If they are offices to which they have been elected by Parliament, that is a different thing. If there are other kinds like membership of district boards or something like that, we ought to know. Really, Government should take us into confidence and should publicly declare that Parliament is being asked to set its *imprimatur* on this kind of legislation, but there is nothing sinister behind it; there is no question of our abus-

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ing our legislative authority or competence by really legalising illegality. And that should be told clearly, so that the country should know, people should know and Parliament can justify its conduct before the public.

One thing the Law Minister should make clear. There should be no further delay or procrastination. It is a very lame excuse to stand up in this House and say: "For so many months I have been trying to collect the information, but I have not yet got the information." That puts the Government and the Departments concerned in a very bad light. That shows they have been playing with Parliament and with the Law Minister. That should not be tolerated. I agree with Mr. Raghuramaiah that we should make it perfectly clear that we shall not allow, and would not permit, the Law Minister to come here, or any Minister to come here, towards the fag end of December and say: "Yet I am not ready with my comprehensive Bill. Therefore, for Heaven's sake allow this time for the continuance of this illegality or allow this kind of further validating Bill to be passed." That should be put a stop to. I hope the hon. Law Minister has got the facts and he will tell us how many people are concerned, what is the nature of the offices or positions that they hold, about which there is no question of even a shadow of a doubt as to the legality of their position.

**Shri Bansal:** The question of advisory and non-advisory bodies has been gone into, and I will not take the time of the House on that.

My difficulty arises on another score. We are on some advisory committees in our capacity as Members of Parliament. For example there are some committees, like the community project advisory committees. We are there because we represent those constituencies. Similarly, we are on the advisory committees which are the public relations committees of our districts. Again, we are there because we are Members of Parliament.

**An hon. Member:** You do not receive any allowance.

**Shri Bansal:** We are not getting any allowance from any of these bodies, but still they may be interpreted as offices of profit, because, as Mr. More has pointed out, some gain, indirect or direct may accrue to us as a result of the membership of those bodies, because it is likely that if I am in a community project committee, I may use my influence for getting a well in my village, and that may be construed as deriving some profit. Therefore, I want to know whether the membership of these bodies, on which we are working purely in an advisory capacity, and in our capacity as Members of this august House, will be offices of profit or not. That is a question which has to be considered.

Then, there is another case. We, as Members of Parliament, make some suggestions to our State Governments. I shall give a concrete example in this connection. The question of co-operative credit was exercising our minds in Punjab, and the Punjab Government came forward and appointed an advisory committee to go into this whole question of co-operative credit, and they nominated me as one of the members on that committee. I want to know whether the membership of that committee will be an office of profit or not. It is not as if,—as Shri S. S. More has pointed out,—we are anxious to get by backdoor methods into these bodies, in order to get some advantage for ourselves. It is not at all like that. He must give up that impression entirely. I am one of those who have already resigned from the bodies, where there was the least suspicion that membership of these bodies will come under the mischief of this particular provision of the Constitution. Moreover, I also agree with Shri S. S. More, when he says that Members have absolutely no time to devote to other work, because the work of the House is so important and so pressing that we can hardly afford any time. But by the mere fact that we, the Members of



this House, are nominated on some of these advisory bodies, I would like to know from the hon. Minister, whether he will keep such cases also in view, while defining what the offices of profit are.

The major question as to where we should draw the line between advisory and non-advisory, statutory and non-statutory bodies is also there.

**Dr. N. B. Khare (Gwalior):** It seems to me that this Congress Government is a limited liability company, with profits unlimited, and this Bill is a proof, if at all any is necessary. This Bill is really very strange. It has been brought in at such a late hour as this. The date mentioned is 30th April 1954, and today is 28th April 1954, and Government want to hustle through, by facing us with a *fait accompli*. I cannot understand this mentality at all. This Bill is nothing else but the unabashed nepotism of Government, in all its nakedness. Government should not carry on their administration in this fashion. They should once and for all decide what comes under the mischief of the law, and what does not. I oppose this Bill, because I am an enemy of nepotism.

**Shri N. M. Lingam (Coimbatore):** I have to make only one or two observations. I think Shri S. S. More was less than fair both to himself and the House, when he said that by this Bill, it was the intention of Government to perpetuate the patronage that they wielded among the Members. He would recall that we have passed so many resolutions in this House asking Government to appoint parliamentary committees to go into so many questions affecting so many aspects of life in the country. A difficulty has arisen now, because it is doubtful whether membership on these committees is an office of profit or not. This Bill seeks to remove that difficulty. In other words, the difficulty is in drawing the line between advisory bodies and statutory bodies. Several Members who have been appointed to advisory com-

mittees, such as the Railway Corruption Inquiry Committee, the Community Projects Advisory Committee, etc. have resigned because it is difficult for them to ascertain, under the law as it stands, whether these are offices of profit or not. To have this doubt removed, it is necessary to extend the immunity given up to the end of the calendar year, although I admit that to the extent, we postpone the immunity given, we offend the Constitution. But I hope the hon. Minister will bring in a comprehensive Bill as early as possible, although he has been given time up to the end of the calendar year.

**Shri S. S. More** opened his broadside once again against the Deputy Chief Whip. He still seems to labour under a misapprehension in that he regards the Deputy Chief Whip as one outside the hierarchy of parliamentary officials. The Chief Whip is a government appointee, and the Deputy Chief Whip acts only in the capacity of a Deputy Minister, in the sense that he assists the Chief Whip. So, there is nothing sinister or fishy about the appointment of the Deputy Chief Whip, and it is but proper...

**Shri S. S. More:** May I know under what article of the Constitution this happens?

**Shri N. M. Lingam:** I suppose the hon. Law Minister will refer to the Constitution, in the course of his reply. I hope a lawyer of Shri S. S. More's standing will realise that the office of the Deputy Chief Whip is not a party appointment but a government appointment.

**Shri S. S. More:** Because you say so.

**Shri N. M. Lingam:** There is one other difficulty, in this connection. It is true that membership of statutory bodies is immunised from disqualification, till the end of the calendar year, but there are certain offices such as membership on the Tea Board, which has yet to come into being. Under the Tea Act. Members of Parliament have to be on the Tea Board.

[Shri N. M. Lingam]

but the election to the Tea Board, from among Members of Parliament has not taken place, on the ground that it is not clear whether membership thereon will act as a disqualification or not. Therefore, I would like to know from the hon. Minister whether membership on these bodies acts as a disqualification, and if not, whether Government will go ahead with the election to these bodies.

Within these words, I support the Bill.

**Shri N. B. Chowdhury** (Ghatal): By passing this Bill, Government want to remove likely or supposed disqualifications of hon. Members. We are not opposed to hon. Members being represented on different committees, provided they do not utilise their membership for their own selfish and material gains. But I must point out that this question of office of profit should be considered seriously, and the position should be clarified, because we find that although there is this provision in the Constitution, we are removing one disqualification after another. First, there was the case of the Vindhya Pradesh legislators. Then we had another Bill to remove certain other kinds of disqualifications. For a third time, we are having a similar Bill now. If we go on at this rate, there will be no end to it, and practically there will be no office of profit at all, because whenever anything is considered to be an office of profit, we can remove the disqualification then and there. At this rate, there is no importance attached to this provision in the Constitution. If there was some spirit underlying this provision in the Constitution regarding offices of profit, I think that it is a matter which should be considered seriously, and we should not have such legislators as may utilise their position for making profit out of offices. We should certainly clarify the position and define office of profit clearly. As you yourself pointed out just a few minutes ago, if there is any doubt in the mind of any hon. Member with

regard to certain offices which he might be holding, he can pass on the information to the hon. Law Minister for his opinion. But there are certain offices about which doubt may not at all arise in the mind of an hon. Member, and he may not be aware that he was holding an office of profit at all. In spite of the assurance given by the hon. Minister, there may be certain Members who may not be aware that they were holding offices of profit, and one day it might be said that they have incurred some disqualification on this account. In order to remove all such difficulties, it is very necessary that we must have a precise idea as to what these offices of profit are. Since it is also the desire of the Planning Commission, that the legislators should be represented in local advisory bodies, such as the community projects advisory committee, the Local Development Board etc., this matter should have careful consideration, and something should be finalised.

Then there is another thing I want to say. A few months ago a Bill to amend the Representation of the People Act was considered by this House. At that time there were going to be two major elections, in PEPSU and Travancore-Cochin, and most of the hon. Members desired that at least certain amendments should be brought in so that people might not suffer from certain disadvantages, for instance, with regard to filing nomination papers. But that has not yet been done. So why is this inordinate delay there? That thing should also be considered in this connection—whether they cannot take prompt measures to bring in an amending Bill in regard to the Representation of the People Act and make a comprehensive electoral law wherein all these things would be clarified.

**Shri C. C. Shah** (Gohilwad-Sorath)  
It will lead to a little clarity of thought if we turn our mind to article 102. The expression 'office of profit' has

been given such wide interpretation—and very rightly—that it became necessary in the Constitution itself to provide that Parliament may by law declare certain offices as not to disqualify the holders thereof. In that respect, there is no question of any menace to democracy or any unfair patronage or any nepotism. These allegations are. I regret to say, irresponsibly made, and probably it may be necessary for the Opposition to do so. But the position is quite clear. As Mr. Bansal has rightly pointed out..

**Shri S. S. More:** You have come from America. Is it not?

**Shri C. C. Shah:** I have gone there.

**Shri S. S. More:** You have personal knowledge of the spoils system.

**Mr. Deputy-Speaker:** The hon. Member will kindly address the Chair.

**Shri C. C. Shah:** Therefore, the Constitution itself provides that Parliament may by law declare certain offices not to be offices of profit. Mr. Bansal has rightly observed that we, as Members of Parliament, should not go on committees to the neglect of our work as Members of Parliament. But by reason of our position as Members of Parliament, it becomes necessary and advisable in certain instances to be on committees in the interest of public work itself. But the expression 'office of profit' having been given a wide interpretation, it becomes necessary to exclude such offices from offices of profit or to remove the disqualification. The position in that respect is quite clear. We discussed this at great length when we discussed the Vindhya Pradesh Bill and Mr. Chatterjee at least should know that there is no question of any menace to democracy.

Then Mr. Chatterjee said that the question might be referred to the Supreme Court. With the utmost respect to him, I fail to understand what the Supreme Court can decide in this matter, because it is for Parlia-

ment to decide what offices shall not be treated as offices of profit for the purpose of article 102. It is a matter of policy; it is not a question of interpretation, and therefore, there is nothing which can be referred to the Supreme Court in that matter.

Now, the position so far as Parliament is concerned, is quite clear. Act No. 1 of 1954 divides itself into two parts. Section 2 categorically declares certain offices of an advisory character not to be offices of profit and that remains permanently as part of our statute. Section 4 declares certain offices as not to be offices of profit for a particular period, namely, upto 30th April. It is only in connection with section 4 which deals with non-advisory or executive bodies that this amending Bill has come before Parliament. So far as section 3 is concerned, we have permanently decided as a matter of policy that membership of certain advisory bodies will not be treated as offices of profit for the purpose of article 102.

Now, Mr. Bansal expressed certain doubts as to the line which we can draw between advisory bodies and executive bodies. I agree it is sometimes difficult in certain borderline cases to decide as to what is purely an advisory body and what is an executive body. But all that Parliament can do is to enunciate a principle and then leave it to Members to take the best legal advice they can to find out whether a particular body is an advisory body within the meaning of section 3 of the Act or whether it is not an advisory body. It will be humanly impossible to enumerate all the possible committees to which Members can be appointed and say that a particular committee is an advisory committee or a particular committee is not an advisory committee. It is best, in case of doubt, for Members themselves to decide whether they will be or will not be on that committee. Mr. Raghuramaiah stated...

**Mr. Deputy-Speaker:** Can they not make a reference to the President? Whichever hon. Member is interested can through the Election Commission make a reference to the President.

**Shri N. C. Chatterjee:** Yes. There is article 143.

**Shri C. C. Shah:** It may be done if the President so decides. But it is for the individual Member himself to take legal advice to decide whether he should or should not be on a committee.

**Shri N. B. Chowdhury:** With regard to that, we know in connection with the Vindhya Pradesh Bill, the matter was referred to the Election Commission and to the President also. But that was not the final say. We wanted Parliament to decide.

**Mr. Deputy-Speaker:** No, no. The President only decides whether it is an office of profit or not. In case he decides it is an office of profit, it is for Parliament to say that notwithstanding the fact that it is an office of profit, it shall be exempted. So there is absolutely no conflict.

**Shri C. C. Shah:** As regards non-statutory executive bodies, if I understand rightly the policy of the Government, it appears to be quite clear, that they do not desire to extend the removal of disqualification to non-statutory executive bodies, and the assurance which the Law Minister gave at the time we passed the Bill related only to statutory non-advisory bodies. Therefore, there is no doubt as regards the policy of Parliament as well as of the Government that so far as non-statutory executive bodies are concerned, it is not the desire, if they are offices of profit, to treat them as not offices of profit. But for the present, Government appears to have decided that the removal of disqualification shall continue till the end of this year in order that the Members may take their own time to resign from such bodies.

Then Mr. Raghuramaiah said that this should also be extended to all State Governments. I think the legal position so far as State Governments are concerned is that it is they who have to decide by their own legislative enactments what shall be offices of profit.

**Shri Raghuramaiah:** May I draw his attention to article 102 (1) (a) which says:

"If he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder."

It is Parliament that determines even in respect of States.

**Shri C. C. Shah:** Yes, you are right. But under article 191 (1) (a) the State legislatures have also been given power—in respect of Part A and Part B States—to decide what shall not be deemed offices of profit for the purpose of membership of State legislatures.

**Shri Bansal:** Our membership of some State advisory body—that is the point.

**Shri C. C. Shah:** Lastly, I want to say that I agree with Mr. Chatterjee that this uncertainty should once and for all cease and there should be a finality in the matter. Therefore, I hope that this is the last extension which the Government takes to consider this matter in order that we may once and for all know what are considered offices of profit and what are not.

**Shri Mulchand Dube (Farrukhabad Distt.—North):** So far as I am able to understand the debate that has been going on, there is nobody who seems to know precisely what an office of profit means.

**Mr. Deputy-Speaker:** We are not confined to what is an office of profit

**Shri Mulchand Dube:** I submit we are, to a certain extent.

**Mr. Deputy-Speaker:** No, not in this Bill.

**Shri Mulchand Dube:** In this Bill also, because the learned Minister of Law wants to bring in another Bill in that respect.

**Mr. Deputy-Speaker:** But we are not discussing that Bill.

**Shri Mulchand Dube:** I wish to make a suggestion to him that he should precisely define the words 'office of profit' once and for all so that it will not be necessary for him to come every now and then before Parliament for exemption of certain persons from disqualification. The word 'office'—what is an 'office'—is also not precisely clear and I do not remember to have seen it defined anywhere; nor for the matter of that, the word 'profit' has been defined anywhere. As the hon. Law Minister admitted, the word 'profit' may or may not be pecuniary. Therefore, my submission is that instead of bringing another Bill, which is said to be a more comprehensive Bill, on that point, what he should do is to define the words 'office of profit' and to incorporate that definition either in the Representation of the people Act or in the Constitution, so that people may know beforehand whether they are or are not going to incur any disqualification by accepting any office, whether of an advisory character or a non-advisory character. That is all I have to say.

**Shri S. V. Ramaswamy (Salem):** I have only one point to submit for consideration of the House. It would be difficult to define what is "advisory" and what is "non-advisory." In the Statement of Objects and Reasons, it is stated by the hon. Law Minister that all the relevant Acts would have to be studied and amended. My humble submission is that it would be superfluous. It would also be a very difficult task. What I would submit is, instead of drawing a distinc-

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tion, I would request the hon. Minister to give an illustration of the several categories. It is unfortunate that the last Bill was run through the last session on the last day. It was run through just within 45 minutes—barely an hour. It was run through like that and I could not move an amendment which I then wanted to move. I suggested an amendment so as to give an illustration of what an advisory body is and of what a non-advisory body is. I submit that if that amendment had been accepted, we would not have been placed in a difficult position, because that illustration is fairly clear. My fear is, if the hon. Minister choose to amend the relevant Acts, as is said in the Statement of Objects and Reasons, it may be an attempt to be exhaustive, but in such a case, in all subsequent Acts, he will have to make a definite provision to say whether such and such a thing is a disqualification or not. On the other hand, if illustrations are given, it would be very helpful, and no Member need be under any tension or fear, because he can himself see whether he comes under this category or that. I would, therefore, request the hon. Minister to give a number of illustrations on the lines I suggested in my amendment.

**Shri Velayudhan:** When my hon. friend Shri More was referring to certain aspects regarding this Bill, I was trying to remember the mentioning of a particular clause in the Constitution—clause 102,—by Dr. Ambedkar, when he was presenting the Constitution to the Constituent Assembly of India. When he was making a long speech as the Chairman of the Drafting Committee of the Constituent Assembly, he mentioned about this particular clause and then gave a warning to the Constituent Assembly to see how this particular clause should be scrupulously protected in spirit and in letter. Here, when some of the friends from the other side were saying that Parliament can make legislation for validating the disqualification and therefore, it should be accepted, they failed to bear in mind the point whether we

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have observed in spirit and in letter what is now given in our Constitution. I must tell you that at that time, it was mentioned that this particular law should be made only as an exception and not as a general rule. For the last 15 days, I was hearing in the lobby talks and whispers and murmurs regarding the particular disqualification of about 80 Members. I do not impute any motives to the Members in accepting the membership in the various committees, but I must tell you that one thing is worrying my mind. It is this. There is a suspicion in the minds of the people outside whether we are properly using this particular clause that is laid down in the Constitution. We must bear in mind the impression that would be created in the minds of the people as a whole when they hear that about 85 Members of Parliament are being disqualified simply because they have accepted membership in various committees and then accepted allowances and have used their power as committee members in one form or other. It is this particular general public opinion that will have to be taken into consideration. I am one of those who feel that we must very scrupulously adhere to the spirit of democracy,—not only its form. Of course, we have every form of democratic institution in India. We have got a Constitution which is borne of those various forms. But one thing we have to bear in mind and it is whether we are accepting not only the form but the spirit also. From that point of view, I must tell you that this was an unhappy situation that was created by the Members of Parliament in accepting membership in one committee or the other. I was very much surprised when I heard my friend, Mr. More, mention that the Deputy Chief Whip of the Congress party was being appointed as an officer by an order of the President. I do not think in any country, in any Parliament, there is a situation like this which has arisen, namely, that a Deputy Chief Whip is appointed by the President of the

country or by the Parliament of the country or even by the King, where there is a monarchy, as an officer of Parliament.

**Mr. Deputy-Speaker:** Even with a Deputy Chief Whip, there is sometimes no quorum. So, there should be many more such Deputy Chief Whips!

**Shri Velayudhan:** I would suggest that that is a different question altogether. It has nothing to do with his appointment as an officer by the President. We know we all will have to co-operate with the Whip and the Chief Whip in making a healthy parliamentary form functioning in this House. It is our common responsibility. At the same time, it is a different thing to see that a Deputy Chief Whip is appointed by the President. Again, an anomalous situation is created. It is not known whether he is now receiving any emoluments from the treasury, that is, from the Government. That also is not revealed by the Law Minister. It is a very tragic situation.

**Shri Eiswas:** One simple question would have elicited the information.

**Shri Velayudhan:** It is very easy. You can give that information even now. We would be satisfied with an answer.

**Shri Biswas:** I have not got the facts and figures now.

**Mr. Deputy-Speaker:** Both of them will kindly address the Chair. I would also request hon. Members to see that if they want to intervene, they should rise from their seat and then address the Chair. It is no good speaking across the table or across the benches.

**Shri Velayudhan:** Thank you. Therefore, even if the Members of the House have not elicited information from the Law Minister, it would be the responsibility of the Government to give out the informations whether this particular officer newly appointed by the order of the President enjoys any emolument or not. I am not in any way trying to find out any motives in this legisla-

tion, but at the same time, it is my own view that doubt or suspicion is raised in regard to this matter, namely that the power is now misused by the party in power. That is the most important thing to be scrupulously observed. When clause of office of profit by M.Ps. was included in the Constitution, it was thought that the party that is in power, —whether it is the Congress Party or any other party—will not misuse the powers at any time. It is in countries where democracy has not developed completely that Members of Parliament have accepted even offices like Secretaries or even as ambassadors. I know in some countries even Ambassadors are appointed from the ranks of Members of Parliament and then they are sent abroad. Such situations arise in other countries. But in India, we have got a high level of democratic Constitution, and we must see that the Constitution is observed scrupulously so that we might give effect to the development of democratic spirit at all stages. I have nothing more to add, except ventilating this particular view of mine.

**Shri Gadgil (Poona Central):** When in 1951, Dr. Ambedkar suddenly resigned, I had to pilot this particular Bill dealing with the incurring of disqualification. At that time, there were two views before the Government. One was what was and what is prevalent in the United Kingdom, namely, the nature of the office should determine whether it is an office of profit or not. And, the other view was, what were the emoluments attached to that particular office. Ultimately the position was left at that, with the issue of a Resolution by the Finance Ministry that anything given by way of compensation up to Rs. 20/- per day should not constitute the holding of that particular membership as holding an office of profit. But, it was then believed that a law would soon be passed by Parliament and that a relevant Bill would be introduced.

In this connection, I may bring to the notice of this House that there are so

many matters referred to in the Constitution which were allowed to remain as they were on the supposition that relevant Bills will be brought and matters will be finally settled. For example, the Rules of Business. Now, I am naturally with Mr. More in some respects with respect to the validity of the rules under which we are functioning. I honestly feel that the initial rules were perfectly valid and the enactment or the proclamation of the same was quite correct. But, any change subsequently made must be approved by this House. It may be that our liberties might not have been curtailed but the fact remains that we are working under a set of rules for which the House, as such, has not given its approval. I, therefore, desire that the Law Ministry should list up those matters for which the Constitution has given an assurance that relevant laws will be passed by the Parliament and proceed with them. What is the joke in bringing a Bill every six months and repeating the same thing again and again?

This Act was passed only last year and again we are asking the Parliament to extend it for another six months. I am prepared to extend the period for one year but, let us finally at the end of the year, have a Bill detailing what are the offices of profit and all relevant matters, whether under the Central Government or in any of the Constituent States, so that this matter may be finally settled.

In this connection, I would urge the Government to have the concurrence of as many Members of the Opposition as possible, because this is a matter which cannot be a matter of party politics. We are all agreed that the Government of the day should not have any large power of patronage, but, at the same time, Members of Parliament, at any rate, most of them, have abilities and plenty of experience. On the one hand, we should see that we harness that ability, talent and experience and, on the other hand, we should also see that it does not transgress the limit

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and becomes a matter of patronage. We must have some sort of midway and that is only possible if the Government unofficially or informally ascertains the views of all the parties and brings in a piece of legislation which will be quickly accepted and passed by the House. This business which is hanging fire for the last four years—the Constitution was passed in 1950—should be finally decided and a proper tradition established. That is all I have to say.

**Mr. Deputy-Speaker:** Has there not been sufficient discussion of the matter?

**Several Hon. Members:** Yes.

**Mr. Deputy-Speaker:** I think all the suggestions will be noted by the hon. Minister for future guidance.

**Shri Biswas:** The suggestions will, no doubt, be noted, but, I have got to reply to some charges which have been made against the Government and against the Law Minister personally.

First of all there are certain points which ought to be clarified for the benefit of my hon. friends here. There is no question of Parliament being entitled to define an 'office of profit'. What that expression means is a different question. That may be decided if there is a case which is taken to the Supreme Court. If there is a question raised under article 103—if any question arises as to whether a Member has become subject to any disqualification, then the question shall be referred for the decision of the President and the President shall refer the matter to the Election Commission and so on. There is a corresponding provision regarding the States also. It is in pursuance of that provision that the case of the Vindhya Pradesh Members had arisen. So, that is the procedure laid down. It is not for Parliament to say that an office of profit means this. The responsibility of Parliament is limited in this way. The Constitution says that if a person holds an office of profit either under the Central Government or under a State Government, he shall be

disqualified. At the same time, it has been given to Parliament to declare by law that a certain office shall not disqualify. If hon. Members will look at the language of the Act, Act I of 1954, they will find that whether temporary or permanent exemption has been granted, we have never used the expression 'office of profit'. We have never said whether it is an office of profit or not. We have said, in clause 3, where we have given permanent exemption, the following offices shall not disqualify. Whether that is an office of profit or not is a debatable question on which Parliament was not invited to give its opinion.

**Shri S. S. More:** May I interrupt? Can there be an Act passed by this House removing a disqualification without adjudicating whether that office is an office of profit or not? Then we will be legislating in a vacuum.

**Shri Biswas:** My friend is a lawyer. He need only turn to the language used in the Constitution. It says, 'he shall be disqualified if he holds an office of profit other than an office declared by Parliament by law not to disqualify its holder'. It does not say "an office of profit declared by Parliament by Law". These words were used deliberately. Without going into the question whether it is an office of profit or not, Parliament can declare any specific office as not disqualifying the holder thereof.

**Shri S. S. More:** If it is not an office of profit, there will be no question of disqualification and it will not arise at all.

**Shri Biswas:** There I differ, because you cannot lay down whether it is an office of profit or not. Therefore, I say when Parliament is enacting a law giving a relaxation, it will be for Parliament to consider for itself, for guiding its own action, as to whether a particular office is an office of profit. They will bear that in mind. There is no attempt on the part of the Ministry or Government to legalise something



which is illegal. The responsibility is the responsibility of Parliament. If Parliament consider that the holder of a particular office should be disqualified, they will not accept any suggestion of the Government to exempt it. Nothing of the kind. They may think that it is an office of profit and therefore it shall be under the ban. There is no question of our defining what an office of profit is. It is for the Parliament to decide on what view it should act in regard to a particular office, whether it should declare that particular office as an office which will disqualify or not.

**Mr. Deputy-Speaker:** May I ask the hon. Law Minister, if it is open under article 102(1)(a) to declare in general terms what are the offices that will not disqualify the holder thereof or whether it is necessary under this sub-clause to take individual offices and say that the holding of this office shall not disqualify a person?

**Shri Biswas:** I was coming to that point. Strictly speaking, if we could have a specific enumeration of the various offices which shall not disqualify the holders thereof, that would be very desirable. There is no doubt about it. But then it means that you have to take up the case of all offices. The offices are not all offices set up by statute. So far as statutory committees are concerned, it is possible to draw up an exhaustive list. As regards future statutes, provision can also be made when they are enacted. But, as regards committees which are non-statutory in character, it is very difficult to frame a comprehensive list. Still if Parliament thinks it desirable to grant exemptions in such cases the question is whether we may not devise a formula, instead of dealing with each individual case. As I explained when the present Act was before the House, after taking legal opinion and considering the practice in other countries, we thought that we might put in a formula like this, namely, that if it is an advisory body, that is, a body which exercises only advisory functions or is appointed only for the purpose of collect-

ing information, a sort of fact-finding committee, membership of such committees will not be a disqualification. If we find by experience that the formula which we have used is giving rise to all kinds of controversies, then we have got to reconsider the position. That is exactly why Government is taking time in order to consider what further action is necessary in the situation which has actually arisen as a result of the working of the Act during the last four months.

**Shri Gadgil:** 31st March of next year.

**Shri Biswas:** Some time-limit is necessary, and I first put it down as October, 1954, but then I thought that it might not be possible to finish the enquiry before that and, therefore, in order to avoid coming up to Parliament for a further extension, I have put it down "till the end of the year." If it is possible to complete the investigation before that period, there is nothing to prevent Government from bringing forward a Bill earlier (*Interruptions*).

**Shri Raghuramaiah:** On a point of information. Mr. Shah said a few minutes back that it is the policy of the Government to exclude non-statutory committees from the scope of the Act—altogether I want a clear clarification by the Law Minister.

**Shri Biswas:** The present policy is already embodied in the Act itself, and if my hon. friend will look at section 4 of the Act, he will find that the Act grants temporary exemptions, which fall within two categories. The first clause deals with committees other than advisory committees, and the next clause deals with statutory bodies. As regards statutory bodies, it is not very difficult to compile a comprehensive list. I had given an assurance on the floor of the House when the Bill was being considered, that if membership of statutory bodies is not to disqualify, the exemption clause should be embodied in the statute itself. Instead of being here, the exemption clause should be a part of the statute. There-

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fore, I circularised all the Ministries to tell me what are the statutory committees on which they have appointed Members of Parliament.

**Shr S. S. More:** But they are not helping you?

**Shri Biswas:** I have got information that there are some cases which are doubtful, and they have pointed out that these cases require special consideration, and it is just possible that some of the committees have been left out. Then, you will find that disqualification may arise not merely from membership of a body set up by the Central Government or under a Central Act. Even if there is a similar Act in a State and the committee is set up under that statute, and any Member of Parliament is appointed to such a committee, he may equally incur the disqualification. It occurred to us that we ought therefore to obtain information from the various States whether any Members of Parliament have been included in any committees constituted by them under a statute or departmentally. All this information has got to be collected, and that is the reason why more time is necessary. It will not necessarily be a question of revision of policy. It is not the present policy to exempt persons who are placed under a ban under the Constitution, but this is subject to the power of Parliament to grant exemptions in specific cases. For all these reasons we have to take time, and I can assure my hon. friends that there is no attempt on the part of Government to make that legal which is illegal. Any accusation of that sort I want to repel with all the emphasis that I can command.

**Sardar A. S. Saigal (Bilaspur):** On a point of information...

**Shri S. V. Ramaswamy rose—**

**Mr. Deputy-Speaker:** We have had enough information.

**Shri S. V. Ramaswamy:** May I know what is the difficulty about illustrating the case?

**Shri Biswas:** Because that is not the usual method of drafting these days. Illustrations we had in the past for instance, in the Indian Penal Code, but you do not find illustrations in modern statutes.

**Mr. Deputy-Speaker:** It has been given up long ago. The difficulty is that you have got to put down successive illustrations to cover all cases. There is no purpose in mentioning all these cases in the Bill. In future Bills, the hon. Member can go to the Minister outside the House, have a discussion with him on the points for a number of hours, so that I need not ring the bell here.

**Shri Biswas:** With reference to the suggestion that I might consult Members of Parliament informally about this, certainly I shall be glad to get the advice of the Members in the matter, and as you have said.—I did not quite catch what you were pleased to say—if any hon. Member will let me have his suggestions, I shall certainly give my attention to them.

**Sardar A. S. Saigal:** What will be the fate of those who are Members of Parliament and who are also nominated by the State Governments in different committees?

**Mr. Deputy-Speaker:** All this has been answered already.

The question is:

“That the Bill to amend the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953, as passed by the Council of States, be taken into consideration.”

*The motion was adopted.*

**Mr. Deputy-Speaker:** There are no amendments to this Bill.

The question is:

“That clauses 1 and 2, the Title and the Enacting Formula stand part of the Bill.”

*The motion was adopted.*

*Clauses 1 and 2, the Title and the Enacting Formula were added to the Bill.*

**Shri Biswas:** I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

*The motion was adopted.*

### COMPANIES BILL

**The Minister of Finance (Shri C. D. Deshmukh):** I beg to move:

"That the Bill to consolidate and amend the law relating to companies and certain other associations, be referred to a Joint Committee of the Houses consisting of 49 members, 33 members from this House, namely Shri Hari Vinayak Pataskar, Shri Chimanlal Chakubhai Shah, Shri Awadheswar Prasad Sinha, Shri V. B. Gandhi, Shri Khandubhai Kasanji Desai, Shri Dev Kanta Borooah, Shri Shriman Narayan Agarwal, Shri R. Venkataraman, Shri Ghamandi Lal Bansal, Shri Radheshyam Ramkumar Morarka, Shri B. R. Bhagat, Shri Nityanand Kanungo, Shri Purnendu Sekhar Naskar, Shri T. S. Avinashilingam Chettiar, Shri K. T. Achuthan, Shri Kotha Raghuramaia, Pandit Chatur Narain Malviya, Dr. Shaukatullah Shah Ansari, Shri Tekur Subramanyam, Col. B. H. Zaidi, Shri Mulchand Dube, Pandit Munishwar Dutt Upadhyay, Shri Radhelal Vyas, Shri Ajit Singh, Shri Kamal Kumar Basu, Shri C. R. Chowdary, Shri M. S. Gurupadaswamy, Shri Amjad Ali, Shri N. C. Chatterjee, Shri Tulsi-das Kilachand, Shri G. D. Somani, Shri Tridib Kumar Chaudhuri and the mover and 16 members from the Council;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make

a report to this House by the last day of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to the Council that the Council do join in the said joint Committee and communicate to this House the names of members to be appointed by the Council to the Joint Committee."

Now, Sir, hon. Members will recall that the Bill was introduced in the House of the People on the 2nd September 1953. It has had a long history and in one form or another it has been before the public since the end of 1949. In the Statement of Objects and Reasons the various stages through which the Bill has passed since 1946 has been summarised and I need not recapitulate on this occasion the circumstances in which the then Government of India took the decision in early 1946 to initiate an enquiry into the reform of our company law.

I would remind hon. Members that between 1946 and 1948 the entire field of company law was carefully reviewed by two distinguished company lawyers who were appointed to recommend the broad lines on which the present Act should be revised. Their recommendations were examined in the then Ministry of Commerce and certain tentative departmental views which emerged were circulated in a comprehensive memorandum to all recognised trade and industrial associations, bar associations, the High Courts and the State Governments. That brought us to the end of 1949.

Many representations on this memorandum were duly received from Chambers of Commerce, trade and industrial associations, State Governments and the general public. And at the end of 1950 the Government of India appointed a Committee under the Chairmanship of Shri C. H. Bhaba to