

## Table

**Mr. Speaker:** He withdraws it, he is sorry for it.

**Shri Velayudhan:** Shri Murthy does not know anything.

## RE PAPER LAID ON THE TABLE

**Shri Kamath (Hoshangabad):** Sir, may I make an earnest request to you? The other day, the Minister of Parliamentary Affairs laid on the Table a copy of the Delimitation Order according to the rules of the House for the information of the House. When a document is laid on the Table of the House, a copy or perhaps two or more copies are placed in the Library. That has not been done. Only one copy was laid here and I do not know whether it is on the Table today. There are no copies in the library at all. So, will you kindly direct the Minister and the Government to see to it that two or more copies are kept in the Library? It is an important document. 500 Members are interested in the document. We must have adequate copies before we adjourn for the recess.

**Shri U. M. Trivedi (Chittor):** This is a matter of grave concern to all of us. Somehow or the other, the Members of the Congress Party have got hold of the Delimitation Orders long before they came... (*Interruptions.*)

**Some Hon. Members:** No, no.

**Mr. Speaker:** I am really sorry. The hon. Members are all responsible. This statement has been made repeatedly. The only point is this. The other day I have said that in view of the fact that a large number of people are interested, a number of copies of the Delimitation Order, placed on the Table of the House, may be made available, if possible, to the hon. Members and if not possible a number of copies may be placed in the Library.

**Shri Kamath:** Before this evening?

**Mr. Speaker:** I shall try.

## BUSINESS OF THE HOUSE

**Shri Kamath (Hoshangabad):** Regarding the Order Paper, may I make a request? Yesterday, I made a request that, with regard to the discussion of my motion, it may be the penultimate item in the List. You will be pleased to see that the three or four Bills will take about seven hours. According to the Business Advisory Committee's Report, there are six hours for the first two Bills and an hour each for the last two Bills. I do not know what will happen, because it is now 11-30. If you can kindly direct that the U.P.S.C. discussion should be taken up at least after the first two Bills are over, I shall be grateful to you.

**The Minister of Home Affairs (Pandit G. B. Pant):** The time allotted may again be curtailed for these Bills and you may find time. The Bills, would not, I think, provoke any fierce controversy. They ought not to. So, it can be taken up earlier.

**Mr. Speaker:** The House will sit as long as is necessary to dispose of all the items in the Order Paper.

## FARIDABAD DEVELOPMENT CORPORATION BILL

## AMENDMENTS MADE BY RAJYA SABHA AGREED TO

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** Sir, on behalf of Shri Mehr Chand Khanna, I beg to move:

"That the following amendment made by Rajya Sabha in the Faridabad Development Corporation Bill, 1956, be taken into consideration.

## 'New Clause. 31A

That at page 7—

after line 36, the following new clause 31A be inserted:

**31A. Removal of disqualification for membership of Parliament.**—It is hereby declared that the office of the member of the Corporation shall not

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disqualify its holder for being chosen as, or for being, a member of either House of Parliament."

This Bill to provide for the establishment and regulation of a trading Corporation for the purpose of carrying on and promoting trade and industry in the town of Faridabad, assisting in the rehabilitation of displaced persons settled therein and for matters connected therewith was passed by the Lok Sabha on 26th November, 1956. Thereafter it was considered in the Rajya Sabha on 13th and 14th December. The Rajya Sabha has, however, passed the Bill subject to an amendment which I have already read. This amendment has been accepted in order to enable Members of both Houses of Parliament to accept membership of the Corporation. In this way we will be able to associate responsible members of public in the affairs of the Corporation. It is requested that the amendment made by the Rajya Sabha may be approved.

**Mr. Speaker:** Motion moved:

"That the following amendment made by Rajya Sabha in the Faridabad Development Corporation Bill, 1956, be taken into consideration:

*'New Clause 31A*

That at page 7—

after line 36, the following new clause 31A be inserted:

31A. *Removal of disqualification for membership of Parliament.*—It is hereby declared that the office of the member of the Corporation shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament."

**Shrimati Renu Chakravarty** (Basirhat): I only want to ask one question. It is now stated that anybody who belongs to the Faridabad Development

Corporation can stand for both Houses of Parliament. I would like to know why the Government had not inserted this earlier. The reason for it I presume is, in the Corporations which are public concerns of utility we thought it fit that persons connected with such Corporations should not be eligible to stand as Members of Parliament. In this particular case I do not see any reason why people who will be on the Board of the Faridabad Development Corporation should not fall within the same category. What exactly is the reason, I want to know. Why did not the Government think it necessary earlier, and why should they be regarded as a special case and allowed to stand as Members of Parliament?

**Shri V. P. Nayar** (Chirayinkil): I also want to seek one information. I want to know whether, as the Corporation at present is constituted, either the Minister for Rehabilitation or the Deputy Minister for Rehabilitation is a member of that Corporation.

**Pandit Thakur Das Bhargava** (Gurgaon): So far as this question of offices of profit is concerned, the House is fully aware that our hon. Speaker appointed a Committee known as the Committee on Offices of Profit. They produced a report which is lying with the Government for action. In that Report, in para 84, the recommendation made was this:

"The Committee have subjected the material received to a very careful scrutiny and have come to the conclusion that such frequent scrutiny will have to be undertaken in the case of committees which have escaped their notice or which may come into existence in future. In order to preserve a uniform method and approach to these problems, the work of such scrutiny will have to be undertaken by a permanent committee. The Committee, therefore, recommend that a Standing Parliamentary Committee might be constituted to undertake this work of

continuous scrutiny in respect of offices of profit. The Committee might be composed of Members of Parliament of both the Houses to be appointed by the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha."

Then, in paragraph 85 they say:

"All proposed appointments of Members of Parliament to any office or membership of any committee, commission or other body should be communicated along with relevant material about composition of the Committee, etc. to the Standing Parliamentary Committee, which would examine carefully the character of the committee or office and the nature of duties that a Member of Parliament will have to discharge. Any future legislation undertaken affecting such offices or committees should be placed before this Committee for opinion and its views should be duly considered before the Bill is brought before Parliament. The Speaker of the Lok Sabha and the Chairman of the Rajya Sabha may also, in their discretion, refer such matters to the Standing Parliamentary Committee for eliciting their opinion."

According to the recommendations of this Committee, a Standing Parliamentary Committee was to be appointed to go into these matters and then make their recommendations with regard to a particular committee suggesting whether such exemptions should be made or not.

Then, in conclusion the Committee was of this opinion:

"The Committee by way of conclusion recommend that Government might draft and introduce a comprehensive Bill embodying such of the suggestions of the Committee as are acceptable to them as early as possible. The said Bill also ought to have schedules enumerating in detail the different offices which do not incur disqualification, offices for which exemption has to be granted and offices which would disqualify Members."

I understand, when the original Bill came before us there was no provision in the Bill regarding this matter. It was expected that if the Government wanted to appoint some Members of this House on that Board they should have enacted a provision that Members from this House and the other House will be appointed on that Board. In the absence of any such provision, the question arises whether any Member appointed as such will incur disqualification or not.

In regard to this matter, when the Committee was considering these questions it laid down certain principles, and we have to test this matter in the light of those principles. On page 11, paragraph 9 of their Report Part II-A they say:

"The Committee considered the following two propositions which could be treated as guiding principles for determining disqualification:

- (i) Membership of Committees likely to place a member in a position of influence, authority or prestige or enabling him to distribute favours or patronage.
- (ii) Membership of Committees possessing executive, judicial or legislative powers or powers of disbursement of funds etc."

Then in paragraph 12 they say:

"As regards the point at para 9(ii) above the Committee thought that the constitution of the various Committees should be examined to see:

- (i) Whether the membership of Committees carries executive, legislative or judicial powers.
- (ii) Whether the membership of Committees confers powers of disbursement of funds, lands, licenses, telephones etc.
- (iii) Whether membership of Committees gives powers of appointments, grant of scholarships etc."

It is in the light of these three principles given in the Report of this Committee, which took great pains to see what ought to be the matters that have to be considered in relation to

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granting such exemptions from disqualification, that we have to see what are the powers of this Board. The powers of the Corporation and the Board are given in section 3 of the Faridabad Development Corporation Bill, 1955 which runs thus:

"With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf there shall be established a Corporation by the name of the Faridabad Development Corporation."

Later on, in section 13 where the powers and functions of the Corporation are given, it is specifically stated:

"It shall be the general duty of the Corporation to carry on and promote trade, business and industry in Faridabad, to assist in the rehabilitation of displaced persons settled therein and to manage and develop the property of the Union vested in the Corporation."

In section 14 it is said:

"(1) The Corporation may exercise all such powers as may be necessary or expedient for the purpose of carrying out its functions under this Act.

(2) Without prejudice to the generality of the foregoing provision such power shall include the power—

(a) to acquire and hold such property, both movable and immovable, as the Corporation may deem necessary for efficiently performing its functions under this Act and to make improvements in such property and to transfer by way of sale, lease or otherwise any such property;

(b) to carry on or promote trade, business or industry;

(c) to give financial or other assistance to persons to enable them to carry on trade, business or industry in Faridabad primarily

ly with a view to providing employment to, and rehabilitating, displaced persons settled therein;

(d) to construct or cause to be constructed residential or other buildings and to sell or let such buildings or cause them to be sold or let, on such terms as may be prescribed;

(e) to advance loans on such terms and for such purposes as may be prescribed;

(f) to supply or cause to be supplied, in accordance with the law for the time being in force, electrical energy for domestic and industrial purposes at reasonable rates;

(g) to take such other measures as the Corporation may deem necessary for the rehabilitation of displaced persons settled in Faridabad;

(h) to take such steps as may be necessary for improving the economic and social conditions of the inhabitants of Faridabad."

My humble submission is, judging from the powers which have been given to this Corporation I feel that the Corporation shall have to exercise such powers as specifically come within the prohibition given in the Report of the Committee on Offices of Profit. They shall have powers to settle persons, to advance loans, employ persons and do all such other things. It means that they will be exercising executive functions and other financial functions; such functions as will give to the members of the Corporation powers of patronage, powers of dispensing gifts etc. It means that they will be exercising such functions as do not ordinarily fall within the purview of the powers of the Members of this House.

Judged from this standpoint, I feel that if a Standing Parliamentary Committee was appointed such a Committee will in no case grant exemption in a case of this nature. I, therefore, think that we should not accept this recommendation of the Rajya Sabha, if we really look to the principles which are given in this Report. I think nothing would have been lost if the

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Rajya Sabha would not have just incorporated this provision in the Bill. After all, a Parliamentary Committee is going to be appointed very soon and they would be entrusted with such functions to find out whether this is particularly an office in which disqualification should be incurred or not. It is their function. I also understand that a Bill also has been prepared by the Government and that they want to bring this Bill as soon as possible in this House. When this Bill is coming, we ought not to decide this question, nor because it will be a specialised function of that Committee to decide this question. If we are going to decide this question, we have only to go by the principles which are given in this report. Judged from the principles which we have incorporated in this report—and I happened to be the Chairman of this Committee—I must submit that according to me, the functions are such that they will certainly call for incurring of disqualification in a Member who accepts this office.

We do not know what the Members will get by way of remuneration for such office. But we have also set a ceiling so far as the remuneration is concerned. We have said that no Member of this House should get more than Rs. 21 per diem if he is working there. I do not know what will happen to the emoluments of the Members of this Committee also. As a matter of fact, full data are not available before us. At the same time, the powers given to the members of the Corporation are such that, in my humble opinion, we should not be justified to say that disqualification shall not be incurred.

I would further submit that nothing will be lost if we do not pass this provision here and keep it back. After the Bill has been brought in by the Government or after the Parliamentary Committee has been constituted then the matter may be referred to that Committee and in accordance with their opinion we may adopt such provisions as are suitable when the time is ripe for it. I would, therefore,

submit that we should not support this recommendation of the Rajya Sabha.

**Shri Raghavachari (Penukonda):** I wish to oppose the acceptance of this clause. Even when I had the opportunity to speak on the Representation of the People (Miscellaneous Provisions) Bill, I voiced the same feeling that Pandit Thakur Das Bhargava has now expressed. When the Committee on Offices of Profit has, after elaborate labours, recommended the appointment of a special committee and also recommended a comprehensive legislation as regards offices of profit, I plead that this matter is to be postponed now.

The Government, as and when an occasion arises, comes forward without a proper view of the whole situation and puts in a clause in almost every kind of legislation saying that the office mentioned in the Bill is not an office of profit. The whole purpose and the express requirements of the Constitution that there should be a comprehensive legislation as regards offices of profit—a duty and a responsibility which is cast on this House and, I dare say, on the Government also—have been very conveniently neglected and not minded at all. Whenever an occasion arises, the Government add a clause and say, “this is not an office of profit”.

As the previous speaker has pointed out, the very purpose why we do not want Members of Parliament to be on committees where there is not only an element of profit involved but also other elements are involved, is this: The position of Members of Parliament in such committees is very undesirable, because it is a position from which they can distribute favours and patronages. When a person who has that opportunity or that position, naturally,—though the individual himself may not try to make some profit out of it,—he is in a position of influence, and that position is one which makes the ordinary man in the country to look to him as a person for favours. Therefore, the voter or any member of the public is there-

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by affected; thus, the public interest is affected. It is undesirable in the public interests that Members of Parliament should be occupying positions of this kind which are positions of embarrassment.

After all, let us take this particular case. Supposing one of us is appointed a member of that Corporation. That member has certainly a position of advantage over all the rest who are not members of that committee and if that particular member happens to stand for election in that particular area, naturally all those people may expect or hope for some kind of advantage through him and the member concerned is in an advantageous position; so many things for supporting his candidature could be had. What a wide gate is thus opened through this provision of law?

Then I wish to ask this. Is there so much of dearth of human material in India that only Members of Parliament should be represented on one or more of these bodies? Are there human beings who are competent and who can assist the nation by doing this work? What is this craze for monopolising almost everything by a few people who have had the opportunity or the advantage of becoming Members of the Houses of Parliament? Are there none who are competent? Why do you want to put a Member of Parliament, either of this House or of the other House, into every place and then say, "this is not an office of profit." Is this a monopoly business or a trade? To my mind, there is very much to be said against the acceptance of this amendment, and the more so because, there is no need that Members of Parliament should be on these committees. There is no such requirement. All of a sudden, you feel that a particular person should be a member of a committee and you also feel that tomorrow he will be disqualified because of his membership of the committee, you want to come forward with such a provision at this late hour.

Further, they always argue that the existence of a provision does not mean that a Member of Parliament would be nominated. If a Member of Parliament is not going to be nominated, then, why do you have such a provision at all? To me, it looks as if you are putting the cart before the horse and then the horse before the cart—one after the other—and finally you want to have a monopoly only for the Members of Parliament. I do not wish to say that it is only the present Government or the present political party that might abuse or misuse such provisions. I oppose this on principle, whatever be the party, this thing should not be encouraged.

Finally, I wish to say that I am surprised that the upper House consisting of elderly gentlemen could not have realised the danger of such a clause about the offices of profit; Do they themselves desire to be exempted? I submit that these seats of patronage must be the last things that should be offered as a temptation to Members of the two Houses. They have made these recommendations probably because—I may be pardoned for saying so. I may be wrong and I wish I am wrong—It is probably because that that House consists of Members who are there out of patronage, they want to distribute this patronage to us also. I am, on principle, certainly against the inclusion of such a clause. It is going to be a very bad precedent we are seeking to create. We must be above board, and like Caesar's wife, we must be above suspicion.

Shri K. K. Basu (Diamond Harbour): Mr. Speaker, I fully join in the general chorus of protest that has been voiced on this particular amendment that has been suggested by the other House. I myself had the good fortune of working in the Committee on Offices of Profit and I must say that under the chairmanship of Pandit Thakur Das Bhargava we went through practically all types of offices of profit and the committees thereon,

not only under the Central Government but under the various State Governments also. We all expected that on the basis of the report made by us, a comprehensive legislation would have come wherein a Parliamentary Committee would have been constituted to go into each case and Judge it on merits.

We are trying to develop Faridabad by constituting a Corporation and settling the refugees there on suitable occupations. Much has been said about it. Whenever any person comes from outside this country, we take him to Faridabad because we feel that there has been at least an attempt to settle the refugees on proper lines. Of course, we ourselves have many criticisms about it, but I shall not go into them now.

What I feel about this provision is that it is a very dangerous thing. We want persons who can really devote more or less their whole time for work in Faridabad. As you are well aware, membership of Parliament presupposes that the Member should be working here, unlike some who are absent for almost 50 or more per cent of the total number of days of sittings of the House, and the Members are engaged in work in their constituencies during the off-session. If he is to do any service in running the Faridabad Development Corporation, then he will fail to discharge adequately his responsibilities as a Member of Parliament. Of late, the executive power has been increasing, possibly because of our Five Year Plan etc., and you have yourself put forward very good suggestions that Members of Parliament should function more in committees, so that parliamentary control over the executive becomes much more real.

12 hrs.

I feel that the change made by the Rajya Sabha should not be allowed. I do not know how the other House can come to this conclusion that it is absolutely necessary that the person who is connected with the Faridabad Development Corporation should also

have membership of the Parliament. As Mr. Raghavachari has very pertinently put it, only if there are whole-time members of the Corporation, the plan with regard to the Corporation can be successfully implemented. If the members devote all their energies to that work, most of criticisms levelled against the Corporation time and again can be stopped. We wish that the Corporation should be improved. Similarly, a Member of Parliament, if he is to discharge the responsibility cast on him by the electorates, should devote all his time and energy to parliamentary work. Therefore, I very strongly oppose the suggestion that there should be immunity for the person who is a member of the Corporation to sit in the Parliament. Of course, there may be one or two individuals who may not be susceptible to evil influences. Panditji has elaborately dealt with the powers that a member of the Corporation will have. Therefore, there is every likelihood that he will fall a prey to the bestowing of favours etc. Also, when the same area forms a part of a parliamentary constituency, he will be in a rather adversely advantageous position compared to the other candidates who may stand from the same area.

Therefore, I feel that for the sake of the proper functioning of democracy and for protecting our infant democracy, if I may say so, from the criticisms that may be levelled against it by the members opposite, it is absolutely necessary that we should not pass the amendment made by the other House. Otherwise, there is the possibility of the members of the Corporation misusing the powers and falling a prey to the temptation. Therefore, I submit to the Government that for the proper functioning of our parliamentary system, they should withdraw this amendment and should not try to push it through this House.

With these words, I oppose the amendment.

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** Mr. Speaker, as already explained by my colleague when he first made a

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speech, the suggestion that came in the course of the discussion in the other House was to the effect that normally Members of Parliament had been functioning as members of this Corporation. Now that it is formally being declared that a Member will be deemed to be a public servant, it will create some complication if this matter is not placed beyond any pale of doubt. Unless it is categorically declared that his functioning as a member of the Corporation will not incur any disqualification, there is a risk of his incurring the disqualification. The Members in the other House insisted that it should be specifically provided that it should not operate as a disqualification. There was a consensus of opinion that Members should be able to function on this Corporation and, if I may add, the contribution that Members of Parliament have formerly made in the matter of the administration of the work of this Corporation has been very valuable. With your permission, I may say that we had from 1952 to 1954 Pandit H. N. Kunzru, Member of Parliament and also Shrimati Sucheta Kripalani as members serving on this Board. So, it is quite clear that there was no question of distributing any patronage nor was there any occasion for the Members opposite to raise the objection that we were in any way trying to put in our own people.

**Pandit Thakur Das Bhargava:** There was no Corporation then; the Corporation is going to be constituted under this Act.

**Sardar Swaran Singh:** The fact that it was not a regular corporation, but a development board, is still more important. Association with the development board certainly confers a little greater administrative power to the person who is a member of that board, as distinguished from the Corporation. This is only a legal entity which is being created. The functioning of the development board even before was almost on a par with this.

**Pandit Thakur Das Bhargava:** Then we had a Bill protecting them.

**Sardar Swaran Singh:** That is exactly the point I want to bring out. As Pandit Bhargava has pointed out, the membership of the development board did not constitute a disqualification, because there was a special legislative measure which protected the members. Therefore, the membership of the board did not result in incurring any disqualification. That protective measure is expiring this year and it is necessary that a special provision should be made, so that there may not be any doubt on that score.

I would add that the association of Members of Parliament with an activity of this type is really good for a variety of reasons. The public viewpoint is available and there are other advantages. Some general questions have been raised by Pandit Bhargava, namely, the over-all question is also being examined as to what should really be the scope of the limitation in the matter of incurring disqualification. If that matter is being examined in a general way separately, there is nothing to prevent placing this matter beyond any pale of doubt by enacting specifically that membership of this Corporation should not constitute a disqualification. Among the members who are now functioning, Shrimati Sucheta Kripalani is still a member of this board and she continues to be such, although she has ceased to be a Member of this House.

What I want to add is that it is very necessary that Members of Parliament should really be associated with an activity of this nature. I can well appreciate this self-denying ordinance that the Members want to impose against them; but, I want to assure the hon. Members opposite that it is because of the desire to associate non-official opinion that Members of Parliament are associated with this. Certainly, none of the Congress Members of Parliament have been made members of this Corporation. So, I submit that the Rajya Sabha has rightly made this suggestion and I would press that this little change that



has been adopted by the other House should also be approved by this House.

Before concluding, I want also to add that it is necessary that this Bill should be placed on the statute-book. The very time-table is of such a nature that this will not become law unless we take it back there. It will really be very embarrassing if this is not approved by this House. I would, therefore, suggest that the change which has been made by the other House may be accepted.

**Pandit Thakur Das Bhargava:** It has fallen from the hon. Minister that we should see that the progress of the Bill is not stopped. I am one with him. I am anxious that this Faridabad Development Corporation Bill should be passed as soon as possible. But may I make one suggestion for his consideration? After this Bill is passed he will kindly see that this matter is gone into by the Committee. If the Committee feels that there is no disqualification it may be agreed to; otherwise another amending Bill may be brought declaring this to be not an office of profit.

After all judging from the principles we have adopted this post comes under disqualification, and you will be stultifying the entire purpose of the report of the Committee on office of profit. So far as the progress of the Faridabad Development Corporation is concerned we must do everything to see that it is established as soon as possible. Therefore, if he agrees to this, I will certainly withdraw my opposition to it, for the time being.

**Sardar Swaran Singh:** So far as this point is concerned, it is Government's desire that this association should be there. But if the Committee which has been mentioned by Pandit Thakur Das Bhargava comes to the conclusion that this would be a disqualification, we would either not appoint any M.Ps. or we can amend this. This is only an enabling clause. This does not mean that straightway M.Ps. would be appointed.

**Shri N. C. Chatterjee (Hooghly):** All that we want is that this should be subject to revision in the event of the Parliamentary Committee recommending that a disqualification would attach to the Faridabad Development Corporation membership.

**Sardar Swaran Singh:** If the Committee comes to the conclusion that this would operate as a disqualification, we shall accept that and we shall make the necessary changes in that enactment.

**Pandit Thakur Das Bhargava:** So Government undertakes that after this is enacted, they will place it before the Committee and act according to the advice of the Committee.

**Sardar Swaran Singh:** I am not sure about the mechanics to be adopted. If the Committee comes to the conclusion that this should operate as a disqualification, Government will certainly bow to the wishes of the Committee. As a Parliamentary Committee they are the best judges as to what should be a matter for disqualification.

**Pandit Thakur Das Bhargava:** The point is whether Government will put this matter before the Committee or not? It is for Government to do. The Committee by itself cannot go into the question. Government should place it before the Committee and abide by their judgment.

**Sardar Swaran Singh:** I do not know what the hon. Member means by pressing this point further. It is immaterial whether Government places this matter before the Committee or the Committee *suo motu* takes it up.

Here is a legislative measure approved by Parliament. If after this the Committee comes to the conclusion that the membership of this Corporation would incur disqualification, nothing prevents either the Parliament or the Government from coming forward and making suitable amendment in the Act, or not appointing M.Ps. It is easy for Government not to appoint M.Ps. I would submit that

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there is no point of controversy in this matter. If the Committee comes to the conclusion that membership of this Corporation is an office which would incur disqualification, then there are two courses open. If there is a sitting Member, we shall say, all right, you make way, because the committee feels that a Member of Parliament should not be a Member here and a disqualification would be incurred by him. Or if it is considered necessary that a suitable amendment should be made in the Act, that also can be done. I would submit there is no further point which needs clarification.

**Pandit Thakur Das Bhargava:** Sardar Sahib does not see my point. So far as this Bill is concerned, we are anxious to pass it, because we want that the Faridabad Development Corporation should be established as soon as possible. If the Government undertake that they will seek the opinion of the Committee in regard to this matter and bring an amendment, if necessary, then alone will we be satisfied. The Committee by itself cannot go into this question. The Committee will be concerned with matters that are placed before it by Government. We have already examined about two hundred cases and reported on them. But this Corporation was not in existence then, and we had no right then to go into the matter. At the same time this is a matter which should be gone into by the Committee with a view to seeing whether it is a post which will incur disqualification. All that we want is an assurance from the hon. Minister that he will get this examined by the Committee.

**Shri N. C. Chatterjee:** May I make a submission? Removal of disqualification comes within the purview of the Committee. But unless Government is prepared to give an assurance that in spite of the enactment, this matter will come within the purview of the Committee, the committee cannot take cognizance of the matter and they will have no jurisdiction over it. The only assurance that we are asking for is

that in spite of the passing of this parliamentary statute today the committee will have full competence and that will be placed before them, so that their considered verdict may be placed before Government and Government will act according to the decision of that Committee.

**Sardar Swaran Singh:** This is a continuing committee?

**Mr. Speaker:** This Committee is constituted by the Speaker and it has sent its report. If any particular matter arises, it can be sent back to the committee. I believe the committee's recommendation is that a standing committee of the House should be appointed to which all matters of this kind may be referred. There are certain basic principles which have been enunciated here. Exemptions will not be granted in their case. It is for that purpose a committee has been appointed to find out how far the offices will conflict with the principles that have been laid down. That is the scope of that committee.

**Sardar Swaran Singh:** May I clarify our position? It is not Government's intention to place on the statute-book a provision if either the parliamentary committee or any other standing committee which the hon. Speaker might appoint to keep a watch upon that question comes to a contrary conclusion. This is really an enabling measure. If the House wants an assurance that merely because it has been approved, it should not be regarded as concluded, that is not the stand that Government is going to take. It is for the hon. Speaker to appoint that standing committee and to remit any matter to that committee and this matter could also be, if the Speaker and the House so wishes, be remitted to that committee. What I wish to assure is that we would not take any legalistic stand that because Parliament has approved therefore that matter is concluded.

**Shri Raghavachari:** The hon. Minister says that he agrees with the principle urged by the opposition, but that he has no time. Why does he not at least give an assurance that he is not going to exercise the right to appoint members of the Houses on this Committee till the Committee recommended to be constituted by the report of the Office of Profit Committee, is constituted and recommends such action.

**The Minister of Home Affairs (Pandit G. B. Pant):** I had no intention of intervening in this debate, but a few insinuations have been made as though Government was anxious somehow to entangle Members of Parliament and to thrust them into this Committee. That seems to me to be a misconceived notion. The clause did not form part of the Bill as it was introduced in the House by Government. Nor was this amendment moved by Government in the Upper House. A Member of the Opposition moved the amendment, and the Government accepted it. At least we are not the sinners. We only bowed to the wish of the Opposition in the Upper House. And I think where a provision in the Bill has been adopted by the Upper House, we should handle the matter a bit tenderly and not deal with it in such a way as though there is some evil design behind it. That would not be quite dignified. On merits we may disagree or agree. But we have to bear in mind that this clause forms part of the Bill which has been sent to this House by the Upper House. So we must consider the matter dispassionately before we reject it.

After all, it is a question which affects the privileges of the Members of this House. If the Members do not want it, if they think that it should disqualify them, Government won't force its views on them. It has perfect confidence in the hon. Members of this House and it can trust them implicitly. It does not think that their attitude towards public questions would in the least be affected one way or the other before being appointed Members of these Committees.

But there is another point too which this House might consider. It is this, that this is not a commercial organisation. This is not a corporation meant for purposes of running any industry which will bring profit, whether to the State or to an individual. It is more or less a philanthropic organisation meant for the rehabilitation of the displaced persons. Government is interested in doing all it can for their relief and for rehabilitating them. In such a philanthropic task, all would perhaps like to co-operate and actively help the Members and others on whom such a responsibility is imposed. But if hon. Members want to deny themselves that privilege, they are welcome to take a decision that way. This Corporation has been running at a loss, and public funds are suffering that loss. I would have thought that the Members of Parliament would like to be in such a body to see that all waste is eliminated, that the Corporation is run in an economic way, and that public money is used in a most prudent manner. It will be in the interests of this House to have a link for supervising the operations of this organisation and for effecting all possible economy.

But, all the same, as I said, the option rests with the hon. Members of this House. Whether any Committee is appointed for this purpose alone, or whether any other Committee be there which is dealing with matters of this type, we will be glad to refer it to that Committee and abide by its decision. We have no desire to impose it on the House. If a special Committee is appointed only for this purpose, even there we would not come in the way. If the House does not want it, of course we would like to abide by the wishes of the House in that matter. But this matter particularly affects the privileges of the House, and if the House does not want such a provision it will certainly be taken out later.

I hope this will satisfy the hon. Members.

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

"That the following amendment made by Rajya Sabha in the Faridabad Development Corporation Bill, 1956, be taken into consideration.

"That at page 7, after line 36, the following new clause 31A be inserted:

*'New Clause 31A*

**'31A. Removal of disqualification for membership of Parliament.**—It is hereby declared that the office of the member of the Corporation shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament'."

*The motion was adopted.*

**Shri Anil K. Chanda:** Sir, I beg to move:

"That the amendment made by Rajya Sabha in the Bill be agreed to."

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

"That the amendment made by Rajya Sabha in the Bill be agreed to."

*The motion was adopted.*

**Mr. Speaker:** So the amendment is agreed to.

#### DELHI (CONTROL OF BUILDING OPERATIONS) CONTINUANCE BILL

**The Minister of Home Affairs**  
(**Pandit G. B. Pant**): Sir, I beg to move:\*

"That the Bill to continue the Delhi (Control of Building Operations) Act, 1955, for a further period, as passed by Rajya Sabha, be taken into consideration."

This motion is essentially of a formal character. There is nothing controversial about it, and I hope it will be adopted without any discussion.

A Bill was passed last year just about this time for controlling the constructional activities in Delhi and also for regulating them. That Bill was to be replaced by a permanent Act. It was then enacted only for one year. Its life is almost coming to an end. It was adopted, I think, on the 20th of December last year, and on the 1st of January it will cease to have any effect.

The Bill was passed about a year ago in order to prevent the bad laying of plan, haphazard construction of buildings, the growth of colonies of a slum character or of a sub-standard nature. It was enacted with a view to ensure the development and expansion of Delhi according to plan. Subsequently a planning organisation was set up, and that planning organisation has done very useful work. A Master Plan has been prepared for Delhi, and sanction has been given for a number of private colonies. The models have been prepared, and the evil which had been rife for a pretty long time has now been put an end to.

This Bill, which was passed last year, would have been replaced by another Act by this time. But in the meanwhile this House decided that a Corporation should be set up for Delhi. So, this matter has to be held over till the Corporation has taken a final shape. The responsibility of looking after the buildings and maintaining the dignity of this metropolis will primarily fall on the Corporation. Whether a permanent Development Authority will still be necessary, and if so, what should be its specific functions will have to be determined in the light of the scheme of a Corporation, as it is finally accepted. So, it has been necessary to extend the life of the existing Act. I am accordingly proposing that an year's extension may be given, so that it may be kept alive till the 1st of January, 1958. I hope the House will agree. ✓

\*Moved with the recommendation of the President.