

Shri M. C. Shah: I introduce* the Bill and beg to move*:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Andhra for the service of the financial year 1954-55, be taken into consideration."

Mr. Deputy-Speaker: The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Andhra for the service of the financial year 1954-55, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: Clause by clause discussion.

The question is:

"That clauses 1, 2 and 3, the Schedule, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

Clauses 1, 2 and 3, the Schedule, the Title and the Enacting Formula were added to the Bill.

Shri M. C. Shah: I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

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

**The Minister in the Ministry of Law
(Shri Pataskar):** I beg to move:

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

The history of this Bill is very simple. In our Constitution we have Article 102 which says:

"(1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament

(a) 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."

As we are all aware, this matter has been discussed so many times. The term 'office of profit' has been found to be very difficult to be exactly defined. Therefore, when this article was introduced in the Constitution, they made a provision; other than an office declared by Parliament by law not to disqualify its holder. This matter has been under consideration since long. We first passed the Prevention of Disqualification Act of 1953. Then, we declared that certain offices permanently would not entail a disqualification. There were certain offices in respect of which, for the time being, provision was made that there will be no disqualification because it was felt doubtful whether they would entail any disqualification or not.

[SHRI BARMAN in the Chair]

Provision was made by which a time limit was fixed. It has become necessary to extend that period now, up to 31st December, 1955. I may say at this stage that even in England, there is a Committee of Parliament which is discussing this question and they have not been able to come to any definite conclusion. I do not say that we should copy England and keep such Acts in force for all time to come. In fact, I may say that the Government have drafted and prepared a Bill, a comprehensive measure, which they wanted to introduce. In the meantime, as the House knows, just as there is a Parliamentary Committee in England, our

*Introduced and moved with the recommendation of the President.

Speaker appointed a Parliamentary Committee consisting of Members from both the Houses to consider the question of office of profit. They recommended to us and a copy of the Bill was sent to that Committee. They suggested that they would also try to explore all possible avenues for producing a correct legislation regarding this matter. They also suggested that this Bill may be passed extending the period. The present provision in clause 4 is for an extension for one year during which time, probably the report of that Committee will be ready. We will take that report also into consideration and bring forward a suitable measure. I know that from time to time we have been extending the time on two previous occasions. As I said, under the peculiar circumstances, when another Parliamentary Committee consisting of Members of both the Houses is seized of the matter, Government thought it fit to wait till that report comes and then carry out the recommendations of that Committee. That was the reason why we did not hurry the Bill which we wanted to bring. It is from that point of view that this short Bill has been brought forward to prevent disqualification occurring in respect of those offices which are mentioned in section 4 of the present Act. The Bill itself is very simple, and it provides that the words '31st December 1955' shall be substituted and shall be deemed always to have been substituted in section 4 of the present Act. Instead of 1954, we want 1955. That is the only change proposed, in view of the circumstances under which Government have not been able to bring forward a comprehensive Bill. I think there would not be any objection on that score, because when Parliament itself, and Members of both Houses, are seized of the matter, it is but fit and proper that we should wait till the report of that Committee comes. If it is found necessary in the light of that report to include certain other offices also in the Act, we shall certainly include them in the comprehensive Bill that we shall bring forward,

which may be, I think, before the end of the year. I hope that the report of that Committee also will come very early, and we will also be able to bring forward that measure without any loss of time, because it is not desirable that the matter should be kept pending.

3 P.M.

I hope this non-controversial Bill will be passed without any discussion.

Mr. Chairman: Motion moved:

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

Shri Ramachandra Reddi (Nellore): I would like to enquire what is the progress that has been achieved by this Committee so far, and also whether the State Governments have been consulted in this matter, and if so, to what extent they have got any objections to a measure like this.

Shri Pataskar: As regards the progress of that Committee, I do not know. But I have appealed to them to submit their report as early as possible, and I hope they will be able to submit their report within two or three months. Of course, it is not for me to say how long that Committee will take. But I hope and trust that as the matter has been kept pending so long, they will submit their report early.

As regards consultations with States, I think we are enacting this measure only for Parliament and Part C States Legislatures. With respect to the other State Legislatures, I think legislation has to be enacted by the States themselves. So, that question does not arise.

Shri Ramachandra Reddi: I am only pointing this out that there are certain statutory provisions in the State Acts, under which members may be appointed from the Legislature to certain bodies. Is their disqualification also going to be prevented under this Act? That has to be investigated into and a conclusion arrived at.

(Parliament and Part C States
Legislatures) Second
Amendment Bill

Shri Pataskar: The point that has been raised by the hon. Member will be duly taken into account.

Shri Dhulekar (Jhansi Distt.—South): I rise to support this Bill, as a member of the Committee that was appointed to investigate into several matters affecting the definition of the term 'office of profit'. In India, the analogy of the process of legislation or the process of adaptation that is prevalent in England does not apply to us. In England, however, the history was different. After a struggle for several hundred years, the House of Commons had found that the King was always trying to encroach upon the rights of the Members of the House of Commons, and the Members of the House of Commons also were struggling against the King with a view to getting as much power as possible. In the hands of the King of England, there were powers of patronage. Sometimes, he created peers, and sometimes he conferred upon the Members of the House of Commons certain privileges, by appointing them to certain posts. So, this struggle began between the King and the Members of the House of Commons, and it was found necessary that the King should not encroach upon the powers of the House of Commons. Therefore, some conventions grew up there.

One of the results of this process was that although the post itself did not carry any remuneration or any high emoluments, still the House of Commons was very anxious to guard against the evil by saying that in cases where a Member of Parliament was given a post which did not even carry any emoluments, still if that Member could exercise a power with regard to the appointment of people to high posts, or with regard to giving any trade concessions, or exercise any other power in such a manner that the authority of the House of Commons was in any way encroached upon, then that post was a post of profit. In our country, we find that the thing has to be decided once and for all now.

When the Committee began its deliberations, it was said that the position as narrated by me with regard to the struggle between the King and the people is not there in our country. But still, in our case, it is very clear that our democracy should be guarded against the evil of conferment of posts of profit in the form of privileges given to Members, by appointing them to certain important committees or boards, where they could carry some influence. So, on the one side, there is the danger that if the term 'office of profit' is defined in such a manner that any post or any membership or chairmanship of any board or committee is conferred upon a Member of Parliament, as a result of which he may become very powerful in the land, is an office of profit, then it will encroach upon the rights of the democratic people. But on the other hand, we find that there is another aspect also that we have got. There are so many plans coming under the Planning Commission, right from panchayats up to the bigger plans, where it is necessary that Members of Parliament should take part. So, if Members of Parliament are to be associated with the constructive activities that are going on throughout the country at this time, it will not be possible to exclude all the Members of Parliament from being appointed to certain posts, where although they are very influential and very great, it is necessary that they should be appointed. Therefore, it was found that we should not make a schedule of the offices of profit hurriedly, but we should advise Government that they should bring in a temporary measure extending the period of prevention of disqualification by one year. Meanwhile, the Committee may submit their report in a better manner, and after considering that, a proper legislation may be brought forward.

With these words, I support the Bill.

Mr. Chairman: Before I call upon any hon. Member, I would only say that considering the business that the

House has to transact before it adjourns, we have to look to the time that we have got in our hands. We have to transact a lot of business before we disperse. Considering the fact that this is only an extending Bill, and when the comprehensive Bill is brought forward, all these questions may be gone into fully again, it is for hon. Members to consider that they should try to be as brief as possible.

Shri R. K. Chaudhuri (Gauhati): I will not take much time at all. Certainly we welcome this extension which has been asked for by this Bill. But I wanted to make a few suggestions, now that the Committee have not concluded their sittings. So far as disqualification, as it exists now, is concerned, we are going too far. There are certain things which are still doubtful. For instance, if a Member of Parliament becomes a director of any private concern which gets some sort of indirect advantage from the Government, even then that Member is supposed to be disqualified. I think that we ought to have a clear-cut decision on this matter, whether the office of a director of a private company which gets some sort of advantage from the Government, say, by way of subsidy or by aid, or anything of that kind, should be held as an office of profit. As far as I know, so long as the directors only get their allowance or the director's fees, there should not be any disqualification, but the question arises with regard to those institutions or concerns which get help from the Government—whether a Member of Parliament who is a director of that concern would be disqualified or not. This may perhaps be looked into.

Since the number of people who actually devote themselves to public work is limited, we should not be guilty of any prudery which seems to be in the air now. For instance, my hon. friend, Shri Dhulekar, was speaking about conditions as obtaining in England. It is all right. They are doing very good. They are trying to

have disqualification at every stage. But I ask, when the King of England confers a title, a knighthood or peerage, is it not a sort of favour shown to the Member of Parliament? Is not the Member of Parliament hoping for it; there is room to hope that he may get a title. He may be raised to peerage. He may be knighted just as Winston Churchill was knighted at the far end of his life. He has been knighted; that is a sort of temptation which is always before the Members of the British Parliament. We have no such temptation here. At the same time, we must remove the disqualification as far as possible, to the extent that we may have a fair amount of time so that we may devote ourselves to such work which, although may be indirectly connected with the Government, does not actually give much benefit or profit. So we ought to be taking care about this. So far as this Bill is concerned, we welcome the extension of the period.

पंडित ठाकुर दास भार्गव (गुड़गांव): जनाब चेंबरमैन साहब, आपके सामने यह मसला पेश है। उस कमेटी के चेंबरमैन की हींसियत से जिसको कि स्पीकर साहब ने एपाइंट किया है मैं अदब से अर्ज करना चाहता हूँ कि हमारे सामने जो मसला है वह निहायत दकीक है।

अभी चौधरी साहब ने फरमाया कि प्राइवेट फर्म्स के डाइरेक्टरों को क्या मिलता है और उनको किस तरह से इनफ्लूएंस किया जाता है। इसी तरह से हमारे पास बहुत सी कमेटीयों की लिस्ट आई है और हमको देखना होगा कि हर कमेटी में होने से किसको क्या फायदा मिल सकता है। हमारे सामने जो उसूल हैं वह यह हैं कि हम नहीं चाहते कि पार्लियामेंट का कोई भी मंत्री एंसा हो कि जो गवर्नमेंट से किसी उम्मीद में अपनी राय को इनफ्लूएंस हो जाने दें। हमारे मिनिस्टर्स की तादाद रोज बढ़ती जाती है। हमारी यह कौशिश होगी कि मंत्रियों पर गवर्नमेंट का डाइरेक्ट इनफ्लूएंस न पड़ने पाये। पिछले दिनों मैंने जो वनस्प्रीत का बिल पेश किया था उसमें पापुलर वाइस रखने वालों

[पीठत ठाकुर दास भार्गव]

की तादाद ४६ थी और गवर्नमेंट की तरफ से ५२ मंत्र खड़े हो गये थे। अगर उन मंत्रों को जो खड़े हुए थे अपनी राय देने का हक होता तो ऐसा कभी नहीं होता, बल्कि मेरे बिल के फेवर में ५२ या उससे ज्यादा मंत्र होते और ४६ खिलाफ होते। मैं अर्ज करना चाहता हूँ कि कायदा यह है कि गवर्नमेंट के हाथ में कोई ऐसी चीज न रहे जिससे कि किसी मंत्र का इंडिपेंडेंस मांग हो जाय। लेकिन साथ साथ हमारी मुसीबत यह है कि इस हाउस में ऐसे गिनें चुनें आदमी पब्लिक लाइफ से आते हैं कि जिनकी तादाद दश में थोड़ी होती है और जिनके बगैर हमारे काम अच्छी तरह से नहीं हो सकते हैं। इसीलिये हमको ऐसा तरीका अख्तियार करना होगा कि उन आदमियों से हम काम भी ले सकें और उनके इंडिपेंडेंस पर भी गवर्नमेंट का कोई असर न पड़े। मुझे उम्मीद है कि हाउस के सारे मंत्रान इस काम में हमारी मदद करेंगे। इस कमेटी में कुछ मंत्रान काम कर रहे हैं, लेकिन मैं उस कमेटी के चेंबरमैन की हींसियत से बकाया मंत्रान से अर्ज करता हूँ कि वे वहाँ तशरीफ लायें और हमारी मदद करें ताकि हम अपने मुल्क के लिये एक अच्छा कायदा बना सकें। मैं विलायत के उस्ताओं का कायल नहीं हूँ। मैं तो इस बात का कायल हूँ कि जो चीज हमारे दश के वास्तु मुनासिब हो उसको हम रख सकें। हमें उम्मीद है कि हम एक साल के अन्दर पूरी कोशिश से ऐसा एक फार्मुला आपके सामने रख सकेंगे जिससे कि मंत्रान को पूरी तसल्ली हो जायगी और गवर्नमेंट जो बिल लायेंगी वह इस कमेटी के सिफारिश के मुताबिक लायेंगी। इसीलिये मैं इस बिल को जोर के साथ सपोर्ट करता हूँ और उम्मीद करता हूँ कि जो अर्ज आपने दिया है उसमें यह कमेटी अपना काम पूरा कर सकेगी।

पीठत सी० एन० मास्वीब (रायसेन): जनाब चेंबरमैन साहब, मेरा इस मसले पर बोलने का इरादा नहीं था। लेकिन मेरे दोस्त पीठत ठाकुर

दास भार्गव ने जो कुछ कहा मैं उसका जवाब देना चाहता हूँ। उन्होंने कहा कि वनस्पति बिल पर जो राय दी गयी उसमें ५२ मंत्रों ने गवर्नमेंट की तरफ से राय दी, और ऐसा उन्होंने गवर्नमेंट के इनफ्लूएंस की वजह से किया। मैं ऐसा नहीं समझता कि पार्लियामेंट के मंत्र इस तरह से गवर्नमेंट के असर में आ जायेंगे। हम इस बिल को इसीलिये लायें हैं ताकि पब्लिक के दिमाग में यह बात न आ सके कि मंत्र पार्लियामेंट किसी तरह से नाजायज फायदा उठा रहे हैं। लेकिन यह नहीं होना चाहिये कि मंत्र पार्लियामेंट के लिये आप कहें कि अगर उसको कहीं पर रख लिया गया है तो उसकी वजह से वह अपनी आत्म को बच देगा और गलत राय दे देगा।

मैं इस बिल का सपोर्ट करता हूँ।

Shri Pataskar: I can assure hon. Members that it is in deference to the wishes of the Parliamentary Committee that we have stayed our hands and we have brought forward this amendment to extend it. Any recommendations which will be made by that Committee of both Houses will receive due consideration from Government. Government are also desirous that in this matter we should try to have the best traditions and conventions that we can have, and I think with this assurance this motion will be passed.

Mr. Chairman: The question is:

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

The motion was adopted.

Clause 2.—(Amendment of Section 4, Act I of 1954)

Mr. Chairman: We shall now take the Bill clause by clause.

There is an amendment to clause 2, by **Shri Tushar Chatterjea.**

Shri Pataskar: I think he will withdraw it.

Shri Tushar Chatterjea (Serampore): I beg to move:

In page 1, line 9, for "31st day of December, 1955" substitute "30th day of June, 1955".

I have moved this amendment that in place of 31st day of December, 1955, it should be 30th day of June 1955, that is, I want to make the extension only for six months. My reason is this. First of all, it was extended upto 31st March 1954. Then another extension was made up to 31st December 1954. Now a third extension is sought to be made. For this further extension the reason given is: that the Committee have not as yet been able to decide as to what are the offices of profit. Now, I do not understand why a thing like determining offices of profit requires consideration for a long period of a year and a half. I think it is a very simple thing. If the Committee are really very serious about it, then within six months they can decide what are offices of profit. So I do not see any reason why an extension of more than six months should be given. I want that the matter should be finalised as early as possible; otherwise, people will remain in suspense. I think a six months' extension is sufficient.

Mr. Chairman: Amendment moved:

In page 1, line 9, for "31st day of December, 1955" substitute "30th day of June, 1955".

Shri Pataskar: I would appeal to the hon. Member not to press this. As I said in the beginning, we had drafted a Bill and it was ready. As a matter of fact, it will now depend upon what time the Parliamentary Committee of both Houses will take to submit their report. I can assure the hon. Member that as soon as those recommendations are received, Government will take early steps to bring forward a comprehensive measure with respect to this. I think the hon. Member may withdraw his amendment.

Mr. Chairman: The question is:

In page 1, line 9, for "31st day of December, 1955" substitute "30th day of June, 1955".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

Shri Pataskar: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

TEA (AMENDMENT) BILL

The Minister of Commerce (Shri Karmarkar): I beg to move:

"That the Bill to amend the Tea Act, 1953, as passed by the Rajya Sabha, be taken into consideration."

Sir, on this Bill I might have contented myself with simply referring to what has been stated in the objects and reasons, but courtesy does require, it seems, that I should make a few observations.

As hon. Members would have observed from the statement of objects and reasons, this Bill is of a non-controversial nature designed merely to remove disqualification arising out of membership of a statutory body which Members of this House may incur on being appointed as such. Sir, section 4(3) of the Tea Act, 1953, provides for the representation of Members of Parliament on the Tea Board established under section 4(1) of the said Act. It is also possible that among the members of the Tea Board appointed by