

jection. The hon. Member who wanted to raise this....

Shri N. C. Chatterjee (Hooghly): May it be taken up tomorrow after Question Hour?

Mr. Deputy-Speaker: Very well. In all matters of privilege, the consent of the Speaker is necessary. I will look into it and if the Speaker gives his consent, he may raise this point; otherwise, I will intimate him.

The Minister of Home Affairs and States (Dr. Kaju): When was the telegram despatched, Sir?

Mr. Deputy-Speaker: The telegram was despatched from Srinagar, I think it must be at 11 o'clock yesterday. It is not decipherable. I will find out. We received it here at 9.55. As to the exact time it was despatched, I will find out. I will consider the matter and if the motion is permitted, he can raise it tomorrow.

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

Shri H. N. Mukerjee (Calcutta North-East): I oppose this Bill, I oppose it root and branch because I consider it a most unsavoury piece of legislation and if we care for the decencies of political life, we ought to throw it out unanimously. Now, in regard to this Bill, I fear that even the Prime Minister had something of an uneasy conscience. I say this because when this Bill came up on Saturday, certain questions were raised regarding the opinion of the different political groups in this House about the feasibility of discussing this Bill during this session. But, even before we had gone into the merits of the matter, the Prime Minister was pleased to make certain observations. He said it was a necessary Bill, an urgent Bill and an important Bill about which the law is 100 per cent. clear. The Prime Minister went on to make these observations because—I suggest, Sir—he had something of an uneasy conscience about it. He went forward also to refer particularly to me, because I had asked a question previously, and said that I should study the law carefully because it has to be approached from a legal point of view as much as it has to be approached from any other point of view.

Now, coming from the Prime Minister, this advice regarding my studying the law carefully is somewhat ironical; but, at any rate, we find that he said the law is 100 per cent. clear on the point. I am sorry the Prime

Minister is not here, but, sometimes I have a feeling that like the 18th century encyclopaedists he specialises in omniscience, but, of course, the rest of us, poor mortals do not try that kind of thing. But, at any rate, from what we can find out about the law, it seems to be very clear to us that this particular Bill violates not only the letter but also the spirit of the law. It may be a necessary, urgent and important Bill from the viewpoint of the caucus that Congress practically is in Vindhya Pradesh and so many other places, but, from any other point of view, this cannot be considered to be a necessary Bill, an urgent Bill or an important Bill. But, on the contrary, I say that it is a Bill which militates against all that we understand by the decencies of political life. Therefore it should be unanimously rejected. (Hear, hear)

My hon. friend, the Home Minister when he made his preliminary observations also, as is expected of him, made a rather cavalier treatment of the entire subject. He said that the Vindhya Pradesh Government had made a poor job in considering that it was a trivial matter, a trivial matter which should be set right by this piece of parliamentary legislation. Now, I should think that perhaps this is a trivial matter from the point of view of the Home Minister but there are certain principles involved in this legislation which make it very far from being a trivial matter.

We had the advantage of hearing the learned Attorney-General. He tried to point out to us that this Bill is neither unconstitutional nor illegal. He said it was quite correct from a constitutional point of view. He said it was legally and technically quite valid. He said also at the same time that as far as the proprieties are concerned, this Bill was perfectly all right. Now, with all respect, I should say that I wish he did not refer to the propriety or otherwise of the matter. I wish he had not tried to give us his views about the propriety of the matter. Of course, he came here to give us his very learned opinion in regard to the legality, the constitutionality and the technical validity of the matter. But, even in so far as that goes, his argument did not appear to us to be very convincing. The main point which the learned Attorney-General sought to make was, that the disqualification that was incurred, the procedure that was followed by the Election Commission and the issue of the Presidential order were all done not under the Constitution but under the Part C States Act, which was merely a piece of parliamentary legislation over which the Parliament had, as in any other

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normal piece of legislation, perfect jurisdiction to alter or amend either prospectively or retrospectively. That in a nut-shell was the argument which he sought to put forward. He said also that the decision that the President, on the advice of the Election Commission, gave was accepted by the Government as correct, but it was only in order to cure the effects of a correct decision by the President on the advice of the Election Commission that this legislation was being brought. He said there was no intention to flout either the Election Commission or the President but that a correct position had to be uncorrected as it were by some mysterious process.

Now, I do not understand this argument that the Constitution is not involved in the process that has culminated in the order of the President that certain people, twelve Members of the Vindhya Pradesh Legislative Assembly, had become subject to the disqualification, and had therefore had to vacate their membership of the Legislative Assembly of that State. I think and I submit for the consideration of the House that the Constitution is very much involved in this process. Every necessary step was taken by the President,—who, I take it, presumably acts on the advice of the Cabinet—every step was taken by the President to see that the form and the spirit of the law were observed in this matter. This was done with a specific reference made repeatedly in the Election Commission's finding and the President's order itself to the provisions of the Constitution. The President in his order dated 31st March, mentions these provisions of the Constitution more than once. He says in the opening paragraph that a question had been raised whether certain Members of the Vindhya Pradesh Assembly had become disqualified under section 17 of the Government of Part C States Act read with sub-clause (a) of clause (1) of article 102 of the Constitution. This shows that he had taken the Constitution into consideration. Then, in the operative paragraph, the President said that these Members had become subject to the disqualification mentioned in section 17 of the said Act, read with sub-clause (a) of clause (1) of article 102 of the Constitution. The President and the Election Commission had very much taken into consideration the articles of the Constitution before they had proceeded to take any steps in this matter.

Now, if we go, in fairness to the Election Commission, into the finding which it came to then we shall see it

even more clearly. Really in his state of things, I should say, to argue as the Attorney-General has tried to do that the Constitution is not in the picture at all, that merely the Part C States Act is in the picture, is to suggest, with all respect to the learned Attorney-General, that law has degenerated into logomachy, that we are arguing in a vein which is absolutely alien to the spirit of the Constitution, to the spirit of whatever laws we happen to have. As far as we are concerned, we are not head over heels in love with the Constitution. We know there are so many things in this Constitution, so many lacunae in this Constitution that have got to be filled in if it is going to serve the democratic aspirations of the people. But, even as it stands, the Government of the day has chosen to take certain steps which violate the spirit of the Constitution, which violate the letter of the Constitution, and that is why, it is very important that we deal with this Bill very carefully and see that nothing is done which jeopardises the development of decent political traditions in our country. The Election Commission gave a very clear and reasoned statement of its findings. In order to fill in whatever lacuna might possibly be discovered by legal experts, the Election Commission made it very clear from the very beginning why the President had acted and acted in the manner in which he had done. In page 3 of this booklet supplied to us, entitled *Documents connected with the Vindhya Pradesh Legislative Assembly (Prevention of Disqualification) Bill*, we find the findings of the Election Commission. It is said there by the Election Commission:

"The Government of Part C States Act, 1951 (XLIX of 1951) contains provisions similar to articles 101 as also 191 of the Constitution regarding the question of the disqualification of members for various reasons including the holding of offices of profit. The Act, however, makes no provision as to how such a question has to be raised and decided. Under the Constitution the procedure to be followed in respect of these matters has been laid down under articles 103 and 192 which deal with the cases of disqualification of members respectively of either House of Parliament or either House of the Legislature in Part A and Part B States. This difficulty was apparently felt after the representation under consideration was actually made to the President."

The representation was made, you will remember, on the 30th October. The President took a considerable time for making up his mind. He referred the matter to the Election Commission on the 17th January, 1953. During the interim period, he was taking the advice of people who were near about him, including, I hope, the Cabinet; including, I expect, the Minister of Law, and including, I am sure, the Minister of Home Affairs. So, what happened was that the President took note of the technical difficulty which might be raised by legal pandits because of a lacuna in the Part C States Act. The difficulty having been felt, in the words of the Election Commission,—

“On the 14th January, 1953, the President made an order in exercise of the powers conferred by Section 43 of the Government of Part C States Act—whose provisions correspond to the provisions of articles 103 and 192 of the Constitution—, the deciding authority being made the President himself.”

So, the whole procedure was gone through in order to adapt the provision in our Constitution for purposes of particular application in the case of this Part C State. I should think that it should be taken for granted that there is provision in the Constitution in regard to disqualifications being incurred on account of holding offices of profit by Members of the State Legislature. Surely then, this principle is attracted in the case of Part C States the moment you constitute a Legislature for a Part C State. I cannot, for the life of me, understand arguments purporting to say that the Constitution lays down certain criteria regarding disqualification of Members of either House of Parliament or of either House of State Legislatures in Part B or Part A States, but that those criteria do not apply to Part C States, because for Part C States we have another piece of legislation. This is a kind of thing which is unknown to the principles of the interpretation of the Constitution. But in order to prevent the Government from taking recourse to this kind of measure—perhaps I should not say ‘Government’—but in order to prevent the technical experts from taking advantage of this kind of thing, the President took—I presume, on the advice of his advisers who are represented here—special precautions to see that this was completely regularised and that he proceeded to act on the application that was sent to him regarding the alleged disqualification which was supposed to have been incurred by these Mem-

bers of the Vindhya Pradesh Legislative Assembly, according to the provisions of the Constitution. The President, therefore, proceeded in an unexceptional manner and on the basis of an interpretation of the Constitution which, I am sure, everybody will accept as absolutely correct.

Having said that, let me say that the Election Commission proceeds to give a very circumstantial description of the entire case. It took a lot of pains over it. It dealt, not only with matters of principle, but also with matters of detail as they affected those Members who were likely to come under the mischief of the disqualification. There are certain observations made by the Election Commission to which I would like to draw the attention of the House. The House is already in possession of this document, but I want to invite its special attention to certain things. On page 8 of this document, it is said by the Election Commission:

“If the Executive Government have untrammelled powers of offering to legislators any appointments, positions or offices, however they may be described, which carry emoluments of some kind or other with them, there would be a clear risk that an individual member might feel himself beholden to the Executive Government and thus lose his independence of thought and action in his capacity as a member of the legislature and a true representative of his constituents. That will be a very great danger to the proper development of democratic institutions and the democratic way of Government in the country; and this is the likely abuse which the Constitution seeks to prevent by the provisions which we have under consideration at present. If the membership of a committee, council, board or whatever it is, can be made use of by a Government to put a member of a legislature under its obligation in the slightest way, such membership should be regarded as an ‘office’ which would come within the purview of the penal articles of the Constitution.”

The Election Commission further proceeded to discuss the other points connected with the amount of money which was drawn by those Members who had accepted the appointment as Members of the District Advisory Council and so on and so forth. The Election Commission also took into account the fact that the money involved was by no means very substantial. At the same time, it found out that

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there were certain categories of Members who, by their own behaviour had come very definitely within the mischief of the Constitution. The Election Commission differentiated between different categories of Members including those who attended the meetings of the District Advisory Councils and drew T.A. and D.A. Then, there were Ministers and the Speaker, who did not act as Members of the District Advisory Councils. Then there were three Members of the Assembly who refused to accept the membership of the District Advisory Councils. Then, the Election Commission listed 27 Members who attended meetings, but who did not actually draw any D.A. or T.A. Ultimately, the Election Commission came to the decision that it was only those people who actually lived in certain district headquarter towns, i.e. people who had no business to draw either T.A. or D.A. for doing work on the District Advisory Councils, it is only those particular Members whose behaviour was especially egregious, and the Election Commission differentiated them from the rest of the lot and said, "These twelve are the people who have definitely and unequivocally incurred the disqualification, and therefore, it is our finding that the provisions of the Constitution read with section 17 of the Part C States Act ought to be applied against them and their seats should be declared vacant." This was the finding of the Election Commission, arrived at after very careful consideration.

Now, under the Constitution we have given the Election Commission the job of resolving doubts and difficulties. The Election Commission has to decide doubts and disputes arising out of or in connection with elections to Parliament and to the State Legislatures. We have heard Government talking from time to time about the Election Commission being one of the pillars of the Constitution. I should say again that personally I am not so fond of the Constitution. If I had my way, I would have it changed very drastically. I find that the Home Minister is nodding his head in a very disparaging fashion, but I would tell him that I would have the Constitution very drastically changed by really democratic methods. I am not actually in love with the Constitution. But you are. You say that the three pillars of the Constitution are the Election Commission, the Supreme Court and the Union Public Service Commission. You say it. And here is the Election Commission which, in the proper exercise of its functions which are to solve all doubts and difficulties in regard to cases of this description,

has come to a certain decision and it has communicated that decision to the President and the President acting under advice of the Election Commission, which is completely in order, issues an order. The order is sent to the Vindhya Pradesh Legislative Assembly. The Speaker gets it. He reads it out in the Chamber. There is an automatic vacation of seats by the Members concerned. Automatically, special writs ought to have been issued for the bye-election as far as these vacant seats were concerned. Nothing of the sort was done. Therefore, one of the three pillars of the Constitution was simply disregarded and thwarted by the Government of the day, because of reasons which I hesitate to characterise. This kind of thing is happening, and it is a kind of thing to which we should call a halt. I know that certain arguments were put forward yesterday—very ingenious arguments—with a considerable amount of intellectual subtlety and sophistry by my hon. friend Mr. Shah from the other side. He said that there could be no question of finality; that we here, as the Parliament, that highest law-making body in the realm, were supreme; that after all, we can re-open everything, etc. etc. I did not hear his speech entirely. I do not know if he quoted Bagehot's famous saying that Parliament can do everything except make a woman a man or a man a woman. I do not know whether he said it. But he did make this point that finality is a matter which Parliament can always and everywhere reopen. Then where shall we be?

The other day my hon. friend Mr. Chatterjee put a very pertinent question to the learned Attorney-General. The learned Attorney-General parried with it by saying that everybody knows that we have a written Constitution and he need not answer it. But the irony behind Mr. Chatterjee's question regarding the existence in this country of a written Constitution was deliberately ignored, because it was going against the argument which was put forward on the side of the Treasury Benches.

We have a Constitution here and the powers of Parliament are limited to the extent it is laid down in the Constitution, as long as it exists. There are ways and means of changing this Constitution. But if we are going to play ducks and drakes with the idea of finality where shall we be? My hon. friend Mrs. Kripalani said a little while ago that the Supreme Court after all has got certain rights vested in it by the Constitution and by Acts of Parliament and there is a finality about its decisions—there is

a finality about judgments of the Supreme Court. Do we take it that we can reopen judgments of the Supreme Court? If we do so, it means an end of all proper behaviour as far as administration of justice in this country is concerned.

Of course, Parliament can do a lot of things—but Parliament can do it only within the ambit of its jurisdiction and especially when you have got a written Constitution you cannot fly in the face of that. Government on this occasion has actually done so. Government has done so, I fear, because—as Mrs. Kripalani, being an extremely polite and modest person, suggested very mildly—there is a story to the whole thing. What is that story? In the Vindhya Pradesh Assembly there are sixty Members; one is dead. Of these 40 are Members of the Congress and 19 belong to the Opposition. Of those who are disqualified, as many as 11 were Congress and one belonged to the party represented by my hon. friend Mrs. Kripalani. Now there are 29 Congress people and 18 in the opposition. But the position in Vindhya Pradesh is such—I shall not mention names, they remind you of the days of outworn feudalism—that they have been fighting like Kilkenny cats to establish themselves in power. The same thing happened in Rajasthan and so many other places. Because of this fluid position of the Congress in Vindhya Pradesh, it is very important for Congress today to ensure that these eleven people out of the twelve who are disqualified should be brought back to their seats immediately without having recourse to by-elections which ought to be held at once in accordance with the provision of the Constitution, in accordance with the natural rights of the people of our country and all decent and democratic political behaviour. I say, therefore, that this Bill leaves a very sour taste in the mouth; it flies in the face of all political decency. It suggests a sort of presumptuousness on the part of Government which it is the duty of every honest legislator to resist as far as possible. It is a piece of legislation which is symptomatic of the very mischievous game of power politics which is going on in Vindhya Pradesh and certain other areas of our country. It is being used as an instrument of caucus administration and that is why we must all raise our voice very seriously and strongly; we must see to it that if we are really and truly faithful to our duty as legislators of this Parliament, we should throw out this very mischievous Bill unceremoniously. We would be happy if they reconsider the matter. But I have no hopes. They are trying to push it through straightaway by say-

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ing it is one hundred per cent. legal, it is urgent and it is important.

I should say again that as far as we are concerned, we must make our position very clear that we are not going to tolerate this caucus administration in the face of the demands of the people, in the face of the deficiencies of democratic political life.

Shri G. H. Deshpande (Nasik—Central): Since yesterday morning I have been very patiently listening to speeches of the Opposition benches. One member after the other from the Communist and communalist benches got up and tried to sermonise on democracy. Communists when they speak, always speak in extremes and the last speaker who was on his legs just now also spoke in extremes. They are strangers to moderation. The cat came out of the bag in the last sentences that were uttered by the gentleman who was speaking last. It is said that apart from constitutional and other considerations, this Bill has been brought forward in this House for party purposes.

बाबू रामनारायण सिंह : इसमें क्या

बलत बात है ?

श्री० रणवीर सिंह : यह बिल्कुल गलत

बात है ।

Shri G. H. Deshpande: We have listened patiently for two days to their strong and violent criticisms, but the hon. Members from the Opposition have no patience. They have no love for democracy. They are not allowing us to reply to them. Is that the love for democracy that they hold? It is tyranny of the minority from which we are suffering in this House.

Dr. N. B. Khare (Gwalior): That must be of the majority.

Shri G. H. Deshpande: Many hon. Members of this House seem to be under the impression that this is a piece of legislation, of such a nature as has been brought for the very first time. That is not a fact. Not only has legislation of this type been passed in this House before this, but even in provincial Legislatures, legislation of this type has been passed and that too not for Congressmen.

It was in 1937 that Dr. Ambedkar incurred disqualification. He was a professor in a Government Law College. He was elected to the Bombay Legislative Assembly then. He had incurred a disqualification. It was in the power of the Congress party then whether to continue his membership or not. The Congress party passed a Bill by which that office of professor-

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ship in a Government college was declared not to be an office of profit. If the Congress party wanted, Dr. Ambedkar could have been unseated. But they thought it wise, they thought it proper, that that office should not be considered to be an office of profit, so they removed his disqualification. In that case also retrospective effect was given by the legislation to remove the disqualification. You know, Sir, that Dr. Ambedkar was never a Congressman and not so at all in 1937. So, it was not done out of party considerations.

Hon. Members who sit opposite always think in terms of party. They never think in terms of the community or the country. The Congress party has never thought of in terms of party on questions like the present. We have been inspired by the spirit of serving the nation as a whole, the community as a whole and we are never actuated by party feelings.

Then, in Bombay again, there was my friend, a Member of the Council, Shri Mahajani, who has recently been appointed Vice-Chancellor of the Delhi University. He also had incurred disqualification. A law was passed in Bombay with retrospective effect and his membership was continued.

What has happened in this case? So many glowing tributes were paid to the Constitution. It was really amusing to listen to hon. Members of the Communist party and communalist party sermonising on democracy. What after all, they asked, is going to happen to the country and to the ballot box? Are you not going to protect the sanctity of the ballot box? For the sake of the sanctity of the ballot box, it is necessary to pass a legislation of this type.

What after all has been done? The twelve Members have been returned to the Vindhya Pradesh Assembly by an overwhelming majority. They were the chosen representatives of the people and what right have you to say that they should go away without any reason. Even the hon. lady Member who was on her legs said that this is not a thing for which we should say that these Members should cease to be Members. She said that a legislation of a general nature should be passed by this House. Then she will have no objection. Not a single Member from the Opposition has said anything to suggest that these offices which the twelve Members held should be considered as offices of profit. Do not the Members of Parliament who come over here get daily allowances? Even the hon. lady Member who spoke, though she is from New Delhi, gets daily allowance. What

objection is there if these Members took some tonga charges? For that should their seats be declared vacant? Consider it on merits. Not a single Member who spoke against this Bill has maintained that these were offices of profit. Unanimously this House thinks that that office should not be considered an office of profit. Then why is it that these Members oppose it? Why should the electorate be deprived of their chosen representatives? Why is it that the honour of the ballot box should not be maintained? Why is it that the sanctity of the ballot box should not be maintained?

Look at it from the common man's point of view. We have elected our representatives. They have not done anything wrong or immoral. They have been very careful in the discharge of their duties. Simply for a technicality, a technicality which can be removed under the law, will it be wise, proper and just to declare their seats to be vacant and ask for elections? Is it that we are afraid of elections? Rajasthan was referred to. I would like to tell the hon. Member of the Communist party that a Communist candidate was defeated only yesterday in Jodhpur, and was miserably defeated. (An Hon. Member: He lost his deposit.) It is not that we are not prepared to face elections. We are prepared to face elections anywhere, in any corner of India. It is not that we are afraid of elections. It is not that we do not want to go before the people. It is not with that idea that we are supporting the Bill. We think, honestly and sincerely, that it is our duty as democrats to protect the sanctity and importance of the ballot box, and that is why we think that it will be just to pass a legislation of this type. Is Parliament to ignore the rights of the chosen representatives of the people? A legislation of the same type was passed over here, in which so many Members of the Parliament were involved. They themselves had incurred a disqualification and for restoring them this august Assembly passed a resolution and said that their membership should be continued. If this House has consideration for its own Members, will it be wise and proper not to have the same consideration for the Members representing their constituencies in different Legislatures in different parts of the country? There is nothing immoral or unjust in this for which we cannot go before the people and face facts. From every point of view this is honest, sincere and proper and that is why I wholeheartedly support the Bill.

Mr. Deputy-Speaker: Pandit K. C. Sharma. Enough has been said and only new points, if there are any, may be advanced.

Pandit K. C. Sharma: So far as the constitutional position is concerned it has been made clear, but again doubts have been expressed and I would deal only very briefly with this aspect of the question, because after the brilliant speech yesterday of Mr. Shah nothing more need be said on the topic. Prof. Mukerjee's argument was that what is good for the Members of Parliament or what is necessary or applicable to the Members of Part A States or what is applicable to the Members of Part B States should necessarily be applicable to Part C States. With regard to this argument I beg to submit that this is a question of law. Certain law is there made with regard to the disqualifications of Members of Parliament and that is contained in articles 101 to 103 of the Constitution. Articles 101 to 103 of the Constitution relate only to the disqualification of Members of Parliament; not to Part A States Members, nor to Part B States Members, much less to Part C States Members. Then there are articles 191 and 192 which relate to disqualifications of Members of Part A States; not to the Members of Parliament, nor to the Members of Part B States or Members of Part C States. Then there is another article, article 238, which relates to Part B States. And Part C States are entirely excluded from this provision. Then comes article 240 which my friend Mr. Basu said is too narrow to allow this sort of legislation, that is the Government of Part C States Act to be passed by the Parliament. That is, according to his view, under article 240(1) Parliament is not authorised to pass a legislation like this, namely the Government for Part C States Act. I may read for the benefit of the House article 240(1)(a):

"240(1). Parliament may by law create or continue for any State specified in Part C of the First Schedule and administered through a Chief Commissioner or Lieutenant-Governor—

(a) a body, whether nominated, elected or partly nominated and partly elected, to function as a Legislature for the State."

11 A.M.

My submission is that if Parliament can pass a law to establish a Legislature, then certainly Parliament must pass a law with regard to the election or disqualification of the Members or their functioning in a certain way. Because the Legislature should act

under certain law. That law, in accordance with which the Legislature will work, must be passed by Parliament and here it is, Government of Part C States Act of 1951.

Shri K. K. Basu: That is not under the provision of the Constitution.

Pandit K. C. Sharma: It is under the provision of the Constitution that this law is passed.

Where does the difference lie between this law, namely the Part C States Act, and the articles of the Constitution? The Constitution can be amended only under article 368 by a two-thirds majority while this Act is passed in the usual way, and not by a two-thirds majority as is necessary in the matter of amendment of the Constitution under article 368, but by an ordinary majority. This law has been passed in the usual way, with an ordinary majority, and can be amended without a two-thirds majority as amendment of Constitution under article 368. In regard to the Constitution, there is a sanctity attached to the Constitution, though the Constitution, as Prof. Mukerjee said, can be amended if the situation so demands. The Constitution and Government are meant for the good of the people. They are to work as the people want them to work. If the Constitution is wrong it has to be thrown away. But the Constitution cannot be easily thrown away because the people do not change so easily, so swiftly, so violently as to change the Constitution every day.

[SHRIMATI KHONGMEN in the Chair]

This is the secret of the sanctity behind the Constitution; nothing more, nothing less. That is, people want stability and certainty. People want that their expectations should be fulfilled. People want to expect that certain results will follow from certain actions. If every day the Constitution is changed, then there will not remain any stability. Their expectation will fail. Everything would be uncertain. So for that purpose there is a sanctity behind the word of the Constitution, and nothing more. It is not like stone. It must change with the time. But for changing the Constitution under article 368 two-thirds majority is necessary. For any law made under the Constitution a two-thirds majority is not necessary. This is the only difference. This law made by Parliament can be changed at any time and without a two-thirds majority. So much sanctity is not attached to this as to the articles of the Constitution.

Anyhow, a law should not be always, and easily, changed. There

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is some respect for the word of law itself. Because law itself gives the expectation of certainty to the people. When you make a law the ordinary man in the street expects that if you commit a crime under the law that law will punish you in such and such a way. You have the liberty because the law is there. The law is to punish a man if he stands in the way of your freedom of action, if anybody infringes your liberty, or if anybody inflicts an injury on you. So, this law, even an ordinary law, must not be violated and there should be some sort of respect for the law. Laws are not made to be changed every day unless there are violent repercussions in the country. So I do not agree with the view that you can change a law every day. If you change, there will be no sanctity behind it and there will be no stability. People always would be uncertain about their affairs but in this respect, whether the law should be changed or should not be changed is a matter of fact. Under the Constitution, anything done under section 17 of the Government of Part C States Act can be amended. There is no doubt about it. Whether it should be amended or not is a question of fact but it can be amended. There is no doubt about it. Therein comes the propriety of this law. My respectful submission is this. The Government of Vindhya Pradesh appointed the District Advisory Councils. It was not the Members who sought membership of these District Advisory Councils. It was the Government that wanted to establish Councils in different districts so that the welfare functions of the State or the Government policy can be easily carried on.

Shri Nambiar: Why should it be done only in Vindhya Pradesh?

Pandit K. C. Sharma: Vindhya Pradesh is a backward State. Even in Uttar Pradesh there were District Committees for grain procurement work and Zamindari abolition Funds collections. These Committees do not pay the Members any allowance. The work taxes a Member very much. I will tell you about my personal experience. At Bullandshahr in 1950 I promised the Leader of the House 4000 mds. of wheat for relief in Bihar. I had to leave my place by six A.M., and reach the place back by ten P.M. In between I had to take my meals in the villages. It takes three hours for a villager to prepare food. He will not give you ordinary food. He will run to the market for vegetables, etc. A Member going to the villages for collecting foodgrains etc. cannot waste

three hours for food. He should have food for five people accompanying him. He had to go round the villages and come back. It is taxing. I wondered how could I work but I did work well. Ordinarily you will not expect a man to take food for five people and then go in the morning in villages and come back at ten P.M. It is a very difficult job. In order that work may be carried out smoothly and willingly, the Vindhya Pradesh Government thought it proper to constitute these Councils. These Councils were constituted by the Vindhya Pradesh Government at their own instance for getting their work done and not at the instance of the Members. Government have done this *bona fide*. There was no *mala fide* in this for the reason for a Member to be of the District Advisory Council in the district from which he was elected was simply his constitutionally being there. It was not that only the Congress Members were Members of the Council or the Socialist Members. Every member by virtue of his being elected from the district in which he resides was to be a member of the Advisory Council of that district for the purpose of helping in the Government work. But the Members have committed no fault. Government therefore is in duty bound to do something to get this wrong rectified. There is nothing improper in this. It would have been improper if Members had approached the local Government and said, "You call us for 15 days or one month in a year and you give us daily allowance". Suppose there were no salaries and there was Rs. 15 daily allowance. They would have said, "We are all political workers, we must do political work and to support us you devise certain ways". If at the instance of Members these Advisory Councils had been created, and Rs. five were given in order to allow them to carry on with their work, then this process is certainly the most objectionable. But this is not the fact. The point whether this Bill is proper or improper, whether there is legal propriety or otherwise, depends upon the facts of the case.

So far as the legal position is concerned, there is no doubt that this Parliament is competent to amend this Act. This Act is good in law. There is nothing bad about it. In taking up this legislation, whether there is propriety or not, it depends upon the facts. In this case it was the Government that established these Advisory Councils at their own instance. It was not at the instance of the Members that these Councils were institut-

ed. Therefore Government was bound to help the Members to get out of the difficulty.

There is another argument that when so many nominations have been rejected, why not have a law in every case? In every case, when the nomination was rejected, Government was not a party to it. The Government has not done the wrong. A law is passed. A certain Member does not come within the purview of the law. His nomination is rejected.

Shri Namblar: The candidate also is responsible.

Pandit K. C. Sharma: But in this case Government was responsible. Then the question arises why not a ballot box? I respect the ballot box. I cent. per cent. agree with my friend Pandit Balkrishna Sharma that when the ballot box fails, the bullet comes in. This is true. I am one of those who not only want that the ballot box should be respected but who will go further and say that no man should be above the ballot box. Conditions must be created so that a man can be opposed whoever he is. To create conditions when you make a god of a man is to create conditions when a man would not be able to oppose him and then even the bullet comes. Therefore I want dignity to the common man, dignity to the common man means not to deify persons. I have always fought against high epithets and high sounding additions to names of men in power. I want an ordinary man to remain an ordinary man and work as an ordinary man. When you raise people sky high, you deify the man to the disadvantage of the common man. So I have always fought against euologising any man raising him too high however great he may be, however great functions he may perform, however admirable and remarkable his services may be. I love the common man's right and I stand by it. But, the common man's right and the ballot box do not mean that every day you are to go to the ballot box. There is such a thing as sense of proportion—practical wisdom. Suppose elections have taken place a month before and something technical has happened. Do you mean to say that a month after, you must go to the ballot box? The villager has to plough his lands and people have to earn their living.

Mr. Chairman: The hon. Member may deal with new points.

Pandit K. C. Sharma: Yes, Madam. The ballot box has to be respected. But, in this case the question of the ballot box does not arise at all.

Then comes the question of article 14 of the Constitution which Shrimati Sucheta Kripalani raised. There is no question of the application or infringement of article 14. Article 14 says:

"The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

Now, I put this straight question? There are college classes and a certain fee is charged. For the post-graduate courses, there are enhanced fees. For research students there are more fees. For the intermediate classes, there are less fees. Does Mrs. Kripalani mean to say that simply because a first year student in the college has to pay Rs. six, and an M.A. student has to pay Rs. 20, there is infringement of article 14 of the Constitution? The question is: a person placed in the same conditions should be equally treated. These twelve persons are placed under certain disabilities. If twenty more are placed under these very difficulties, the law would be the same. Equal protection of law does not mean that because a man is disabled and Rs. 200 were spent in the hospital in curing the disability of the person, therefore, Rs. 200 must be spent on Babu Ramnarayan Singh. Babu Ramnarayan Singh is sitting in Parliament. The man who broke his legs was in the hospital. Because Rs. 200 were spent on an in-patient in the hospital who was a citizen of India, is it any reason why Rs. 200 should be spent on Babu Ramnarayan Singh, who is equally a good citizen of India, though he is hale and hearty?

Shri Namblar: Why do you drag in this old man?

Pandit K. C. Sharma: Mrs. Kripalani's argument with regard to the application or infringement of article 14 has no meaning at all. My respectful submission is that this Bill is cent. per cent. legal as the Leader of the House has said. It is proper and there is no constitutional impropriety with regard to this Bill. I hope hon. Members irrespective of party considerations would support the Bill.

श्री ए० एन० बिद्यालंकार (जालन्धर) :

सभानेत्री महोदया, मुझे इस बात पर बहुत खुशी है कि इस हाउस में इस बात की बहुत चिन्ता की जा रही है कि हम जम्हूरियत की यानी प्रजातन्त्र की ऐसी परम्पराएं कायम करें जो आयन्दा के लिए बहुत मुनासिब हों और जो डिमाक्रेसी के अधिकारों की रक्षा कर

[श्री ए० एन० विद्यालंकार]

सकें। लेकिन मैं यह अनुभव करता हूँ कि इस मामले पर विचार करते हुए कुछ सदस्यों ने या तो बिल्कुल ही एक बारीक कानूनी पहलू ले लिया है और एक "लीगलिस्टिक व्यू" लेने की कोशिश की है या कुछ दूसरे सदस्यों ने बिल्कुल ही एक "आइडियालिस्टिक व्यू" लिया है। मैं समझता हूँ कि जैसे मेरे मित्र श्री बालकृष्ण शर्मा जी ने कहा था, इस मामले पर हमें साधारण बुद्धि से विचार करना चाहिए। कानून हमेशा व्यक्ति के अधिकारों पर साधारण बुद्धि के साथ विचार करता है। यदि हम बहुत ही ज्यादा कानूनी बारीकी में चले जायें या बहुत ही आइडियालिस्टिक व्यू ले लें तो हम कार्यक्षमता और व्यवहार के पहलू को छोड़ देंगे। इस मामले में यदि हम साधारण बुद्धि से विचार करें तो मामला बिल्कुल सीधा सादा है और कोई लम्बा चौड़ा विचार करने की आवश्यकता नहीं है। यहाँ पर जितना ज्यादा इस में बहुत गहराई के साथ कानूनी बारीकियों में जाने की कोशिश की गयी है जिसे कहा जाता है "कानून के बाल की खाल उतारना" तो यहाँ पर इस तरह से बाल की खाल उतारने की कोशिश की जा रही है। कुछ सदस्यों की तरफ से जो यह बाल की खाल उतारने की कोशिश की गई है मैं समझता हूँ कि इसने हमारे तमाम दृष्टिकोण को 'कनफ्यूज' कर दिया है और हम इस पर ठीक तरीके से विचार नहीं कर सकते। हमारे विधान में दो बातों को बिल्कुल साफ़ रखा गया है। मेरे कुछ मित्रों ने सेशन १०२ और सेशन १०३ का हवाला दिया। सेशन १०२ में पार्लियामेंट के अधिकार दिये गये हैं और सेशन १०३ में प्रेसीडेंट और इलैक्शन कमीशन के फंक्शनम् बताया गए हैं। इन दोनों को बिल्कुल मिला जुला कर कुछ सदस्यों ने इसको बिल्कुल कनफ्यूज कर दिया है।

सेशन १०२ में पार्लियामेंट को यह अधिकार है कि वह फ़ैसला करे कि डिसक्वालिफिकेशन क्या है। यह फ़ैसला करना कि डिसक्वालिफिकेशन क्या है, इस बात का अधिकार न प्रेसीडेंट को है और न इलैक्शन कमीशन को ही इस बात का अधिकार है। यह अधिकार सिर्फ पार्लियामेंट को है जो सेशन १०२ में दिया गया है। सेशन १०३ में इस बात की चर्चा की गयी है कि अगर यह सवाल उठे कि किसी मेम्बर ने डिसक्वालिफिकेशन इनकर की है या नहीं तो इस 'फैक्ट' का फ़ैसला करना कि आया किसी मेम्बर ने डिसक्वालिफिकेशन इनकर की है या नहीं, इसका अधिकार प्रेसीडेंट को है। और इस मामले में प्रेसीडेंट इलैक्शन कमीशन से विचार करे। इसके शब्द ये हैं :

"If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause....etc."

तो यह फैक्ट कि आया जो तारीफ़ डिसक्वालिफिकेशन की पार्लियामेंट ने की है उस तारीफ़ के मुताबिक किसी मेम्बर ने डिसक्वालिफिकेशन इनकर की है या नहीं, इसका फ़ैसला सिर्फ प्रेसीडेंट को करना है और वह इलैक्शन कमीशन की सलाह से करता है। और इलैक्शन कमीशन जो भी सलाह महाविरा दे, उसको प्रेसीडेंट को मानना है।

इसलिए यह दोनों बातें अलग अलग हैं। डिसक्वालिफिकेशन क्या चीज़ है, क्या काम या कौन जगह और कौन से पद को लेना डिसक्वालिफिकेशन इनकर करता है, इस बात का फ़ैसला पार्लियामेंट को करना है। और आया उस फ़ैसले के मुताबिक वाकई कोई मेम्बर डिसक्वालिफिकेशन का मुतकिब हुआ है या नहीं इसका फ़ैसला इलैक्शन

कमीशन को करना है। और इलैक्शन कमीशन जो कुछ फ़ैसला दे उसके मुताबिक प्रैसीडेंट को विचार करना है। इस मामले में मैं समझता हूँ कि जो रिपोर्ट हमें बांटी गयी है उसके मुताबिक इलैक्शन कमीशन ने इस बात के ऊपर काफी चर्चा की है कि जो इस ऐडवाइजरी काउन्सिल के मेम्बर बने थे, आया ऐडवाइजरी काउन्सिल की मेम्बरी डिसक्वालिफिकेशन के अन्दर आती है या नहीं। मैं समझता हूँ कि इस तरह डिसक्वालिफिकेशन की तारीफ़ पर बहस करके इलैक्शन कमीशन ने अपनी हद से तजाबुज किया है। आप देखेंगे कि इस कांस्टीट्यूशन के मुताबिक दरअसल डिसक्वालिफिकेशन का फ़ैसला करना पार्लियामेंट के अधिकार में है। लेकिन इलैक्शन कमीशन अपने उस अधिकार के बाहर चला गया है, आगे बढ़ गया है। उन्होंने इस बात को तय करना शुरू किया है कि जो १५ मेम्बर बने वह डिसक्वालिफिकेशन इनकर करते थे या नहीं। पहले उन्होंने १५ मेम्बर चुने, फिर तीन को बरी कर दिया यह कहकर कि वे रैजीडेंट नहीं थे, बाहर से आये थे और उन्होंने बाहर से आने में खर्च वागैरह किया था, इसलिए उन के ऊपर डिसक्वालिफिकेशन आयद नहीं होता। लेकिन १२ मेम्बरों पर डिसक्वालिफिकेशन आयद होता है। मैं फिर कहना चाहता हूँ कि इस बात का फ़ैसला करना और इस पर विचार करना इलैक्शन कमीशन के अधिकार में नहीं था, उनको इस बात का फ़ैसला करने का अधिकार नहीं है कि कोई विशेष 'पद' डिसक्वालिफिकेशन में आता है या नहीं। यह फ़ैसला करना पार्लियामेंट का अधिकार है, यह इलैक्शन कमीशन का नहीं है। पार्लियामेंट डिसक्वालिफिकेशन की तारीफ़ करे और तारीफ़ में बाकई कोई मेम्बर आता है या नहीं, इस फ़ैक्ट पर विचार करने का काम इलैक्शन कमीशन का है।

किसी मेम्बर ने उस पद को ग्रहण किया है या नहीं, एक मेम्बर कहता है कि मैंने इसको ग्रहण नहीं किया, या कोई कहे कि मैंने इसको ग्रहण करने की लिखित स्वीकृति नहीं दी, या कोई मेम्बर कहे कि मुझको इस के ग्रहण करने के विषय में माजूम नहीं था, इस तरह की बातें हों तो उन पर इलैक्शन कमीशन को विचार करना है कि आया अमुक सचस्य ने बस्तुतः पद ग्रहण किया है अथवा नहीं।

अगर हम इस पोजीशन को अच्छी तरह से समझ लें और दोनों चीजों को हम जुदा जुदा कर दें तो मैं समझता हूँ कि इस समय "डिसक्वालिफिकेशन" की जो व्याख्या की जाती है उसके अनुसार विध्या असेम्बली के सब के सब मेम्बरस जोकि इस कमेटी के सदस्य बने थे, मेम्बर रहने के अयोग्य हो जाते हैं। इलैक्शन कमीशन को इस बात का अधिकार नहीं था कि उसमें किसी के लिए "एक्सेप्शन" करे एलेक्शन कमीशन को इस बात का अधिकार नहीं है कि वह इस बात का फ़ैसला करे कि क्या २ चीज डिसक्वालिफिकेशन के अन्दर आती है। मैं समझता हूँ कि पार्लियामेंट के लिए यह लाजिम हो जाता है कि वह इस मामले के बीच में आये और यह चीज साफ़ करे कि क्या चीज डिसक्वालिफिकेशन इनकर करती है और क्या नहीं करती है। मैं इसी डिसक्वालिफिकेशन की बात लेता हूँ। जैसे सुप्रीम कोर्ट, या हाई कोर्ट किसी बात का फ़ैसला करता है, और वह किसी चीज की तारीफ़ करता है, डेफ़ीनिशन और इंटरप्रेटेशन देता है, तो उसको लेजिस्लेचर और हाउस देखता है कि आया कोर्ट की वह तारीफ़ और इंटरप्रेटेशन उसकी मंशा के मुताबिक है या नहीं, अगर लेजिस्लेचर यह देखता है कि वह तारीफ़ जोकि कोर्ट के अन्दर की जा रही है, इलैक्शन कमीशन में की जा रही है या और किसी जगह पर की जा रही है, वह तारीफ़ उस हाउस की मंशा के मुताबिक

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नहीं है, तो हाउस को इस बात का पूरा अख्तियार है कि वह उस तारीफ़ को साफ़ करे और उसके मुताल्लिक जो नतायज हुए हैं, उनके मुताल्लिक भी फ़ैसला करे और उससे जो भी नतायज निकले हैं, सही हों या बुरे, उनको ठीक करे और नेसेसरी एमेंडमेंट लाकर अपनी मंशा मुताबिक उस चीज़ की तारीफ़ और इंटरप्रेटेशन कराये। इसलिए मौजूदा मामले में मैं समझता हूँ कि पार्लियामेंट को न सिर्फ़ हक है, बल्कि पार्लियामेंट का फ़र्ज है कि उस मामले को साफ़ करे। मुझे इस बात का ज़रूर अफ़सोस है कि यह मामला आज इतनी देर से पेश हुआ है, अगर यह बिल इस पार्लियामेंट के आरम्भ में ही पेश किया जाता, प्रेसीडेंट साहब के आर्डर देने से पहले ही पेश किया जाता, तो यह उलझन हमारे दिमागों में न पैदा होती जोकि इस वक्त पैदा हो रही है। लेकिन मैं कहना चाहता हूँ कि आखिर प्रेसीडेंट के आर्डर की फ़ाइनैलिटी तो वहीं तक है जहां तक प्रेसीडेंट और इलैक्शन कमीशन को कानून जाने की इजाज़त देता है, लेकिन अगर हम पार्लियामेंट के अधिकारों पर जोकि कांस्टीट्यूशन ने दिये हैं, कोई पाबन्दी या रोक लगा दें, तो यह तो कांस्टीट्यूशन और कानून का गलत इंटरप्रेटेशन होगा, अगर हम फ़ाइनैलिटी की तारीफ़ इस तरीके से करें कि जिस चीज़ के ऊपर रोक लगाने का अधिकार प्रेसीडेंट को नहीं है, उसके ऊपर भी प्रेसीडेंट की फ़ाइनैलिटी रोक लगा दे, तो मैं समझता हूँ कि यह कानून का गलत इंटरप्रेटेशन होगा। प्रेसीडेंट की फ़ाइनैलिटी तो यहीं तक है कि इलैक्शन कमीशन ने यह तय किया कि जो लैजिस्लेचर के मेम्बर एडवाइज़री कौंसिल के भी मेम्बरस थे, उन्होंने लैजिस्लेचर की मेम्बरी की।] डिस्क्वालीफ़िकेशन इनकर कर ली, यहां तक तो ठीक है, लेकिन उसके बाद पार्लियामेंट इस बात का फ़ैसला भी न कर सके कि आया

इलैक्शन कमीशन का यह फ़ैसला डिस्क्वालीफ़िकेशन के बारे में हमारी मंशा के मुताबिक हुआ या नहीं हुआ, पार्लियामेंट के इस अधिकार के ऊपर कोई फ़ैसली अथवा रोक लगाना मेरे ख़याल में उचित व मुनासिब नहीं है, दफ़ा १०३ की कमी ऐसी मंशा नहीं थी और अगर ऐसी मंशा होती तो मैं समझता हूँ कि दफ़ा १०२ के अन्दर पार्लियामेंट को जो अधिकार मिला है वह ख़त्म हो जायगा। मैं अज़ब करना चाहता हूँ कि दरअसल जो चीज़ इस वक्त हमारे सामने है, न सिर्फ़ ऐसे मामलों में बल्कि और बहुत से मामलों के लिए यह चीज़ सामने आने वाली है, यह डिस्क्वालीफ़िकेशन की तारीफ़ ऐसी लम्बी चौड़ी है और दरअसल कई मामलों में हमारा कानून इतना वेग है और इतना धुंधला है कि पार्लियामेंट को इस बात को बिल्कुल पार्टी क्वेश्चन से अलहिदा होकर सारे मसले पर विचार करना है, हम यहां पर सोच रहे हैं कि उन लोगों को जिनको इलैक्शन कमीशन ने हमारी मंशा मुताबिक सही इंटरप्रेटेशन न करके डिस्क्वालीफ़ाई कर दिया है, उनकी डिस्क्वालीफ़िकेशन हम किस तरह से हटायें, क्योंकि इस तरह तो डेमोक्रेसी ख़तरे में पड़ जायगी।

डिस्क्वालीफ़िकेशन बड़ी सीरियस चीज़ है। किसी आदमी से यह अधिकार छीन लेना और उसको डिस्क्वालीफ़ाई कर देना, इसकी [सीरियसनेस को शायद हमने सोचा नहीं है, उन बारह मेम्बरों को डिस्क्वालीफ़ाई करके हम उनको एक अधिकार से वंचित करते हैं और ऐसे वक्त में वंचित करते हैं जब उनका दरअसल कोई क़सूर नहीं और उनके बाजिब अधिकार से वंचित करते समय हमारी कांसेशनस ज़रा भी प्रिज़ नहीं करती कि हमने ऐसे लोगों को उनके अधिकार से वंचित कर दिया है जिनका वास्तव में कोई क़सूर नहीं है और मैं समझता हूँ कि उस रोग

को रेक्ट्रीफ़ाई करने के लिए पार्लियामेंट का नोसेसरी लेजिस्लेशन पास करना बहुत जरूरी और मुनासिब है और पार्लियामेंट को इस बात का फ़ैसला करना है कि आया 'आफ़िस आफ़ प्राफ़िट' से क्या मुराद है और मैं कहना चाहता हूँ कि यह केवल विन्ध्य प्रदेश के उन बारह मेम्बरों का ही मामला नहीं है, बल्कि बहुत सारे सूबे हैं जहाँ ऐडवाइज़री कौंसिलें बनी हुई हैं और उन कमेटीज़ की मीटिंग्स में आने के लिए वहाँ की स्टेट गवर्नमेंट्स रेल का किराया आदि देती है, फ़र्ज़ कीजिए कि किसी स्टेट के मेम्बरों को लेकर कोई स्टेट गवर्नमेंट कोई कमेटी बनाती है, वहाँ की स्टेट का जो लेजिस्लेचर है वह यह पास कर देता कि: This is not an office of profit. दफ़ा १९१ के मुताबिक यह फ़ैसला करते हैं कि यह जो पद है यह आफ़िस आफ़ प्राफ़िट नहीं है और स्टेट लेजिस्लेचर्स के जो मेम्बरस हैं वह डिस्क्वालीफ़िकेशन से मुक्त हो जाते हैं, लेकिन अंगर किसी स्टेट ने किसी पार्लियामेंट के मेम्बर को भी उस कमेटी में रख दिया, पार्लियामेंट के मेम्बर ने यह सोचा कि दफ़ा १९१ के मुताबिक स्टेट के लेजिस्लेचर ने तो यह डिक्लेयर कर दिया कि यह आफ़िस आफ़ प्राफ़िट नहीं है और इसलिए वह वहाँ का भी मेम्बर बन सकता है, लेकिन क़ानून देखा जाय तो पार्लियामेंट का मेम्बर डिस्क्वालीफ़ाई हो जाता है क्योंकि पार्लियामेंट ने तो यह डिक्लेयर नहीं किया कि वह "आफ़िस आफ़ प्राफ़िट" नहीं है, मैं इन खामियों की तरफ़ आपका ध्यान दिलाना चाहता हूँ और विन्ध्य प्रदेश के मेम्बरों की डिस्क्वालीफ़िकेशन का ही मामला नहीं है, बल्कि मैं जानता हूँ कि कई पार्लियामेंट के मेम्बरों ने और स्टेट लेजिस्लेचर्स के मेम्बरस ने ऐसी कमेटियों में आने से इन्कार कर दिया है, क्योंकि इस सम्बन्ध में जुदा २ इन्टरप्रेटेशन दिये जाते हैं और उस क़ानून की अलग अलग व्याख्यायें की जा

रही हैं, इसलिए मैं समझता हूँ कि पार्लियामेंट का फ़र्ज़ है कि वह यह चीज़ साफ़ करे कि आफ़िस आफ़ प्राफ़िट क्या है, उसको साफ़ तौर से डिफ़ाइन करे और जहाँ पर ग़लत इन्टरप्रेटेशन करने के कारण मेम्बरों को डिस्क्वालीफ़ाई किया गया है और उनको उनके उचित अधिकार से वंचित किया गया है, उनको उनका अधिकार वापिस दिलवाया जाय और उनकी डिस्क्वालीफ़िकेशन हटाई जाय, और हमारा काम सिर्फ़ विन्ध्य प्रदेश के बारह मेम्बरों की डिस्क्वालीफ़िकेशन हटा कर ही ख़त्म नहीं हो जाता और मुझे तो अफ़सोस के साथ यह तस्लीम करना पड़ता है कि यह बिल काफी दूर तक नहीं जाता, स्टेट्स के और बहुत से मामले हैं, ऐसी कमेटियाँ हैं जिनके अन्दर बिल्कुल कोई प्राफ़िट मोटिव नहीं है और इस मौजूदा क़ानून के अन्दर, इस वेग डेफ़ीनीशन के अन्दर वह आफ़िस आफ़ प्राफ़िट समझा जा सकता है और उस सम्बन्ध में हमारा क़ानून बेग़ होने और साफ़ न होने के कारण कोई भी कोर्ट उसे आफ़िस आफ़ प्राफ़िट करार दे सकता है, इलेक्शन कमीशन भी उसे आफ़िस आफ़ प्राफ़िट मान सकता है, इसलिए आज यह बहुत जरूरी हो गया है कि पार्लियामेंट को इस आफ़िस आफ़ प्राफ़िट की डेफ़ीनीशन को बिल्कुल साफ़ कर देना चाहिए ताकि यह जो बिना उनके कसूर के वह डिस्क्वालीफ़िकेशन इनकर कर लेते हैं, वह न हो और उनको उनके अधिकार से वंचित न किया जा सके। मैं इस सम्बन्ध में अपने माननीय होम मिनिस्टर साहब और ला मिनिस्टर साहब से प्रार्थना करूँगा कि वह जल्द से जल्द क़ानून को साफ़ और वाज़े कर दें ताकि यह दिक्कत और सवाल जो कई सूबों में और किन्हीं मेम्बरों के सम्बन्ध में उठ सकता है और उठने वाला है, उसमें कोई दिक्कत न हो यह क़ानून बिल्कुल साफ़ और वाज़े हो जाये। जिससे बिना कसूर किसी को उसके

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अधिकार से बंचित न किया जाये। इन अलफ्राज के साथ में इस बिल का समर्थन करता हूँ।

Kumari Annie Mascarene (Trivandrum): The Bill presented before us is justified by the Attorney General as a legal measure within the supreme authority of Parliament to make a Constitution, amend the Constitution, to make and unmake Constitutions and institutions by virtue of the supreme authority of Parliament. I agree with it. I go further and agree with D'lolme in saying that Parliament has supreme authority to do everything except make a man a woman and a woman a man.

Shri V. G. Deshpande (Guna): And make woman a Chairman!

Kumari Annie Mascarene: This Bill falls within the legal limits of the sovereign authority of Parliament, within the letter of the law, like the pound of flesh without a drop of blood! This is not the first time in the history of Legislatures that Members have become disqualified. What surprises me here is, why should this Government go out of the way to resort to an extraordinary remedy of Jenkins rather than resort to the ordinary remedy generally followed under such conditions. Even granting that Parliament has power to make and unmake, this Bill in particular has violated the fundamental principle of legislating, namely, that Parliament legislates on general things for the nation and not on cases of exception.

The Attorney General pointed out to us Mr. Jenkins' case. I wish to ask him whether the facts of the case itself have thoroughly justified such a step. In the Jenkins' case itself the Bill has been introduced by the Financial Secretary, Capt. Crookshank. He says while introducing the Bill:

"The moral of the whole thing, if there is a moral, is that if any member of Parliament is approached to take any kind of appointment....etc."

He himself suspects the moral of the Bill. And the next speaker, Mr. Maxton, Member for Glasgow, Bridgeton, says:

"I do not want to oppose this measure, but I wish to enter a mild protest against the Government finding themselves under the necessity of compelling this House

to pass a measure of this description over such a trivial matter."

I am quoting from the Jenkins' case itself. The gentleman continues:

"It would not have been necessary for them to come forward with this very clumsy process. It seems preposterous, when we excuse members of this House for holding offices of profit with salaries of £3,000 a year attached to them, that it should be necessary to introduce a Bill to exonerate a member for accepting an office with a fee of £2-10s., which the member in question never received."

He goes further:

"It seems to me that it is just silly"

and says:

"I hope the right hon'ble and gallant gentlemen will convey to the proper quarters the representations that I have made and ask the Government to provide facilities for the Report of the Select Committee to be discussed on the floor of the House, and the necessary legislation passed to make this kind of thing quite unnecessary".

From the case itself it is clear that this was a doubtful case which violated the moral principles of Parliament. I agree with the Attorney General with regard to the legal rights. The question here is a conflict between the legal and moral powers of Parliament, a conflict between the legal and the political sovereignty of Parliament, a conflict between legislation for exceptional cases and legislation for general cases. We, as representatives of the nation, have got to set up a precedent for generations to follow. And analysing the very powers of this House, I think that we are undoing our past actions. That is, the Election Commission and the President are creatures of this House. I am not enamoured by any personal attachment either to the President or to the Election Commission. They are creatures of this House. We have constituted them on the clear constitutional understanding that we respect their activities in this field. By undoing, by ignoring, by legislating against the Election Commission, we are undoing our own powers and this is against the legal authority of Parliament and a restriction on the sovereign power.

Then coming to the precedent that we are establishing, I want to ask them: are you so power-drunk as to create a precedent of this nature with very serious political consequences resulting from an indiscreet legislation? I understand that they are omnipotent. They have got a brute majority. They can carry any law today as they dominate the nation like the stars that shoot along the sky burning brightest ere they fall from high. This is a violation of the political sovereignty of the People—I refer to the legal and political sovereignty of Parliament. If Parliament has legal powers to legislate, sovereign powers to legislate, there is an ultimate authority over and above the Parliament which is a restriction on Parliament, called the electorate—which is the political sovereign of Parliament. Members have to go back again after five years to the political sovereign. To quote Dicey, he refers to legislation in Switzerland where every legislation is referred to the male members of the country for approval or disapproval.

Shri A. M. Thomas (Ernakulam):
Why are females excluded?

Kumari Annie Mascarene: In those days 'men' included 'women', unlike these days women including men.

So, that itself is an example that the political sovereignty has to be respected. In this legislation, granting that there is complete legal sovereignty, we must remember the restrictions on the sovereign powers of Parliament. And the great Dicey had often laid down political sovereignty and other international laws as restrictions on this. Therefore, on these grounds, this law is not proper for this Parliament to pass.

Then, coming back to democracy, I do not want to dilate upon the principles of democracy. But I wish to point out one fact, that democracy has often disappeared from the face of the earth by corruption and selfishness of parties and cliques. We are running such a Government, a Government of the people, by the people and the opposite party, is running popular self-government with all the importance on the 'self' and nothing on the 'government'.

To inspire the people with the fundamental principles of democracy, it is not always common to resort to the ballot box, to Legislatures and to the Cabinet Ministers who are themselves indispensable instruments in democracy. But, there is something more sacred than all that. You can invent the most powerful of locomotives, but they will not move an

inch unless you put steam into it. Similarly, you can have the best of democracy, but what is required is not only intellect and energy but something more sacred than that, character, integrity and respect for moral principles. These alone will carry the day and unless and until we respect the moral principles of democracy, we are willing to sacrifice for the moral principles and subordinate party principles for the nation, unless and until this is done, democracy is not going to survive for long. Because the apostles of democracy and democratic institutions, who have been preaching to the people justice, equality and fraternity, who have been delivering speeches telling the people that the ballot box is the ultimate sovereign power, fight shy today to resort to the ballot box for very obvious reasons, for the bitter experience they have had in the by-elections.

Shri S. V. Ramaswamy (Salem):
The Bill is a simple one and yet the amount of confused thinking about this is amazing. The extraordinary situation that was created by the interpretation put by the Election Commission on the term 'office of profit' and extending it beyond what might perhaps be considered to be reasonable has created a situation which has necessitated this Bill. Now, all this confusion has arisen from the simple fact that section 17 of the Government of Part C States Act has referred to article 102 of the Constitution. If only in that single section there had not been any reference to the Constitution, there would not have been all this confusion and this confusion seems to persist even though the Attorney General made it very clear that this is a Bill in pursuance of article 240 of the Constitution and it does not affect the Constitution as such.

Now, if you look into article 240, it is very clear that the Government of Part C States Act itself was passed in pursuance of that article and the present Bill is also in pursuance of that article. We have lost sight of that and because there is reference to disqualification as mentioned in article 102 of the Constitution, hon. Members have come to the wrong conclusion that disqualification comes under articles 101, 102 and 103 and that is the reason why they have been repeatedly referring to those articles which have no bearing on this question at all. Instead of a reference to article 102 of the Constitution in section 17 of the Part C States Act, if they had incorporated the disqualifications which are mentioned in that article, then there was no need to refer to articles

[Shri S. V. Ramaswamy]

101, 102 and 103 of the Constitution at all. The consequence is this. Section 16 is analogous to article 101; sections 17 to 102 and section 18 analogous to article 104. This is an Act independent by itself and it derives its authority from an enactment of this Parliament in pursuance of article 240. Now, it would have been a different matter if this disqualification is under the Constitution, article 101 or article 102. This is not a disqualification under that. That is the crux of the matter. It is because the hon. Members opposite and some on this side have not realised this point, that there is so much of confused thinking. Taken by itself, therefore, if there has been any disqualification under section 17 of the Part C States Act, then, by virtue of the powers conferred on this Parliament by article 240 of the Constitution, this Parliament has got the power to remove the disqualification under article 240. Therefore, this Bill need not come under article 368 of the Constitution as an amendment of the Constitution. We are only amending the Act and not amending the Constitution and if that is so all this question about the unconstitutionality becomes irrelevant to the matter.

But, there is one difficulty and I am not able to be satisfied even after reading through what the Attorney General had to say and the difficulty that arises is this. The Attorney General has been pleased to refer us to four cases, in 32 Appeal Cases, 260, the Ceylon case and the Jenkins Case, and the Coatbridge and Springburn Act and the other Act where the two Members of Parliament were appointed on the General Medical Council, referred to at page 213 of May's Parliamentary Practice. Now, in all these cases, if you probe deep into it, you will see that those seats were not declared vacant. That is the difference between this case and those. The crux of the matter is that. Is there any decision which the Attorney General has been able to cite where the seat had been declared vacated and an unseated person has been put back into his seat?

An Hon. Member: Exactly that.

Shri S. V. Ramaswamy: I am afraid there is no direct decision or precedent. It would be wrong to say there is and I speak subject to correction. I hope the hon. Home Minister will be able to find out if there is any precedent where the seat has been declared vacant. Going through all the connected decisions, I find that the Members continue to be

Members even though they were suffering under disqualification. Their seats had not been declared vacant.

Now, in the Ceylon case the Member continued to be a Member though there was a prosecution launched against him and in order to circumvent that prosecution an Order in Council was passed indemnifying the Member and saving him from the prosecution. In the Jenkins case also that hon. Member continued to be a Member and when the Select Committee reported that he was suffering from a disqualification, then an Act was passed indemnifying him. Even so in the Coatbridge and Springburn case when it was discovered that the Members had derived a small profit and there was a fear that they might have to vacate on the report of the Select Committee of the House of Commons, an Act was rushed through Parliament indemnifying them. Even so in the case where two Members of Parliament were nominated to the General Medical Council.

Now, my hon. friend Mr. C. C. Shah, yesterday in his very forceful speech, referred to Act 49 of 1951. He said that retrospective legislation is nothing new and he went on to explain by saying that if the Parliament can legislate prospectively it can also legislate retrospectively and no lawyer can challenge it. I am sorry I beg to differ from him because article 20 of the Constitution imposes a limitation upon article 245 which defines the powers of Parliament. So, there is that limitation. Apart from that, if you will refer to the Prevention of Disqualifications Act of 1951, you will find that the seats of all those Members were not declared vacant. They continued to be Members, and retrospective effect was given as if there was no disqualification from 26th January, 1950 even though the Act was passed in October, 1951. So, even a reference to that Act does not help us. To be frank, I have to admit, so far as I have studied, that there is no precedent in any Parliament of the world where this situation has arisen; where a seat is declared vacant; and where we seek to put back those persons. That is the crux of the matter, and it is in regard to it that we have to satisfy ourselves.

Srri A. M. Thomas: Does not the seat become automatically vacant by the incurring of the disqualification?

Shri S. V. Ramaswamy: No. That is, again, the mistake that my hon. friend, Mr. C. C. Shah, made. This

disqualification has been incurred in April, 1952, but the seat becomes vacant only on the acceptance of the recommendation of the Election Commission.

Dr. Katju: No, no.

Shri A. M. Thomas: No, no.

Shri S. V. Ramaswamy: I will prove it. Anyhow, that is my stand. You are entitled to differ from me. Though these Members continued up to April 2nd, my submission is that even the date of passing of the order by the President is not enough. It is the date of publication in the Gazette that really matters. Till then, they are Members.

Shri C. C. Shah (Gohilwad-Sorath): You are mistaken.

Shri S. V. Ramaswamy: You are entitled to hold a different opinion. According to me, the seats became vacant only on the date on which the order was published in the Gazette. So, there is no object in referring to Act XLIX.

Now, the other point is whether there has been any motive. My hon. friend Mr. Anthony went to the extent of saying that there was a motive behind it. He even went to the extent of saying that the Attorney General was saying that the Members of this Part C State Legislature were placed in a higher position than Members of Parliament. My humble submission is that he is mistaken. Article 240 clearly says that Parliament has powers to legislate with regard to Part C States, and even those powers are further amplified by article 246(4). Article 240 clearly says that Parliament can assume control over Part C States presumably till they are brought to the level of Part A and Part B States. The powers of Parliament to legislate and control in respect of Part C States are unambiguous. So, the Members of the Uttar Pradesh Legislative Assembly are definitely not in a higher position.

One other point that I wish to submit is that this legislation is clearly within the purview of article 240, for what we are seeking to do is to continue the Legislature. Read the language of article 240:

"Parliament may by law create...."

It is here that Mr. K. K. Basu made a mistake. He merely read out the

words "may by law create", but the words following are:

"or continue for any State specified in Part C of the First Schedule and administered through a Chief Commissioner or Lieutenant-Governor—

(a) a body, whether nominated, elected or partly nominated and partly elected, to function as a Legislature for the State...."

What we are seeking to do in this Bill is merely to continue this body. It is no good arguing that it is only a part of the body. I submit that if Parliament has powers to continue this legislative body, it has also powers to legislate, so that these twelve Members who have been inadvertently disqualified may continue to be Members of that body. We are doing nothing more than that. We are covered by the words "or continue" and we are merely saying that these Members shall continue. Therefore, my humble submission is that we are perfectly constitutional in enacting this measure.

The other question was raised by Pandit Balkrishna Sharma, viz., that the condonation can be done only by the Election Commission and not by the Parliament. I beg to differ. The Election Commission has been created by this Parliament passing an Act. It is a subordinate body. It is we who have the power. Tomorrow, we may bring an amendment to the Constitution and do away with the Election Commission. We are certainly a superior body and we can control, whereas the Election Commission is only a subordinate body and the power is not entirely vested in the Election Commission.

Finally, it has been repeatedly said by hon. Members Opposite that democracy is in danger; that we have taken away the inherent right from the electorate to exercise the vote. Now, that is not true. As a matter of fact, this measure is meant to protect democracy. Even if you take the House of Commons, you will find that some 200 and odd Acts have been passed indemnifying persons who had inadvertently disqualified themselves. Does that mean that the House of Commons passed those Acts in derogation of the fundamental principles of democracy? It is not so. Mistakes do happen. Accidents do occur. There is inadvertence. There are bona fide mistakes. That does not mean that you should straightaway rush to the electorate and order a fresh election. It is to correct these errors and mistakes in administration that we have got the power to legislate retro-

[Shri S. V. Ramaswamy]

spectively. As a matter of fact, in this case,—as has been pointed out by my hon. friend Mr. Deshpande—we are seeking to protect democracy, because only recently the electorate declared its verdict and elected these twelve men. There is not point in troubling the electorate once again by asking it to elect the same set or some other set of persons, because the electorate has already declared its verdict. We are seeking to protect these Members because they have inadvertently and in a *bona fide* manner made themselves subject to certain disqualifications. It is not of their own making. The mistake was *bona fide*. It had not been thought of. Is that a reason why their seats should be vacated and fresh elections ordered? No. It is here that Parliament has to step in and see that there is a proper safeguard for democracy, and the electorate is not put to unnecessary difficulties.

It has also been repeatedly urged that the order of the President is final, and there has been a slur on the President. Reading article 103, I see nothing which can make me say that the President's order is absolutely final and that Parliament cannot sit over it. The President has to accept the opinion of the Election Commission, and that order shall be final. That does not in any way restrict the powers of the Parliament under article 245. This article should not be read to be subject to article 104. That would be wrong and unconstitutional. Article 245 confers powers upon the Parliament and article 103 is not to limit that power. Once the order has been passed, the powers of the Parliament are not taken away. It is in exercise of the powers of Parliament under articles 240 and 245 that we are going to pass this Bill. There is no slur on the President, and we are not trying to get over any finality. On the other hand, we are seeking to protect those Members who have unwittingly been disqualified, if I may be permitted to say so, by a wrong interpretation and extension of the meaning of the term "office of profit".

One more point and I shall have done. It appears to me that had this Bill been brought immediately after the Election Commission submitted its opinion to the President, it would have been passed within ten minutes, because the question of the vacation of the seats would not arise and nobody would have taken exception to it. That would have been in conformity with the House of Commons practice also. At that stage, the Mem-

bers continued to be Members. They did not vacate the seats, and any Act passed at that time would have been helpful in continuing them in their seats. But reading through the speech of the Home Minister, I find that they were consulting the lawyers and the lawyers said, "Let us wait till the order is passed". I do not see why they should have waited, because once the opinion of the Election Commission has been submitted, there is no other course under article 103 than for the President to accept it. He has no option in the matter.

[MR. DEPUTY-SPEAKER in the Chair]

The Constitution is clear. The Section says "shall act according to such opinion". It is mandatory. In view of this I submit that this Bill could have been brought immediately after the opinion of the Election Commission had been submitted to the President and it would have been passed in no time. But there has been some amount of delay. But the powers of Parliament are still there and we are acting perfectly within the meaning of article 240 by passing this Bill that these Members should not be put to any hardship. I would in this connection like to draw the attention of the House to page 181 of May's Parliamentary Practice. In 1894, in what is known as Leicester case, two Members representing their constituency accepted the Chiltern Hundreds and Manor of Northstead. By that they had to vacate their seats. A writ was issued. Now there should have been two elections. But wrongly only one election was held and Parliament appointed a Select Committee to go into the legality of the election. The Committee held "that the course pursued by the returning officer was erroneous in point of procedure and that the election was not duly held, but, recommended that the House should take no action in the matter as the returning officer had acted in the exercise of an honest judgment for the convenience, and with the consent, of all the parties directly concerned in the election, and without any intention of influencing the result". I submit this passage for your consideration.

There is a report of the Select Committee in the House of Commons stating that a particular election was void and yet the Select Committee recommended that no fresh election should be ordered and those Members who had been elected should continue as Members.

If the House of Commons the mother of Parliament, the Cradle of Parliamentary democracy can go to

Bill

that extent, I submit, for a disqualification which has been inadvertently incurred by a wrong interpretation of the term 'office of profit' by an Election Commission, those twelve Members should not be disqualified and the Bill should be passed.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That the question be now put."

Some Hon. Members: We oppose it.

Mr. Deputy-Speaker: I will leave it to the House. I have called the leaders of various Groups and all the viewpoints have been expressed. It is for the House to accept or not to accept the motion.

Division No. 8]

AYES

Abdullahnal, Mulla
Abdus Sattar, Shri
Achuthan, Shri
Agarwal, Prof.
Agarwal, Shri H.L.
Alagasan, Shri
Altekar, Shri
Alva, Shri Joachim
Asthana, Shri
Badan Singh, Ch.
Balasubramaniam, Shri
Barman, Shri
Barupal, Shri P.L.
Basu, Shri A.K.
Bhagat, Shri B.E.
Bhadri, Shri C.
Bidari, Shri
Birbal Singh, Shri
Bogawat, Shri
Bose, Shri P.C.
Brajeshwar Prasad Shri
Bunagohain, Shri
Chandak, Shri
Chandrasekhar, Shrimati
Chaturvedi, Shri
Chaudhary, Shri G.L.
Chinnaria, Shri
Choudhri, Shri M. Shafiq
Damar, Shri
Damodaran, Shri G. R.
Das, Shri B.K.
Das, Shri K.K.
Das, Shri N.T.
Das, Shri Ramananda
Desai, Shri K.K.
Deshmukh, Shri C.D.
Deshmukh, Shri K.G.
Deshpande, Shri G.H.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Decaswamy, Shri
Dube, Shri Mulchand
Dube, Shri U.S.
Dubey, Shri R.G.
Dwivedi, Shri D.P.
Dwivedi, Shri M.L.
Elayaperumal, Shri
Fotadar, Pandit
Gadgil, Shri
Gandhi, Shri M.M.
Ganga Devi, Shrimati
Ganpati Ram, Shri
Gautam, Shri C.D.
Ghulam Qader, Shri
Gopi Ram, Shri
Gounder, Shri K.P.
Guha, Shri A.C.
Hari Mahan Dr.
Hazarika, Shri J.N.

Hembrom, Shri
Ibrahim, Shri
Iyyanni, Shri C.R.
Jagjivan Ram, Shri
Jajwari, Shri
Jangde, Shri
Jasani, Shri
Jayashri, Shrimati
Jethan, Shri
Jha, Shri Bhagwat
Jhunjhunwala, Shri
Joahi, Shri Jethalal
Joahi, Shri Krishnacharya
Joahi, Shri M.D.
Joahi, Shri N.L.
Jawala Prasad, Shri
Kajrolkar, Shri
Kakkan, Shri
Kale, Shrimati A.
Kambie, Shri
Kanungo, Shri
Katju, Dr.
Kazmi, Shri
Khedkar, Shri G.B.
Khongmen Shrimati
Kirolikar, Shri
Kolay, Shri
Kuroel, Shri B.N.
Kuroel, Shri P.L.
Lakshmayya, Shri
Lal, Shri R.S.
Lalanji, Shri
Lingam, Shri N.M.
Mahtab, Shri
Maitra, Pandit L.K.
Majhi, Shri R.C.
Malaviya, Shri K.D.
Malliah, Shri U.S.
Malviya, Pandit C.N.
Malviya, Shri Motilal
Mandal, Dr. P.
Masuodi, Maulana
Masuriya Din, Shri
Mathew, Prof.
Matthen, Shri
Maydeo, Shrimati
Mehta, Shri Balwant Sinha
Mehta, Shri B.G.
Mishra, Shri Bibhuti
Mishra, Shri L.N.
Misra, Pandit Lingaraj
Misra, Shri B.N.
Misra, Shri M.D.
Mohd. Akbar Soff
Mohiuddin, Shri
Morarka Shri
More, Shri K.L.
Muthukrishnan, Shri

Nair, Shri C.K.
Nanda, Shri
Narasimhan, Shri C.E.
Naikar, Shri P.S.
Natawadkar, Shri
Natesan, Shri
Nathwani, Shri N.P.
Nehru, Shri Jawaharlal
Neewi, Shri
Pannala, Shri
Pant, Shri D.D.
Paragi Lal, Ch.
Parekh, Dr. J.N.
Pataskar, Shri
Patel, Shri Rajeshwar
Patel, Shrimati Maniben
Patil, Shri Kanavade
Pawar, Shri V.P.
Pillai, Shri Thanu
Prabhakar, Shri N.
Prasad, Shri H.S.
Rachiah, Shri N.
Raghuramiah Shri
Rahman Shri M. H.
Raj Bahadur, Shri
Raghubir, Shri
Raghubir Singh, Ch.
Ram Saran, Prof.
Ram Sulbag Singh, Dr.
Ramanand Shastri, Swami
Ramananda Tirtha, Swami
Ramaswamy, Shri S.V.
Ranbir Singh, Ch.
Rane, Shri
Reddy, Shri Janardhan
Reddy, Shri Viswanatha
Sahu, Shri Bhagbat
Sahu, Shri Rameshwar
Saigal, Sardar A.S.
Saksena, Shri Mohanlal
Sanganana, Shri S.C.
Sanganana, Shri
Sankarapandian, Shri
Satish Chandra Shri
Satyawadi, Dr.
Sen, Shri P.G.
Sewal, Shri A.R.
Shah, Shri C.C.
Shah, Shri K.B.
Shahnawaz Khan, Shri
Sharma, Pandit K.C.
Sharma, Prof. D.C.
Sharma, Shri K.B.
Sharma, Shri K.C.
Shukla, Pandit B.
Siddanajappa, Shri
Singh, Shri D.N.
Singh, Shri H.P.

Shri Nambiar: Before you give your consent, Sir....

Mr. Deputy-Speaker: I have heard sufficiently. I am thoroughly satisfied that there has been sufficient debate. As I said, it is for the House to accept or not to accept the motion.

Shri Nambiar: That is known, it is a foregone conclusion.

Mr. Deputy-Speaker: Express your opinion and carry the majority with you.

Shri V. P. Nayar (Chirayinkil): Is it possible in this House?

Mr. Deputy-Speaker: The question is:

"That the question be now put."

The House divided : Ayes 212; Noes 64.

[12-12 P.M.]

Sinha, Shri L.J.
Sinha, Shri M.N.
Sinha, Shri T.N.
Singhal, Shri S.C.
Sinha, Dr. S.N.
Sinha, Shri A.P.
Sinha, Shri Anirudha
Sinha, Shri B.P.
Sinha, Shri N.P.
Sinha, Shri Batya Narayan
Sinhaasau Singh, Shri
Siva, Dr. Gangadhara

Smatak, Shri
Subrahmanyan, Shri T.
Suresh Chandra, Dr.
Auriya Prasad, Shri
Tek Chand, Shri
Telkikar, Shri
Tewari, Sardar R.B.S.
Thimmalah, Shri
Thomas, Shri A.M.
Tiwari, Pandit B.L.
Tiwari, Shri B.S.
Tiwary, Pandit D.N.
Tudu, Shri B.L.

Upadhyay, Shri Shiva Dayal
Upadhyay, Shri S.D.
Vaishnav, Shri H.G.
Vaishya, Shri M.B.
Varma, Shri B.B.
Varma, B.R.
Venkataraman, Shri
Vidyalankar, Shri A.N.
Vishwanath Prasad, Shri
Vyasa, Shri Radhela
Wilson, Shri J.N.

NOES

Anthony, Shri Frank
Banerjee, Shri
Barrow, Shri
Beau, Shri K.K.
Biren Dutt, Shri
Boovaraghasamy, Shri
Chaudhuri, Shri T.K.
Chowdhury, Shri T.H.
Das, Shri Karangadhar
Dasaratha Deb, Shri
Deo, Shri E.N.S.
Deshpande, Shri V.G.
Girdhari Bhai, Shri
Jaipal Singh, Shri
Kachiroyar, Shri
Kandasamy, Shri
Khardekar, Shri
Kripalani, Shrimati Sucheta
Krishna, Shri M.B.
Lal Singh, Sardar
Mahata, Shri B.
Majhi, Shri Chaiten

Mascarene, Kumari Annie
Mehta, Shri J.E.
Menon, Shri Damodara
Mishra, Pandit S.C.
Misra, Shri V.
More, Shri S.S.
Mukerjee, Shri H.N.
Munlawamy, Shri
Murthy, Shri B.S.
Nambiar, Shri
Nanadas, Shri
Narasimham, Shri R.V.L.
Nayar, Shri V.P.
Pandey, Dr. Natabar
Poojer Sahel, Shri
Rajabhoj, Shri P.N.
Raghavachari, Shri
Raghavaiah, Shri
Ramasami, Shri M.D.
Rammurayan Singh, Babu
Randaman Singh, Shri
Rao, Shri Mohana

Rasmi, Shri S.K.
Reddi, Shri B.Y.
Reddi, Shri Madhao
Rishang Kelshing, Shri
Saha, Shri Meghnad
Sharma, Pandit Balkrishna
Sharma, Shri Nand Lal
Shastri, Shri B.D.
Singh, Shri G.S.
Singh, Shri B.N.
Sinha, Thakur J.K.
Soren, Shri
Subrahmanyan, Shri K.
Sundaram, Dr. Lanka
Swamy, Shri N.R.M.
Trivedi, Shri U.M.
Tulsidas, Shri
Valatharas, Shri
Veeraswamy, Shri
Waghmare, Shri

The motion was adopted.

Dr. Katju: We have all heard a most eloquent debate and personally to me it has been a matter of great satisfaction to discover such a large fund of constitutional talent in this House and such tremendous love for democracy whatever that may mean.

An Hon. Member: Not of your variety.

Dr. Katju: This Bill, as I ventured to say in the beginning, is a very simple one. I remain of that opinion still. Before I go a little further into it, I should like, at the very outset, to refute most indignantly the charges which have been brought against the Government of what an hon. Member called in his poetic language some quibud, or what my hon. friend the lady Member from Delhi said, there was some hocus-pocus about it.

Shrimati Sucheta Kripalani: I did not use that word.

Dr. Katju: As I said, the thing originated not with any particular Member of the Vindhya Pradesh Assembly. It was a Government measure to associate all Members of the Vindhya Pradesh Legislative Assembly in a District Advisory Council so that they might meet together, consider what affects the district most and say something by way of advice; it was bringing officials and non-officials and nominated Members, together, meeting once a month and then dispersing.

There was no question of any executive action behind it; no question of any power or anything like that behind it. I wish to emphasise this, that it was all, in legal language, one transaction. There was no question of discriminating between one Member and another Member. The rules applied to all the Members of all the parties. I think one hon. Member said that the constitution of the Vindhya Pradesh Legislative Assembly was that 40 Members were of one party and 19 were of another party. This Government notification of April, 1952 associating the Members with the District Advisory Councils applied to all equally and made no distinction between one party or another party. The object was quite obvious, namely that they wanted, shall I say, to get the benefit of the local representatives. Some meetings were held and some advice was given. It was all on the Governmental level. I repeat, again, because it is a matter of great importance. It was not a question of any one particular Member seeking to become a Member of the Advisory Council or a group of them. Then, you may say, well you are distinguishing one against the other.

In the month of October, a representation was received here from one of the Members who discovered a legal flaw and he raised this matter before the Vindhya Pradesh Assembly on the floor of that House also. It

has been said: look at this Government of India; from November, December and 15th of January, they were sitting tight over it. The House would recollect that the question that was raised was a question which really raised three questions. I am only trying to analyse the question. Firstly, was the membership of the District Advisory Council an office at all? Secondly, was it an office of profit? And thirdly, what action should be taken and who should decide this controversy? So far as the Constitution was concerned, we have got our articles—article 103 for Members of Parliament, and article 192 probably for Members of the "A" and "B" States Legislatures. And on all these three questions we had to invite the opinion of the Law Ministry and the offices concerned as to whether this was, as I said, number one, an office; number two, an office of profit; number three, what was the procedure. Act III was entirely silent upon it. Act III was passed under article 240 and it may be that by some oversight there was a lacuna in that. And after due consideration, in spite of the fact that the opinion that was given to us was that this was not an office of profit at all—leaving aside whether it was an office at all—we thought it would be better to follow the example furnished in the Constitution in regard to such points, viz., leaving it to the Election Commission to decide.

References have been made, almost personally, to the President. You were pleased to point out in the course of the discussion that it would not be proper to refer to or to say anything personally about the President. He was acting as he was constitutionally bound to do on advice. Now, I wish to say here that the whole thing was examined at length. And please remember this—it is a point which the Attorney-General emphasized also—that the moment a disqualification is incurred, the Member must vacate his seat. Article 104 under the Constitution says—and similarly, I believe article 193—that the moment a Member comes to know that he is disqualified (and the Member is supposed to know the law right from the start) or he becomes disqualified, then he becomes liable to a penalty. Therefore, it was not a question of any declaration of disqualification by any individual.

The Minister of Law and Minority Affairs (Shri Biswas): That is made still more clear by article 101(3) which expressly declares "his seat shall thereupon become vacant".

Dr. Katiya: The language is quite clear about it. The only question is:

supposing there is a dispute; some say it is an office of profit, and therefore disqualification is incurred, and some people say there is no disqualification at all; in either case, when once a decision is given that a disqualification has been incurred, there is no point in saying that the disqualification arises from the date of the decision. The disqualification must, under the law, date back to the occurring of the disqualification, and if there was a disqualification here, the disqualification arose when those Members, all the 60 Members including the Speaker, were associated with the District Advisory Councils. There was a sort of avalanche and the whole Legislature disappeared. Very well. I take it that that there was nothing under the "C" States Act to prevent the Government saying that the President should decide this matter upon advice, advice of the Ministry, but we thought we must follow the example laid in the Constitution itself and we declared on the 14th or 16th January that rule which has been read, by which the President promulgated an order saying "Under section 43 this difficulty or doubt was being removed" and he was now making a rule or order that this doubt should be referred to the Election Commission. As a matter of fact, Sir, you were pleased to suggest that it might be argued that section 43 was not applicable. That is a matter of opinion, but under legal advice, we took that action. Now, the matter went to the Election Commission.

It is not proper for me to discuss the merits or demerits of this decision, but it is permissible to say one thing, that the distinction that the Chief Election Commissioner made came upon every one as a great surprise. What he said was: "This is good, this is good, this is not an office of profit. Well, this is an office." I can understand the decision that it is an office. Then comes the question of profit. He says: "T.A. is good because Members have to come; and for them, halting allowance is also good." But he drew a distinction between Resident Members and non-resident Members. This report was submitted by him to the President on the 2nd or 3rd of March. Hon. Members again said that this thing would have been quite all right if this Bill had been introduced in the Assembly before the President promulgated his order giving effect to the advice of the Election Commission. Now, I should have thought that that was a point, again, in our favour. Because I will tell the House quite frankly this. We examined the report and we came to the conclusion almost all at once that on the broader

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grounds, on fairer grounds, on grounds of justice, on grounds of morality and—I go further and say—on the ground of democracy, it was absolutely essential that this so-called disqualification should be removed. And the question before us was, when to do it. The time that elapsed from the 2nd of March or the 3rd of March up to the 30th of March when the President officially promulgated his order formally was taken in legal advice, as he was in doubt as to what was to be done. The whole question was, when was it to be done. We consulted the Law Ministry. We consulted the Attorney General. I am rather sorry that very disparaging remarks were made with reference to him. He is not a member of the Government as in Britain. He is an officer appointed under the Constitution. He is here to give legal advice. He has nothing to do with the policies of Government. He is not a political adviser of Government. He is the legal adviser of Government. We consulted him and we were advised that the only proper constitutional step would be to close the chapter. The President had referred this matter under his own order, under section 43 of the Part C States Act, and closed that by formally giving effect to that decision. He was bound by the advice of the Election Commission. It was not open to the President to say: 'In my opinion'—personally, of course he is not concerned—in my Government's opinion, in the Attorney General's opinion, this advice is wrong and therefore I refuse to accept it'. He was bound to accept it. Having accepted it, that chapter is closed. Then you bring this legislation before the House because the House is fully competent to entertain it. And you will be pleased to see that that was done. The President promulgated his order on the 30th March and in this very House, the Bill was introduced on the 1st of April. The Bill has been before us. Everything was quite all right. We were just carrying out the process. Then someone said: 'Oh, look at it. The President's order went to Rewa and it was read out by the Speaker and the Members there walked out'. But that was all nothing but a procedural matter. No particular dignity or no particular significance attaches to this.

I am going into these details because there was some suggestion—I was rather sorry to hear it—that there was some sort of 'gulmal' about it. One hon. Member, the leader of the Communist Party, said the lady Member had been very polite and, lady-like, she had been very delicate about

these matters; but he was not going to be so delicate; he was going to say so openly that this was a Congress matter. I find that one of the amendments that has been tabled says that in the Bill it should be inserted that this Bill has been passed for the benefit of the Congress Members of the Legislature. I say it is a despicable charge to make in this fashion. (Interruption). It has nothing to do with party matter. Mr. Anthony asked this question as to whether we should enact a law every time such cases come up over and over again. Please remember one thing. You say it is anti-democratic. It is democratic because democracy came into function when the election was held. Hon. Members referred to electoral contests—something that is happening every day. Some Members are being unseated because nomination papers were wrongly rejected or some other papers were wrongly accepted. There it was a direct interference with the right of the electorate to have a full opportunity of making a proper selection. What has that got to do with this here? Supposing I am a Member of this Parliament. I was elected 18 months ago and I incurred this disqualification.

Please let me read article 102. Of course, as I said, I admire all the constitutional learning that was spent over this problem but I was somewhat amused too about it. Article 102 says that the disqualification may be of various kinds:

"(a) if he holds any office of profit;

(b) if he is of unsound mind."

That is, of course, a matter of opinion. He must be a man of unsound mind and stand so declared by a competent court. Then,

"(c) undischarged insolvent,

(d) if he is not a citizen of India."

and fifthly, please remember this, this,

"If he is so disqualified by or under any law made by Parliament."

Now, when these disqualifications have occurred, and have not been removed in the manner authorised by the Constitution or by law, then comes the question of the right of the electorate—if the seat is declared vacant, dates are specified, nomination papers are asked—to come in and function.

I ask you a question. In so far as unsoundness of mind is concerned, undischarged insolvency is concerned, citizenship of India is concerned, Parliament has not been given any voice at all. That is a part of the Constitution. Parliament cannot make an unsound individual a Member of this House or an undischarged insolvent a Member of this House. But, in so far as an office of profit is concerned, they can do it, if he holds an office of profit under the Government of India other than an office declared by Parliament by law not to disqualify the holder thereof....

I wish to draw the attention of the House here to article 193 because it is not only the question of the competence of Parliament; this power is given to every State Legislature. I refer to article 191(1)(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 the Legislature of the State by law not to disqualify its holder."

Supposing the Part C States had been governed by article 191, it would have been open to the Vindhya Pradesh Legislature, if they had wanted to, to pass this very law; and we have had to come to Parliament for the simple reason that the Part C States are governed by an Act passed by this Parliament and under the supervision of this Parliament. If this case had arisen in any Part A or Part B State, Parliament would not have been consulted, Parliament would not have been bothered. They would have been completely entitled to pass this legislation there.

Now, I say there was a good deal of discussion about the morality of this, the justice of it and the fairness of it. I would say that it would be almost iniquitous to punish these twelve people or twenty people—does not matter to me in the least—simply because they were acting perfectly *bona fide*. It was the wish of the Government that they should like to associate the entire Legislature in daily administration.

Shri Frank Anthony (Nominated—Anglo-Indians): Nobody has questioned the *bona fides*.

Dr. Katju: And the result is, that objection was taken as I said to the entire Legislature being allowed to function. The Election Commission said, 'I will not go so far as that; I will stick to twelve people'. Has any single word been said against those

twelve people or their *bona fides*? Has anyone questioned their *bona fides*? How are they to blame? If you are going to set aside the whole political atmosphere of Vindhya Pradesh and order twelve general elections, then I say that it is not only the Members of the Legislature who are entitled to complain, but it is the public of Vindhya Pradesh who are entitled to complain. They might ask, "What have we done? Why should our elected Members be disqualified in this way? Why should we be made to go through the throes of a general election?" A general election is no small matter. I can understand defeated people saying that they would like to try again in the name of democracy, but where does democracy come in in this case? Whose democracy is being taken away? Here, Parliament is declaring, after due consideration, that this is not an office of profit. My hon. friend Mr. Shah would permit me as an elderly person to say that he made a most admirable speech. He pointed out, "You have already passed in this House Act XLVIII of 1951, where you yourself have said that such and such an office—Chairman of this Committee—Chairman of the Fiscal Commission—Chairman of the Finance Commission—and so on would have nothing to do with this matter. You have yourself said that they would not be disqualified, not merely not disqualified today but not disqualified from the very start." Now, the fact that the matter had not been referred to the Election Commission in those cases was purely accidental. Probably, it did not occur to anybody. Otherwise, if there had been a contentious atmosphere—as evidently there is in Vindhya Pradesh today—it was open to anyone to appeal to the President and say that the Chairman of the Finance Commission or the Member of some other body had incurred the disqualification and article 103 had been attracted, and the President would have given his decision. More and more appeals are made to the provision in the Constitution regarding disqualification, more especially, by my hon. friend belonging to the Communist Party. He said that the Election Commission was a pillar of the Constitution, and he said that he was prepared to tear up the Constitution when the occasion arose or when he got power. But why? Article 102 says: "If he holds any office of profit other than an office declared by Parliament by law not to disqualify its holder...." Now, is there any time-limit fixed? Does this legislation say that you cannot do there any particular office not to be

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an office of profit after such and such a date? I am talking of Members of Parliament. In the case of Parliament, supposing some Member unwittingly accepts an invitation—whether it is from this party or that party, it does not matter—supposing Government makes an offer and he accepts it, and it is subsequently discovered that the post is, or may be argued to be, an office of profit, then what happens? Now, the Election Commissioner is an officer. He is not the President. He is an officer, may be highly qualified; may be a judicial officer. But judges make mistakes—Supreme Court judges, everybody makes mistakes. Where is it said under article 102 that it would not be open to Parliament to correct it? It can correct it in this way, viz., by saying that not only was this not an office of profit at that particular time, but it was not an office of profit right from the start. As far as I can see, it would then be open to the President to say that the previous decision had to be reviewed, because the law had now been changed. It is not a question of supremacy of Parliament. We all accept it. But others said: it may be a legal situation; it may be a sort of immoral situation; we are trampling the Constitution under our feet; we are flouting democracy; we are establishing a precedent which will do us immeasurable harm—and so on and so forth. With great respect and without any idea of offending anybody, I say that all that is pure eloquence; it has nothing to do with the details of the matter. As the House of Commons does, let us take this individual case into consideration, and let the precedent be found here. Has the member concerned acted in good faith? Has he been labouring under a mistake? If he has been labouring under a mistake, well, he ought to be relieved, his constituency ought to be relieved. Why should the constituency be deprived of the services of its Member; why should that constituency be asked to bear enormous expenditure and undergo all the hullabaloo to be faced with a crisis once again.

So far as the Part C States are concerned, as the Attorney General pointed out to you, the matter is still clear. The Constitution does not come into play at all. There is no question of your saying that Parliament is virtually amending article 103 or article 192. The whole thing has been done by Parliament as the Attorney General advised us. He said it is only a question of amending an Act

of Parliament itself and that is what is being done here.

I would request hon. Members to consider this measure in a spirit of detachment. I entirely agree that this should not be made a party matter, because speaking broadly, the honour of the House is concerned. Consider it from a broader angle. One hon. Member said: well, the Congress people in the State Assembly consist of 40 and of the twelve people who have been disqualified eleven are Congressmen and one of them belongs to some other party; so it is only an attempt of the Congress to keep their hold, or to keep the Government in their clutches. Is that the consideration? (*An hon. Member from the Opposition Benches:* Yes.) Can any one speaking fairly, in his heart of hearts—not sitting on those benches—point his accusing finger at a single individual and say that he has done this wrong deliberately. As I said I do not want to sit in judgment over the decision of the Election Commission; but had this question been open to be mooted before a High Court or the Supreme Court, and some competent lawyer, more competent than me, were to be there, it would have been said that in the first place this was not an office at all. They were Members of an Advisory Council, convened once a month. It is not an office. Secondly, where is the profit? They are paid a conveyance allowance of say, five rupees, to go to the Collector's House. It is absurdity.

The hon. lady Member said: "You are making yourselves ridiculous." I would retort by saying, that she was making herself ridiculous by putting forward this argument.

So, I sum up by saying, as the Attorney General said, in the first place this matter from the legal point of view, is absolutely crystal clear, beyond controversy. This Parliament is the maker of the Part C States. This Parliament has passed an Act constituting the Part C States. Whatever is to be done about the Part C States in any shape or form, can be done by this Parliament, can be modified, can be amended—everything.

It was also argued that under article 240, article 103 or article 192 should be taken to have been incorporated, and therefore, cannot be changed. That argument is fallacious. Under article 102 and article 192 Parliament here and State Legislatures are given absolute, undisputed and plain powers to declare any office not to be an

office of profit. Examples have been given of Dr. Ambedkar and Prof. Mahajan...

Pandit S. C. Mishra (Manghyr North-East): The hon. Minister quoted article 102. Does he mean to say that the word "declare" is the same as "to be declared"?

Dr. Katju: Makes no difference whatsoever. Declared at any time—declared in 1950, 1951, 1952, 1954 or 1956—any time, before a decision, after a decision, makes no difference whatsoever.

I may go so far as to say that if a dispute arises and action under article 103 is taken and the Election Commission declares that a disqualification has been incurred, it is open to this Parliament to say that in our opinion this is not an office of profit. People have been referring to democracy. What is this House? Is it not a democratic House? Simply because you do not happen to be in the majority you say it is not a democratic House!

Mr. Deputy-Speaker: May I put it this way? When the President has given an opinion and passed an Order that this is an office of profit, Parliament, instead of saying that this is not an office of profit, only says that this shall not be deemed to be an 'office of profit'. It can be exempted from being an 'office of profit' for this purpose.

Dr. Katju: Before I sit down, because I do not want to prolong this, I wish to refer to one point. Something was said about the dignity and the status of the President. No one is more anxious than we on this side of the House that the President should not be brought into this discussion.

Division No. 9]

Abdus Sattar, Shri
Achuthan, Shri
Agarwal, Prof.
Agarwal, Shri H.L.
Aitekar, Shri
Alva, Shri Joachim
Athana, Shri
Badan Singh, Ch.
Balasubramaniam, Shri
Banani, Shri
Barman, Shri
Barupal, Shri P.L.
Basu, Shri A.K.
Bhagat, Shri B.R.
Bhatt, Shri C.
Bidari, Shri
Birbal Singh, Shri
Bogawat, Shri
Borooh, Shri
Bose, Shri P.C.
Brajeshwar Prasad, Shri

Buragohain, Shri
Chandak, Shri
Chandrasekhar, Shrimati
Chaturvedi, Shri
Chaudhary, Shri G.L.
Chinaria, Shri
Choudhri, Shri M. Shafiq
Dabhi, Shri
Damar, Shri
Damodaran, Shri G.R.
Das, Shri B.K.
Das, Shri K.K.
Das, Shri Ramananda
Desai, Shri K.K.
Deshmukh, Shri C.D.
Deshmukh, Shri K.G.
Deshpande, Shri G. H.
Dholakia, Shri
Dhulekar, Shri
Dhuniya, Shri
Digambar Singh, Shri
Doraewamy, Shri

Dube, Shri Mulchand
Dube, Shri U.S.
Dubey, Shri R.G.
Dwivedi, Shri D.P.
Dwivedi, Shri M.L.
Ebenezar, Dr.
Elayaperumal, Shri
Fotadar, Pandit
Gadgil, Shri
Gandhi, Shri M.M.
Ganga Devi, Shrimati
Ganpati Ram, Shri
Gautam, Shri C.D.
Ghulam Qadar, Shri
Gopi Ram, Shri
Gounder, Shri K.P.
Guha, Shri A.C.
Hari Mohan, Dr.
Hazarika, Shri J. N.
Hembrom, Shri
Hyder Husain, Ch.

But it has to be remembered that the President acts on advice. If there is any mistake, the President does no wrong. It is the advice-giver who goes some wrong, always.

Shri S. S. More (Sholapur): Is not the hon. Minister criticising the verdict of the Election Commission? And is it permissible?

Mr. Deputy-Speaker: He is not criticising.

Shri S. S. More: He says the advice-giver to the President is wrong. That is the Election Commission.

Shri B. S. Murthy (Eluru): Is it the intention of the Home Minister to say that the Election Commission who tendered advice was wrong?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The Government.

Dr. Katju: I do not wish to say anything. Poor Election Commission is not here. Everybody may be wrong, there is no infallibility. I say this that Parliament can declare an office of profit not to cause a disqualification, whatever the opinion of the Election Commission may be.

I do not want to say further but I do say that the Bill should be taken into consideration.

Shri Frank Anthony: May I ask....

Mr. Deputy-Speaker: No more. We have had enough discussion. The question is:

"That the Bill to declare certain offices of profit not to disqualify their holders for being chosen as, or for being, members of the Legislative Assembly of the State of Vindhya Pradesh, be taken into consideration."

The House divided: Ayes 21: Noes 60

1 P.M.

AYES

Ibrahim, Shri
Jyunnal, Shri C.R.
Jagjivan Ram, Shri
Jajwari, Shri
Jangde Shri
Jasani, Shri
Jayashri, Shrimati
Jethan, Shri
Jha, Shri Bhagwat
Jhunjhunwala, Shri
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya
Joshi, Shri M.D.
Joshi, Shri N.L.
Jwala Prasad, Shri
Kakkar, Shri
Kale, Shrimati A.
Kamble, Shri
Kanj, Dr.
Keshavtongar, Shri
Khan, Shri Sadth A.H.
Khadkar, Shri G.B.
Khongmen, Shrimati
Kirolikar, Shri
Koley, Shri
Kureel, Shri B.N.
Kureel, Shri P.L.
Lakshmayya, Shri
Lal, Shri K.S.
Laljanji, Shri
Lingam, Shri N.M.
Lotan Kam, Shri
Mahtab, Shri
Maitra, Pandit L.K.
Majhi, Shri B.C.
Malaviya, Shri K.D.
Mallik, Shri U.S.
Malviya, Pandit C.N.
Malviya, Shri Motilal
Mandal, Dr. P.
Masuodi, Maulana
Masuriya Dns, Shri
Mathew, Prof.
Matheon, Shri
Maydeo, Shrimati
Mehta, Shri B.G.
Mishra, Shri Bibhuti
Mishra, Shri L.N.
Mishra, Shri Shyam Nandan
Mishra, Pandit Lingraj

Misra, Shri B.N.
Misra, Shri H.D.
Mohd. Akbar, Shri
Mohiuddin, Shri
Morarka, Shri
More, Shri K.L.
Muthukrishnan, Shri
Nair, Shri C.K.
Namdhari, Shri
Nanda, Shri
Narasimhan, Shri C.B.
Naskar, Shri P.S.
Natawadkar, Shri
Natoan, Shri
Nathwani, Shri N.P.
Nehru, Shri Jawaharlal
Neswi, Shri
Pannaal, Shri
Pant, Shri D.D.
Patakar, Shri
Patel, Shri Rajeshwar
Patel, Shrimati Maniben
Patil, Shri Kanavade
Patil, Shri Shankaragada
Pawar, Shri V.P.
Pillai, Shri Thanu
Prabhakar, Shri N.
Prasad, Shri H.S.
Rachiah, Shri N.
Raghurainalah, Shri
Raj Bahadur, Shri
Raghubir Sahai, Shri
Raghubir Singh, Ch.
Ram Saran, Prof.
Ram Subhag Singh, Dr.
Ramananda Tirtha, Swam
Ramaswamy, Shri S.V.
Ranbir Singh, Ch.
Rane, Shri
Reddy, Shri Janardhan
Reddy, Shri Viswanatha
Sahu, Shri Bhagbat
Saigal, Sardar A.S.
Saksena, Shri Monanlal
Sampant, Shri B.C.
Sanganna, Shri
Sankarapandian, Shri
Satish Chandra, Shri
Satyawadi, Dr.
Sen, Shri P.G.

Sewal, Shri A.R.
Shah, Shri C.C.
Shah, Shri R.R.
Shahawaz Khan, Shri
Sharma, Pandit K.C.
Sharma, Prof. D.C.
Sharma, Shri K.R.
Sharma, Shri R.C.
Shukla, Pandit B.
Siddananappa, Shri
Singh, Shri D.N.
Singh, Shri H.P.
Singh, Shri L.J.
Singh, Shri M.N.
Singh, Shri T.N.
Singhal, Shri S.C.
Sinha, Dr. S.N.
Sinha, Shri Anrudha
Sinha, Shri B.P.
Sinha, Shri G.P.
Sinha, Shri N.P.
Sinha, Shri Satya Narayana
Sinha, Shri S.P.
Sinha, Shri S.P.
Siva, Dr. Gangadhar
Snatak, Shri
Subramanyam, Shri T.
Suresh Chandra, Dr.
Surya Prasad, Shri
Tandon, Shri
Tark Chand, Shri
Tolkar, Shri
Towari, Sardar R.B.S.
Tulmuniyal, Shri
Thomas, Shri A.M.
Tivary, Shri V.N.
Tiwari, Pandit B.L.
Tiwari, Shri B.S.
Tiwary, Pandit D.N.
Tulu, Shri B.L.
Upadnyay, Shri Shiva Daya
Upadnyay, Shri S.D.
Vaisnav, Shri H.G.
Vaisnya, Shri M.B.
Varma, Shri B.B.
Velayudhan, Shri
Venkataraman, Shri
Vidyalankar, Shri A.N.
Vishwanath Prasad, Shri
Vyasa, Shri Radehal
Wilson, Shri J.N.

NOES

Anthony, Shri Frank
Banerjee, Shri
Basu, Shri K.K.
Biren Dutt, Shri
Boovaraghaswamy, Shri
Chaudhuri, Shri T.K.
Chowdhury, Shri C.K.
Chowdhury, Shri N.B.
Das, Shri Sarangadhar
Dasaratha Deb, Shri
Deo, Shri B.N.S.
Deshpande, Shri V.G.
Girdhari Bhol, Shri
Jaipal Singh, Shri
Kardekar, Shri
Kripalani, Shrimati Sucheta
Krihana, Shri M.H.
Lal Singh, Sardar
Mascarene, Kumari Annie
Mehta, Shri J.R.
Menon, Shri Damodara

Mishra, Pandit S.C.
Mishr, Shri V.
More, Shri S.S.
Mukerjee, Shri H.N.
Murthy, Shri B.S.
Namolur, Shri
Nanddas, Shri
Narasimham, Shri S.V.L.
Nayar, Shri V.P.
Pandey, Dr. Natabar
Patnaik, Shri U.C.
Poojar Sahoo, Shri
Rajabhoj, Shri C.N.
Ragnavachari, Shri
Ragnavalan, Shri
Ramasami, Shri M.D.
Ramaswamy Singh, Babu
Rameshwar Singh, Shri
Rao, Shri Monana
Razia, Shri S.K.
Roddi, Shri B.Y.

Reddi, Shri Madhao
Rishang Keshing, Shri
Saha, Shri Madan
Saurin, Pandit Balkrishna
Sarma, Shri Nand Lal
Sastri, Shri B.D.
Saxena, Shri G.S.
Sinha, Shri B.N.
Sinha, Shri J.K.
Soren, Shri
Subramanyam, Shri K.
Sundaram, Dr. Laksh
Swamy, Shri N.S.M.
Tiwari, Shri U.M.
Tuladhar, Shri
Vallabha, Shri
Veerawamy, Shri
Wagunwar, Shri

The motion was adopted.

Mr. Deputy-Speaker: The House will now stand adjourned to meet again at 8-15 A.M. tomorrow.

The House then adjourned till a Quarter Past Eight of the Clock on Wednesday, the 13th May, 1953.