

Mr. Speaker: There is one amendment to clause No. 3.

Amendment made:

Page 2, lines 16 and 17,—

for "shall lie for the refund of any such sum of money or the return of any such security"

substitute "for the refund of any such money or of the return of any such security shall lie or be allowed to continue"

[Shri Morarji Desai]

Mr. Speaker: Clause 3A is out of order as it is beyond the scope of the Bill. The question is:

"That clause 3, as amended, stand part of the Bill"

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4, 5 and 1, Enacting Formula and the Title were added to the Bill.

Shri Morarji Desai: Sir, I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: The question is.

"That the Bill, as amended, be passed."

The motion was adopted

14.08 hrs.

PARLIAMENT (PREVENTION OF DISQUALIFICATION) BILL

The Deputy Minister of Law (Shri Hajarnavis): Sir, I beg to move:

"That the following amendments made by Rajya Sabha in the Bill to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being, Members of Par-

liament, be taken into consideration:

'Clause 3

- (1) That at page 2, line 21, the words "which is an advisory body" be deleted.
- (2) That at page 3, lines 37-38, the words "director or member" be deleted.
- (3) That at page 3, line 9, for the words "clauses (h) and (i)" the words "this section" be substituted."

14.09 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The House will recall that after we considered and passed this Bill, it went to Rajya Sabha and in the Rajya Sabha, three amendments have been made. Out of these one is merely verbal. One is substantial and the other is merely carrying out the principal of the clause. Clause 3(f) reads as follows

"the office of Chairman, member of the syndicate, senate, executive committee, council or court of university or any other body which is an advisory body connected with the university"

The Rajya Sabha has amended clause (f) so as to exclude the expression "which is an advisory body" which governs any other body in clause (f). The object of that amendment is that having allowed a Member of Parliament to occupy the office of chairman or to be a member of the syndicate or senate or the executive committee, there is no reason why such a member should be excluded from any other body. The general principle which was applied to the exclusion of Members of Parliament from various bodies was that if a body or an authority exercises executive functions, then, it should come under the ban. If it was merely advisory, then the ban should not be imposed. Here, you will see that so far as the university is concerned, we have removed from disqualification membership of syndicate,

[Shri Hajarnavis]

senate or executive committee. As the Members of the House are aware, all the executive authority of a university is concentrated in the syndicate, the senate or the executive committee or the executive council. Therefore, having allowed Members of Parliament to be members of syndicate, senate or executive committee or executive council, there was no reason why the other bodies which do not have so much power should come under the ban.

It appears to be a case where, having *swallowed a camel, one is straining at a gnat*. Then, other complicated questions are likely to arise, namely, whether a body of which we are considering the membership, is or is not an advisory body. It is a difficult question to determine in each case. If it was necessary to decide, it would be decided, but usually, it becomes difficult to separate mere advisory functions from executive functions. Therefore, the Rajya Sabha has excluded these words, "which is an advisory body"

Then, I will come to the third amendment. The third amendment is on page 3. You will see, Sir, in the explanation we have said, "for the purposes of clauses (h) and (i), the office of chairman or secretary shall include every office of the description by whatever name it is called" The word "chairman" occurs in (h) and (i), but we had forgotten to notice that the word "chairman" also occurred in (f). For example, in a certain university, the office of chairman may be described by a name other than "chairman". Therefore, this has been amended so as to include the whole of the section in the explanation. The amendment that has been suggested by the Rajya Sabha is that for the purpose of clauses (h) and (i), we should omit this so that for the purpose of this section, wherever the word "chairman" occurs, in the whole of the section, it will mean a corresponding office by whatever name it is

called, provided the functions are those of the chairman or secretary.

As regards clause (j), the authorities or the bodies or the corporations which were not exempt were divided into two parts, parts I and II. So far as part I was concerned, the Bill as passed by the Lok Sabha provided that the office of chairman, director or member of any statutory body in part I came under the ban. So far as part II was concerned, only the office of chairman or secretary incurred disqualification. The Rajya Sabha has suggested that even in respect of part I, the office of mere director or member should not incur any disqualification, and that it is only the office of chairman which should incur the disqualification. Therefore, they have deleted the words "director" or "member", from clause (j). They are at lines 36 and 37. These are the amendments. I beg the House to take them into consideration.

Mr. Deputy-Speaker: Motion moved:

That the following amendments made by Rajya Sabha in the Bill to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being, Members of Parliament, be taken into consideration

"Clause 3

- (1) That at page 2, line 31, the words "which is an advisory body" be deleted
- (2) That at page 2, lines 37-38, the words "director or member" be deleted.
- (3) That at page 3, line 3, for the words "clauses (h) and (i)" the words "this section" be substituted."

Shri Mahanty (Dhenkanal): I want to speak.

Shri Hajarnavis: Before any hon Member begins to speak, I would like to inform you, Sir, that there are two other verbal amendments which I intend to move in this House—changing "1958" to "1959". At what stage shall I be permitted to move them? I seek your guidance.

Mr. Deputy-Speaker: After the motion for consideration is passed, they can be moved. Does Pandit Thakur Das Bhargava want to speak?

Pandit Thakur Das Bhargava (Hissar): This motion I think, is for consideration of the Bill as well as about the agreement of this House with the amendments made by the Rajya Sabha. But so far as the amendments are concerned I want to oppose certain amendment.

Mr. Deputy-Speaker: The Bill has come only for consideration of the amendments.

Pandit Thakur Das Bhargava: There is no separate amendment, as such. There is only one amendment and that also, to agree with the Rajya Sabha's amendment.

Mr. Deputy-Speaker: That would be a second motion after this has been adopted, after we have adopted that the amendments made by the Rajya Sabha be considered in this House.

Pandit Thakur Das Bhargava: Then, I would like to speak at both the stages.

Shri Mahanty: Mr. Deputy-Speaker, Sir, unfortunately, this Bill, the Parliament (Prevention of Disqualification) Bill, was born under inauspicious stars. The misfortune was not of the Bill or of those who had sponsored it, but the misfortune was of the purity of the Parliament itself. It is worthwhile to recall the genesis of it. In the original Bill, the chairman, the director or members, of all statutory or non-statutory bodies were exempted from attracting disqualification under article 102 of the

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Constitution, provided they draw no remuneration other than compensatory allowance. We even objected to this, because the one strand of superstition that has been running through all the arguments on the Government side is that the only determinant would be the quantum of allowance drawn. If a director, a member or any other office-bearer of a corporation draws a salary or a remuneration not exceeding Rs 21, then of course he does not attract any disqualification. I believe in all the arguments which have been advanced from the Government side, the one strand that runs is, the determinant is the quantum of allowance or remuneration that is drawn. But there are offices in England which do not exist, there are offices which neither exist nor any salary or allowance is attached to those offices. For instance, the office of steward of the manor of Chiltern Hundreds or the manor of Northstead does not exist. These offices exist merely in imagination. In view of the fact that the British law does not make any provision for the resignation of a Member from the House whenever any Member wishes to do so, he has to merely apply for these offices which immediately attracts disqualification. Even though in England such offices exist, no allowance is attached to them at all. But still, the disqualification is attracted. Therefore, since in this country we rely so much on the British convention,—as was evident the other day when the question of privileges came up before this House—I thought that such determinants would also be eschewed. But even then, the original Bill had made this provision and in the Joint Committee, in spite of our best efforts, we failed to mitigate the evils of these provisions. The Joint Committee deliberated over this matter at very great length, but even then they had to appoint a sub-committee to go into this matter in greater detail. The sub-committee after days and weeks of labour prepared two Schedules—Schedule I and Schedule II. In Schedule I, the office of chairman, director

[Shri Mahanty]

or member as specified in Schedule I, whether they draw any remunerative allowance or not, were to attract the disqualification in article 102 of the Constitution. In Schedule II only the chairman, secretary or member of the standing committee or the executive committee were to attract the disqualification. But, Sir, in this House itself an amendment from the Communist benches was sponsored to exempt the members of executive committees and standing committees of the corporations, which was readily accepted by the Government. For once, the Communists and the Congress Party united on a common issue to exempt the members of the executive committees of statutory or non-statutory bodies, for what reasons, Sir I do not know. But we felt very unhappy over it, because those of us who had considered this matter from the point of view of purity of Parliament felt very much distressed.

Sir, we have promoted hundred and one statutory and non-statutory bodies. If the 500 Members of this House—of course, 100 Members have to be left in the wilderness of opposition but still there will be 400 Members left—if each of them—I am speaking hypothetically—is provided for in one or the other of the corporations in one or the other capacity, you will find that there will be practically no free and frank debate over the public sector there will be no scrutiny of the public sector and no criticism can be voiced on the public sector. A lobby in time will develop which will try to cover up all acts of omissions and commissions in the public sector and practically there will be no safeguard against it.

Moreover, another aspect of it is this. It is not, as I have said earlier, the quantum of allowance or compensation that is important. The matter of moment here is to consider the power of conferring patronage that these office-holders will derive and the obligation to the authority

which invested them into such authority, will vitiate the purity of Parliament. This fact will not be disputed that if a Member—for instance, accepts an office under the corporations listed in Schedule I, on the Board of Directors of Hindustan Steel, Hindustan Machine Tools, State Trading Corporation of India, or Sindri Fertilisers etc—let him not be the Chairman—you can well imagine what potential amount of patronage he can wield, how he can vitiate the very proceedings of free and fair elections. Do you want that this Parliament should be stuffed with people who have got their own interests vested in the Government. A time may arise when this Parliament will be infested with persons who will have very little of freedom of conscience left. I do not impute thereby that any Member of Parliament who holds any such office will try to divest himself of his own conscience or best judgment for the benefit that he derives from holding an office. But we are not considering exceptional cases. We are considering the majority of the cases and human nature being what it is, we have got every reason why we must oppose this kind of amendments.

But Sir in spite of all the opposition that was put forward by no less a person than our esteemed colleague Pandit Thakur Das Bhargava who had gone into this question with great pain and patience, Government thought it fit even to exclude Members as originally was provided for in clause (h) (ii) of the original Bill. Now we find that in Rajya Sabha they have gone still further and the holders of the office of directors or members of statutory or non-statutory bodies specified in Schedule I of the Bill even, have also been completely exempted. Its effect will be that the directors or members of all statutory or non-statutory corporations, beginning from Hindustan Steel up to Hindustan Shipyard will now jolly well enter this Parliament. What

will be its effect, I cannot say. I do not find those gentlemen here today, but nothing will stop them from coming here tomorrow, and in that event my only apprehension is that the purity of Parliament will be a matter of the past, it will be a matter of archaeological importance, it will have no reality in the prevailing circumstances.

Then, Sir, when we come to clause (f), we find we are greatly disturbed over it. We have ourselves seen how the universities have been converted into arenas for Matadors and Bull-fighters. The Banaras University is a classical example. Now, the main charges of Government were that the members of the council, court, executive committee and other bodies of the Banaras University were motivated by political considerations and the whole university was converted into a cesspool of manipulations. We are now again going to throw open the doors for "teacher-politicians" so that persons connected with these bodies can indulge in direct political manipulations. Sir, my simple question will be, why then exclude the poor Vice-Chancellor? I do not understand what crime the poor Vice-Chancellor has committed so as not to come to this Parliament.

Practically, Sir, if one goes through this Bill, one will find that the Government were caught up in a blind alley of logical fallacy. They had not made up their mind. They were hesitant. They had to accept various amendments under the impact of circumstances, and now they have come back to the original provision so that there can be no disqualification for anybody. The best thing for the hon. Minister to do under the circumstances will be to come to this House with a proposal to amend the Constitution by deleting article 102 of the Constitution so that there will be no office of profit, and anybody who carries the votes of the electorate will be free to come. After all, we have

provided here village revenue offices, home guards and others, goodness knows what not, and now from the scheme of things we find that only the Vice-Chancellors and a few other persons are being debarred from seeking election to Parliament or continuing as a Member of Parliament.

Therefore, I do not see much merit in this Amendment. I know what will be the result of my appeal, but I consider it as a matter of public duty to oppose this amendment, and I hope—of course, I can't believe that the Government will withdraw their amendments—that Government will bear in mind at least the consequences which are going to flow from the acceptance of these amendments.

श्री आशुब (मालेगाव) उपाध्यक्ष
महोदय, माननीय उपमंत्री महोदय ने जो एमेंडमेंट्स राज्य सभा द्वारा इस बिल में की गई हैं और जिनको मंजूर करने के लिए इस सदन में पेश किया है, मैं उनकी मुत्वालिफत करने के लिए खड़ा हुआ हूँ। श्रीमान माननीय महन्ती महोदय ने इस विषय पर रोशनी डाली है। पार्लियामेंट के सदस्यों में हिंदुस्तान के अख्बाम जो आशा रखते हैं या जिस काम की इच्छा रखते हैं—इस सदन के माननीय सदस्य मुझें माफ करेंगे अगर मैं यह कहूँ कि उसकी पूर्ति हम नहीं करने हैं।

पार्लियामेंट के मामले देश को बनाने का इतना अहम काम होते हुए भी, इस सदन में हो या दूसरे सदन में, जिस तरीके से पार्लियामेंट के माननीय सदस्य हिम्मा लेते हैं उसे देखते हुए अगर हम इस तरह से डिस्कवागि-फिकेशन को खत्म करते जायेंगे तो हमें इस देश का भविष्य अच्छा नहीं दिखता है। मीजर्स वाइफ मस्ट बी अरबव सस्पिशन, ऐसा कहा गया है। इसी तरह से मैं समझता हूँ कि हर पार्लियामेंट का सदस्य जो इस सदन में आना चाहता है, उसका कैरेक्टर और जो काम करने वह जा रहा है उसको करते बकल उसका बरताव सस्पिशन से ऊपर होना

[श्री जाधव]

चाहिये। हमें पांच साला योजनाओं को कामयाब करना है। उसको कामयाब करते वक्त अलग अलग कमेटिया होगी, उनमें पार्लियामेंट के सदस्यों का हिस्सा रहेगा, हमारे माननीय कानून मंत्री साहब ने राज्य सभा में ऐसा कहने की कोशिश की। मैं समझता हूँ कि पार्लियामेंट के सदस्य अलग अलग कमेटियों के मेम्बर रह कर ही उस हिस्से को पूरा कर सकते हैं ऐसी बात नहीं है। दूसरे तरीके में भी वे उसको मदद पहुंचा सकते हैं। आज देश में जो कुछ कमिया है उन कमियों को हटाने के लिये पार्लियामेंट के सदस्यों को पुल टाइम बर्क करना चाहिये क्योंकि आज हम देखते हैं कि जब मेशन चलता रहता है तो जो कानून पाम होने है, जो मोशन या रेजोल्यूशन आते हैं, उनके ऊपर जिस डग में चर्चा होनी चाहिये उस तरह में नहीं होती है। जो मैजॉरिटी पार्टी होती है वह समझती है कि अगर उसकी तरफ से कोई चीज सदन के सामने आती है तो वह उसको डम हाउस में हो या उम हाउस में हो, मैजॉरिटी के बल पर कामयाब बना सकती है। और इसी वजह से डम बान की तरफ जिनका ध्यान जाना चाहिये उसे वह नहीं देती है। इसका अगर यह होता है कि जो बॉटम हमें चुन कर यहाँ भेजते हैं उन पर खराब असर होता है। जब वे यहाँ पर पार्लियामेंट की कार्रवाई को देखते हैं तो यह पाने है कि डम ५०० सदस्यों के हाउस में २५, ३० या ५० से कम ही लोग हाजिर होते हैं। जिन लोगों के हाथों में हमारा मुस्तकबिल है, उनको हमारा मुस्तकबिल बनाने के लिये जिस डग में काम करना चाहिये, जिस लगन से काम करना चाहिये, जब वह उनको देखने को नहीं मिलता तो उन पर इसका बुरा असर होता है। मैं चाहता हूँ कि जो भी पार्लियामेंट के सदस्य चुन कर यहाँ आना चाहते हैं बाहर जिस किमी भी काम में उनका हिस्सा हो, चाहे वह कितना ही अच्छा क्यों न हो, पार्लियामेंट के सदस्य बनते ही वे उसको छोड़ दें। कहा गया कि

अगर कोई सदस्य कमेटी में जाता है तो उसको इनकम मिलती है, उसको तनक्वाह मिलती है, कम्पेन्सेटरी प्रलाउन्स मिलता है, उसकी बहज से उसको डिस्कालिफाई कर देना चाहिये? कुछ लोग बकालत का पेशा करते हैं, कुछ लोग डाक्टर होते हैं, इंजीनियर होते हैं, वह भी तो सदन में आते हैं, क्या उनकी इनकम नहीं होती? यह सवाल भी हमारे सामने रक्खा गया। लेकिन उन लोगों से भी हमें यह उम्मीद है कि अगर वह पार्लियामेंट के सदस्य बनना चाहते हैं तो वे बकालत छोड़ देंगे, डाक्टर का पेशा छोड़ देंगे। इंजीनियर को अपनी इंजीनियरिंग से जो ग्रामदानी होती है उसको उसे छोड़ देना चाहिये। हम सारे देश को बनाने के लिये यहाँ आते हैं तो हमको अपना सारा टाइम उस काम के लिये देना चाहिये। जब मेशन चालू होता है, और यहाँ पर कार्रवाई होती है तो उनको यहाँ पर लगन में काम करना चाहिये। लेकिन आज ऐसा नहीं होता है।

उपाध्यक्ष महोदय माननीय सदस्य भी गायद बकील है।

श्री जाधव मैंने बकालत छोड़ दी है और आगे करना भी नहीं चाहता हूँ क्योंकि जब मैं यहाँ आया हूँ तो मेरा फर्ज हो जाता है कि मैं यहाँ लगातार बैठा रहूँ, जो कुछ मेरी ताकत हो, दिमाग की ताकत हो, उसको लेकर मुझे इस सदन के काम को अच्छा बनाने की कोशिश करनी चाहिये। इस के बाद जब यहाँ पर मेशन नहीं होता है तो मैं बाहर जाता हूँ क्योंकि मुझे अपनी कास्टिट्यूएन्सी में जाना चाहिये और जो कुछ यहाँ पर होता है उसको लोगों के सामने रखना चाहिये। अगर किसी की कोई शिकायत हो तो उसको समझना चाहिये और जो गवर्नमेंट की एग्जिनिस्ट्रिब मैशीनरी या एम्प्लीप्यूटिव मैशीनरी हो, उसके सामने उनकी चीजों को रखना चाहिये। वह मेरा फर्ज है। अब तक मैंने इस तरीके से

घपना फर्ज अदा करने की कोशिश की है। अगर इस तरीके से कोई भावमी करे कि यहाँ भाये १४ दिन बाद और रील पर दस्तखत करने के बाद १४ दिन के लिये फिर गायब हो जाये, फिर भा जाय और चला जाय, इस तरीके से देश को बनाने का काम करे, तो मैं नहीं समझता हूँ कि इस सदन के माननीय सदस्य देश को बनाने का काम करेंगे या उसे बनाने की मुसीबतों को हम उठा सकेंगे। हमें इस काम के बास्ते सब देश की ताकत को इकट्ठा करना पड़ेगा। इस ताकत को हमें मोटीव (Motive) पावर देकर इकट्ठा करना होगा तो उस मोटीव (Motive) पावर के लिये हमें अच्छे आदमियों की जरूरत होगी। ऐसे लोग होने चाहिये जिनमें इस काम के लिये लगन हो। अगर वे लोग दूसरे कामों में हिस्सा लेते रहेंगे तो वे यह काम नहीं कर सकते। दे विल बी जैक आफ ग्राल ट्रेड्स एण्ड मास्टर आफ नन। इसके अलावा और कुछ होने वाला नहीं है।

इसलिये मैं यह कहना चाहता हूँ कि अभी भी मौका है। हमें यह देखना पड़ेगा कि जो लोग इस सदन में भाये, इन सदन में भायें या उस सदन में, या दूसरे लेजिस्लेचर्म में, वे अच्छे हों। हमें उन आदमियों को भेजना चाहिये जो बहुत काबिल हो, उनको सही तरीके से इस सदन को मदद पहुँचाने के लिये, देश की मदद पहुँचाने के लिये, उसके कामों में पूरी तरह से शामिल होना चाहिये। इसलिये मैं इस सदन के सामने इस बात को रखना चाहता हूँ और इस बिल की सुझावित्व करता हूँ। मैं चाहता हूँ कि सदन इस बात पर जल्द से जल्द विचार करे, सोचे और तब कोई निर्णय करे। अगर हम कोई कानून बनाना चाहते हैं तो मैं आशा करता हूँ कि वह अच्छा बनेगा।

Shri Vasudevan Nair (Thiruvella):
Mr. Deputy-Speaker, Sir, I would be very brief, because we had in this very House a prolonged discussion on this very Bill. At the very outset, I

would make it clear to my friend, Shri Mihanty, that I cannot agree with his views on this subject. He said that last time our group proposed certain amendments which were readily accepted by the Government. He is not perfectly right in making that statement. Really the Government did not readily accept our amendment. There is a very long story behind it.

From the very beginning, the Government was confused in its thinking as far as this piece of legislation is concerned. That may be the reason why in the Select Committee itself, the Government representative could not take up a strong position or a well-defined position as far as many of the important provisions in this Bill were concerned. Really, when the Bill came out of the Select Committee, it had many contradictions. I should say that in this House our group took up a certain position from the very beginning which, I claim, was consistent; even today, we stick to that position. Our view from the very beginning has been and is even today that we should not preclude Members of Parliament from the very important corporations and other autonomous bodies that we have built up during the last so many years and which we are going to build up in future.

In the Lok Sabha, after a lot of discussion, we came to the conclusion that in Schedule II, Members of Parliament will be excluded only from the post of Chairman of the executive committees and standing committees. We did not make any change so far as Schedule I was concerned. There again, we had our amendment, the very same amendment which was accepted by the Rajya Sabha, that Members of Parliament should at least be allowed to be directors or ordinary members of statutory or non-statutory bodies specified in Part I of the Schedule. But at that time, the Government did not choose to accept our amendment. I am glad

[Shri Vasudevan Nair]

that at least in the Rajya Sabha this amendment was accepted by the Government, and now it is before us.

My hon. friend, Shri Mahanty, said that he does not know the reason behind this line up, the so-called line-up between our group and the ruling party on this issue. I should say that the difference is that of the approach to the very problem. It is true that there is a fundamental difference of approach, as far as this question is concerned I will qualify the approach of my hon. friends like Shri Mahanty as a puritan and subjective approach. He looks at this problem, divorced from the realities that exist in this country, divorced from the momentous changes and developments that are taking place in this country, divorced from the very decisions which we ourselves have taken and divorced from the great task that lies before us. He looks at the problem in an entirely subjective and puritan manner, just looking at it from the point of view of the purity of the Members of Parliament. I am trying to understand his sentiments, his arguments.

I am conscious of the fact that one of the most prominent members of this House like Pandit Thakur Das Bhargava was taking a very consistent position from the very beginning of course, contrary to ours. I was just trying to appreciate and understand the arguments of Shri Mahanty. I am sure that every section of this House, every member of this House, always bestows very much attention to his arguments. I am sorry, I could not agree with his arguments.

The question of purity of Members of Parliament should, of course, be discussed at length and every member of this House is interested in the question. But when one argues that if a Member is allowed to occupy a position in the directorate or managing committee or standing committee of a corporation, then and then alone is there a chance of the Member becoming corrupt, I cannot appreciate that argument. I will argue that

being a Member of Parliament itself is enough to corrupt a Member if he is going to be like that. It depends on several factors. Using this very membership of Parliament a Member can do a lot of things. If a Member is so weak or so bad, I should say, as to take to corruption, then he need not be a member of any of these corporations. The very membership of this House is more than enough. So, it depends on other factors.

I believe that generally speaking the Members of Parliament are the servants of the people who are actuated by certain social impulses. I believe that most of the Members of Parliament are public figures who had been in the public field for a long time in one sector or another and they are here because of their service to the electorate or to the country at large. They are here because the people who have elected them have certain confidence in them; they are here to serve this country.

I do not deny that Members will go astray and that there will be cases of people using their positions for their selfish purposes, for the benefits of their relatives or anything like that. But we have to bestow confidence in the behaviour, character and conduct of public figures, Members of legislatures and then only can we proceed with the task that is before us.

Now the functions that a member performs in such bodies, such corporations, they are very important functions of a Member of Parliament. As I tried to make out last time, we are not here to talk and talk alone. By talking and expressing our views on the Bills that come before this House we cannot discharge our duties. There is no meaning in comparing our situation with that of the situation in the United Kingdom, because we have taken on hand a different course of development. We have spent a lot of money on very important sectors of economic development. We have taken a decision

that our path is going to be a socialist path, and we have constituted very important bodies which will definitely play a very vital role in the development of this socialist path. If Members of Parliament are just content with talking and talking alone and they are not prepared to take up responsibility in the field of implementation, then I think we are not doing justice to the very electorate, to the very people who have sent us here. Let us not try to get out of those responsibilities by thinking that the moment one Member gets into a corporation he will become corrupt, he will always try to bestow benefits on his relations and that his purity will immediately be destroyed.

I do not take such a defeatist attitude. I have more faith in the Members of this House, not only in the Members of this House but in the people at large. There are cases of corruption. But when there are such cases of corruption we are bold enough to come out with a strong hand against those who work against the interests of the people. Now suppose our esteemed member, Pandit Thakur Das Bhargava is a member of a corporation. I can never imagine that by simply becoming a member of a corporation or some such body he will cease fighting the Treasury Benches, he will cease expressing his independent and firm views on the many important subjects that come up before us.

Mr Deputy-Speaker. He does not think like that.

Shri Vasudevan Nair. Well, I cannot help it. We have had occasions when perhaps more than the Members opposite, certain Members of the ruling party have criticised the Government policies. On almost all alternate days or even on all days we are witness to such occasions. So, we should not try to hide ourselves under this plea.

That is my argument. I do not want to elaborate all the arguments that I advanced and that other hon. Members of my group advanced last time when this Bill was being discussed in this House. Now, I really congratulate the hon. Minister for accepting this very wise amendment that the Members of the Rajya Sabha, who are naturally supposed to be wiser than the hon. Members of the Lok Sabha—they are older and wiser.

Mr. Deputy-Speaker. He should not discredit all the hon. Members of this House. He could be humble enough to say about himself but not about others.

Shri Tangamani (Madurai). This House is wise, they are wiser.

Shri Vasudevan Nair: The Members of Rajya Sabha are considered to be older people. They are elders. In that sense, I was saying and not in any other sense. It is not that we are not wise enough. They are elders.

So, I congratulate the hon. Minister for accepting this very wise amendment and I hope the House will okay that.

Shri D. C. Sharma (Gurdaspur). Mr. Deputy-Speaker, Sir, we are again, after so many months, there from where we had started and, I am afraid, this is due to the fact that we have not been able to evolve any adequate and suitable formula so far as the prevention of disqualification of Members of Parliament is concerned. We are only dealing with this problem in a half-hearted fashion. We are not dealing with it as circum-spectly as we should. That is the reason why we have first a Bill, then we have a Select Committee, then we have a sub-committee of that Select Committee, then we pass this Bill, then we send this Bill to Rajya Sabha and then again this Bill comes back to us. The whole basis of this Bill is not well thought out and is not

[Shri D C Sharma]

carefully thought out This Bill is not as well planned as it should be and, I would submit very respectfully, our energies have not been directed in those constructive channels in which they should have been directed

What do I find today? I find that a discussion is going on today as to what an ideal Member of Parliament should be, what a Member of Parliament should not be and also what a Member of Parliament can be The hon Member, who spoke before me, gave an idealistic picture of a Member of Parliament He should have no other occupation, he should have no other business to deal with, he should be a whole-timer—I think by whole-timer he meant saying that he should divest himself of all responsibilities and devote himself wholeheartedly to this work I agree with him I believe this is the picture of a Member of Parliament towards which we will have to approximate as time rolls on A day will come when a Member of Parliament will be a kind of political *sanyasi* A *sanyasi* is supposed to have given up all his attachments and ties with the world and is supposed to have one thing only in view, that is, service to the world (*Interruption*)

Mr Deputy-Speaker: Order, order The hon Member talked only of doctors and lawyers, that is, that they should be *sanyasis* and not about professors

Shri D C. Sharma: I think a Member of Parliament, according to his view, will have to be a kind of a *sanyasi* who has given up every other activity and is concentrating wholeheartedly on his political work in the Parliament and outside the Parliament he will also be dealing with those things which concern him as a Member. That is what I was saying But I think it will take a very long time before we can be able to put into practice the great vision that the hon Member has given

At the same time it has been said as to what a Member of Parliament can be For instance, if a Member of Parliament becomes the member of an autonomous corporation, a statutory corporation or a non-statutory corporation, he is liable to abuse his privilege He may dole out patronage He may do things which may not be in conformity with the high ideals of purity to which he is dedicating himself This also had been urged But I would say that this does not put a very fine point on the obligations and the duties which the Members of Parliament perform Purity is after all a question of value Along with this question of value there is also, what should be called, the public opinion—the vigilance of the public, the scrutiny of the people round about a Member or somebody else I believe that from that point of view a Member of Parliament is the most happily situated person Or if you want to put it in a different way, he is the most unhappily situated person A Member of Parliament is under the active and direct gaze of at least seven lakh persons whom he represents provided he is returned from a single member constituency If he is returned from a double member constituency, I think, he is open to the scrutiny of people double that number Therefore I think that a person whose actions are watched, whose words are watched, whose movements are watched by such a large number of persons apart from other motives, cannot but practise purity and cannot but follow that line of conduct which will not be liable to misinterpretation and misunderstanding

I believe there are so many powers in our hands and there are so many safety valves in our hands to see to it that if a Member of Parliament is made a member of some autonomous body, like the Hindustan Steel to which a reference was made, he functions properly I have no doubt about it that if any Member of Parliament is made a member of a statutory body like that today, he will function very

honourably. He will acquit himself very honourably. After all, there is the unconscious drive behind every Member of Parliament to act properly and nobly. Therefore I think that this argument about the misuse of privileges is not wholly valid

15 hrs.

Again, it has been said that we have so many functions to perform here. To tell you the plain truth, I would say that we should have that type of parliamentary democracy which George Bernard Shaw had in view. If we have that, I think most of the criticism that has been levelled and these amendments would disappear. If I remember right, he had in his mind three types of parliamentary democracy. There should be a Parliament which legislates, passes Bills and does things of that kind. There should be a legislative function of Parliament and for that there should be one set of persons. Now, our Parliament has also to discharge economic functions as was put so ably by my hon friend over there. We have embarked on a big programme of development and that programme involves economic considerations and other considerations also. For that purpose, you can have a different Parliament, a Parliament of those persons who are interested in planning, who are interested in developmental programmes, who are able to scrutinise these things much more adequately than we can do. Then, there can be a third type of Parliament, a Parliament which looks after and looks into the doings of what I call our Administrative services. As you know, our Administrative services have grown very much during the last 10 or 12 years. There should be three types of Parliamentary institutions to look after the manifold interests which democracy has in view. I would welcome the day when, instead of one Parliament to deal with all these questions, we have three Parliaments. I think some of us will be happy in a body which has to deal only with legislation. Others will feel happy in a body which has to deal with development work. Some

others may feel happy in a body which is subjecting the administrative machinery of our country to criticism or to some kind of scrutiny. But, as things stand at present, we have one omnibus Parliament and this omnibus Parliament has to deal with omnibus duties, and has to do all sorts of things to all sorts of men. It has to cater to the many needs of the administration and the people. Therefore, I would say, as long as we do not have that kind of thing, we must feel that we have to discharge all these functions, legislative, administrative and developmental and that we should do them to the best of our ability and to the best of our knowledge. Therefore, if some persons interested in developmental work are to be eligible for election to Parliament, we should not grudge that. Because, we should know that that work also is something which concerns us vitally.

Again, I would say that in this Bill one distinction has been made and that distinction is very fine. It was said, why do you debar Vice-Chancellors from seeking election to Parliament when you are not debaring members of the Syndicate and Advisory bodies from doing so. There is one difference and it is this. An executive office is one thing. An office which involves consultation is another thing. An executive office needs whole time attention and whole time care. But, the work of consultation can be fitful; it need not be permanent. Therefore, we debar Vice-Chancellors from seeking election to Parliament because they are executive officers and they have to keep an eye on the University so far as the hour to hour or day to day functions are concerned. When we come to Members of certain executive bodies or Advisory bodies, as the hon. Minister put it, they are there not for all time to come. But, they are there to take part in those deliberations which are not of a permanent kind. Therefore, the consultative functions in these amendments have been divided from the executive functions. This rule has to be followed in the case of autonomous bodies.

[Shri D C Sharma]

There a Member goes to offer his advice, or offer suggestion. He does not go there to administer the Corporation, statutory or non-statutory, from hour to hour.

Again a very wholesome provision has been made. An hon friend said that this provision about allowances was not as adequate as it should be. I believe that the overriding consideration that the allowance of a member of these bodies should not be more than the allowance of a Member of Parliament is the most wholesome provision. It is because a person who goes to a Corporation as a Member does not turn it into an allowance earning organisation, does not turn it into a profit earning organisation. He does not get there anything extra so far as money is concerned. He does not get there anything extra so far as emoluments are concerned. He does not get anything extra so far as other things are concerned. Things being equal so far as Members of Parliament are concerned and so far as membership of these bodies is concerned, I think there will not be a big drive for getting into those bodies.

At the same time, I would submit very respectfully that it has been said that the newspapers of the world are the eyes and ears of mankind. They are the eyes and ears of mankind. There is no doubt about that. I would say that Members of Parliament are the eyes, and ears and arms of the nation. They have also the conscience of the nation. Therefore I would submit that it is the duty of a Member of Parliament to see how things are happening in the country, how legislation is being implemented in the country, how Corporations are functioning in the country. I tell you that it is much better for him to be associated with these things, so that he gets an inside view of them,—very often, he is not getting an intimate knowledge of them—than to stand outside and listen to gossip and other things and think that things are going not too well with these corporations. It is much better that we are associated with

these things than that we stand apart from these things. This association will be conducive to the effective functioning of Parliamentary democracy. The hon Minister said, we have swallowed a camel but we are straining at a gnat. I do not know what he meant by that. But, I think that the amendments which the Rajya Sabha has sent up for reconsideration are very very valuable amendments and that they will make the functioning of Parliamentary democracy much more effective. They will not make the functioning of Parliamentary democracy in any way ineffective.

Mr Deputy-Speaker: Pandit Thakur Das Bhargava, he may speak sitting.

Pandit Thakur Das Bhargava. I am very grateful to you Sir for the amenity offered to me.

It is most unfortunate that this amendment should have come in the manner in which it has come to this House. This House debated this question for seven long days and the matter has been before the House in some shape or other for the last eleven years since we enacted our Constitution and this article 102 has been in the forefront from the very beginning. It is true that when power was wrested from the British Indians were quite foreign to these stratagems and these processes of democracy, but at the same time, even the British Government had enacted many laws in this country which we only subsequently perpetuated. This provision about this office of profit was in the Government of India Act in 1909, later it was in the Act of 1919 and again in the Act of 1935 and again in the Constitution. So, this provision has remained on the statute-book in one shape or other for a very long time even in India.

If you look to the history of other countries—I do not want to go into details—you will find that in the Mother of Parliaments for several centuries the real political struggle had been around the principles which

were subsequently contained in the Act passed in the time of Queen Anne. A short history of it has been published by the Secretary of this House, Shri Kaul, and is given in a brochure, and hon. Members will do well to read it. All the phases are given in it "Ultimately Parliament triumphed over the King and got supremacy, and how was it settled?" This was one of the ways in which the matter was settled ultimately, that Members of Parliament were not allowed to accept offices of profit. As soon as they accepted it, they were regarded as having accepted something which would not entitle them to continue to remain as Members.

Cutting the history short, because I do not want to take up the time of the House on this and because I have already had occasion to explain this aspect of the case I may say that when we started as a Government, some mistakes were made and Members of Parliament were appointed to certain offices of profit without the Government realising what they were doing, or the Members knowing what they were doing. Ultimately we had to pass an Act in 1950, again another Act in 1951. A third Bill was brought in 1953 and passed in 1954 known as Act I of 1954.

It so happened that certain Vindhya Pradesh people had been appointed to offices of profit, some were residents, and some were non-residents, an allowance of Rs. 5 was given to some and to some others a little more, and ultimately it had to come to the Election Commissioner who was pleased to say that because they accepted something by way of remuneration, they came within the mischief of the rule of office of profit, and ultimately a Bill had to be brought here to give immunity to them also.

Over all these years from 1950 whenever these Bills were before the House the question of questions arose as to what is an office of profit, and what is the effect of accepting an office of profit. It is true that our Government

gave immunity as it ought to have given; we were all parties to it, the matter was discussed in detail. If you kindly look at the proceedings which culminated in the Act of 1954 you will be pleased to observe that most prominent Members of the House took part in those discussions including you, Sir, Shri Ranga, our leader Pandit Nehru and many others, and Dr Ambedkar and Shri Biswas also laid down certain principles.

One thing that was certain in those principles, and which was taken as a matter of course, was that so far as article 102 is concerned, it must be regarded as sacrosanct because it secured the purity and independence of the Members of this House. This was never doubted.

We were even then living in the twentieth century. We had given adult suffrage to our people in 1950, and all this has been going after attaining our independence. In England perhaps adult suffrage was introduced much earlier than in this country, and there also the Members of Parliament have their duties towards the electorate. But now I find, after the passing of this Bill by this House, a new theory has been propounded by the Law Minister in the other House that adult franchise had been given to this country—as a matter of fact, it had been given long before this Bill had been passed in this House—and that our present duties were not as Members of Parliament as they had been from the start or as in other countries. We think, just as my hon. friend Shri Vasudevan Nair has been pleased to say, that a new kind of duty has devolved upon us, and that Members of Parliament should partake in the responsibility for doing what the Government is entrusted with, that Members of Parliament are responsible equally to the extent that Government is responsible.

All these years we have been seeing that the Government had certain responsibilities, and that Members of Parliament had different responsibilities. The Supreme Court has got a

[Pandit Thakur Das Bhargava]

different responsibility. Supposing today a Member of Parliament is sent to the Supreme Court to work as an Additional Judge—the duty is there and we want that the country should be governed in the right way and the Supreme Court also wants it—will it be just? Supposing a Member of Parliament is appointed manager of Hindustan Steel or the Oils India Ltd or some other concern, will it be just? Will we be doing our duty? Let him give up his membership and be appointed and do the work of the country, we would all like it

This debated matter can be settled in many ways and some ways were suggested by the committee over which I presided. In the House and in the report of the Joint Committee also certain suggestions were made. What is the difficulty? The Government may be of the view that the talents of these Members of Parliament should be harnessed in the interests of the country. We do not say it should not be, that is not the position. We only say: let this House elect the Members of these committees. What is the difficulty? The entire House, in its wisdom, elects those Members to be sent to particular committees, and the whole House will have confidence in them and will look after them. Or, in the alternative, let the Speaker or the Chairman select those persons. What will be the difficulty? They will be the best men, on merits and people will have confidence in them. They will not have to look to the Ministers for being appointed to these posts

This is a simple question on which the Law Minister was so eloquent in his speech, and it can be settled in two minutes if he really meant it, but he means something else, to which I shall refer subsequently.

To speak of these amendments as coming from the Rajya Sabha is also not literally right. After all, what happened in the Rajya Sabha? The hon. Law Minister stood up and said

in advance that he accepted the amendment of Shrimati Reddy, without Shrimati Reddy having opened her mouth or given any reason, good, bad or indifferent, for the acceptance of the amendment. To me it appears it was perhaps a command amendment. It is not right to say that this amendment has come from the Rajya Sabha in the sense that the question was debated, arguments advanced on both sides and ultimately the House came to a decision. It has not come in that way. I am rather ashamed, I am rather pained to say that, as a matter of fact, the Law Minister has not treated this House with fairness. When he brought in the original Bill . . .

Shri Hajarnavis: I believe there were broader amendments than those of Shrimati Reddy. I am only speaking from memory.

Pandit Thakur Das Bhargava: I have read the relevant proceedings of the Rajya Sabha, only yesterday.

Mr. Deputy Speaker: What the hon. Member means to say is that notice of amendments was given by Shrimati Reddy or by some other persons as well, but before there was an opportunity of discussing those amendments, and before the Members who had given notice making out their case and the whole case being discussed in the House, the hon. Law Minister gave out, without hearing other parties, that he accepted those amendments. This is what he was taking exception to.

Shri Hajarnavis: Other Members had also given amendments, and I believe they went further than Shrimati Reddy. I am only speaking subject to correction, but I believe they went further than Shrimati Reddy's amendments and there was considerable discussion, and speeches were made.

Pandit Thakur Das Bhargava: There is nothing wrong in this. My hon. friend is rather suspicious of me, but

I say that there is nothing wrong in the hon Law Minister standing up and accepting any of the amendments, if he was so minded. But that was not all. If that were all, I would have even mentioned it, I would rather admire the hon Law Minister for having accepted it, if he was satisfied with it, without any person opening his mouth. But, here, the case is quite different. A similar amendment, as we have just been pleased to hear from Shri Vasudevan Nair, was proposed in this House and defeated by the hon Law Minister. I want to know what happened in between.

Shri Naushir Bharucha (East Khadesh) Wisdom dawned

Shri Vasudevan Nair Here also they wanted to accept

Pandit Thakur Das Bhargava Whatever may be the reason for it even then I would not object. But what I object to is this.

Shri Easwara Iyer (Trivandrum) You can learn by experience

Pandit Thakur Das Bhargava He has entirely forgotten the history of this Bill and the circumstances which led to its introduction. In April 1954 there was a gathering in the room of the hon Speaker and many Members attended that meeting. We have appended a note in the report of the Committee on Offices of Profit where we have given the history of the whole thing. All those hon Members suggested to Shri Mavalankar that though the Act of 1953 was being passed yet they were not satisfied with it, it was too wide, and, therefore, they could not accept it, moreover, it gave omnibus power to Government to appoint any Member of Parliament to any committee. That was a very chaotic state of things. As the Act did not satisfy the hon Members, the hon Minister in charge of the Bill in 1953 gave a specific assurance to the House that he would bring forward a new measure, after considering all the improvements that had

been suggested, and ultimately he would give a practical list—the word 'schedule' is not there, but he said—of the offices which would disqualify, and according to that, people had to adjust themselves. Matters went on for two or three or four years, and every year, the life of the original Act was extended, because, as a matter of fact, the hon Law Minister could not make that schedule. Every time, it was said that he was making it.

Under those circumstances, in 1954, a committee was appointed, consisting of fifteen Members. And there were certain terms of reference for this committee. If you will be pleased to go through the terms of reference, you will see that practically this committee was charged with the task of studying the entire question, going through the data and the circumstances etc and then making a recommendation to Government, so that that recommendation may be taken as the basis of the future legislation. So, it means that Government gave an assurance, and for years that assurance was kept up. Ultimately the report was made, and we wanted that Government should give us a schedule. It was the duty of the hon Minister to keep up to those assurances and in fact he was bound by the assurances given by the previous Ministers. But what did we find?

When the Bill was brought forward, it was brought forward in such objectionable form that it took the heart out of those who were parties to this assurance and all those complaints etc. The Bill was totally innocent of any schedule. On the contrary, it went much beyond the wording of the Constitution. As a matter of fact, it was a very great strain upon the meaning of the Constitution itself.

Mr. Deputy-Speaker: Need he go into all this history about what that Bill was? We have discussed it already.

Shri Hajarnavis. And we have gone over it thrice before.

Pandit Thakur Das Bhargava: All right, I shall not go into the history of it. I really took a good length of time and I had full opportunity to say what I had to say on that occasion. This only became necessary, as the amendment. . . .

Mr. Deputy-Speaker: Now, there are additional reasons also why I shall not give very long time to the hon. Member.

Pandit Thakur Das Bhargava: There are very good reasons why I cannot take so much time now. I am very glad that I am also restrained by you, that you will not give me long time. I do not want to take any long time.

Anyhow, you will be pleased to see that this present provision, by taking away the words 'director or member' has taken the soul out of the whole provision. This Bill is practically a dead thing now. I cannot touch this Bill now even with a pair of tongs, as the phrase goes. It means that this is a very illogical Bill; it means that it is a Bill of which I should feel ashamed, in fact, not I alone, but even the hon. Law Minister should feel ashamed for having produced such a Bill. It is not that he does not agree with me, and I shall only quote his words in this behalf. You will be pleased to see that he also agrees with me.

Mr. Deputy-Speaker: Now that it has been passed by Rajya Sabha, should he say like that? We should exercise greater restraint, when it has been passed by Rajya Sabha.

Pandit Thakur Das Bhargava: When it is passed by the Rajya Sabha, whether the statement has been made by the hon. Minister either here or outside, or anywhere else, I respect it equally. If he makes a statement in Rajya Sabha that this is an illogical Bill, that this is an unreasonable Bill, and I quote him, am I committing a wrong thing? Now, I shall not even quote it if you do not want me to quote it.

Dr. Krishnaswami (Kancheepuram): You should quote it.

Pandit Thakur Das Bhargava: Though he has said in his own speech in reply to Shri Kunzru Saheb who said it was illogical, it was unreasonable, that 'Have I not accepted? Have I not said so? Need I repeat it?' and so on. I would not quote it. This is more or less what he has said there on 18th December in his speech.

I shall come to the original reasoning and show why it is illogical. What is the result of the whole Bill now? The result of the whole Bill is to take away the words 'director or member', leaving aside, for the moment, the other changes. The result is that every Member of Parliament can become a member of any corporation or a director of any corporation, including the Oil India Ltd., or other concerns, whose names have been read out by Shri Mahanty. If this reasoning is true, as Shri Vasudevan Nair has been pleased to say, and as the Law Minister has stated—and I do not deny that they are motivated by the best of motives in this regard—that a Member should be enabled to do his best so far as the constructive activities in this country are concerned, then may I humbly ask whether a person who can be appointed as the chairman will be less useful than the person who is only appointed a member or Director. He will be all the more useful. If there is an eminent person who can be made the chairman of a certain corporation involving the investment and use of crores of rupees, I think he will be much more useful, and he will do much better work than as an ordinary member or a director. May I humbly ask what is the justification then for taking away this disqualification only from a member and not from a chairman?

Shri Jadhav: There is dearth of good men in India.

Pandit Thakur Das Bhargava: My hon. friend says that there is dearth

of good men. What does that prove? There is dearth of good Members of Parliament also in the country, as my hon friend himself has stated. I humbly say that if this is good reason I accept that argument, and I would logically say that, as a matter of fact, the chairman should be the first person who should be qualified to be a Member of Parliament, and his services should be availed of.

Even now, suppose I pass this Bill in its present form, what does it mean? It means that the chairmen of the committees and other bodies contained in Part I of the Schedule, and chairmen or secretaries of bodies specified in Part II of the Schedule would be disqualified from becoming Members, but not the members of those bodies.

Shri Mulchand Dube (Farrukhabad) May I remind the hon Member that he is ill?

Mr Deputy-Speaker: He knows it as well as the hon Member does.

Shri Mulchand Dube: But he forgets it in the heat of the moment. He forgets that he is ill.

Pandit Thakur Das Bhargava: I am very thankful to the hon Member who has reminded me. I am really very thankful to him. If you would excuse me for diversion for a minute to a personal question, some of the hon Members have been kind enough to refer to me in very affectionate terms, and many Members of the House are anxious that I should not exert. I am very thankful to them. Really, the improvement which I have made since my recent illness is due to the good wishes of my hon friends, and at the same time, I shall keep to the warnings that you have given me, and I am not going to exert more than I can do so, I shall not do so. But for the fact that this is a very important Bill, I would not have taken part in it, otherwise, I

would have kept silent, as I have been silent in this House for so many days. But now, it is exertion, and, therefore, with your permission I would sit and then speak about this Bill.

I was submitting that if there was good reason why Members of Parliament should be qualified to go on these committees, there was much more reason why they should also go as chairmen. Therefore, I say this Bill is illogical, it is unreasonable.

A question was asked of the Law Minister there, 'why have you disqualified the Vice-chancellor?' He said, 'Well, my personal opinion is that he should not have been disqualified, but the majority of the Members of the party wanted it, and the majority of the Members wanted it.' We passed this Bill after considering it for so many days. And we are about five hundred Members here. Now, the statements of 500 Members and their votes is not much less important than the amendment by a lady Member there who gave no reasons for this. Setting aside all that, that motion is accepted.

Mr. Deputy-Speaker: The amendment of the hon lady Member now cannot be split up from the decision of the Rajya Sabha. It should be now taken as the collective decision of that House.

Pandit Thakur Das Bhargava: We respect the other House very much and I for one respect it very much so that whatever comes from there, whether it is from a lady or a gentleman is entitled to our greatest respect. But, my complaint is quite different. In this struggle thousands of rupees will be lost. We are having in this session a two hours debate. At the same time, so many persons will be wasting their time. If the hon Minister wanted this, he should have brought it in his original Bill that only the Chairman will be exempted and not any other person. He did not really want that, I brought in a motion here that it should be

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referred to a Select Committee. But he wanted straightway to pass this Bill. What was the motion he moved? He moved for consideration. In the case of such an important Bill he straightway moved for consideration. I am thankful to him that he accepted the suggestion of the Business Advisory Committee and agreed to

Shri Hajarnavis: Sir, may I explain that? The statute in force there was to expire shortly after the Bill was brought and it had to be extended twice in order to give us time to consider the Bill.

Pandit Thakur Das Bhargava: I am sorry I have not been able to catch what fell from the hon. Minister but I do not want to catch it also. My point is this. It went to a Select Committee. You were the Chairman of the Select Committee and you know very well how we in this House fought for this Schedule, and how, though the hon. Law Minister ultimately accepted it, from the very beginning there was great resistance from the Ministry. Perhaps, it was rightly so.

Mr. Deputy-Speaker: Why should that be referred to here? I mean what happened there.

Pandit Thakur Das Bhargava: This happened in this House.

Mr. Deputy-Speaker: The hon. Member was now talking of what happened inside the Select Committee.

Pandit Thakur Das Bhargava: But about that statements have already been made in this House. Anyway, I will not talk about it. The hon. Minister was a Member of the Select Committee. We all know how we respect our Law Minister. Even a suggestion from him carried weight with us. But he presented the select committee Report giving his blessings to the Report. Why did he not say at

that time that the Director or Member should not be included here and only the Chairman should be included? During the discussions here the Government were going to have a number of amendments moved. Did they make or table any amendment here on a matter of this vital importance? They did not bring in any amendment. The Bill passed through this House and it went there to the other House. On the first opportunity they accepted an amendment which, I have submitted, takes the soul out of it.

This is purely history. If you are pleased to hear what I am going to say further in respect of this, you will be convinced that the Minister has forgotten what all his predecessors assured about us. He brought in a Bill which did not honour the promises which were made. He said before the House that we are supposed to have a Welfare State. The Welfare State is not going to topple from the Heavens. It is not as if we do not know what it is. If you do not believe in this, what is the use of article 102? You are defeating this provision, you are circumventing it. You will be pleased to see that article 102 says that a person shall be disqualified for being chosen or for being a member if he holds or accepts an office of profit and unless such office is declared by Parliament to be a not disqualifying one. It means that in respect of every particular office this House alone is competent to declare whether it is one which will disqualify or not. The House has got no power to declare in advance about all the statutory, non-statutory or advisory committees and other committees which would come hereafter in existence as attracting the qualification or disqualification. The House is not competent, I submit. You may take the opinion of anybody, even the Supreme Court. The House is competent only to declare about particular offices and not about a

class of offices e.g. about all members or Directors of all such statutory or non-statutory bodies whether existing or not technically beforehand. This is not my view alone. This is the view of the hon. Law Minister himself. I will read out from his speech where he accepted this.

I have already quoted his speech in the House. Now, I will only give references because reading it will rather take too much of time. I will give the reference wherein he stated that the law is that only for specific offices the Parliament has to declare. It is in his speech dated the 14th December, 1957, I think on page 5487 while he was making the motion for sending it to the Select Committee.

If that is so, I would only beg of you to kindly consider this Bill with the amendment which has come. All the Directors and members of future committees which have not yet come into existence are exonerated from this disqualification. Is it possible for us to do? I therefore submit that if this is accepted, it will be against the Constitution. This will violate the Constitution. This is *ultra vires*. My first submission is this.

I always view with respect the hon. Law Minister's view on points of law. When he says that Parliament can declare only specific offices as attracting or not attracting the disqualification, I take it he is one with me so far as this aspect is concerned. If that is so, what we are going to do is unconstitutional!

Then, my second argument is this. It is a question of fact whether we are violating the Constitution or not. At the same time, we are really committing a fraud on the Constitution, because, after all, Parliament is given a certain power to declare certain offices such as will not entail this disqualification. It is very clear to my mind that Parliament must discuss, must look into the matter and must come to a conclusion. The

Parliament must deliberate, must weigh the pros and cons and then come to a conclusion that, as a matter of fact, a particular office is such as will not entail the disqualification. If the Parliament in its discretion or under the guidance of our eminent lawyer does something which does not look into that office or its composition at all or an office which has not come into existence at all, if we do not go into the composition of those offices, we are not, I humbly submit, discharging the duty which the Constitution has laid on us. Therefore, this is circumventing the Constitution. It is a fraud on the Constitution to lay down today that all those offices which are here, which have not been examined will not attract the disqualification. Let the hon. Minister say that 3 or 4 of the committees which were mentioned by my hon. friend Shri Mahanty have ever come before us. Many hon. Members raised the question of many State Committees which were not looked into. A Standing Committee of Parliament for going into the composition of these Committees not examined so far and recommending to the Government was also proposed to be set up. I put in an amendment here, which was rejected. On that occasion the hon. Speaker also brought to the attention of the hon. Law Minister the purport of my amendment and asked him how he can say anything about committees which have not been looked into and say that those offices were such as will not attract the provisions of article 102. He could make no reply. May I humbly submit that, if that is the position, is the Parliament discharging its duty as contemplated by article 102? Is it not a fact that we are consciously and deliberately doing what the Constitution never allowed us to do? If it is true, it is true according to Dr. Ambedkar, Shri Biswas, according to Shri Sen, the Election Commissioner, according to the previous Speaker and according to all those other persons including you, Sir, who took part in the previous discussions. They practically accepted it that article 102 re-

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lates to maintenance of the purity or independence of the Members so that the Ministers may not be in a position to seduce the Members by appointing them to such posts so that the Members may not feel that they are under obligation. This is only meant for this purpose. Now is it that a member will not be amenable to seduction but only the chairman will be liable. After all, what is the sense in going through the composition of 1300 committees and singling 127 of them. This has been with the co-operation and under the very nose of the hon. Law Minister. He knew what we were doing and the matter went several times to the higher authorities also. They had accepted that a schedule has to be made. Now that a schedule has been made, the only short-cut is to take away the words, 'director or member' and scuttle the whole thing.

Mr. Deputy-Speaker. I would advise the hon. Member not to strain very much.

Pandit Thakur Das Bhargava. I would not strain any more but at the same time I am sorry to say that I must say these things. You may kindly allow me five or ten minutes more.

Mr. Deputy-Speaker. I am not looking towards the time, I can give him any amount of time. I was looking towards his health.

Pandit Thakur Das Bhargava. With your permission, then Sir, I will end by making an appeal to my friends. This is a question of the utmost importance as it affects the purity and independence of the Members of this august House. I do not say as my hon. friend has said that every Member who accepts membership will become corrupt; not at all. But then you must respect the experience of centuries of the Mother of Parliaments and all the other countries which have got

such provisions. It is only meant to ensure the independence of the Members. For hundreds of years Englishmen fought for this provision and they have got it. The entire independence is based upon this provision. Therefore, it is accepted perhaps all over the world. If each Minister appoints four advisers, where will this House be? I gave on a previous occasion the history of an incident which happened in this House and I do not want to see it repeated. We want to keep the independence of this country intact. If you want to keep the purity of this House intact, it is absolutely necessary to have this in view. We are as good Members of Parliament as my hon. friend Shri Vasudevan and it is open to us to implement and to have our powers exercised over matters relating to the popular movements. What have we done? We have only seen that the members are not exposed to temptation by virtue of which their judgments may be influenced and they may give their votes feeling that they are under an obligation to the Ministers. It is true that I want that the Ministers should be deprived of this privilege. I do not want that Members should not be allowed to go on these committees and help the country. Let the selection be made by the hon. Speaker or the Chairman of the Rajya Sabha or let this House be given the power to elect such members. Let the Government bring forward such a proposition and we will pass it. The real issue is not this. The real issue is that the Members want to keep this power. Fortunately this Cabinet consists of Ministers who themselves are not corrupt and this House consists of persons who cannot be corrupted, so far as the present generation goes. But what will happen in the States? What would happen in the coming generations? We have to take the entire thing into view. It is a basic question. I would beg the House to kindly look to the prestige of the House to the purity and indepen-

dence of the House and not succumb to this because the Government has brought an amendment. It is not as if because it has been brought by the Government, it should be accepted. I have seen many times here, only to my shame, that because something has been brought by the Government, we are out to accept it; that is the feeling. If the Government intervenes and says that it accepts an amendment at the division stage, we accept that amendment. It happened in this Bill also. On a momentous occasion like this, when the very existence, purity and independence of the Members is involved, let us give a better account of ourselves and let each one of us look into the matter in our own independent way. It is not at all a party question. Every Member of this House is involved; every citizen of the country has got an interest in it. I would, therefore, beg of my hon. friends to give their vote after fully considering the pros and cons and according to their wishes and not according to the wishes of others or the Law Minister whom we all respect. I would submit that this amendment should not be accepted.

Shri Asoka Mehta (Muzaffarpur)
Mr. Deputy-Speaker, I am sure I am voicing the sentiments of this House when I put on record our deep appreciation of the great effort that Pandit Thakur Das Bhargava has made just now. He once again enlightened us and warned us of this important matter. In this matter he has been our friend and guide ever since its inception. It only shows how serious the matter is which we are being called upon to discuss that even at considerable strain to his health he has once again tried to bring to our attention and common focus the various facts that need to be kept before our eyes. In the past I have refrained from participating in this discussion because generally I like to keep out of discussion on legal matters because I do not think that I possess any special competence in this direction.

But we have reached a stage now when it is not a question of law. It is a question of certain political philosophy and as Bhargavaji has pointed out, of certain morality in political life. He tried to place before us once again, as he has done very fully on a previous occasion but never as effectively as on this occasion, the whole history of this subject. You, Sir, pointed out why it was necessary to go into the history of it. May I with all respect to you, Sir, say that the history is very important because this matter has been gone into fully and thoroughly by us in the past. It is said that a Government should not resign when there is a snap vote. So also an amendment must be considered whether it is a snap amendment or whether it is something that takes into consideration all the facts and all the sequences that have been before us when we passed this particular measure. Unfortunately, I have not gone through the full debates in the Rajya Sabha and I read what appeared in the papers at that time. I have not gone through the verbatim records as Pandit Bhargava has done. He says that his impression is that this particular amendment was accepted by the Rajya Sabha not with full deliberation. We are again called upon to apply our mind. We had applied our mind very fully after a very careful consideration not lasting over a few hours here but over a period of ten years in which some of the most eminent Members of this House took part. We came to certain conclusions. Now, we are asked to reconsider them. No argument of substance has been brought forward which would make it possible to reconsider those things. It is absolutely necessary at a time in which we are living now, times full of change, pregnant with possibilities, that the self-denying ordinance is maintained by us. Pandit Thakur Das Bhargava is very right when he says that it can; a large number of corporations will come up and a large number of bodies will come up, and it is not that we lack any confidence in the

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Treasury Benches that they will not try to keep Members of this House one side or the other or that the Members of the House will not be willing to be swayed in their judgment by getting under the influence of any patronage that may be exercised. That is not the point. The point is, it is not only that a thing is done rightly but it must appear to be done rightly. The whole thing is that the people must feel that the Members of Parliament are really deliberately trying to safeguard their independence. For a woman her chastity is most important; for Members of Parliament its independence is the most important thing. It is the priceless thing that we possess, and nothing must be permitted in anyway to create a breath of suspicion about independence, about our complete independence in judging matters and exercising vigilance over the administration which is the task, which is the privilege and the responsibility of every section of the House. It is from that point of view that there is this danger. As Pandit Thakur Das Bhargava had pointed out, occasions may arise; every few years we may appoint a committee to review the working of certain autonomous bodies, and exceptions might be made, and he said that for the purposes of a committee like that, our Members should go into the question I personally would like our Members being appointed to a reviewing committee. But as I said, we should go into it on every occasion. This kind of blanket approval that is sought is to be given in defiance of certain lines of thinking which this House has evolved over a period of ten years. Today we are asked to do something in a hurry. We are being hustled in a direction where caution is a primary requirement.

In a matter of this kind, where the independence of the House is con-

cerned, where there is a danger, however remote it may be, however minute it may be, a danger of any kind of nepotism or patronage being exercised on the independent judgment of the Members of the House, what is needed is a tremendous amount of caution, and not this kind of hurry and hustling.

The hon. Minister said it was a piece of legislation and it was likely to lapse and therefore on a previous occasion he had come forward and said that there is no need for a Select Committee. This House extended the time for that particular piece of legislation and gave it extension for a year or perhaps two years, because the House felt that this matter needs to be gone into very thoroughly. I would say the same thing now. May I beg of him and beg of the Members of the Rajya Sabha that even if the changes are to be made, they need to be considered in all their implications, and a much longer time is needed. This Bill as it stands and as we have adopted, is in consonance with certain lines of reasoning in the light of some experiences that we have encountered over a long period of time. Whether it is right or wrong,—apart from that question,—these are vital matters, and after all, Parliamentary institutions are built up only if we honour certain traditions and above all the traditions and independence of the House. In anything that is likely to affect adversely those traditions, and even if a few Members feel that in a matter like this the independence of the House is likely to be adversely affected, I feel as a good democrat, as one who is devoted to the cause of parliamentary democracy, I would hesitate very much to push through an amendment of this kind. It is the hesitation of a people who particularly have devoted a lifetime, as Pandit

Thakur Das Bhargava has done, towards nurturing and fostering parliamentary democracy. I would plead with the hon. Law Minister: there is the anxiety and contribution of a few people who would like to see that this whole doctrine of separation of power is undermined, that executive and legislative functions become co-terminous—all kinds of functions are sought to be made, as I said, co-terminous—by those who have no respect for the rule of law and who are not interested in the fostering of democratic institutions. There is no reason to seek light and guidance from such sources. But still, if we want to move in that direction, the necessary care and caution need to be exercised.

From that point of view, I believe that it would be unwise to accept this amendment. It may be necessary to go to a joint session of the Houses. We may go to a joint session of the Houses, but let us have another opportunity to go into this. Perhaps a joint session will be good enough to go into these matters more thoroughly. But let us not rush in where, as Pandit Thakur Das Bhargava has said, we may be taking out the very soul of article 102 of the Constitution, because it is article 102 which alone makes Parliament what it is, which alone makes it a matter of pride and privilege to those of us who have the opportunity of being elected and coming here as the watchdogs of the people, as men who are entrusted with the responsibility to exercise vigilance over the administration in a fair manner, in a manner where we are not going to be influenced by any fear or any favour. In our ability to exercise vigilance without any fear or favour, no one should feel that that is being weakened and so long as there is any danger of that kind of fear emerging either in any section of the House here or in the wider public outside, I would beg of the Minister to go very slow and here at least to heed the voice of caution.

Mr. Deputy-Speaker: We have two hours. We have almost exhausted the subject.

Shri Easwara Iyer: The time may be extended.

Shri Nanshir Bharucha: Normally, by 4 O'clock, the Electricity Bill should have been taken up. But we are still ahead of schedule. This is a very important subject and so discussion on this may continue. You know we saved two hours in the other Bill.

Mr. Deputy-Speaker: All right. Dr. Krishnaswami. The hon. Members will be very brief now.

Dr. Krishnaswami: Mr. Deputy-Speaker, when this Bill was originally discussed in this House, many of us expressed doubts regarding the wisdom of this measure. But the amendments that have been moved in the Rajya Sabha and which have been accepted by my hon. friend the Law Minister in my judgment tend to make the Bill much different from what it was previously.

What is the essential issue that divides us from my hon. friends who have just spoken on the other side? My hon. friend Shri Vasudevan Nair pointed out with great eloquence that Members of Parliament would not be corrupted, that he had great faith in the people. I am very glad to hear that he has great faith in the people. But I should like to point out that the essential question which divides us from my friends on the other side is one of principle. We believe that there is a distinction which has to be drawn between the civil servant and the legislator. According to my friends, the communists communist theory hold that every civil servant should necessarily be a legislator, and that there should not be the distinction drawn between the civil servant and the legislator. From his point of view,—my hon. friend on the other side—he is perfectly logical in wishing that the legislators

[Dr. Krishnaswami]

should be directors, should be members of these various statutory corporations. But from our point of view, from the point of view of ensuring parliamentary democracy, from the point of view of ensuring impartiality, I venture to think that it is dangerous and dangerous to the extreme if Members of Parliament are nominated to these various bodies as directors or members.

I shall tell the House how certain consequences will ensue. It is true that when we are nominated, it will be pointed out that we will be the very soul of incorruptibility and independence, but then what happens in practice might be something different from what we totally bargained for. I realize that in many of these corporations the directives will be issued by the Minister. Directives will have to be issued by the Government and no matter, however independent a Member might be, so long as he continues to be in that body we will have to obey those directives. And, when he comes over to this House he might be placed in a very invidious position; there would be a conflict between his duty as Member of this House and as a director of the particular corporation

16 hrs.

Pandit Thakur Das Bhargava, therefore, was perfectly correct in having invited our attention to this danger, and I do hope that this aspect of the matter will be borne in mind not only by those on the Treasury Benches but by all of us in this House. In fact, the main moving part of Pandit Bhargava's appeal was to Members of this House to examine their conscience and to make up their mind to vote irrespective of party affiliations. There was also a request to the Treasury Benches not to issue the whip to vote in a particular manner. This measure, in my humble opinion, Mr. Deputy-Speaker, affects the prestige, the honour and the reputation of this

House, and I am sure once consideration is devoted to these facts hon. Members of this House will rise to the occasion and reject the amendment that has been moved by my hon. friend, the Deputy Law Minister. In so doing they will be only showing their high regard to the corporate dignity of this House, and I do hope that it must be a positive proof that we attach a great importance to parliamentary democracy in this country.

Shri Easwara Iyer: Mr. Deputy-Speaker, Sir, I shall not take much time of the House, and I shall remember your admonition that we should not take more than five minutes. Sir, although my hon. friend, Pandit Thakur Das Bhargava has been giving us very good arguments against the acceptance of the amendments proposed by the House of elders, and although eloquent support was given to him by my hon. friend, Dr. Krishnaswami, I would certainly say that I cannot see eye to eye with the arguments that have been advanced. The argument proceeds on the ground that if directorship or membership of any statutory or non-statutory body is declared to be not an office of profit, the independence of Members of this Lok Sabha or Members of the other House will be warped by other considerations. To put it in a nut-shell, the argument is that if Members of Parliament become directors or shareholders in a statutory corporation at once their independence will be curtailed because they will carry influence with the Minister. There is nothing in the enactment to show that the Minister is to appoint them. Of course, my hon. friend, Pandit Bhargava said that these members may be elected by this House or nominated by you. Certainly, we have no objection to these procedures. We are also, as my hon. friend, Dr. Krishnaswami would say, fighting for a principle.

We are saying that in a widening economy that is now found, in a

progressive society in which we are living, when there is a dearth of able men, the fact that a person is a Member of Lok Sabha shall not debar him from taking upon his shoulders the responsibility of a director or otherwise of a statutory corporation. Why should we assume that the independence of a Member of Parliament who has been aware of his responsibility to this House and also to the people of his constituency and also to the people of the State will be warped by the mere fact that he steps upon the position of a director of a corporation? If he can disagree with the Law Minister in this very House, why can't he disagree with the directives, as my hon friend would say, the Law Minister may put upon him? If he cannot see eye to eye with the directive that the Law Minister may give to him as a director, if he is aware of his responsibilities, if he is aware of his duty to his electorate, he will immediately resign. Why can't he come forward in this House and put forward his disabilities, his opinion about the functioning of the statutory corporations in which he is made a director? I cannot for a moment accept the argument advanced by Pandit Thakur Das Bhargava on the ground that these offices of profit cannot in any way be excluded.

Article 102 says

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

(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;"

Sub-article (a) gives power to Parliament to enact a list of those offices of profit which are not to disqualify.

If I may say so with respect, it does not say that Parliament should prescribe the offices of profit which will disqualify the holder. In other words, we may enact a law specifying the offices which will exempt him from disqualification. That is what sub-article (a) says. Looking at the schedule attached to this Bill, we find that an attempt has been made to enumerate a number of offices which will disqualify the holder. Why should we at all give a schedule in a matter I am thinking about?

I am not in any way disparaging the good work done by my learned friend, Pandit Thakur Das Bhargava, and the members of the Committee on Offices of Profit, but I am only looking at the provisions of article 102. One learns by experience. I have been reading and re-reading this and I now find that all that article 102 says is that Parliament may by law specify those offices which will not disqualify a Member. So, the implied meaning of article 102 is for Parliament to specify the offices of profit which will not disqualify a Member of Parliament.

Of course, the evil has been done and I am not going to say, scrap the schedule which is attached to this enactment. But I am only submitting that I cannot agree that if the words "director or member of any statutory or non-statutory body specified in part I of the Schedule" are taken away from this, the purity of the schedule is in anyway destroyed. My friend has been saying that the schedule becomes illusory and that the independence is affected. Look at the exemptions given in the body of the Act itself. Section 3 says

"It is hereby declared that none of the following offices, in so far as it is an office of profit under the Government of India or the Government of any State, shall disqualify the holder thereof for being chosen as, or for

[Shri Eastwara Iyer]

being a member of parliament, namely:—

- (a) any office held by a Minister.....
- (b) the office of the Chief Whip.....
- (c) the office of a member of any force"

It gives a number of offices, including the office of Vice-Chancellor. Accepting the argument of my hon. friend, if a Member of Parliament is a Vice-Chancellor of some university, is not his independence warped? Why do you want to exempt him also? Let us take the logic to the extreme. The office of the Vice-Chancellor is an office of profit; it is an office of patronage from which he can wield influence over the university teachers and so on. If the argument of my hon. friend, Pandit Thakur Das Bhargava, is to be accepted, we cannot also exempt the office of Vice-Chancellor. So, my humble submission is that the argument that the integrity and independence of Members is warped by their getting into offices of profit is very illusory. The integrity or independence of a Member is not dependent on the fact that he holds an office of a responsibility as a director of a statutory corporation, but depending upon his own individual integrity, his conscience, his duty towards the electorate and his duty towards this House. If he is a person who can be trusted with responsibility of legislating and doing work to his government by the people who have sent him here, why can't he be given the added responsibility of looking into the affairs of a statutory corporation with the responsibilities attached to it? Why should a Member of Parliament be sensitive about this? Will the character be tainted by the mere fact that he attaches himself to that work? Is it not the purpose for which he is sent there? It is for the purpose of his country that he is sent there and

so he must do the duty of a director. It is an office of responsibility, not an office of profit, and so he must do his duty towards the country by examining the functions of the statutory bodies in which he is appointed and suggest ways and means for improving the public sector. The procedure as to how he should become a director, whether the Minister should nominate him or the Prime Minister should nominate him, that is not a matter of concern to us. We have practically no objection to any procedure being adopted, by the whole House if they so desire. But the view that a Member of Parliament cannot hold the office of director or member of a statutory body is a view from which we differ and so I would submit that it must be considered.

Shri Hajarnavis: Do I reply again when I move the further motion? I would prefer to make one reply in view of the fact that there is very little time.

Mr. Deputy-Speaker: He can reply to the consideration motion now if he so desires

Shri Hajarnavis: I would like to take some time in replying to the various points made by the hon. Members. But if you will permit me, I will defer my reply till after I have made my next motion. If the hon. Members have something to add, then I will cover those points also. I will deal with all the points made by the hon. Members at one time. Then, as far as I can see, nor argument has yet been advanced as to why the motion which I have moved in the first instance, namely, that the amendments be taken into consideration, should not be passed by the House. I will deal with them at a later stage. So, with your permission, I will make my reply at the next motion.

Mr. Deputy-Speaker: May I put it to the House then? I do wish it would

have been better if the Minister replied, because an objection has been made and the hon. Members have stressed so much that the motion should be rejected. Therefore, there ought to be some reply.

Shri Hajarnavis: If that is your command, I will proceed to deal with the points.

Mr. Deputy-Speaker: Some senior Members have submitted their views.

Shri Hajarnavis: I will deal with those points. I thought I can defer them till we deal with the merits of the amendments. So far as I can see, and I have heard the arguments carefully, nothing has been said as to why the amendments should not be taken into consideration.

Mr. Deputy-Speaker: When this motion was moved, hon. Members have objected to this motion being accepted. If the hon. Law Minister desires the Members of this House to vote in favour of it, he ought to make a speech in reply.

Shri Hajarnavis: I thought I will make a consolidated reply on all the points on both the motions, namely, it may be taken into consideration and, then, it may be agreed to. I will first deal with a point which has been made, not only today but many times before by Pandit Thakur Das Bhargava. The point that he makes is that 'office of profit' has a certain significance and his idea of what an office of profit is has not always agreed with what we consider an office of profit is. The basic assumption on which most of his objections are based is that profit is not merely a monetary gain. The point is relevant because we will have to study this question with regard to the definition that we have made about profit or about the actual gain that an hon. Member will make if he is so appointed.

Shri Nanshir Bharucha: Rs. 21 per day.

Shri Hajarnavis: Now, we base our proposal on a decision by the Supreme

Court and it is not suggested that a declaration made by the Supreme Court is not binding on us. Article 141 says that when a law has been declared by the Supreme Court, it shall be the law of the land. The phrase 'office of profit' has been interpreted by the Supreme Court and the Supreme Court has clearly laid down that the idea of profit means monetary gain. Once the Supreme Court has reached that decision, the question in each case would be as to whether the emoluments that are attached to a particular office result in profit or do not result in profit. After all, in applying the Constitution and in interpreting the provisions of the Constitution, though we are—each one of us—entitled to interpret them in our own way, the interpretation of the Supreme Court is binding on all authorities. Therefore, assuming we said that 'office of profit' need not involve mere monetary gain and we intended to extend the definition, such an interpretation is liable to be challenged in the Supreme Court.

Then, under the Constitution we cannot create any disqualification where none exists. Assuming we said that the mere fact that patronage is liable to be extended by the person who is appointed—the fact that patronage is at the disposal of the person who is appointed,—renders it an office to be office of profit. If that is the interpretation that is placed but if it is not accepted by the Supreme Court, then the fact that we are trying to create disqualification where none is created by the Constitution will render our legislation ineffective.

We have pointed out at various stages that this is the interpretation by the Supreme Court placed on the expression 'office of profit'. Therefore, in each case the question would be: are the emoluments, that is, the pay, salary and the return attached to a particular office, a profit? If it is a profit, then of course it comes under the ban. But if it is not profit, then article 102 is clearly out of the

[Shri Hajarnavis]

way. It is no use our trying to create any disqualification which the Constitution does not create

Now, coming to.

Shri Easwara Iyer: I would not like to interrupt the hon. Minister, but I want to point out that the Supreme Court has said that any kind of advantage will come in. Let us not misunderstand

Shri Hajarnavis: If there is any such decision it may be brought to my notice. As I said, I am prepared to learn. We have always taken our stand on the basis of the decision of the Supreme Court. But if the Supreme Court has gone further

Pandit Thakur Das Bhargava: What about what Shri Biswas and Dr Ambedkar said about this office of profit?

Shri Hajarnavis: As far as I understand, what the Supreme Court says, is the law of the land. If the Supreme Court says, as what Shri Easwara Iyer says, then of course we will have to take it into consideration. I do not read the Supreme Court judgements in that manner.

Then we come to the definition of the word 'compensatory allowance'. First of all, we might note the fact that what is payable is merely compensatory allowance. The allowance is merely supposed to compensate. No profits intended to be made. Compensatory allowance means any sum of money payable to the holder of an office by way of daily allowance (such allowance not exceeding the amount of daily allowance to which a Member of Parliament is entitled under Salaries and Allowances of Members of Parliament Act), any conveyance allowance, house-rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office.

So that, it is made clear that the quantum of gain that he makes will be such as will enable him merely to recoup the expenditure that he has made. If that is the position reached, if this is the amount of gain that he makes if he merely just meets the expenditure for attending that particular duty, then, I suggest that no profit is earned by him and if no profit is earned in that office, that office is not an office of profit and therefore, article 102 will not apply.

That being so, once we reach the conclusion that for all these offices, so far as the money part of it is concerned, the Member will not get anything more, than the compensatory allowance, then, he earns no profit and therefore he is subject to no disqualification.

Shri Goray (Poona): Is that the meaning of the Supreme Court's decision?

Shri Hajarnavis: That is how I read it.

Shri Goray: I thought you agreed with Shri Easwara Iyer when he said that any advantage means profit.

Pandit Thakur Das Bhargava: That was not mentioned here. This point of view is given for the first time in this House today.

Shri Hajarnavis: I have said it several times and the Deputy-Speaker will recollect that I said it several times. Not only that, I asked...

Pandit Thakur Das Bhargava: Not here; in the Rajya Sabha.

Shri Hajarnavis: If I remember aright during the discussions in the Select Committee and the Sub-Committee I have pointed out....

Pandit Thakur Das Bhargava: May I know if this is the position of the Law Minister also that that profit means pecuniary profit only?

Mr. Deputy-Speaker: I would put it to the hon. Minister, because he has mentioned my name, the whole position would become very easy and straight. We can put those offices which do not entitle a Member to get more than the compensatory allowance do not disqualify at all

Shri Hajarnavis: I will deal with that aspect

Mr. Deputy-Speaker: That would be a difficult position.

Shri Hajarnavis: Then the question arises, whether assuming that in no profit is earned, no pay, no salary is attached, yet, is it an office of profit because there is patronage, there is influence. That is the question. I have made enquiries. I have studied the question. There are speeches made in this House and elsewhere where it has been assumed, conceded that the fact that patronage is at the disposal of an office, makes it an office of profit. But, in no book on Constitutional Law, so far, I have been able to find that

Pandit Thakur Das Bhargava: This was what Mr. Campion said in the House of Parliament: from Mr Campion's evidence you will see that, even a place of honour is an office of profit. Here is Campion's evidence with me and I present the book to you

Shri Hajarnavis: If the passage that the hon. Member has in mind is brought to my notice, I will revise my opinion. As far as I see— I have myself searched, I have asked other people to search the authorities—there are only three classes of offices which come under the ban. First, in which the office is paid a salary. It is an obvious case. Second, office where salary is attached, but is not drawn. That is also within the objection. The third class of cases is those where the House of Commons at some time or other, by its own decisions, regarded them.

Pandit Thakur Das Bhargava: May I humbly present this book to my friend where not only in one place but in many places he will find this definition—*Offices of Profit and Disqualification of Members*,—Lok Sabha Secretariat, New Delhi,—of this Secretariat.

Shri Hajarnavis: I will place it in appoⁿtion to the Supreme Court decision and draw my conclusion

Pandit Thakur Das Bhargava: It is said that if there is some advantage it is an office of profit

Shri Hajarnavis: The third class of cases which I have been able to see is where by a long series of House of Commons decisions certain offices have been regarded as offices of profit. There is no fourth category

Mr. Deputy-Speaker: Chairman of the University Grants Commission getting one rupee a month

Shri Hajarnavis: That, Sir, is an office to which, I believe, a salary of Rs 3000 is attached. He might draw one rupee, he might not draw a single pie. Yet, he is within the second class which I have mentioned, namely that it is an office of profit to which a salary is attached. As far as I have been able to see, there is no fourth class, and we do not want to create it

So far as the objection to patronage is concerned, the patronage that is objected to is the patronage extended by the Minister. It is objected to on the ground that the Minister has so much patronage at his disposal that he might buy over or seduce, as the phrase has been used, a number of Members to his side, and might create what we call a King's party, and might be able to remain in position by distributing patronage, the patronage that is objected to in all the constitutional books on which I have been able to lay my hands is the patronage of the Minister and not the patronage

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Which is at the disposal of the office to which appointment is made. If that were so, then look at the list which has been attached to the list of exemptions in the U.K. Act. If mere patronage was objected to, then you will see that a large number of offices which have been exempted in the U.K. Act will not be exempted. Therefore,— as I understand it,—and that is my personal opinion, the expression "office of profit" as interpreted by the Supreme Court means an office out of which you make pecuniary gain.

May I read the particular passage of the Supreme Court judgment which I have in mind?

"The plain meaning of the expression seems to be that an office must be held under the Government to which any pay, salary or emoluments and allowances is attached. The word 'profit' connotes the idea of pecuniary gain. If there is really a gain, its quantum or amount is not material."

This is the passage on which I rely, and the citation is: AIR 1954 Supreme Court at page 653. If there is a later decision which modifies it . . .

Mr. Deputy-Speaker: What would be the interpretation of: "If there is a gain, the quantum is not material?"

Shri Hajarnavis: That is qualified by the word "pecuniary" "The word 'profit' connotes the idea of pecuniary gain'."

Pandit Thakur Das Bhargava: Only that idea and nothing else—does it say so?

Shri Hajarnavis: I read it in that manner.

Mr. Deputy-Speaker: Is this only part of the discussion and the argument that has been given or is this from the judgment?

Shri Hajarnavis: I will leave it at that. That being so, I submit that the idea that because in a certain office you might make certain appointments, you might make certain disbursements, you might extend patronage, even though no pecuniary gain is made, yet that constitutes an office of profit, is something which is not upheld by any authority or any court. This is as far as I can go.

Secondly, we are within the spirit, not only within the letter of the law, because all that we give to a Member of Parliament is a compensatory allowance, and it must be within the experience of every Member of this House that in many cases a compensatory allowance does not, in fact, compensate.

Pandit Thakur Das Bhargava has tried to convert us to the schedule, and we are trying to convert him. He has not given up the attempt, apparently he has not.

Pandit Thakur Das Bhargava: When there is no office of profit, why are you making the attempt?

Shri Hajarnavis: I have not given up the attempt of trying to persuade him. We will go on.

Ch. Ranbir Singh (Rohtak): Very difficult.

Shri Hajarnavis: It is difficult, but I have not given up.

Then, I must make it clear to him and to other Members of the House that we yield to none in our intense desire to maintain the purity of parliamentary life. This Bill is, in no measure, designed in any way to affect the independence of the Members of Parliament.

I might remind the House that there is on the statute-book still an Act which gives wider powers than the present Bill. That is the present Act

in force, the Parliament (Prevention of Disqualification) Act, 1953. I mention it for two purposes or with two objects in view. First of all, there, we have exempted all corporations, statutory and non-statutory, provided compensatory allowance alone is paid, and no exemption is made as in this Bill; and that measure is on the statute-book since 1953. Not a single instance has been mentioned in this House to show that our experience of the working of that Act during the last six years has resulted in any kind of abuse. On the one side, there is apprehension, but on our side, there is experience. If, during the last six years, wider power than is sought to be taken by this Bill has been actually available to Government and it has not in any case been abused, and no complaint has so far been made, then, is there any basis for the supposition that it is not going to be fairly used subsequently? I shall revert to this point later on.

The second point which I have to make is this. There, the clause is perfectly general, and covers membership of statutory or non-statutory bodies. That is the statute since 1953. It refers to bodies in existence, bodies which were contemplated then to come into existence, bodies which were not contemplated but which came into existence after 1953. Well, it has not occurred to any one, as it has occurred to Pandit Thakur Das Bhargava today, to say that such a provision in the Act was a fraud on the Constitution.

Pandit Thakur Das Bhargava: It was to remedy this situation that the committee was appointed by the Hon. Speaker. The 1953 Act was not satisfactory, and it was expressed in too wide terms. Therefore, this committee was appointed. The previous Law Minister, Shri Biswas gave an assurance that they will go into all these matters and then bring forward a measure to remedy that wide proposition.

Shri Hajarnavis: I merely suggest that during the last six years, such a provision in perfectly general terms has been on the statute-book, and Members of Parliament have enjoyed exemption on the basis of that very provision; it has not been regarded as vague, it has not been regarded as not supplying the necessary exemption. It has not been suggested that it was a fraud on the Constitution. For two years, it has been extended also. All that I can say is that if an office can be exempted singly, similarly it can be exempted by a class or it can be exempted by description of its function. Nothing will prevent Parliament from exercising its power and saying that for this class or classes, the disqualification shall not be incurred. I do not think that there is anything wrong in extending exemption in perfectly general terms. It is not necessary that each single specific case has got to be decided, and has got to be considered in order that the disqualification under article 102 may be removed.

If there was any substance, if the point was so obvious that the disqualification which was removed was illusory, or it was merely fraudulent, as the hon. Member said—in fact, very strong terms were used—I am quite sure some objections would have been raised somewhere.

Pandit Thakur Das Bhargava: It was raised during the discussion in this House.

Shri Hajarnavis: I am not quite sure ...

Pandit Thakur Das Bhargava: I myself had raised this very point several times in this House.

Shri Hajarnavis: I am not quite sure whether Pandit Thakur Das Bhargava himself was not a member of any corporation, and whether his own exemption which he has enjoyed so far, was not under any of those fraudulent provisions.

Pandit Thakur Das Bhargava: I do not know to which corporation the hon. Minister refers. I do not quite understand.

Shri Hajarnavis: We can say we are convinced and we have no doubt that the procedure that we have adopted, that the phrase that we have used, is perfectly potent, is valid, and is in compliance with the Constitution. We are not going to be panicky by any sort of fears that Pandit Thakur Das Bhargava may attempt to create. The drafting has not been done ...

Pandit Thakur Das Bhargava: I do not want to create any panic at all.

Shri Hajarnavis: It is not that he is trying....

Mr. Deputy-Speaker: Order, order.

Shri Hajarnavis: Then, there are other objections which have been raised. I will try to deal with them to the best of my ability. I will first deal with the objections raised by Shri Mehta. He raised a very serious point—and he is a very serious student of political institutions—and I want, if possible, to meet him on his own ground. He said we have got to maintain the principle of separation of powers and there is a possibility of the Executive trying—he did not say it exists, but he did say that there is a possibility—to corrupt the Members of Parliament by extending patronage to them. I would like to invite him to look at this matter in this way.

He is aware that the theory of separation of powers is carried almost to its logical conclusion in the American Constitution. Here the Legislature and the Executive are combined. We have a parliamentary executive. We are both Members of Parliament and also members of the executive government. We are members of the Government.

Dr. Krishnaswami: The Cabinet.

Shri Hajarnavis: I said we are members of Parliament and also members of Government. No one can be in the Executive unless he is a Member of this House or of the other House—that is, of Parliament.

As I said, in America, at the top they have almost complete separation of the judiciary, the Legislature and the Executive. But, when problems of modern and social organisation confronted the United States they had to devise a new kind of organisation—what was called the autonomous Corporation. A famous Dean of the Harvard Law school said that these autonomous corporations were brought into existence because they had to put into effect various schemes. It became necessary, for the purpose, to combine together the judicial, the executive and legislative powers. And, it is the chief characteristic of these autonomous corporations that in them are, to a certain extent, combined all the three powers.

In England, the problem arose in a different form. As I am quite sure Shri Asoka Mehta is aware, it was probably the Labour Government, which under the inspiration of Mr Herbert Morrison, when the nationalised industries came into being, devised a new form of administering those departments, the new autonomous corporations. The question which arose there and the question which arises before us and which we are now considering—and I am quite sure Shri Asoka Mehta will make his contribution to the solution of this problem—as to how this Parliament is going to exercise control over autonomous corporations. It arose almost simultaneously, both in England and here.

If you read Herbert Morrison or Jennings you will find that in the United Kingdom,—in the House of Commons,—the problem of having an effective control over the autonomous corporations is a live issue.—The

question is about the mechanism to be devised.

Shri Asoka Mehta: If the hon. Minister will give me an opportunity I will explain. Pandit Thakur Das Bhargava made the position very clear. What he said was that if certain appointments were made by the House, then, it is a different matter, apart from the fact that there can be Parliamentary committees, as they have in Britain today, or periodical committee to review the working of the various corporations. But the distinction is there. If this House were to select some one or nomination is made by the Speaker that is one thing, when the Minister makes that nomination it is of another character. I believe the Minister will give his answer on that point because to my mind that is a crucial point.

Shri Hajarnavis: I am obliged to the hon. Member for bringing me to that point which I was probably in the danger of overlooking. I may submit that the approach of Shri Asoka Mehta is, if I might say so, objective, political but Pandit Thakur Das Bhargava's approach is purely legalistic. We have taken the view that when a Member of Parliament goes to an autonomous corporation

An Hon. Member: He loses his seat.

Shri Hajarnavis: By election of the House, he is not holding that post under the Government. The words under article 102 are that he must hold an office of profit under the Government—that is to say, the appointment must be made by the Government and it must be one which is liable to be terminated by the Government. When the House elects a man to a certain office, he is not under the Government. There are corporations, according to whose constitutions, Members are elected by this House and the other House. That is the procedure which Pandit Thakur Das Bhargava wants to be adopted in each case. If that is so,

the short answer to that question is that article 102 does not come in for consideration at all. The argument would be that in each case we want to have these Members elected rather than that we want to remove the disqualification. That is an argument which we can understand. But we are considering a different question. Is it or is it not necessary that Members of Parliament should be associated with the working of these autonomous corporations. That is the basic question to be considered. My friend Shri Asoka Mehta will tell us that in the United Kingdom they have a Committee of the Parliament which supervises over the working of the autonomous corporations. That is the method which they have devised. We have devised another method. From 1953 onwards, we have said that we shall send Members of Parliament who are so-minded to go and work in the autonomous corporations. That is our method. (Interruptions) sometimes through the Government and sometimes through Parliament I have given the answer to the lawyer but as a student of politics I want to know from Shri Asoka Mehta whether if the House elects and if the Minister makes nominations, there is any difference in the actual result? That is what I meant when I said that Pandit Thakur Das Bhargava's approach was legalistic whereas I want Shri Asoka Mehta's approach to be different.

Pandit Thakur Das Bhargava: We made this recommendation to the Government in our Committee's report also. This was the recommendation we made in the Joint Committee also. This is not the first time that I am saying this.

Shri Hajarnavis: Shri Asoka Mehta is a serious student of politics. I want him to consider this question. If a right is given to the House to elect a person, instead of the Minister nominating him, would it make any difference?

Dr. Krishnaswami: I want only to ask one question, if the hon. Minister will permit me. He thinks that if the

Minister suggests that a certain individual should be on the corporation, then the House has no other choice except to ratify it and therefore, it makes no difference in substance. (Interruptions.)

Shri Hajarnavis: I am merely discussing with all the seriousness with which Shri Asoka Mehta raised the question. I am trying to answer it. The question would be, even today, if a Minister actually makes an appointment which the House does not approve or a section of the House has a certain objection to it, it can be surely taken up in the House itself. The question would be merely one of procedure and approach. But the basic question still remains, about which we should have no doubt whatsoever. The basic question is, should or should not the Members of Parliament be associated with the autonomous corporations?

Shri Punnoose (Ambalapuzha): That is the only question.

Shri Asoka Mehta: Two questions have been put to me. I hope I am not interrupting the Minister.

Shri Hajarnavis: We have not yet arrived at a final answer. We are still at the exploratory stage.

Shri Asoka Mehta: Two questions are involved. The first question is, what is the best method of exercising parliamentary supervision over autonomous corporations. The Minister argues that we have come to the conclusion since 1951 or 1952—whatever be the year—that the best method would be that our Members should go and work on the corporations. A little earlier he said that these wide powers have been taken but they have not been used very much.

Shri Hajarnavis: I said whether the powers are wide or not, there has been no complaint so far raised.

Shri Asoka Mehta: On the first point, I think a lot of debate has been still going on in the House it-

self. I remember in the previous Parliament this question was brought up. In this Parliament also my friend Shri Rajendra Singh wanted to bring it. I think that Congress party had appointed a Committee and it was suggested that it would be in a better position to discuss the whole problem, and that committee has been permitted to conclude its deliberations. I do not think whether, as far as the ruling party or those of us who are in the Opposition are concerned, we have come to the conclusion that this particular method suggested by the Minister is the one which this House has adopted or approved of. It is still an open question. I will not go into that beyond this.

Secondly, there is a vital difference between the House nominating someone to a position and the Minister doing it. Supposing there are 20, 30 or even 100 posts, the tendency might grow up in a Member to, so to say, soft-pedal the criticism of the Ministers because he expects the Ministers ultimately to do him a favour. He need not soft-pedal anything because, if the House elects him, it is because the House has confidence in him. The two things are very different. The relationship between the Treasury Bench and ourselves is of a peculiar kind. We are here to exercise vigilance over them. They are of course there to introduce a continuous stream of policy in the administration. This relationship makes it very necessary to see that there should not be even a breath of suspicion or breath of feeling that by any kind of soft-pedalling or kowtowing to the Treasury Benches one stands to gain any advantage. No situation should be created where such a suspicion might be created. As I said, this distinction is very obvious. As the Law Minister has been so kind enough to take some of the observations I made so seriously, I hope he will give the same serious consideration to whatever I have said on these points. These points too require consideration.

Shri Hajarnavis: Taking it as a pure, abstract question of politics, I am putting it to him: does it make a difference, so long as there is one majority party on the one side and a minority party on the other side, between the House itself proceeding to elect and the Minister nominating?

Mr. Deputy-Speaker: Now, he may move further.

Shri Dasappa (Bangalore): If there are two Members to be elected and it is by proportional representation, it may be that it does make some difference.

Shri Hajarnavis: The question is this. Whether it concerns this House or the other House, as Pandit Thakur Das Bhargava rightly pointed out, each time when a corporation is created, I think we might direct our attention to the constitution of that particular corporation and address ourselves to the consideration of the question whether any parliamentary representation is necessary and, if so, what should be the procedure. So far as that particular corporation is concerned, that statute itself will govern it.

I believe, Sir, I have dealt with most of the serious points that have been raised.

Mr. Deputy-Speaker: The question is:

"That the following amendments made by Rajya Sabha in the Bill to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being, members of Parliament, be taken into consideration:—

'Clause 3

(1) That at page 2, line 21, the words "which is an advisory body" be deleted.

(2) That at page 2, lines 37-38, the words "director or member" be deleted.

(3) That at page 3, line 9, for the words "clauses (h) and (i)" the words "this section" be substituted."

The motion was adopted.

Clause 3

Shri Hajarnavis: I beg to move:

"That at page 2, line 21, the words "which is an advisory body" be deleted.

That at page 2, lines 37-38, the words "director or member" be deleted.

That at page 3, line 9, for the words "clauses (h) and (i)" the words "this section" be substituted."

Pandit Thakur Das Bhargava: Those of us who took part in this debate have indicated earlier our mind that as a matter of fact, the two are parts of the same motion. The hon. Member has divided them and advanced arguments. As a matter of fact, this should not be agreed to. The arguments are all the same, almost analogous. Therefore, I do not think we should have separate argument over that.

Mr. Deputy-Speaker: That is all right. Is it the desire of the House that I should put these amendments one by one?

Some Hon. Members: Yes.

Mr. Deputy-Speaker: Then, I shall put the first.

The question is:

"That at page 2, line 21, the words "which is an advisory body" be deleted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That at page 2, lines 37-38, the words "director or member" be deleted."

The Lok Sabha divided: Ayes 66; Noes 16.

Division No. 3

AYES

Alva, Shri Joachim
 Ambalam, Shri Subbiah
 Bhakt Darshan, Shri
 Bose, Shri
 Chakravarty, Shrimati Renu
 Chandak, Shri
 Chettur, Shri R. Ramanathan
 Dhillon Singh, Shri
 Dea, Shri Ramdhanj
 Desappa, Shri
 Dwivedi, Shri M. L.
 Elisa, Shri Muhammed
 Goswami, Shri Patsanghrao
 Iyer, Shri Esuware
 Jain, Shri M. C.
 Jhulan Sinha, Shri
 Joshi, Shri A. C.
 Jyotiba, Pandit J. P.
 Kashiwal, Shri
 Keshava, Shri
 Kishor, Dr.

Khedkar, Dr. G. B.
 Krishna, Shri M. R.
 Lachhi Ram, Shri
 Mahanty, Shri
 Maiti, Shri N. B.
 Mandal, Shri J.
 Mathur, Shri M. D.
 Mehta, Shrimati Krishna
 Mohammad Akbar, Sheikh
 Morarka, Shri
 Munisamy, Shri N. R.
 Musafir, Gian G S
 Nair, Shri Venudevan
 Narasimhan, Shri
 Oza, Shri
 Pande, Shri C. D.
 Patel, Shri Rajahwar
 Patel, Sushri Maniben
 Prabhakar, Shri Naval
 Punnooc, Shri
 Rao Shri Jaganatha
 Rao, Shri T. B. Vittal

Reddy, Shri Nageswara
 Reddy, Shri Rami
 Roy, Shri Bishwanath
 Rup Narain, Shri
 Sadhu Rama, Shri
 Sahodrabai, Shrimati
 Saments, Shri S. C.
 Satyabhama Devi, Shrimati
 Sen, Shri P. G.
 Shah, Shrimati, Jayaben
 Sharma, Shri D. C.
 Sharma, Shri R. C.
 Siddhah, Shri
 Singh, Shri D. N.
 Sinha, Shri K. P.
 Sinha, Shri Satya Narayan
 Subbarayan Dr. P.
 Tanta, Shri Rameshwar
 Thomas, Shri A. M.
 Tiwary, Pandit D. N.
 Tula Ram, Shri
 Venkatasubham, Shri

NOES

Banerjee, Shri Pranshanath
 Bhargava, Pandit Thakur Das
 Chaudhuri, Shri T. K.
 Dasgupta, Shri B.
 Dwivedy, Shri Surendranath

Galkward, Sri B. K.
 Ghosal, Shri
 Ghose, Shri Bimal
 Goray, Shri
 Jadhav, Shri

Krishnaswami, Dr.
 Manay, Shri
 Mehta, Shri Asoka
 Menon, Dr. K. B.
 Rajendra Singh, Shri
 Sonule, Shri H. N.

The motion was adopted

Mr. Deputy-Speaker: The question is:

"That at page 3, line 9, for the words 'clauses (h) and (i)' the words 'this section' be substituted."

The motion was adopted

Amendment made:

- (1) Page 1,—
 (i) in line 3,—
 omit "(1)";
 (ii) omit line 5.

[Shri Hajarnavis]

Amendment made:

- (2) Page 1, line 1,—
 for "Ninth Year" substitute
 "Tenth Year"

[Shri Hajarnavis]

Amendment made

- (3) Page 1, line 4,—

for "1958" substitute "1959"

[Shri Hajarnavis]

17 hrs.

Shri Hajarnavis: I move:

"That the amendments made in the Bill by Rajya Sabha be agreed to, and that the Bill as further amended by this House be returned to Rajya Sabha with the request that they do concur in the amendments made by this House."

Mr. Deputy-Speaker: The question is:

"That the amendments made in the Bill by Rajya Sabha be agreed

to, and that the Bill as further amended by this House be returned to Rajya Sabha with the request that they do concur in the amendments made by this House."

The motion was adopted.

17.51 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, February 25, 1959|Phalguna 6, 1880 (Saka).