

Mr. Speaker: The question is:

"That this House agrees with the Thirty-second Report of the Business Advisory Committee presented to the House on the 1st December, 1958."

The motion was adopted.

12.10½ hrs.

PARLIAMENT (PREVENTION OF DISQUALIFICATION) BILL—contd.

Mr. Speaker: The House will now take up further clause-by-clause consideration of 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, as reported by the Joint Committee, be taken into consideration.

Yesterday, Pandit Thakur Das Bhargava wanted to move his amendment relating to the insertion of a new clause 3-A. We have disposed of one clause 3-A. So, it should be 3-B.

Pandit Thakur Das Bhargava: (Hissar): But there is another clause 3-B and it will come later. I will now move 3-A.

Mr. Speaker: All right; he may move this amendment now.

Pandit Thakur Das Bhargava: I beg to move:

Page 3,—

after line 12, insert—

"3-A. (1) There shall be constituted a Standing Parliamentary Committee consisting of fifteen members; ten from Lok Sabha appointed by the Speaker and five from the Rajya Sabha appointed by the Chairman to scrutinize all existing and future Committees statutory or non-statutory and all offices of profit whether existing at present or to be created in

future and recommend to the Government that such offices as in their opinion should be declared not to disqualify may be so declared by Parliament by law. The list contained in the Schedule referred to in clause (1) of section 3 and any subsequent list in any other Act passed by Parliament declaring offices which will not disqualify within the meaning of article 102 of the Constitution will be reviewable from time to time by the Committee and the Committee shall be competent to recommend the amendments to the list by way of addition or omission.

(2) The first Standing Parliamentary Committee shall be constituted as early as possible within a month of passing of this Act and all existing Committees and offices other than those contained in the Schedule referred to in clause (i) of section 3 shall be scrutinized as early as possible within a period of six months from the passing of this Act. It shall be the duty of the Government to bring the supplementary measure for enactment without delay in the Parliament for purposes of declaration of offices of profit which will not disqualify

(3) The Complete Schedule so enacted by Parliament shall be published in the Official Gazette of India and the Gazette of the States and given wide publicity."

As I submitted previously, according to my scheme of things, a standing Parliamentary Sub-Committee should be appointed within one month after the passing of this Bill which should be required to scrutinise all the Committees including those given in this Bill in the Schedule and also other Committees whose composition has not been produced before the Joint Committee. All these offices should be scrutinised by that Parliamentary Sub-Committee and at the same time, these Committees and the offices should be reviewable by this Committee from time to time. When this

Committee had made its recommendations, the Government should bring in supplementary legislation to complete the Schedule. The Schedule will then be complete and it should be given wide publicity.

We want that all the committees and offices which the Parliament declares as not to be disqualifying under article 102 should be contained in the Schedule. It will then be clear and unambiguous and those who stand for membership of Parliament will know where they stand in regard to this office of profit. By virtue of clause 3(1) we have already accepted and we have practically given immunity to all the offices of chairman, secretary or members of all the committees which are present today and perhaps, I think, those that may be created hereafter. They have been given absolute immunity practically except in so far as some Committees contained in the Schedule; the provisions of article 102 may be regarded as non-existent. That is the position after we have passed clause 3(1). The whole clause is so worded. Two negatives were used thereby giving immunity to all the Committees which were examined and not examined before. We should be realistic and do our duty by the Constitution as understood by the framers of the Constitution. It is necessary that Parliament should exercise its discretion and consider the matter carefully and find out which offices are to be disqualified. Not a single Member of the Joint Committee had given any attention to the composition of the remaining Committees. Only about 1,300 committees were seen and the rest remain. It is absolutely necessary before we enact a measure of this kind that we go through them and find out for ourselves whether we are justified in giving such immunity. May I respectfully call the attention of the House to what fell from you, Sir, on the 25th of November, 1958 in this House? You were pleased to observe like this:

"Everybody who holds an office of profit, whoever he may be, is disqualified. He has to justify to this House that except this gentleman who is a Member of this Parliament, it is impossible to get any other person to look after that other body and if he goes to that other body, unless he comes in here, Parliament will suffer. It is only when he makes out that particular case, there will be exemption. It is not the general rule that everybody can hold any office and all the same be a Member here and sell away this Parliament to every other man in the world. I am really surprised how we are trying to throw open the floodgates to everybody who holds an office of profit. We must do this with great care and caution. No Member of Parliament should have one leg here and another leg there, except when Parliament decides."

The Minister of Law (Shri A K Sen): What is the number of the amendment which the hon Member is moving?

Pandit Thakur Das Bhargava: Amendment No. 31. But I am reading the observations made by the hon Speaker. You were pleased to observe that it is not as a matter of course every Member of this House should be given exemption about all the Committees.

Mr Speaker: That was my reading of the Constitution; that is my interpretation of the Constitution.

Pandit Thakur Das Bhargava: You are perfectly right. In the speech which the hon. Mover himself made at the time of moving the motion for reference to Joint Committee, he himself has said that each particular office must be gone into and scrutinised before we give our sanction for exemption. Now, yesterday when he waxed so eloquent, he was of the view that those persons who were supporting

[Pandit Thakur Das Bhargava]

the other side of the view were mere talkers and they did not realise the position that they had to work for the Parliament and also for the country. The position is not correct. It is idle to talk like this. Should every person in this House be given exemption, whether he comes within article 102 or not? This is too wide. We have to strike a balance. My view is that unless and until every person justifies his exemption and we come to the conclusion that but for this exemption the work of the country shall suffer and his presence there is indispensable, he should not be exempted. Your view was that it would be selling away the Parliament to all those people exempted as a matter of course. I agree with this view that, as a matter of fact, we ought to allow the exemption only when it is necessary and it is in the interest of the country to do so. But to say that every person should be exempted and those persons who do not agree with this view are mere talkers in this House is, I think, to speak nonsense.

As a matter of fact, according to the observations made by you, my feeling is that every committee should be scrutinised before we come to the conclusion that exemption should be given. But what has happened? We had no occasion to discuss here matters relating to the Hindustan Steel Co. Ltd. and other important Committees. I have got some amendments by Shri Morarka and Shri Jaganatha Rao to the effect that there are certain committees which have not been included here. For instance, there is the Oil India Ltd., where the investments and commitments run into crores of rupees. Therefore, my humble submission is that according to the principles that we have accepted in the Schedule and according to what the Joint Committee did, unless and until the composition of those committees are seen it will be quite wrong for us to give an omnibus order that every committee is given exemption, even though the composition of that committee has not been looked into.

Sir, as I said, according to you and according to the speech of my hon. friend there, it is absolutely necessary that the constitution of each committee must be seen. And, according to the statement given in the report of the Joint Committee, according to the admission of the hon. Law Minister and the Deputy Minister, and also according to the hon. Deputy-Speaker himself, these committees have not been examined. I would very humbly ask, what is the warrant for accepting the view that all committees which have not been examined should be exempted? Is it because the hon. Minister thinks that every person is a mere talker who does not accept this view?

Now, in the report of the Joint Committee also it has been accepted that such a committee must be constituted. What I want is this. I have taken a balanced view between the two. I think that the interests of the country require that in the matter of development, in the matter of industries and in the matter of sanitation, health, etc., persons should be allowed to serve on committees relating to such matters. On account of their working there I think the interests of the country will not suffer; they will be advanced. Therefore, the Joint Committee went into the composition of 1,300 committees and only selected 137. It is not being realised by the hon. Minister that we exempted more than 1,200 committees. I do not think it is a wise thing on his part to say that we did wrong in even selecting so many committees.

As a matter of fact, unless and until we see the composition of each and every committee, as I have submitted, we will not be honest in dealing with the behest of the Constitution. If my amendment is not accepted it will follow that we have already allowed all committees, statutory or otherwise, this kind of immunity without going into them. Unless and until this is accepted, I do not see how we will be able to discharge our duty conscientiously. Unless we appoint

committee and the committee gives us a complete Schedule, we will not be able to do our duty. The Schedule is incomplete. But if we accept what has been passed yesterday, then it is over complete, because we need not go into the other committees at all and all the committees have been given immunity. If my amendment is accepted, the real position will then be realised and we will be able to go through all the other committees within a period of six months. I feel that the urgency of it is not realised by many people. Supposing we do not do it within six months or appoint a committee within one year, it will mean that all those candidates who wish to stand for election and those persons who are Members of this Parliament already and who come within the purview of article 102, they will get immunity and people will be sitting in this House who according to the Constitution ought not to sit if the membership of the committees where they are members is an office of profit.

Therefore, Sir, it is necessary that as soon as possible we make the correction in our Schedule and make it complete. Within a period of six months we must have a complete schedule. According to the hon. Law Minister himself, he is of the view that a Standing Committee should be constituted. The only difference is that he has not recognised it in the Bill, he has not given statutory recognition. He may or may not give statutory recognition, but what I want is that the Committee must be constituted within one month and they must complete their examination of the rest of the committees as soon as possible. Within a period of six months we should have a complete Schedule. After that Schedule is passed, nobody may be able to stand up and say that so and so has got exemption whereas he ought not to have got exemption. Without that, I do not think we will be doing the right thing. My humble submission, therefore, is that it is necessary that my amendment should be accepted by the House.

Mr. Speaker: The amendment is before the House. I would like to know from the hon. Minister, after all hon. Members have expressed their views, whether it is right to give a kind of a general statement. Up to sub-clause (h) of clause 3 it is all right, where you have referred to Ministers, Whips, persons in the Territorial Army, etc., etc. When we come to (i) it is said:

"the office of chairman, director or member of any statutory or non-statutory body other than any such body as is referred to in clause (h), if the holder of such office is not entitled to any remuneration other than compensatory allowance. . . ."

That is to say, except this category all the others are exempted. The wording in article 102 is: "other than those declared by Parliament". Does it not mean—I am not committed to it; I can only raise an objection which is apparent on the face of the statute according to me—that every office, the holding of which does not entail disqualification, be scrutinised by Parliament? Is it open to us to say even in general terms that except a certain category all the others are exempted? Is such a provision proper? This means, whether anything comes into existence or not, everything other than those that have been set out here will be exempted under this clause.

Shri A. K. Sen: When we were considering clause 3 yesterday, some hon. Members expressed such a view and I have said, as under the present Act and also under this Bill, the principle of exemption, if it is accepted, was that all members of statutory and non-statutory bodies will be exempted provided they draw compensatory allowance only. That is the criterion accepted in those mentioned in the Schedule. That was the scheme which we adopted in the

[Shri A. K. Sen]

Bill. It is not necessary, in my humble submission, to detail seriatim all the hundreds of bodies which may be either in the States or in the Centre.

Mr. Speaker: That seems to have been the case even otherwise. Then they need not have spent six months or eight months over this.

Shri A. K. Sen: The reason which prompted them to examine the various bodies was this. It was clear that the exemption in these terms might include various bodies whose members will be put at a position of advantage compared to others either for the purpose of increasing their influence or for the purpose of distributing patronage and so on. What the Joint Committee members thought was that they should examine as many of these statutory and non-statutory bodies set up under Central and State Acts as possible and see which of them should be disqualified or which of them should not be brought within the exemption under sub-clause (i). That is why, Sir, the Schedule was inserted.

Mr. Speaker: It is said that the exemption does not apply to certain people mentioned in Part I and Part II of the Schedule. But this is a general one. This means that if a person receives only compensation and not salary, in that case the chairman etc of all bodies are exempted under sub-clause (i) except those whose cases have been looked into.

Shri A. K. Sen: With respect, Sir, I would say it is not proper to say: "except those looked into".

Mr. Speaker: Except those looked into and put in here.

Shri A. K. Sen: Many more cases were looked into, something like 1,200 bodies were looked into.

Mr. Speaker: My difficulty is this. Even though the members of some bodies who come under the general

exemption given in sub-clause (i) may be drawing only compensatory allowance and not any salary, it is possible that when their constitutions are looked into we may find that in view of the importance and interest involved in those bodies they ought not to be exempted. They ought not to be brought within the exemption. Therefore they are excluded. If all the bodies have not been looked into, even those bodies which may come in if scrutiny is brought to bear upon them and which have to be excluded from this category—Parts I and II—the general clause will apply to them and until they are looked into, they will have the benefit. That is what he objects to.

Shri A. K. Sen: He may object to it. But that is the infirmity which I pointed out from the very beginning.

Mr. Speaker: Therefore, can the House infer that even if this Bill is passed, the Government will go on scrutinizing the others which have not been scrutinized and if they find that there is anything objectionable and ought to be brought within the category of Parts I and II of the Schedule, they will add to the Schedule?

Shri A. K. Sen: That was the assurance I gave in the Joint Committee, because, as I pointed out, that was the danger of having a schedule which, by the very nature of having a schedule, could never be exhaustive I agreed, and I assured the Committee accordingly that the Government would agree to set up a Standing Committee which will report from time to time to Parliament and the Parliament will take appropriate action periodically.

Shri Ranga (Tenali): Mr. Speaker, Sir, that is all the more reason why, instead of contenting ourselves with the implementation of the assurances that the hon. Law Minister is prepared to give now, and has given

indeed, that he should recommend to Parliament the constitution of a Committee. That Committee would have the power to scrutinize all the various committees that would be coming up from time to time, and it would be much better, I think, that we stipulate here and now in the body of this particular Bill that this Parliament expresses itself definitely in favour of this suggestion, without giving any kind of a choice at all or any freedom either to the Ministry or to anybody else, the suggestion being that the Committee should be constituted and it should be constituted in such a manner that 10 Members from this House and five Members from the other House would form it. Except for any kind of technical objection that might be raised from the side of the Government, I for myself cannot possibly conceive of any reasonable objection that can be raised at this stage to this particular proposal.

Mr. Speaker: What I suggested is this. We have standing committees for various topics. I believe that the hon. Minister will introduce later on, after the Bill is passed, a resolution here suggesting the constitution of a Standing Committee of both Houses. The resolution may be adopted by the other House, and we will have a Joint Committee looking into the matter from time to time just as the sub-committees of Parliament are doing. That will be an annual feature.

Shri Ranga: The danger is only this. As you yourself have expressed certain doubts and wanted an elucidation from the hon. Law Minister, similar doubts might arise in the minds of many people. After all, except for the committees that have been notified in this particular schedule for membership of all other committees that are now in existence and are likely to come into existence within the next few months or one year, are we to give a kind of blanket exemption? Why should we give any kind

259 (A) L.S.D.—5.

of room for such doubts? Why not here and now make it very clear, namely, that we are going to constitute this particular Committee?

Mr. Speaker: That is what he said.

Shri Ranga: He says he would have it apart from this particular Bill. What is being said by this amendment is that this Committee should be constituted as a part of this particular Bill so that it becomes a statutory body and it will be going into the work from time to time.

My only objection is this. My hon. friend Pandit Thakur Das Bhargava wants that this Committee should complete its work within six months. Thereafter, what is going to happen, I do not know. What we would like to have is, some elasticity about this matter. There should be a regular Standing Committee and it should be its duty to go on scrutinizing from time to time as and when a new-committee comes to be constituted either by the Union Government or by the State Governments, and see whether any of these committees comes or not within the mischief of this particular disqualification. This sort of arrangement ought to be made.

Therefore, it is necessary that Parliament itself should place on record through this Bill that there should be a Standing Committee.

Mr. Speaker: Are there any other standing committees where statutorily they have been appointed for the purpose of advising the Government?

Shri Tyagi (Dehra Dun): Another difficulty also would come in. Supposing a Committee were to be constituted as desired and were to scrutinize and recommend certain offices to the Government, may I know what will be the procedure with regard to those offices? Will they not be named in the Bill now? If

[Shri Tyagi]

it be the case that every time a committee is constituted the Bill has to be amended every time and every time an amending Bill has to come before Parliament, then there may be hundreds of such Bills.

Mr. Speaker: With reference to the Joint Committee on Salaries and Allowances, I do not think it is the Speaker who issues the notification. It is not an advisory committee of Parliament to the Government. We are not doing that.

Pandit Thakur Das Bhargava: Under article 102 of the Constitution, it is absolutely necessary that a law must be passed by Parliament.

Mr. Speaker: I feel that that is an argument for suggesting that a Standing Committee should be appointed under a statute. The Standing Committee will only advise Members of Parliament to bring in that disqualification. Therefore, let us have a Standing Committee under the rules by a resolution as is done with respect to other standing committees.

Shri Tyagi: If a regular Bill has to come, what is the meaning of a Joint or Select Committee, because a regular Bill will again go to the Select or Joint Committee.

Mr. Speaker: It is only an advisory committee just as the Committee on Subordinate Legislation. We find out those mistakes and enable the hon Members to decide whether these rules could be accepted or not and also to inform the Government that particular rules are *ultra vires* and are beyond the scope of the Bill. Likewise, I am sure the hon Minister will, soon after this Bill is enacted, move a resolution here, suggesting that a Joint Committee of both the Houses may be appointed as a Standing Committee to look into, from time to time, these matters that are brought before them and to suggest by themselves, or through any

person independently, proposals regarding the various offices. They may scrutinize the committees and send the report to the House. That will serve the purpose, instead of tacking it on to this Bill. I do not think it is right to have a single committee or a Joint Committee mentioned in this Act itself.

Shri Dasappa (Bangalore): What would be the life of this Committee?

Mr. Speaker: Each year it could be appointed. Why should it be permanent? Each year there must be some Members changing and possibly fresh blood may be enabled to come in, or, rather, the already 'existing blood' may come with a new approach or a fresh approach. So, I think that the hon. Member does not press this amendment.

Shri Ranga: I accept your suggestion, and so there is no need for me to speak on it now.

Pandit Thakur Das Bhargava: I have no objection to have a statutory committee. But I am anxious about this. We have mentioned in the sub-clause (1) some existing offices including oil company, the Hindustan Steel, etc., where the amount involved runs to crores of rupees. So, unless those committees are examined as soon as possible

Mr. Speaker: My feeling is that this Committee, as soon as it is appointed, will look into all the other committees which have not been included in the schedule and which in any case have not been excluded. Those which were not considered by the Joint Committee now will be considered and, if necessary these disqualifications may be brought to the notice of the House even quarterly, apart from doing so from time to time. That is what he proposes to do. Therefore, I think the hon. Member does not press his amendment.

Shri A. K. Sen: Now, I think no reply is called for from me.

Mr. Speaker: Yes; no reply is called for. The Hon Minister hopes to introduce a resolution. This amendment need not be pressed. I need not put it to the vote of the House.

Pandit Thakur Das Bhargava: Though I do not insist that it should be put to the vote of the House, the assurance must be clear. The assurance, as I understand, should be like this. As soon as possible, a Committee shall be constituted which will go into all the existing committees also which have not been examined, and it will finish its work as soon as possible so that there may be no intermediate long period when everybody may be exempted. Some Members, I believe, are accepting posts in Oil India and some are being appointed as Chairmen or so in the Hindustan Steel. I do not know what other offices ought to be disqualified to sit in this House. The work should be done as soon as possible.

Shri A. K. Sen: I cannot give an assurance on behalf of the Committee as to what they will do and in what particular manner. I can only give an assurance of scope of the resolution, that I intend to bring.

Shri Morarka (Jhunjhunu): I hope that this does not mean that we cannot move any amendments adding to or omitting from the Schedule.

Mr. Speaker: It does not stand in the way. I go even further and say that periodically that Committee may also examine the existing exemptions in the schedule, and then find out whether, on account of the change in circumstances, those exceptions or exemptions that have been given may not be withdrawn also.

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The hon. Minister will have to say it: what is the good of my saying it?

Shri A. K. Sen: I have already said that the scope of the committee will not only be confined to those which were not examined by the sub-committee or the Joint Committee, but it will examine the whole set-up, because, as I explained quite clearly, even with regard to the existing committees which are disqualified now by the Schedule, Parliament might feel that having regard to certain changed circumstances, it is necessary that some Members will have to be associated with some of those committees themselves.

Shri Ranga: Quite right.

Mr. Speaker: So, I do not think the hon Member presses this matter.

The amendment was, by leave, withdrawn.

Pandit Thakur Das Bhargava: May I move the next amendment No 88 for the addition of new clause 3B?

Mr. Speaker: They say it is out of order.

Pandit Thakur Das Bhargava: This is based on the provisions of the British House of Commons Disqualifications Act. They have also enacted a schedule and they have said that every person who stands for election has to make a declaration that "I have read the Parliament (Prevention of Disqualification) Act and I am not a holder of any of the offices mentioned therein." I want that there should be a similar provision in our Bill also.

Shri A. K. Sen: This is really amending the rules framed under the Representation of the People Act. This Bill has nothing to do with this amendment. If the hon Member so feels, he can at any future date bring an appropriate amendment to the forms prescribed by the rules under the Representation of the People Act. If the House agrees on a future occasion that such an amendment shall be

[Shri A. K. Sen]

made in the rules, we shall accept it.

Pandit Thakur Das Bhargava: In this very week, there is a Bill coming up for amending the Representation of the People Act. Will the hon. Minister accept it there?

Shri A. K. Sen: There are other things to consider also.

Shri Tyagi: It will be difficult for every candidate to make such a declaration, because it is not only Members of Parliament who would be candidates in the next elections, but there may be new candidates who do not know anything about this Bill. If they are also forced to sign a declaration saying that they have read the Bill and they are not disqualified, it will be difficult. This measure is so complicated that I do not know whether after this Bill is passed, I am qualified or disqualified.

Pandit Thakur Das Bhargava: It is for their benefit that, when they become candidates, they make a declaration that "We have gone through the provisions and we are not holders of any of those offices." It is taken from the House of Commons Act. If my hon. friend does not understand, it does not mean that nobody will understand it.

Shri Tyagi: That means only lawyers should be candidates and not others.

Shri Narayanankutty Menon (Mukandapuram): Even Manu will not be able to understand the complications.

Mr. Speaker: Shall I put it to vote?

Shri A. K. Sen: May I explain it before you put it to vote? This is really a matter of form which even originally we had not inserted in the Representation of the People Act, because hon. Members must not forget that even now we have an Act which exempts disqualifications. We have article 102. We have no doubt and we had no doubt before that

every candidate who stands for election takes the trouble of finding out or getting advised as to his eligibility for standing either for election to This is redundant, though it is borrowed from the British statute. It is not that everything has to be borrowed from England.

The question is, has there ever been a case where a person who holds some office of profit has not taken the care to ascertain whether he is in fact eligible or not, whether in fact he is exempted either under the Prevention of Disqualification Act which is in operation now or under the Representation of the People Act? We must not forget that there are certain disqualifications even under the Representation of the People Act and there are certain exemptions even under the existing Act which we are now repealing. Simply because you put in the form, "I have read this Bill and I have satisfied myself", that does not mean that he is any wiser: or, simply because you do not have it, it does not mean that the man has not taken the trouble of doing it. In any event, it is really a matter for amending the rules under the Representation of the People Act and not a question of inserting a substantive provision in the body of the Act, which will be at the highest a very awkward introduction from the point of view of pure drafting, apart from the merits of the case. That is why I oppose the introduction of such a clause in the body of the Act.

Pandit Thakur Das Bhargava: I accept what the hon. Law Minister says and I do not press my amendment now, because the other amending Bill is on the anvil of the House and I will press it there.

Mr. Speaker: I do not exactly remember what that case was, but some instance was brought to my notice some time back and my opinion was asked. At the time of the candidature

when he applied, he was not disqualified. Subsequently he got into one of those offices—membership or directorship. The election petition only relates to the date of the election and so, though he is disqualified, nothing could be done so far as that is concerned. After he comes here, under article 102,

“a person shall be disqualified from being chosen or for being a Member of either House” etc

Then, steps will have to be taken to write to the President and so on. So a member who fills in a particular form must know whether he is qualified or not. First of all he must know whether he is above 25 or not. There is no meaning in saying that he must consult a lawyer. I am sure every person who stands for election consults a lawyer or somebody who knows about it. So, when he applies he must be fully posted with the information required under the rules who ought to be the proposer, who ought to be the seconder, scrutiny and so on. When he knows all that, should he not know that he is qualified? Who is the person who knows this better than the man who is himself there?

I leave it to the hon. Minister to consider whether any rules can be modified in the light of experience gained, if there are a number of cases where it is necessary. So far as this is concerned, the hon. Minister feels this need not be made part of the statute. Further, it is only a question of amending the rules and no statute amends a rule passed under another statute. I do not think the hon. Member presses it.

Pandit Thakur Das Bhargava: am not pressing it.

Clause 4 —(Repeals)

Shri A. K. Sen: I beg to move

Page 3, lines 14 and 15,—

for ‘and the Prevention of Disqualification Act, 1953, are hereby repealed’ substitute—

“the Prevention of Disqualification Act, 1953, and any provision in any other enactment which is inconsistent with this Act are hereby repealed”

This is really a verbal change

Mr. Speaker: The amendment is before the House

Pandit Thakur Das Bhargava: May I know what are the provisions which are inconsistent with this Act? Wh put in a general thing like this?

The Deputy Minister of Law (Shri Hajarnavis): May I explain? There are several Acts in which reference has been made to Members being qualified or disqualified if they hold that office. For instance, take section 24 of the Muslim Wakfs Act or section 4(3) (a) of the Tea Act or the Tariff Commission Act. In the Muslim Wakfs Act it is stated that chairmanship or membership of that body shall not disqualify for being a Member of Parliament, that is to say, the disqualification has been removed. Under the Tariff Act, on the other hand a disqualification has been imposed. In this consolidating Act we have said that the qualifications and disqualifications must be ascertained with reference to this Act and not to any other Act. That would follow as a result of interpretation because the later Act always prevails in preference to the earlier Act. But this is merely a verbal clarification so as to make it clear that all qualifications and disqualifications must be found with reference to this Act, which is intended to be a consolidating Act.

Shri A. K. Sen: In answer to Pandit Bhargava may I say that this is a recognized form of drafting? When we say that 'anything inconsistent with this Act is hereby repealed' we do not add a list of Acts which are inconsistent. It is a recognized method of drafting.

Shri Morarka: There is another difficulty, and that is about the State Bank of India. One of the sections of the State Bank of India Act says that no Member of Parliament can become a director of that bank. Here in the Schedule we do not mention the State Bank of India. That is to say, we exempt the membership in the directorate of the State Bank of India from being disqualified. Under this Act, a Member of Parliament can become a director, whereas under the State Bank of India Act itself a Member of Parliament cannot become a member of their board of directors. Now, in view of this amendment what would be the position? In that Act there is a specific mention about the Members of Parliament not being allowed to become a member or director of the State Bank of India whereas here in our Schedule we do not disqualify them. So, what would be the effect?

Mr. Speaker: They will become qualified.

Shri A. K. Sen: No, they will not. The hon. Member forgets that the exemption is only with reference to those offices which carry or entitle the members to only compensatory allowance. The directors of the State Bank are not entitled to compensatory allowance only but they draw much more.

Shri Morarka: When a Member of Parliament becomes a director actually he does not draw anything more than the compensatory allowance. Otherwise, the directorship of all these corporations which are exempted today carry much more than the so-called compensatory allowance

But the Members would not draw more than the compensatory allowance. Now in view of this amendment, I want to know whether the provision in the State Bank of India Act would stand nullified or whether that provision would supersede the amendment of the Deputy Law Minister.

Shri A. K. Sen: May I explain? I am sorry that Shri Morarka was not here when I explained the difference between a member choosing only the compensatory allowance and an office which entitles one to compensatory allowance only. The law is quite clear. If I hold an office which entitles me to draw more than the compensatory allowance, I shall not get out of the disqualification simply by proclaiming that I shall draw just what is equivalent to compensatory allowance.

Mr. Speaker: If a salary is attached to an office, he cannot escape it notwithstanding the fact he says "I do not want it".

Shri A. K. Sen: Or he does not say anything.

Mr. Speaker: The hon. Minister will kindly consider this matter. It is said that this is a consolidated law and that too an exhaustive one. There is a provision here that any provisions in any other law which are inconsistent with this provision would be wrong. The hon. Minister himself admitted that the Joint Committee went through as much as possible but still there may be others. For that purpose a standing committee has to be appointed. Now there is a blank direction here that all provisions in other laws which are inconsistent with this, whatever they might be, go out and this Act prevails. It will only mean that we have looked into every other matter.

Shri A. K. Sen: May I answer by one word? The inconsistency has come in only because specifically we have disqualified some offices, which were otherwise exempt under the relevant Acts. So far as the committees which we have not so far studied are concerned, no inconsistency has been introduced by the Act itself. So, this inconsistency is in relation to offices which have been specifically disqualified. That is why it is necessary and that result will follow in any event, whether we specifically say so or not. For instance, Tea Board and other committees were examined.

Mr. Speaker: Shri Morarka's point was that under the State Bank of India Act persons are disqualified even though they get only compensatory allowance. Now the State Bank is not included in the Schedule. So, it will come under the general provision of (1), if we accept this amendment No 54, notwithstanding the provision in the State Bank of India Act. The hon. Minister said that they are entitled not only to compensatory allowance but something more also, and whether they receive it or not is another matter. Now they will not be allowed to be members of the board, notwithstanding the fact that they are entitled only to compensatory allowance, because it is not included in the Schedule.

Shri A. K. Sen: First of all, he is assuming that there are some things which are inconsistent with the present Act, whereas there are none. The present Act is more or less on lines with the old one.

Mr. Speaker: When a specific Act imposes an exception, a disqualification, even that particular office may come under the general provisions of (1) when it is not included here. When there is a disqualification imposed by a statute this particular provision of (1) will remove that disqualification.

Shri A. K. Sen: In fact, the difficulty has arisen because most of the hon. Members had assumed that simply for foregoing a part of the remuneration or allowance a post ceases to be an office of profit, as it carries only compensatory allowance. Most of the directors—why most? We have examined 1,200 bodies and we have not come across one statutory body where office directors have been provided for which do not carry more than the compensatory allowance. This is only in the case of statutory undertakings where directorships carry only compensatory allowance and nothing else.

Mr. Speaker: Possibly the compensatory allowance will itself be increased.

Shri A. K. Sen: It is fixed by definition. If you take the definition of "compensatory allowance" it says:

"'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 for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office."

Mr. Speaker: That is all right.

Shri Easwara Iyer (Trivandrum): If any Act like the Reserve Bank Act or the Indian Electricity Act prohibits a member from getting into the board as member or director, it only means that if a Member of Parliament becomes a member or director of that body that membership or directorship is invalid. That by itself will not disqualify him to be a Member of Parliament, if this specific Act does not disqualify him from holding an office of profit. If you say in the Reserve Bank Act that a director cannot become a Member of Parliament and if anybody becomes a Member in spite of that it will only affect his post as

[Shri Easwara Iyer]
director and not his membership of
Parliament.

Shri A. K. Sen: Inconsistency will appear only if this Act qualifies and the other Act disqualifies the membership of Parliament or vice versa. If a particular Act prohibits a Member from becoming a director it has no inconsistency regarding the qualification or disqualification for membership of Parliament. It is a question of nullity so far as that body is concerned.

Shri Oza (Zalawad): I want a classification. According to the Schedule the director of the Employees State Insurance is disqualified now from becoming a Member. This House has selected one Member to function as Director of the Employees' State Insurance Corporation. What happens to him, I would like to know.

13 hrs.

Mr. Speaker: Let us get through this amendment. When we come to the Schedule let us think of all that.

Shri Tyagi: The present amendment, as I could follow it, is that all other similar Acts will expire, or would be repealed. I rarely dabble in these legal phraseologies. But when you are in the Chair, it is perhaps easy to put a question or two. Does the Minister consider it feasible for him to change the phraseology and say that all other Acts shall be deemed to be repealed on the coming into force of this Act, rather than saying that they are hereby repealed. Hereby is taken to mean immediately after the passing of this Bill. This Bill becomes an Act only after it is assented to by the President. Will it not be more appropriate to say that all these Acts will stand repealed on the coming into force of this Act?

Mr. Speaker: Hon. Member will kindly read the amendment again. It says:—

'(The Prevention of Disqualification) Act, 1953, and any provi-

sion in any other enactment which is inconsistent with this Act are hereby repealed'.

One Act is wholly repealed; certain provisions of some other Acts are repealed. I do not know, it is a matter of drafting, would it not be better to say—

"and any or all the provisions in any other enactment which is inconsistent with this Act"?

Shri A. K. Sen: "Any" includes "all".

Mr. Speaker: Would it be necessary to say—

"any provision in any other Act which is inconsistent with any provision in this Act."

Shri A. K. Sen: This Act means any provisions in this Act.

Shri Tyagi: My point is this. A reading of it goes to show. . .

Shri A. K. Sen: What he is saying is the effect of this Act. This Act can never be repealed when it comes into force. It is different from the date of signing by the President, because without its getting the force of law it cannot repeal something.

Shri Tyagi: That means that the provisions of the other Acts which are in conflict with this Act will continue in force.

Mr. Speaker: I am afraid the hon. Member's difficulty is this. One of the Acts namely the Prevention of Disqualification Act 1953 is repealed completely. There are provisions (not whole Acts) in certain Acts which are inconsistent with this Act.

Shri Tyagi: Which are such Acts? There are none else about disqualification.

Shri Hajarnavis: There is the Tariff Commission Act. The appointment of a Member of Parliament or legislature as a Member of the Commission will be void unless within one month of his appointment he ceases to be such member

Mr. Speaker: Generally provisions in the other Acts qualifying or disqualifying to the extent that they are inconsistent with the provisions of this Act.

Pandit Thakur Das Bhargava: The wording of this amendment is defective. For instance we have got an Act known as the Punjab Land Revenue Act, in which the term "lambardar" is defined as a village officer. Under the term revenue officer, as defined in that Act he does not come in. He is not a revenue officer. Here in this Bill we have said village revenue officer and lambardar is classified as a village revenue officer. I submitted this point in the Joint Committee also. According to the Land Revenue Act he is not a revenue officer; according to this Act he becomes a village revenue officer, which is not defined anywhere. My submission is that if this is allowed to stand as it is, even the Land Revenue Act of Punjab stands repealed.

Shri A. K. Sen: On a point of order. Sir, the Land Revenue Act of Punjab does not deal with qualification or disqualification; therefore, that Act is not in the picture.

Pandit Thakur Das Bhargava: The working here is—"provision of any other enactment which is inconsistent with this Act". In that Act the word "revenue officer" is defined, but according to that a lambardar is not a revenue officer. In this Bill it is assumed that he is a village revenue officer. To the extent to which there is inconsistency between the two provisions the Punjab Act will stand repealed.

What the hon. Minister actually wants is quite different. He wants

that if there is any disqualification in any other Act, this Act should have precedence. As you have pointed out, let this be put in a clearer form. Previously in all the Acts we had a provision in regard to all the bodies on which Members of Parliament were taken, for example, the Coffee Act, the Tea Act, etc. Only in the State Bank Act was a provision made that no Member of Parliament were allowed to become a Director. That is a good provision. That disqualification is already there. But the wording we use in regard to other Acts should be precise. Otherwise this will have the effect of repealing many other Acts which are not in the contemplation or imagination of my hon. friend.

Mr. Speaker: We have defined words like "statutory bodies" "compensatory allowance" etc in this Bill. These may have been defined in some other Acts. The amendment which is now suggested will have the effect of repealing anything which is inconsistent with the provisions of this measure.

Shri A. K. Sen: May I answer that?

I do not think this apprehension really merits a serious answer "Compensatory allowance" and "statutory body" are defined for the purpose of this Act and the purpose of this Act is only to remove disqualifications with regard to certain categories of offices of profit. The definition is only for that purpose.

Mr. Speaker: In this Act?

Shri A. K. Sen: Yes. We have defined compensatory allowance. That does not mean that the Salaries and Allowances of Members of Parliament Act will stand modified simply because the definition of compensatory allowance here will be different from the one there.

Mr. Speaker: Here it says any provision inconsistent with this Act.

Shri A. K. Sen: It is not that. The plain interpretation is that any provision which is inconsistent with this Act regarding qualification or disqualification of Members of Parliament will stand repealed.

Mr. Speaker: Very good. If any court takes that view, let us come again.

The question is:

Page 3, lines 14 and 15,—

for "and the Prevention of Disqualification Act, 1953, are hereby repealed" substitute—

"the Prevention of Disqualification Act, 1953, and any provision in any other enactment which is inconsistent with this Act are hereby repealed".

The motion was adopted.

Mr. Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

(The Schedule)

Mr. Speaker: Hon. Members, who wish to move amendments to the Schedule, may do so.

Shri Morarka: I beg to move:

(1) Page 5,—

after line 4, insert—

"Board of Directors of the Hindustan Antibiotics Private Ltd., Pimpri.

Board of Directors of the Hindustan Cables Private Ltd., Ruopnarayanpur.

Board of Directors of the Hindustan Salt Company Private Ltd., Jaipur.

Board of Directors of Nahan Foundry Private Ltd., Nahan.

Board of Directors of Indian Rare Earths Private Ltd., Alwaye.

Board of Directors of Travancore Minerals (Private) Ltd., Quilon.

Board of Directors of the Reserve Bank of India, Bombay.

Board of Directors of the State Bank of Hyderabad, Hyderabad.

Board of Directors of the State Bank of India, Bombay.

Board of Directors of the Damodar Valley Corporation, Calcutta.

Board of Directors of the National Projects Construction Corporation (Private) Ltd., New Delhi.

Board of Directors of the Tata Locomotive and Engineering Co., Ltd., Bombay.

Board of Directors of the Sindhu Resettlement Corporation Ltd., Bombay.

Board of Directors of the Orissa Mining Corporation (Private) Ltd., Bhuwaneswar.

Board of Directors of the Hindustan Steel (Private) Ltd., New Delhi.

Board of Directors of the Eastern Shipping Corporation Private Ltd., Bombay.

Board of Directors of the Indian Telephone Industries Private Ltd., Bangalore.

Board of Directors of the Western Shipping Corporation (Private) Ltd., Bombay.

Board of Directors of the Ashoka Hotels (Private) Ltd., New Delhi.

Board of Directors of the Hindustan Housing Factory Private Ltd., New Delhi.

Board of Directors of the Oils India (Private) Ltd."

(2) Page 9,

after line 28, add—

"All India Cattle Show Committee, New Delhi."

(3) Page 9,—

after line 28, add—

"Central Council of Gosamvardhana, New Delhi.

The Central Provident Fund, New Delhi.

The Coal Mines Provident Fund, Dhanbad.

Coal Mines Welfare Fund, Dhanbad."

(4) Page 11,—

after line 18, insert—

"Indian Council of Agricultural Research, New Delhi.

Mica Mines Welfare Fund, Dhanbad.

Mica Mines Labour Welfare Fund Advisory Committee for Rajasthan, Jaipur.

Mica Mines Labour Welfare Fund Advisory Committee for Andhra, Nellore."

Shri Dasappa: I beg to move:

(1) Page 4, line 3,—

omit "PART I"

(i) Page 4,—

omit lines 5 to 10; and

(2) (ii) Page 9,—

after line 28, add—

"Advisory Committee for the Air-India International Corporation appointed under section 41 of

the Air Corporation Act, 1953 (27 of 1953).

Advisory Committee for the Indian Airlines Corporation appointed under Section 41 of the Air Corporation Act, 1953 (27 of 1953)."

(3) Page 9, line 27,—

omit "PART II".

Shri Hem Raj (Kangra): I beg to move:

(1) Page 11,—

after line 35, add—

"Bombay

Board or any of the committees constituted under it under the Nanded Sikh Gurdwara Sachakhand Shri Hazur Apchalnagar Sahib Act, 1956."

(2) Page 12,—

after line 14, add—

"Shiromani Gurdwara Prabhandhak Committee or any other Committees constituted under it under the Punjab Sikh Gurdwara Act VIII of 1925."

(3) Page 11,—

after line 6, insert—

"Inaccessible Areas Committee under the Ministry of Food and Agriculture."

Shri Radha Raman (Chandni Chowk): I beg to move:

(1) Page 5,—

after line 4, add—

"Board of Film Censors and its panels."

(2) Page 6,—

after line 5, add—

"Programme Advisory Committee of All India Radio."

Shri Ram Krishan (Mahendergarh):
Sir I beg to move:

Page 5,—

after line 4, insert,—

“Board of Directors of public and private companies, the subscribed capital of which is one lakh rupees or above.”

**Shri Barman (Cooch-Bihar-Reserv-
ed-Sch. Castes):** I beg to move:

(1) Page 4,—

omit lines 5 to 10.

(2) Page 5,—

omit lines 15 and 16.

Shri Narayanankutty Menon: Sir,
I beg to move:

Pages 4 to 9,—

for “Part I of the Schedule”

substitute “Part I.

Bodies under the Central Government Such organisations or bodies as are determined by Parliament from time to time.”

Mr. Speaker: That does not seem to be there in the list.

Shri Narayanankutty Menon: Notice of it was given yesterday but it was circulated only this morning. Amendments Nos. 101 to 105 were circulated only today.

Mr. Speaker: Very well.

Pandit Thakur Das Bhargava: We have not got it.

Mr. Speaker: When was it tabled?

Shri Narayanankutty Menon: Yesterday.

Mr. Speaker: I do not have it. It seems notice was given only at 10.30 this morning.

Shri Narayanankutty Menon: I had given it yesterday.

Mr. Speaker: I will look into it. Shri Menon's amendment is printed here.

Shri Tangamani (Madurai): Sir, I beg to move:

(1) Page 5,—

omit lines 19 to 30.

(2) Page 6,—

omit lines 9 to 11.

Mr. Speaker: Any other amendment? None.

Government has got No. 166. This is to clause 3 which is over.

Now, hon. Members may speak one after the other as quickly as possible.

Shri K. N. Pandey (Hata): May I submit one thing? As you have just now said, amendments may be moved to the Schedule. I have also to move an amendment to the Schedule. I have given it to the Secretariat.

Mr. Speaker: Just now?

Shri K. N. Pandey: Yes.

Mr. Speaker: I only said that hon. Members are entitled to move their amendments to any portion related to the Schedule and not to clause 4. That does not mean that I must accept it even at this further stage. Why did he not do it earlier?

Shri A. K. Sen: I think the hon. Member was encouraged by what transpired yesterday. You were not here then. I said yesterday that so far as the Schedule was concerned, the mind of the Government was open. Since it involves examination of a large number of bodies, we thought that it would be fair to allow hon. Members here an opportunity of putting in amendments to the Schedule until the very last moment.

Mr. Speaker: All right.

Shri K. N. Pandey: I beg to move:

(1) Page 5,—

omit lines 29 and 30.

(2) Page 6,—

omit lines 12 to 14.

Mr. Speaker: All these amendments are before the House now. Shri Pandey may explain his amendment.

Shri K. N. Pandey: I want to express my opinion about the Employees' State Insurance Corporation which has been mentioned here in the Schedule. I happen to be a member of this Corporation since inception. Here in the Parliament I get daily allowance at the rate of Rs. 21 per day and in the Employees' State Insurance Corporation I get only Rs. 12 per day. Still this Corporation has been mentioned in the Schedule barring us and disqualifying us to be a member of that Corporation.

Moreover, I want to explain here that I am not a member of that Corporation simply because I was a Member of this Parliament, but I am a member as I represent the employees for whom this Corporation is. I have been nominated by my organisation. Unfortunately if I happen to be a Member of Parliament, why should I be debarred from representing the case of the workers before that Corporation? If this Corporation is included in the Schedule, I think nobody knowing all those things about the working of the Corporation will be in a position to represent the cases of workers before that Corporation.

Mr. Speaker: On what page is it?

Shri K. N. Pandey: Page 5, lines 28 and 30.

Pandit Thakur Das Bhargava: With regard to this amendment I want to submit a word for your consideration.

Mr. Speaker: I will come to that.

Employees' State Insurance Corporation, the standing committee and also the regional bodies of this Corporation. He wants that Employees' State Insurance Corporation be deleted from this list. Is the hon. Member an employee?

Shri K. N. Pandey: I represent the employees. I have been an employee.

This is for employees and I happen to be a member of this Corporation.

Mr. Speaker: Membership, chairmanship and secretaryship are excluded.

Shri Tangamani: May I just submit a word?

Mr. Speaker: I am coming to that side also. Hon. Member may not only refer to this point but to other points also.

Shri Oza: While supporting the contention of my hon. friend Shri Pandey, I wish to raise a point for clarification. The point is that the Lok Sabha has elected me to work as a director on the Board of the Employees' State Insurance Corporation. Now, can I continue after this Bill takes effect?

Some hon. Members: No.

Shri Oza: Therefore, I wanted to seek a clarification.

Mr. Speaker: In the end, not now. The hon. Minister will note down everything and then reply to it.

Shri Dasappa has also moved some amendments. He may speak now. Then I will call Shri Hem Raj and then Shri Morarka.

Shri Dasappa: Yesterday, I made a rather infructuous attempt to see that the office of mere membership of any statutory or non-statutory body should not entail disqualification as set out in Part I. But, evidently, that has not found acceptance at the hands of the hon. Minister. I now feel that the two Advisory Committees set out in Part I on page 4, namely Advisory Committee for the Air-India International Corporation appointed under section 41 of the Air Corporation Act, 1953 and the Advisory Committee for the Indian Air Lines Corporation appointed under section 41 of the Air Cor-

[Shri Dasappa]
porations Act, must be omitted in the first place.

Shri D. C. Sharma (Gurdaspur):
Are you a Member?

Shri Dasappa: If I were a Member, I would not have had the courage to move in this manner. I would be more hesitant.

My first amendment is that these two bodies may be lifted out of Part I altogether, and should not find a place in the Schedule either in Part I or Part II. Knowing as I do the temper and temperament of a certain section here, I have also put an alternative whereby I lift these from Part I and transfer them to Part II.

13.23 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The effect of this will be as follows. While the Chairmanship or Secretaryship and things of this sort may entail disqualification, membership of these advisory bodies will not entail disqualification. I do plead with the hon. Minister, without further arguments, to kindly accept the first amendment if he could or certainly the second one.

Shri Hem Raj: Mr. Deputy-Speaker, as the hon. Minister has told us, the Schedule is not an exhaustive one. At the same time, I want some clarification on certain points. There are two Acts, one in the Bombay State and another in the Punjab State. One is the Nanded Sikh Gurdwara Sachakhand Shri Hazur Apchalnagar Sahib Act, 1956 and the other is Shiromani Gurdwara Prabhandhak Committee under the Punjab Sikh Gurdwara Act VIII of 1925. Under these Acts, there is an election machinery and everything is done by the Government and Members are elected to the S.G.P.C.

Shri A. K. Sen: There is a point of order. These are not committees whose members hold any office of

profit. The question of disqualification or qualification comes only with reference to offices of profit. It is no use our diverting our attention to hundreds of other committees and holders of those offices. The Gurdwara Committees, though guided by statutes, like the Hindu Religious Trusts Act, etc., are not offices of profit. That is the primary consideration. In my submission, we shall be wasting a lot of our time if we divert our attention to hundreds of other Committees whose members may be holding offices of influence, but not offices of profit according to article 102.

Shri Hem Raj: My difficulty is this. In the report which has been supplied to us, that is, the Report of the Committee on Offices of Profit, on page 14, certain principles have been enunciated and rightly the principles are where a person is appointed to an office of profit which is not financed . . .

Mr. Deputy-Speaker: Is he referring to the report of the Bhargava Committee?

Shri Hem Raj: Yes.

Mr. Deputy-Speaker: Why should he go into that? We might consider the Bill.

Shri Hem Raj: That was only of a clarificatory nature. If the Law Minister thinks . . .

Mr. Deputy-Speaker: Some of the recommendations might have been accepted and others might not have been accepted. Let us confine ourselves to the provisions of the Bill and see whether a particular office is an office of profit.

Shri Hem Raj: There are Committees formed under the Punjab Sikh Gurdwara Act . . .

Mr. Deputy-Speaker: The Law Minister has said that membership of that is not an office of profit. It may be membership. It is not an office of profit under the Government, local or Central.

Shri Hem Raj: There is another matter. There are certain committees appointed by the Government by executive order. If a person becomes a member of that committee, will that entail disqualification or not. That is another point, on which I want the clarification of the hon. Minister

Shri Morarka: I have moved amendment No. 79 which looks rather longish. But, it is very simple. The purpose of this amendment is to make the Schedule more complete and less illogical. It has been accepted by the Joint Committee and I must say that I am very grateful to the Joint Committee for appending the Schedule, because I differ from those hon. Members who feel that the Schedule was not necessary at all.

Mr. Deputy-Speaker: Why should he be thankful for an illogical and incomplete Schedule?

Shri Morarka: For this reason, that the Schedule as a Schedule was necessary. But, as regards the contents of the Schedule, I differ. It could have been made more complete, it could have been made more rational and it could have been made more logical. My amendment attempts to do that. *(Interruptions)*

Mr. Deputy-Speaker: Order, order, interruptions that do not reach the hon. Member may not be cared for

Shri Morarka: My amendment seeks to add certain more corporations in the Schedule. If you kindly look at the Schedule Part I, you would find that the membership of the Board of Directors of many corporations which are owned by the Government are included in that Schedule. At the same time, the list is not exhaustive. Many have been left out. These corporations which my amendment seeks to include are identical in character. They are also owned by the Government. They are managed and controlled by the Government. The benefits of these corporations, profit, loss, etc., would go to the Govern-

ment. There is no basis for any distinction or discrimination between one corporation and another. My only assumption is that the Sub-committee of the Joint Committee which examined these 1,200 and odd committees did not examine these corporations. Perhaps, lists of these corporations were not supplied to them. I have no doubt that if the Joint Committee had considered these corporations, they would have included them in the Schedule on the same grounds on which they have included others. Either the corporations which I have enumerated in my amendment No. 79 must be included or the other corporations which you have included in Part I of the Schedule must be excluded. Consistency and logic require that these corporations which are identical with other corporations must also be treated on the same basis. Apart from the question of monetary gains, compensatory allowances or things like that, another principle which, as the Law Minister pointed out this morning, guided the acceptance of these corporations or the inclusion of these corporations in the Schedule was whether the director or person would have personal influence or would have the right of patronage. I submit that the corporations which are included in my amendment are corporations the membership or the directorship of which would give very wide powers both to increase personal influence as well as distribution of patronage. Some of these corporations are so big that their chairmen would exercise powers bigger than even the Minister in certain Ministries here. Take for example the Hindustan Steel Limited. As I said the other day, this corporation would have Rs. 1,000 crores worth of capital. This corporation alone would be bigger than the entire private sector put together. Just imagine the amount of power, patronage and the position which the chairman or managing director of this corporation would enjoy.

Let us examine this in relation to the other bodies which you are dis-

[Shri Morarka]

qualifying in the schedule—for example the Board of Directors of the Hindustan Insecticides Ltd. It is a comparatively small company which would give less power or personal influence or patronage.

There are many arguments why Members of Parliament should be kept out of these corporations, and I think the Joint Committee under your chairmanship has rightly kept these corporations outside the purview of Members of Parliament

I think the first argument would appeal to the hon. Law Minister because he yesterday took shelter, whenever it was inconvenient for him, under the English authority. May I read what the Select Committee in England did about the statutory corporations? There I must say this: the difference was that the schedule itself said, just as our schedule says, that no Member of Parliament would be allowed to become a director of any corporation which was incorporated therein. I am reading from paragraph 53, page 30, of that report:

"In recent times a number of new bodies or corporations have been established by Acts of Parliament, and the Act establishing such body or corporation has specifically provided that a Member of the House of Commons shall not be eligible to hold an office connected with such body or corporation, or that the holder of such an office shall not be capable of sitting in the House of Commons."

They can have either this or that.

"Many such persons would probably be disqualified from membership of the House of Commons by the general disqualification of holders of office under the Crown, but in so far as that is not the case, your committee does not recommend any alteration in res-

pect of the Acts of Parliament referred to."

This was examined, and they say the status quo must continue. The Acts disqualify Members from becoming directors, and the Select Committee after examining the matter, say this must continue.

Then the report continues:

"A number of cases have been cited by the Attorney-General..."

Shri Narayanankutty Menon: Which is the year of that report?

Shri Morarka: I think this is the only Select Committee. This is "Report of the Select Committee on Offices of Profit under the Crown, together with proceedings of the Committee, dated 14th October, 1941"

Pandit Thakur Das Bhargava: It has been enacted into an Act in 1957.

Mr. Deputy-Speaker: Now there is an Act following it

Shri Morarka: May I say that even yesterday quotations were given only from this report? It is very up-to-date

Shri Narayanankutty Menon: I only wanted to know the year. There is no insinuation or anything behind it.

Shri Harish Chandra Mathur (Pall): Sixteen years they have taken to consider the matter.

Shri Morarka: The sub-committee of the Joint Committee in paragraph 14 says this:

"In categorising the Committees into disqualifying and non-objectionable ones no single uniform principle has been strictly applied as the Sub-Committee was influenced by the fact that in the peculiar circumstances of our country and the undeveloped state in many respects participation of

members of Parliament, many of whom have special knowledge of various subjects, could not rigorously be excluded. Thus some balance and compromise has been applied in categorising these Committees, while purity, freedom from influence and independence of members has been the guiding principle in making the choice."

I beg the House to apply these very principles to the list I am submitting now. If you apply the same principles, the inescapable conclusion would be either you accept my amendment and include these corporations also in the schedule, or you delete all the other bodies which you have already included in the schedule. My submission is that the schedule should be expanded and these corporations should be included in it.

Yesterday a very strong plea was made by the hon. Minister saying that Members of Parliament must besides being Members of Parliament sitting on the cushions here and talking, as he put it, also co-operate with the Government in their work. Nobody says "no" to that. Members of Parliament can do whatever work the Government wants them to do, but here we are concerned with the question of office of profit. All that we say here is not that the Member of Parliament would not be able to work for the Government or with the Government, but only that he should not hold an office of profit in these corporations also.

The Estimates Committee of this Parliament has recommended, as a matter of fact, that a few Members—I think they said two—must be associated with every corporation—associated in the sense that they must be there to watch the proceedings etc. but they should not be there as directors or hold offices of profit.

Shri Dasappa: Not even as members.

Shri Morarka: Membership of the corporations does not arise in the case of Government at all. Government is the sole shareholder and a Member of Parliament never becomes a member of a corporation. The question is, I think, only of becoming a director.

Another objection is that if you allow many Members of Parliament to become directors in these corporations, then you would be throwing the functioning of so many of these corporations into the cockpit of politics. This objection has been taken not only by people here, but by a person who has been a great protagonist of these corporations, *Herbert Morrison*, and also by persons like *William Robeson* and *Ernest Davis*, and others who have applied their mind to this problem; and they have come to the conclusion that it would be better to keep politicians—Members of Parliament included,—away from these corporations, because, apart from anything else, it would always make the executive of the corporation nervous, because they would feel that somebody is always looking over their shoulders. Therefore, they strongly argued that Members should be kept out.

But I have another objection. If Members are allowed to become directors in these corporations, then this House would be divided into certain groups, one group supporting one Member, and the principle "you scratch my back and I scratch yours" would be more or less implemented here. Therefore, I feel there are good reasons, strong reasons, why Members should preserve their independence, preserve their right to criticise these corporations where more and more public funds are invested every day, and keep themselves away from the directorships of these corporations.

There is another principle involved here. These corporations are accountable to Parliament. That is called Parliamentary accountability. If Members themselves become the executive

[Shri Morarka]

in these corporations, then there would be some conflict between the two. The person accountable and the person to whom you are accountable would become more or less one. To that extent again I feel that embarrassment would be caused to the Members concerned.

From all these points of view I think the balance of advantage lies in our deciding not to have Members of Parliament on these corporations, and I think that was what was behind the back of the mind of the Joint Committee and the sub-committee of the Joint Committee. The exclusion of the corporations which I have mentioned in my amendment, or their non-inclusion, as I said in the beginning, appears to be accidental. These corporations that exist today existed even at the time when the sub-committee of the Joint Committee examined these corporations, but unfortunately, the necessary information was not supplied to that committee. Whatever the reason may be, there is no justification for keeping the schedule ambiguous on that point. If we do that, then some interpretation might be sought to be put on it, and it may be argued somewhere in some court that it was the deliberate intention of Parliament to exempt these corporations which we are not including; and I do say that that cannot be the intention of anybody, to specifically exempt these corporations which have only be accidentally left out. Therefore, I strongly urge the House to accept my amendment No. 79, which tries to make the list of these corporations as comprehensive as possible.

My hon. friend Shri Dasappa has drawn my attention to the fact that even in this list, two corporations have been left out, and important corporations at that, namely the Bharat Electronics (Private) Ltd., and the Hindustan Aircraft (Private) Ltd. I do not know whether it would be in order for me now to move an amendment to this amendment, and, therefore, I do not want to press that point.

I would be quite content and quite happy....

Mr. Deputy-Speaker: The hon. Member has discovered that his list also is not complete.

Shri Dasappa: It can never be.

Shri Morarka: The reason is this. I ventured to make this list complete with the help of a booklet supplied by the Lok Sabha Secretariat recently. The Lok Sabha Secretariat recently circulated to the Members of this House a booklet containing the names of all the corporations owned by the Central Government, and that booklet accidentally did not contain these names, and, therefore, I made a slip. Still, whether I am permitted to move an amendment to include these two corporations or not, certainly, I press my amendment No. 79, and I beg of the House to give it the consideration which it deserves and accept it if possible.

As I said a little earlier, some of our own statutes establishing these corporations have prohibited Members of Parliament becoming directors on those corporations. I think the instance in point was the State Bank of India, and if I mistake not, there was another corporation—the National Warehousing Corporation or the Life Insurance Corporation—which imposed similar disqualification. Whatever the legal interpretation of that may be, the net result or the effect of it is that a Member of Parliament cannot become a director of that corporation. That principle has been accepted by this House. And I do not say that the House accepted that principle without sound reasons. And if that principle was good in one corporation, I think it is equally good in other identical corporations.

Even in the present scheme of this Bill—I may be pardoned if I seem to repeat my argument—in the schedule, the principle has been accepted that the directorship or membership of

some of these corporations must disqualify the holder thereof, if he is a Member of Parliament. If that is accepted in principle, I do not see on what grounds an objection can be raised to my amendment No. 79.

I would only say a word or two on my amendments Nos. 81, 82 and 83. They are also very simple, and they seek to add certain things which have been left out, according to me, accidentally, in Part I or II of the schedule, such as the All India Cattle Show Committee, the Central Council of Gosamvardhana and so on. These have again been found in the same booklet to which I had referred just a minute ago.

I beg that my amendments may be considered and accepted by the House, particularly my amendment No. 79.

Mr. Deputy-Speaker: Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava: I understand that all those Members who had given notice of amendments have spoken....

Shri Barman *rose—*

Mr. Deputy-Speaker: Shri Barman ought to have risen earlier. After Pandit Thakur Das Bhargava, I shall give him chance.

Pandit Thakur Das Bhargava: I had risen even earlier. At that time, the Speaker was in the Chair, and he probably had it in mind that first of all, chance should be given to those who had moved their amendments, and afterwards, other Members could be given chance. So, I would take my chance after the movers of the amendments have had their chances.

Mr. Deputy-Speaker: Then, I shall ask Shri Barman to speak on his amendment.

Shri Barman: I have moved amendments Nos. 51 and 52 for this simple

reason that I could not follow why only two advisory committees have been selected, out of all other committees to be included in Part I of the schedule, for inclusion therein. As I said during the consideration motion, Members of Parliament should be associated with the functions of Government as much as possible. In that connection, I had observed that at least membership of advisory committees should not be barred for Members of Parliament.

I find that only the Advisory Committees of the Air Corporations and the Company Law Advisory Commission have been included in Part I of the schedule. I would like to know from Government the reason why these committees have been included. From the general observation that I have made that Members should be associated with the functions of Government to the greatest extent, it follows that membership of these committees which I have mentioned should be exempted from disqualification.

Shri Hajarnavis: We shall be grateful if the hon. Member could tell us exactly the functions of the committees if he is familiar with the constitution and functions of these committees and what is being done by them.

Shri Barman: I am not very much familiar. Only recently, I was appointed to the Advisory Committee of the IAC. I have not attended any meeting, but from the agenda that I have got with me, I find that the committee has been called to consider the routes that they have introduced and that they intend to introduce. I think that is what we will discuss there, and that is in the nature of consultation. I have got the agenda with me, and I can give it to the hon. Minister if he wants to have a look at it.

Mr. Deputy-Speaker: The copy of the agenda of one meeting would not

[Mr. Deputy-Speaker] disclose what functions it performs, what powers it has, what influence it wields and so on. That would be difficult.

Shri Harish Chandra Mathur: If the hon. Minister wants some light to be thrown on this subject, I could do so. I know about the functions of these committees, and I shall be able to tell him something.

Shri Hajarnavis: The hon. Member must tell the House.

Mr. Deputy-Speaker: Now, Shri Narayanankutty Menon. He should be brief and sweet. Sweet he always is, but he shall have to be brief.

Shri Narayanankutty Menon: I shall be as brief as possible. My amendment is diametrically opposite to that moved by my hon. friend Shri Morarka. All the arguments that I have got to advance in support of my amendment have already been advanced by Shri Morarka. My amendment seeks to delete Part I of the schedule as it is.

I could very well understand the anxiety of my hon. friend Shri Morarka when he built up a very strong case in the name of logic that some more additions will have to be made to the schedule. Yesterday, the hon. Law Minister said categorically and made the position of Government clear that under certain circumstances, unknown to him, because of something that happened in between, unfortunately, the schedule had been prepared, and the names of certain corporations had been included. So, the attempt on the part of hon. Members as far as possible should now be to reduce the number of corporations and statutory bodies included in Part I of the schedule, and the attempt should not be to increase the list. But my hon. friend Shri Morarka has tried to add to the schedule; and I could very well understand it. But unfortunately, he has commanded for his support that curious phenomenon called logic. And as has been said not

by Mr. Herbert Morrison in the case of nationalisation but by Dr. Samuel Johnson, logic is always the outer skin of ineffectiveness and weakness. If he has got anything to say in respect of logic as far as Schedule. One is concerned, that some corporations are included and some are not, his logic comes into play. You know, Sir, what is the conclusion of logic. When I say that you and I are Members of Parliament....

Mr. Deputy-Speaker: Has he also got some support from logic to say that?

Shri Narayanankutty Menon: No, Sir. I am not relying on logic. You know what logic is. You and I are Members of Parliament. I belong to the Communist Party. Therefore, you belong to the Communist Party! You know that is simple logic. My hon. friend has got in his support that kind of logic.

Pandit Thakur Das Bhargava: Man and ass both have got ears. Therefore?

Shri Narayanankutty Menon: That is logic

Pandit Thakur Das Bhargava: It is not logic.)

Shri Narayanankutty Menon: Certain principles were sought to be invoked by my hon. friend, Shri Morarka, in support of his amendment. Those principles were that, first of all, Members of Parliament should be incorruptible. My hon. friend has proceeded on the assumption that the moment power is placed in the hands of Members of Parliament, that power will be misused. His whole speech—the whole of it—was an affront to, and insinuation upon, the honesty and integrity of every Member of this House, to whatever party he belongs. Where is the basis for the presumption that any Member of Parliament, immediately he is placed in a position of power, immediately some power is given in his hands, which is controlled by this

Parliament, will go on misusing that power. Certainly there is no basis. He himself being an hon. Member of this House, has no confidence in himself. That may be so, but the basis of his argument that immediately a Member of Parliament gets into a corporation and is given that power, he will misuse that power and not use it for the requisite purposes, is a wrong assumption.

Secondly, the whole motive is based on certain principles which are not to be followed in the name of integrity and also honesty of the Members of this House. It is said that the Members of this Parliament will not have and should not have any hand in the management of these public corporate bodies so long as the Government and Parliament have taken the decision that these public corporate bodies are to be run on certain principles which run counter to the imaginations and policies of certain hon. Members who moved that amendment.

He quotes Mr. Herbert Morrison, but Herbert Morrison when he was a Member of Parliament and was Minister in the Labour Cabinet, did not know the implications of what he wrote at that time. But after the Labour Party fell from power and after the entire process of nationalisation in Great Britain crumbled to pieces because this principle has been followed and the erstwhile owners of the steel and electrical industries have been put on the boards of directors of these corporations, when after five years the Labour Government found that these 'Trojan Horses' had been filled up in these corporations and the entire nationalisation scheme had been killed. Herbert Morrison came to his senses. But then it was too late to recall his own views upon these matters.

Mr. Deputy-Speaker: Only when we are in the Opposition that happens!

Shri Narayanankutty Menon: I submit that the whole principle under-

lying Shri Morarka's argument that these corporations which are to be run in pursuance of the process of nationalisation and the public sector should not have anything to do with those people who are making the policy of nationalisation, has no substance. Yesterday one hon. Member said that bureaucrats could not go there. The hon. Law Minister agreed. If in these corporations bureaucrats cannot go and Members of Parliament cannot go, what is the logical conclusion? The logical conclusion is to decide who are to go.

Mr. Deputy-Speaker: Again he is leaning on logic.

Shri Narayanankutty Menon: His own logic. I am quoting his logic. Therefore, the only purpose of invoking certain imaginary principle was that these corporations should be completely devoid of public control, they should be completely devoid of public men; they should be managed only by those people who are not, first of all, bureaucrats—because bureaucrats come directly under the control of Parliament—and secondly who are not people who have something to do with the policy of nationalisation. That is, they should be obviously controlled by those people whose policies are directly opposed to this. Therefore, after some time these people going and sitting in the boards of directors as managing director and others, can proclaim on the floor of the House that the process of nationalisation was a fake. It is a total failure, and therefore, the Industrial Policy Resolution will have to be changed now. That is the only intention of invoking those principles concerning the purity and integrity of the Members of Parliament.

Secondly, is any Member of Parliament, if this Bill is passed, pure and devoid of any control or influence outside? According to the Industry Policy Resolution, according to the real state of affairs today, there are bigger industrial empires and far far superior and

[Shri Narayanankutty Menon] far far influential concerns than these corporations, such as the Hindustan Steel and Oil India (Private) Limited. In the whole Tata empire, a director of the Tatas is not disqualified from coming to this House. He can come here and can champion the cause of the private sector. He can accuse nationalisation; he can put in here Tata's view point as far as the steel industry is concerned. He can wield control in the directorate and he can argue in this House that no more steel plants are required and the licence for the fourth steel plant should be given to the private sector.

Shri Hajarnavis: May I know if the hon. Member is referring to Shri M. R. Masani?

Shri Narayanankutty Menon: I am not referring to Shri Masani.

Mr. Deputy-Speaker: He is not referring to any individual. He is saying that directors of private institutions can come here.

Shri Harish Chandra Mathur: He is taking the logic to its conclusion.

Shri Narayanankutty Menon: While I was speaking, I was turning my left hand in a particular direction. From that the hon. Deputy-Minister of Law jumped to the conclusion that I was referring to Shri Masani.

Mr. Deputy-Speaker: Therefore, he is requesting the hon. Member to see that his hands should not jump this side or that side.

Shri Narayanankutty Menon: I have not had a picture of Shri Masani in my mind for the last three days. I was just pointing out the logic of the principle in which Government have brought forward this Bill. I thought after listening to the speech of the hon. Law Minister yesterday that the Government had got into a soup in this Bill by some untoward incident which happened somewhere else or because of sheer force of circumstan-

ces. But the point remains unanswered. If a director or managing director or anybody in a private corporation is not debarred from becoming a Member of this House and can very well canvass in this House for reforming the opinion of the Members of this House today, what prevents a Member of this Parliament going and sitting on the board of directors of the Hindustan Steel or Oil India (Private) Limited where only policies are determined?

I was very glad that in spite of what happened at least by accident, the Oil India (Private) Limited was missing from the original Schedule. I want to make one thing clear, that when we on this side of the House are championing the cause of Members of Parliament from not being disqualified by going into these corporations, we have not got the slightest dream that anybody from this House—from this side of the House—will be nominated to those august bodies for at least another 25 years. We are definite of that. But it is because we have got a definite policy on this matter that we are saying and submitting before this House that we on this side of the House and also every side of the House, prefer to have Shri Feroze Gandhi as Chairman of the Oil India (Private) Limited rather than a director of Standard Vacuum or Burmah-Shell.

Shri Dasappa: He has got Kerala. That is enough for the moment.

Shri Narayanankutty Menon: By interrupting me in this manner, the hon. Member is attempting to sabotage the rest of my speech by diverting me to Kerala. I am not prepared to answer about Kerala now.

Mr. Deputy-Speaker: Order, order. He need not go to Kerala just at present.

Shri Narayanankutty Menon: Still I will answer my hon. friend. His curiosity and inquisitiveness is always aroused when he talks about Kerala. But I can tell him one thing. Is there

any small or big committee appointed by the Government of Kerala in which his own party is not represented? If he can point out one such instance, I can answer him

Shri Dasappa: He spoke about 25 years.

Mr. Deputy-Speaker: Both hon Members can meet and decide this outside, somewhere else

Shri Narayanankutty Menon: Therefore, I submit that all the eloquence displayed by Shri Morarka in the name of efficiency and integrity of Members of Parliament has nothing to do with the real integrity and efficiency of Members of Parliament, it has something to do with something that is completely extraneous in character

My amendment is to delete part I of the Schedule—Bodies under the Central Government as a whole and substitute it by saving 'such organisations or bodies as are determined by Parliament from time to time'

I have placed my amendment in such a way because, later on, if the House after sure and deliberate consideration feels that certain positions which would be occupied by hon Members of this House will in principle and practice and also as a matter of procedure run counter to the nature of the duties, certainly the House can determine them later on. That has not been done in the whole process. The Joint Committee met many times. Very respectable, well-trained, eminent and aged hon Members of this House were on this committee. I cannot for one moment say that the result of their deliberations can be questioned by people like me who are comparatively far junior to them. But, I fail to understand the logic behind their selection of a few of the Corporations there. They did not follow a definite principle

14 hrs

First of all, I could find out only one thing, that is, certain dogmatic ideas were in the minds of some people. They were not prepared to compromise on those and they stretched those ideas to the point of bringing this Bill in such a way. Yesterday, I heard my hon friend, Prof D C Sharma putting in a very eloquent argument in support of the entire Bill. Then he was emphasising the fact that the whole time of the Member of Parliament should be available to Parliament. He said that he some times goes to his constituency also because he is not completely doing the work of a Member of Parliament by sitting here. He told me later on also that at his age he cannot accept any other work (*Interruptions*) (*Laughter*). At this age nobody can expect him to do the work of a Member of Parliament and also to be a director of some other organisation.

Shri D C Sharma: I did not say (*Interruption and Laughter*)

Shri Narayanankutty Menon: But in his case such kind of work

Mr. Deputy-Speaker: It would be very difficult for the Chair because both of them are very respectable and hon Members

Shri Narayanankutty Menon: Therefore, this kind of argument can be understood only in relation to an hon Member of his way of thinking

Mr. Deputy-Speaker: The hon Member should conclude

Shri Narayanankutty Menon: Especially in the type of social order to which the Parliament stands committed wherein the public sector is overgrowing and a new orientation of the economic development of the country is called for, it will not be in the interests of the furtherance of Parliament's policy to exclude those men

[Shri Narayanankutty Menon] who are coming into public life, those who are experienced in public life from those undertakings which are the real corner-stone of the development of our economy.

Therefore, I submit, without putting the hon. Law Minister to difficulties and also without compromising upon the principles enunciated by senior Members like Pandit Thakur Das Bhargava and Prof. D. C. Sharma, we can wait for some time and see what are the practical difficulties in which those Members come against in those bodies. This House is at liberty to determine from time to time the scope of the work of each Corporation. Then, we will be able to decide to put as an Appendix to the Bill, this Part I and Part II of the Schedule. Then, it will be better for everyone concerned.

When clauses 2, 3 and 4 were debated in this House, you were here and you found from experience that very experienced lawyer Members of this House asked repeated questions wanting clarification because they themselves had doubts in their minds. If after this Bill is passed and hon. Members have listened to the entire debate, when people go back from this House, if they are asked honestly to say whether they have understood the principle underlying the Bill and who will be disqualified under Part I and Part II of the Schedule, I am quite sure there would not be more than a couple of dozens of Members who can say that they have understood it. If we go on with this process of legislation and....

Mr. Deputy-Speaker: Probably the hon. Member does not expect to speak in the third reading. He should now conclude.

Shri Narayanankutty Menon: I will conclude. There is no expedition necessary as far as this legislation is concerned and a bit more of deliberation is required and that deliberation can be had even after passing this Bill in deciding as to what the schedule should be.

I would end by one sentence that the amendment introduced by my hon. friend, Shri Morarka seeks to include a lot of other corporations including the Oil India (Private) Ltd. When he introduced the amendment he had only logic behind him and he did not know what will be the function of the Chairmen of these corporations. Therefore, I appeal to the hon. Minister to wait for some time and not to particularise the schedule; pass the Bill now and later on let this House or the Standing Committee, as it has been suggested in the morning, decide about each category. It will be in the interests both of the stability of this legislation and also the interests of the Members of this House and the interests of these public undertaking.

Shri Tangamani: I shall briefly explain the purpose of my amendments Nos. 104 and 105. Amendment No. 104 wants to delete lines 19 to 30 on page 5. The second amendment wants to delete lines 9 to 11 on page 6.

Briefly stated, these two amendments seek to delete the Dock Labour Boards of Bombay, Calcutta and Madras and also the Employees' State Insurance Corporation and the Regional Committees of the Employee's State Insurance Corporation.

The Employees' State Insurance Corporation was established under section 3 of the State Employees' Insurance Act of 1948. I had occasion to explain to this House during the first reading the position of this Employees' State Insurance Corporation. I believe there is also a similar amendment from my hon. friend Shri Pandey. This ESIC which came into existence on or about the year 1952...

Shri A. K. Sen: I may clarify the position. The Government is prepared to accept the deletion of lines 29 to 30 on page 5 regarding the ESIC and lines 12 to 14 on page 6 regarding the Standing Committee of the ESIC.

Shri Taganant: I am much obliged to the hon. Minister. The Dock Labour Boards will also stand on the same category. These Dock Labour Boards were set up as a result of the Dock Workers (Labour and Employment) Acts concerning Madras, Calcutta and Bombay. On these Boards there are representatives of labour unions. The main function of the Board is this. Instead of the Labour union taking the issues before Government, the issues which are brought forward by the Labour Unions and the issues which are brought forward by the Chairmen are discussed and certain decisions are taken. In the actual implementation and enforcement of the decisions, it is the Chairman who is the supreme authority.

If you are going to disqualify a member of this Dock Labour Board who is really a representative of the employees, I consider the very purpose of this schedule will be defeated. So, what prompted the hon. Minister to withdraw or delete the ESIC will apply equally in the case of the Dock Labour Boards also.

I agree with the hon. Minister when he said that the attempt must be to reduce the various items in the schedule instead of seeking to enlarge it. From the amendments of Shri Morarka, I find that he wants to include the Central Provident Fund in Delhi, the Coalmines Provident Fund, Dhanbad, the Coalmine's Welfare Fund, Dhanbad, the Mica Mine's Welfare Fund, Dhanbad, the Mica Mines Labour Welfare Advisory Committee, Rajasthan, Jaipur, the Mica Mine's Welfare Fund Advisory Committee for Andhra, Nellore. He made it very clear that he got the list of these statutory corporations from the booklet which was circulated to us and he has chosen those bodies which are meant to give some benefits to labour. These bodies are also in the nature of tripartite organisations. The Central Provident Fund Board, New Delhi or the Coalmine's Welfare Fund or any of these welfare funds—if they are also sought to be taken away

—will explain difficult position that we will come across. They may be an All-India body; there are four central trade union organisations. Some representatives of the trade union organisations may find a place in one of these welfare organisations. As it happens, at least some of them who are elected or nominated in these various welfare fund organisations are also elected to Parliament because they are essentially set up with the help of the trade unions. If we are going to ban the representatives of labour because they happen to be in one of these bodies, in effect we are all shutting out good representatives of labour in this House. I can understand an argument like this that the Members of Parliament must be kept away from all these statutory bodies whether they are representatives of labour and whether they really stand for nationalisation, but leave them entirely in the hands of those who are interested in the private sector. I understand that argument. But having accepted a position that we are for developing the national sector—the public sector—if we are to exclude those persons who will be very helpful in developing this public sector, I am afraid the purpose of the Schedule is lost. This will apply to the various bodies which have been mentioned in amendment No. 79.

In conclusion, I want to say this. Those who want to include these labour welfare bodies in the list of disqualification are those persons who have been opposing any kind of welfare board for labour. I once again thank the hon. Law Minister for accepting a part of my amendment but I would request him to accept my amendment in full—No. 104—which would mean the Dock Labour Boards of Bombay, Calcutta and Madras will come under the exempted list.

Mr. Deputy-Speaker: Any hon. Member who has got some amendments?

श्री० र.बी० सिंह (रोहतक) : उपाध्यक्ष महोदय, मेरा एक संशोधन है।

Mr. Deputy-Speaker: Then, he may speak.

श्री० रत्नबीर सिंह : उपाध्यक्ष महोदय, मैं अपना संशोधन नम्बर ८० पेश करना चाहता हूँ, जो कि इस प्रकार है —

Page 8,—

omit lines 26 to 28

मेरे संशोधन का मकसद यह है कि शिड्यूल के पार्ट १ से पंजाब स्टेट नेशनल वरुंज (रिस्लीफ एंड रिहैबिलिटेशन) बोर्ड को हटा दिया जाय और उसकी वजह यह है कि इस बिल के पास करने में एक अजीब किस्म की डिस्कमिनेशन पैदा होगी, क्योंकि उस बोर्ड में स्टेट के दो किस्म के रिप्रेजेंटेटिव हैं—एक तो स्टेट असेम्बली के मेम्बर और दूसरे हम लोक सभा के मेम्बर। इस बिल के पाम होने का नतीजा यह होगा कि पंजाब के एम० एल० ए० तो इस बोर्ड में रह सकेंगे, लेकिन पार्लियामेंट के सदस्य नहीं रह सकेंगे। मेरी जाती राय इस सिलसिले में यह है कि यह कोई बहुत बड़ा बोर्ड नहीं है। इस बोर्ड का काम उन लोगों को सहायता देना और फिर में आश्रय करना है, जिन्होंने आजादी की लड़ाई में हिस्सा लिया था। इस काम के लिये हर साल एक धन राशि रखी जाती है और वह बोर्ड उसको उन लोगों में बांटता है, चाहें वे लोग किसी भी पार्टी के हों। बोर्ड के सदस्य भी तकरीबन सब पार्टियों के सदस्य होते हैं। उनमें कुछ तो एम० एल० ए० होते हैं और कुछ एम० पी०। माननीय सदस्य ज्ञानी गुरुमुख सिंह मुसाफिर लोक सभा में उस के सदस्य हैं। वह बहुत जरूरी है कि बोर्ड के सदस्यों को उन आश्रयियों के बारे में पूरी जानकारी हो, जिन्होंने कि आजादी की लड़ाई में हिस्सा लिया था, वरना कुछ ऐसे दास्त भी फायदा उठा जायेंगे, जिन्होंने आजादी की लड़ाई में बिल्कुल हिस्सा न लिया हो।

उपाध्यक्ष महोदय, आप जानते ही हैं कि पंजाब के इस वकत दो हिस्से हैं—एक पंजाबी रिजन और दूसरा हिन्दी रिजन। हमें पहले ही गिला था कि बोर्ड में कोई ऐसा सदस्य नहीं है, जिस में या तो खुद आजादी की लड़ाई में हिस्सा लिया हो, या उसको उन दोस्तों के बारे में जानकारी हो, जिन्होंने देश के लिये कुर्बानी दी। इस बिल के पास होने से तो उस मेम्बर को भी बहा में हट जाना पड़ेगा, जो कि पंजाबी रिजन से ताल्लुक रखता है और जिसने खुद भी आजादी की लड़ाई में हिस्सा लिया और जिस को ऐसे लोगों की भी जानकारी थी। जहाँ तक हम बोर्ड का ताल्लुक है, उस से हम बिल के मकसद को कोई खदशा नहीं है। पार्लियामेंट का मेम्बर आखिर उस में क्या फायदा उठा सकता है? उस में कोई एलाउम तो है नहीं। हो सकता है कि कुछ दायत चायद यह कहे कि इग बोर्ड में लोगों को जमीन एलाउ करनं या नकद सहायता देने का फर्मला करना होता है। लेकिन मवाल यह है कि जमीन एलाउ करने में उम् सदस्य को क्या फायदा हो सकता है मरों यह मसल में नहीं आया है। जमीन के एलाउमेंट और नकद सहायता के लिए भी उसूल बने हुए हैं कि जो गल्म एक या दो साल जेल में गया, उस को दो, चार या पांच एकड़ जमीन एलाउ कर दी जाय। या बीस, तीस, पचास रुपए की सहायता कर दी जायें। उपाध्यक्ष महोदय, आप यह भी जानते हैं कि हम वकत पंजाब में इस मिलमिले में कोई सरकारी रिक्वाइर नहीं है। पंजाब का एक बहुत बड़ा हिस्सा तो कट कर पीछे रह गया है। हिन्दी रिजन के दोस्तों पंजाबी रिजन में जा कर कैंद हुए लेकिन इन सब के लिए सरकारी तौर पर कोई रिक्वाइर नहीं है। इस लिए इस बारे में वे ही लोग मदद कर सकते हैं, जिन्होंने खुद आजादी की लड़ाई में हिस्सा लिया हो, या जिन को उन लोगों के बारे में जानकारी हो। इस बिल के रहन आप लोक सभा के सदस्यों को डिस्कवाइनफाई कर रहे हैं, जब कि पंजाब

असेम्बली के सदस्यों को वहाँ रहने की इजाजत होगी। यह उन के साथ डिफिनिशन होगा।

मैं समझता हूँ कि अगर मेनन साहब के संशोधन को मान लिया जाय, तो फिर मेरे संशोधन की कोई आवश्यकता नहीं रह जाती है। मैं उन से मालूम करने सहमत हूँ कि इस एक्ट को बनाते वक़्त हम उन लोगों के हाथों में लेल रहे हैं, जो कि प्राइवेट सेक्टर के भादमी हैं, जिन के बड़े बड़े कारखाने हैं, जिन के बैस्टेड इन्स्ट्रुमेंट हैं। मुझे ख़ुशी है कि एक कम्युनिस्ट साथी की तरफ से एक ऐसा संशोधन आया है, जो कि बिल्कुल सही है। वाकई यह कोई मनासिब बात नहीं है कि बड़े बड़े कारखाने वाले, बड़े बड़े बैस्टेड इन्स्ट्रुमेंट के लोग तो यहाँ आ सकते हैं और अपनी जगह पर कायम रहने हुए भी यहाँ अपने वर्ग को रिप्रेजेंट कर सकते हैं, लेकिन जो लोग पब्लिक सेक्टर में बिस्वास रखते हैं और जो उस को अच्छे ढंग से चलाना चाहते हैं, और जिन का उनके चलाने में हाथ है उन को यहाँ आने का अधिकार नहीं है।

उन्होंने लेबर का जिक्र किया। मैं समझता हूँ कि इस में नैटल बेयरहाउसिंग कार्पोरेशन का जिक्र आता है। उन के अलावा नैशनल को-ऑपरेटिव डेवलपमेंट एण्ड बेयर हाऊसिंग बोर्ड का भी जिक्र आता है, रीहैबिलिटेशन किनाम एडमिनिस्ट्रेशन का भी जिक्र है। इस तरह से कई और हैं। मैं समझता हूँ कि उन से कोई लाभ फायदा नहीं उठाया जा रहा है। जैसा कि सब जानते हैं, हम को-ऑपरेटिव समाजवाद बनाना चाहते हैं। यह जरूरी है कि एक मेम्बर उसके लिए महायत्ना कर सके और अपना पूरा सहयोग दे सके। अगर सदस्यों का पब्लिक सेक्टर में पोस्ट-मार्टम करने का हक है, तो उस से देश को कोई बहुत ज्यादा फायदा होगा, मैं यह नहीं मानता। जिस

वक़्त कोई ग़स्ती शुरू हुई, अगर हम उस को उसी वक़्त न पकड़ सकें, तो हम देश के हित को धाने नहीं बढ़ायेंगे।

इन शब्दों के साथ मैं यह कहना चाहता हूँ कि मेनन साहब के संशोधन को मान लिया जाय।

Mr. Deputy-Speaker: Amendment No. 80 is also before the House.

Shri D. C. Sharma: Mr. Deputy-Speaker, Sir, I am a very unhappy man on the floor of this House for the simple reason that I have lost the good fight that I fought all these days. I wanted that the membership of Parliament should be a whole-time business. But that has not been agreed to, and it has been said that the Members of Parliament should not only sit on these cushioned seats and talk but they should do other things also.

Sir, I accept the verdict of the Law Minister. Though I have lost the battle, yet I am a good loser. After having accepted his verdict, I would like to ask him one question. Is he consistent by giving us this Schedule—Part I and Part II? This Schedule repudiates the very fine sentiments which the hon. Law Minister expressed yesterday. After having expressed that, I feel that he should be the first person to withdraw this Schedule.

I have looked through all the different bodies which have been banned for Members of Parliament. Those bodies are constituted by the Central Government or the State Governments. They are for us excluded areas, places where we cannot have a look in. I only want to ask him, is he justified in doing so? On the one hand, he says to us that we should not be mere talkers but we should take some part in doing things; but, on the other hand, he denies us all those opportunities for doing any

[Shri D. C. Sharma]

good. He wants us to be confined to the four walls of this Parliament House, a very fine place. I think it is correct to say: "Inconsistency, thy name is law".

Shri A. K. Sen: That is the truth.

Shri D. C. Sharma: I hope that the hon. Law Minister will give up that truth.

Sir, I have looked through the lists of these committees and I find that there are four types of committees which have been brought on this list of banned bodies. There are some committees which I can describe as welfare committees. Their primary function is to work for the welfare of this class of society or that set of society. I ask you, Sir, being good partners in this welfare State, should we be denied the opportunity of serving on those bodies which give a complete shape to the ideal of the welfare State? Unless we put flesh and blood into the welfare State, the welfare State remains only a kind of skeleton. I feel that those welfare bodies like the Social Welfare Board and the Employees State Insurance Corporation should not be put on the banned list. Their function is primarily welfare and not distribution of patronage.

Then, I find that there are certain judicial bodies given in this list. For instance, I find that there are some boards constituted whose function is to see to it that people do not depart from the letter and spirit of the law which has been passed. I think these judicial functions which are entrusted to some of these boards are not such as should not be exercised by Members of Parliament. Judicial functions are not a form of patronage. If that were so, I think all our Judges, to whatever level they may belong, would have been the agents for distribution of patronage. Therefore, those bodies which have

some judicial functions to perform should not be put under this ban.

Again, there are some bodies which have a sort of regulatory function. They regulate the standards and other things. For instance, I find that the Text-book Committee of a State has been brought under this ban. What is the function of a Text-book Committee? It is only to see that the standards of education do not come down and that the standards of education are kept at the proper level. Even such bodies whose primary function it is to keep up standards of all kinds are going to be kept away from us.

Also, there are some bodies where the Members of Parliament act in the same way as the members of Watch & Ward act in the Parliament House. The members of Watch and Ward in the Parliament House see to it that nobody enters this Parliament without due regard to the sanctions which prevail here. They see to it that those persons do not come here who will try to flout the authority of Parliament or who will try to go against the regulations of Parliament. Sir, if they are members of the Watch & Ward Wing of Parliament, we Members of Parliament form the Watch & Ward Wing of this House outside this House. For instance, why do you send us to the Hindustan Steel Limited? Why do you send us to the Hindustan Insecticides Limited? Why do you send us to the Coir Board? You send us there so that the principles underlying the particular Act, so that the guiding policy underlying the particular Act is implemented.

Mr. Deputy-Speaker: The hon. Member should try to finish within the next two minutes.

Shri D. C. Sharma: No, Sir; I will continue tomorrow.

Mr. Deputy-Speaker: Why should he sit down? There are still two more minutes.

Shri D. C. Sharma: I am submitting Sir, very respectfully that there are

some functions which are inherent in the very membership of this Sabha. There are some functions which we cannot deny ourselves. Why? Because we are to see not only what policy has to be adopted, but we are also to see whether that policy is being implemented or not. That is the function of a welfare State. I believe that this function cannot be denied to any Member of Parliament in a welfare country.

Now, Sir, by taking away all these things from us, by asking us to keep our hands off these nationalised or State undertakings, and all these Boards which we have constituted, you are asking us not to be co-partners in giving reality to the welfare State that we are endeavouring to have in India. I would, therefore, say that the schedule, whether on page 4 or on page 9, was drafted in a hurry. It is said about a very, very good institution that if you do a thing in a hurry, you repent at leisure. I do not want to refer to that institution. I do not want to refer to that name here. I would only say about this schedule that....

Mr. Deputy-Speaker: If he still wants to say more, he might continue the next day.

Shri D. C. Sharma: Yes, Sir.

14.31 hrs.

DISCUSSION RE: LATE RUNNING OF TRAINS

पंडित डा० ना० सिबारी (केनरिया) :
उपाध्यक्ष महोदय, हम बाल पर जोर देने की आवश्यकता नहीं है कि अनियमित, अनिश्चित और अमान्यिक गाड़ियों के चलने से देश को कितना नुकसान पहुंचता है। जब एक मिनट में हड़ताल हो जाती है तो चन्द हजार घंटे मैनपावर के बर्बाद होते हैं लेकिन गाड़ियों के अनिश्चित समय पर तथा अनियमित समय पर चलने से लाखों घंटे मैनपावर के बर्बाद होते हैं, बर्बाद होते हैं। इसकी

तरफ हमारा ध्यान जाना चाहिये और इसका उपाय करना चाहिये कि कैसे इसमें सुधार किया जा सकता है।

यह पहला समय नहीं है कि इन प्रश्न पर इस सदन में विचार हो रहा है या यह टायिक पहली बार इस सदन के सम्मुख उपस्थित हुआ है। आजादी के बाद से बराबर मॅम्बर सत्रिबान लेट रनिंग ग्राफ ट्रेम के सम्बन्ध में प्रश्न पूछते रहे हैं और उन के उत्तर भी दिये जाते हैं। लेकिन इन प्रश्नों को पूछने का या उनका जबाब देने का क्या फल होता है, यह समझ नहीं आता है। हम लोग प्रश्न इसलिए लाते हैं कि कुछ उसमें तरकीब हो, जो मौजूदा स्थिति है, उसमें कुछ सुधार हो लेकिन जो धाकड़े हम लोग के पास हैं, या जो धाकड़े रेलवे मंत्रालय द्वारा हमको उपलब्ध किये गये हैं उनको देखने में यह मानना होता है कि सुधार की तरफ हम लोग नहीं जा रहे हैं, हम लोग कुछ नीचे की ओर गये हैं, कुछ प्रागे नहीं बढ़े हैं। मसलन एक प्रश्न के उत्तर में १९५७ में जो उत्तर दिया गया था वह यह था कि ७८ प्रतिशत या ७६ प्रतिशत पक्वुएलिटी गाड़ियों में है। अब देखना यह है कि उस समय में आज कोई फर्क हुआ है। कुछ सुधार हुआ है अथवा नहीं हुआ है।

गत सेशन में एक स्टेटमेंट जो हम लोगों को दिया गया था उसमें कहा गया था कि अप्रैल मई, जून, जुलाई में ८० प्रतिशत इंस्टर्न रेलवे में, ८७ प्रतिशत नार्थन रेलवे में, तथा ७७ प्रतिशत नार्थ इंस्टर्न रेलवे में पक्वुएलिटी है। कारण भी बताया गया था कि क्यों गाड़ियां लेट चलती हैं:—

"The main causes for the deterioration in the punctuality performance during May to July, 1958, are:—

- (i) Summer time conditions, which were severer this year,