

**Shrimati Renu Chakravarty (Basirhat):** I want to know whether if we pass it by the vote of the House it will automatically remove the disqualification. If we have once passed the Bill, I think it will be the interpretation of the Bill that will come in.

**Mr. Speaker:** No. A law is necessary. By mere Resolution we cannot remove the disqualification.

It is only for the purpose of knowing that I said that. If hon. Members have an idea as to what exactly is the position then they will look into it and raise an objection whether the motion ought to be allowed or ought not to be allowed.

**Shri Naushir Bharucha (East Khan-desh):** May I point out that already hon. Members have accepted officers of certain bodies at the behest of Parliament. Now they are rendering themselves liable to the penalty because it is not yet certain, even after passing the present Bill, whether they will be disqualified or not. Therefore I submit that something should be done on that score.

**Mr. Speaker:** Not on this motion I have merely referred to it to bring it to the notice of the House the disqualification or otherwise because they have no opportunity to look into the details of the proceedings and what they have to do in relation to any particular committee. That is the object of my statement and nothing more. The other matters will be considered at the proper time.

The question is:

"That in pursuance of clause (d) of sub-section (1) of Section 4 of the Rajghat Samadhi Act, 1951, as amended by the Rajghat Samadhi (Amendment) Act, 1958, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, two members from amongst themselves to serve as members of the Rajghat Samadhi Committee subject to the other provisions of the said Act."

*The motion was adopted.*

12.06 hrs.

#### PARLIAMENT (PREVENTION OF DISQUALIFICATION) BILL—*contd*

**Mr. Speaker:** The House will now take up further consideration of the Parliament Prevention of Disqualification Bill, 1957, as reported by the Joint Committee and the amendments moved thereto.

**Shri D. C. Sharma** may continue his speech. We have already exceeded the time allotted. The total time taken is 17 hours whereas time allotted was 15 hours. I will apply the guillotine in half an hour.

**Shri D. C. Sharma (Gurdaspur):** Sir, I was submitting yesterday that the principle enunciated in clause 3 is at variance with the principle that we are going to follow in the Schedule Part I and Part II. The principle in clause 3 is the principle of inclusion. We are throwing open the gates of the Lok Sabha to several categories of persons. But the principle enunciated in the Schedule, Part I and Part II is contrary to that. There we follow the principle of exclusion and, I should be permitted to say, with a vengeance. Now, as if this was not enough an hon. Member of this House has moved amendments in which he has listed a large number of companies whose membership will incur disqualification for being a Member of Parliament. I think this is contrary of practice, contrary to usage and also contrary to the new principles that are being enunciated in this Bill.

There are certain bodies to which we are entitled for representation under certain Acts passed by this House. We have got so many bodies. So many statutory bodies are there. At the same time there are certain bodies to which persons are entitled for representation by the Acts passed by State Governments. I ask the question of the hon. Minister. Do we mean to say that we passed that in a fit of absent mindedness? Do we

[Shri D. C. Sharma]

mean to say that we passed, these Acts without knowing their implications and their repercussions? Do we mean to say that the State Governments passed those Acts without having the objectives of the Welfare State in view?

12.09 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

I think the answer to all these questions will be found to be in the negative. These Acts were passed with full knowledge of the duties of the Lok Sabha, the duties of the Members of Parliament and the duties of the Members of the State Legislatures. I do not think that any purpose will be served by taking away from them those duties which they have been normally discharging all these days.

Again take the distinction which has been made between Chairman, Secretary and Members. There are some bodies where the chairmen are disqualified, secretaries are disqualified and the members are also disqualified. There are other bodies where the chairmen and secretaries are disqualified but the members are not disqualified. I do not see any principle involved in this. What is the function of the Chairman of a statutory body or a non-statutory body? What are the functions of a director or a member? I think they are there primarily in an advisory capacity. They are the sentinels of this House kept on those bodies to see that the policies of the Parliament are implemented as fully and as judiciously as possible. Therefore it is a very invidious kind of distinction to say that the Chairman is going to be a person who comes under the mischief of the office of profit and the members do not. I think neither the chairman nor the member nor the secretary should come within the mischief of the provisions of this Act.

After all, I am taking my cue from the speech of the hon. Law Minister

He said that we should widen the scope of our activities, that Members ... Parliament and State Legislatures should try to touch life at as many points as possible. It is a very welcome thing that he said it, but he takes away with one hand what he gives with the other. For instance, he tries to pass an Act while at the same time he wants us not to go in for those things which are our legitimate right.

Just now there was a motion to elect two Members to the Rajghat Samadhi Committee. If a thing like that also comes under the provision of this Act, I will be very unhappy, but it will come because I know that any kind of thing which we do outside this House mostly and mainly, by far and large, will be affected by the provisions of this Bill.

Therefore, I say he should not proceed with the schedule, either Part I or Part II. It is because the schedule will lessen the usefulness of the Members of the legislature. It is because the schedule will not enable us to discharge our functions either by our people or by our country. We are here as the trusted of the nation, we are here as the sentinels of the people, and I think if we do not know anything about the bodies which the Government brought into being in order to implement their policies, we will be doing less than justice to our work.

Mr Deputy-Speaker: The hon. Member should be brief now.

Shri D. C. Sharma: So, I would say that this kind of disqualification should not be done away with.

If the hon. Minister is very keen on ruling out the chairman and directors, if he thinks that they exercise much more power than perhaps can be given to Members of Parliament, I think at least membership should not incur any disqualification. At the same time, I say that the privileges which are given to the Ministers should be

shared if not equally with the Members, at least in some proportion. If the Ministers cannot incur disqualification on account of doing all these things, I do not see any reason why the Members should be called upon to incur disqualification because they deal with some outside bodies.

**Shri Narayanankutty Menon:** (Mukandapuram): Have you changed your view now?

**Shri D. C. Sharma:** I do not think there should be this kind of discrimination against Members *vis-a-vis* the Ministers. So, I would say to the hon. Minister that he should scrap the schedule.

**Shri Mohammed Imam rose—**

**Mr. Deputy-Speaker:** Does he want to speak? Only five minutes.

**Shri Mohammed Imam (Chitaldrug):** I have got an amendment to move.

**Mr. Deputy-Speaker:** Yesterday we exhausted all those who had intended to move amendments

**Shri Mohammed Imam:** It is to the schedule.

**Mr. Deputy-Speaker:** Yes, he might move. But did he indicate previously?

**Shri Mohammed Imam:** Yes, Sir

I beg to move:

Page 8, after line 18, add

"Housing Board constituted under  
Mysore Housing Board Act

Khadi and Village Industries Board

City Improvement Trust Board of  
Bangalore and Mysore"

This is quite simple and I do not expect the hon. Minister will have any difficulty in accepting this amendment. This concerns the schedule relating to the States. I find the list is not uniform, that the disqualification to be incurred by being members of committees is not uniform to all the States.

For example, here I have indicated that the Housing Board constituted under the Mysore Housing Board Act should be included in the schedule. Membership of such a Board acts as a disqualification in other States—in the case of the Bombay, Saurashtra and Vidarbha Housing Boards. In other States like Mysore, if a Member is a member or a chairman of the housing board, he does not incur disqualification, and he can still contest the elections. I am anxious that at least in these matters there should be uniformity and that is why I have suggested that the Mysore Housing Board should be included.

If I remember correctly, the committee recommended that the chairman and members of the Khadi Board should be disqualified and that they should not contest, but somehow that board has been excluded. Similarly, there are City Improvement Trust Boards constituted in cities like Bangalore and Mysore. A person who is the chairman or a member of such a Board can still aspire to become a Member. They hold not only offices of profit, but as members of these boards, they can exercise considerable influence. So, it is but reasonable that this amendment be accepted and these bodies included in the schedule. I am only anxious that the exemptions must be uniform to all the States, and I appeal to the hon. Minister to accept the amendment.

12.18 hrs

**Pandit Thakur Das Bhargava rose—**

**Mr. Deputy-Speaker:** He has spoken.

**Pandit Thakur Das Bhargava (Hisar):** Yesterday you were pleased to tell me that I should speak after all the persons who have moved amendments are allowed to speak.

**Mr. Deputy-Speaker:** Yes, he might speak now, but perhaps he was here

[Mr. Deputy-Speaker]

when the hon. Speaker announced that this should be concluded within half an hour.

**Shri Naryanankutty Menon:** The whole Bill? Only the second reading.

**Pandit Thakur Das Bhargava:** I will be very brief.

I oppose the amendment moved by Shri Narayanankutty Menon by which he practically asks us to reconsider what we have already passed. We have already passed sub-clause (i) of clause 3 which says that certain offices given in the schedule are to disqualify members. Similarly, the chairman, secretary and members of certain bodies are now disqualified because the hon. Minister has been pleased to accept an amendment of my hon. friend.

**Shri Narayanankutty Menon:** That is Part II of the schedule.

**Pandit Thakur Das Bhargava:** The subject matter of the schedule is under consideration, as to which committee should come in and which should not. So far as the question of having a schedule is concerned, we have already taken a decision under clause 3 (i). That is my submission. So, we should not reopen that. Therefore, that part of the amendment is out of order.

Secondly, Shri Morarka pleaded for the inclusion of several bodies. In this connection I am very sorry to say that I have to take exception to the view taken by the hon. Law Minister. He was pleased to say that the question is not of addition to the schedule but of subtraction. In regard to those committees which we have not examined, my humble submission is that he should keep an open mind, because after scrutinising them, he may come to the view that certain committees should not come within

the schedule. They may be allowed. In regard to the committees which have not been examined at all, they must be allowed to come in if the House is of the opinion that they should disqualify their holders.

For instance, there is the Hindustan Steel Limited, Oil (India) Limited, and there are several other bodies which are exactly of the same nature as the bodies included in the schedule. There is no reason why they should not be added to the schedule. I do not think the hon. Law Minister meant that in no case he would allow an addition to the schedule by this House. I do not interpret it that way. I only interpret it this way, namely that the hon. Minister is of the view that the committee has already undertaken a strict view, and therefore, he is not inclined to accept any additions. I can understand that. But I would rather request him and the House to consider it from a different standpoint. 30 Members of the Joint Committee and the Sub-committee of the Joint Committee have given their opinion already. They have considered the pros and cons about every committee, and in their wisdom, they only selected 137 committees out of about 1300 committees, and all the others were excepted, because we took the same view as the hon. Law Minister. His view is perhaps wider than that of ours, but we also thought that Members of Parliament ought to be allowed to go on those committees, for, otherwise, the work of the country might suffer, so far as the developmental activities are concerned. It was from that point of view that we exempted the other committees.

So, this has already passed through one cauldron, and, therefore, we have to consider seriously whether we ought to allow this schedule to be amended. Unless there are good reasons for it, we should not amend it.

It will not be the right way of looking at it, and it will be dealing with it in a cavalier fashion, if whenever anybody says, 'All right, exclude it', we exclude it; for, day after day, for several days, the Joint Committee went into the question, and many Members of the committee took very great pains to find out if certain committees should be included or not. After this, the entire committee gave its approval to it. Thereafter, the hon. Law Minister gave his approval to it, and other committees were excluded at his instance which he thought should not have been brought within the schedule. Therefore, my humble submission is that only on merits certain committees can be included or excluded, and this general principle of adding or not adding or subtracting is not correct.

In regard to two other committees referred to by my hon. friend Shri Morarka, namely the Central Council of Gosamvardhana and the Indian Council of Agricultural Research, I have to submit to the House that these two were considered by the Joint Committee in detail and at page 29-32 of the Report of the Sub Committee, these two have been included in the category of committees which are not objectionable. This is a schedule which is not part of the schedule given by the Joint Committee, and this schedule gives the list of committees membership of which is non-objectionable, and at page 29 in this list, item 88 is 'Central Council of Gosamvardhana', and similarly at page 32, item 186 is 'Indian Council of Agricultural Research'; that is, both these committees have been regarded as committees membership of which is unobjectionable.

Now, an attempt is being made to add these two in the schedule. My humble submission is that unless this House is of opinion that these two committees are of such a nature that they should be included, we should not lightly include them, simply be-

cause some hon. Member objects and says that they should be included. For, the position was looked into, and then it was held that membership of these committees was not objectionable.

Similarly, in regard to the other committees, I would submit that in a book published by the Lok Sabha Secretariat, called "The Report of the Committee on Office of Profit. Part II (b)", the composition and constitution of the various committees have been given, and a perusal of that will show that only such committees were accepted by this committee which in their opinion were such as whose membership should disqualify. If you will kindly go through this book, it will appear that in regard to two or three other committees of which notice has been given, they are really of such a nature that we would not be well advised in exempting them. For instance, there are the committees relating to the religious trusts, and the Gaya Temple. If you will kindly look at their composition, you will find that they actually do such things as do partake of executive and judicial functions as well as functions which give patronage, etc. Very large properties come within the purview of these religious trusts, and those properties are also managed by these committees. Similarly, in regard to other trusts also, it so happens that their functions are of a different nature. Now, our difficulty is this. The sub-committee of the Joint Committee and the Joint Committee have gone deeply into this question after devoting their full time after having gone through the constitution, etc. and then arrived at this schedule. Here, every hon. Member gets up and says, such and such a committee should not be included in the schedule, because the members of the local legislatures can become members of these committees, and if that be the case, why Members of Parliament should not be allowed to become members of those committees. They do not realise that this Bill only

[Pandit Thakur Das Bhargava]

relates to disqualification of Members of Parliament. If a Member of the local legislature goes on these committees, that is no ground for Members of Parliament also going on these committees. I do not think that is a good argument or that is justifiable.

I would rather like that if any subtractions or additions are to take place, then the composition of the committees in question should be gone into, and after going into the composition, if we find that the sub-committee or the Joint Committee made a mistake, then there will be a good case for a revision. But merely because it is said that Members of the Assemblies can serve on these committees and, therefore, Members of Parliament should also be allowed to go on these committees, if we make any changes, that is not proper.

If you look into the composition of certain committees, in regard to which notice has been given of amendments, you will find that nothing but patronage is being exercised in these committees. For instance, there are the committees which deal with allotment of land, grant of scholarship, allotment of officers, etc. If Members are allowed to serve on these committees, then they will exercise patronage, which we do not want.

After all, whatever may be said about this Bill, one point is absolutely certain, and that is, that there is one uniform principle followed, namely that the independence of the Members should not be weakened, and they should not be put in such a position where they themselves begin to distribute patronage. I understand the point of view of the hon Law Minister. He is anxious and constantly goes on harping on the point that Members should be allowed to go on these committees because otherwise the work of the country might suffer. I appreciate this viewpoint, and I submit that that was exactly the point of view which we had borne in mind. So, there is no difference of opinion

between us. The only difference of opinion is in regard to the emphasis. He lays too much emphasis, while we lay only a balanced emphasis. Apart from this, he also subscribes to the principle that the independence of the Members of the House should be kept intact, and the question of purity etc should remain as it is

There is just one other thing that I must bring to the hon. Minister's notice and the notice of the House also. Previously also, we had come to this conclusion. In fact, our Election Commissioner, the elder brother, perhaps, of our Law Minister, was of the same view. His judgment has been published. Then, Dr. Ambedkar and Shri C C Biswas were also of the same view. If you consider the laws of other countries, not only of Great Britain but of other countries also, you will find that this is the very basis on which they have all proceeded. So, we should not get away from this principle, and try to harp on the principle that the country would go to pieces if the Members of Parliament are not allowed to go on these committees, and that this House would become only a talking House. That sort of argument is not right. We have to see where there should be a greater emphasis.

Therefore, I would beg of the hon. Law Minister to kindly consider this question from this point of view from this one principle which has been accepted, before he accepts any of these committees; and then, if he likes, he can make or mar the schedule; if he stands up and says, I accept it, then nobody is going to oppose him, and his statement will be enough. I would, therefore, beg of him to kindly consider this question from this point of view which has been accepted by all these committees, by the previous Law Ministers and also by all the legislators in other countries. This is the only criterion, and this yard-stick must be observed. Otherwise, it is no use merely saying in a cavalier

fashion, I drop this, I drop this. That will not be fair either to the Joint Committee or to the House.

**Shri Radha Raman** (Chandni Chowk): I just want to ask one thing. I have given notice of several amendments in respect of certain committees in which we are serving.

**Mr. Deputy-Speaker:** Did the hon. Member indicate the numbers and move them in the beginning, when the schedule was taken up?

**Shri Radha Raman:** Yes, I have moved them.

**Shri Narayanankutty Menon:** They were moved yesterday.

**Shri Radha Raman:** The numbers of the amendments are 99, 98 and 100. In spite of the fact that there is a schedule in which a list is given, I am not very clear whether those committees which are referred to in my amendment will be exempted or not.

**The Minister of Law (Shri A. K. Sen):** They are not in the disqualifying list at all.

**Shri Radha Raman:** That is what we want to know.

**Shri A. K. Sen:** The schedule speaks for itself. If those committees are not mentioned, then they are not disqualifying.

As I said before, we are prepared to accept amendment No. 91 moved by Shri Dasappa regarding the advisory committees of the Air Corporations, so that they may be put in Part II of the schedule. We are also prepared to accept amendments Nos. 107 and 108 moved by Shri K. N. Pandey, regarding the Employees' State Insurance Corporation.

**Shri Tangamani (Madurai):** If amendments Nos. 107 and 108 are accepted, my amendment No. 105 should also be accepted because it deals with the same corporation.

**Shri Narayanankutty Menon:** Shri Pandey happens to be a member of only the Central Board. So he moved his amendment.

**Shri Tangamani:** Amendment No. 107 deals with the ESIC proper; 108 deals with the Standing Committee of the ESIC; whereas amendment No. 105 deals with Regional Boards appointed by the ESIC.

**Shri A. K. Sen:** We shall accept that. On a parity of reason, amendment No. 105 should also be accepted.

As regards the rest of the amendments, including Shri Morarka's amendments, I am afraid it will not be possible for us to accept them. I would beg of hon. Members not to make any additions now, specially in view of the fact that a Standing Committee is going to be set up which will review the entire position from time to time and report to Parliament. Frankly, I do not think we have had more time to examine the constitution of these several committees than what the Joint Committee or the Sub-Committee had. And if those two Committees, after considering it for such a long time, thought it fit not to include them in the disqualifying list, we should not hurry in including more committees without really examining the implications of their being included in the Schedule.

I am sorry Pandit Thakur Das Bhargava did not really follow me properly. It was due to my own defect in not expressing myself properly.

**Shri Radha Raman:** What is the position of the Members who hold any office in those committees which are not in the excluded list?

**Shri A. K. Sen:** They are exempt. The Schedule is a Schedule containing specifically the names of those committees or boards which are disqualified. Those which are not disqualified naturally are not disqualified.

[Shri A. K. Sen]

What I meant to say was that we should not be in a hurry to include more committees in the Schedule simply because they might strike us for the moment as similar to those which have been put in the disqualifying list, without really examining the constitution of these committees more elaborately. And since this is not the final thing, since we are going to have a Standing Committee of this House and also of the Upper House to examine this matter, I request hon. Members not to include more committees without the matter being absolutely obvious to all of us. That was what I intended to say, not that we are not going to consider any inclusion whatsoever.

Therefore, I request hon. Members who have moved other amendments for including various other bodies not to press those amendments to vote, specially because we are going to have, as I have already said, a Standing Committee, to whom these references may be made by hon. Members for examining the constitution of these committees for the purpose of seeing whether they should be included or not. That would really give more time to the Standing Committee to devote to this very important aspect; because once we put in a disqualification, we may be disqualifying many Members of Parliament from taking part in the activities of these bodies.

Therefore, I accept amendments Nos. 91, 105, 107 and 108 and oppose all the other amendments, and I would commend to the House that the Schedule, as amended, be accepted.

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

(i) Page 4,—omit lines 5 to 10; and

(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)”.  
*The motion was adopted.*

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

Page 6,—omit lines 9 to 11.

*The motion was adopted.*

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

Page 5,—omit lines 29 and 30.

*The motion was adopted.*

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

Page 6,—omit lines 12 to 14.

*The motion was adopted.*

**Shri Narayanankutty Menon:** Amendment No. 104 may be put to vote separately.

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

Page 5,—omit lines 19 to 30.

*The motion was negatived.*

**Mr. Deputy-Speaker:** I shall now put all the other amendments to the vote of the House.

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

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., Roopnarayanpur.

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

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



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., Bhuwaneshwar.

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."

*The motion was negatived.*

Mr. Deputy-Speaker: The question is:

Page 9,—  
after line 28, add—

"All India Cattle Show Committee, New Delhi."

*The motion was negatived.*

Mr. Deputy-Speaker: The question is:

Page 9,—  
after line 28, add—

"Central Council of Gosamvadhana, New Delhi.

The Central Provident Fund, New Delhi.

The Coal Mines Provident Fund, Dhanbad.

Coal Mines Welfare Fund, Dhanbad."

*The motion was negatived.*

Mr. Deputy-Speaker: The question is:

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."

*The motion was negatived.*

Mr. Deputy-Speaker: The question is:

Page 4, line 3,—  
omit "PART I".

*The motion was negatived.*

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

Page 9, line 27,—  
omit "PART II".

*The motion was negatived.*

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

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."

*The motion was negatived.*

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

Page 12,—  
after line 14, add—

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

*The motion was negatived.*

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

Page 11,—  
after line 6, insert—

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

*The motion was negatived.*

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

Page 5,—  
after line 4, add—

"Board of Film Censors and its panels."

*The motion was negatived.*

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

Page 6,—  
after line 5, add—

"Programme Advisory Committee of All India Radio."

*The motion was negatived.*

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

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."

*The motion was negatived.*

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

Page 4,—  
omit lines 5 to 10.

*The motion was negatived.*

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

Page 5,—  
omit lines 15 and 16.

*The motion was negatived.*

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

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".

*The motion was negatived.*

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

Page 8,—  
omit lines 26 to 28

*The motion was negatived.*

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

Page 8,—

after line 18, add—

“Housing Board constituted under Mysore Housing Board Act.

Khadi and Village Industries Board. City Improvement Trust Board of Bangalore and Mysore”.

*The motion was negatived.*

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

“That the Schedule, as amended, stand part of the Bill”.

*The motion was adopted.*

*The Schedule as amended, was added to the Bill.*

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

“That Clause 1, the Enacting Formula and the Title stand part of the Bill”

*The motion was adopted.*

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

**Shri Hajarnavis:** There is a small verbal amendment. It is of a consequential character.

I beg to move:

- (i) That the re-numbering of clauses consequential on the amendments made by the House be carried out.
- (ii) That the word “or” be inserted after the word “Chairman” in clause 3, sub-clause (i) on page 3, line 4.

The first part of the amendment relates to re-numbering of clauses. It is consequential.

As regards the second part of the amendment, the House will recall that the Bill, as proposed by the Joint

Committee, stated that the office of chairman, secretary or member of the standing or executive committee shall not be exempt. Government accepted an amendment for deleting the words ‘member of the standing or executive committee’. That being so, the word ‘or’ should come in between ‘chairman’ and ‘secretary’. It is also consequential.

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

- (i) That the re-numbering of clauses consequential on the amendments made by the House be carried out.
- (ii) That the word “or” be inserted after the word “Chairman” in clause 3, sub-clause (i) on page 3, line 4.

*The motion was adopted.*

12.38 hrs.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

**Shri A. K. Sen:** I beg to move:

“That the Bill, as amended, be passed”.

**Shri Narayanankutty Menon:** First of all, I congratulate the hon. Law Minister on doing a very inconvenient task of salvaging whatever that was possible dictated by his conscience both when he introduced the Bill and also when he piloted it in this House.

At this last stage of the Bill, I only want to submit to the House that the House has undertaken a very serious and dangerous measure by passing this Bill in a very haphazard way, because not only the implications of the provisions of this Bill in relation to the Members of this House, and the consequent uncertainty which prevails as far as qualification and disqualification in terms of article 102 of the Constitution, is concerned, remain without being clarified, but a more dangerous step has been taken as to how far, as a matter of policy, members of

[Shri Narayanankutty Menon]

Parliament, legislators in this country, should be associated with the implementation of the plan of national development. Today by accepting the principle we have accepted, the House has almost negated the basic policy underlying the Second Five Year Plan and also the basic policy underlying the Government's own developmental plans. I make an appeal both to the hon. Law Minister and to the Members of this House that having passed this Bill, having laid down that the Bill will come into force only after some time, some more consideration should be given to the provisions of the Bill *and also the principles underlying it*, and not to stand on prestige hereafter. If after future deliberation, before the Bill comes actually into force, the Law Minister and the Government are convinced that we have today taken a very dangerous step, a step, which is derogatory to the basic policies and also to the implementation of the policies, the Law Minister himself should come before this House for a repeal of the whole measure—after a consideration of the facts that have been placed before the House during the debate and also which were placed before the Joint Committee.

I should, at this stage, like to give a warning to those who have been very vehement in this House that hon Members of this House should be excluded from all those activities of national development that they are completely unconcerned about the way in which public corporations which are the keystones of our industrial and economic development are run. Many of the speeches in this House have made it clear as to how these corporations or public undertakings are being run by persons who are not at all directly responsible to the House. If this is the state of affairs that is to come in future, and if this is the indication that the hon. Law Minister on behalf of Government is going to give to this House, I should like to say that it is one of the most sorrowful moments so far as the

future nationalisation of the industries of the country is concerned.

I wish to emphasise only one main point at this stage that the whole basic policy, the industrial policy and the economic policy of the nation so far as the Second Five Year Plan is concerned is that we make a solid departure from encouraging the private sector. It is a policy of containing the private sector to its proper position in the economy of the country, a policy of getting the co-operation of every available talent in the country. If by passing this Bill it is an indication that the talent of the country, the representatives of the people, in whatever manner or principle, are to be excluded from these, the only logical conclusion arising out of it is that we will be making these national undertakings full of Trojan horses and these undertakings, from the very nature, will be sabotaged from within. These undertakings and policies that have been formulated are not to the liking of that particular sector which you have decided to contain in a particular place in our national economy. But we are inviting today these very sectors whose antagonism we have achieved by formulating the basic principles.

Therefore, this Bill, even though it is called the Prevention of Disqualification of Members of Parliament Bill, is definitely the prevention of qualification of the talents of the country from being associated with these public undertakings, the prevention of the most active and conscious element of our country who subscribed their views to the Plan, who are the most capable persons who are responsible to the House for the implementation of the Plan. They are being kept out and instead of them, the very antagonists, the very enemies and the very persons whom we have deprived of these properties are being brought in. That will be the most sorrowful day.

Therefore, in the name of the development of the national economy in

the implementation of the Plan to which the House stands committed, in the name of the implementation of the socialist pattern of society to which the hon. Members of this House stand committed, I make an appeal to the hon. Members of this House to reconsider the most dangerous measure that they have passed today before it comes into operation in September 1959—before the whole dangerous structure comes into force in this country—in the light of subsequent deliberations and follow the real policy that has been laid down by this House

In concluding I wish once again to congratulate the Law Minister in adopting a stand, in whatever name it may be, against the amendment sought to be introduced by my hon friend, Shri Morarka to include whatever salvaged material was there. That gives us an indication that so far as the mind of Government is concerned it is left open in this matter.

With this expression of hope that the Government itself will come forward before September 1959 with the repeal or amendment of this Bill suitably, I thank you for giving me this opportunity

Shri Naushir Bharucha (East Khandesh): The object of the third reading is to assess the net effect of legislation as amended by the House during the second reading. Some beneficial changes have been made in this Bill and for that we are thankful to Government. But there lingers the uncertainty which was sought to be removed, namely, whether a particular Member of a Legislature or Parliament will be disqualified or not. We thought that we are making something more definite. A little more precision has been brought into this Bill; but what is happening?

Today there are many Members of this hon. House who are on various committees. Their position is not clear yet in spite of this measure. In the morning the Hon. Speaker was

pleased to observe while dealing with the question of elections to the Rajghat Samadhi Committee that in future, whenever Parliament asks any Member to be on a committee, there should be a note attached to it stating whether that office incurs a disqualification or not. Then I pointed out, what about those committees on which hon. Members still happen to serve and which have not been included in the list and which were not even considered by the Joint Committee whereby they may have already incurred disqualification.

Supposing, as the Hon. Speaker directed today, a note is put down that a particular committee does not entail disqualification. Is a Court bound by that note? Not at all. Notwithstanding the fact that the officer might *bona fide* believe that it does not incur a disqualification the court may come to the conclusion that it does incur disqualification. The result would be that the Parliament asks an hon. Member to serve; the hon. Member obeys the Parliament and incurs a disqualification. That fact, that danger continues to remain—even now.

Therefore, I am asking whether the hon. Minister while taking this Bill to the other House will not consider certain amendments. There may be cases where one can straightaway say that this is an office of profit or not. But, there are numerous marginal cases where it becomes extremely difficult to decide. An office may be declared to be an office of profit not because it carries any monetary emoluments but because some sort of trifling patronage might be attached to it to which we may not pay much attention.

As I said the other day, I am not sure, for instance if an hon. Member of this House, a medical practitioner, is asked to hold a sort of honorary position in a government hospital, very probably that might be an office of profit though it may be absolutely honorary. Having accepted to render

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some service to the hospital, the person incurs a disqualification. Then, what happens? Because we have decided, because a Committee appointed by us has decided or because a Standing Committee which is going to scrutinise in future these offices decides, we are not safe. That is the point I am trying to drive home. If the court thinks that a particular office incurs a disqualification what happens? Then, the Standing Committee, instead of being a helpful body becomes a misleading body. Unfortunately, that is not the fault of the Government. In this particular case, the difficulty arises from the wording of article 102. But, then, it should be our duty to take care of all these aspects by incorporating certain amendments within the scope of article 102.

Unfortunately, I was called away to Bombay for urgent work. But, one of the amendments which I had suggested was that even where the court is of opinion that an office held by a Member is an office of profit by virtue of any honour or patronage attaching to it, if the court is of opinion that an ordinary prudent man would not be influenced in his judgement as a Member of the Legislature or of Parliament in the discharge of his duties, then, notwithstanding the fact of such an office being an office of profit the Member shall not incur disqualification. And that would have covered a very vast number of marginal cases which it is impossible for a layman to decide. I, therefore, appeal to the hon. Law Minister to bear these facts in mind, and try to remove uncertainty and suspense which may prove to be very real and substantial in the case of several of the hon. Members. I, therefore, hope that when the Bill goes to the other House, the hon. Member might consider the suggestions along the lines indicated.

**Dr. Krishnaswami** (Chingleput): Mr. Chairman, I have only a few observations to make and I shall be brief. My hon. friends of the Communist Party are justified from their

point of view when they suggest that corporations should be manned by legislators. According to their theory, there is no distinction between the civil servant and the legislator. They suggest that partymen are as good as civil servants. But I affirm—and that we have taken a dangerous step by including this principle somewhat unobtrusively into this Bill.

For the proper functioning of a democracy, unless there is a clear distinction between the political and the executive offices, it would be disastrous for the growth of democracy in our country. I also wish to point out that if we wish to adopt that principle which has been adopted by the United Kingdom, namely, that Members of Parliament should have nothing to do with the working of corporations, we would be taking a proper and desirable step, the corporations would be more effectively controlled, and there would be no whisper or scandal attached to Members of Parliament when they make suggestions for the better working of these bodies. But if they are associated with these undertakings then, apart from their being involved in matters of day to day administration, they will incur a great deal of unpopularity and loss of prestige. For, let us realise that patronage is a dangerous thing which ought not to be exercised by us, Members of Parliament. Indeed on a famous occasion, a former Prime Minister of the United Kingdom, Mr. Gladstone, observed that for every appointment he made, he created twenty enemies. I suggest that if Members of Parliament are kept free from patronage and are not associated with these corporations, they would be able to discharge their duties more effectively. Above all, discussions in Parliament would be conducted in a more detached and impartial atmosphere. Whatever may be said of corporations, however highly placed the chairmen, directors or members of such bodies might be, let us realise that they are executives and that they have to carry out the policies laid down by Parliament or

the directives issued by the Minister. This is precisely the reason why I would not wish legislators to be associated with these bodies. Today it might be expedient to have some members of Parliament on those bodies. But from the point of view of proper functioning of our democracy, which should be our paramount consideration it is necessary that members should be kept away as far as possible from such bodies. I do hope that the Standing Committee which is to be constituted will go into these matters thoroughly and adopt this principle so that democracy may function properly in our country.

Shri Ranga (Tenali): Mr. Chairman, I am generally in agreement with the Bill that has come before this House. I congratulate you, Sir, upon the success you have been able to achieve in persuading the Joint Committee and the Law Minister and all of us agree to so many of the essential principles that have come to be incorporated in this Bill. I had the honour of working under your chairmanship when the first Committee was functioning. I could see how much trouble and time you had to devote to this work. Even though you have not been called upon to become a Minister, you have been able to discharge very much more, I think, than a Minister could be expected to do in connection with the formulation of this Bill and its piloting also in this House. At the same time, I wish to congratulate the House for having given you this opportunity of making this contribution. I am all in favour of what my hon. friend Dr. Krishnaswami has said that we should keep in mind this very important and essential distinction which there should be between the role of a Member of Parliament as a legislator and as a champion of the people, keeping vigilant watch, on their behalf, upon the activities of the executive of the day and the members of the civil services and the Ministers themselves.

I can understand Ministers being asked to become the chairman of some of these boards because Ministers are always responsible to this House and can be held responsible at any moment through the numerous processes and procedure that we have provided to bring to book any activity of a Minister. But that is not the case with Members of Parliament. I may be made a member of a number of committees, whose activities at the end of the year would come up before Parliament in the shape of their annual reports, if at all such an annual report is expected to be presented to Parliament. But I myself as a member cannot be held to be responsible by any other Member of Parliament directly for anything that I did on any of these committees. I can be held responsible in a vicarious manner because that particular committee comes to be condemned. It is not oftentimes that they come up for discussion in this House either for approval or for condemnation. They would come up only through the manner in which they work influence or is supposed to have influenced the activity of the Minister and therefore, the concerned Minister comes to be arraigned before the bar of this House and that is exactly the reason why there should be a great distinction drawn between the activities of members of various committees and the Ministers themselves. Therefore, a Member of Parliament should not be approximated by any means with a Minister in any Cabinet.

There is also the other difficulty. It is not a question of salary or allowances, it is a question of power that he wields. Does he wield this power directly in his own name, through his own responsibility as a Member of Parliament and is chargeable here in this House or does he wield it in an indirect manner behind all sorts of veils and *purdahs*? That distinction has also got to be kept in view. There is also the relationship between the Ministry on the one side and the Members of the Party to which the Ministry itself belongs. ~~There~~ there is

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the relationship between the Ministry on the one side and the opposition on the other side. It is most essential that the Ministry of the day should not be given such opportunities as to be able to influence and weaken the sense of responsibility and the sense of complete independence of each one of the Members of Parliament, more especially the Members belonging to the Opposition. Even in regard to the spirit of independence of each one of the Members belonging to their own party, Ministers have got to be protected from the temptation of trying to get at them and also the private Members or what you call individual Members and make them soften in their awareness and vigilance and in their sense of responsibility and independence on behalf of the people, even though they belong to their own party....

**Shri Narayanankatty Menon:** You can safely exclude the Opposition; the Opposition is already safe here.

**Shri Ranga:** The Opposition also can be reached and has been reached, if not in this country, in several other countries. Even in this country, I do not know whether it is being done in this particular session, in this particular Parliament. Anyhow even in this country it is being done. What is the earthly use of being blind to the facts.

13 hrs.

It is true that another principle is obtaining in Soviet Russia. I do not mean to say it is a bad principle. It seems to be good for them. No one can possibly become a member of their Supreme Soviet unless he, first of all, is employed in one of the State organisations, concerns, trusts, combines and so on. He can be elected only by his fellow employees, by the other employees of these various co-operatives, collectives, trusts and so on. Therefore, each member of the Supreme Soviet is directly and indirectly connected with the activities of the

Government, each one is more or less a part and parcel of the Executive of that State.

That is not our position. Here we believe in the parliamentary system of Government, in checks and balances, in party in power and parties in Opposition, and in the Opposition always being ready to take charge of the Government the moment it is able to obtain a majority and defeat the party in power. We believe in the Opposition always being ready to discharge these duties with a due sense of responsibility of having to take charge of the Government some day or the other. When we are committed to this system of Government—and I am glad we accept this parliamentary system of responsibility—we cannot be too careful, Sir, in avoiding the taking of all such steps as would weaken the independence, the strength of mind and the sense of vigilance of Members of Parliament.

Take, Sir, for instance, the new organisations that are being brought into existence. A number of new organisations are being brought into existence because of our planned economy. I am all in favour of this planned economy. I am also in favour of taking up a number of these industries under State control and management. I am also of the view that more and more of our Members should be called upon to advise Government in the management and in the laying down of policies for many of these trusts and combines that we ourselves are bringing into existence. But we should know where to stop. If it is a matter of advice it is all well and good. But, if it goes beyond that and begins to entrench on the executive functions of Government, if it begins to give to these Members powers to make important appointments and also to control the executive there in a more direct manner approximating as nearly as possible to the kind of control that the Ministers are expected to



have over their executives, then we would be treading on very dangerous ground and we cannot be too careful about it.

Sir, there is this great thing, the Hindustan Steel (Private) Ltd., that has been brought into existence. There are also the HAL, HMT, ITI, BEL, Chittaranjan, a number of these multi-purpose projects, Neiveli and so on. There are other Corporations or Commissions like the Village Industries Commission, the Handloom Board, the Handicrafts Board and many other organisations like that. There is also the new Oil Company which has come into existence. If we were to stretch this permission that we want to give to our Members of Parliament to make their own contribution in order to supplement the activities of the Ministry, in order to buttress their authority, also derived through Parliament, by enabling them to work on these things not merely as Members but as Chairman, as Vice Chairman and as members of the Executive Committee or standing committees, then, Sir, it would be very dangerous indeed. He would be a very great Minister, indeed, powerful and conscientious, who would be able to rise above the temptation of reaching that Member of Parliament who is the best and most effective and constant critic of Government saying: "Look here, why don't you take charge of these things?" What happens thereafter? That Member would be sharing so much of the responsibility and power of the Minister that he would be obliged to go soft. Not everybody would go soft, but where is the guarantee that every time any Member of Parliament is chosen for discharge of such responsibilities you would be able to stumble upon that Member of Parliament who cannot be weakened to that extent?

**Shri Vasudevan Nair (Thiruvella):**  
Why so much suspicion?

**Shri Ranga:** My hon. friends have come to this particular point of view since they have undertaken this res-

ponsibility in one of the States. My suspicion is for this reason. We are having experience in the States. We are also having experience here also, in this Central Government. I am completely impartial. We are having experience in Kerala also. Wedded as they are to the other theory, the Soviet theory, where is the guarantee that in that particular State the Ministers would not go out of their way in order to see that as many of the Members of their own State Legislature as possible can possibly be brought within the softening influence of this great sense of responsibility placed upon their shoulders through appointment as executive members, Chairmen and all such things.

Therefore, Sir, it cuts both ways. We should not take it for granted that all the time Congress alone would be in power in all the States. There are bound to be other parties also who would come into power in various other States also. If we are genuine parliamentarians we should contemplate such a possibility. Therefore, we should try to approach this problem with that particular perspective and with due sense of responsibility.

It is said here that the 500 Members here are all chosen by the people. In the States also we have hundreds of M.L.A.'s chosen by the people themselves. It is asked, why do you deny yourself of their gift, talent, ability, experience and so on? I agree. I have also held that view. They should not be barred. But, at the same time, we should not be under the illusion that we alone hold the monopoly of all the wisdom that is to be found in all our masses in our country. There are so many other people also who have not been fortunate enough to get themselves elected to these legislatures, including our Parliament. They are also capable enough. Very often they are much more capable than ourselves. They should also have an opportunity. Apart from that, it should be possible for the Government to pick and choose any number of people from amongst

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them. It is not necessary that for all these places only civil servants should be chosen. There are many experienced people, sensible people, wise people, people with a sense of responsibility and ability among the ordinary general public. They should also be called upon to come and co-operate with the Government. They need not be confined to any one particular political party; they can be chosen irrespective of their political affiliations, and it ought to be done so. Therefore, Sir, it would be wrong to think that we alone are capable of providing this particular assistance and advice to Government and that all these facilities should be created specially for us.

Having said these things, Sir, I certainly hope that the Standing Committee, if and when it comes to be appointed, would be able to go into the present schedules and also all those committees whose operations and activities, including the Government orders for their appointments, are brought to its notice. I hope that the Committee would be able to go into these things as carefully as possible and give necessary advice to Government. Sir, I want these two Schedules for very good reasons; one Schedule in order to enable as many Members as possible to play a very effective role in advising Government and assisting Government in an advisory capacity, and the other to warn our Members as to what committees they should avoid if at all they care more for membership of Parliament than for taking up executive activities.

Shri A. K. Sen: Mr. Chairman, Sir, I have listened with very great attention to the speeches of my esteemed friend Dr. Krishnaswami and professor Ranga. I am very sorry to note that they feel that the participation by Members of Parliament in the great activities of the nation may have the effect of undermining their vigilance or independence. In fact, when the Parliament voted for the public sector and accepted the public

sector's future dominant role in our economy, they had *ipso facto* accepted the responsibility for sustaining the development of the public sector. It is no use clouding our minds with facts or concepts which are relevant to a parliamentary democracy which has not accepted the public sector or where the public sector does not function.

Parliamentary democracy is not a set of rigid patterns. Its working must depend upon the ideologies and the functions which are entrusted to that democracy. Its functions will also depend upon the patterns which a democracy accepts for its own economy and for its own society. Therefore, where in a society and where in an economy the public sector is accepted as having a dominant role and on its development depends the development of the country and where the Parliament is the supreme protector of that sector and that dominant role, it is blinding oneself to one's own responsibility to see that the Parliament will accept the guardianship of the public sector without sharing its responsibility.

It is also equally fallacious to sustain that argument by borrowing analogies from other countries where the Parliament is not called upon to watch the development of the public sector. What is the use of looking for guidance to a country like England where the public sector has not been accepted—

Shri Ranga: It has been accepted by the Labour Government and the Conservative Government is implementing it.

Shri A. K. Sen:—where the public sector has not yet been accepted as a future pattern of its economy. I have very carefully studied the programme of the Labour Party, and apart from nationalizing certain key industries I have not found any plan which has been placed by them before the country, accepting the public sector as a key of the nation's economy.

**Shri Raaga:** Are we then more socialistic than England and the Labour Party?

**Shri Narayanankutty Menon:** What doubt is there?

**Shri A. K. Sen:** I am not so enamoured of socialisms in other countries. I am only enamoured of our own socialism and I prefer to follow my own socialism and my own pattern rather than borrow upon the programmes of other countries having a different social and economic context altogether. It may be that it may suit England's economy not to nationalize steel yet, and yet we have accepted that steel must be in the public sector. I am not certainly willing to concede the point that our dedication to socialism is weaker than anybody else's. Anyway it may be weaker in execution but not certainly in its devotion,—not certainly in its devotion,—and the weakness flows from certain doubts which might cloud our minds from time to time. But, nevertheless, I have no doubt that we have accepted the public sector as a key to our economy, and as I said, neither it will do credit to the Parliament nor will it make its function more efficacious if the Parliament desires to shed its responsibility for keeping alive and keep running the public sector. It is no use trying to say that others will run the public sector and Parliament will only criticize it. I do not conceive that there is a golden path by which the public sector succeeds. The success of the public sector will depend upon the wholehearted and active co-operation not only of Parliament but of the entire nation, and the public sector will never succeed unless the entire nation, the whole Parliament, the people here and outside, show themselves in complete dedication for the success of the public sector. And that dedication cannot possibly be achieved if we only play the role of critics and not accept direct responsibility in the functioning of the public sector.

It is no use trying to look back upon what has been left behind. We have

to forge new concepts of parliamentary functioning within the framework of our Constitution, and the Constitution itself envisages it when in article 102 it provided for Parliament's removing the disqualification in regard to certain offices of profit. What was the meaning of that provision if the framers of the Constitution had not in view the new role which Members of Parliament had to play? There was no point in removing the disqualification for offices of profit if the Constitution-makers did not foresee a future where persons who might be holding offices of profit would be required to be Members of Parliament for the success of the Constitution and for the development of our country.

Therefore not only is it inherent in the Constitution itself but also inherent in our acceptance of the public sector that Members of Parliament must play a vital role in the development of the country and in the success of the public sector. I do not want to repeat myself except to say that many things which have been said by Shri Narayanankutty Menon this morning find ready acceptance in me though I must remind him that while preparing the field for the active participation of Members of Parliament in the new role which would be increasingly coming to them, we should, at the same time, take all possible precaution to see that we do not devise a procedure which might have the least chance of affecting the independence of the Members of Parliament. So, whatever measure we may seek to introduce or accept must be the result of a complete harmony between these two dominant requirements, namely, the requirement of independence in Members of Parliament and, at the same time, the requirement of active participation by Members of Parliament in the development of the nation and its economy.

I must frankly admit that it is not always an easy task to effect this harmony, but we may, however, try to achieve this harmony as best as possible. My submission is that this Bill,

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with all the criticisms which have been levelled against it, in its entirety or in regard to particular provisions, has not been such a bad harmonization as has been made out by some.

As I said, the necessary adjunct to this Bill, namely, a permanent Standing Committee, to keep under its review the functioning of the various statutory and non-statutory bodies, would be a healthy device by which the defects which might become apparent in the working of the Act itself might be remedied from time to time. With these words, I request that the Bill, as amended, be passed.

**Mr. Chairman:** The question is:

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

*The motion was adopted.*

**Shri Narayanankutty Menon:** A very dangerous measure is passed.

13.20 hrs.

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (CONSTITUTION AND PROCEEDINGS) VALIDATION BILL

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** I beg to move:

"That the Bill to validate the constitution and proceedings of the Legislative Assembly of the New State of Himachal Pradesh formed under the Himachal Pradesh and Bilaspur (New State) Act, 1954, be taken into consideration."

**Shri V. P. Nayar (Quilon):** May I make a submission?

**Mr. Chairman:** The hon. Minister has not yet moved the motion and explained the provisions of the Bill.

**Shri V. P. Nayar:** There is an obvious difficulty. That is why I said I am making a submission. It is neither

a point of order nor anything else. This Bill has been before the House for some days, but the Bill itself has resulted from a judgment of the Supreme Court, which is a very very important judgment. Unfortunately, we could not get copies of that judgment till yesterday. As you know very well, it involves many complicated matters and a variety of Acts have to be referred to viz., the General Clauses Act, the Constitution, the old Acts of Himachal Pradesh and so on, and it is very difficult for us to be prepared to make our contribution to the debate today.

Day before yesterday when the Business Advisory Committee was meeting, I represented to the Speaker this difficulty and I was informed by him and also the Chief Whip that this would be postponed for two days. Only yesterday we could get copies of the Supreme Court judgment. The whole of yesterday we were in the House witnessing the debate on a very important Bill. So, my submission is that after the hon. Minister has finished his speech, further discussion may be put off for one or two days to enable Members to take part in the debate and to make some useful contribution. I am also unable to find out the particular provision in the Constitution under which we are bringing forward this legislation.

**Shri Braj Raj Singh (Ferozabad):** I would like to support Mr. Nayar in his request that further discussion on this Bill may be postponed for the obvious reason that we could not get copies of the judgment till yesterday.

**Mr. Chairman:** I would like to know the reaction of the hon. Minister to the request by Mr. Nayar and another Member. A request has been made for the postponement of the Bill for two days. Has the hon. Minister got any objection to that?

**Shri Datar:** Copies of the judgment have been given already.