

Sinha, Shri Saranbhadra  
 Sinha, Shri Satyendra Narayan  
 Sinha, Shrimati Tarakshwari  
 Sanatak, Shri Nardeo  
 Soren, Shri  
 Subramanyam, Shri T.

Swami, Shri V. N.  
 Tanti, Shri Rameshwar  
 Thakur Das, Lala  
 Tula Ram, Shri  
 Ulke, Shri  
 Upadhyaya, Shri Shiva Datt

Varma, Shri B. B.  
 Vedakumari, Kumari  
 Verma, Shri Ramji  
 Wadiwa, Shri  
 Wamnik, Shri Balkrishna  
 Wodeyar, Shri

## NOES

Banerjee, Shri S. M.  
 Braj Rai Singh, Shri  
 Chakravartty, Shrimati Renu  
 Dange, Shri S.A.  
 Dasratha Deb, Shri  
 Ellia, Shri Muhammad  
 Ghore, Shri A.V.  
 Gopalan, Shri A.K.  
 Gounder, Shri Shanmuga  
 Halder, Shri  
 Iyer, Shri Bwara

Kar, Shri Prabhat  
 Khadlikar, Shri  
 Kumaran, Shri  
 Kunhan, Shri  
 Matera, Shri  
 Menon, Shri Narayanankutty  
 Mukerjee, Shri H.N.  
 Nair, Shri Vasudevan  
 Nayar, Shri V.P.  
 Panigrahi, Shri  
 Parulekar, Shri

Parvathi Krishnan, Shrimati  
 Ram Subhag Singh, Dr.  
 Ramam, Shri  
 Rao, Shri T.R. Vittal  
 Reddy, Shri Nagi  
 Sampath, Shri E.V.K.  
 Shobha Ram, Shri  
 Sugandhi, Shri  
 Tangamani, Shri  
 Warior Shri

The motion was adopted.

15.30 hrs.

PARLIAMENT (PREVENTION OF  
 DISQUALIFICATION) BILL—  
 contd.

Mr. Speaker: The House will now take up further discussion of the Parliament (Prevention of Disqualification) Bill. Out of 10 hours allotted for the general discussion of the Bill, 8 hours 27 minutes have been taken so far, and the balance is 1 hour 33 minutes. Shri Tangamani may continue his speech.

Shri Tangamani (Madurai): Mr. Speaker, Sir, the other day I was saying that under article 102 of the Constitution Parliament is empowered to state those offices which will not disqualify a Member from holding his post of Member. But even when we give a schedule stating that such and such offices will be disqualifying, nothing would prevent the court of law from saying that any particular office will not disqualify. I mentioned also how there is no principle involved in saying that certain offices cannot be exempted. I mentioned the Employees' State Insurance Corporation and also the Dock Labour Boards. The schedule contains not only the

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Employees' State Insurance Corporation but also the regional committees. It also mentions the Port Trusts of Bombay, Calcutta, Madras and other bigger ports.

15.32 hrs.

[MR DEPUTY-SPEAKER in the Chair]

Even the various Electricity Boards and the consultative councils are also included in the list showing the posts which will disqualify.

In this connection, I would like to mention what the sub-committee had to say about categorizing. This is what they say in paragraph 14, page 19:

"In categorizing the Committee 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,

[Shri Tangamani]

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. The practical aspect of utilizing the experience, wisdom, and talents of members in public interest specially in matters relating to social welfare, education, labour and cognate matters has also been kept in view".

I would submit that this cannot be a principle by which we will be able to lay down the general line of policy. That is why parts I and II of the schedule are based upon no definite principle at all.

I will develop another point. Now, in the new period of time that we are living, when the public sector is growing, when statutory bodies are also coming into existence, a certain attitude will also have to be developed inside the Parliament. Many annual reports and reports dealing with the functions of statutory bodies particularly in the public sector come for scrutiny before this House. That is one effective check which this House has got. By means of such effective criticism and effective check there is a salutary influence exercised over the functioning of the various public bodies. I can mention the State Trading Corporation. I can mention the UPSC. I can mention several other instances also. So, there is a fear in the minds of members of the committees that because such and such a matter is going to be discussed in Parliament, they will have to be very careful in dealing with the issues. But the same argument was advanced for saying that this is the reason why a Member of Parliament should not be associated with such a committee. I start with the assumption that every Member of this House is an honourable man. Every Member of this House is honourable. And we have

got to be very jealous about protecting our honour. When we start with that assumption, inclusion in the schedule itself presumes that we suspect the integrity of the Members, we suspect the moral standards of the Members and we suspect that they will be susceptible to influence. These two things cannot go together. If a particular Member is associated with a statutory body, my submission is that he will be afraid because he has to face the House, as a Member of the House; at the body in which he functions he is able to influence in the sense that he is constantly reminding the committee that there is an eagle eye of Parliament over him and over the committee of which he is a member. So, more and more Members of Parliament should be associated with such public bodies.

Only recently, in the last session, a very important Bill was passed, after having been referred to the Joint Committee. It was the Merchant Shipping Bill. Both in the Joint Committee and in this House, the constitution of the National Shipping Board was discussed. It was felt that the Board must contain specifically some Members of Parliament. I would like to know whether they will be exempted or whether they will also come under the disqualification rule. When we feel how the economy of the country must be developed and when Members of that Select Committee feel that in a particular body more and more Members should be associated with such a body and with the National Shipping Board, and with such statutory and non-statutory bodies, we find that in this Joint Committee's report there is a rigorous approach to the inclusion of the Members.

I shall refer to two more points and then conclude. The State has got to administer not only law and order

as in the past but it has to administer and manage several industries, especially when the public sector is growing. So, we would like to see talented men, engineers, doctors, consultants and such people coming into this House, and that will also have a salutary effect.

I can mention many instances here. On this side of the House we have got Shri Prabhat Kar who is an ex-employee of the Lloyds Bank. Are we sorry that such an employee of the Lloyds Bank is here? He is able to focus attention, from the Opposition side, to several salient features of the Reserve Bank of India report. We have with us Shri T. B. Vittal Rao, who is an ex-employee of the railways. We have watched how penetrating some of his questions are when tackling the railway matters. We also have Shri S. M. Banerjee, an ex-employee of the Defence Department. I can say without any fear of contradiction that he is now a terror for the Defence Department because many of the 'inside things' which happen in the Defence Department are in the know of Shri Banerjee. We wish we have such men from the Posts and Telegraphs Departments also.

I would mention one more instance. Take the managing director of a banking concern. The managing director of a big industry is not disqualified, but an employee in the Reserve Bank will be disqualified, because an employee of the Reserve Bank will come under the office of profit. So, this kind of distinction which is now sought to be created; and again the attitude of the Joint Committee in keeping the purity of the House are something which I can not in a position to reconcile.

I can mention another aspect. Many Members who preceded me referred to the University Grants Commission. If it is a question of power, has not the University Grants Commission got powers? It is the Commission which wanted the three-

year degree course and ultimately it becomes the policy of the Government. It decides how much aid should be given to the Universities. Are they not powerful? When we are exempting certain bodies, how is it that we are not excluding the Vice-Chancellors of universities?

We have had several discussions about what is going on today in the Banaras Hindu University. The House in its wisdom has passed a certain legislation. We do not pass a certain legislation giving protection to a particular employee of an organisation. Many respected and responsible Members of this House have voiced the opinion that so long as this Vice-Chancellor continues, there is not going to be peace there. But we find that a particular Vice-Chancellor is protected, and instead, we find a number of students blacklisted. When we want to exclude Vice-Chancellors, we must bear in mind the experience that we have gained in this Parliament.

In this Bill, there is no regular method by which exemption has been given. If, as the Select Committee desires, you must know clearly what is an office of profit, this is not the way. Merely bringing this Bill or taking this Bill back and bringing another Bill is not going to solve the problem. What is going to solve the problem is boldly coming forward with a suitable amendment of the Constitution. Article 102 will have to be clarified. We will have to explain what is an office of profit and whether we limit it only to remuneration or extend it to certain powers conferred by Parliament or other bodies. When we clearly define that, the Parliament will be in a better position. Otherwise, what is going on now is nothing but shadow boxing.

Many hon. Members have suggested that the Government must be bold enough to withdraw this Bill and bring a suitable amendment to the Constitution. Although our Constitution is rigid in the sense that it is written, it is flexible to the extent

[Shri Tangamani]

that we are in a position to amend it whenever occasion arises. This is a clear occasion, because as a result of the passing of this Bill, there will be many uncertainties. This Parliament itself elects some people to the committees and now these committees are disqualified. This kind of anomalous position must end. But I am afraid, this legislation is going to create more confusion. Many people will not know whether their election is constitutional and legal or not. After the next election, this is going to throw open the flood gates of election petitions. We are trying to put an end to election petitions and *mala fide* actions and elevate the status of this House. But by passing this Bill, we are going to bring all the Members of this House into a position of uncertainty.

Therefore, my submission is that this Bill should be withdrawn. As many Members from different sections of the House have already suggested, some other suitable legislation should be brought, along with an amendment of the Constitution

**Shri Barman** (Cooch-Bihar—Reserved—Sch. Castes): Mr. Deputy-Speaker, Sir, it is very difficult to pass an opinion on this measure, because we find that those hon. Members who had deliberated on this Bill for long nine months are still themselves undecided as to the future of this Bill and the future of some Members whose cases perhaps have not been included within the schedule

Shri Tangamani said that we must amend the Constitution, so that this confusion may not arise, by deleting article 102. I think that will not be possible, because that article has some utility. According to the democratic Government, it is the executive that is responsible to the legislature. We, as Members of Parliament, have to watch the execution of the policies and the working of this Government from day to day. If any Member of

this House is associated with the execution of the policies, this House will not be able to call for an explanation from the executive. So, I think the principle we should stick to is that so far as the executive is concerned, no Member should be associated with it, because this House is entitled to call for explanation from the executive.

But at the same time, we have to associate some of the Members with the execution of the functions of the executive, as for instance, Ministers and Deputy Ministers. They are also responsible to this House for the departments under their control. But at the same time I should say that apart from direct connection with the executive, Members should not be tied up by such a limitation that they should not be associated with advisory bodies, etc. On the one hand, we want that Members should not hold any office of profit. For that purpose, I think that the definition of compensatory allowance is quite sufficient. But to say that even if the allowance is not more than what is defined here as compensatory allowance, there may be positions of influence which an hon. Member may make wrong use of. To stretch, this inference to that extent is, I think, entirely wrong.

After all, Members of Parliament and State Legislatures have been trusted by their electorate. After they have won that confidence, to say that they should not be associated with any position which carries with it some influence which they may abuse is very wrong. If a Member acts wrongly, what is the remedy? If any such misbehaviour by any Member is exposed on the floor of this House, it shall go to the whole world. There is no better safeguard needed. So far as his constituency is concerned, they will take note of it and the Member will be finished for ever. Is there any such safeguard against any other person who is not a Member, but who is associated with positions of influ-

ence? I do not think such sort of thinking should at all enter into our minds. Once we are free from such suspicion, then there is no difficulty in associating Members even in administrative bodies. When a Member is personally sitting here, if he misbehaves, he may be confronted here and will be more than sufficiently punished. I can say that once we remove the mistrust from our minds there will be no difficulty whatsoever if we add some clause by which a Standing Committee of Parliament or of the State Legislatures is constituted, which will be empowered to go into the cases from day to day or from time to time and report to Parliament or the State Legislature that such and such body, according to the Constitution, attracts disqualification and because it is necessary for the representatives of the public to be associated with such bodies, this disqualification should not apply to them and so legislation should be brought accordingly. I think that is the surest possible way of getting out of the rut. We should not think for a moment that any Member would go out of his way to misbehave when he has to justify himself on the floor of the House. There is one story. Some boatmen wanted to go in a boat upstream. They were plying it throughout the night. They did not know the location. In the morning they found that they were in the same place where they were at the start. I think our position has come almost to that situation. We are thinking of all conceivable things, because we cannot trust ourselves. I think we should proceed with the Bill. We shall pass the Bill as it is or with some modifications as we find later necessary. We have got sufficient support from all elderly members. You yourself, Sir, had presided over it. But, at the same time, in order to avoid any future difficulty in which we may be caught, I feel there should be some standing committee with sufficient power to report to the House of any other office which it may feel, should be exempted from disqualification.

श्री बाबूदेवी (बलरामपुर) : प्रपाप्यक्ष महोदय, इस विधेयक पर संयुक्त समिति को जितना परिश्रम करना चाहिए या और जितना ध्यान देना चाहिए, उसने नहीं दिया। और परिणाम यह है कि विधेयक झूठे रूप में हमारे सामने उपस्थित है। मैं यह दलील मानने के लिए तैयार नहीं हूँ कि संयुक्त समिति के लिए यह सम्भव नहीं था कि वह सभी समितियों का विचार करती और किन समितियों की सदस्यता सदस्यों को इस सदन में आने के लिए अयोग्य बना देगी, इस सम्बन्ध में कोई निर्णय करती। एक बहुत बड़ी बात जिसका कि शायद विचार नहीं किया गया, वह यह है कि संसद् अयोग्यता के सम्बन्ध में जैसे भी कानून बनायेगी, हमारे राज्यों की विधान सभायें उनको माडेल के रूप में लेंगी और उन के कानून भी उन्हीं के आधार पर बनेंगे और परिणाम यह होगा कि ऐसे व्यक्ति संसद् में आ सकेंगे जो कि शासन के द्वारा प्रभावित होंगे।

इस विधेयक में यह व्यवस्था की गई है कि गांवों में जो मालगुजारी वसूल करते हैं उन्हें छूट होगी चुनाव में लड़े होने की। अब मैं उत्तर प्रदेश की बात जानता हूँ कि पुराने पटवारी और आज के लेखपाल गांवों की जनता पर कितना असर रखते हैं, दबाव की दृष्टि से, प्रभाव की दृष्टि से नहीं और भले ही वे अपने क्षेत्र में संसद् के लिए निर्वाचित न हो सकें, अगर जहाँ तक विधान सभा के निर्वाचन क्षेत्र का प्रश्न है, वे जरूर अपने पद का प्रभाव ला सकते हैं। अब अगर राज्यों की विधान सभायें अपने विधेयकों में ऐसे पदों को भी शामिल करेंगी और मैं समझता हूँ कि वे करेंगी क्योंकि संसद् ने उनके सामने एक नमूने का ऐक्ट बनाने की तैयारी कर दी है तो उसका परिणाम ठीक नहीं होगा क्योंकि सुबों में ऐसे व्यक्ति अधिक संख्या में पहुँच सकते हैं जो कि शासन के द्वारा प्रभावित हों और जो किसी भी प्रश्न पर सत्य और निर्भीक दृष्टि से विचार

[श्री बाजपेयी]

न कर सकें। आज जब कि सत्तारूढ़ दल बहुत बड़े बहुमत में है तब तो इस बात का इतना खतरा नहीं है लेकिन अब धीरे धीरे राजनैतिक परिस्थिति बदल रही है और आगे चल कर कभी राजनैतिक संतुलन ऐसा हो सकता है कि थोड़े से सदस्यों का प्रभावित होना दूरगामी परिणाम उत्पन्न करे। मैं समझता हूँ कि इस बात की पूरी व्यवस्था नहीं की गई कि जो भी व्यक्ति किसी पद पर होने का लाभ उठाते हैं या उसमें दूसरे को प्रभावित कर सकते हैं, उन्हें विधान सभाओं या संसद् में लाने की कोशिश नहीं करनी चाहिए।

विश्वविद्यालयों के वाइस चांसलरों की श्रेयग्यता दूर करने के सम्बन्ध में यहां पर काफ़ी वाद-विवाद हुआ है। इस सम्बन्ध में बनारस विश्वविद्यालय की भी चर्चा की गई है। मैं यह पूछना चाहता हूँ कि जब इस मदन में बनारस हिन्दू विश्वविद्यालय मशोधन विधेयक पर बहस हो रही थी उस समय अगर उस विश्वविद्यालय के वर्तमान वाइस चांसलर भी सदस्य के रूप में इस मदन में मौजूद होते, तो उनकी क्या स्थिति होती और इस मदन की क्या स्थिति होती। क्या वह उनके लिए और मदन के सदस्यों के लिए ठीक होता? क्या उनकी उपस्थिति मदन में बतौर एक सदस्य के, मदन के माननीय सदस्यों के लिए उनकी आलोचना करने में और एक स्वस्थ वातावरण पैदा करने में महायक होती? मैं समझता हूँ कि यह किसी के लिए ठीक नहीं होता, इस मदन के लिए भी ठीक नहीं होता और एक विश्वविद्यालय के वाइस चांसलर की महत्ता के लिए भी ठीक नहीं होता।

15-56 hrs.

[SHRI BARMAN in the Chair]

कुछ सदस्यों ने इस सुझाव का प्रतिपादन किया है कि लाइफ़ इन्स्योरेंस कारपोरेशन या स्टेट ट्रेडिंग कारपोरेशन ऐसे संस्थानों में

सदस्यों के जाने से बंध संस्था शक्यी तरह के चलेंगे। मेरा निवेदन है कि इस समस्या का एक पहलू और भी है और वह है कि ऐसा होने से इन संस्थानों में गड़बड़ियां भी हो सकती हैं जैसे कि लाइफ़ इन्स्योरेंस कारपोरेशन में हुई। उस तरह के कांड भी घटित हो सकते हैं और उस समय इस सदन में बैठे हुए उस सदस्य की स्थिति क्या होगी जो कि उस संस्थान में काम करता होगा? फिर उस सदस्य के मित्र भी होंगे और इस सदन में बैठा हुआ वह सदस्य किसी पार्टी का भी होगा और पार्टी की प्रतिष्ठा का प्रश्न भी खड़ा हो सकता है और मैं नहीं समझता कि संसद् के सदस्यों को ऐसे संस्थानों में लाना उचित होगा.

**Shri Narayanankutty Menon** (Mukandapuram): There is no quorum in the House. Of course it would inconvenience some hon. Members.

**Shri S. M. Banerjee** (Kanpur): it is because the Members had a strenuous session.

**Mr. Chairman:** Anyhow, the bell is being rung. Now there is quorum. The hon. Member may continue his speech.

**श्री बाजपेयी :** महापति महोदय, मैं निवेदन कर रहा था कि देश के आर्थिक विकास के माध्यम में संस्थानों की संख्या बढ़ेगी, लेकिन उन पर नियन्त्रण करने का उन्हे ठीक तरह से चलाने का यह अच्छा तरीका न होगा कि संसद् के कुछ सदस्यों को उनमें भेज दिया जाये। जो भी संसद् के सदस्य इस तरह के आर्थिक या औद्योगिक संस्थानों में काम करना चाहते हैं उन्हें संसद् की सदस्यता में त्यागपत्र दे देना चाहिए और पूरा समय, पूरा श्रम, पूरी शक्ति और पूरी बुद्धि लगा कर उन संस्थाओं को आगे बढ़ाने में लगना चाहिए। अगर

उनकी शक्ति बंट जायेगी और वे दोनों तरफ ध्यान देंगे तो न तो वे संसद् के प्रति अपना दायित्व पालन कर सकेंगे और न उन संस्थानों के प्रति न्याय कर सकेंगे। मैं समझता हूँ इस सम्बन्ध में विधेयक में जो भी व्यवस्था की गयी है उस पर पुनर्विचार किया जाना चाहिए।

राज्यो में विधान सभायें इस विधेयक के बनने पर अपने विधेयक तैयार करेंगी। इस बात को ध्यान में रख कर भी हम विधेयक में जो संशोधन उपयुक्त थे वे नहीं किये गये, और मुझे लगता है कि विधेयक अगर इस रूप में पास हो गया तो फिर चुनाव के बाद होने वाले झगड़ों की संख्या बढ़ेगी, और यह न करना मुश्किल होगा कि कौन सा निर्वाचित सदस्य मसद् की सदस्यता के योग्य है अथवा नहीं है।

विवाद में इस बात को भी उठाया गया है कि संविधान की धारा १०० में जो शब्दावली है उसके अन्तर्गत हमारे लिए यह सम्भव नहीं है कि हम आफिम आफ प्राफिट लाभ का पद क्या है इसकी व्याख्या करें, और मसद् यह नहीं कर सकती। अगर वैधानिक दृष्टि में मसद् के लिए यह कार्य सम्भव नहीं है तो फिर संविधान की धारा में संशोधन करने के सम्बन्ध में हम विचार करना चाहिए। मैं इस बात में महमत नहीं हूँ कि अयोग्यता की सारी शर्तें हटा दी जायें और मसद् के द्वार सब के लिए खोल दिये जायें। मसद् के सदस्यों की स्वतन्त्रता और निर्भीक बुद्धि सुरक्षित रहे, इसके लिए आवश्यक है कि ऐसे व्यक्ति मसद् में प्रवेश न पा सकें जो प्रशासन द्वारा, कार्यपालिका द्वारा, एग्जीक्यूटिव द्वारा प्रभावित हैं, उससे अर्थ में या प्रभाव में लाभ उठाते हैं। लेकिन इस सम्बन्ध में बड़ी बारीकी से ध्यान-दीन करने की जरूरत है और काम लम्बा भी है। शायद प्रवर समिति पूरा समय नहीं दे सकी। यह अधूरा विधेयक है। मेरा निवेदन है कि सरकार को यह विधेयक वापस लेना चाहिए और उसे अधिक पूर्ण रूप में, जो

आपसिया सदस्यों ने उठायी है उनका विचार करते हुए सदन के सामने लाना चाहिए।

श्री हेडा (निष्पामाबाद) सभापति महोदय, आज देश के अन्दर एक प्रवृत्ति बहुत स्पष्ट तौर पर दिखायी दे रही है, और वह प्रवृत्ति यह है कि जनता न केवल उम्मीद करती है बल्कि यह मांग करती है कि यह संसद् अपनी जिम्मेदारियों को पूरे तौर पर पालन करे। जनता आज इस बात की मांग करती है कि जो कुछ भी खर्च होता है वह ठीक तौर पर खर्च हो, गवर्नमेंट की तरफ से जो कारपोरेट्स हैं या जो इनवेस्टमेंट होता है, या जो फिसकल और दूसरी तरह की पालिसिया चल रही है और जो इतना पैसा लगाया जा रहा है वह ठीक तौर पर लगाया जायें, कहीं फिजूल-खर्ची न हो और कहीं पर भी सिफारिश की या अपने रिश्तेदारों को मदद देने की बात न दिखायी दे। तो आज हमें यह समझ कर चलना चाहिए कि जनता अब बहुत क्रिटिकल हो चुकी है क्योंकि वह अब चीजों को बारीकी से देखती है और नृत्ताचीनी कर रही है, और इस जिम्मेदारी से ससद् इन्कार नहीं कर सकती। उसकी इस सम्बन्ध में अन्तिम जिम्मेदारी है और उसे इसका जवाब देना पड़ता है।

अभी एक चीज का जिक्र मेरे पूर्व-वक्ता ने किया है, लाइफ इश्योरेस कारपोरेशन का। उसके बारे में जो कुछ भी हुआ उस पर जनता ने अपनी नाराजगी या अपने विचार बड़ी स्पष्ट तौर पर व्यक्त किये हैं। ये सब चीजें क्या बताती हैं। ये चीजें यह बताती हैं कि अब ससद् के सदस्यों को बहुत ज्यादा सजग रहना चाहिए, बहुत ज्यादा मालुमात रखनी चाहिए और इस तरह से जो इस मसद् का सारी चीजों पर नियन्त्रण होना चाहिए उनका ठीक तौर पर पालन होना चाहिए।

| एक और बात में इस सिलसिले में कह देना चाहता हूँ। वह यह है कि जागकार

[बीड़वा]

हलकों में आम तौर पर, भले ही आम आदमियों का यह ब्याल न हो, यह ब्याल बढ़ता जा रहा है कि संसद् के सदस्यों को ज्यादा जानकारी नहीं होती। उनको बहुत कम मालूमगत होती है और उनको बहुत कम अनुभव होता है। और इस कारण वह अपनी जिम्मेदारी का पालन नहीं कर सकते। जब हम स्टॉक एक्सचेंज में या किसी खास उद्योग के केंद्र में जाते हैं तो लोग कहते हैं कि यह चीज आपके कान पर नहीं आती, यह तो महीनों से हमारे कान पर आती रही है। और उन लोगों को बड़ा आश्चर्य होता है कि संसद् के उन सदस्यों को भी, जो कि उन विषयों के विवादों में भाग लेते रहे हैं, उतनी जानकारी नहीं है जितनी कि होनी चाहिए। तो हमारी जानकारी की इस अपूर्णता के सम्बन्ध में काफी ब्याल बढ़ता जा रहा है। और सच बात तो यह है कि विषय इतने ज्यादा हैं कि किसी भी सदस्य के लिए यह शक्य नहीं है कि पूरे तौर पर उनकी जानकारी रखे और वह जानकारी प्राप्त करना भी उतना आसान नहीं है। जानकारी प्राप्त करने में काफी दिक्कत आती है। तो अगर इन दो तीन चीजों को हम ध्यान में रखें तो एक चीज स्पष्ट हो जाती है कि हम सदस्यों में से हर एक सदस्य को या कम से कम सदस्यों के एक छोटे से समूह को विशिष्ट प्रकार के विषयों में दिलचस्पी लेनी चाहिए। कुछ हद तक ऐसा हो रहा है लेकिन अगर हम किसी भी पार्टी को या पूरे हाउस को लें तो यह नहीं कहा जा सकता कि यह चीज संतोषजनक रूप में हो रही है। तो हमें कुछ विषयों की विशेष जानकारी रखना आवश्यक है। इसमें बड़ी मदद मिलेगी यदि सदस्यों का सम्बन्ध चीजों से नजदीक का हो जिससे कि हमें जानकारी हासिल करने में आसानी हो।

एक उदाहरण के तौर पर मैं सेंट्रल सोशल सेलफेयर बोर्ड को लेता हूँ। इसमें करोड़ों रुपया खर्च होता है। लोक-सभा का

एक सदस्य और राज्य सभा का एक सदस्य उसमें नियुक्त होता है। इसका परिणाम यह होता है कि अगर हम इसके बारे में कोई चीज मालूम करना चाहें तो उस सदस्य से आसानी से मालूम कर सकते हैं। अगर उस सदस्य के पास यह जानकारी न हो तो वह मालूम करके हमारे पास पहुँचा सकता है। इस तरह से हमको जानकारी आसानी से मिल सकती है।

दूसरे ऐसा करने से देश में यह विशेष भावना पैदा होगी कि संसद् का नियंत्रण तगड़ा है और ज्यादा नजदीक से है और इसलिए काम ठीक तौर पर चलता रहेगा।

पूर्ववक्ता ने एक दो आशंकाओं की तरफ ध्यान दिलाया है। वे आशंकाएँ सही हैं, लेकिन उसका जो उत्तर है उसकी तरफ उन्होंने ध्यान नहीं दिया। दो चीजें उन्होंने बतायीं। एक तो यह कि जब किसी कारपोरेशन में एक सदस्य का सम्बन्ध है, अगर उसकी तरफ से गलती होती है तो उस सदस्य की क्या हालत होगी। मान लीजिये कि हम में से कोई आदमी लाइफ इश्योरेंस कारपोरेशन का सदस्य होता है जो आलोचना उसकी यहां और हमारे देश में हुई उम समय उस सदस्य की क्या हालत होती। साफ है कि उसकी हालत खस्ता होती और ठीक तौर पर होती। इसके लिए वह जिम्मेदार है। कल अगर हमारा कोई मिनिस्टर गलती करता है, तो उस की हालत क्या होगी? चूंकि वह जिम्मेदार है, इस लिए उस की हालत खस्ता होनी ही चाहिए। लेकिन सवाल यह है कि क्या वह भेम्बर वह हालत होने देगा। हम तो उस को भेज ही इस लिए रहे हैं कि वह वहां दुर्गति न होने दे और अगर इस के बावजूद दुर्गति होती है, तो उस को भूगतना चाहिए। मेरे मित्र ने कहा है कि उस वक्त उस के मित्र उस की तरफदारी और उस का बचाव करने की कोशिश करेंगे। मेरे मित्र



ने यह सवाल भी उठाया कि शायद पार्टी के प्रस्टीज का भी सवाल पैदा हो जायेगा। यह सारी पेचीदगियां पैदा हो सकती हैं, लेकिन वे पेचीदगियां तो मिनिस्टर्स और डिप्टी मिनिस्टर्स के चालीस पचास मनों के साथ भी पैदा होती और हम उन को गवारा करते हैं और डेमोक्रेसी में उन को गवारा करने के अलावा कोई चारा भी नहीं है। इस स्थिति में मेम्बरों के विषय में भी इस प्रकार की पेचीदगियां गवारा करने का कोई हर्ज नहीं है। इस का जो तोड़ है, उस की तरफ मेरे माननीय मित्र ने ध्यान नहीं दिलाया।

एक दूसरे मित्र ने कहा कि इस बात का भी खूबहा होता है कि कहीं इन पदों का दु पयॉय न हो जाय—इन पदों से वे कहीं अपना खूद का लाभ गलत तौर पर न करना शुरू कर दें। इस तरह की भी आशंकाए होती हैं। इस का तोड़ यह है कि सार्वजनिक जीवन में, विशेषकर राजनीतिक जीवन में, हरेक व्यक्ति को बदनामी का बड़ा डर होता है और इस लिए वह अपना व्यवहार, अपना किरदार शंका में बिल्कुल परे रखना चाहता है, क्योंकि ऐसा किये बगैर उस को हर पाच साल के बाद जो जनता के सामने हाजिर होना पड़ता है, वह नामुमकिन हो जायगा, और इसी कारण से कोई पार्टी या उम के मित्र भी उस का साथ नहीं दे सकेंगे। हांता यही है। यही नहीं, दूसरे डेमोक्रेटिक कंट्रीज में भी यही होता है। हमारे देश में भी यह हो रहा है। पहली बात यह है कि जनता में आज यह प्रवृत्ति है कि अगर कहीं थोड़ी सी भी गड़बड़ है, तो वह उस को सच मानने लगती है। जहां आशंकाए मौजूद हों, वहां वह किसी न किसी जिम्मेदार आदमी को बसीटना चाहती है। जहां सचमुच में कोई गड़बड़ थोटासा हुआ हो, या लापरवाही बरती गई हो, तो वहां जिम्मेदार व्यक्ति के लिए तो जीना दूभर हो जायगा और उस के मित्रगण भी उस की मदद नहीं करेंगे, क्योंकि वे जानते हैं कि डूबने वाला तो डूबेगा ही, उस का साथ देने वाले भी डूबेंगे और अगर न भी डूबें, तो उन पर छीटे तो जरूर उछाले जायेंगे और उन

पर भी असर पड़ेगा। धाम जनता के सामने हम लोगों को जाना पड़ता है—धाम दिनों में भी और सास तौर पर इलैक्शन में भी। उस का स्थान हर पार्टी और हर व्यक्ति को होता है और इस प्रकार के पदों पर जो व्यक्ति आसीन हैं, उन के दिनों को भी होता है। मैं समझता हूँ कि इस वजह से जिस गड़बड़ की आशंका की जाती है, वह नहीं होगी।

इस के प्रतिरिक्त प्रेस और जनता हम लोगों के आचार और व्यवहार पर कड़ी नजर रखेगी और हम लोगों को गलती नहीं करने देगी। जिस प्रकार से हम लोगों से यह उम्मीद रखी जाती है कि सरकारी अधिकारियों, कर्पोरेशन वगैरह और दूसरे लोगों से जो गलतियां होती हैं, उन को हम न होने दें, जिस प्रकार उन को चूक करके जो जिम्मेदारी हम लोगों पर—इस ससद के सदस्यों पर—डाली जाती है, ठीक उसी प्रकार हम गलती न करे, इसकी जिम्मेदारी स्वयं जनता पर है। जनता सजग हो रही है और रहेगी। प्रेस पर भी यह जिम्मेदारी है। अगर एक पार्टी का कोई व्यक्ति गलती करता है, तो दूसरी पार्टी का आदमी खामोश क्यों रहेगा? वह बराबर हर बात को सामने लायेगा और उस को खाना भी चाहिए। हमारी पार्टियों में भी ऐसा ही होता है। एक आदमी चला जाये, तो उस की जगह खाली हो जायगी और किसी दूसरे को मिल जायगी। इस लिहाज से वे एक दूसरे पर नजर रखेंगे। इसलिए यह विचार ठीक नहीं है कि चूकि गलतियां हो सकती हैं, इस लिए संस के सदस्यों को वहा न भेजा जाये। संसद के सदस्यों को बिल्कुल बच्चे और भासूम समझ कर उन को अछूना न रखा जाना चाहिए। बल्कि उन को एकस्पिरिएंसड और तजुबेकार समझना चाहिए। यह समझना चाहिए कि वे ठीक काम करेंगे और हम लिए उन को संसदार के बीच में भेजने के लिए हम तैयार रहना चाहिए।

यह भी कहा जाता है कि मेम्बर अपने पद का दुरुपयोग करेगा। मैं यह कहना चाहता हूँ

[श्री हेडा]

कि पद का दुरुपयोग करने या अनुचित लाभ उठाने के लिए संसद का सदस्य होने की आवश्यकता नहीं है। वह सब काम उस के बगैर भी हो सकता है। जो लोग लाभ उठाना चाहते हैं और उठा सकते हैं, वे अपने मित्रों के द्वारा ऐसा कर लेते हैं, वे मित्र चाहे मिनिस्टर के हों या बड़े बड़े आफिसर के हों। इस के लिए उन्हें संसद-सदस्य बनने और संसद-सदस्य बन कर कार्पोरेशन का मेम्बर बनने की जरूरत नहीं है। उन को हम पकड़ सकें, इसी लिए तो यह विधेयक लाया गया है। इसलिए संसद-सदस्यों के जितनी ज्यादा प्रवृत्तियाँ—एक्टिविटीज—से सम्बन्ध हों, उतना ही हमारे लिए अच्छा होगा और देश जो हम से यह आशा करता है कि हम सभा पर नियंत्रण रख सकें, वह आशा भी पूरी होगी।

अन्त में मैं एक जुज्वी बात कह कर समाप्त करता हूँ। मैं एक संशोधन का नोटिस भी दिया है और वह यह है कि डिस्क्वालिफिकेशन से एग्जम्पशन की लिस्ट में मैट्रल बोर्ड आफ फिल्ट्र सेन्सर्स का जिक्र नहीं है। समय आने पर दो शब्द मैं उस के सम्बन्ध में भी अर्ज करूँगा।

इन शब्दों में साथ मैं इस विधेयक को सपोर्ट करता हूँ।

**Shri Mohammed Imam (Chitaldrug):** Interesting, and sometimes elaborate, speeches have been made from either side of the House, and it is clear that no section of this House is satisfied with this Bill. This Bill creates more confusion rather than clarifies the present position; indeed, it worsens the present situation, and gives more power to the legislatures to remove disqualification even in genuine cases where disqualification has been incurred.

The Constitution lays down that under certain circumstances, especially, when a Member holds an office of profit, he cannot become a Member,

nor can he continue to be a Member. Power is also given both to Parliament and to the State Legislatures to remove disqualification according to circumstances. This power is intended to be used very rarely and in public interest and only when such removal of disqualification is meant for the good of the State. But, on the other hand, we find that this power is often misused. It is invoked in many cases to suit individual conveniences and to satisfy party appetites.

I can say from my experience of State Legislatures, particularly, the Mysore Legislature, how this power has been misused. Series of legislations has been passed to remove disqualifications, and I think on a number of occasions disqualification has been removed, to help certain individuals. Members of the legislature have been appointed as members of the labour tribunal or appellate tribunal, and still they continue to be members of the legislature and they are also drawing handsome salaries. They have been appointed as chairmen and directors of Government-owned and Government-aided factories. They have been appointed in various offices which are offices of dignity and from which they can command great power and influence. Even recently, I find that members of the legislature have been appointed as chairman of the housing board of Mysore, chairman of the social welfare board and so on; and one member has been appointed as chairman of the small-scale industries board, and another as chairman of the khadi board. What I would like to point out to hon. Members is that we have not received full information regarding what is happening in the States.

**Shri Dasappa (Bangalore):** Is there any remuneration for this job?

**Shri Mohammed Imam:** I think when my hon. friend was Minister there, such things did happen many

times. He raised the question of remuneration. True, the Chairman of the Housing Board or of the Small Scale Industries Corporation is not drawing remuneration. But he is provided with a car, a house; whenever he travels, he draws TA; he attracts the local crowd. They come and ask him for houses. He is given tea parties and addresses.

It has been pointed out in this House itself before by Shri C. C. Biswas that an office need necessarily entail or involve monetary profit, but if it is a position of dignity, if it is a position from where he can use his influence and power, then it has to be considered an office of profit. An office of profit need not necessarily be construed in terms of money. That is what has been happening.

Similarly, we find that from this August House some people being appointed as members or Chairmen of some committees which exercise considerable influence on the people. As members of such committees, they can misuse their position. All this goes against the spirit of the Constitution. This was put in the Constitution to ensure the purity of administration and to see that the Members who are elected by the electorate discharge their duties properly. On the other hand, such provisions made in the Bill will disrupt the safeguards and preventive measures framed in order to ensure the purity of administration and to prevent a Member from misusing or using the legislature as a stepping stone for his own personal advancement.

I submit that even the recommendations embodied in the Thakur Das Bhargava Committee have not been fully implemented. Officers like those of Vice-Chancellors and revenue officers are being exempted from disqualification. A Member is elected from a certain constituency with a particular object. He is elected by millions of people to help them to be their friend and philosopher and

help them in time of need and to reflect their voice. It is the intention that he should exercise an effective, intimate and continuous contact between the people and the Government. On the other hand, if a Member of either this House or of a State legislature when once elected accepts an office of profit or if he misuses his position, he will be committing a breach of faith.

I must also submit that Government also must refrain from putting temptations before these Members. Instances are not wanting when members of the legislature are appointed to responsible remunerative job; they are appointed as members of the Planning Commission or of other bodies or Chairmen of important companies. It may be argued that these Members may resign. But I oppose such a policy. The Government should take care that when a person becomes a Member of this House, he is not seduced during his five year tenure; otherwise, the entire atmosphere may be demoralised. It shows that if such things happen, the administration is not run on pure lines but on party lines. Often it so happens that to win over members of their own party or the Opposition, such baits are held out to persons.

Coming to a few instances in the Bill itself, the office of Vice-Chancellor is exempt. It is stated that Vice-Chancellors may become Members of Parliament or State legislatures, even though they command a dignified place in the Universities. There are Vice-Chancellors who are elected and nominated. The nominated Vice-Chancellors owe their position and continuance purely to Government. It may be argued that an elected Vice-Chancellor may be a Member of the legislature. Even there, the practice is that the Vice-Chancellor's appointment is subject to the approval of the Governor who is the Chancellor. It is a common practice that the Senate always submits a panel of three names and it

[Shri Muhammad Imam]

is left to the Chancellor to select any man from the panel. The Chancellor, who is also the Governor, is subject to the party Government. So, this elected Vice-Chancellor also is subject to the influence of the Government. His pay, most of it, comes from government money. In both these cases, there is no justification to exempt the Vice-Chancellor from incurring this disqualification.

Besides, it takes away most of his time. Even a member of a Syndicate wields a position of influence. And such a person must not serve in the Legislature as a representative of the people.

Then I come to the revenue officer. My submission is this. Whoever it be, anyone whose appointment depends upon the Government, whose continuance depends upon the Government, who may be dismissed or continued by Government, should not have any place in the Legislature. A revenue officer may be having police powers or may not have, but he is appointed by the Government. The Government can dismiss him, increase his remuneration etc. Till now no revenue officer was entitled to stand for election. All their applications were rejected.

Recently, there was a case in the Supreme Court which came from my constituency. The Supreme Court held that a revenue officer cannot stand for election; and his application was rejected. Now, the Government are coming forward to remove this disqualification. This really goes against the Constitution. Whoever is subject to the influence of Government, whoever is under the thumb of Government cannot act in Parliament. He always looks to the Government for his continuance and such a person ought not to be a Member of the Legislature.

I would like to say a few words about the committees. It has been pointed out in the Bhargava Committee Report that there are two kinds of committees. Of course, we cannot be prevented from serving on committees. But, there are committees and committees. There are committees which supervise and keep surveillance over the actions of others. There are advisory committees. I have absolutely no objection to Members of Parliament or of the State Legislatures becoming members of such committees. But, there are committees and boards, a position on which gives them a clear chance to use their influence not only use but to misuse—and it often gives them an opportunity to make money or become corrupt. On such committees, I think, the hon. Members should not go and serve.

I have already given instances of committees wherein they can exercise their patronage and whereby they can draw towards them particular sections of society, committees which can give them opportunities to strengthen their own party positions. All these must be avoided.

I submit that there is no hurry to proceed with this Bill. Let the hon. Minister cry a halt. Let him get all the information from the States. In fact, an attempt was made by the Chairman of the Bhargava Committee to get that information. I am afraid they have not got full information with them.

So far as my State is concerned, there are a number of difficulties. In fact, I have tabled two amendments to be considered. For example, the Housing Board and the Khadi Board. These are small committees. But there are other committees which are very influential and a member of such a committee can misuse his power. It may be considered that the Government have put these persons in

these committees not only to help them but to draw them to their side and also to act as agents at the time of election.

With these words, I submit that the hon. Minister should withdraw this Bill and should get all the information that is available in the States, and come to a definite understanding and see what is the right policy to be adopted and what is the right position to prevent Members of the legislatures who represent people from misusing their position—a position which has been entrusted to them by the electorate who have got implicit faith in them.

**Shri Braj Raj Singh (Ferozabad)** rose—

**Mr. Chairman:** I am sorry; I cannot give time to any other hon. Member.

**Shri Braj Raj Singh:** May I submit one word? When an hon. Member of this House spoke for more than 1½ hours, it was the sense of the House that the time for general discussion should be extended. It was usual and in a general discussion, it could not be checked. That was also the sense of the House. I had been rising in my seat for the last three days; yet I have not been able to get time. I will take ten or twelve minutes.

**Mr. Chairman:** I am sorry; the hon. Member may take his chance during the third reading. I quite agree with what he says but it was for him to represent to the Speaker or the Deputy-Speaker

**Shri Braj Raj Singh:** But it was the sense of the House that the time should be extended.

**Mr. Chairman:** I am sorry there is no time left now. The hon. Minister.

**The Minister of Law (Shri A. K. Sen):** Sir, it is true that we had a very exhaustive discussion on this rather small Bill. It evinces the very keen interest taken by the House

about a matter in which it rightly feels vitally interested. It is necessary to clear the ground at the very outset for the purpose of replying to the detailed criticisms which have been levelled against the Bill as reported by the Joint Committee. The purpose of the Bill was to remove disqualification in regard to certain offices, technically regarded as offices of profit as they may carry some small remuneration, however small it may be. The House will recollect that we still have an Act in operation more or less similar to the Bill as was originally drafted and introduced in this House which gave exemption to various offices disqualifying their holders. The scheme of the present Bill as was originally introduced was more or less similar to that Act. After the Bill was introduced, it was sent to the Joint Committee which had a rather long duration and that again appointed a Sub-Committee in pursuance of its desire to see whether a Schedule could be annexed to the Bill which would show at a glance which are the offices which would be treated as disqualifying notwithstanding the fact that these offices carried only compensatory allowance for their holders. Pandit Thakur Das Bhargava who has more or less stated on the floor of this House that it was useless to append a Schedule which was in-exhaustive was one of the main champions for introducing a Schedule in the body of the Bill itself. He was more or less insistent along with many other hon. Members that apart from the general exemptions given in clause 3, certain offices which would otherwise be exempted should be treated as disqualifying their holders. The Sub-Committee examined nearly 1,200 committees and bodies, statutory or non-statutory, for the purpose of ascertaining which of the bodies should be put in the Schedule as disqualifying their members or their Chairman or Directors from continuing or from standing as Members of Parliament. After a detailed examination of nearly 1,200 committees and bodies whose constitutions were supplied by

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the Central Government as also by many of the State Governments, the Sub-Committee reported to the Joint Committee and the Joint Committee passed finally these two parts of the Schedule which we now find printed in the body of the Bill enumerating various bodies set up under Central Acts and also under various State Acts.

One of the main criticisms levelled against the introduction of this Schedule by a large number of Members on the floor of the House in the course of the debate has been that the Schedule is not exhaustive. I may tell the hon. Members that when Pandit Thakur Das Bhargava and his colleagues were insisting upon the introduction of a Schedule I told them from the very outset that no Schedule could be exhaustive, and it was precisely for that reason that in the original Bill we did not introduce a Schedule. Even in England, hon. Members will recollect that after years of study when the British Act was ultimately passed it was found that even there they had not been able to carry out a detailed examination of all the various bodies and committees and they had admitted that their Schedule too was not exhaustive. In fact, it appears from the records of the proceedings of the Select Committee which was headed by Sir Patric Spence, late Chief Justice of India, that even after a period of 6½ years when a member of the Select Committee put the following question to Sir Austin Strutt: "A circular has been sent round to all the Departments to secure this list (list of disqualifying offices), has it not?", the reply given on behalf of Government says: "Several circulars over the last 6½ years have been sent". Later on, another Member, Mr. Bowles, observed: "We do not want to ask the Departments to search again for another 6½ years to add even more to what is a tremendous number already." This was the final observation of one of the

members of the Select Committee and I want to read it out to the hon. Members for the purpose of illustrating again what I said in this House when the Bill was first introduced, after the Bill was introduced and was sent to the Joint Committee, and also before the Joint Committee when they were deliberating upon this Bill. This is what he said:

"I am very doubtful about this procedure. I would have thought that if we ask Sir Austin or anyone else start thinking of a list of all the possible bodies, membership of which might be incompatible with membership of this House, I do not think there will be any end to the enquiry."

This was after 6½ years in England where they had only one Parliament and not 14 different legislatures as in our country and 14 different sets of statutes passed by the respective legislatures. Then he goes on to say:

"I do not realise we were going to embark upon that sort of enquiry. Take the Historic Houses Advisory Committee which advises the Minister of Works on which Historic Houses should be preserved or given a grant and so forth."

"Some people might take the view it is incompatible with membership of the House to be a member of that Committee and advise that a particular historic house in his constituency should get a grant from the Ministry. There is Ancient Monuments Board; there are all kinds once you start on that. Some are sanctioned by statute, some are not. It would be a never-ending job."

Hon. Members will realize that even assuming that after years of laborious work we succeed in unearthing all possible bodies and committees set up under local, State and Central Acts, these lists will them-

selves become obsolete after period of time because some of these bodies will become *functus officio*, some of them will be created anew and in the meantime some existing bodies might have changed their function and so on.

By the very nature of the circumstances, the list which we introduce in the schedule—by saying “we” I mean the Joint Committee—could never be exhaustive or final, and therefore, it is an inherent weakness in any form of lists that such lists would not import finality in the matter. That is why in the British statute they have introduced a provision by which a simple resolution of the House of Commons the lists may be added to, varied or amended, by the addition of new bodies or by the deletion of existing bodies and so on. Unfortunately, this expedient is not possible so far as our Constitution is concerned.

Hon. Members will kindly read article 102 of the Constitution. It will not take much time to realize that article 102 prescribes in clause (1) (a) that the exemption must be by a law of Parliament. It says:

“...other than an office declared by Parliament by law not to disqualify its holder;”

That means whichever office has to be exempted has to be so exempted by a law passed by Parliament, and a mere resolution of either House of Parliament would not be enough to satisfy the requirements of the Constitution. That is why the simple provision in the British Act is not feasible so far as our Bill is concerned.

Therefore, it is proposed, and the Government no doubt agreed to the proposal, that if a list is ultimately accepted, as indicated in the schedule, by the House and passed, then the only possible remedy which one may think of for the purpose of keeping the list as exhaustive and as final as possible from time to time, in view of the continuous changes and flux

which may be occurring in the composition and function of those bodies, is to set up a Standing Committee of the House or of both Houses for the purpose of keeping under study all statutory and non-statutory offices under different State Acts and different Central Acts. So, from time to time, they may report to Parliament as to the desirability of changing the schedule and the House may then, on such report, take upon the task of passing new laws changing the schedule. That is the only way possible.

You cannot in a law declare beforehand that the House or both Houses will be entitled to change the schedule by a simple resolution. As I said, even in England, the list has not been found to be exhaustive or final. Here it will be more so, and therefore once it is accepted that a schedule has to be inserted, this infirmity has to be accepted along with it, and there is no getting away from it. The only way by which you can rectify the position is to set up a Standing Committee or body at a future time for the purpose of keeping under its study the whole question of lists and offices for the purpose of periodical report to enable the Parliament to take appropriate action, for the purpose of keeping the schedule as nearly exhaustive and up-to-date as possible. As I said, it was not the original intention of the Government, when the Bill was introduced, to have any list, in view of the natural weakness in any scheme which provides for a list or schedule of the type we have now inserted in the Bill as a result of the Joint Committee deliberations.

Therefore, first of all the House has to decide whether apart from the general principles of exemption contained in section 3, we should specify by name certain offices, which should not enjoy that exemption. It has been hinted by some hon. Members that in preparing the schedule, the Joint Committee has followed no principle whatsoever. Such an accusation must be

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rejected as extremely unfair and unthinking. Though I was personally never wedded to the necessity of having a schedule yet in all fairness to the Joint Committee, I must submit that they did follow some principles, though by the very nature of the circumstances, no single or uniform principle could possibly be struck.

**Shri Mahanty (Dhenkanal):** Would the hon. Minister kindly enlighten us as to what principles were followed by the Committee?

**Shri A. K. Sen:** The hon. Member himself was a member of the Joint Committee and as far as I remember, he was himself a votary of schedule at that time. At least, I do not recollect having heard him on any occasion opposing the system of introducing a schedule at a time when, on behalf of the Government, I was trying to resist it. Further, the hon. Member himself was a member of the sub-committee which went into the constitution of the various committees and reported finally to the main committee as to which committees ought to be debarred from enjoying the exemption.

**Shri Mahanty:** I was a member of the sub-committee, but I think no principles were followed.

**Shri A. K. Sen:** If the hon. Member is making a grave confession, he should weigh the consequences before making the confession. I am not prepared to accept the confession, though it may come from an hon. Member of the sub-committee. What I understood as a member of the joint committee was that Pandit Thakur Das Bhargava and some others felt that simply because a Member does not draw anything but the compensatory allowance, it does not mean that he is not put in a position where he might be able to enjoy a superior or more influential position to that of his conferees in Parliament. Pandit Thakur

Das Bhargava and some others thought that apart from the question of actual remuneration being drawn by any Member of Parliament, another principle should be considered, namely, whether even if a Member obtains no pecuniary benefit from his office, he is not in fact given a position where he can utilise his position either for increasing his own personal influence or for distributing patronage for others.

If I remember aright, this was the undertone of the many interventions which came from Pandit Bhargava in the course of the long deliberations of the Joint Committee. He said that the reason why the constitution of the various bodies and committees was gone into by the sub-committee and the Joint Committee was for the purpose of enabling the Members to examine the constitution of each and every committee for the purpose of ascertaining whether, apart from the remuneration payable to them, they also are not given some added advantage by way of influence, patronage and so on. Therefore, the sub-committee thought that the offices mentioned in parts one and two of the schedule were the offices which ought to be disbarred from enjoying the exemptions granted in section 3. Government ultimately accepted certain variations in favour of khadi boards. If I remember aright, many of the khadi boards and social boards were disbarred by the sub-committee. Appearing for the Government I strongly objected to the members of the Khadi Board being disqualified from becoming Members of Parliament; so also the members of the Social Welfare Board and the rural health centres. As a result of those things this new Schedule has appeared.

So far as the Government is concerned, it has now accepted the Schedule. No doubt, our mind is open. If any case is now made out, or made out later, by the standing committee set up for the purpose of amending



the Schedule, either by addition of some more or deletion of some existing ones from the Schedule, we shall be prepared to consider them on their merits. Up till now there has been only a general criticism that there will be other bodies similar to these which would be enjoying exemptions while those which are enumerated in Parts I and II of the Schedule would not be enjoying the exemptions granted under section 3 and so the Schedule should be rejected. Well, I must say that that argument proceeds from rather loose and careless thinking, because before the hon. Members are prepared to put in amendments to the Schedule itself for the purpose of rectifying what, according to them, are the defects of this Schedule, so that the other committees similar to those now disqualified under the Schedule are brought on par it is no use discussing this matter in general. Unless I am told that "here is a body X or Y which enjoys all the exemptions but which are nevertheless similar to the ones which do not enjoy all the exemptions, because they are put in the Schedule". I am not at all able to answer that criticism.

**Shri Shankaraiya (Mysore):** May I ask one question? In Part II whereas exemptions have been made with regard to some States for bodies like electricity boards, marketing and warehousing bodies and housing boards, exemptions have not been made in regard to some other States for the same bodies. Why was no uniform policy adopted?

**Shri A. K. Sen:** The Schedule does not give exemption. The Schedule, on the contrary, disbars certain bodies from exemption.

**Shri Shankaraiya:** In one State being a member of the Electricity Board constituted under a Central Act is a disqualification whereas in another State it is not.

**Shri A. K. Sen:** If the hon. Member has any electricity board of any  
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particular State in view, which discharges the same functions and enjoys the same privileges of patronage and influence, as electricity boards which have been disbarred in the Schedule, the hon. Member will be at liberty to put in an amendment in order to extend the same disqualification to those other electricity boards also, and unless he does so, I am not in a position to examine whether they are in fact at par with those on the Schedule itself. And if in future such defects occur, which possibly may not be noticed even by the hon. Members, it will be the task of the standing committee to report about them in future and try to remove the defect which is inherent in the system of schedule. But that is a defect curable by an amendment of the schedule. So, unless hon. Members give me concrete instances of bodies whose prototype or close are on the schedule and thus disqualified, I am not in a position to answer it. That again is a general criticism. And I shall be very obliged if any concrete body, either statutory or non-statutory, with its functions, privileges and immunities are given to me....

**Shri Morarka (Jhunjhunu):** Does he want it now?

**Shri A. K. Sen:** Any time; at the time of the amendment. Neither the mind of the Government, nor of the House, is closed on that point. In fact, that is the very reason why I told the Select Committee that I myself felt that if the schedule is adopted, the standing committee becomes a necessary adjunct. And it will be precisely the duty and the function of the standing committee to cure the defects, if any, in equity, fairness or otherwise, to the schedule.

**Shri Dasappa:** Would it not be in order to generalise bodies like housing boards, State electricity boards, city improvement trusts etc., because they have similar functions.

**Shri A. K. Sen:** I am not prepared to do generalisation and it was opposed in the original Bill. But, once in the Schedule, you specify certain bodies, each body is distinct in law, set up by a different statute. You cannot say Housing Board; that is extremely vague.

**Shri Shankaraiya:** So far as the Electricity Boards are concerned, they are constituted under the Electricity Act and they have got a uniform status.

**Shri A. K. Sen:** Without examining the position of the Boards set up in view of certain delegation by the Central Government, I am not in a position to answer. If the hon. Members are pleased to put in amendments, I can assure them that neither my mind, nor the mind of the Government nor the mind of the House is closed to it. As I said, inequality and want of finality are inherent in the Schedule itself. If any Electricity Boards have been left which should be equally disqualified, I am prepared to consider that. I would like hon. Members to study the bodies in their respective States and put in such amendments as they think are proper, which should be incurring the same disqualification as those mentioned in the Schedule.

I do not want to go into the details of the general criticism levelled against the Schedule apart from what I have already said. The next criticism has been against exempting the office of Vice-Chancellor. I can tell the House now that the Government will agree to Vice-Chancellors not being exempted apart from those who are already exempted, if any amendment is introduced. I expect some amendments to be introduced at the stage of the Second Reading.

Criticism has also been against Home Guards, Territorial Army, and N.C.C. As usual we have heard criticism regarding the bona fides of the Government. malicious desire of the

Government in trying to stuff this House with Home Guards, N.C.C. and Territorial Army people as if simply by removing the disqualification you get the fellow automatically into this House, as if people do not have to elect the man who is otherwise qualified. But, before the Joint Committee, in this House before and today now, I would strongly oppose disqualifying any member of the Home Guards, any member of the N.C.C. or any member of the Territorial Army from being a Member of Parliament. These are people rendering useful service for the nation and for the country. To tell them that though they render useful service, they are disqualified from being Members of Parliament would be the height of injustice. Take, for instance, my own State, West Bengal. With a long frontier with East Pakistan, every village has to have Home Guards, in the very nature of the circumstances. We are living away from that area and we do not understand the necessity of having Home Guards in that widely far-flung boundary, covering parts of Assam and West Bengal, for every village is a threatened village from border attacks. Every village has to have its Home Guards. Are we to tell the Home Guards that because they have joined the Home Guards, defending their own country, they cannot be Members either of the State legislatures or of Parliament? In all States, as far as my information goes, the State Governments have established Home Guards and though they can be members of the State legislatures, they can't be members of Parliament. The same thing with regard to the N.C.Cs. Young boys in the Universities and colleges receive training facilities. Personally speaking, I would welcome the way when every man and every woman would know how to defend the country and know the arts of military training. That is a different matter, but even now we are trying to extend the same type of training to as many boys in our colleges, schools and universities as

possible. To tell them: join the N.C.C. and learn the art of defending your country, but you can never be Members of the legislature, is some thing which I have strongly opposed and which I shall strongly oppose. I am opposed to have that sort of discrimination against a vital section of the community on which the defence of the community rests.

17 hrs.

**Shrimati Mafida Ahmed (Jorhat):** What about professors and teachers of the Government-aided schools and colleges?

**Mr. Chairman:** What I propose is this. Let the hon. Minister first finish his general observations. After that one or two questions may be answered.

**Shri A. K. Sen:** No, Sir. I shall answer the lady. Government-aided schools are not Government offices. We are only concerned under article 102 to remove disqualification of Government offices carrying profit. Offices which are not Government offices do not come within the disqualification imposed by article 102.

**Mr. Chairman:** May I know how much time the hon. Minister will take?

**Shri A. K. Sen:** I shall finish just now. Or, you may adjourn the House. It may be that some other points have to be replied.

17.02 hrs.

(The Lok Sabha then adjourned till Eleven of the Clock on Friday the 28th November, 1958).