

[Mr Speaker]

have recommended that leave of absence may be granted to the following Members for the periods indicated in the Report —

- 1 Shri U Muthuramalinga Thevar
- 2 Shri B Pocker,
- 3 Shri S C Choudhury,
- 4 Shri Bishan Chandra Seth,
- 5 Shri Laxmi Narayan Bhanja Deo, and
- 6 Shri Keshavrao Marutirao Jedhe

I take it that the House agrees with the recommendations of the Committee

Shri S. M. Banerjee (Kanpur) May I know what has happened to Shri T T Krishnamachari? There is no leave or anything of that sort

Mr. Speaker. Shri T T Krishnamachari comes and goes, as hon Member would be aware

Shri S. M. Banerjee. We did not see him That is why we are asking

Mr. Speaker. Shall I bring him here? Unless leave of absence is asked for, I am not watching the course of events with respect to every individual It is for him to take care of himself?

I suppose there will be general agreement that leave of absence may be granted to the Members whose names I had read out

Several Hon. Members: Yes

Mr. Speaker: The Members will be informed accordingly

11-09 hrs.

CORRECTION OF ANSWER TO STARRED QUESTION NO. 563.

The Deputy Minister of Civil Aviation (Shri Mohiuddin): With your permission, I wish to amend the reply given by me to starred question No 563 on 4th December, 1958, in the Lok Sabha In reply to the question whether it was a fact that a large sum was due from Pakistan which was paid by India as their share of contribution to the International Civil Aviation Organisation after independence, I had mentioned that a sum of \$ 15,635 was recoverable from Pakistan and the matter was being pursued through the Secretary-General of International Civil Aviation Organisation In reply to the supplementary question I had mentioned that Pakistan had agreed to pay this share of \$15,635 and that the only question that remained was the method to be adopted for adjustment of the dues We have since received intimation through our Representative on the International Civil Aviation Organisation that the International Civil Aviation Organisation has received the sum of \$15,635 from Pakistan on the 16th September, 1958 I greatly regret that the information I gave to the House on the 4th December, 1958 did not convey the latest position

11-10½ hrs

PREVENTION OF DISQUALIFICATION (AMENDMENT) BILL

The Minister of Law (Shri A K. Sen): I beg to move—

“That the Bill further to amend the Prevention of Disqualification Act, 1953, be taken into consideration”

The House will recollect that this Act was to expire on the 31st December of this year Though we had extended it only up to the 31st December of this year in the thought that in the meantime, the Parliament

(Prevention of Disqualification) Bill which has been passed by this House would be passed by the Rajya Sabha also, yet unfortunately, there have been two amendments passed by the Rajya Sabha as a result of which that Bill has come back, as the Secretary had read out from the message earlier.

So it is all the more important that we extend the life of the parent Act which is now in force for another year. Another year is a matter of drafting, because as soon as the other Bill is passed, by reason of its repealing clause, this Act will come to an end. This extension is necessary because many of the Members of this House and also of the other House would be disqualified if this Act is not extended.

So I submit that we may pass this Bill as quickly as possible.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Prevention of Disqualification Act, 1953, be taken into consideration".

I think this was sufficiently argued the other day Shri Ranga also asked a question

Shri Narayanankutty Menon (Mukandapuram): There is one point on which I want clarification ...

Mr. Speaker: Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava (Hissar): We passed this legislation in 1953 and since then every year this is being extended. The extension of this Bill, without passing another Bill for all these years means that we have really been contravening the provisions of the Constitution.

It is true that the Constitution does allow Parliament to declare by law certain offices which are exempted from disqualification, but all the same, it was never the intention of the legislature that without going into the matter fully, the House should

pass a Bill of this kind every year. This means that we are not obeying our own Constitution.

So far as the present Bill is concerned, I understand it has been necessitated by the fact that both Houses have not been able to pass the other Bill. At the same time, so far as that is concerned, who is responsible for the delay. If the hon. Law Minister had brought forward that Bill in time, there would not have been this delay and we would have been able to pass it. This only means that next year also certain persons will be sitting in the House who would otherwise have incurred disqualification on account of their accepting offices of profit, which certainly is not a desirable thing.

It is clear from the statement read out just now by the Secretary that as a matter of fact the Bill we passed has been modified in a very material aspect by the other House. This would practically mean that except for the chairman, all other posts will be open to be accepted by hon. Members of this House. It is very unfortunate that the real object of the Bill which we passed has been frustrated by the other House

Shri A. K. Sen: On a point of order. Is it relevant to discuss the merits or demerits of the amendments the other House has passed until we have taken up the other Bill?

Mr. Speaker: He wants to throw out this Bill. Therefore, he can certainly refer to the delay that is happening, and what, according to him, is going to happen. He is expressing his apprehensions. There is no aspersion cast. He can state that we did one thing and the other House has done something else. Although all the details are not relevant, in so far as the extension of the 'life' of Members here who would otherwise have incurred by reason of their membership of those Committees considered as offices of profit, is concerned, he is quite in order.

[Mr Speaker]

So far as this matter is concerned, we do not know whether there will be many more disqualifications. I think there is nothing wrong in this

Pandit Thakur Das Bhargava: Apart from that, my submission is that if this Bill which is before the House now is not passed, nothing will be lost, because last time when we passed it, it was given out to all the Members—everybody knew—that in the coming six months everybody concerned had to resign. According to me, even extending the 'life' of those Members for six months more, as happened last time, was unfair and unconstitutional. On the contrary, I suggested then that the Bill may be brought and within six months all the committees may be gone into and we might try to have a complete and comprehensive Bill. But that was not accepted by the hon Law Minister then.

Now, I am bound to say that as a matter of fact, the manner in which the entire thing has been done is very objectionable. I was referring to article 102 of the Constitution which says that so far as offices of profit are concerned, every person concerned is disqualified except in cases when Parliament by itself by law declared that they were not disqualified. That would have been a very exceptional thing. According to what fell from you then, the Law Minister should have taken a hint. You were pleased to give guidance, that only in those matters where such declaration was not all objectionable, the declaration may be made. That was the view which was also held by the late Speaker, Shri Mavalankar. That was also what the late Dr Ambedkar and Shri C C Biswas told us in the House. Not only that. I understand that all the Members of the House, very respectable Members, who spoke on previous occasions took the view that as a matter of fact, the independence of Parliament should remain intact and people should not be allowed to be seduced, and hon Ministers ought not to exercise the power of nepotism. It was to secure such independence of the

Bill

Ministers as well as of the Members of this House that this House expressed on many occasions that the independence of the Members should be kept intact.

But what do we find now? When the Bill was brought forward, the only point the hon Law Minister wanted to emphasise was that the sole consideration ought to be the quantum of compensatory allowance. That was in the original Bill. To that we did not agree. Then we appointed a Select Committee to consider the whole matter. I am very glad that the Select Committee did its work and we produced a Bill which was in consonance with the spirit of the Constitution as well as the spirit of the speeches that were already made. It was also in keeping with the tradition of the Mother of Parliaments.

Now, so far as that aspect is concerned it has been totally ignored. I am very grieved to see that in this matter the Law Minister and several other Ministers were influenced by other considerations. They thought that the whole country and the whole process of development would go to pieces if we did not allow Members to go to those Committees. I value that opinion, at the same time, I am very sorry to say that the hon Ministers—incorruptible perhaps as they are—do not know what corruption is. That is the difficulty. The Mother of Parliaments took the view in 1957 that there were many committees, many organisations, of which even membership was taboo. No Member of Parliament may be appointed even as a Member. But what do we find here? The view expressed by the hon Law Minister and other Ministers is that unless the Members go and are allowed to serve on those Committees, Corporations etc., no Corporation or Committee would succeed. This is entirely a false idea. At the same time, it is against the provisions of the British House of Commons Act which has got the experience of centuries.

Mr. Speaker: Except casually referring to the other Bill which will be

coming back, the hon Member will confine himself to what can be done now

Pandit Thakur Das Bhargava: My humble submission is that this Bill before us is unnecessary. Now the other House has made some amendments. If we concurred with them, then only the question of the assent of President would have been there. So nothing would be lost if this Bill extending the life of the Act by one year had not been proceeded with now. If Parliamentary standing committee could perhaps go into the question and finalise the recommendations of all committees within three months, that would not have been difficult. They can even appoint a committee beforehand.

Mr Speaker. The hon Minister has stated that as soon as the other Bill is enacted and comes into operation, this will lapse.

Pandit Thakur Das Bhargava. Suppose we extend it for one year. They will not appoint a committee for six months. So another year will be lost. I am anxious that even without passing this Bill the committee may be appointed by you as well as by the Chairman. The committee will go into the various committees and finish everything within three months. Why should we wait for one year? I want that all those Members who come within the mischief of the Act may resign all at once, because we do not want that Parliament may be composed of Members who held offices of profit. This is the principle and it must be adhered to. No time should be lost. We should not allow one year to go by. If you allow them for one year, the committee may not be there for 9 months and then within 3 months they may go into the question. The committee can be appointed now, without this Bill being passed, by the Speaker and the Chairman.

Therefore, I humbly submit that this Bill is absolutely unnecessary so

far as extension for one year is concerned. The period can be reduced to six months or three months, if they want to have it though, according to me, it is not necessary at all to pass the Bill. Also, holders of offices of profit can resign at once. They know about the provisions of the Bill. Supposing this Bill did not come now, they would have had to resign. But the hon Minister has given the Members more life, unnecessary life, which they did not deserve. We do not want to go to committees which are taboo. Therefore, my submission is that nothing will be lost if the Bill is not passed or if the period is reduced to, say, six months. At the same time, I must emphasise that the words that fell from you must be respected by the House. You said that only in exceptional cases all these directorships and membership of these bodies should be exempted. To that I will advert again. My humble submission is that either the Bill may not be passed or its life may be reduced to as little a period as possible.

Shri Ranga (Tenali): Mr Speaker, Sir, I am sorry that on this occasion I am not able to agree with my hon friend Pandit Thakur Das Bhargava. I am anxious that this Bill should be passed immediately without any delay because it would not be right. If it had been right to appoint so many of our hon Members to so many of these committees, boards and councils and if they could have continued all these 7 years, the Heavens are not going to fall if we allow them to continue for another 3 or 4 months. It would be wrong to ask them straightaway to cease to play the role which they have been playing simply because we want to save the canon of legal conscience or whatever it may be.

Secondly, the hon Minister has already given us an assurance the other day in this House—and he has repeated it today—that he does not expect that this particular Bill when it becomes law would have its full course of life of one year. He would attach

[Shri Ranga]

an enabling clause or whatever it is in the other Bill that is already before Parliament to see that as soon as that is passed and becomes an Act this would become ineffective

Shri A. K. Sen: It is already there:

Shri Ranga: So, it is already there; and it is not necessary that we would have to wait for one year before this question is given its final consideration.

Thirdly, I do not think it is necessary for us to be very suspicious of the Ministry, in regard to this particular matter. Since the Ministry has given so many assurances and has already incorporated that particular clause in the other Bill and as Parliament is already seized of it—and not even an autocratic or irresponsible government can possibly withdraw a Bill which has reached such a high stage of consideration at the hands of both Houses of Parliament, and, certainly, we cannot expect this Ministry which we consider to be a democratic Ministry and a responsible Ministry to commit such an irregularity—it can only be a matter of a few months. During the next session, I am sure, it might possibly be the very first one or two items on the agenda, and it is sure to be passed in the course of a day.

Therefore, I sincerely hope that my hon. friend, Pandit Thakur Das Bhargava would excuse us if we do not fall in line with the canon of legal conscience which he considers to be so very necessary that he should be placing it before us in a such beautiful manner on this occasion also. I hope the House would agree to the passing of this Bill passed giving further lease of life for a few months to the original Act.

Shri Narayanankutty Menon: Sir, during the third reading of the other Bill, I submitted before the House and I appealed to the hon. Law Minister that, in view of the magnitude of the controversies raised in this House and

also the complete lack of unanimity as far as opinion is concerned which cut partywise that Government should further consider the proposals contained in the Bill. Now the House has passed that Bill and it had gone to the Rajya Sabha which has suggested certain amendments to it. Therefore, it has become necessary to support this Bill because it gives some more time to give further consideration for the Government to assess the impact of the opinions expressed in this House and also in the Rajya Sabha. Assessing that the Government should still consider whether there is any necessity of introducing the Bill in this House as it has been passed by the Rajya Sabha.

I once again appeal to the hon. Minister that the provisions of the Bill both as passed by this House and as amended by the Rajya Sabha are still very dangerous and it is far better to show more wisdom at this stage when the Rajya Sabha has curtailed certain dangerous and injurious provisions of the Bill. I utilise this occasion once again to appeal that the Bill as it is amended by the Rajya Sabha should be further considered by Government and the dangerous character of those provisions should be completely assessed and Government should refrain from coming forward in this House with the dangerous provisions already contained in that Bill.

Today this Bill is being considered because of the amendments introduced in the Rajya Sabha and the original Act will expire by the 31st December. So, it is a *sine qua non* that this Bill should be there before some other legislation is there as far as this particular subject is concerned. This occasion gives an opportunity to the entire House to see why as far as the provisions of that Bill are concerned, the Rajya Sabha had to amend certain provisions which we had passed and why there should be room for reconsideration as far as some of the provisions of that Bill are concerned.

Mr. Speaker: We need not go into all this. The hon. Member has said that the Government must have some more time to consider and that is why one year is necessary. Let us not go into details of the other Bill.

Shri Narayanankutty Menon: Therefore, my humble submission is that this one year period which the Government is getting today should be utilised for assessing the situation. The example of the British Parliament was quoted. There was so much of discussion as far as the British practice is concerned and because of certain steps taken by successive Governments in Britain from 1941 onwards, those very hon. Members of the British Parliament—the leaders of the Labour Party themselves—in the year 1951, when they came to assess the disastrous results of their own viewpoints which they took in 1941, had to change their views. We should be able to benefit by their experience how they were compelled to change their views as far as the nationalised industries were concerned.

So, I would appeal to the Minister that he should not be guided by the Report of the Select Committee of the House of Commons in 1941 because after submitting that report in 1941, the British House of Commons took 14 years to incorporate the provisions into a Bill and by that time whatever they tried in the Select Committee had to be thrown overboard. Therefore, what he should consider is not the 1957 Act which incorporated the Select Committee Report but the woeful results of the British nationalisation and the running of the public sector. He should come forward with a comprehensive Bill without any dangerous provisions and the Government should utilise this one year in order to benefit by the views expressed both in this House and in the other House. I would desire that Government should make their opinion sufficiently clear as a result of which either in the next session or in any other coming session within one year we will have a Bill

which will not have all these bad features but a Bill which conforms to article 102 of the Constitution,

श्री० रघुबीर सिंह (रोहतक) : अध्यक्ष महोदय, मैं अपने साथी पंडित ठाकुर दास भार्गव के साथ सहमत होता हूँ और मैं यह मानता हूँ कि जो सदस्य कुछ कमेटियों में हैं वे वहाँ पर सिर्फ अपनी जाती अथवा राज के लिये हैं। और मैं यह मानता हूँ कि यह अच्छा तरीका होगा कि वह इस्तीफा दे ताकि हमें उन की मेम्बरी को बनाने के लिये कोई कानून पास न करना हो। लेकिन मैं उन से इस बात से सहमत नहीं हूँ। क्योंकि मैं मानता हूँ कि वह उन कमेटियों में देश के हित के लिये हैं।

दूसरा सवाल है समय की अवधि का कि आधा दो तीन महीने या एक साल जरूरी है या नहीं। मैं समझता हूँ कि एक साल बहुत जरूरी है और वह इसलिये कि हो सकता है कि जो निफारिश की गई है और जिसे राज्य सभा ने पाम किया है, यह सदन उस से सहमत न हो।

अगर लोक-सभा राज्य सभा के संघोषण में सहमत न हुई तो हो सकता है कि ज्वाइंट मेशन बुलाना पड़ जाय या इस के लिये किसी एक कमटी के बनाने की राय बन जाय। इसलिये इस की लाइफ एक साल के लिये बढ़ाना बहुत जरूरी है। साल से कम में शायद काम न चले। इस पर विचार करने के लिये पहले जो सेलेक्ट कमटी बनी उस ने काफी अग्रे तक इस पर विचार किया, १३०० कमेटियों के बारे में विचार हुआ और उस ने अपनी रिपोर्ट दी लेकिन इस सदन को या राज्य सभा को कमटी की फ़ाईंडिंग से सहमत नहीं करा सकी और इस से यह चीज साफ़ जाहिर हो जाती है कि यह सवाल किन्ही खास सदस्यों की मेम्बरी को क्रायम रखने का नहीं बल्कि देश के अन्दर आज जो बाधा चलता है उस को सही तरीके से खसाने का है।

[श्री० रणवीर सिंह]

आप जानते हैं कि इस विषय में सदस्यों में पूर्ण मौन्य नहीं है। दो किस्म के खयालात के सदस्य हैं। कुछ सदस्यों का तो यह मत है कि प्राइवेट सैंक्टर के अन्दर भले ही उन का सहयोग हो और वे चेम्बरमैन अथवा डाइरेक्टर्स हो तो भी वे पार्लियामेंट के सदस्य बन रहे सके और डिस्क्वालिफाइड न हो जबकि कुछ माननीय सदस्यों का ऐसा खयाल है कि अगर उन के पास इम्पोर्ट या एक्सपोर्ट का लाइसेंस भी हो तो भी उन को पार्लियामेंट का सदस्य नहीं रहना चाहिये। अब इस सम्बन्ध में मेरा निवेदन है कि हम को पुराने अंग्रेजी राज के ढंग से मुकाबला नहीं किया जा सकता और आज के बदले हुए युग को हमें ध्यान में रख कर विचार करना होगा। पहले तो यह सब कारखाने वगैरह प्राइवेट सैंक्टर में प्राइवेट सैंक्टर वाले ही चलाते थे लेकिन अब वह हालत नहीं रही है और अब इस देश के अन्दर सरकार की बड़ी बड़ी ६१ कम्पनियाँ और कारखाने चल रही हैं, पब्लिक सैंक्टर काफी बढ़ गया है और सरकार का जितना खर्चा ला एंड आर्डर के लिये होता है उस कहीं ज्यादा रुपया डेवलपमेंट के लिय खर्च हो रहा है इसलिये यह देखना बहुत जरूरी हो जाता है कि राष्ट्र का जो खर्चा होता है वह नहीं तरीके से खर्च हो और इस के लिये जरूरी है कि यह एक माल की मियाद बढ़ाई जाय क्योंकि हो सकता है कि राज्य समा क सिफारिश से यह सदन इतिफाक न करे और फिर ज्वाएंट सेशन हो या कोई नया बिल या कोई दूसरी कमेटी बनाने की तजवीज आये।

Mr. Speaker: Except in cases where any Bill is here and the hon. Minister who is in charge of a Bill would like to consult any person in the Official Gallery, I would not like any hon. Member to carry on conversation with people in the Official Gallery. It disturbs the House and takes away

its decorum. I hope even Ministers would not carry on conversation there except in cases where they have to consult the officials there while a Bill or Resolution or any other matter is pending before the House. Otherwise, if they want to carry on conversation, let them go into Lobbies and do so.

Shri Naushir Bharucha (East Khandesh) Sir, I desire to take only two minutes. There is no doubt that this Bill is a logical corollary to the events in which we find ourselves today. If we do not extend the life of section 4 till 31-12-1959, many hon. Members would immediately incur disqualification and would be subjected to exclusion from this House. The point I desire to make is this Section 4, the life of which we seek to extend, mentions this

"It is hereby further declared that the following offices shall be deemed never to have disqualified and shall not, if held for any period not extending beyond the 31st day of December, 1958, disqualify the holders thereof for being chosen as, or for being members of Parliament."

I hope that in the new Bill a retrospective clause will be inserted. As the Bill was referred to Rajya Sabha, to my mind, there is no such clause to give retrospective effect. So, the passing of this Bill merely will not protect the people once this Bill lapses. Therefore, I appeal to the hon. Minister to see that the retrospective effect of the present Bill is retained in the new Bill, for that purpose a retrospective clause is absolutely necessary. Otherwise, it will give protection so long as it lasts and with its lapse the retrospective effect will lapse and the Members will be disqualified. I would request the hon. Minister to bear that point in mind.

Shri A K Sen: Sir, it is not necessary, with due respect to Pandit Thakur Das Bhargava, to deal with his arguments because he has been very pronounced in his views with regard to exemptions granted either under the Act which is in operation now or under the new Bill which has now come back from Rajya Sabha. He has accused us of delay and it is necessary, therefore, to answer that charge a little. The House would remember that the other Bill was introduced long before this Act was going to expire on 31-8-1958. Then it went to the Select Committee which took more than nine months to report. In the meantime we were told by Pandit Bhargava himself to extend the life of the original Act by six months. It has been found that even by extending it by six months, we have not been able to get it passed by both the Houses. In the meantime, he certainly does not want that those hon. Members who have been serving in various committees under exemptions granted under the Act to suddenly become disqualified on 31-12-1958 for no fault of their own. It has not been suggested that they have been functioning independently or that they have not discharged any useful functions.

With regard to the point raised by Shri Bharucha, there is a provision in the Bill which has been passed by Rajya Sabha and this House which says that six months are allowed to all existing Members who are exempted under the present Act. They will get more or less six months holiday, exactly to serve the purpose he has in view. I do not think any further amendment of this Bill or the other Bill is necessary. So, I submit that this Bill may be passed.

Mr. Speaker: The question is:

"That the Bill further to amend the Prevention of Disqualification Act, 1953, be taken into consideration."

The motion was adopted

Mr Speaker: The question is:

"That Clauses 1, 2, the Enacting Formula and the Long Title stand part of the Bill"

The motion was adopted

Clauses 1, 2, the Enacting Formula and the Long Title were added to the Bill

Shri A K. Sen: Sir, I beg to move

"That the Bill be passed"

Mr Speaker: The question is

"That the Bill be passed"

The motion was adopted

11.38 hours.

FOREIGN EXCHANGE REGULATION (AMENDMENT) BILL

The Deputy Minister of Finance (Shri B. R. Bhagat): Sir, I beg to move

"That the Bill further to amend the Foreign Exchange Regulation Act 1947, be taken into consideration"

The amendment is a simple one, intended merely to define more precisely the powers conferred by the Act so that there is no room for misapprehension in India or abroad. Section 13A of the Foreign Exchange Regulation Act empowers Government to prohibit the holder of a notified security payable outside India in a notified country from having the payment of such security made in India.

This Section, it will be noticed, was couched in very general terms. Actually Government needed the powers, in order to regulate the transfer to India of Government of India securities issued before the 15th August, 1947 and encased for payment outside India. In fact also