



Dr. Ambedkar on the lawns of Parliament

*COURTESY:* Shant Swaroop Shant, Delhi



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# SECTION VI

7<sup>TH</sup> AUGUST 1951

TO

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(35)

PARLIAMENT—PREVENTION OF  
DISQUALIFICATION BILL

**\* The Minister of Law (Dr. Ambedkar):** I beg to move :

“That the Bill to declare certain offices of profit not to disqualify their holders for being members of Parliament, be taken into consideration.”

Sir, this Bill is really an Act of indemnity for certain persons who, if the Bill was not brought into operation, would become disqualified for being Members of Parliament under the provisions of Article 102 of the Constitution, which says that if any person were to hold an office of profit, he would be disqualified for being a Member of Parliament. Unfortunately it so happened that there are Members of Parliament, who for reasons which I will very briefly refer to did come under the provisions of Article 102. For the reasons which I am going to submit to the House, Government feels that it is only right that the disqualification should be removed by a law made by Parliament.

With regard to the question of the office of profit it is necessary for the House to remember that this provision is a very ancient one and has been incorporated in the various Acts of the Government of India that have laid down the Constitution of this country. To begin only with the Act of 1935, there existed section 26 which related to matters regarding holders of office of profit under the Government. Since the federal part of the Act of 1935 did not come into operation that section did not apply to the Central Legislature as was then existing, but section 69 which was the corresponding provision in the Provincial part did apply to the Provincial Legislatures.

As the House knows, in 1946 a Constituent Assembly was convened for the purpose of drafting the Constitution. In that

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\* P.D., Vol. 14, Part II, 7th August 1951, pp. 34-40.

Constituent Assembly it was necessary to bring together, for the purpose of seeking the best advice possible on the matter of making the Constitution, persons who were qualified to give their advice on such an important matter, and it was felt not desirable to have this limitation being imposed on the membership of the Constituent Assembly, and what happened was that consequently the Government of India Act had to be adapted to make it suitable to the new circumstances, and this provision was dropped from the adapted Government of India Act, 1935. Consequently it was open for any Member to become a Member of the Constituent Assembly and, as the House also knows, as the Constituent Assembly also operated and functioned as the Dominion Legislature it became open for persons, even though they were holding an office of profit, to continue as Members of Parliament.

That being the position what happened was this, that certain Members who were Members of the Constituent Assembly and who on account of the fact that they were Members of the Constituent Assembly were also Members of the Dominion Legislature continued to hold offices of profit without any kind of Constitutional ban being imposed upon them, and once they were holders of offices of profit under the adapted Government of India Act, 1935, they continued to hold those offices even after the Constitution has come into operation on the 26th January 1950. Of course it was possible for Government to inform those Members that now that the law is changed and an office of profit has become a disqualification, it was in their interest to relinquish those offices which put them under this ban. But, obviously, Members of Parliament would realise that that would have created a great deal of administrative difficulty. Members had already taken upon themselves certain responsibilities as members of commissions and members of committees, and to 'be told in the midst of their work that they must now quit and the committee or commissions must be so reconstituted that every member of those bodies was free from this ban, would have created a great deal of difficulty from the point of view of administration. Consequently they were permitted to continue to function in their offices notwithstanding the

fact that the ban contained in Article 102 had come into operation. That is one justification why this Bill has been brought in : that if many of those members of committees and commissions had been asked to quit it would have created great administrative difficulty. In view of the fact, therefore, that it was in the interest of the Government to permit these Members to continue in their offices and discharge their functions, it is undoubtedly the obligation of the Government to remove the disqualification which they were in effect induced to incur. That is one reason why this Bill has been brought in.

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A second reason why this Bill has been brought in is because many members who took office after the 26th January 1950 (when the Constitution came into operation), according to the submissions that they have made were unaware, or rather unconscious that the Constitution did contain such a provision. According to the submissions that they have made it was a case of misunderstanding : they did not realise what exactly was happening. And it seems to me that although there is a general rule of law that ignorance of law is no excuse, in a matter of this kind we must accept the *bona fides* of Members who have submitted that they did not, in fact, know that they were incurring a disability of this sort. If hon. Members were to analyse the categories of persons and offices which have been mentioned in the Bill, they will realise that the Members who are given this indemnity fall in either of the two categories : one category is of those who were holding the offices long before the Constitution came into existence ; the second category is of those people who believed in a *bona fide* manner that they were not incurring any disqualification under Article 102. That is the basis on which the Bill has been constructed.

I might also inform the House as to the principles on which the Government is acting so far as this Bill is concerned and so far as the general principle of disqualification arising out of an office of profit is concerned. The Government takes the view that it is not desirable to apply the technical rule of

English law, namely that if the law has declared that the office is an office of profit, then, irrespective of the question whether the Member draws the salary attached to that office, he should be disqualified. That is the rule under the English Constitution ; certain offices have been declared by law to be offices of profit. There may be a certain Member of Parliament who may accept that particular office and at the same time refuse the profits of that office, but the fact that he has refused the profits of the office does not save him from the rule of office of profit. Government thinks that that is quite an undesirable thing; being purely technical we need not adopt it. What the Government has done with regard to defining what is an office of profit is a very simple thing; they have decided the basis for determining whether any particular office is an office of profit or not. Recently the Finance Department has made rules for the payment to non-Members (that is, persons who are not Members of parliament) for work done on various committees. I do not know whether the hon. Members are aware of, or have seen the notification issued by the Finance Department.

**Shri Sidhva** (Madhya Pradesh): We are not aware.

**Shri Sondhi** (Punjab): It has not been circulated.

**Dr. Ambedkar:** Well, I think they could get that. Anyhow it is a very simple thing. The allowances which are payable under the Notification (or office Memorandum as they call it) of the Finance Department for members who are working on committees and in other offices and are not Members of Parliament, are these :

Travelling allowance is paid at the rate of 1½ rail fare if he is travelling by rail and 1¼ fare if he is travelling by air.

Then a daily allowance which is paid at the rate of Rs. 12-8-0 per day in Delhi, Rs. 15 in Calcutta and Bombay, the maximum rate being Rs. 20.

Now if there is any Member of Parliament who is appointed to a committee, and if he is not paid more than what is prescribed in the Office Memorandum a summary of which I have just now given to the House, then he will not be

regarded as a member holding an office of profit. There will be no disqualification because he is treated on the same footing as a person who is not a Member of Parliament. But if any person who is a Member of Parliament and who is appointed to any particular committee by the Government, receives something more than what is stated in the Finance Department Memorandum then the question will arise whether that person is holding an office of profit or not.

**Shri Sondhi :** Supposing he is entitled to more but he does not draw more ?

**Dr. Ambedkar:** That is a case I am not able to imagine. As I said, the position is this. If a Member of Parliament who is appointed to any committee is paid nothing in excess of what the Finance Ministry has ruled as the rates of payment to non-Members, then there is no case at all for disqualification. Every Member is free to be appointed to any committee that the Government thinks fit. But if anything more is paid, then the question will arise as to whether such a Member is holding an office of profit or not. With regard to such exceptional cases the position which the Government has taken is this, that they will not lay down any general rule but they will consider each case separately as and when it arises. Government may, at the time of making the nomination, state then and there that notwithstanding the fact that the allowances payable are in excess of the rates settled by the Finance Ministry, the Member shall not incur any disability. Or, after several cases have occurred they may generally examine the cases and bring in a Bill of the kind that I have brought in, namely, to exempt certain offices which may under the rules lead to disability.

I think, Sir, that I have given the House all the information that is necessary in order to enable it to appreciate the reasons why Government have thought it fit to bring in this Bill. I think I have also given the basic principles which Government have had in mind in dealing with matters arising out of Article 102.

**Mr. Deputy Spaker:** Motion moved:

“That the Bill to declare certain offices of profit not to disqualify their holders for being Members of Parliament, be taken into consideration.”

**Shri Sidhva:** Sir, from the speech of the Hon. Minister in moving this Bill the doubts in the minds of hon. Members have not been removed. Rather, they have increased after the latter portion of his speech. He said that if a Member has drawn more than what the Finance Ministry has settled, it is a case for disqualification. The question may not be serious for Dr. Ambedkar. He is a Minister and has not served on any committee. But nearly 50 per cent. of the Members of this House have been serving on several committees. They were not "induced" to serve on them as he stated. They were requested to serve on them. They were obliged to serve on them. They never knew that this would subject them to any disqualification. Therefore, this matter requires serious consideration and I would say more sympathetic consideration at the hands of Government. I have given notice of an amendment which leaves no doubt about this matter. I want that all the committees on which the Members were asked to serve should be incorporated in this Bill. Dr. Ambedkar has expounded his own viewpoint that those who drew fees as settled by the Finance Ministry will not be disqualified. But we do not know what will be the interpretation of the High Courts and the Supreme Court. No doubt, Dr. Ambedkar is one of the legal luminaries. He was the Chairman of the Drafting Committee of the Constitution and yet the Supreme Court and the High Courts have interpreted the various Articles of the Constitution differently from what he had told us in the Constituent Assembly. Therefore, I am not going to accept his interpretation. His interpretation is of no value to us. He must not give us his conjectures. If he wants the Members to remain in this House, if he wants them to contest the elections, let him be honest about it and say that serving on these committees will not disqualify them. According to his own statement, those who receive more than the prescribed rates of payment should make some statement in the nomination paper and then Government will consider his case. Was that the idea when these Members were requested—I repeat, they were requested not induced—to serve on these committees? Had they known that they would incur any disqualification by serving on these committees, they would not have served on them.

**Mr. Deputy Speaker:** The courts do not seem to have any jurisdiction in this matter. Under the Constitution, the matter has to be referred to the President, who will decide it in consultation with the Election Commissioner.

**Dr. Ambedkar:** May I enlighten my hon. friend and tell him how exactly the question arose? Some Members of Parliament reported certain cases to the Speaker. They said that in their opinion certain Members were holding offices of profit. It is the Speaker who referred the matter to the President and it is the President who asked us to regularise this matter. We have not taken the initiative ourselves.

**Shri Sidhva :** I know that. But my argument was different. I was referring to the fact that only four categories have been mentioned by the Hon. Minister while there are a number of other Members who have been serving on various committees. According to the Hon. Minister, these persons may not be disqualified but according to the Supreme Court they may be disqualified.

**Mr. Deputy Speaker :** How does the Supreme Court come in here?

**Shri Sidhva:** Well, it is the President. Even if it is a matter to be decided by the President, I do not want any ambiguity to prevail. Supposing the President interprets the case differently and says, "Yes, you are disqualified"? What then? The Hon. Minister was right enough when he said that it would have dislocated the administration if these Members have been asked to resign. He also stated that these Members never knew that they would be disqualified under the new Constitution. These were honest intentions, I believe. So, why not embody them in this legislation? I have mentioned nearly twenty-five committees and I hope all the other hon. Members would press for their inclusion.

**Dr. Ambedkar:** I am sure you have omitted to mention some.

**Shri Sidhva:** You add them, I will be only too glad. You should come to our rescue rather than do otherwise. Why should 50 per cent. of the Members of this House run the

risk of disqualification ? I want that Government should reconsider this matter. They should include a clause whereby all members who have served on all or any of the committees appointed by the Ministries will not be considered disqualified. Or, they should include all the names of the committees. I have given two alternatives. I see no reason why the Hon. Minister should not accept one of them. Why should he leave it to somebody else, even if it be the President ? He considers the receipt of fees as equivalent to holding an office of profit. I may tell him that in the Industrial Finance Corporation there are Members of Parliament who under the rules prescribed by the Finance Ministry draw Rs. 50. In some cases they drew Rs. 75. Subsequently, they agreed to Rs. 40. This is a glaring instance. They are and have been drawing Rs. 40. Will they be disqualified ? Is it fair if they are disqualified ? They were asked in writing, they were requested by the Ministry concerned to serve on this Corporation and they accepted.

**Pandit Thakur Das Bhargava** (Punjab): They refunded some of the fees and those fees have been returned to them again.

**Shri Sidhva:** Therefore, this matter should not be treated lightly. I am very glad that Government have brought forward this Bill. It was before this House during the last Session. In fact, we wanted it to be considered along with the Bill dealing with Deputy Ministers and Ministers of State. When the new Constitution came into force we were given an assurance that the Ministers' question would be taken up first and that the Members' case would be considered sympathetically separately. Now this Bill should have been passed during the last Session—nearly five months back. I am very glad that it has found the first place at least now. It is not so simple a measure as Dr. Ambedkar has represented it to be. I would submit to him that the intention of Government is very clear. They do not desire that anybody should court displeasure or disqualification for no fault of theirs. If that is so, let it be made quite clear in the Bill itself. From Dr. Ambedkar's own statement it is quite clear that some of the Members will automatically be considered for

disqualification if anybody were to take the matter to the President, who will, of course interpret the law at the instance of the Law Ministry. The President will naturally consult Dr. Ambedkar and I am sure he will not give a different interpretation to the one that he has given now.

In the course of his speech Dr. Ambedkar did not refer to my amendment—probably he has not seen it. You will see that I have given in my amendment the names of twenty-nine committee on which Members have served. I do not know whether some may have received fees higher than the ones announced by the Finance Ministry. At any rate, I am not prepared to accept Dr. Ambedkar's interpretation, when there are higher authorities to interpret the Constitution.

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**\*Shri Karunakara Menon (Madras):** There are certain committees not formed by the Ministers as such but by the Government: for instance, the Central Arecanut Committee which is a committee constituted by the Government. The members of that Committee, among whom are Members of Parliament also, are nominated. What is to be done with respect to that Committee?

**Pandit Thakur Das Bhargava:** I was myself on a similar Committee: the Indian Central Cotton Committee. But here the wording is "who holds any office of profit under the Government of India or in a State Government". All these fall under the interpretation of Dr. Ambedkar of what an office of profit is. Even if you don't agree, then as stated in the statement of objects and reasons it is a doubtful point. I cannot say definitely that such a membership is not an office of profit, and therefore it is certainly doubtful. Now what would happen to our new Parliamentary Secretaries?

**Dr. Ambedkar:** Why do you want to raise problems which are not there?

**Pandit Thakur Das Bhargava:** In clause 2 I find only Ministers can hold offices of profit. What about the Deputy Ministers?

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\* P.D., Vol. 14, Part II, 7th August 1951, pp. 57-71.

**Dr. Ambedkar:** They are included.

**Pandit Thakur Das Bhargava:** By a stretch of the language you may include Deputy Ministers but what will happen to Parliamentary Secretaries ?

**An Hon. Member:** They are honorary.

**Pandit Thakur Das Bhargava:** I was an honorary Adviser; just as in my case one rupee a year appeared, in their case also it will happen. What I say is that if you want to take full advantage of knowledge or experience you should include a list of those offices holding of which does not disqualify a Member of Parliament. Supposing a Member having a special knowledge of some subject is appointed on a committee but if that office is not declared under this Bill then he will not be justified in accepting it. As between him and his services on the one side and this disqualification on the other, the country will be deprived of his services. Therefore we will be well advised in holding up this Bill, or at least in accepting some amendments grounded on these reasons which I am submitting. Otherwise it will mean that these five categories are exempted and the rest of us will again have to go to Dr. Ambedkar .....

**Dr. Ambedkar:** I have no ill-will.

**Shri Sidhva:** He is generous.

**Pandit Thakur Das Bhargava:** I know it is not the Law Ministry which has initiated this measure, but I congratulate them for the manner in which they discharge their duties because they agree that so far as these persons are concerned they should be helped. But does Dr. Ambedkar mean to say that every time there is a case like this we should go to them and ask them for a favour ? So, while congratulating him for his Bill, I want him to include a further provision in the Bill that if such-and-such a principle is applied the disqualification will not apply. I would therefore respectfully request him, so far as Article 102 is concerned, to bring forward a good measure in which the various offices of profit are defined, at least to the extent that such-and-such offices will not disqualify the holder, and also saying that if the emoluments

do not exceed those of a Member of Parliament for attending the session it will not be taken as an office of profit. If we specify the names of the various committees and commissions I know a very large number of them will be covered but all the same the kind of a committee referred to by Mr. Kamath will not come in. I am a very great criminal in this respect. I was also a member of the Rehabilitation Finance Corporation. First of all they gave us fees. We told them that in the matter of rehabilitation work we did not want any fees, they said, 'No, you are entitled'. They gave us Rs. 50 per meeting whereas Members of Parliament are entitled to only Rs. 40 per day. (Now the fees has been made into Rs. 40.) So, they asked us to refund the amount paid to us for meetings for which we had drawn from Parliament. We said, 'All right'. After the refund was made, they came to the conclusion that we were entitled to the money which was refunded back to us. We never asked for it, but when it came we accepted it.

**Dr. Ambedkar:** That shows the generosity of Government.

**The Minister of Education (Maulana Azad):** I suppose they did not ask again for the money to be refunded?

**Pandit Thakur Das Bhargava:** The difficulty now is this. Even if we did not accept this money and gave it back, we would have come within the mischief of this rule if the office is regarded as an office of profit, because it is not the getting of the money that matters but it is the office carrying that emolument.

**Mr. Deputy Speaker:** Is it not an autonomous body created by a statute? Therefore, is it an office of profit under the Government?

**Pandit Thakur Das Bhargava:** It is an autonomous body.

**Mr. Deputy Speaker:** Therefore, the amount was refunded to you.

**Dr. Ambedkar:** If you will kindly allow me to explain, I think it will cut short the discussion.

**Pandit Thakur Das Bhargava:** But you must explain the following three points: (1) Rehabilitation Adviser;

(2) Rehabilitation Finance Corporation; (3) General Committees. Then there are other committees of which some members have told me just now. For instance, some Members have been serving as members of Committees appointed by the Manager of a railway system, or as Presidents of Chambers of Commerce. They are to that extent holding offices of profit under the Government. Will they all come in ? I want that this question should be beyond any doubt. If only five categories are mentioned, we shall have only two courses open : either to see that these persons are not exempted and they remain like us ; or that we are also exempted like them. I humbly submit that this House will not be justified in passing this Bill as it is. Either accept Mr. Sidhva's amendment that on a certain principle all those Members should be exempted and include the Rehabilitation Advisor also in this category. Or lay down a principle which may be of general application and the holders of those posts may be regarded as not coming within the mischief of this rule. What Dr. Ambedkar has done is according to the exigencies of the situation as he understood them then. But now, so many new things have been brought to his notice and he will not be justified in getting this measure passed without including the other committees.

So far as the question of disqualification is concerned, . I submit that none of these persons has really incurred the disqualification, because none of these persons understood nor they had the full knowledge that as a matter of fact they were incurring a disqualification by accepting that post. When this is the position, they ought not to be taken as having incurred the disqualification. In regard to past things, it should be stated that those offices were offices in regard to which no disqualification was attached. Unless this is done, this indemnity Bill will not be an indemnity Bill, because you are not indemnifying persons, you are indemnifying offices. If you make the individuals also immune, then you would have done the right thing. That is my submission.

**Dr. Ambedkar:** From the point of view of members of Parliament this Bill is certainly a very delicate Bill and I would begin by reminding hon. Members that they should

be very careful about becoming over-enthusiastic in the matter of attending the provisions of this Bill. My hon. friend Pandit Thakur Das Bhargava was the only member who touched upon this aspect of the matter, though very briefly. That was a point that ought to have been greatly emphasized. The reason why the Constitution incorporated this provision in Article 102 was a very substantial one. It was intended to protect the independence of Parliament and consequently Members of Parliament should be very jealous in extending the provisions of Article 192, so that the public outside may not criticise them for engaging in a certain kind of—I hope Members will forgive me—jobbery. We have got to look at it from that point of view. It is quite true that whenever a Member is appointed to a committee he is doing a certain service to the country.

**An Hon. Member:** Is it jobbery ?

**Dr. Ambedkar:** It has all aspects about it. From the point of view of the Member, it is no doubt a service that he renders. From the point of view of the opposition, if there is one, it might have another aspect. The opposition might very legitimately contend that the Government is extending the provisions of the office of profit rule in order to collect a lot of people to support it whenever support is wanted. Therefore, as I said, while there are difficulties in the provision contained in Article 102 and they should be solved in order that no serious handicap will be placed in the way of Government having the advice of members on committees whenever Members of Parliament are appointed to such committees and also in order that Members of Parliament may not be debarred from offering service to Government through committees,—while we have to do this, we have to be careful to see that the provisions are not made a temple, the doors of which are very wide and where anybody can enter. I must, I think, utter this caution in the interest of the House.

Subject to that, I think there is a certain amount of misunderstanding about what the Bill does and also the basis of the Bill. I am very sorry to say that I did not present my case clearly, because Members of Parliament have not

followed me or understood me. It must have been my fault that I was not as clear as I should have been. I shall therefore explain the position succinctly once again. With regard to office of profit, we have to determine what is an office of profit and what is not an office of profit. As I told the House earlier, Government does not propose to take a purely technical view of office of profit as they do in England where the law says that such and such is an office of profit, and whether that is any office of profit or not or whether any particular individual who is holding that office of profit draws any money or not, it is for the purpose of the law an office of profit the holder of which is disqualified. It is the intention of the Government not to import that rule in our Constitution and unnecessarily disqualify Members of Parliament under a technical view of what is called an office of profit. I think the House will remember that. We are going, as I said, to take a realistic view of what is an office of profit. In coming to the conclusion as to whether any particular office is an office of profit or not, we have to divide the payment made to the Member into two separate categories. One is payment to a Member which includes nothing more than what may be called actual out of pocket expenses : travelling, living and so on.

**Pandit Kunzru** (Uttar pradesh): What else ?

**Dr. Ambedkar:** I am coming to it. I am giving an illustration. I do not know whether you are familiar with it, 3-00 P.M. but I think it is an illustration which is well known to many who attended the Round Table Conference. The second category would include what I would call actual expenses incurred by the member in order to be present at the committee to discharge his functions and something in addition as a recompense for the loss that he incurs by giving up some other business in order to attend to this business. I do not know whether my hon. friend was a Member of the Round Table Conference, but it is a fact and I happen to know it because I was a Member ; the allowances paid to Members were divided into two categories. One category was called subsistence allowance which meant 22s. or 21s. per day. The other category was called merely 'allowance' which was

intended to cover the loss which professional or businessmen incurred by giving up their business in this country and going to London to attend the Conference.

**Shri Sidhva:** How much was that?

**Dr. Ambedkar :** I forget the amount now—I think it was £ 100 a month. It is a long story, but I remember the distinction very well. But this distinction to my mind, is a very clear distinction. It is a distinction which can be justified on facts and which has a lot of precedents behind it. Therefore, the conclusion that was reached by Government in assessing whether any particular office was an office of profit or not was this distinction—whether the allowance or payment made to the member was nothing more than the bare expense which he may be supposed in normal times to incur, or whether in addition to this he was paid something more. We have taken the basis for actual expenses what has been decided by the Finance Ministry—in fact. I should have said what has been accepted by Government—not merely decided by the Finance Ministry, but accepted by Government before this conclusion was reached.

As I said, the matter was brought before Government through the Speaker and through the President. There were only one or two cases that were referred to Government for consideration, but Government felt that it was desirable to find out whether there were any more cases of this sort to which the attention of the Speaker was not drawn and we, therefore, circularised the various Ministries. We circularised various offices to let us know whether there were any such cases which required to be considered, so that one comprehensive measure may be brought into cover all such cases that had happened since the inauguration of the Constitution. After the cases were received we applied this test to which I have just now referred—what was the amount of compensation that was paid: was it only the bare expenses, or was it something more than that. If it was something more than that, then we decided that it should be deemed to be an office of profit. If it was just what was decided upon by the Finance Ministry, we treated that it was not an office

of profit, irrespective of the question whether it was held by a Member of Parliament or not. We were very careful—I must again repeat—in finding a true basis for our decision, because if we treated each case *ad hoc*, on its own, it might have been argued that we applied one criterion to one particular case and another criterion for another case. We did not want that sort of accusation to be levelled against Government and therefore we were very keen in finding out a general fundamental principle which would be applied to all the cases. It was on that basis that we came to this conclusion that there were certain cases which exceeded the principle, namely, that the allowances were beyond what might be called merely compensation for actual expenses incurred.

**Pandit Kunzru:** But there were other committees.

**Dr. Ambedkar:** I am just coming to them. Now, with regard to the question that has been raised namely Rehabilitation Finance Corporation, it is obvious that the Article speaks of office “of profit under the Government of India or the Government of any State”. An office of profit under a Corporation may be an office of profit. It is certainly not an office of profit under Government, and, therefore, the person is not disqualified.

**Shri Sidhva:** It is under the Government of India.

**Dr. Ambedkar:** What I give is the judicial interpretation and I am sure my hon. friend Mr. Sidhva, who I do not think would claim that he is a great constitutional lawyer, would not contest that position.

**Shri Sidhva:** What about the Supreme Court decision ?

**Dr. Ambedkar:** The Supreme Court has nothing to do with it. I was going to say that many Members are under the impression that this a matter which can be taken to the Supreme Court. This matter cannot be taken to the Supreme Court. If the House will allow me to say so, it is out of deference to the House that we have brought this measure. The President has absolute power to say whether any particular office is an office of profit or not. But we thought that it was not right to let the President decide it. We thought