

THE PRESIDENT'S PENSION
(AMENDMENT) BILL, 1962

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI
B. N. DATAR): Madam Deputy
Chairman, I beg to move:

"That the Bill to amend the President's Pension Act, 1951, as passed by the Lok Sabha, be taken into consideration."

This is a simple measure. As you are aware when the Constitution came into force and the institution of the President as the Head of the Republic was brought into operation a question arose as to whether some provision should be made for granting pension to a retiring President. That question was taken up by Parliament then and a Bill was passed in 1951. That Act came into force on the 14th May, 1951 and it made a provision for the payment of a pension, to a retiring President and also to the last Governor-General, of Rs. 15,000 per annum for the remainder of his life. According to this Act you will find that in addition to the last Governor-General this sum of Rs. 15,000 would be available to the retiring President also. You are aware that India has been extremely fortunate in its Presidents. We had one of the most distinguished sons of India as the first President of the Indian Republic. He retired only a few months ago and a question was taken into consideration as to whether in addition to Rs. 15,000 something more should be made available to him for the reason that even after retirement he would continue naturally to take interest in the public affairs of the country. He would have many public calls also and for that purpose it was considered necessary that some more additional allowance should be placed at his disposal by way of firstly, secretarial assistance and secondly, the question was considered as to whether the President should have free medi-

cal treatment. On both these points you will find that the Government considered that an amendment of the Pensions Act of 1951 should be undertaken. Therefore, a Bill was prepared and it has been duly passed in the

Lok Sabha. And that Bill has 3 P.M. come here for the approval

of this hon. House. Now, I was just looking into the history of other countries as to whether there were such provisions. I understand there are such provisions for a retiring President, in addition to the United States of America to which I am going to make a reference, in West Germany, Italy, France and Ireland, among others. So far as the United States of America is concerned, the President is entitled to a pension of 25,000 dollars per annum. In addition to this he is also entitled to suitably furnished office space and staff assistance. There is also one more amenity which has been given to him. It is called franking privilege. The franking privilege is one by which he would be entitled to free conveyance by post, etc. so far as 4,000 individual pieces are concerned. It means that he can use the post office or other means of conveyance free for the purpose of despatching all his correspondence, the number being limited to 4,000. In addition to this, there are two cases in the U.S.A. where there are two widows of retired Presidents. To them also a provision has been made in the American Constitution according to which they get 10,000 dollars per year as pension. So, you will find that there are instances where such a provision has been made so far as the retiring President is concerned. I was just looking into the records not only of the U.S.A.'s Federal Council but also its Committees. When this Bill was before a Committee, they gave certain reasons why a retiring President ought to be given such assistance, in addition to an annuity or pension. The reasons that have been given are highly illuminating. They are almost of the same nature as would apply to the case of a retiring Indian President. Now, this is what was pointed-out before the Committee:—

"A former President is considered a dedicated statesman."

They have put it in an extremely good manner. A former President is a dedicated statesman, but available, if desired, for service to our country. And then they have put it rather strongly:

"Once a President always a President".

It means that whenever there is a President, on account of his illustrious position and services to the country, he would always be and he ought to be available to his country for further service. And then it is stated:—

"The interests of the American people in the President does not cease when his term of office has ended."

And further they point out why additional staff assistance ought to be given. It says:—

"The public demands speeches, conferences, advice, correspondence and otherwise continuity, after the services of the President are over. A former President is not expected to engage himself in any business or occupation, which would demand the office he once held."

Now, there are similar reasons in India also and as I stated we have been extremely fortunate in the retired President, as also in the present President. Both of them are eminent persons and they have served the country very well. What we do say here in this case is that the matter should not depend solely upon personalities. A rule should be made according to which any person who holds the office of President, after he retires, ought to be entitled to a pension. That has been provided for in the Act of 1951. But it was considered advisable that in addition to Rs. 15,000, which is given to him as pension, he ought to have secretarial assistance as well.

Now, so far as this is concerned, you will find that the wording has been purposely put as follows:—

"to secretarial staff and office expenses, the total expenditure on which shall not exceed twelve thousand rupees per annum;".

SHRI K. SANTHANAM (Madras): In this connection I want to know whether it is inclusive of travelling expenses also, whether the words "secretarial staff and office expenses" would include travelling expenses also.

SHRI B. N. DATAR: I do not think that it will include travelling expenses of the President. The wording is very clear: "Secretarial staff and office expenses". Subject to further consideration. I do not think that it will include.

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): It could not include travelling expenses, but...

SHRI B. N. DATAR: What we have stated is this. To proceed further, in the other House this question was dealt with at great length. Two or three questions were placed before the House. The question was raised whether it would be binding on the President to appoint Government servants only as his private staff. The extent of such help was also a matter which was discussed in detail in the other House. A suggestion was made that instead of secretarial staff and office expenses, for which a maximum of Rs. 12,000 has been provided for, we might add this amount also to the amount that is being given to the President as pension. In other words, it was suggested that Rs. 15,000 plus Rs. 12,000 should be considered as the President's pension. You will find that certainly it would not be a proper procedure. Now, in India, as we have always been following it, pension has been naturally placed on a modest scale and the retiring President or any retiring President would not like to subject himself to the criticism of an inflation of his pensionary benefits, especially so far as the remuneration part or the annuity part is concerned. Here what has been provided for is in respect of certain specific items, namely, office expenses and

[Shri B. N. Datar.] secretarial staff. It was made clear, I should like to make it clear, that it would be within the discretion of the President to appoint any person on his staff as he liked, subject to this that he need not necessarily be prevented from availing himself of the services of Government servants. It would be perfectly open to him to do that. All that has been laid down is that the total expenditure on secretarial staff and office expenses should - not exceed Rs. 12,000 per year. Therefore, you will find that so far as this provision is concerned, it is perfectly reasonable. It will help the President to carry on his public duties which are manifold, even after retirement, in as best and efficient a manner as possible. He will have the assistance of a private secretary, the assistance of an office, and he can carry on his work in as efficient and expeditious a manner as possible.

SHRI AKBAR ALI KHAN: The Civil Service Regulations will not apply to these people.

SHRI B. N. DATAR: Yes, unless he draws his private secretary from the Government. Otherwise it will not apply. Lastly . . .

SHRI SHEEL BHADRA YAJEE: Will it be applicable to the ex-Governor-General also?

SHRI B. N. DATAR: Yes, it will be applicable. In fact, we have made it clear. Lastly, the question of medical attendance and treatment is there. So far as this is concerned, you will agree that in view of his eminent services and in view of his continuing service to the nation, the nation should look after his health as well. He may go anywhere he likes. Even if he chooses the most distant rural part, he will be entitled to free medical assistance and treatment from a medical officer there, from a dispensary or hospital available there. That ought to be, you would agree, free service to him. On these two grounds all that has been done is that

in addition to Rs. 15,000, for office and secretarial staff Rs. 12,000 as the maximum has been laid down. So far as medical attendance and treatment are concerned, they cannot be anticipated. It will depend upon the extent of the help that in a particular case he will receive during one year. That is bound to be reasonable, and therefore, I submit that so far as this item is concerned it has to be left as it is, and the actual amount that would be incurred would be debited to Government for the purpose of the retired President. I will have to request this House to consider this simple matter as one of fair urgency for the reasons that the President has already retired and we are anxious to place at his disposal some further amounts for secretarial staff and office expenses and also to make it possible for him to get free medical attendance and treatment from the time of his retirement. I, therefore, commend my motion.

The question was proposed-

DR. NIHAR RANJAN RAY (West Bengal): May I seek one clarification? Does the President of the Republic of India ever retire? A particular individual may retire. Does the President ever retire? In the last sentence the Minister said "since the President has retired".

SHRI B. N. DATAR: I am prepared to correct myself if the hon. Member so desires. It should read: "The distinguished person who held the office of President has since retired."

SHRI ROHIT M. DAVE (Gujarat): Madam Deputy Chairman, I rise to support the Bill which has been moved by the hon. Minister of State in the Ministry of Home Affairs. This Bill incorporates certain sentiments which the country holds so dear as far as the office of President is concerned and also incorporates the faith of the people in themselves that when they will elect a President, the person who would be occupying the high post would be a person who would have

not only the love and affection of the people but would be, as the hon. Minister pointed out, a dedicated politician whose whole life is dedicated to the service of the nation before he became the President, during his occupation of the office of President and even after he retired from that office. It is this confidence of the people in themselves and the high love and affection which they hold for this office which have resulted in this particular Bill being considered by the House at the present moment.

The hon. Minister has pointed that the President, who has just retired, has fulfilled all the requirements which are the basis of this particular measure and the measure which was passed in 1951. I wish that he had mentioned the last Governor-General also to whom both the measures apply. Whether we may agree or may not agree—and we on this side may disagree—with the last Governor-General on some of the political views that he holds, there can be no two opinions that the last Governor-General was also an illustrious son and is an illustrious son of this country and deserves all the consideration, all the love and all respect of the country which are being incorporated in the present measure and were incorporated in the 1951 Act. While, therefore, fully supporting the measure which is now before the House, I would like certain clarifications regarding the rules that are going to be made for giving effect to the provisions which have been incorporated in the present Bill.

In the Statement of Objects and Reasons we are told that a person holding the high office of President has even after retirement many public calls on him and it is, therefore, considered desirable to provide him with secretarial staff and office expenses out of public funds. In the memorandum regarding delegated legislation it is further stated that the Bill provides for a staff which may be engaged for the President and that the

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rules will also provide for medical attendance, etc. I am not concerned with medical attendance just now but I am rather intrigued by the words "engaged for the President". Perhaps it might mean that the appointing authority might be some one different from the President and the President may only be a beneficiary of these measures. Further a staff might be appointed for him and office space might be provided for him. It is because of this that certain misgivings have arisen in the minds of some of the Members, and they want it to be made perfectly clear that the staff will be appointed not only for the ex-President but will be appointed by the ex-President, and it will be his wishes and his desires that will be taken into account when a particular person is being appointed. Also regarding the office which is engaged for him, his wishes should be taken into account so that he knows what would be a convenient place for him and he may try to get that place.

Another reason for insisting on what I consider to be an important detail is that, if the Government appoints the staff for the ex-President, then automatically they become Government servants because they have been appointed by the Government. It may be that in the rules a clarification might be attempted whereby they may be exempted from some of the Service Conduct Rules which are applicable to normal Government servants. But even there it will be much better that this should not be left in any doubt and that these persons that are appointed to assist the ex-President in his secretarial task are appointed by the ex-President himself. They would be the staff of the ex-President and would not be appointed by the Government for the ex-President and would not be Government servants. This point ought to be made quite clear so that the ex-President has got all the right of determining the service conditions of the people ap-

[Shri Rohit M. Dave.]

pointed by him, of course subject to the overall limit which has been provided, and to my mind rightly provided, in the Bill. Within that overall limit perhaps it will be much better to leave the rest of the matter to the President himself so that we may also express our further confidence in the President to the effect that he would utilise it with discretion and with all sense of responsibility and fairplay and taking into account the interests of the public and of the public exchequer too.

Another point which also needs some clarification is regarding the payment to be made for the secretarial assistance and for the secretarial staff. Normally, Government rules require that whenever any such demand is made on the public exchequer or on the Consolidated Fund of India, a certain formality has to be gone through and that formality of accounting and of auditing has also to be in a prescribed form. Here again I would submit that it would be much better to leave it to the ex-President himself to determine in which form he would like to submit that accounts provided that the accounts are clear and provided that the accounts are supported by the necessary documentary evidence to show that the expenditure was incurred for the purposes for which it was given. I would submit that some amount of voluntary auditing by the ex-President himself might be tried in this matter and all that the rule should insist upon should be that the accounts should be clear and properly supported by the documents.

SHRI K. SANTHANAM: Am I to understand that the ex-President's statement ought to be sufficient?

SHRI ROHIT M. DAVE: The President's statement that he has spent so much money should be sufficient, as we, Members of Parliament, are doing when we are sitting on committees. All that we say is that we

have actually incurred such and such expenditure and that certificate is always considered sufficient. It is not to be supported by any vouchers or other documentary evidence. Some such procedure should be followed in this case also, so that there may not be any unpleasant incident at any time and the matter might not become embarrassing merely because of some technical defect one way or the other or a technical violation of a rule in case the rule is very rigid and technical.

These are some of the observations that I would like to make while supporting the measure which is now before the House. Thank you.

THE DEPUTY CHAIRMAN: Dr. Shrimati Seeta Parmanand. Just five minutes please.

DR. SHRIMATI SEETA PARMANAND: Madam Deputy Chairman, I do not think that the Bill requires much comment. Everybody is in full agreement with the objects of the Bill. But there are one or two points which I think require to be clarified and which should have been really included in the Bill itself. One is whether the pension is subject to income-tax. I do not think that such pension should be subjected to income-tax because Rs. 1250 is a very small pension in these days considering the position in which the President has to live. Therefore, the pension, whatever it is, should be free of income-tax. I am just making the suggestion. I think that it is not free of income-tax. So, I suggest that this might be . . .

SHRI K. SANTHANAM: It is certainly subject to income-tax.

DR. SHRIMATI SEETA PARMANAND: If it is subject to income-tax, it should not be so now. That is my proposition. Similarly, any allowances, etc. that are made along with that are also subject to income-tax.

SHRI K. SANTHANAM: No, no.

DR. SHRIMATI SEETA PARMANAND: Allowances in the sense that some servants are given to company officers. I am taking the example of companies where the officers have some company servants and some allowances are given. They are taken as perquisites of the officer and the income-tax on them is to be paid by the company.

SHRI K. SANTHANAM: It is office expenditure and free of income-tax.

DR. SHRIMATI SEETA PARMANAND: Well, anyway, those servants are given for the convenience of the officers. I am giving an analogy because this thing is there in the Company Law. There are very many concerns where the officers are given a number of servants by the companies as an amenity and their wages are subject to income-tax along with the salary of the officer. Then, in these days of very expensive travelling, another facility that should have been there, is that when the ex-President has to travel on public business, he should be provided with free air travel and air-conditioned travel. In old age particularly, air-conditioned travel is necessary. When we are doing so much to see that the person who has occupied such a high office lives in comfort, this little additional amenity should not have been excluded and there is room for further consideration after consulting the President also if desired—the President himself will not naturally say anything—and another amendment might be brought forward.

The hon. Minister was pleased to state that even if the President goes to a village, he is entitled to free medical service from that village doctor or the district doctor. I personally think that this is rather a very niggardly way of treating our President because if he were to

fall ill in a remote corner, even then we have to rush to him the best medical aid that is necessary and if necessary. Therefore, it should be possible for the President to avail himself of the services of a medical expert at the capital of a State or anywhere in the country. I, therefore, feel that the remarks that fell from the lips of the hon. Minister should not have been there. As an ex-President, he has every right—and he is entitled—to the best medical help that is available in the country.

SHRI AKBAR ALI KAN (Andhra Pradesh): He did not say that. He did not mean that.

DR. SHRIMATI SEETA PARMANAND: I hope he did not mean that. But it sounded somewhat like that. But I think that he meant that medical aid would be made available anywhere to the President if he unfortunately were to fall ill.

Lastly, I want to know from the hon. Minister whether these amenities will apply to the ex-Governors-General also, and whether they are to be with retrospective effect. Perhaps, they should be with retrospective effect. I do not know what the idea behind the Bill is on this point but I think it would look generous to give it retrospective effect.

I would only say that the sum of Rs. 15,000 per annum may perhaps sound a little high to some but looking to the cost of living today, I think this sum—one has to engage servants and even domestic servants demand Rs. 60 or Rs. 80 per month—it is a very trifling sum. Therefore, I feel that if the other amenities for travel, etc. are given, they would perhaps fill up the gap, and the pension should be income tax free.

SHRI NIREN GHOSH (West Bengal): Madam Deputy Chairman, we regret that we have not to oppose this Bill. At the outset, I must tell you that by opposing this we do not

[Dr. Shrimati Seeta Parmanand.] mean any disrespect to the person of Dr. Rajendra Prasad or the ex-Governor-General, Mr. Chakravarti Rajagopalachariar. But we oppose it on matters of principle, principles that are involved in this, and we cannot sacrifice principles for the sake of any person, however eminent he may be. Unfortunately, some eminent persons are involved in this Bill.

But the first point is, we do not see why a distinction should be made between a private citizen and an ex-President. When a President retires from office, he is a citizen of India and a private citizen, and there is no reason whatsoever why a particular distinction should be made between one citizen of India and another citizen. This procedure should not be adopted. We sincerely and honestly want to help Dr. Rajendra Prasad but the principle behind this Bill is bad, it is one which would create a bad precedent afterwards.

Secondly, we ought to remember that by paying some money we can not adequately compensate for their services to the nation. A person is elected to the eminent office of the President because of certain services that he has rendered to the nation and social recognition is given to him by electing him to that office. That is precisely the honour, that is precisely the remuneration and that is precisely the reward that the country can pay to a person and not by paying Rs. 12,000 per annum towards his secretarial staff and office. And that is the second point that I would like to make. Our point is that there is no bar for an ex-President—because he is a private citizen—to engage in politics. An ex-Governor-General is the Leader of the Swatantra Party, and in any public activity more or less a political view, a political trend is bound to be espoused by the person who puts forward certain views before the country. Now he requires an office and secretarial staff precisely in order to engage in public activity. And for the State to finance that public acti-

vity by a private citizen, to make an enactment and provide money for that is doubly bad in principle and no such precedent should be created. Further, you ought to remember, whatever we may say, that in a class-ridden society this Constitution of ours has been framed in order to protect and safeguard the vested interests, precisely the capitalist class and the landlord's class, and particularly the monopolist sections of it, and the entire affairs of the Government of India, their policies and activities during the past fifteen years testify to that. And now, Dr. Rajendra Prasad, he is an honourable person, he is an honest person, but it has been amply demonstrated, when he was in office, when the question came, when the Kerala Ministry touched the vested interests, a minute portion of it, only just touched it, the feudal vested interests, well, the Presidential emergency powers were called into play to remove that Ministry. Now you see that only those persons are elected to the office of the President. (*Interruptions.*) Such persons you elect, and to such persons, after their retirement, you want to provide money from the State exchequer because they have to engage in political activity—for their secretarial staff and office expenses. This, I think, should not be allowed, and as a matter of principle we cannot allow that. I again say that we have every respect for the person of Dr. Rajendra Prasad, for his honesty and sincerity and all the other qualities. But despite everything the matter stands here. So in such a thing it is not the person who counts; it is the principle which counts, and Parliament is here to see that our democracy develops and is not curtailed, that we do not create such precedents whereby the State is dragged into this. Otherwise you will create a precedent whereby you shred to pieces the fiction that the State is above class, that the President is a neutral person rising above all conflicts. That is a fiction of course, but still you maintain that fiction. By enacting this Bill you will tear that

fiction to pieces, tear it asunder. And now that is a dangerous thing. Whoever likes to be a party to That dangerous game may do so, but our party can never be a party to and support such a principle which creates such a dangerous precedent. With these few words, Sir, I would request the ruling party and other hon. Members, though I do not question their honest intentions and their sincerity, to see that matters of principle are involved in this Bill. It is also well known that our ex-President did not lack finance for his secretarial staff and office expenses, etc. when he was in public life before becoming President. That was because of the position he occupied otherwise, that was because of the position he occupied in our national movement then. He could always have finance and did have that. He did not lack money. So what is the necessity at all for the State to enact this Bill in order to provide that money when there is no necessity for it? Incidentally I should say that lakhs and lakhs of rupees are spent all round on the President's establishment and I do not know by whose sanction, in what way and what provision has been made. We do not know, but it is done. When there is the question of economy drive in all spheres, I suggest that this should also be taken into consideration. Anyway that is an incidental thing in connection with this Bill. Here I say that once you enact this Bill, you write in plain language and you enact it that the State is not impartial, that the office of the President is not impartial, that it is subject to class politics, for safeguarding particular class interests. Thereby you commit yourself. If you want to commit yourself, you may do it by all means, but let it be clear that you are doing precisely that thing by enacting this measure. Since our party can never support such a principle, I oppose this Bill.

With these few remarks I conclude.

THE DEPUTY CHAIRMAN: Mr. Govinda Reddy. Just five minutes.

SHRI M. GOVINDA REDDY (Mysore): Madam Deputy Chairman, after the hon. Minister in the Ministry of Home Affairs had explained the purpose of making these provisions, it was quite unnecessary, in my opinion, for anybody to speak, particularly when he quoted the reasons given in the American provision, that of the dignity of the office of the President, the work that devolves upon a retiring President and the public calls that the President will have to answer, and all these which put the retired President to expense, on account of public work. So after* hearing the reasons it was unnecessary for anybody to say anything about it, and I am surprised that the hon. Communist Member should have opposed it. He says he has no disrespect for the office of the President and I do believe him that he has no disrespect for the individual who has occupied this office. Those occupying this office are eminent sons of the country, all the three of them the ex-Governor-General, the ex-President and the present President.

But with regard to the question of principle, I do not see that any principle is involved here. Now he seems to imagine that because the ex-President is furnished with staff to do the public work which devolves upon him, as ex-President, as the honoured citizen of the country and which he has to carry on with—work of social service, work of a public nature—he seems to think that he will be doing political work. I do not think he is justified in presuming that an ex-President will become a political partisan.

DR. SHRIMATI SEETA PARMANAND: He says so because Shri Rajagopalachari is the founder of Swatantra Party—he said so.

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SHRI M. GOVINDA REDDY: That is true. He is right; it does not prevent an ex-President from taking part in political work. But there IS also this side. He has to do other public work also, public work ii

[Shri M. Govinda Reddy.] the nature of social work. For instance, the ex-President, an eminent son of India, one who can inspire confidence and respect in the whole country, will be required to discharge the functions as president of a charitable trust or charitable association, functions of institutions which are educational in nature; there are also these functions and so we cannot divide his work into political and other. We cannot bifurcate his activities and say that this is political activity and this is not political activity. So that is not the criterion which should make us decide this question. The criterion is that the President who retires after serving the country as President will have to continue the work. The one phrase which is used in the American enactment is that he is a dedicated servant of the country. He continues to be a dedicated servant of the country and, therefore, we have a right to make a call on him for public service, and the country has a right to expect him to do public work or public service. We cannot say that he has to do this or that public service at his own cost. It cannot be the case; it is impossible. It must be within the experience of any hon. Member, he must be replying to letters costing more than Rs. 100 per month by way of postage.

(Interruptions.)

My time is only five minutes. I will explain to you in the lobby.

We have to answer the letters received. We are not Members who are directly responsible for our country as a whole, may be, but we are responsible for a whole State. Even if it be a State only, we have to answer the correspondence that we get regularly, and so even we feel the need for secretaries. It is very unfortunate that the Government have not provided Members of Parliament with private secretaries.

DR. SHRIMATI SEETA PARMANAND:
There is a proposal to that effect already.

SHRI M. GOVINDA REDDY: If we have to do our public work only, and that to the best of our ability, then every one has to have secretarial assistance, and if that is the case in the case of an ordinary Member of Parliament, it can be imagined what will be the volume of work and the volume of public calls on an eminent person of the status of the President of India, who has so much work to discharge in the whole country.

So, it is absolutely necessary. It is not a question of measuring it in terms of money. It is a question of preserving the dignity of the office of the person who had occupied the eminent place and it is a question of taking service from him. It is not a question of giving him money, it is a question of utilising him for the service of the country. Therefore, I do not think my hon. friend should raise this objection.

The other point which I wanted to submit, Madam Deputy Chairman, is whether the medical facility that is provided for in the Bill for him—for that provision there is no objection even on the part of my hon. friend—is to be applied to his family or only to the person of the President. I think under the Contributory Health Scheme the father, or mother dependent on him or the wife and children who are dependent upon the father, are free to utilise the contributory Health Service. I think, on the same lines the wife of the President and any dependent children of the President should be entitled to it.

With these few words I extend my support to this measure.

श्री बिसल कुमार मन्नालालजी
चौरङ्गिया (मध्य प्रदेश) : माननीय उपसभा-
पति महोदय, जो बिल प्रस्तुत किया गया है
उस बिल को प्रारम्भ में बिना गहराई से सोचे
मेरे मन में भी यह प्रतिक्रिया हुई थी कि इस
देश में गरीबी पराकाष्ठा को पहुँच रही है।
इस देश के टैक्स से इतना अधिक खर्चा

भूतपूर्व राष्ट्रपति के लिए दिया जाय, या उनके खर्च में काम में लाया जाय, इस तरह की बात मेरे मन में प्रारम्भ से ही अटपटी सी लग रही थी। किन्तु जब मैं गहराई से इस सारे प्रकरण पर विचार किया और देखा कि एक ओर तो खर्च का प्रश्न है और दूसरी ओर उन गरीबों को मृत्यु से बचाने के लिए ऐसे मार्ग-दर्शक की आवश्यकता है, जो कि दुनिया की इतनी भीषण परिस्थिति में, जब कि वैज्ञानिकों की आपस में संसार को नष्ट करने के लिए होड़ लग रही है, उसमें हमें इस देश में एक मार्ग-दर्शन करने वाला महान् पुरुष दिखाई देता है, जो सारे अन्य राष्ट्रां पर कुछ असर डालकर, बंवन डालकर, उनको इस तरह की दुष्ट जन्म विर्भाषिका मचाने से रोक सकता है। ता मर सामने दो प्रश्न आये, एक तो उनकी गरीबी का प्रश्न और दूसरा संसार को भयंकर विर्भाषिका के भय से बचाने का प्रश्न। इसके साथ ही साथ एटम बम के परीक्षाओं से मानवजाति का जो नुकसान होने वाला है और राष्ट्रां के बीच जो संसार को नष्ट करने की होड़ चल रही है, इसको देखकर मेरे मन में यह लगा कि अगर भारत का कोई राष्ट्र-पुत्र है, तो वह डाक्टर राजेन्द्र प्रसाद है, जो एक काफी दिनों तक, हो सकता है, हमेशा के लिए अपने प्रयास से संसार को भयमुक्त कर सकता है। वह अपने प्रयास से, अपने माध्यम से संसार का इस तरह का मार्ग-दर्शन कर सकते हैं, जिससे भविष्य में संसार में किसी तरह का कोई अणु-परीक्षण न हो, संसार नष्ट भ्रष्ट होने से बच जाय और सार संसार में शान्ति हो। इसी भावना को लेकर मेरे मन में पहले गरीबी का विचार था और वह घटकर मृत्यु के मुख से बचाने की ओर चला गया और इसीलिए मैं इस संशोधन का समर्थन करने के लिए खड़ा हुआ हूँ।

उपसभापति महोदया, मेरे मित्र ने प्रिन्सिपल के बारे में यह कहा कि साधारण नागरिक में और भूतपूर्व राष्ट्रपति में कोई फर्क नहीं होना चाहिये। मैं यह बात मानता हूँ कि इस तरह का सिद्धान्त होना चाहिये कि जो

कुछ भी कार्य हो वह हमारे राष्ट्र के हित के लिए हो, हमारे समाज के हित के लिए हो। वही सिद्धान्त सबसे बड़ा और अच्छा हाता है जिसमें सारे राष्ट्र का हित हो, जिसमें सारे समाज का हित हो। अगर राष्ट्र के हित में, समाज के हित में पुरानी रुढ़ियों—सिद्धान्त—को भी बदलने की आवश्यकता होती है तो उसको बदला जाना चाहिये। यहाँ पर भी हमें राष्ट्र के हित के लिए और सारे संसार के हित के लिए इस बिल में संशोधन करना होगा। इसी भावना को लेकर मैं मित्र ने इस बिल का जो विरोध किया, उसका मैं विरोध करता हूँ और उनसे प्रार्थना करता हूँ कि जब इस तरह के अवसर आते हैं, जो कि अमवादास्वरूप हैं तो उस समय जो बड़े सिद्धान्त हैं, राष्ट्र और समाज के हित के लिए हैं, उनका आधार पर हमें अपने देश का भाग बढ़ाना चाहिये। हमने इसका अंतर्गत छोटें छोटें सिद्धान्तों का अपने जीवन में बाध लिया है, जिन्हें हमें छोड़ना पड़ेगा।

उपसभापति महोदया, राष्ट्रपति का पद पर वही आसीन हो सकता है जो देश में प्रिय होता है और उसने शोकाएँ झुकाएँ कर कि इससे द्वारा हमें लाभ होगा या हानि होगी, उचित बात मालूम नहीं दी है। हम इस नतीजे पर पहुँचें हैं कि हमारे जो रिटायर्ड राष्ट्रपति हैं उनका कार्य से हटने ऐसा लगता है कि उनके लिए जो एमैन्डमेंट्स प्रोवाइड कर रहे हैं, लाभ दिये जा रहे हैं, वह व्यावहारिक उनका लिए नहीं हैं। हम यह सुविधा उन्हें अपने स्वार्थ के लिए दे रहे हैं, हमारा स्वार्थ इसमें निहित है ताकि वे काफी असे तक जीवित रह सकें और उनके द्वारा हमारे समाज की रक्षा हो सके और वे देश का भाग दर्शन कर सकें।

Dr. A. SUBBA RAO (Kerala):
Without paying the salary will he not do that?

श्री बिमलकुमार मन्नालालजी चौरङ्गिया:
इस दलील के लिए यह जवाब दिया जा सकता है कि आज अगर हमें ज्यादा साधन प्राप्त होते

[श्री विमलकुमार मन्नालाल जे. चौरड़िया]

हैं तो हम ज्यादा घंटा काम कर सकते हैं। अगर हमारे खाने की ठीक व्यवस्था हो जायेगी, यहां पर लाने के लिए मोटर की व्यवस्था हो जायेगी, बीमार अगर हो गये तो इलाज करने की व्यवस्था हो जायेगी तो जहां हम चार घंटा काम करते थे, वहां हम ६ घंटा और दस घंटा तक किया करेंगे। अगर हम इतनी सुविधा मिलने पर ६ घंटे, ८ घंटे या १० घंटे काम कर सकते हैं तो वही स्थिति हमारे राष्ट्रपति जी की है। हम उन्हें बीमारी से बितामुक्त कर सकते हैं कि अगर में बीमार हो गया तो डाक्टर आयेगा अथवा नहीं आयेगा। मेरे बाहर जाने के लिये कोई व्यवस्था है या नहीं। उनके दिमाग में अगर कोई प्रेरणा आती है, तो वह निश्चित समय पर नहीं आती है इस तरह का जो बातें होती हैं, वह स्वच्छा से हो अचानक आती हैं और तब उनका अच्छी तरह से उपयोग हो सकता है। अगर उनके दिमाग में किसी तरह की प्रेरणा आई और उसको लिखाने के लिये उचित साधन नहीं हुआ, तो वह इन्सपिरेशन भावना के साथ वह कर चला जाता है और उसका उचित उपयोग नहीं हो पाता है। इस चीज को उपयोग में लाने के लिये यह अत्यन्त आवश्यक है कि उनको स्वच्छा के अनुसार स्टाफ दिया जाय जिस पर उनका विश्वास हो, ताकि वह उसको रख सके।

हमारे एक बन्धु ने इस बात की शंका की है कि उन्हें जो रुपया खर्च करने के लिये दिया जाता है, उसका ऑडिट किया जाना चाहिये। मैं उनकी इस बात से सहमत नहीं हूँ कि राष्ट्रपति जैसे आदमी के खर्च पर हम ऑडिट करें। हमें उनके ऊपर विश्वास होना चाहिये क्योंकि राष्ट्रपति ऐसे वैसे आदमी नहीं बनते हैं, जिनके खिलाफ देश को शंका या कुशंका करनी पड़े। वह स्वयं उतना ही लेंगे जितना कि उन्हें आवश्यकता होगी। हमने उन्हें कानून के हिसाब से बहुत दिया था।

लेकिन उन्होंने स्वच्छा से उतना लेना नहीं चाहा और राष्ट्र के हित में नहीं लिया। यहां उनकी भावना है और इसी भावना के आधार पर वे हमारे राष्ट्र के महान पुरुष बन चुके हैं। हमें विश्वास है कि जिस तरह से चन्द्रगुप्त के साथ बैठ कर चाणक्य ने राज करने वालों को उल्लंघनता पर नियंत्रण रखा था, उन्हें ठिकाने लगाते रहते थे; उसी तरह से आजकल जा हमारे यहां बहुत सी गड़बड़ दिखाई देती है, उस पर नियंत्रण करेंगे, वह उनका ठीक मार्ग-दर्शन करेंगे। जिस तरह से चाणक्य ने सारे राज्य का सम्भाल रखा था, उसी तरह से हमारे राजभद्र बंधू सदाकत आश्रम में बैठ कर सारे देश का मार्ग-दर्शन करेंगे। उसी भावना के साथ हमारे देश के अन्दर, सारे संसार के हित के लिये—इस समय जा न्युक्लिअर परीक्षण चल रहे हैं, जगड़ चल रहे हैं और जिसमें सारा संसार नष्ट होान का स्वातंत्र्य में आ रहा है, उसमें रोक लगायें। हमारे शासकों, हमारे विरोधी दल का अगर सब का इस तरह मार्ग-दर्शन करेंगे जिससे यह भारतवर्ष पुनः उस स्थान पर पहुंच जाय, जहां आज से कुछ वर्ष पूर्व था।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI P. N. SAPRU (Uttar Pradesh): Madam, Deputy Chairman, I am rather sorry that the spokesman of the Communist Party should have chosen the opportunity to oppose a Bill which should have been passed unanimously and with acclamation by the House, It shows a lack of courtesy which is not expected from a party of that status in this country.

SHRI SHEEL BHADRA YAJEE (Bihar): Lack of wisdom.

SHRI P. N. SAPRU: Wisdom they never had and they never will have.

Now, Madam, my friend there asked us as to why there should be a distinction between one citizen of India and another citizen of India, I

would like to know whether he has ever cared to be a little introspective and asked himself the question whether he does not value his membership of Parliament, his membership of the Rajya Sabha and looks upon it as a distinction or not.

SHRI NIREN GHOSH: Being in the office of President itself is a distinction.

THE DEPUTY CHAIRMAN: You had you, say, Mr. Ghosh. Let Mr. Sapru continue. He has very limited time.

SHRI P. N. SAPRU: My hon. friend also said that it is not necessary for us to recognise service by monetary reward. I quite agree with that statement. But I would like to know if we are prepared to forego the meagre allowance of Rs. 400 per month and Rs. 21 per day that we get during the session of Parliament?

DR. SHRIMATI SEETA PARMANAND: But the ex-President and the present President have both surrendered a large portion of their salaries.

SHRI P. N. SAPRU: Then he raised the point that the President should not interest himself in politics but should confine himself to social work. I do not know what definition he would have of social work. Politics is life and no aspect of social work or cultural work can be divorced from it. May I humbly point out to him this? I do not know what is the position in the Soviet Union. I suppose either you remain President or you go to the gallows there. But in a democratic country like the United States of America, ex-Presidents are known to take continuous interest in public affairs. Ex-President Truman often makes observations—not always of a very helpful character—so far as world politics are concerned on day-to-day questions. That, I believe, was the convention in France also even when not the presidential type, but the parliamentary system of gov-

ernment prevailed. Therefore, though it is open to anyone to oppose this Bill on grounds which he may invent, this is a Bill which should be passed unanimously.

I would like to pay a tribute to our retired President. He has great services to his credit and he has won the respect, admiration and affection of us all. I am also surprised at certain remarks made by the spokesman of the Communist Party. He blamed the President for what had happened in Kerala. I thought the President was a constitutional President and that he was bound by the aid and advice of his Ministry, that the responsibility for what happened in Kerala, assuming that what happened in Kerala was wrong—and that is a big assumption—but still assuming that what happened in Kerala was wrong, the blame lies not with the President, but with the Ministry of the day. How can the President be blamed for the acts of his advisers?

THE MINISTER OF LAW (SHRI A. K. SEN): And it was approved by Parliament.

SHRI P. N. SAPRU: And Parliament also has approved of the action taken in Kerala. Anyway, these are the grounds on which this Bill has been opposed. The President has been given some secretarial assistance. The convention with regard to such matters is that it is open to the authority to whom this secretarial assistance is provided to choose his own secretary. That is not the convention so far as departmental secretaries are concerned; but when it is a question of a personal secretary, certainly the person concerned has the right to choose his own secretary. To my mind, that should raise no doubt at all.

So far as medical attendance is concerned, we do not know now, but we may have a President who actually comes from the villages where medical attendance is very poor. So it is but right that the ex-President should have this medical attendance.

(Shri P. N. Sapru.) One day we shall have—it is my hope;—a real working man as President of the Indian Union and I think when he retires, he will need also some secretarial assistance. After all, the pension that we pay to our ex-President is not very much. It is only Rs. 15,000 per year. Even Judges of High Courts get a better pension than the President of the Union of India. I think there is a certain dignity attached to that office and I certainly think that this much should be given to the ex-Presidents. Of course, I do agree that there should be a more equal distribution of wealth. In my Utopia of the future, I dream of a world in which there shall be equality of income and fortune. But that Utopia is not easily realisable. Therefore, we have to take things as they are and having regard to the prices in the country, the pension proposed is not much.

I should like to say that I agree with Dr. Shrimati Seeta Parmanand that travelling facilities should also have been provided for the ex-President.

SHRI SATYACHARAN (Uttar Pradesh): Public bodies will pay him these expenses.

SHRI P. N. SAPRU: No, I don't like that and I don't think it is consistent with the dignity of the ex-President to accept money from public sources. These travelling facilities should have been provided to the President. I also think medical attendance should include attendance to the members of the President's family, but with this reservation. In our country, family usually includes even cousins of the 40th and 50th degree. But my conception of the family is wife and dependent children. Madam Deputy Chairman, this is all that I would like to say on this occasion. I would like to pay a tribute, both to the ex-President and to the ex-Governor-General. We may differ from Shri Rajagopalachari's politics. I differ from them very

greatly. But we cannot deny that both of them have rendered eminent service to this country and they are men of stature, men who have added to the glory that is India. Thank you very much.

SHRI NIREN GHOSH: May I point out that I did not oppose the pension being given to the President? I oppose the amendment that provides the secretarial assistance.

SHRI AKBAR ALI KHAN (Andhra Pradesh): That is still worse.

SHRI P. N. SAPRU: Yes, that is still worse. Do you want the ex-President to pass his time in prayers and in reading Marx Engels, Lenin, Stalin, Khrushchev and Mao Tse-tung a hundred times over every day?

4 P.M.

प्रो० सत्याचरण : माननीया उपसभापति महोदया, यह विधेयक जो संसद के सामने प्रस्तुत किया गया है और जिसमें विश्राम लेने वाले राष्ट्रपति के लिये कुछ अर्थ-राशि देने या उनके वेतन या उनको कुछ सहायता देने के सम्बन्ध में बातें रखी गई हैं, उसका मैं स्वागत करता हूँ और भारत सरकार के गृह-मंत्री को इस विधेयक को उपस्थित करने के लिये हृदय से बधाई देता हूँ।

उपसभापति महोदया, इस विधेयक के दो खण्ड हैं और इन दो खण्डों पर हमें व्यक्तित्व को अलग रख कर विचार करना चाहिये; क्योंकि जब संसद के सामने कोई विधेयक उपस्थित किया जाता है तब उसका जो कानूनी रूप हुआ करता है उसको छोड़ कर व्यक्तित्व को लेने पर कुछ उलझने पैदा हो जाती हैं। इसलिये मैं निवेदन करना चाहता हूँ कि इस संशोधन के जो दो खण्ड हैं, उसमें पहले में रखा गया है कि कार्यालय के कर्मचारियों के लिये और उसकी व्यवस्था को चलाने के लिये साल में १२ हजार रुपया विश्राम-प्राप्त राष्ट्रपति के लिये दिया जाय। मैं समझता हूँ कि जो यह अर्थ-राशि रखी गई

है, यह ज्यादा नहीं है। अभी हमारे सामने भारत सरकार के गृह विभाग के राज्य मंत्री ने यह स्पष्ट रूप से कहा है कि संयुक्त राज्य अमेरिका में जिस वक्त वहां का अध्यक्ष विश्राम प्राप्त करता है, उसे वेतन के स्वरूप में २५ हजार डालर प्रति वर्ष दिया जाता है और इसने साथ साथ उन्हें ५० हजार डालर प्रति वर्ष अपने कार्यालय और कर्मचारियों के वेतन आदि के लिये दिया जाता है। महोदया, मैं यह निवेदन करूँ कि हमारा देश इतना समृद्धिशीली नहीं है, हृदय तो हमारा है कि जो अर्थराशि रखी गई है वह थोड़ी है और इसको बढ़ा कर उसी मात्रा में अधिक हम दे सकते; किन्तु वह देश समृद्ध होने के नाते अपने सामाजिक स्तर के माप-दंड से जो कुछ उनको देता है वह ठीक ही है, यह अनुकरण की बात नहीं है, आवश्यकता की बात है। इसलिये मैं कहता हूँ कि अपने देश के राष्ट्रपति के प्रति—जो इतने महान गौरवशाली पद पर रहा हो, इस देश का प्रथम नागरिक रहा हो, जिसका किसी राजनैतिक दल से सम्बन्ध न रहा हो, जिसके हाथ में न केवल सत्ता रही हो बल्कि भारतवर्ष की मान-प्रतिष्ठा और उसकी मर्यादा के बहन करने का भार रहा हो—उसके प्रति किसी प्रकार से आक्षेप करना यह मैं समझता हूँ कि स्वयं अपने व्यक्तित्व का उपहास करना है।

इसलिये, महोदया, मैं समझता हूँ कि यह जो १२ हजार रुपये रखे गये हैं वह भी अधिक से अधिक हैं, अर्थात् हो सकता है कि इसमें भी कम में काम किया जा सके, जिसको सीलिंग एक्सपेंडीचर कहते हैं वह है, अधिक से अधिक व्यय की यह मात्रा रखी गई है, ऐसी अवस्था में मैं समझता हूँ कि यह अधिक नहीं है और इसे हमें सहर्ष स्वीकार करना चाहिये।

दूसरा खण्ड जो संशोधन का है, वह निःशुल्क चिकित्सा के सम्बन्ध में है। जिस राष्ट्रपति के एक एक अंग को, रक्त की

एक एक वृद्ध को हम प्रतिष्ठा का प्रतीक समझते हैं, जिस राष्ट्रपति के जीवन को हम केवल उनका जीवन नहीं, उनके कुटुम्ब का जीवन नहीं, अपितु उसे राष्ट्र का जीवन समझते हैं, उस जीवन के प्रति अगर हमारी इतनी उपेक्षा हो कि उसके लिये हम चिकित्सा का प्रबन्ध भी न कर सकें, तो यह राष्ट्र कितना कृतघ्न राष्ट्र माना जायगा, यह अपने हृदय से पूछिये। इसलिये जब इन बातों का विरोध हमारे साम्यवादी दल के माननीय सदस्य ने किया है, तब मुझे आन्तरिक वेदना हुई है। यह एक मनुष्यता का तकाजा था कि इस विवेक के सर्वप्रथमति से पारित होने में आप हमारी सहायता करते। जहां करोड़ों की अर्थराशियां जगह जगह पर हमारे यहां दी जा रही हैं, वहां एक गौरवशाली पद के लिये एक छोटी सी अर्थराशि का देना कोई अनुचित या अप्रासंगिक चीज नहीं है।

इसलिये समय को परिमित मात्रा के कारण जिन शब्दों को मैंने कहा है, वह इसी भावना से कहा है कि मैं इस विवेक को अत्यंत आवश्यक विवेक समझता हूँ और यही कारण है कि भारत सरकार के गृह मंत्री को मैंने हृदय से बधाई दी है। इन शब्दों के साथ मैं इस विवेक का अभिनन्दन करता हूँ और इसे अपना हार्दिक और पूरा सहयोग प्रदान करता हूँ।

श्री शीलभद्र याजी : डिप्टी चेयरमैन महोदया, मैं इस बिल का तहेदिल से समर्थन करता हूँ। बिल पर बहस के दौरान मैं हमारी कम्युनिस्ट पार्टी के नोरेन घोष जो द्वारा हमारे राष्ट्रपति को वेस्टेड इंटरैस्ट और न मालूम क्या क्या उपाधियों से विभूषित करने की कोशिश की गई है। वह एक मार्क्सवादी हैं और वेस्टेड इंटरैस्ट किसको कहते हैं, कौन कैपिटलिस्ट होता है, यह उन को समझने की जरूरत है। हमारे डा० राजेन्द्र प्रसाद जी जो हैं, जो हमारे भूतपूर्व राष्ट्रपति

[श्री शीलभद्र याजी]

हैं, उनके पास न कल-कारखाने हैं और न कुछ बड़ी सम्पत्ति है। तो वेस्टेड इंटर्रेस्ट कहने का आजकल एक कायदा हो गया है। उन्होंने कहा कि चूंकि उनके कार्यालय वगैरह में वेस्टेड इंटर्रेस्ट की बात होगी, इसलिये हम इस बिल का विरोध करने हैं। यह उनके लिये, मार्क्सवाद के लिये और कम्युनिज्म के लिये शोभा की बात नहीं है और उनको इस तरह से इस बिल की मुखालिफत करते हुए ये सब अल्फाज हमारे भूतपूर्व राष्ट्रपति के लिये नहीं कहने चाहिये थे। यह हम उनके साथ कोई मेहरबानी नहीं कर रहे हैं। राष्ट्रपति को १० हजार रुपये महीने की सैलरी मिलती थी, लेकिन वह दो या डार्ई हजार रुपया महीने लेते थे और अगर गिनती की जाय तो १२ वर्ष में उन्होंने कितना आपको दे दिया है? यह हाउस या हमारे स्वराष्ट्र मंत्री या हमारा देश उनके लिये कोई बड़ी बात नहीं कर रहा है। इतना तो उनका जमा है, उस पर सूद जोड़ लीजिये तो आप कुछ नहीं दे रहे हैं। चूंकि वह बीमार हैं, इसलिये उनका इलाज होना ही चाहिये और चूंकि चीजें महंगी हैं इसलिये पहले जो एक हजार रुपये की व्यवस्था थी, उसको थोड़ा बढ़ाया गया है। हमारी माननीय सदस्य ने ठोक ही कहा है कि उन को ट्रैवलिंग की सुविधा होनी चाहिये और चाहे ट्रेन हो या एयरोप्लेन हो, उसमें उसकी व्यवस्था होनी चाहिये। इसलिये किस नृत्ते-निगाह से हमारे कम्युनिस्ट पार्टी के सदस्य ने इसका विरोध किया है, यह मुझे समझ में नहीं आता है। ऐसे राष्ट्रपति के लिये जिस ने शुरू से लेकर आखिर तक आजादी की लड़ाई में अपने को तबाह किया, जिनकी सारी प्रापर्टी चली गई, उसके लिये वेस्टेड इंटर्रेस्ट कहना या वह कहना उनके लिये शोभा की बात नहीं है। उनको तो ये शब्द बियड़ा करने चाहिये।

इन शब्दों के साथ इस बिल का तो मैं स्वागत करता हूं, लेकिन इसके साथ ही साथ

मुझे होम मिनिस्टर से एक बात की शिकायत करना है। जहां तक इलेक्ट्रेड प्रेसिडेंट का सवाल है, उसके बारे में उन्होंने अमेरिका की बात मुनाई लेकिन कहीं एक्स-गवर्नर जनरल के बारे में यह नहीं लिखा है कि उनको यह देना चाहिये। उनको हम ने पेंशन दिया था। एक बात और है कि जब हमारे डा० राजेन्द्र प्रसाद को १० हजार पया सैली मिलती थी तो उन्होंने डार्ई हजार लिया था लेकिन जब गवर्नर जनरल को २१ हजार के करीब रुपया मिलता था उस को कम करने के लिये सेंट्रल लेजिस्लेटिव असेम्बली में और कांस्टी-टुएंट असेम्बली में डिमांड हुई और कहा गया कि उसको कम किया जाय तो राजा जी ने कहा कि यह हमारी डिगनिटी के खिलाफ है। तो जितने दिन वह गवर्नर जनरल रहे उतने दिन में उन को काफी पैसा हो गया और इस के अलावा उनको यह पेंशन दो गई। एलेक्ट्रेड प्रेसिडेंट में और एक्स-गवर्नर जनरल में कुछ फर्क रखना चाहिये था; लेकिन आप जानते हैं कि हमारी कांग्रेस सरकार बड़ी लिबरल है, राजा जी कुछ भी करें, कुछ भी कहें, उन्हें धन देने के लिये वह तैयार है। उन का सेक्रेटरीयट कहां जायगा और वह क्या फंक्शन करेगा यह हम जानते हैं। मैं इस बारे में विरोध तो नहीं करता लेकिन आपका ध्यान आकर्षित करता हूं। अमेरिका में किसी नामिनेटेड या एड्वाइटेड गवर्नर जनरल के लिये इस तरह की व्यवस्था नहीं होती लेकिन यहां यह व्यवस्था की गई है। इन अल्फाज के साथ मैं फिर तह्रदिल से इस बिल का समर्थन करता हूं।

SHRI M. P. BHARGAVA (Uttar Pradesh): Madam Deputy Chairman, this Bill is a very non-controversial Bill and as my colleague Shri Sapru said, it should have been passed unanimously in a very short time. I am surprised to find that the opposition to this Bill should come from the spokesman of the Communist Party who draw their inspiration from their parent country, Russia. The practice

m Russia about pensions is that a person is given, that pension which is the average of the salary drawn by him during the last ten years before his retirement, and if that principle is applied here, the pension of the President would run into a very big figure. And here we find our friend, Shri Niren Ghosh, opposing the provision for secretarial assistance to the President. I do hope that Mr. Niren Ghosh will agree with me if I say that the President, before his election to the office of the President, is a very reputed person who has his contacts all over the country. These contacts grow during his office of Presidentship, and if Mr. Niren Ghosh's advice is accepted, what do we do? We leave him to his fate. He is out of the office of the Presidentship and we leave him free to deal as he likes with the wide correspondence which he may receive as a private individual? This will be very unfair. After having given him the highest office which the country can offer to any individual, to leave him in that state of affairs will be very unjust and therefore, I strongly oppose what Mr. Niren Ghosh has said about staff assistance to the President. And what is it that is proposed? It is only a maximum of Rs. 1000 per month which can hardly provide him a private Secretary or Personal Assistant—call him anything you like—who will attend to this large quantity of post which will be coming to him and some other person who will do for the President the typing of the letters which are sent as replies. This is all that is required and to deny him even that is unfair; I do not understand how Mr. Niren Ghosh could stand up in this august House and oppose.

The second provision in this Bill is about medical attendance and treatment free of charge. The other day when I moved a motion for the consideration of the Report on the Contributory Health Service Scheme, a suggestion was thrown in this House

that the pensioners be given the benefit of this C.H.S. scheme and the House was all in favour of it. And the hon. Minister of Health was pleased to announce in this House that the Government had taken a decision to the effect that pensioners will be included in the C.H.S. scheme after their retirement. When we can do such a thing for all our officers who go on pension, may I ask Mr. Niren Ghosh how we are unjustified if we extend that courtesy to that person who held the highest office in the land? I see no justification why such a small facility should not be given to him.

Now, Mr. Sapru raised the question as to who should be entitled to this service. I say that this should be extended to the family of the President and the family is very well defined under the C.H.S. scheme. Family means dependent parents, wife and those children who are dependent. There can be no controversy about this point and I do hope that the House will accept this so that such medical facilities can be given to the President and his family. These are the only two provisions in this Bill and I fail to understand how and on what grounds Mr. Niren Ghosh opposed it.

Madam, I give all my support to this Bill.

THE MINISTER OF HOME AFFAIRS (SHRI LAL BAHADUR): Madam Deputy Chairman, I am indeed happy that this Bill should have received the general support of the House and naturally I am glad to note that the leaders of the different Opposition Parties have also lent their full support. I am not surprised that opposition should have come from the Communist Party, that Shri Niren Ghosh should have made a rather strong and harsh speech which was hardly suited in the context of this Bill. The members of the Communist Party believe in using harsh words and harsh language as if these

[Shri Lai Bahadur.]

things produce great effect on the people or on the Government. It is perhaps exactly to the contrary. It appears as if they are trying to create an impression; I do not know whether they are really sincere about it. Yet they try to create an impression by using harsh language and saying things which are, if I might say so, wholly inappropriate and these things come from them perhaps in every context.

Before I deal with the one or two - points which were raised by Shri Niren Ghosh, I might make it clear that the pension of the President is subject to income-tax. Perhaps Shrimati Seeta Parmanand said . . .

DR. SHRIMATI SEETA PARMANAND: I said that it should not be subject to income-tax. I made a proposal that it should not be.

SHRI LAL BAHADUR: Anyhow, the Act is there and it is subject to income-tax and we do not want to waive it.

SHRI P. N. SAPRU: May I intervene and point out that there was a controversy in England as to whether Judges' pensions should be subject to income-tax or not and the original proposal of the Conservative Party was that it should be subject to income-tax and all parties were agreed that the exemption rule should not apply to any class of persons.

SHRI K. SANTHANAM: That was also our decision.

SHRI LAL BAHADUR: I might add that these allowances are not subject to income-tax. This Rs. 12,000 which has been provided for secretarial assistance is not subject to income-tax.

SHRI A. K. SEN: As perquisite, it might be.

SHRI LAL BAHADUR: The Law Minister is sitting here and he says that as perquisite it might be subject to income-tax. Anyhow, my impression was that it is not. However, we will have to go by the opinion of the Law Minister.

SHRI AKBAR ALI KHAN: The consensus of opinion in the House is that it should not be subject to income-tax.

SHRI LAL BAHADUR: That is the intention of the House and also of the Home Ministry.

DR. SHRIMATI SEETA PARMANAND: I hope the Finance Minister will accept it.

SHRI LAL BAHADUR: But the last word will be that of the Law Minister.

DR. SHRIMATI SEETA PARMANAND: A point was raised that there should be free travel facilities.
(Interruptions.)

DR. NIHAR RANJAN RAY: It is the intention of the House. Of course, we did not move an amendment but that is the suggestion.

SHRI AKBAR ALI KHAN: Yes; either air passage or air-conditioned train.

SHRI LAL BAHADUR: I have suggested that I did not want any amendment to be moved either to curtail what has been provided in the Bill or to make any further increase in the allowances suggested. Still I note that the general opinion in the House is that some facilities in regard to travel should be made available. Well, we will bear that in mind and if we can devise any way we shall consider.

Shri Niren Ghosh's main difficulty is that the ex-President or the ex-Governor-General might misuse this money for political purposes.

DR. A. SUBBA RAO: Not the ex-President; ex-Presidents.

SHRI LAL BAHADUR: Anyhow, at present there is only one ex-President and one ex-Governor-General.

SHRI NIREN GHOSH: There is one point. Take it clearly from me. The person of Dr. Rajendra Prasad is not involved. The Bill is impersonal. Many Presidents are going to be elected and we are laying down a principle. That is the question. I have not opposed the second provision in the Bill, namely free medical attendance and treatment. I have only opposed the provision for secretarial assistance and there are reasons for it.

SHRI LAL BAHADUR: I follow what the hon. Member says. In fact, this Bill is not meant either for Shri Rajagopalachari or for Dr. Rajendra Prasad. Of course, it is an important Bill. It is there for all successive Presidents who will take over and retire. So, there is no question of either this Governor-General or that President. It is provided in a general way and we want these provisions for others also. We feel that the office of the President is the highest in the country and we should not think that as soon as the President retires he loses all importance, he has to become wholly insignificant. It should be otherwise. The ex-President with his experience, with his maturity, should be able to contribute his mite also in the future. It is, therefore, necessary that we should give him necessary facilities, so that the country can get the best out of him. As regards the secretarial assistance, in fact, the amount is rather small. It is on the low side. It is Rs. 12,000/- What does it come to per mensem? It comes to a thousand rupees per month.

DR. A. SUBBA RAO: We are not opposed to raising the pension. It is only the principle of providing some secretarial staff that we are opposed to.

SHRI LAL BAHADUR: Well, the pension is not being raised at all. I have taken special care. If we had raised the pension, then, the objection might have come from the Opposition, from the Communist friends, saying that in this poor country the pension of the President rather the ex-President was being raised. We have not done that deliberately. In fact, we are trying to make them more useful. Any President who will succeed Rajen Babu or Dr. Radha-krishnan will be important enough to give advice, to give guidance to the country, even in his non-official capacity. And it would be unfortunate if we do not provide at least the minimum arrangements to give them the necessary secretarial assistance, so that they are able to make their statements and make their speeches, which should be fully and wholly accurate. The timeliness of the statements is also important.

I was saying that it is Rs. 1,000/- per month. If the ex-President will have a private secretary, he will give him not less than Rs. 500/- per month. What can he command? Rupees five hundred is a very small salary. He must have a first-rate private secretary. Anyhow, Rs. 500 - will be for a private secretary, Rs. 300/- for a stenographer. It comes to Rs. 800/-. Then, Rs. 200/- for a clerk. It comes to Rs. 1,000/-. I do not know whether he will have enough money for postage, stationery, etc. for his office. Therefore, as I said, it is really on the low side. Yet, taking everything into consideration, we felt that we would come up before the House for this small amount

SHRI AWADESHWAR PRASAD SINHA (Bihar): Why not Rs. 1,500/- at least?

SHRI LAL BAHADUR . . . hoping that at least this measure would receive the general support of this House. Therefore, I am pained to note the kind of speech Shri Niren Ghosh has made. Of course, one can oppose it. But then with this bitterness, not taking anything into consideration, what measure we are considering, what it is for, for whom it is meant, the Members of the Opposition Party go on condemning us whether we bring forward a right Bill or not. Of course, if there is something bad, they are certainly entitled to criticise it. But they object to every matter. I am not surprised because it is the general policy of the Communist Party to condemn and criticise the Government even if they do the right thing.

Now, the hon. Member said that they would take part in political work. Well, so far as the staff is 'concerned, the President and the ex-Governor-General will be free to make any appointments they like. We do not want to come in their way. The rules that we want to make will give them maximum freedom, so that they can appoint anybody. They can give any salary they think proper. Suppose they want a Government servant, a stenographer from the Government of India or from the Government of Bihar or from the Government of Madras, we should have no objection. I do not think that the Government servant who will work with the ex-President or the ex-Governor-General will associate himself with political work. After all, the Ministers have their P.As, their Private Secretaries. And we are all the time doing political work also, along with our official work. Yet our staff keep themselves absolutely aloof from political work. I say it from my own experience. I have said it in some other place also. I have been a Minister and also a non-Minister for some time. I have seen that the very staff who worked with me as Minister behaved in an entirely different way. I am not saying in a bad

way. Their behaviour was entirely different when I was not a Minister. They came, they were very respectful and yet they would not disclose a single word about what my successor was doing. They would not discuss anything concerning the Government. Really I was greatly impressed that not only officers in the higher grade but even officers like Private Secretaries, Personal Assistants and Stenographers kept up this high standard. So, it is wrong to suggest that if a stenographer or a Government employee goes to the ex-President or ex-Governor-General, he will dabble in politics.

Secondly, after all the President is an elected President. He is elected by the whole country—of course, by Parliament and Legislatures. You cannot restrict his freedom when he has retired.

SHRI NIREN GHOSH: Of course, we do not want to restrict his freedom.

SHRI LAL BAHADUR: Please wait. Of course, there are certain obligations on the part of the President also. I do not want to go into them. But if the President wants to take an active part in political work, you cannot say 'No' to that. Secondly, if it is the money that is questioned, then, it is meant for secretarial assistance. Suppose the ex-Governor-General decides to spend all his Rs. 15,000/-, which he is getting today, in the work of the political party he is concerned with, well, he can do it. How can you prevent it? Whatever pension he and the ex-President will get, can be utilised as they like. Suppose the secretarial assistance was not there, even then the amount of the pension could be utilised in any way they thought proper. Therefore, it is wrong to suggest that through this process of giving secretarial assistance we will be strengthening the hands of the ex-President in the task of his working for a particular political cause or for holding a particular opinion. Besides,

that, as I said, after all in this country we stand on a different footing altogether. We believe in complete freedom of speech, thinking and expression of views. If we have no faith in our people, in those who were our past statesmen, then woe be to our country. I do not want to think for a moment as to what the ex-Presidents will do in future. But I have no doubt that this office is such that those who will hold it will definitely be men of high stature and they should be our best statesmen. In the original Act it is said that when the President has retired and seeks reelection—he will have the right to seek re-election—and if he is again elected President, the amount of pension and now all these allowances will come to a stop. He will not get these. So when it is open to the President to seek reelection, there is no question of his keeping absolutely aloof or away from political activities. We are so much immersed in politics these days in our country that we do not consider other activities important enough. We are always thinking in terms of politics, political work, political views, offices, power, and all that. There are various fields, social fields, education and so many other activities in which the top people in our country should take very active part and give beneficial advice and guidance to the country. So I have no doubt that this measure which has been brought before the House is important and is eminently reasonable, and I have no doubt that this Bill will be unanimously agreed to and that there will be no voice of dissent.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill to amend the President's Pension Act, 1951, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause by clause consideration of the Bill.

387 RS—9.

Clauses 2 to 4 were added to the Bill.

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

SHRI B. N. DATAR: Sir, I move: "That the Bill be returned." *The question was proposed.*

SHRI AKBAR ALI KHAN: Madam Deputy Chairman, I fully associate myself with this measure. The one point that I want to place before this House is that by bringing this measure we are not doing any good turn either to the last Governor-General or to the ex-President or doing anything which would honour them. But according to me, Madam, we are honouring ourselves, we are showing that we are a mature nation. We are establishing that we are a dignified nation and we want to show to the world that when our respected Presidents retire, we will see to their every convenience and also that they live honourably and peacefully. That is the point. It is not a question of Dr. Rajendra Prasad or of Rajaji or of the present or the future President. When we elect our President, we give our seal to him that he is the most beloved and most respected man of our country. When he retires, we give him a good send-off which enhances our prestige in the comity of nations. By passing this Bill I am sure, Madam, we are showing to the world how mature and how dignified we are in such matters.

With these words I support the two suggestions that have come from Dr. Seeta Parmanand and the other friend about the travelling allowance and the family being looked after by medical attendants, and I am sure the hon. Minister will give due consideration to this aspect.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be returned." *The*

motion was adopted.

THE ADVOCATES (SECOND AM-
ENDMENT) BILL, 1962

THE DEPUTY MINISTER IN THE
MINISTRY OF LAW (SHRI BIBUDHENDRA
MISRA) : Madam Deputy Chairman, I beg to
move:

"That the Bill further to amend the
Advocates Act, 1961, as passed by the Lok
Sabha, be taken into consideration."

The amending Bill is a simple and also a
non-controversial Bill. All that it seeks to do
is to substitute so far as section 24 of the
Advocates Act is concerned, "28th day of
February, 1962" in place of the words
"appointed day".

[THE VICE-CHAIRMAN (SHRI M. P.
BHARGAVA) in the Chair.]

Sir, the words "appointed day" occur in
section 24 of the Advocates Act. So far as the
admission and enrolment of the advocates are
concerned it makes a distinction. According to
the section what has been enacted is that any
person who wants to enrol himself as an advo-
cate in a State roll has, besides obtaining a
degree in law, to undergo a course of studies
prescribed by the Bar Council and has also to
appear in an examination. But the proviso to
section 24 lays down that so far as the
students who had passed the law examination
before the appointed day are concerned— let
me say here, Sir, that it came into force on the
1st December, 1961, and as far as those
students who had passed the law
examination be-

fore the appointed day, that is the 1st
December, 1961, are concerned— they need
not undergo the course of training prescribed
by the Bar Council and are not required to
appear in an examination. The whole idea
underlying this was this. It was thought the
that the Bar Councils in India, both the State
Bar Councils and the All-India Bar Council,
would come into existence on the 1st
December, 1961 and that rules would probably
be framed by that time, and it was intended
that all those students who had appeared in the
law examination in the year, 1961 and had not
really got an idea as to what the Advocates Act
was going to enact—because it was passed in
May, 1961—would get this benefit, the benefit
being that they would be enrolled straightway
after becoming law graduates without further
undergoing the training prescribed by the Bar
Council or appearing in an examination as
required by the Bar Council. But it was found
that there was some delay in the constitution
of the Bar Councils, and it was also found that
in the three universities in the State of
Maharashtra which held the examinations
simultaneously in September, 1961, that is the
universities of Bombay, Marathwada and
Poona, two universities published their results
before the 1st December, 1961, whereas the
results of the Bombay University were
published on or about the 12th December
1961. So, Sir, there was a representation not
only from the 456 or 496 students— I do not
remember the exact number —of the
University of Bombay but the Maharashtra •
Government as well as the State Bar Council
also represented to the Government of India
that they thought that it would amount to a
discrimination if students of different
universities were treated differently, simply on
the basis that their examination results were
published some time later than the 1st
December, 1961. That is why it was thought
necessary that this amendment should be
brought and