

publications, it is not possible to give the figure for the amount spent on them without elaborate and long drawn-out investigation. [See Appendix IV, Annexure No. 192.]

(b) (i) The Ministry spent about Rs. 3,00,000 on the production of Social Education Literature in Hindi, for free distribution to States for use in their Social (Adult) Education programmes.

(ii) In addition, the Ministry brought out in 1952 a "Teachers' Handbook of Social Education" that was printed at a Government press.

(c) Generally, publications of the Ministry are printed at the Government of India Press.

MOTION OF PRIVILEGE

MR. CHAIRMAN: With reference to a notice of Motion of Privilege regarding the publication of some news in *The Statesman*, Mr. Krishnamoorthy Rao when he was in the Chair said that an enquiry would be made. That enquiry has been made and a reply has been received from *The Statesman*. The letter says:

"I would like to assure you and the House that I meant no disrespect to the House and was not aware that I was even remotely guilty of a breach of privilege. I give the assurance in all sincerity and hope that it will be accepted. * * * * *

With regard to the word official version, since 48 hours had elapsed after the delivery of the speech, I thought I could use that. I express my regret and assure the House that the mistake would not be repeated.

The next point is about 'intrigue'. As Dr. Seeta Parmanand said, it means 'arousing curiosity or interest' according to the dictionary. It does not carry any other implication."

In view of this explanation I hope Shri Rajagopal Naidu will not press his Motion of Privilege.

SHRI RAJAGOPAL NAIDU (Madras): Sir, of course, in view of the explanation and expression of regret I do not press this but at the same time I would submit, Sir, that this expression of regret should be given as much publicity in the papers as was given to the original matter.

MR. CHAIRMAN: We shall not interfere with the freedom of the Press.

SALARIES AND ALLOWANCES OF OFFICERS OF PARLIAMENT BILL, 1953—continued

MR. CHAIRMAN: We go back to the discussion of the Bill.

[THE VICE-CHAIRMAN, SHRI B. C. GHOSE, in the Chair.]

THE VICE-CHAIRMAN: I should like to say that we have had quite an adequate discussion on this matter and I would, therefore, request hon. Members to be as brief as possible on this subject and to try to finish it as early as possible. Mr. Tankha.

PANDIT S. S. N. TANKHA (Uttar Pradesh): Mr. Vice-Chairman, yesterday when the House rose for the day, I was submitting that the Chairman of the Council of States enjoyed a unique position in the sense that he occupied the exalted position of the Vice-President of India who, in the official Warrant of Precedence came only second to the President of India, and that, as such, to equate him with the hon. Ministers would mean an injustice to him and would be derogatory to his high dignity. After going out of the Lobby yesterday, Sir, I happened to meet the hon. the Prime Minister who was pleased to point out and to tell me that the

[Pandit S S N. Tankha.]
order of Precedence as mentioned by me was not exactly correct. He told me that on occasions when the President of India and the Vice-President of India are both present at any function then the President of India took the first place, then came the hon the Prime Minister himself and then the Vice-President of India. The Prime Minister, told me further that on occasions when the President was not present, then of course, the first place in the order of Precedence is taken by the Vice-President of India. I am obliged to the hon the Prime Minister for having brought this to my notice and I stand corrected to that extent. But, all the same, Sir, I do not think that the argument which I had advanced against equating the Vice-President of India and the Chairman of the Council of States with that of the hon Ministers is in any way negated by the information given. Therefore, Sir, in my opinion, the right course for us to take is to fix the salary and emoluments of the Vice-President of India by a separate Bill and not as we are doing under this Bill.

SHRI RAJAGOPAL NAIDU (Madras): The Constitution has got to be amended.

PANDIT S. S. N. TANKHA: Further, Sir, I think that when the Constitution says that the Vice-President of India shall enjoy certain privileges and salaries as provided in the Constitution, then providing against it in this Bill is not a proper course to adopt and perhaps is not quite in accordance with law also. The Constitution as such to this extent, would need to be amended in order to enable effect being given to this Bill. Moreover, Sir, I am inclined to think that after this Bill is made into an Act, the position which will emerge out will be that while we will have provided for the salaries and emoluments of all the dignitaries of our Republic mentioned in the Consti-

tution we shall not have provided any salary or emoluments for the Vice-President of India because under this Bill we shall be providing the salary and emoluments of the Chairman of the Council of States and not those of the Vice-President of India. The right course for us, therefore, to adopt is to fix the salary of the Vice-President of India and not to fix any salary for him for performing the duties of the Chairman of the Council of States.

Then, Sir, regarding the amount of salary which would be proper for a dignitary of this high office, I am inclined to think, Sir, that fixing any amount below Rs. 4,000 or Rs 3,000, which the Vice-President of India is drawing at present, would not be a proper thing to do.

SHRI RAJAGOPAL NAIDU: The Vice-President is not drawing anything.

PROF G RANGA: He draws salary only as the Chairman of the Council of States.

PANDIT S S N. TANKHA: It must be borne in mind, Sir, that in this matter of fact world of ours, the status and dignity of a man is judged by the salary and emoluments he draws. It may be a very wrong thing to do so but, Sir, it is there and we have to face the facts. It is no good saying that a man should not be judged by the amount of the salary he draws. Therefore, Sir, in my opinion to have lower subordinates drawing higher salaries than the higher dignitaries under whom they are serving is not a proper thing. If however it is the wish of the Government that the salaries of the greater dignitaries of the Government be lowered, then it was very necessary to bring down the level of pay of their subordinates prior to the salaries of the higher dignitaries being fixed at a lower level. My above remarks, Sir, apply equally to the salaries of hon. Ministers also, which have been fixed by us some

time back under a previous Act. When that Bill was brought forward, I had thought of bringing forward an amendment to it as well, but it so happened, Sir, that one of the hon. Ministers himself advised me, not to bring forward that amendment because my action was liable to be misunderstood and be taken as having emanated from the Ministers themselves which would naturally compromise their position, even though it was not they, of course, who were asking me to do it but it was on my own initiative that I wanted to do so and, therefore, Sir, I desisted from my action and did not proceed further in the matter. Therefore, Sir, I will be happy to see not only that the salary of the Chairman is fixed at a higher figure of Rs. 4,000 but I shall certainly also be pleased to see, if it were possible, that the salaries of the hon. Ministers were also increased to a higher figure.

Then, Sir, if I am right in thinking that the hon. Speaker also enjoys a position higher than the hon. Ministers in the Order of Precedence, I would have liked the salary of the hon. Speaker also to have been fixed at the figure of Rs. 3,000. Of course, Sir, by fixing the salaries at these amounts as suggested by me, it does not necessarily follow that the dignitaries of these high offices would be compelled to draw the salaries which are so fixed. It would even then be certainly open to them to draw any salaries which they consider proper for their needs and for the needs of their families. Even before the salaries of the hon. Ministers were brought down to the level of Rs. 2,250, I am sure I am correct in saying, that instead of Rs. 5,500, which was their due under the Constitution, they had actually been drawing salaries of Rs. 3,000 only voluntarily. Therefore, Sir, even though the salaries may be fixed at a higher figure they can of course be always voluntarily cut down by the dignitaries of the high offices if they consider it above their requirements.

As regards the salaries and emoluments fixed for the Deputy Speaker of the other House and the Deputy Chairman of this Council I am in entire agreement with the provision of the Bill and I support it.

Now, Sir, regarding the matter that the Deputy Speaker and the Deputy Chairman of the Council and the Speaker himself should not continue to remain party-men and should not continue to belong to the parties on whose tickets they have been elected, Sir, I fully agree with that point of view, but I think, Sir, that, so far as the working of the Constitution is concerned, both at the Centre and in the States, the Speakers, the Deputy Speakers, the Chairmen and the Deputy Chairmen have throughout so conducted themselves as to enjoy the confidence of their respective Houses. They have in no manner acted as party-men and no Party has had any grievance against them on the point. Therefore, Sir, I do not think it was at all necessary to discuss that point in connection with the present Bill, but as far as the principle enunciated is concerned I am certainly in entire agreement on the point.

THE VICE-CHAIRMAN: You asked me for five minutes yesterday and you have already taken 15 minutes. Please finish your speech.

PANDIT S. S. N. TANKHA: Very well, Sir! And with these words, Sir, I support the Bill.

PRINCIPAL DEVAPRASAD GHOSH (West Bengal): Sir, the discussion on the Salaries and Allowances of Officers of Parliament Bill, as it has developed so far, has practically taken up two aspects, one the political aspect and the other the economic aspect; though, strictly speaking, one might say that the political aspect does not form part of, or come within the scope of, the Bill as such. The political aspect is this whether officers of Parliament in the position of Speaker, Deputy Speaker, Chairman and Deputy Chairman should divest themselves of all their

[Principal Devaprasad Ghosh.] political affiliations when they sit in the Chairs of the two Houses of Parliament. As to this, I shall naturally be brief, because I think that there is hardly any room for difference of opinion on this matter that the Presiding Officer must be absolutely impartial so far as actual practice is concerned.

We had yesterday precedents quoted from the practice of the British House of Commons and also precedents quoted from the practice of the United States of America's legislatures. Now, so far as American precedents are concerned, I am afraid that, despite all my admiration for democracy as it is practised in the United States of America, there are certain aspects of American public life and traditions which are not exactly to our liking. There are certain—if I might say so without meaning offence—very unsavoury aspects. We have heard much of American 'Tammany Hall tactics' and of the principle 'to the victors the spoils'. Such things we really look upon with our Indian mind as unsavoury, and we would hardly like to import them into our traditions here. As a matter of fact, however, I think it is really not so much a question of precedents from Britain or from the United States of America. We have had sufficient time to develop our own traditions in this respect even during the last 20 or 25 years. The late Mr. Vithalbhai Patel, the first Swarajist President of the Indian Legislative Assembly has laid down the ideals of a Speaker or a President. They were indeed inspiring words that he uttered, which words were read out yesterday by my hon. friend Dr. Kunzru, that directly he sat upon the Chair as President of the Assembly or the Parliament he considered himself divested of all party affiliations. And when we met last year here in this Council of States our venerable Chairman, Dr. Radhakrishnan, expressed himself exactly in similar language. I suppose that that language cannot be improved upon.

I am only sorry to find that, though from the practical point of view all Members of this House were agreed upon the necessity of the Speaker or the Chairman maintaining an absolutely impartial attitude, still there have been raised some querulous notes here and there from my friends opposite sitting on the Congress Benches, as to the necessity of divesting oneself of all political complexions and colourings and affiliations when one gets into the Chair of the Chairman or the Speaker. Of course, the Bible tells us that 'the Ethiopian cannot change his skin nor the leopard his spots'. Therefore *the Congress leopard may be chary* in divesting itself of its party spots. But would it be too much to expect that even the Congress leopard will try to cover his spots when he sits upon the Chair of the Speaker or the Chairman with his cloak of Khaddar, white and immaculate? However I shall leave it at that.

I should now like to dwell a little on the economic aspect of the question. In the very first place I should like to say that the Chairman, the Deputy Chairman, the Speaker and the Deputy Speaker will be deservedly earning every penny or every pice that may be voted in their favour; for the task that they have to face is really onerous. Just imagine their position. We Members of Parliament have got a certain amount of freedom. We can come late, we can go away early, if we feel the debates tedious or boring. But the Chairman, the Deputy Chairman, the Speaker and the Deputy Speaker have got no such chance.....

AN HON. MEMBER:and also the Vice-Chairmen.

PRINCIPAL DEVAPRASAD GHOSH: Yes, the Vice-Chairmen also, if they are in the Chair. They have got no such chance, and they have to sit patiently whatever happens. In fact, they have to bear the brunt of the torrential eloquence that we pour forth day in and day out. In the best of days, our combined efforts cumulatively result in a turbid

current; but when the topic becomes more exciting sometimes they develop into a roaring cataract, just as the cataract that developed here on Friday last, which had the effect of catapulting our revered Chairman, Dr. Radhakrishnan, right from here on the banks of the Jumna to distant Pataliputra on the banks of the Ganga. God be thanked that he is once more back in our midst, safe and sound, I do not therefore grudge them a single penny of the remuneration that may be voted by the House; and I am sure all sides of the House will support me in this.

Now, I should like to develop and speak on another aspect of the question. There has been in the Statement of Objects and Reasons a sort of equation attempted by the mover of the Bill, the Law Minister Mr. Biswas. He has frankly stated that the present Bill has been drafted in pursuance of article 97 of the Constitution, and equates the position of the Speaker and the Chairman to that of a Cabinet Minister with respect to their salaries, allowances and other facilities. Now it seems to me it is not merely a case of simple equation. It is a case of simultaneous equations;

SHRI C. G. K. REDDY: Quadratic.

PRINCIPAL DEVAPRASAD GHOSH: No, not quadratic. It is a case of simultaneous equation for it involves a number of variables. It not merely tries to equate the Chairman with Cabinet Ministers, but also equates the Chairman with the Speaker of the House of the People. Now, as to the aspect of equating the Chairman with Cabinet Ministers, I shall have more to say hereafter. For the present, I shall deal with the other equation.

As to equating the Chairman of the Council of States with the Speaker of the House of the People, I have some objection; and that objection has already been voiced by many friends in the House. The

objection is vital, because, unlike the Speaker, the Chairman is not simply the Chairman of the Council of States. He is the Vice-President of the Republic of India; and it seems really anomalous that no provision has been made for the salary, emoluments and allowances of the Vice-President as such. but his *ex-officio* status as Chairman of the Council of States has drawn unto itself all the emoluments, salaries and allowances that the Legislature has to vote. I entirely agree with the point made out by some of my friends on both sides of the House that that is a very anomalous position. The Vice-President as such in his own right should have been given whatever allowances and salary the Legislature decides to confer upon him, and the post which is an *ex-officio* post by virtue of his being a Vice-President should not have attracted unto itself the allowances, salaries, etc. So I object to that equation. What salary and what emoluments or allowances the Members of the Legislature may grant to the Vice-President, that is a different matter. I know that this requires an amendment of the Constitution, but here is a case in which the amendment of the Constitution, I suppose, will be accepted unanimously by all sections of the House.

As to the financial implications of the other equation, Sir, I should think they are much more serious. I was sorry that though attention was directed towards the economic aspect in yesterday's prolonged debate, very few Members of our House cared to go down to the fundamentals. I was very glad that Mr. Saksena tried to draw our attention to the fundamental fact that our Administration is really becoming top-heavy, if it has not already become very much so, and is quite out of proportion to the general level of economic life in our country. The days of the Karachi Resolution of the Congress seem to be dim and distant days, and I was sorry to find among the Members of the Congress benches here—I speak more in sorrow than

[Principal Devaprasad Ghosh.]
in anger—that there was an attempt, not so much to live up to the spirit of the Karachi resolution, fixing Rs. 500 as the maximum salary that should be drawn by any of the officers, but an attempt to explain it away and to try to prove by all sorts of mathematical jugglery that Rs. 500 in the year 1932 is equivalent to more than Rs. 2,000 in 1953. That may or may not be so, and that is for the hon. the Finance Minister to say. But the import of the Karachi resolution was far more serious; the amount of Rs. 500 that was fixed as an ideal at the time of the Karachi Congress, mainly under the inspiration of Mahatma Gandhi, had a deep significance. We all know that there were differences in political outlook between Mahatma Gandhi and people like ourselves belonging to other political parties; but in spite of all our political differences, what we admired most in Mahatma Gandhi—and admire in him still—was his absolute spirit of sacrifice and his ideal of identifying himself as much as possible with the lowest in the land. We all know that Mahatma Gandhi donned only a loin cloth and travelled third class. That was not merely a political stunt calculated to capture the imagination of the public. It did capture the imagination of the public, but not as a stunt but as a symbol of his great spirit of renunciation, his spirit of identification with the humblest and the poorest in the land. The common people felt that even the highest in the land—and there was no one higher in the land than Mahatma Gandhi himself—did not hesitate to put himself on the same level with them, and that he was prepared to suffer the same hardships, and to live the same sort of life as the poorest in the land. I do not propose to say that every one should don a loin cloth and travel third class. That is not the point. The point is the spirit of identification with the masses; and he felt—and in my humble opinion he rightly felt—that there should not be a marked distinction between the salary

and emoluments received by the highest in the land and the ordinary level of life which the poor person leads; and he wanted to bridge that gulf as much as he could. That was the genesis and the import of the Karachi Resolution. I suppose in all countries, more or less, prestige and dignity have had something to do with the length of the purse, but that is not the deciding factor; in our country at least the length of the purse has been no criterion of the depth of respect in which a person is held. The repositories of wealth in our country who are known as the *vaisyas* by caste were never held in greater reverence than the Brahmins who were never supposed to possess any wealth. That spirit ought to permeate us even today.

There is another point that I wish to mention. It will be a little bit of a digression but I hope it will not be so considered by you, Sir; and that is the general top-heavy character of the Administration. We remember the days, not so long ago, even during the last stage of the British Administration in India, when the Central Executive in the Government of India, who were known as Executive Councillors, hardly exceeded at any time a dozen in number; and they administered a territory much larger than the truncated India of today. They administered a territory which comprised the present-day India, Pakistan and Burma, with these ten or twelve men. We know that undivided Bengal was administered by not more than 8 or 10 Ministers; and before that, I suppose—I speak subject to correction—by four Executive Councillors and three Ministers, at the time when the Montagu-Chelmsford Reforms were ushered in. Now, Sir, today, what is the position there? Undivided Bengal has been reduced to West Bengal, and has shrunk to one-third of its dimensions, but the number of Ministers has increased three-fold. The territory has shrunk to one-third but the number of Ministers has increased three times.

SHRI K. S. HEGDE (Madras): If there was a monarch, there will be only one.

PRINCIPAL DEVAPRASAD GHOSH: I know, Democracy is a costly proposition; I quite appreciate that. But it must not be made much too costly for the common people to bear. And in the Central Ministry we find today that the number of Ministers led by Pandit Nehru, our Prime Minister, has practically come up to the number of Ali Baba's classical team.

PROF. G. RANGA (Madras): That is only in West Bengal.

PRINCIPAL DEVAPRASAD GHOSH: Anyway that is hardly a proposition which the common people are likely to appreciate. I shall not detain you much longer. The whole point is this. This attitude of adding to the number of top men is deplorable. Despite the certificate from Mr. Appleby, the famous scientific expert on Public Administration, I maintain that the whole set-up of the present Government of India—and I do not accuse the Government of India alone—I include, the set-up in the Provinces—is top-heavy. Sir, an impression is gaining ground among ordinary humbler folk like ourselves that there is no limit to the number of Ministers and Deputy Ministers.....

SHRI B. K. MUKERJEE (Uttar Pradesh): On a point of order, Sir. Are we discussing here the salaries and allowances of officers of Parliament or are we discussing the Bill providing for salaries of Ministers?

THE VICE-CHAIRMAN: That is all right. He is just giving an example.

PRINCIPAL DEVAPRASAD GHOSH: The general impression that has come about is this that the men at the top are following the old Biblical principle of 'Increase and Multiply' with a vengeance so far as officers of Government are concerned.

Now, I shall not digress any further about the general top heaviness of the Administration. Now as to the actual salaries which are proposed here, to tell the truth, I have nothing much to object. But I do not like the principle laid down in this equation that because one man gets Rs. 2,250, the other man also should get as much. Of course, my friend (Mr. Tankha) who has just spoken, was very liberal; he wanted to shower increases of salaries all-round. That was very charitable of him—this soothing shower coming in this month of May when we are all feeling uncomfortable and are suffering from the mid-day heat of the sun.

Then, Sir, one point was raised yesterday by Dr. Kunzru, which, I think, was rather unkind of him. That was about free medical aid to the members of their families. Well, Ministers do fall ill; they have their ailments, like humbler mortals like ourselves; and they do require treatment. In this connection, I would have liked to say something to Rajkumari Amrit Kaur, our Health Minister whom I miss here today. I understand that she has gone abroad, en route to Moscow, I wonder why; for Moscow does not seem to be a very healthy place for Medical practitioners at the present moment. Anyway, if she had been here, I would have suggested to her certain measures to be taken so that the allowances in respect of medical aid might be reduced. I would have suggested that Ministers be given training in *sirsasan*, a practice to which I understand our respected Prime Minister is very much addicted, and which, if results be any test, has produced excellent effect so far as his health is concerned, though it might have produced some sort of topsyturviness in his general outlook on things mundane.

SHRI B. K. P. SINHA (Bihar): What about the experience of the hon. Member?

PRINCIPAL DEVAPRASAD GHOSH:
As to myself, I seem to be in the happy company of the Prime Minister, for I have had hardly any serious illness in my life, though I do not practise *Sirsasan* and have thus been able to retain a normal outlook on affairs in general.

THE VICE-CHAIRMAN: Principal Ghosh, you should not refer to the Prime Minister in any terms which may give an indication of levity.

PRINCIPAL DEVAPRASAD GHOSH:
And then I should like to add one more advice and that is this. Here we have got our hon. Finance Minister before us. He himself looks a picture of Health. I do not know exactly what tricks he has been up to; but I suspect that some process of rejuvenation has been at work, which has enabled him to resume his life of domestic bliss. And therefore, if the Rajkumari were here, I would have advised her to take tips from our Prime Minister and from our hon. Finance Minister and give the benefit of these to the hon. Ministers and Deputy Ministers.

THE MINISTER FOR FINANCE (SHRI C. D. DESHMUKH): I think the hon. Member is probably referring to the Yogic classes.

PRINCIPAL DEVAPRASAD GHOSH:
Yes, I was just coming to that. The hon. Finance Minister has just anticipated me. The formation of the Yogic classes gives me a ray of hope; if the Ministers were admitted into these classes, then the Minister's medical bills could possibly be very much reduced and the Hon. Pandit Kunzru would have no further cause for grouse.

SHRIMATI SHARDA BHARGAVA (Rajasthan):

श्रीमती शारदा भार्गव (राजस्थान):
उपाध्यक्ष महोदय, वैसे तो इस साधारण विधेयक पर मेरी बोलने की इच्छा नहीं थी, परन्तु बहुत से माननीय सदस्यों ने इसकी बहस में कुछ ऐसे प्रश्न उपस्थित किये हैं जिनकी

वजह से मुझे भी बोलने की इच्छा हुई। इस आफिसर्स (officers) के वेतन के बिल (Bill) के सम्बन्ध में माननीय सदस्यों ने दो बातें इस तरह की रेज (raise) की हैं कि उन्हें सुन कर मुझे हंसी भी आई और आश्चर्य भी हुआ। उन्हीं के विषय में मैं आपके सामने अपने विचार प्रगट करना चाहती हूँ।

एक बात तो यह कही गई कि इस विधेयक में यह जो वेतन निश्चित किये गये हैं वे बहुत अधिक हैं। और दूसरी बात यह कही गई कि जो व्यक्ति स्पीकर या डिपुटी स्पीकर या डिपुटी चेंबरमैन हो वह पार्टी का नहीं होना चाहिये और स्वतन्त्र होना चाहिये। मेरा मानना यह है कि दूसरा प्रश्न इस विधेयक के अन्तर्गत आता ही नहीं है अतः यहां बहस करना ठीक नहीं है। परन्तु चूंकि हमारे माननीय अध्यक्ष ने इस विषय पर बहस करने की आज छुट दे दी है तो मुझे भी इस पर कुछ कहना है। मेरा पूरा विश्वास है कि इस विधेयक के अन्तर्गत इस बहस से कि वह व्यक्ति पार्टी का नहीं होना चाहिये, कोई फल निकलने वाला नहीं। सिद्धान्त की बात यह है, और यहां हम यदि यह कहें, कि आफिसर के अन्दर कोई दलबन्दी की बुराई नहीं होनी चाहिये, अर्थात् जब वह कुर्सी पर बैठा हो तो उस समय यह आवश्यक है कि उसे दलबन्दी के बाहर रहना चाहिये, वह भूल जावे कि मैं किसी पार्टी का हूँ बल्कि वह न्याय के संरक्षक के रूप में यहां हो। इसमें किनी की भी दो राय नहीं हो सकती। परन्तु ऐसी सूरत में जब कि हाउस (House) के सब लोग यह जानते हैं कि अमुक व्यक्ति चेर (Chair) के लिये बहुत उपयुक्त होगा उस वक्त आप यह कह दें कि आप पार्टी के न होते तो हम चुन लेते या आपको हम चुनना चाहते हैं इसके लिये आप पार्टी छोड़ दें। इसका अर्थ यह होगा कि जब वह

चेयर पर आवेगा तो वह पार्टी का जामा उतार कर आवेगा तो वह उस पार्टी को और भी लाभ पहुंचा सकता है क्योंकि अब उसे कोई पहिचानता भी नहीं इसलिये कि उसके कपड़े बदल गये हैं। पर क्या आप उसका रंग रूप या शरीर भी बदल सकेंगे जो उस पार्टी के खून से सिंचे हुये हैं। या सचमुच कोई स्वतन्त्र भी है तो भी यदि वह स्वभाव से न्यायप्रिय नहीं है तो उसके भी वेस्टेड इन्टरेस्ट (vested interest) हो सकते हैं जिनके लाभ के लिये वह काम स्वतन्त्रता से कर सकता है। अतः पार्टी का हो या न हो इस प्रश्न को छोड़ कर व्यक्ति के लिये न्यायप्रिय होना यह सबसे बड़ा गुण होना चाहिये।

दूसरी बात यह कि जब आप वेतन का निश्चय करने बैठे हैं तब आप स्पीकर के गुण अवगुण देखते हैं। यह उसी प्रकार से हुआ कि मानों एक व्यक्ति से काम प्रारम्भ कराने के पहिले तो कुछ भी न कहा, न पूछा, पर जब वेतन देने का समय आया तब उसके लिये आप कहते हैं कि वह व्यक्ति ऐसा हो तब ही हम वेतन देंगे अन्यथा नहीं। अर्थात् वेतन देने के समय आप व्यक्ति की क्वालिफिकेशन्स (qualifications) निश्चय करना चाहते हैं। कहने का मतलब यह है कि यदि आपको कुछ क्वालिफिकेशन निश्चित करनी है तो आगे पीछे करें न कि वेतन निश्चित करने के समय। इसका अर्थ यह भी हो सकता है कि यदि वेतन देने का प्रश्न न हो अथवा एक स्पीकर, डिप्टी स्पीकर, चेयरमैन, डिप्टी चेयरमैन वेतन न लेने को तैयार हो तब आप किसी भी व्यक्ति का रहना सही मान सकते हैं। इसीलिये मैं कहती हूँ कि यदि सचमुच आप इन लोगों की क्वालिफिकेशन के बारे में संशोधन करना चाहते हैं तो आप अलग विधान द्वारा संशोधन लाइये। इस समय यह बात करना इर्रिलेवन्ट

(irrelevant) तथा विषय से बाहर है और इस समय इस पर बहस करके हम अपना समय, शक्ति एवं राज्य के धन का ह्रास कर रहे हैं।

एक बात हमारे कुछ माननीय सदस्यों ने यह कही कि हमारा विधान अंग्रेजों के विधान के आधार पर बना है और अंग्रेजी विधान के उदाहरण स्वरूप यह भी कहा कि वहा की पार्लियामेंट का स्पीकर नान-पार्टी मैन (non-partyman) होता है। ठीक है, होता भी है। परन्तु इन विरोधी दल के सदस्यों ने अंग्रेजी विधान की इस बात की तो नकल करने को हमसे कहा कि हमारे यहा भी ब्रिटेन की तरह नान पार्टी का स्पीकर होना चाहिये, परन्तु इन्होंने कभी यह भी सोचा कि वहां पर यह कन्वेन्शन (convention) है कि जो एक बार स्पीकर हो जाय दोबारा उसके खिलाफ चुनाव लड़ने के लिये कोई आदमी खड़ा नहीं हो सकता। यहा पर आप को मालूम है कि अभी हमारे हाऊस आब दी पीपुल (House of the People) के स्पीकर साहब जो पहले भी संसद के अध्यक्ष थे जनरल इलेक्शन (General Election) में खड़े हुए। उस समय उनका विरोध किया गया पर वह वहा जीते ही। फिर जब उनको कांग्रेस ने स्पीकर के चुनाव के लिये खड़ा किया तो सब लोग जानते थे कि वह बहुमत दल के नामजद हैं और अवश्य जीतेंगे फिर भी विरोधी दल ने केवल उनका विरोध करने के लिये उनके विरुद्ध चुनाव में दूसरा व्यक्ति खड़ा किया। तो क्या उस समय हमारे विरोधी दलों के सदस्यों को यह ध्यान नहीं आया कि ब्रिटेन में तो यह नियम है कि जो एक बार संसद् का अध्यक्ष रह चुका हो उसके विरोध में चुनाव में किसी व्यक्ति को नहीं खड़ा करते, पर जहां इनके पक्ष की बात होती है वहां तो ब्रिटेन के नियमों की याद आ जाती है, और जहां ब्रिटेन के नियम

[Shrimati Sharda Bhargava]

इनकी इच्छा के विरुद्ध पड़ते हैं वहाँ ये उन्हें भूल जाते हैं। अतः यहाँ जो ब्रिटिश मसद् के नियमों का उदाहरण दिया गया है वह बिल्कुल अनुपयुक्त है। असल बात यह है कि इस साधारण से विधेयक में इतने डिस्कशन (discussion) की जरूरत ही नहीं थी, लेकिन उस पर भी बहस करने वाले कुछ न कुछ बातें निकाल लेते हैं। इसके मानी में यह समझनी है कि विरोधी भाइयों ने अपनी आदत बना ली है कि कुछ न कुछ दोष निकाल के विरोध करें। हमारे हाऊस ऑफ दी पीपुल के जो स्पीकर हैं उनके बारे में किसी ने कभी नहीं कहा कि उन्होंने अन्याय किया या किसी का पक्ष लिया। पर जब व्यक्ति में कोई त्रुटि न मिली तो उन्होंने किसी सिद्धान्त की त्रुटि निकालने का प्रयत्न किया। मुझे तो इसमें एक ही भावना मालूम पड़ती है कि चूँकि यह बिल गवर्नमेन्ट की तरफ से आया है और कांग्रेस की गवर्नमेन्ट है इसलिए कांग्रेस पार्टी में विरोध करने के लिये इसमें कुछ न कुछ बातें ऐसी निकाले कि जिसमें हमारा विरोध बड़े। दूसरी बात जो यहाँ आफिसर्स के वेतन के बारे में कही गई विशेषकर मुझे माननीय श्री रथ तथा श्री मथई मजुरन का ख्याल है कि उन्होंने कल बहुत जोर से कहा कि बहुत हाई सैलरी (high salary) है, बहुत से स्पीकर और चेयरमैन होते हैं, उन्होंने बहुत रुपया कमा के रख लिया है, उनको तो वेतन देना ही नहीं चाहिये। आखिर हम लोग देखते हैं कि हमारे दो हाऊसेज में कई सदस्य ऐसे हैं जो बड़े बड़े मिलीनियर (millionaire) भी हैं और बड़े बड़े रईस भी हैं, परन्तु मुझे जहाँ तक ज्ञान है, आज तक ४० रुपया रोन जो सदस्यों को भत्ता मिलता है किसी ने लेने से इन्कार नहीं किया। फिर यदि आफिसर्स रईस हैं तो वह वेतन न ले, यह बात मेरी समझ में नहीं आती। अर्थात् इस गणतंत्र

के युग में आप किसी को चेयरमैन बना कर, किसी को डिपुटी चेयरमैन बना कर या स्पीकर या डिपुटी स्पीकर बना कर उनसे इतना बड़ा उत्तरदायित्व का काम लेना चाहते हैं और दूसरे कमाई के काम से भी अलग कर देना चाहते हैं। परन्तु जहाँ वेतन देने का प्रश्न आता है तो आप कहते हैं कि उनके पास पैसा काफी है, उनको तनख्वाह लेनी नहीं चाहिये। यह कहा का न्याय है और किस प्रकार यह दलील ठीक बैठती है? यह मेरी समझ में नहीं आता। और फिर यहाँ तो हम यह विधेयक किसी व्यक्ति विशेष के लिये स्वीकार नहीं कर रहे हैं, यानी जो भी इस कुर्सी के लिये जनता द्वारा सर्वश्रेष्ठ माना जावे उसके लिये कर रहे हैं। इसमें तो पैसे वाला होने या न होने का प्रश्न ही नहीं आता। यदि आपका मतलब यह है कि यदि रईस है तो तनख्वाह न ले तो इससे राज्य को लाभ होगा। तो फिर राज्य के लाभ के लिये कल को आप यह भी कह सकते हैं कि हम ऐसा आदमी चाहते हैं जो तनख्वाह न ले अर्थात् गरीब आदमी कितना भी श्रेष्ठ क्यों न हो वह तो यहाँ आ ही नहीं सकता। इस प्रकार आप यहाँ पर चेयरमैन आदि के लिये रईस होना भी एक आवश्यक गुण निश्चय करना चाहते हैं। या फिर दूसरा आपका मतलब क्या हो सकता है, जो मेरी समझ में नहीं आया हो? यदि आप यह कहें कि रईस हो या गरीब, इस स्थान को सुशोभित करने वाला व्यक्ति वेतन न ले तो फिर तो आप उस मनुष्य को जो पैसे बिना अपना काम नहीं चला सकता, दूसरे पापों में ढकेलना चाहते हैं जिसके परिणामस्वरूप देश का पतन ही होगा (जिससे आप भी अलग नहीं रह सकते) — फिर ऐसी बेतुकी दलील देने से यहाँ क्या लाभ?

एक बात मुझे यहाँ यह कहनी है कि इस विधेयक में स्पीकर व चेयरमैन का वेतन

सवा दो हजार रखा है। मैं मानती कि लोक सभा के अध्यक्ष की श्रेणी बहुत ऊंची है, पर राज्य परिषद् के चेयरमैन जो हैं वह केवल यहां के चेयरमैन ही नहीं वरन् वह अपने राष्ट्र के उपराष्ट्रपति भी हैं। माना कि विधान में उपराष्ट्रपति के लिये वेतन नहीं लिखा है अतः उपराष्ट्रपति की हसियत से तो जब तक हम विधान में संशोधन न करें उन्हें कुछ वेतन नहीं दिया जा सकता। पर तो भी उनके इतने बड़े पद को पूरा सम्मान देने के लिये उन्हें स्पीकर से अधिक वेतन मिलना चाहिये। इसमें भी यदि यह मोचा जाय कि सरकार अधिक धन खर्च नहीं करना चाहती अथवा हमारे चेयरमैन साहब स्वयं भी अधिक वेतन नहीं लेना चाहते तो उनके वेतन को यहां पर उनका बड़प्पन रखने के लिये वेतन के स्थान पर आनररियम (Honorary) कह दिया जाय तो अधिक उपयुक्त होगा जिससे यह प्रकट होगा कि उनका पद तो ऐसा है कि यदि वेतन दिया जाय तो इससे अधिक होगा पर किन्हीं कारणों से वह इतना ही लेना चाहते हैं या सरकार इतना ही व्यय करना चाहती है। उनकी सर्विसेज आनररी (services honorary) है और उन को आनररियम के रूप में सवा दो हजार दिये जायेंगे। यहां यह भी कहा गया कि तनखाह बहुत ज्यादा है। जब मिनिस्टर्स (Ministers) के सैलरी बिल में वेतन कम करने का प्रश्न चल रहा था उस समय भी यह प्रश्न आया था कि वेतन बहुत अधिक है, पर मैंने वहां कहा था कि इन बड़े उत्तरदायित्वपूर्ण पदों पर काम करने वाले व्यक्तियों का वेतन कम करना बड़ी भारी त्रुटि करना है, वरन् मैं इसमें संशोधन भी रखना चाहती थी और इस विषय में मैंने उस समय के भवन के नेता, श्री गोपालास्वामी आयरंगर से जब बात की तो उन्होंने कहा कि आपका सुझाव तो ठीक है परन्तु हम स्वयं

ही वेतन कम लेने की बात तय कर चुके हैं, इसलिये संशोधन को मत रखिये। मुझको उनको वात माननी पड़ी और मैंने संशोधन नहीं रक्खा।

यहां एक प्रश्न यह भी उठाया गया कि अधिक वेतन पाने वालों की तनखाह कम कर के गरीबों को लाभ पहुंचाना चाहिये। परन्तु मैं यह कहना चाहती हूं कि यदि हम तनखाहों को थोड़ा कम भी कर दें तो क्या हम गरीबों की सचमुच में भलाई कर सकते हैं? अगर पांच सौ या सात सौ कम कर देने से गरीबों का सचमुच कुछ भला हो सके तो अवश्य कम कर दिया जाय पर मेरा दृढ़ विश्वास है कि इस कमी से सिवाय इन लोगों को कष्ट पहुंचने के गरीबों का कोई भला होने वाला नहीं है। अतः यह कहना त्रुटिपूर्ण है कि इनका वेतन कम होने से गरीबों का लाभ होगा। मेरा यहां यह भी कहना है कि इन पदों पर जो व्यक्ति हैं वे भारत के और राष्ट्र के बहुत उत्तरदायी व्यक्ति हैं और ऐसे उत्तरदायी व्यक्तियों के लिये यदि घर की चिन्ता घेरे रहे या आर्थिक कष्ट रहे तो क्या आप सोच सकते हैं कि वे सफलता से कार्य कर सकते हैं? उनको परदेसियों के सामने भी अपनी डिगनिटी (dignity) को बनाये रखना पड़ता है और अगर हम तनखाह कम कर देते हैं तो यह कैसे होगा। इसके अतिरिक्त उनको घर की चिन्ता से भी बिल्कुल मुक्त रखना है। अगर उन की तनखाह कम कर देते हैं तो यह नतीजा होगा कि उनके बच्चे ठीक से पढ़ नहीं पायेंगे और जब वह घर जायेंगे तो उनकी पत्नी कहेंगी कि बच्चों की फीस के लिये पैसा नहीं है, कपड़े नहीं हैं और यहां वहां जाना है लेकिन पैसा नहीं है। चूंकि स्पीकर, चेयरमैन, डिप्टी स्पीकर और डिप्टी चेयरमैन सब पुरुष ही हैं इसलिये मैं कह रही हूं कि घर जाने पर उनकी पत्नी कहेंगी कि बच्चों के लिये फीस के वास्ते

[Shrimati Sharda Bhargava.]

पैसा नहीं है और दूसरे जरूरी कामों के लिये पैसा नहीं है। यह भी नहीं हो सकता कि वे घर की परवाह न करे क्योंकि अगर घर की परवाह नहीं करेंगे तो दुनिया कहेगी कि घर वालों की परवाह नहीं करते, और किस तरह से बच्चे वगैरह रहते हैं।

SHRI K. B. LALL (Bihar):

श्री के० बी० लाल (बिहार) : अगर लेडी चैयरमैन (Lady Chairman) हों तब क्या हो ?

10 A.M.

SHRIMATI SHARDA BHARGAVA:

श्रीमती शारदा भार्गव : अभी तो नहीं है, जब होगी तब की तब सोच लेंगे।

तो मेरा कहना है कि चैयरमैन की, स्पीकर की या डिप्टी स्पीकर की डिगनिटी एक व्यक्ति की डिगनिटी नहीं है वरन् सारे राष्ट्र की है और जब हम सब एक राष्ट्र में बंधे हुए हैं तो हमारी भी है, इसलिये उनको कम तनखाह देना एक बड़ी गलत बात है।

पिछली दफा जबकि मिनिस्टर्स की सैलरी का बिल था तब मैंने मोटर के बारे में कहा था कि अपने आप मोटर खरीदने की बात को मैं बहुत गलत मानती हूँ। यह ठीक है उसके लिये आप कर्जा देगे लेकिन कर्जों से क्या होता है। फिर हर माह उनके वेतन में से ४००।५०० रुपया इंस्टालमेंट (Instalment) में ही कट जायेगा, सौ या डेढ़ सौ का ड्राइवर (driver) भी रखना होगा और सौ या डेढ़ सौ का पेट्रोल भी खरीदना होगा। इस तरह से उन के पास एक बहुत बड़ा खर्चा तो मोटर का ही हो जायेगा। और फिर बाद में यदि कोई व्यक्ति किसी कारण से स्पीकर, डिप्टी स्पीकर, चैयरमैन या डिप्टी चैयरमैन न रहे तो फिर मोटर

तो उनकी परवाह ही गई। अगर उसकी कोई आमदनी नहीं हुई तब वह कैसे उधार के पैसे चुकायेगा और वैसे उस मोटर को काम में लावेगा। इसलिये मोटर के बारे में मैं कहूंगी कि गवर्नमेन्ट स्पीकर, चैयरमैन, डिप्टी स्पीकर और डिप्टी चैयरमैन के लिये चार मोटर खरीद ले तो अच्छा हो। ये मोटर हमेशा काम आयेगी और जो भी इन पदों पर होंगे उनके इस्तेमाल के लिये होगी। यह संशोधन मैं चाहती हूँ। मैं मानती हूँ कि इस समय मेरा यह संशोधन फार्मली (formally) रखना बेकार है, पर चूँकि ला मिनिस्टर (Law Minister) साहब यहां उपस्थित हैं वह स्वयं ही यदि इसे मान कर इस विधेयक में संशोधन कर दें तो बहुत उचित कार्य करेंगे।

SHRI B. K. MUKERJI:

श्री बी० के मुर्जी : फाइनेंस मिनिस्टर Finance Minister साहब रखेंगे, लार्मिनिस्टर साहब नहीं।

SHRIMATI SHARDA BHARGAVA:

श्रीमती शारदा भार्गव : ठीक है, जो आप कह रहे हैं लेकिन इस बिल में ला मिनिस्टर श्री बिश्वास का नाम है और संशोधन करने का काम उन्ही का है। वैसे तो फाइनेंस मिनिस्टर साहब भी बैठे हैं और सुन रहे हैं, इसलिये यदि उन्हें मंजूर होगा तो वह पैसा देने का आश्वासन ला मिनिस्टर साहब को दे देगे और वह इस विधेयक में संशोधन कर देंगे।

एक चीज यह भी कही गई कि जो बड़े बड़े आफिसर्स हैं उनको कम तनखाह लेकर उदाहरण पेश करना चाहिये। ठीक है, कम तनखाह लेने का उदाहरण वह पेश कर देंगे लेकिन साथ ही साथ वह एक दूसरा भी

उदाहरण पेश करेंगे जिसकी कि हम सब नक़ल करेंगे। वह दूसरा उदाहरण यह होगा कि वे कोई काम रिसपासिबिलिटी (responsibility) से नहीं कर सकेंगे, इसलिये कि उनके मस्तिष्क को इतना समय ही नहीं मिलेगा। अतः मेरा कहना है कि यदि देश का गला घोटना चाहते हैं तब ऐसा कदम उठावें वरना यह ठीक नहीं है। हमारे देश में स्पीकर, चेयरमैन आदि ऐसे तीन चार ही व्यक्ति हैं इसलिये उनकी डिगनिटी को बनाये रखना हमारे राष्ट्र की डिगनिटी को बनाये रखना है। इन उच्च पदाधिकारियों का वेतन उनके उत्तरदायित्व को देखते हुए बहुत कम है। पर चूँकि यहाँ वेतन बढ़ाने का तो कोई सवाल नहीं है क्योंकि उन्होंने खुद ही कम करने को कहा है, पर इस वेतन को अधिक कहना तो बहुत ही अनुपयुक्त है। इतना कह कर मैं इस बिल का समर्थन करती हूँ और चाहती हूँ कि बेकार के ऐसे विरोध न निकाले जायँ जिनमें कि कोई तत्व न हो। धन्यवाद।

[For English translation, see Appendix IV. Annexure No. 193.]

SHRI B. K. F. SINHA: Sir, after the speech from the hon. Member from Bengal who wanted to force on us, the innocent Congress lambs, the skin of the leopard.....

AN HON. MEMBER: Are they?

SHRI B. K. P. SINHA: Of course, we are.

SHRI B. RATH (Orissa): Are you so?

SHRI B. K. P. SINHA: Yes. Are you not yet convinced? And after the speech of the hon. Lady Member which was so full of robust commonsense, my speech will come as an anti-climax. I propose to tread what is by now a well-trodden path—the question of impartiality or non-party character of the presiding officer. I agree in substance with much that has been said on this 38 CSD

point by some Members on this side of the House and most of the Members on that side of the House. But I strongly repudiate some of the basic assumptions on which the Members opposite have built up their arguments. The first assumption is that they are eager to see the development of conventions and ensure the impartiality of the presiding officer. Well and good. I have nothing to say to that. They know their mind better. The second emphatic assertion is that we on this side of the House are not eager to build up those conventions or traditions. I strongly repudiate it. We are eager to see healthy democracy functioning in this country. We are eager to see that the conditions and traditions of impartiality develop in this House as well as the other legislatures of this country. A Member of the Opposition, however, made a queer suggestion that the presiding officers should be drawn from the category of Members labelled as Independents. This statement is if the word is not unparliamentary, on the face of it absurd because democracy implies fighting of elections by parties. It implies therefore that people would be returned to the various Houses as Members of parties. It is a mere passing phase that in India in the first elections some Independents were returned to the various Legislatures and the Parliament of India, but in the more organized democracy, there is no place for non-party men or Independents.

SHRI RAJAGOPAL NAIDU: May I point out that the Speaker of the Legislative Assembly of Madras had contested the last general elections as an Independent candidate though he happens to be a Congressman?

SHRI B. K. P. SINHA: That is an exception. This is a passing phase and it comes within that exception. I must stress, therefore, that it is not proper to lay down that rule. But the other contention is that after a man is elected to the office of the presiding officer, he should shed his party character and he should have nothing to

[Shri B. K. P. Sinha.]

do with his party. I entirely agree and I endorse this point of view and in spite of the previous speeches that have been delivered from this side opposing this position, I feel that the preponderance of opinion on this side is that these officers should, after their elections, become non-party men. The Speakers have very important functions to perform. Externally they represent the whole of the House. They don't represent any Party or any individual as such. They are the mouth of the House taken collectively and a person owing allegiance to a Party; a part of a part cannot represent a whole. Speakers or the presiding officers have important functions to perform in their own Chamber. They act sometimes as the friend, philosopher and guide of Members drawn from the various parts in the House. Whenever a question has to be put, some motion has to be made, a point of order has to be raised, very often the Members privately approach the presiding officer before they formally move it in the House and his opinion is available to them. Before he puts or gives a formal ruling, he gives an informal ruling inside his own private Chamber. If the presiding officer continues to be a Party man, he would not inspire confidence in the Members who don't belong to his Party. He would cease to be the friend, philosopher and guide of the Members of the House. Moreover, the Rules of Procedure invest the Speakers with wide powers. When I say the Speaker, I mean the Chairman or Deputy Chairman as well. They have to regulate and control the debate in the House and keep a balance between the various parties as well as between the Government and the House as such. He wields immense authority which cannot be done effectively if he is in a position where suspicion about his impartiality could be aroused. Authority implies fairness, justice and what is more, recognition by everybody of impartiality. It is in view of these facts that the British people who have in

the modern world the longest experience of the functioning of democratic institutions have developed laws and conventions which formally establish and guarantee the impartiality and recognition of impartiality of the presiding officers. Whenever a person is appointed to that high office, he ceases to be a Party man. He does not vote ordinarily unless the votes are equally balanced and when he votes, he votes in such a way that any expression of opinion on the merits of the case is precluded. He is re-elected to Parliament if he desires, without any contest and after coming back to Parliament, even if the complexion of the House has changed, even if the alignment of forces inside the House has changed, if he desires to seek re-election to that office, he is re-elected without any contest. During the course of more than a century 5 occasions have arisen in the British House of Commons in which the ex-Speaker was faced in the new House by a majority which did not belong to a party from which he originally came and on 4 occasions in spite of the fact that the party complexion had changed, the ex-Speaker was re-elected. It was only in one case that it was not so, when Melbourne did not act according to this Convention and then he had to justify his conduct and he justified it by making an assertion that the Speaker was interfering with party politics. It is with this view that in England the salary of the Speaker is charged to the consolidated fund, it is not put on the estimates and it is not open to the vote of the House. There have been violations of this convention and there have been occasions when the Speaker's seat has been contested; but these occasions have been very rare and when this has happened, the opponent sometimes forfeited his security and always lost the battle because this convention has almost become part of the thinking process of the British people and whoever violated this convention is not looked upon with the favour by the British electorate

Sir, the hon. Members from Uttar Pradesh Shri Kapoor suggested a compromise, that the Speaker should be a no-party man inside Parliament and outside Parliament he can be associated with a party. Sir, I am afraid Constitutions know of no Dr. Jekylls and Mr. Hydes. Dr. Jekylls and Mr. Hydes are constitutional monstrosities and constitutional impossibilities. The maxim of law which embodies the wisdom of ages is that a man shall not put himself in a position where his interest pulls him in one direction and his duties pull him in another direction. If the Speaker, whether inside or outside the Chair were to retain his party allegiance, I am afraid he will be putting himself in such an unhappy position and it shall not be possible for the whole House to recognise his impartiality and to that extent his authority is liable to suffer.

Let us see what was the intention of the framers of our Constitution. In Great Britain, as I have said, the salary of the Speaker is charged to the consolidated fund and the salary of the Deputy-Speaker is put on the estimates. But in India we have gone further even than that. Our Constitution makers wanted that our officers should be above party and above groups, that there should be no suspicion regarding them whatsoever. Therefore, in the constitution it is provided that not only the salary of the Speaker and the Chairman, but also the salary of the Deputy Speaker and that of the Deputy Chairman should be charged to the Consolidated Fund of India and not be put to the vote of the House and be subjected to political wranglings. It has been urged by some hon. Members—unfortunately most of them are from this side of the House—that this convention of impartiality does not extend to all presiding officers in all democracies. That is a fact; but then the systems of Government in those democracies are different; the procedure of the legislatures is different; their constitutional functions are dif-

ferent. Reference was made to the Lord Chancellor.

SHRI B. B. SHARMA (Uttar Pradesh): Do we understand, Sir, that the hon. Member is opposing this Bill?

SHRI B. K. P. SINHA: I am supporting this Bill; but on right lines.

SHRI C. G. K. REDDY (Mysore): It is a good example.

SHRI B. K. P. SINHA: My simple contention is that simply because a particular attitude was taken up by the Members of the Opposition, we were thrown off our guard and took a wrong track.

There is a gulf of difference between the procedure of the House of Commons and the procedure of the House of Lords. In the House of Commons, it is the Speaker who calls the speakers. He is the master of the procedure of the House whereas in the House of Lords, it is the House itself that is the master of its procedure; the Lord Chancellor has very little duties to perform.

SHRI B. B. SHARMA: Doesn't he preside?

SHRI B. K. P. SINHA: Yes, but he is not the final authority. When there is a point of order, it is not the Lord Chancellor who gives the ruling. The point of order is decided by the Lords collectively; they decide it this way or that. Even in the ordinary matter of calling the speakers, it is not the Lord Chancellor who calls them; the Lords themselves get up and if more than one get up, some gives way or, if they do not give way, the Lords decide again as to who, out of the two or three who have stood up, will speak. In the matter of adjournment, the Lord Chancellor does not adjourn the House; he cannot adjourn the House. He gets the opinion of the Lords and, thereafter, he adjourns the House; he simply executes the decision of the House collectively. So far as the regulation of business is concerned, there is a Standing Order that whichever business comes first shall be put first on

[Shri B. K. P. Sinha.]

the List. Government business is not given any priority there except in the matter of Bills when the House is short of time, but even then if the Lord Chancellor exercises his discretion and puts Government Bills first—his power is restricted only to Bills and to no other business—and if the House passes a resolution that order can also be changed. The Lord Chancellor has no casting vote. Even if there is any equality of votes in the House, the Lord Chancellor cannot give any casting vote; in some cases the Lord Chancellor has not even been a Member of the House of Lords; he has not been a Peer and the Woolsack upon which he presides is supposed to be outside the precincts of the House—it is the legal fiction—it is not supposed to be a part of the House.

SHRI B. M. GUPTE (Bombay): Can the hon. Member give any instance when the Lord Chancellor was not a Member?

SHRI VICE-CHAIRMAN: It is not necessary to reply. Please continue.

SHRI B. K. P. SINHA: That question has been put and.....

THE VICE-CHAIRMAN: It is taking time for nothing.

SHRI B. K. P. SINHA: If you go through the books on the procedure of the House, it would come to your notice. If you go through any standard books, you will see that there are a number of instances where the Lord Chancellor has not been a Member of the House of Lords. He has no casting vote.

SHRI RAJAGOPAL NAIDU: He is a Member of the Cabinet.

SHRI B. K. P. SINHA: When there is an equality of votes, the matter is settled by maintaining the *status quo*. The Lord Chancellor gives no casting vote, for he has none.

THE VICE-CHAIRMAN: The hon. Member need not pursue the point because there is no similarity between

the Council and the House of Lords. Sufficient has been said on this point.

SHRI B. K. P. SINHA: Some Members referred to it and the hon. Dr. Kunzru also said that there may be some difference. He did not give the details and that is why I am going into the details.

Then, Sir, take the U.S. Congress, the Senate and the House of Representatives. There, Government is based on different principles, and there is absolute separation of powers. My friend, Mr. Mahanty pointed out that none of the Ministers sit in any of the Houses. Moreover, ..

SHRI B. B. SHARMA: There are no Ministers there.

SHRI B. K. P. SINHA: They are called Secretaries of State.

(Interruptions.)

THE VICE-CHAIRMAN: Do not take notice of all the interruptions.

SHRI B. K. P. SINHA: Even in Britain the Ministers are called Secretaries of State. In Soviet Russia they were known as Commissars, now they are known as Ministers. Whatever we call them,.....

(Interruptions by hon. Members.)

THE VICE-CHAIRMAN: Order, order.

SHRI B. K. P. SINHA:.....the whole basis of administration of Government is entirely different and, moreover, Sir, the most important part of the legislative work in the American Congress is done by the Committees. These Houses simply register the decisions taken behind their back in the various Committees. Of late, in America itself, the tendency has grown to develop conventions or traditions which ensure the impartiality of the Speaker of the House of Representatives. It is no use being guided by apparent similarities of position of presiding officers. These apparent similarities very often screen

colossal unsimilarities or 'sometimes dissimilarities.

Let us take the case of France; that approximates to the British Constitution, at least till 1941 it was, I don't know what the position now is but in France also they had developed this convention and they insisted on this non-partisan character of the Presiding Officers. We have deliberately adopted the British model both for the House of the People as well as for this House. Centuries of experience of functioning of Parliamentary democracy are crystallised in the rules and conventions of impartiality of the British Parliament. They embody centuries of experience, centuries of wisdom and learning. Let us learn by that experience. What is the difference between the man, the *higher animal*, and the *other animals*. Sir? Animals also learn by experience but man has got the capacity to learn by the experience of others. Let us learn by the experience of the British people. In this connection, Sir, the position was correctly laid down by Vithalbhai Patel and by our eminent Chairman, Dr. Radhakrishnan. If there is any disagreement and somebody feels inclined to deviate, he is welcome to it but he would be violating the conventions and traditions of Parliamentary democracy. If anybody deviates we cannot be held responsible, the Government cannot be held responsible, we, as a party, cannot be held responsible for that, and if anybody expects that we put some sort of pressure on him to come to the right decision, I think he, in his eagerness to see that the right decision is arrived at, is trying to destroy the future impartiality of that office, because once you admit that in proper cases they may be subjected to executive or party pressure, we do not know where that pressure will end. Therefore, that thing has to be developed but it has to be developed by the will of all of us taken individually or collectively. It cannot be imposed on anybody. We are, Sir, today building up traditions for centuries to come; we

are legislating in the present but we are primarily legislating for the future. We cannot take a stand today when we are in a majority and change that stand when by some chance we are reduced to a minority; we are not dialecticians who eat up their words every successive day. What we stick to, we stick to for good. I think, therefore, that this impression that has been sought to be created by the Members of the Opposition that we do not stand for impartiality and non-partisanship of the presiding officers is wrong. We are equally eager, if not more eager than they, for the establishment of these traditions, and these traditions and conventions, I agree, cannot be established by law. Law cannot control the will of the man; the will of a man can be controlled only by conventions; the will can be modulated, dictated only by conventions.

Then, Sir, I will very briefly refer.....

THE VICE-CHAIRMAN: You have already taken twenty minutes. Please wind up soon.

SHRI B. K. P. SINHA: Only two minutes more, Sir, because I have to dispel the impression that has been created that we do not stand for impartiality. We do and more strongly.

I would refer, Sir, to our Chairman. It is rather unfortunate that the Constitution does not provide for any salary and emoluments for the Vice-President of India *qua* Vice-President; it provides only for him as Chairman and I feel that in view of the position of eminence that the Vice-President or the Chairman of this House occupies he should be entitled to a salary not less than that paid to the Chief Justice of India, i.e., Rs. 5,000. He gets precedence only after the Prime Minister of India and he has to represent our Nation on many occasions and if we do not provide adequately for such an office, I am afraid, Sir, we shall never be able to get a man of emi-

[Shri B. K. P. Sinha.]
nence like Radhakrishnan to preside over our Chamber. We shall be having only second raters; there would be crisis inside the House, crisis outside the House and, sometimes crisis in the international field also.

Then, Sir, about the salaries, Prof. Ghosh whom I always regard as my Guru, flung the Karachi resolution for the nth time in our face. Sir, the Karachi resolution relating to salaries was passed in a certain context. It visualised a certain society, a certain social context in which nobody was to draw more than Rs. 500. So long as we have not been successful in establishing that society, I think salaries have to be fixed according to some other standard or some other principles. There are people of ability making thousands and millions in industry; they make thousands in professions, and why should then we expect a man of ability, simply because he comes here, to satisfy himself with a smaller amount, a small pittance? My friends always flaunt before our eyes, the picture of the Father of the Nation, the naked Fakir, but the naked Fakir was a lone figure.....

SHRI K. S. HEGDE: Just like the Devil quoting the Scripture.

SHRI B. K. P. SINHA:.....in his pursuit of ideals, and since he was lone, he was a world figure. We are legislating here for ordinary human beings; we are not legislating for saints and Fakirs and people who leave their impress on this world for centuries to come. They can go on living and they have their dignity without any money but we want not only dignity, we require something to feed our bellies, some clothes to clothe ourselves and our families and something to educate our children. Dignity or respect will not educate the children, will not clothe the women folk will not appease their hunger and will not quench their thirst. That has to be provided and provided in such a way

that people of eminence and people of ability will not shirk accepting such a responsibility. Some balance,.....

THE VICE-CHAIRMAN. Please wind up

SHRI B. K. P. SINHA:.....some proportion has to be struck and I think that the proportion or balance that this Bill strikes so far as our Chairman is concerned errs on the side of parsimoniousness and not on the side of liberality. I need not say anything about the illness of family members. Principal Ghosh has adequately replied to it but when Dr. Kunzru said that I.C.S. officers were getting a much higher salary and should be entitled to these concessions also, that Sir, reminded me of a Biblical phrase: "To whom who has more shall be given; from whom who has little, the little shall be taken away"

I feel that the Bill is proper; it deserves our support and I have every hope that the Government and the Congress Party will build up traditions and conventions which will ensure the impartiality of the Speaker.

THE VICE-CHAIRMAN: I intend to call upon the hon. Minister at a quarter past Eleven. So, hon. Members should try to be as brief as possible. Mr. Reddy.

SHRI C. G. K. REDDY: Sir, if I rise in spite of your suggestion, to take part in the debate at this late stage it is only in an attempt to extricate the main issue that seems to have been clouded with a great deal of academic discussion although that discussion has been very good and informative.

Sir, the question that has been agitating both this House and the other House in so far as this Bill is concerned is whether the presiding officer should continue to be associated with the political party to which he may have belonged before he was elected. Sir, on this question, much has been said and I would only try to analyse

the reasons for or against the proposition. Sir, it has been said that in spite of the fact that even if the presiding officer, after he has been elected, resigns, there is nothing to prevent him from being partial, in view of the fact that he had been associated with that political party for years before his election.

SHRI B. B. SHARMA: Not that; the only submission was if he is not impartial and honest at heart, no amount of dissociating from a party would make him that.

SHRI C. G. K. REDDY: I understand that Sir, and I hope I will just have 5 or 6 minutes without any interruption—and I will not say anything provocative. I think, Sir, the question that will be continuously posed before the Presiding Officer, when he sits in the Chair and if he continues to be associated with his political party, is whether he is going to be loyal to his party or loyal to the Chair. Now, Sir, I submit that this is a very difficult question which will be continuously posed before him and it is, I think, unfair that we should pose it before him all the time. More than that, Sir, when he is in the Chair, he is bound to be, especially if he is actively associated with his party, influenced involuntarily or even unconsciously by his party loyalties. The contention of hon. Members that as soon as an active party Member ascends the Chair he completely dissociates himself from all his party loyalties, is, I submit, a thing which goes against the human element because, Sir, it is impossible for a person, by the very fact that he ascends the Chair, to be completely just and completely impartial, to completely dissociate himself even in his own mind, even unconsciously, from any association that he may have with his political organization of which he may be an active member or an ordinary member. We have cases also where presiding officers are members of executive committees.

Now, is it the hon. Members' contention, who say that it does not matter at all whether a presiding officer is a member of a party or he continues to be so or not that, in spite of his being associated actively in an executive capacity of a Party, he would be completely impartial, that he would leave his party behind as soon as he proceeds to ascend the Chair? This, I think, Sir, is an impossible proposition. I do not think it will be possible. If I may explain, Sir, for instance, inside the House itself there are certain tactics employed both by the Opposition and the Government Party. It may be that the Opposition, if it is in a very small minority, may try to employ dilatory or other tactics to focus public attention on a Bill or to make it more difficult for the Government to get through with that Bill. Now a presiding officer, if he is on the executive committee of the Government Party, would necessarily, as a member of the executive of that Party, have to take adequate steps to see that the Government Party tries to stop this Opposition move. After having been a party to such decisions or after having been a party to the decision to put down certain tactics that is to be followed by the Government Party inside the House, am I to understand, Sir, that the presiding officer in spite of the fact that he was a party to all these, as soon as he ascends the Chair, forgets all about it and will conduct the proceedings of the House in a most impartial manner so that the Opposition and the Government Party are on an equal footing? I would humbly submit, Sir, that this would constitute a very difficult exercise in intellectual gymnastics which, I think, an ordinary human being will not be able to cope with.

And then, when we put forward this proposition, some of the Members here, I am very glad to say that some Members in the Congress Party also agree with us some Members, especially the hon. Mr. Hegde has asked us

[Shri C. G. K. Reddy.]

how we are going to implement it. It has not been the contention of those who have put forward the proposition that the presiding officer must dissociate himself from his political party, that there should be a law or an amendment to the Constitution or an amendment to this very Bill and that legally we must say in what manner this should be done. We have only suggested that a convention should be established, that a tradition should be established whereby a presiding officer, as soon as he is elected to the office, will dissociate himself from all party affiliations so that complete impartiality is maintained in so far as the proceedings of the House are concerned.

These traditions, Sir, I agree are very difficult to develop and to lay down, but nothing prevents us to attempt and to start a beginning in developing these traditions. In this matter, Sir, it is as much the concern of the Government Party as it is of every other party in any House, in any Legislature, to see that these traditions are developed. To this the argument was put forward that it is not time for us to even begin putting down these traditions or developing these traditions because in India today the conditions are such that we cannot afford to copy or imitate the traditions and conventions that have been established in the Parliament of Great Britain. I should think, Sir, that the argument is itself a sufficient basis why we should take even more precautions to see that the presiding officer is completely impartial. What I mean is that if it is the contention that today the conditions in the country are not very helpful even in trying to see that the presiding officer dissociates himself from his political party, then I would say that the absence of very good democratic traditions is an all the more important reason why we must make it more or less a rule that the presiding officer, as

soon as he is elected, should dissociate himself from his party.

Sir, here again, as in other matters concerning the proceedings and the conventions and traditions that we ought to be developing in so far as Parliamentary Democracy is concerned, it should be possible for the Government Party and all other Parties to discuss very often about these issues, to come together and try to find solutions and to lay down traditions. But it is rather unfortunate to find that the Congress Party appears to think that it alone is the custodian of Parliamentary Democracy in the country and it alone is capable of laying down what traditions are to be laid down and when. This, I submit, Sir, is a very wrong impression that the Congress Party has, and it is time—and it would be very good also—that the Congress Party should realize that the development of these traditions and the laying down of these conventions is as much the responsibility of the other Parties as it is of the Congress Party. I would suggest that on the question of whether the presiding officer should continue to be associated with a particular political party or not or any other issue that may come up or is likely to come up—as indeed it came up the other day—on all these issues, all of us should come together, and I am sure all of us are very much interested in seeing to it that Parliamentary Democracy which has been introduced and which is being worked by the Constitution in the country, is really a success. The success of any Parliamentary Democracy is in the laying down of conventions and in sustaining those traditions.

Now, Sir, there is only one particular point to which I may reply and it is rather a difficult reply that I have to give. It has been posed, Sir, as to what occasion is there for any Member to say that the presiding officer should dissociate himself from his political party when there has been almost complete impartiality in every

legislature in the country. My submission, Sir,—and it is a very embarrassing submission—is that it is not so. There have been occasions .

THE VICE-CHAIRMAN: I suppose you are not referring to either of the Houses here

SHRI C. G. K. REDDY: No, Sir. There have been occasions where in spite of his attempts and even honest attempts on the part of the presiding officer to be completely impartial in his decisions, the manner in which he has conducted the proceedings has been coloured and has carried the impression of his party affiliations. If I were to quote an example I would probably be declared to be out of order and it would probably be said that I am making irresponsible assertions, and I would be guilty of breach of privilege. The other day the hon. Home Minister, during the discussion of the P.E.P.S.U. Budget did bring to the attention of the House and through the House to the attention of the country a particular instance where the P.E.P.S.U. Assembly was involved. And there have been other instances also. It may be that the presiding officer was completely honest and he wanted to be completely impartial. But my submission is that in spite of the fact that the presiding officer takes every step to see that his mind is in complete balance and his judgment is also in complete balance, unconsciously he will be influenced by his party affiliations. In spite of that, unconsciously, he will be influenced by his party affiliations and if this can be accepted—and I hope it is accepted, because of human frailty and because of the human element it is possible and it is also probable—then I suggest, Sir, that there is a good case in this country that we should copy the traditions and the conventions of other countries where democracy has been tested and where it has been in existence as we know for a few centuries, in so far as presiding officers continuing to have affiliation with their political parties

are concerned. It may be, Sir, that immediately after we have discussed it, it will not be possible for presiding officers who have said that they will continue to be associated with political parties, to take a reverse decision at once. This is a suggestion that I am putting forward, along with the other suggestion, that the Congress Party with all other Parties should meet often, as occasion arises, to decide these issues and lay down conventions. This suggestion of mine deserves very serious consideration and I hope that in the interests of democracy in this country the governing party would take up this suggestion and try to implement it.

SHRI GOVINDA REDDY (Mysore): Sir, while giving my wholehearted support to this Bill, I would like first to take up the point which has been debated at length by all sections of this House, that is, that the presiding officers should cease to be party men. Well, Sir, there is a theoretical aspect of it and there is a practical aspect also. Examining this purely as a matter of theory, the assumption, Sir, of those who contend that those who become presiding officers should cease to be party men and if they remain as members of their party, their actions are likely to be coloured by their views, is, in my humble submission, not a correct assumption. Here in the case of the Speaker or the Chairman we are not making people for the places. Whoever occupies that place must fit himself into it. In this connection, Sir, the precedent of the House of Commons and the traditions that they have set up have been quoted. I wish to submit that the circumstances that led to the growth of the office of Speaker, his duties, his prestige and the tradition that was set up there were entirely different from those that are prevailing here. In the House of Commons the office of the Speaker underwent transformation from century to century and even from decade to decade. At first, as those students of British Parliament know, the Speaker

[Shri C. G. K. Reddy.]

was the King's man and he was opposed to the interests of the people and the Members of Parliament had no statutory rights. As long as the monarch was powerful and the Parliament went his way, the Commons had to put up a stout fight for claiming certain rights and privileges and as long as the Speaker remained the King's man, he was acting contrary to the Members of Parliament exercising their rights and privileges. So there was a conflict between the Executive and the Parliament. In this conflict, as History shows, ultimately the Parliament triumphed and with the triumph of Parliament, the Speaker's position also changed. Fortunately for the British Parliament, they started with a Speaker who stood up boldly against the Executive authority of the King and there were cases of Speakers having been dismissed. And when they had such Speakers, naturally it was the desire of the Members of Parliament that that Speaker should continue in office and so this tradition came to be developed in the House of Commons. It was felt by the Members of Parliament that a Speaker who fought for the rights of the people, for the rights of Parliament as against the absolute monarch, should continue to be in office and that is why this tradition has grown up. And no party has questioned that tradition until only one small instance came up recently during the regime of the Labour Party when the Speaker's seat was contested. Personally, Sir, I am not against our developing this tradition. But the assumption behind it is not correct in the circumstances here in India. A man may belong to any party but when once he becomes to occupy the place of the Speaker, he is there expected to discharge certain duties. Sir, you belong to a different party from the governing party—and you are in the panel of chairmen—and when you come to occupy the Chair, as you have done now, I do not think you will allow your actions to be coloured by

your party views. Even supposing a person who occupies that place begins to act in a manner which is against the impartiality of his office or in a manner prejudicial to the rights and privileges of certain sections of the House, then I submit that the Members have statutory rights and they will naturally fight for their rights. It is not like the British Parliament where the rights and privileges of members were not statutory; they grew up by tradition. Here we have statutory rights. We can fight for them and a Speaker who is partial cannot be expected to command any respect from any section of the House, let alone from sections of the House which are opposed to the party to which the Speaker happens to belong.

A point was also made that when a man has worked in a party for a long time, it is impossible to expect him to dissociate himself from the views of his party while functioning as presiding officer. After all, the Speakership is not guaranteed for his life. It may be, he will not be elected in the next elections. It may be, even if he is elected as a Member of Parliament, he may not be elected as Speaker. So for the accident of his being elected as Speaker to expect him to dissociate himself from the party for which he has worked all his life, is something which is not fair. So, I should suppose, Sir, that a member belonging to a party should not be the criterion on which we should judge the character of the Speaker. The attitude which he takes up after assumption of office is all that we should take care to see; that is, that the Speaker must behave with impartiality, must be fair-minded, must not allow his actions to be coloured by his party views, these are things over which there is no quarrel in any section of the House. We all believe that even if a congressman should occupy that seat, he should behave there as if he is not a congressman.

The instance of the late Shri Vithalbhai Patel was quoted. The circumstances there again were entirely different. Then the Government was opposed to the people. We had an alien Government and they wanted to see that one who followed their behests should occupy the Chair. That was opposed by the members and the late Shri Vithalbhai Patel was chosen, but then this went against Government's expectations. The Government did not appreciate that step and so they wanted to see that this Speaker was discredited and it is, of course, on record that even C.I.D.s. were posted around the President and his house was watched; those who came and went out from his house were also watched and they gave him a hell of a time as long as he remained in office. But, Sir, even those who doubted the impartiality of that revered gentleman came to believe, towards the close of that Session of the legislature, that he behaved with utmost impartiality and those British Members and the Government of the day that had doubted him came to respect him and came to admire him. But he did not give up his Congress views though he had to dissociate himself from the party; because there was so much pressure from Government, and there was so much suspicion and doubt, that he wanted to clear it up and he wanted to assure them that he would not be a member of the party if that could satisfy those British masters. That was why he took up that attitude, not because if he belonged to a party, he believed he would act partially, or he would support the point of view of the opposite side.

SHRI K. S. HEGDE: In fact, he took part in congress movement later on.

SHRI GOVINDA REDDY: Yes. Although he dissociated himself from the party, he never gave up his views and never gave up his independent attitude. Well, Sir, these traditions we can develop and fortunately we are

developing them. As referred to by the hon. Pandit Hirday Nath kunzru, there have been instances here in this country where Speakers who belonged to the majority party have acted independently, have acted without any bias and have acted impartially. Well, Sir, we have been seeing that those who become Members of the Parliament rise up to the level of our expectation and keep up the dignity of the place. There cannot be any question of a member of the party ceasing to be a member of the party if he should be elected as Speaker. Then, in this matter, Sir, traditions have to be set up; I quite concede that. But the traditions are not things to be laid down to start with. After all, Sir, we have started this House—this is our first Parliament—and how could we have built up traditions in the past? We have to build up traditions only from now onwards. And I could not understand some of the hon. Members criticising the majority party, saying that they have not built up traditions and even hon. Pandit Kunzru, to whom every section of this House shows respect, said that the majority party did not want these traditions to be set up. I think this attitude is not fair.....

SHRI H. N. KUNZRU: May I correct the hon. Member? What I said was that the majority party had an opportunity of setting up a good example. I could not understand the reason.....

SHRI GOVINDA REDDY: If, Sir, other parties in the country had proposed to the majority party "Let us set up this example with regard to Speakers; let us set up this convention" and then if the Congress Party had refused, that criticism would have been welcomed. But that was not the thing. As Mr. Naidu was pointing out, the seat of the Speaker of the Madras Legislative Assembly also was opposed, but there he contested as an independent candidate and not as a Congress candidate. So, there was no opportu-

[Shri C. G. K. Reddy.]
nity—all that I want to submit is that there was no opportunity—for the majority party to set up this convention. May be, in the next elections we will come to establish that tradition. If, as hon. Pandit Kunzru was saying,.....

SHRI H. N. KUNZRU: No, Sir. The point is that the majority party has not said that it favours this view and that it will help in the establishment of this tradition. That was my point.

SHRI K. S. HEGDE: In fact, in the Madras Legislative Assembly, the Speaker was allowed to contest independently and the other parties opposed him.

SHRI GOVINDA REDDY: Of course the majority party cannot state a thing. The circumstances should so develop and then if something is expected from the majority party, then I am sure that party will rise up to the occasion and favour such a happy tradition and I am sure it will not oppose such a tradition.

PROF. G. RANGA: What is that tradition supposed to be, Sir? I do not understand it.

SHRI GOVINDA REDDY: The tradition of not contesting the Speaker's seat.

Well, Sir, the point is that in this country, the Congress Party has stood up for principles and if the principles are on the right lines and they are right principles, I for one do not believe that the Congress Party would go against those principles and I am sure it would abide by those principles.

11 A.M.

Then, Sir, we find that our friend Principal Ghosh has called the Congressmen as leopards. Well, I would not like myself to be compared or any Member of the Congress Party to be compared to a leopard. I would

rather claim my place in the humble Biblical flock led by the great shepherd, our great leader, Mahatma Gandhi. I must submit, Sir, that the Congressman is a curious leopard who has no spots on himself and he would rather like to cure spots in others. Then, Sir, he was advocating *Sirsasan* and he was envying the rejuvenation of the Finance Minister. In this connection, I must tell him that he will himself be rejuvenated if he walks over to this side.

Well, Sir, the point which was made most by the Members of the Opposition side was that the quantum of the salaries fixed was not in consonance with the living standards of the country. Well, certain other opinions were also expressed that the salaries were too low and certain other Members expressed the opinion that the Bill had no principles. I would like to say a few words on these points. The point, Sir, that the salaries are high is not a point which is tenable. In fact I was wondering whether that point should have been raised here at all. I expected that every section of the House would demand that this is an insufficient sum looking to the dignity and the position of these officers and also to their needs. But I was pained to see that there were Members who thought that these salaries should be scaled down to the lowest standard in the country. Well, Sir, we can understand that argument provided our society—the structure of our society—was based on these economic standards. For instance, if we had a Communist order of society here, of course nobody would have claimed a salary of this sort. Then values would have been entirely different. But unfortunately, in this country we have had a legacy from the past, from the British Administration, in respect of the structure of these salaries. I myself have argued on several occasions here that our administrative expenditure should be reduced: that salaries should be scaled down. But, Sir, in democracy I am becoming more and more convinced that if they scale

down the entire structure, the entire economic structure, they may not succeed and complications may set in. The Government should have some totalitarian characteristics if it is to endure all the complications that would set in. I myself am prepared to give to the Government that totalitarian authority, but I would like to know whether that side also would be prepared to do that. So, if we can accept the general standard of society to be of that order, then we can claim that the salaries of certain officers should be reduced; but as things are, that is not possible.

PRINCIPAL DEVAPRASAD GHOSH: In the present context the salaries may be all right, but we want the entire context to be changed.

SHRI GOVINDA REDDY: With that view I am in perfect agreement. Sir, my question is only with regard to its practicability, whether it is practicable. Well, therefore, Sir, that these salaries in the Bill should be scaled down, is not a reasonable point.

And as regards the other argument that the salaries should have been higher, my point is that it is not intended in this Bill to scale up the salaries in proportion to the elevation of the posts or their importance. It is neither to compensate the earnings of those people who become presiding officers that the salaries are fixed. The Bill has a principle and the principle that I can follow in this Bill is that a reasonable sum should be given which is expected to meet the needs of those officers, which is expected to keep those who occupy these offices above want. That is the principle that is underlying this Bill. That is all.

There is another point, Sir, on which I would like to make an observation and that is the position of the Chairman. Unfortunately, comparisons have been made between the Chairman and the Speaker and between the Deputy Chairman and the Deputy Speaker. We should not con-

sider this position in relation to any office of the Legislature, as has been represented in this House. The Chairman occupies a statutory place and that is the Vice-President's place. I believe that in the Constitution itself a definite salary should have been fixed for the Vice-President and that it is an omission. Perhaps the framers of the Constitution thought that, as the Vice-President was the *ex-officio* Chairman of the Council, he would be getting a salary in that capacity, and that therefore there was no need for fixing a salary for the Vice-President. Still, it is a serious omission which I hope, will in due time be rectified. The Chairman's position should not be compared or contrasted with that of the Speaker because the Chairman is only *ex-officio* Chairman. His main office is the Vice-President's; and so whether he enjoys a superior status or an inferior status is beside the point. I think that the Chairman's salary should have been fixed in the Constitution but now that they have equated his salary with that of the Ministers, there is nothing wrong in that. There, it is not the status that is taken into consideration. It is the functions that have been taken into consideration.

PROF. G. RANGA: They need not have said all these things in the aims and objects.

SHRI GOVINDA REDDY: With these words, Sir, I commend the Bill for the acceptance of the House.

PROF. G. RANGA: What is the stage of the debate?

THE VICE-CHAIRMAN: After Begam Aizaz Rasul has spoken, I will call upon the Minister to reply.

BEGAM AIZAZ RASUL (Uttar Pradesh): Mr. Vice-Chairman, I rise to support this Bill. Since yesterday, we have had a very interesting discussion on the provisions of the Bill fixing the salaries and allowances of the officers of Parliament. It may be divided into two aspects, financial and political.

[Begam Aizaz Rasul.]

and from that point of view much has been said. Without repeating what has been many times said on the floor of this House, I would like first to refer to the political aspect of this question. Under article 112, the salaries and allowances of these officers of Parliament do not come for discussion at the time of the Budget, as they are a charge on the Consolidated Fund of India, and therefore hon. Members have taken advantage of the opportunity afforded by this Bill to express their views. Under article 97 of the Constitution, read with paragraph 7 of the Second Schedule, the salaries and allowances of these officers of Parliament were to be the same as were drawn by holders of these offices before the Constitution came into force. Because these were transitional provisions, the Government have, under article 97, brought forward this Bill fixing the salaries and allowances of the Speaker and Deputy Speaker of the House of the People and the Chairman and Deputy Chairman of the Council of States, and as I said, this opportunity has been taken advantage of by Members to put forward certain views before this House.

Now, much has been said about the position of the Speaker and the advisability of his being a non-party man. Now, Sir, it is necessary for us to see how Parliamentary Democracy is working in different countries and how the Speaker is elected. Parliamentary Democracy exists in England, France, the U.S.A., Australia and New Zealand. Different conceptions exist in these countries regarding the position of the Speaker and about his election, but we have more or less been guided by British traditions and conventions. As has been pointed out, the position of the Speaker in England has been changing from time to time and until the 17th century the Speaker was a King's man. It is only during the last one or two centuries that conventions have

grown up in England and the position of the Speaker is what it is today. There the Speaker is aloof from politics but in France he is generally a party leader, in U.S.A. also, but we should build up conventions and have a conception of our own. For this we may be guided by our past experience and see how the Congress has been acting ever since it came into power and how the Speakers and Chairmen in the different provinces and in the Centre have been functioning and have been discharging their duties. Those of us who have some experience of Parliamentary life during the last fifteen years will bear me out that ever since the Congress came into power, although the Speakers and the Chairmen in different States and in the Centre here have belonged to the Congress Party we must pay a tribute to these officers in the manner they have discharged their duties. After all, what is required of a Speaker is that he should be free from all party bias and prejudice and be the custodian of the dignity and rights of all sections of the House. He has to see that every section of the House as well as every individual member has his rights protected and is given a fair opportunity to express his views, and I must say that the history of these years clearly shows that these officers, even though they have belonged to the Congress Party, have been entirely impartial in their rulings and in their behaviour. Sir, I think it is very unfair to demand that the Speaker or the other officers should, on their election to these high offices, resign from the party, because even though they remain members of their party, they do not really remain active members of the party, and therefore it is not really necessary for them to resign. According to Campion "what is necessary is not only to ensure the impartiality of the Speaker but to ensure that his impartiality is generally recognised." If this condition is fulfilled then there is no question of the Speaker having to resign from the party. I would like to pay a tribute here to the high

traditions laid down by Shri Purushottam Das Tandon as Speaker in the U.P. Every section of the House had confidence in him, and no member of the opposition had any occasion to complain of any of his rulings on grounds of partiality or his belonging to the Congress Party. I may say that all the other eminent men who have occupied the Chair in the centre and in the different provinces have maintained those high principles. Therefore, there is no point in saying that a member should resign his party affiliations as soon as he is elected to any of these high offices.

Now, Sir, we have not yet got any hard and fast rules on this matter. I think we have to watch and see how we should develop our traditions and conventions in the light of experience gained. I know that at least in U.P., when the Speaker belonged to the Congress Party, they saw to it that the Deputy Speaker belonged to the opposition group. That was also the case in some other provinces. That shows that the party in power has not ruled out the possibility of having these officers from the Opposition. The Opposition has also to be clearly defined and parties have to develop on democratic principles. Therefore it is too early yet to lay down any conventions

I may just touch on the financial aspect and say that the salaries that are now being proposed in this Bill are really not more than what these officers were getting. They have just been equated with the Ministers. In fact the Chairman and the Speaker were getting higher salaries because according to the statement of Objects and Reasons, they were drawing Rs. 3,000 per month plus Rs. 500. Now under this they will only get Rs. 2,250 as salary and Rs. 500 as sumptuary allowance. Therefore there is no increase in the salaries but in fact it is a decrease. The Deputy Chairman and Deputy Speaker, as many speakers have pointed out, are men of pro-

fession and they have to stay here in Delhi most of the time leaving their profession and give their full time to their work here. It is only fair that they should be given decent salaries. In fact they were drawing Rs. 1,500 plus D.A. during session, now it will be a lump sum amounting to about the same amount. The position of our Chairman is a very high and eminent one. He is an *ex-officio* Chairman of this House and therefore as far as his salary as Chairman of this House is concerned, I agree that it should be on par with that of the hon. Speaker. We have nothing to say against that but I do feel and I agree with many of those hon. Members who have said that a Bill must be brought in the Parliament to lay down the salary and allowances of the Vice-President as Vice-President, completely apart from his office as Chairman of this House. There is nothing in the Constitution to debar it, in fact I do not know why this did not occur to us when the Constitution was being drafted; but as I said just now there is nothing to debar Parliament from bringing forward legislation and the Finance Minister from considering this proposition.

With these few words, I support this Bill.

THE LEADER OF THE COUNCIL (SHRI C. C. BISWAS): Mr. Vice-Chairman, we have debated this Bill for nearly 8 hours since Friday last. I am glad to find that the Bill has received general support from all sections of the House. Quite a number of comments, however, have been made on its provisions and on the principles which are supposed to lie behind it. I shall attempt to deal with them very briefly, but there is one simple fact which I should like to remind the House of, and it is this. It is a Bill under article 97 of the Constitution. It is a simple measure for the purpose of fixing the salaries and allowances of the 4 officers of Parliament who are named therein. I had expected that as such there would not be much room for controversy except perhaps as regards the quantum of the salaries and

[Shri C. C. Biswas.]

allowances, but as I said, the discussion has covered a very wide field, in the course of which we have listened to many edifying, educative and helpful suggestions. There is no doubt about that and on behalf of Government I should like to thank hon. Members for the assistance which they have rendered to Government in that respect. The suggestions which they have made merit consideration and I have no doubt, will receive the consideration of Government as well as the Congress Party.

But, Sir, so far as this legislation is concerned, some of the observations which have been made are—in fact that was recognized by hon. Members—outside the scope of this Bill. For instance, it was said that the Constitution should have fixed the salary of the Vice-President instead of fixing a salary for the Chairman of the Council of States. The Vice-President is *ex-officio* Chairman of the Council of States. That does not mean, it was said, that the parent office should not be recognized as one for which a definite salary should have been provided. There may be a good deal to be said in support of that. I don't know personally—I have not read the proceedings of the Constituent Assembly—what exactly were the considerations which led the Constituent Assembly to make this provision regarding salary for the Chairman, but not for the Vice-President.

PROF. G. RANGA: It was not discussed.

SHRI K. S. HEGDE: Even in the U.S.A. there is no pay fixed for the Vice-President.

SHRI C. C. BISWAS: If it was not discussed or whatever it was, there must have been some reason—good or bad—for doing so. However, the suggestion that has now been made is certainly one which deserves consideration, but then there would be this

anomaly: if you are going to fix the salary of these officers of Parliament—Chairman, Speaker, Deputy Chairman, and Deputy Speaker,—then the leaving out of one of them would be somewhat incongruous. It may be for the purpose of avoiding such incongruity that no salary was attached to the office of the Vice-President, but salary was provided for the Chairman of the Council. There are various anomalies arising out of the combination of these two functions. For instance, the question of travelling allowance to be paid to the Vice-President while he is making tours in his capacity as such has arisen. He has seldom to make any tours in his capacity as Chairman of the Council of States except possibly for the purpose of joining this Office or for relinquishing his office. That is a different matter, but that again is an important question that has got to be provided for. I might say that it has been provided for not by legislation but by executive order, but there was that anomaly. However, this is one of the questions which were brought out clearly, though it does not fall strictly within the scope of this Bill.

PROF. G. RANGA: Is he entitled to draw travelling allowances when he tours all over India as Vice-President?

SHRI C. C. BISWAS: Yes. Whenever he undertakes a tour in his capacity as Vice-President in performance of duties unconnected with the office of Chairman of the Council of States, he is entitled to T.A., and scales have been laid down according to which those allowances may be drawn by him. That is the position. There is this anomaly arising from the fact that these two functions are combined in one and the same person.

SHRI K. S. HEGDE: Normally has he any functions and duties as Vice-President? Under the Constitution he has no function or duties except when he acts as President. That is the reason why salary is not fixed as Vice-President and is fixed only as Chair-

man of the Council just as in the case of the Vice-President of USA

SHRI C. C. BISWAS. If I were to deal with that question, I would be again digressing into a field which I would like to keep clear of

The question was raised by one hon. Member that the post of Deputy Chairman should be abolished. In any case, I was not present here when he made those observations, but I read the proceedings, and I find the suggestion was that if you have a permanent man occupying the office of Deputy Chairman, then he might become encrusted with certain prejudices which it would be difficult for him to shake off, and possibly in respect of a single Member or any selected Member he will call him to order whether he was speaking something relevant or not relevant. But I say that we are not concerned with the question whether a permanent Deputy Chairman would develop or did develop certain prejudices, that is beside the point. The Constitution requires us to fix the salary of the Deputy Chairman and the Constitution gives us a permanent Deputy Chairman. It is no use now kicking against the traces, if I may use the expression. We have to accept certain facts and provide accordingly.

Then there is the question of participation in politics, whether any of these officers of Parliament, as soon as they are appointed or elected to these offices should formally forswear their allegiance to any party to which they might belong. That is the point I do not know, possibly you Sir, might have to give a ruling on this point when an amendment is moved. But without anticipating any ruling, I may express my own humble opinion that this point does not arise within this Bill, that is to say, the question as to whether the law should lay it down that any of these officers of Parliament must not belong to a party, and if they belong to a party, must at once disown allegiance to that party, or that they must not have any political leanings while performing their duties in

the Chair. For one thing, as some hon. Members have pointed out it is not only outside the scope of this Bill, but it will be very difficult to enforce a provision like that. Are you to take the matter to the court? If there is difference between you and the particular officer, if there is a charge that he had violated this principle of absolute impartiality or absolute neutrality, what happens?

PROF. G. RANGA. We will move a vote of no-confidence.

SHRI C. C. BISWAS. Are you going to withhold his salary? If so, for how long? All these difficult questions arise. Therefore, I submit that this is not a matter which should be the subject-matter of legal enactment. So far as I know—and I have not made a study of the constitutions of the different countries of the world and my knowledge is limited to what I find for instance, in May's Parliamentary Practice or Jennings—, I have not made a study of the American Constitution, though I may have read something about other constitutions—so I do not pretend that I can speak with authority as a person who has studied different constitutions on this question or who has examined the rules of practice and procedure which prevail in other countries of the world. So I will not dogmatise on this. But it seems to me that the principle which has been enunciated is a perfectly sound principle, and that principle is actually being given effect to though there might be one or two unfortunate exceptions here and there,—by everyone who has hitherto occupied that seat of honour which you, Sir, are occupying now. The very fact that you are here, although you belong to a particular party—may be a minority party—proves it. So long as you are there, everyone of us is certain and we have seen it for ourselves, you will conduct yourself in the best traditions of the most impartial Speaker of the British House of Commons. It seems to me, if I may say so, the vital question is whether the occupant of the

[Shri C. C. Biswas.]
seat acts impartially, whether he acts as a man of absolute neutrality, whether he holds the scales evenly between group and group, between party and party and between majorities and minorities, in the House. My hon. friend Mr. Reddy referred to the House of Lords.

AN HON. MEMBER: Not Mr. Reddy.

SHRI C. C. BISWAS: Either he or Mr. Sinha.

THE VICE-CHAIRMAN: It was Mr. Sinha.

SHRI C. C. BISWAS: He referred to the House of Lords and pointed out that the Speaker of the House of Lords—the Lord Chancellor—is almost invariably selected from among the members of the Cabinet; that is to say, he is a man identified with politics with Party politics, with politics of the party in power.

SHRI GOVINDA REDDY: He is a member of the executive.

SHRI C. C. BISWAS: But when he presides over the House.....

PROF. G. RANGA: Who Sir?

SHRI C. C. BISWAS: The Lord Chancellor.

PROF. G. RANGA: But is he elected? Is he a Lord?

SHRI C. C. BISWAS: He is generally a Lord; but sometimes it happens he is not a Lord. But when he is elected or appointed Speaker of the House of Lords, he is subsequently made a Peer. Of course, there have been some exceptions.

PROF. G. RANGA: But is not the Lord Chancellor chosen by the Prime Minister?

SHRI C. C. BISWAS: I mean the Lord Chancellor is a Member of the Cabinet and he is permitted to take part in the deliberations on the floor of the House. But although he does

all this, he formally sheds his political complexion the moment he steps on to the Woolsack.

SHRI H. N. KUNZRU (Uttar Pradesh): Is it my hon. friend's contention that the position of the Lord Chancellor in the House of Lords is the same as that of the Chairman in this House?

SHRI C. C. BISWAS: No, I was referring to this only for this purpose. I was going to say that even though he may have party connections, he may even take part in controversies on the floor of the House, still, he may preside over the House. You may say that the functions of.....

SHRI H. N. KUNZRU: But the functions of the Lord Chancellor are not the same as those of the Chairman.

SHRI C. C. BISWAS: I am not unmindful of that. Dr. Kunzru will excuse me if I say that when I refer to this, I may be presumed to have some knowledge of the functions of the Speaker of the House of Lords and to know that those functions are not the same as those of the Speaker of the House of Commons, or of the Speaker of the House here or of the Chairman of the Council of States. But I say, theoretically it may be possible to, to...

PROF. G. RANGA: distinguish.

SHRI C. C. BISWAS: No. Even when you ordain the functions of these officers in the way they do there in the House of Commons, even then it will be my contention that it would not be against principle to allow that officer to retain his connections with the party. I am just stating my opinion. But as I said it is just as well that he should formally shed his connection with his party, if only for this reason that it will have a psychological effect. But the real question is whether the man himself is such that whether he belongs to a party or not, when he comes to the Chair, he will conduct himself with absolute impartiality. That is the real question. But for the

purpose of producing this psychological effect it may be sound policy to require that he should formally sever his connection with his party.

SHRI KISHEN CHAND. Sir, the hon. Minister is addressing the galleries and not the Chair.

SHRI C. C. BISWAS: This, however, does not mean that provision should be made for this in the Act itself which fixes the salaries of these officers. As the majority of hon. Members have already pointed out, this is a matter which should be left to the growth of convention, and that convention is in the process of growing. The Congress Party so far as I know—I cannot speak with authority in the name of or on behalf of that party—so far as I know the Congress has not expressed itself one way or the other. I do not know if there is any resolution on record which either approves of this principle or dissociates itself from the principle. It may be there, it may not be there; I am not quite sure; possibly the occasion did not arise for the Party to formulate in definite terms what the policy should be. Very much will depend on this, Sir. In the U.K. this convention which may now be said to be fairly established

PROF. G. RANGA: It was broken by the Labour Party.

SHRI C. C. BISWAS: within less than the last century, this has happened. Now, you have already been told that that convention is coupled with another convention that the Speaker is not contested in the General Elections, and that for a very good reason. If he is going to be contested, he might very well ask, "Why should I then forgo my right to get elected in the next election with the help of my party? Unless I am assured of continuity of office, so long as I am willing and so long as I am physically and mentally capable of performing those duties, why should I give up my right to depend upon the help of my party at the time I seek re-election?" Therefore, that convention

has also been established in England and the two go together. So before we can require the Speaker or the Chairman—whenever I refer to one, I refer to both—to forswear allegiance to any party, we must also be able to give him the other assurance that he will not be contested at the General Election. But, as we have been told, here a uniform practice has not hitherto been observed in this respect. So, it would take some time. It is said that the Congress Party must take the lead. It is for the Congress Party as well as other minority parties to take the lead. Why should not the minority parties take the lead, because to bring about successfully such a convention it is necessary that all the parties must join hands, it depends upon the willing consent of them all. I hope, Sir, that that will come about whether the lead is taken by the Congress Party or by any other party in the country.

That is all that I have got to say on this point. As a matter of fact, the history of this, so far as the U.K. is concerned, is very interesting—as to how it grew—and you have opinions of high authorities ranged on different sides. Disraeli is supposed to have taken one view at one time, and acted differently later. One little book is here; if any one is interested, he may read it, that is Jennings' "Parliament." This is a recent book and it contains a lot of useful and interesting information. May's book is, no doubt, the standard one on the subject.

The next question is, what led Government to bring this Bill here before the House at this stage. The Constitution was there, the Constitution says that so long as such a Bill is not enacted by Parliament, these officers of Parliament should continue to draw the salaries and allowances on the scales provided in the Second Schedule. This Bill was introduced chiefly for the purpose that in 1952 an Act was passed by the Legislature fixing the salaries and allowances of Cabinet Ministers. Sir, as a matter of history, I might tell you that if you refer to

[Shri C. C. Biswas.]

the Second Schedule you will find that till Parliament enacts a law in this behalf they shall draw the salary and allowances which were being drawn by the Speaker of the Constituent Assembly before the commencement of the Constitution. Sir, the salary and allowances of the Speaker of the Constituent Assembly were fixed by Statutory Order in February 1948. The salary and allowances of the Speaker—he was the only officer then who had to be considered, there was no Chairman of the Council of States—was equated to that of a Cabinet Minister. Rightly or wrongly, there it was. Therefore, when there was a change in the salary of the Cabinet Ministers, something had to be done about these officers of Parliament. That Bill, if I might say in passing, was initiated at the instance of the Ministers themselves, and not as a result of any suggestion or pressure from other quarters. It was a voluntary act initiated by the Prime Minister himself, and whether it actually produced the result which he had in view or not, there it was, and then, the question of equating the salary of the Speaker and the Chairman automatically arose—whether or not their salaries should also be brought down to the same level as those of Cabinet Ministers. I may tell you, Sir, that they were drawing salaries at the rate of Rs. 3,000 per month according to the Second Schedule. Government were quite willing to retain those salaries, but, if I am not divulging a secret, it was at the express suggestion, with the willing and active concurrence of both the Speaker and the Chairman, that the salaries were fixed at Rs. 2,250 per month for each of them. More than that, before this matter was broached, the Chairman of the Council of States, of his own accord, the moment the Ministers' Salary Bill was passed accepted a voluntary cut from his salary so as to bring it down to Rs. 2,250.

As regards the Speaker, Sir, the story is more encouraging and we have to be thankful to him. You will re-

member that a 15 per cent. voluntary cut was recommended by the Cabinet some years ago. Even before that, when he was drawing Rs. 3,000 he made a cut voluntarily which brought down his salary to Rs. 2,000 and then when the rupee was de-valued he reduced it still further to the level of Rs. 1,500. Unfortunately the Ministry over which my hon. friend to my right (Finance Minister) presides would not exempt him from income-tax even in respect of the cut, and, in spite of his attempts, the Speaker could not get any reduction on account of those cuts.

SHRI C. D. DESHMUKH: That was the law.

SHRI C. C. BISWAS: They were giving effect to the law as it stood then.

PRINCIPAL DEVAPRASAD GHOSH: Well, Shylock must have his pound of flesh.

SHRI C. C. BISWAS: The Speaker of his own accord made that reduction. Sir, I say that merely because we provide a salary of Rs. 2,250, there can be no argument that we are giving anything too much or too little. Leave it to these officers, and they may be depended upon to do the right thing as regards the quantum of their salaries. I do not therefore propose to go into the question of quantum of salary at all in my reply. Suppose we had not introduced this Bill, even then the Chairman and the Speaker would have continued to draw only Rs. 2,250.

Coming now to the Deputy Chairman and the Deputy Speaker, we are suggesting that they should be paid Rs. 2,000 a month as salary for all the 12 months in the year, to which objection has been raised in certain sections of the House that it is too much. Nothing of the kind, Sir. I shall give you the figures, which I have calculated in respect of the emoluments of the Deputy Speaker or the Deputy Chairman on the basis of 9 months' session of the Council or the House of the

People For 9 months the total amount will be about Rs. 23,500 net after deduction of income-tax on the salary portion of the emoluments. As you know, the salary is at the rate of Rs 1,500 per month, and for 9 months the total will be Rs 13 500. Income-tax will have to be paid on this amount. Then the daily allowance comes and at the rate of Rs 40 per day for 9 months it will be Rs 10 800, and that of course is free of income-tax according to the law now and according to the practice before, and the total of these two items is Rs 24,300, or it works out at more than Rs 2,000 a month. Now the idea is to pay Rs 2,000 each per month throughout the year, which is subject to income-tax. Remember that by engaging them for 12 months, you are taking away from them the right of private professional practice. Both of them at present happen to be lawyers, lawyers in the enjoyment of very good practice. You are depriving them of the very good income which they might easily make at the bar. Now, Sir, the point I would like hon Members to bear in mind is this. It is wholly a mistake to suppose that those who accept these offices do so with an eye to the salary they will draw. It is not the salary which has any attraction for them, but it is their sense of duty which impels them to accept these offices. Sir, you know very well that we recruit a Judge from among successful members of the bar. Although those chosen accept the post of Judge, let me tell you from my personal knowledge of some members of the bar who were made Judges that they accept these offices not because they think that the salary they will draw will compensate them for the income they would lose from private practice—as a matter of fact their private practice income is very much more. In England no member of the bar to whom an offer of a seat on the Bench is made will or can refuse a judgeship. We have not yet developed that convention in our bar, as there have been many instances where many successful top-ranking men have declined the offers.

Let me digress for a moment and tell you an interesting story. Sir Lancelot Sanderson was the Chief Justice in Calcutta for a pretty long time. I met him in London and the first enquiry he made was about the late Mr H D. Bose and he added: "Biswas, I cannot tell you how many times I approached Mr Bose to accept a seat on the Bench and he always pleaded, 'I am too poor to do so'." That is how he put it and that is actually what happened in some cases.

So I say, Sir, that it is not the salary which attracts, always.

Then some hon friend here raised the question of rationalisation of the basis of salary, but that is a very difficult problem. It is a very important question—there is no doubt about it—but it is difficult to find what the basis should be. I do not know myself.

PROF G RANGA Consult your neighbour.

SHRI C C BISWAS In fixing the salary a number of considerations must be taken into account. If I may say so, the salary must no doubt be sufficient to enable the officer to keep up a reasonable standard of living which will enable him to carry out his duties efficiently. If his mind is always detracted by thoughts such as "what is going to happen to my family, how will my budget stand at the end of the month, this and that" that certainly operates as a dead weight upon his mind and it does interfere with the successful and efficient performance of his duties. Therefore, Sir, it is essential to have a standard fixed and you should keep that officer above want. Some of my hon friends suggested that there must be a dead level of equality. Unfortunately we have not yet arrived at that stage and there is bound to be inequality. We cannot eliminate this inequality with all our attempts. As a matter of fact, Sir, the salary of these officers must not only have some relation to the

[SHRI C. C. BISWAS.]

general salary structure of the country but it must also have some relation to the equipment and the endowments of the particular person who is going to be appointed and to the nature of the duties and responsibilities which he will be called upon to perform. You cannot equate the salary of the Prime Minister to that of a labourer. Can you do so? It is no use talking theoretically. I ask: Is it possible to do so?

Now, Sir, so far as the labour class are concerned, if you compare their position with the position of what are called 'the middle classes', relatively speaking, are not the former better off today? The middle-class people cannot go beneath a minimum standard. Their relative positions are not comparable and the former are certainly much better off than the latter, although the income of the latter may be a bit higher. So the point I am making is this that you cannot always apply the same standard. That is what I have got to say on this point.

Then, Sir, there have been some references to some of the amenities which have been provided, and special mention has been made of the amenities provided for members of the families of these officers. The same provision has been made in their favour as in the case of the Ministers. To judge whether that is right or not, surely you will not judge it by reference to what applies in the case of Government servants as a class. There are in fact special rules for special classes of officers. Now I will not argue the question whether you should confer these amenities on these officers of Parliament. After having reduced their salaries at their own instance by Rs. 750 per month, are you giving them much by providing for free treatment of the members of their families?

PROF. G. RANGA: No, Sir.

SHRI C. G. K. REDDY: That will depend upon the size of the family.

(Laughter.)

SHRI C. C. BISWAS: Let us not worry about it. After all a family is a family. If it is larger in one case, it will be smaller in many others. Let me speak personally on how I made use of the amenities provided for me and for my family. There were the same privileges for High Court Judges and their families, and I was a Judge for 12 years and during this period members of my family have fallen ill every now and then and I have myself fallen ill, but never have I taken one single penny from the Government for this purpose although entitled to it. Merely because there is a provision, why should you think that a Judge or a Minister or an officer of Parliament will make it a source of profit? Nothing of the kind. There need be no fear when you are not making an over-generous provision for these officers by giving them this paltry amenity. Most of these amenities will not be accepted at all or asked for. Therefore that is the position in point of fact. So let us take an objective and realistic view of things. So let us not take these little points for discussion on the floor of the House as if these people were a set of hungry wolves seeking to devour all that comes in their way. I do not want to take up more time. The matter has been discussed in all its aspects and different points of view have been expressed.

PROF. G. RANGA: There is no family planning; we are all in favour of it.

SHRI C. C. BISWAS: That is why I began by saying that many controversial points had been raised. My hon. friend over there, Mr. Ghosh started quoting all sorts of things—Ethiopians with their dark skins, Sirsasan and so forth. Even he did not hesitate to refer to my hon. friend here—the tricks he plays.

SHRI C. G. K. REDDY: You forget Ali Baba and his team.

SHRI C. C. BISWAS: Yes, Ali Baba and his companions. I do not know

If my hon. friend would like to place himself in the position of Ali Baba. He is also a mathematician; he talked about equations—equating the salary of the Chairman with that of the Speaker. I thought he was going to quote this sloka from Atharva-Veda:

“शून्यं साम्यं समुच्चयेत्”

It means that if the aggregate in the denominators on both sides of the equation is the same, then the result is zero.

SHRI B. RATH: Zero has its value.

SHRI C. C. BISWAS: So I did not know if my friend as a result of this equation was going to produce a zero for these officers.

THE VICE-CHAIRMAN: The question is:

“That the Bill to provide for the salaries and allowances of certain officers of Parliament, as passed by the House of the People, be taken into consideration.”

The motion was adopted.

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

Clause 2 was added to the Bill.

THE VICE-CHAIRMAN: Clause 3. There are three amendments, one of which has been ruled out of order, that is, Amendment No. 2 by Shri S. N. Mazumdar, on the ground that it does not state any fixed salary for the officers concerned. There are two other amendments by Shri Kakkilaya. Do you move them?

SHRI B. V. KAKKILAYA (Madras): I beg to move:

“That at page 1, lines 10-11, for the words ‘two thousand two hundred and fifty’ the words ‘one thousand five hundred’ be substituted.”

“That at page 1, line 12, for the words ‘two thousand’ the words ‘one thousand’ be substituted.”

THE VICE-CHAIRMAN: Motion moved:

“That at page 1, lines 10-11, for the words ‘two thousand two hundred and fifty’ the words ‘one thousand five hundred’ be substituted.”

“That at page 1, line 12, for the words ‘two thousand’ the words ‘one thousand’ be substituted.”

The clause and the amendments are open for discussion.

12 NOON.

SHRI B. V. KAKKILAYA: Sir, much has been said on the subject and so I do not propose to make a long speech on this. Sir, I am second to none in upholding the dignity of the officers of Parliament but I am unable to understand the contention that the salary one draws is the basis and the measure of the dignity or an officer. On the contrary, under the conditions prevailing in our country today our starving people do not hold these officers who draw high salaries in any high esteem. From that point of view our officers of Parliament must set up an example to the people; they must set up an example to other officers of Government and they must set up an example to the Ministers in this regard, by drawing the minimum salary that is necessary for maintaining their family and themselves. Of course, I do not grudge the amount that is proposed in the Bill. We can pay any amount even more than that, if our country can afford to pay, but under today's circumstances it is not possible for our country to pay our officers—whoever they may be, however dignified they may be—such high salaries. It is said from the other side of the House that the policy of the Government and the policy of the party in power today is to level up the incomes of the people and not to level down. “The

[Shri B. V. Kakkilaya.]
levelling down is the aim of the Communist Party; we do not subscribe to this. We want to level up." This is what they say. But what is happening today actually? While you speak of levelling up you speak only in relation to the salaries and income of big business and of high officers, but when the question of wages of the ordinary workers and the income of the ordinary business and middle class employees comes up, then you plead that you have no money. So you level down the income of the ordinary people and at the same time level up, at the cost of the ordinary people, the income of the high-placed officials and the income of big business. This process of levelling up at one end and levelling down at the other end which is going on will lead our country to ruin. You may have the Five Year Plan, but it is not going to improve the standard of living of our people. After those five years, even the Plan does not contemplate that. So to talk of levelling up in the course of a few years is all tall talk. It is not going to happen in our country as long as this Government follows the present policy. That is why I have moved these amendments. I have moved these amendments, not because our officers of Parliament should live in poverty. Apart from the salary that you propose to give, you also provide them with free furnished house; you provide them with medical facilities, sumptuary allowances and all sorts of things and when all these are put together and calculated in terms of money, the amount that we are going to pay them is going to be very high. And I certainly feel that it is not necessary for us, and it is not possible for us and for our country to pay such high salaries to our officers of Parliament. I hope that if this matter is left to them personally, they will not require this amount and they will not demand this sum. The hon. Minister himself said, while speaking just a few minutes ago how our hon. Chairman and the Speaker of the

other House voluntarily made cuts in their salaries, and I am sure if the matter is left to them, they will make further cuts taking into account the situation in the country today. With these words, Sir, I move the amendments.

SHRI C. C. BISWAS: Sir, may I point out that this question has been the subject matter of discussion for a long time? The discussion now might be made as short as possible.

PROF. G. RANGA: I am glad that my hon. friend, the Leader of the House has also realised that we should be as brief as possible. I only wanted to make two observations and also give the House an inkling of what I know regarding the mind of the Speaker of the other House. Even long before the Law Minister had said that the Speaker of the House of the People voluntarily offered to make a cut in his own salary, long before that he had been thinking of it and he wrote to the then Government—the earlier Government—and he consulted the Congress leaders including Bapu. It was only when he found that it would be all-right for him to make that particular cut of 33 1/3 per cent. without upsetting the usual run of Delhi salaries and their conception of salaries that he had actually made it and I was glad to notice that the House appreciated the initiative taken by the Speaker of the House of the People. I wish to go on record in congratulating the Speaker of the House of the People in having set such a very fine example not only to the officers of Parliament, but also to the officers of this Union Government and I sincerely trust that my hon. friend, the Finance Minister, would be able to persuade the officers of the Central Government to follow this example and try and agree to a voluntary cut in their own salaries to the maximum possible extent.

Then, coming to this amendment, Sir, what my hon. friend Mr. Kakkilaya has said, that itself denies the need for this amendment.

If he thinks that these officers can be trusted to make these voluntary cuts in their salaries, then there is no need for this amendment at all. If on the other hand, it were to be contended that because of the very low standard of living of our own masses—farmers and the workers—our salaries should be low, the same complaint can be made of this suggestion that is being made today of Rs. 1,000 and Rs. 1,500. So somewhere or other you have got to draw the line. We, Members of Parliament are today drawing an allowance of Rs. 1,200 per month for our work here. If we were to ask our Deputy Chairman and Deputy Speaker to draw only a salary of Rs. 1,000, we would be setting a very bad example of equity and justice as between ourselves and these officers. Therefore that is not tenable.

Then, as regards the salaries that we wish to pay to the Speaker on that side and the Chairman on this side—Rs. 2,000—and though they appear to be rather too high when compared to the very low standard of the large masses of our people, we should also remember the salaries that we had been paying in the past and when compared to those salaries, whether it is not a fact that we are bringing down the scales of salaries that we had been paying till now to these officers. It used to be Rs. 3,000 in the past whereas we are bringing down to Rs. 2,000. Therefore, there is not much justification for this amendment or this contention.

Sir, the Karachi Resolution was being quoted by several of our friends. Well, I was wondering, when that was being flaunted here in this House again and again by several of our speakers, whether those speakers were themselves so very keen about so many of the resolutions that were being passed by the Congress in those days. How many of them were prepared to accept the leadership of the Indian National Congress in those days and face the bullet, the bayonet, the baton, the jail and all the other demands that Mahatma Gandhi used

to make upon us? Apart from that, as I said once before in this Council, even on that occasion, I for one anyhow, was not in favour of fixing that Rs. 500 as the maximum limit because previous to my joining the Congress without any salary at all, I used to draw much more than twice that amount every month and I knew whether I was able to save much or not and I was not burdened with a huge family and with more than a thousand rupees as a monthly salary—something more also to come from my home, my land—I knew what could be got out of it. And therefore, I do not want the salary of the highest officers in our country to be fixed merely at Rs. 500. I knew it would be an absurd thing. But in spite of that, it was passed.

PRINCIPAL DEVAPRASAD GHOSH: That was a gesture of identification with the common people, and an effort towards reducing inequalities in income.

PROF. G. RANGA: We can make an identification of the people not merely in terms of money but in terms of our services. We can certainly do it, but if we are going to do it in terms of money, what would happen? You see in various States what is happening. Most of the Ministers would be placed, I might tell you, at the mercy of some friends—and who knows what sort of friends they might possibly come to have—in order to make their both ends meet. Let anyone of our Members, who has maintained a car in this city, calculate how much he is obliged to pay to his driver, for his petrol and several other things in order to maintain that. Then he would come to know that this Rs. 500 is really an absurd thing, an absurd top limit. I would not have any justification to criticise that today if I had not opposed it then. 22 years ago I opposed it while it was being mooted and discussed in the A.-I.C.C. meeting at Bombay.....

DR. P. C. MITRA: It was at Karachi.

PROF. G. RANGA: No, no. Let me tell you that it was finally passed in Bombay. First of all it was placed there as a sort of a draft in Karachi; then it came up there when the Fundamental Rights Resolution came up again for detailed discussion in the A.-I.C.C. meeting at Bombay. At both the places I happened to be present and in both the places I took part in the discussion. Therefore, under the present circumstances, I am definitely of the view that this limit of Rs. 2,000 that you have fixed is not too much. On the other hand, it is as much as is needed in a city like this. Now I would like to ask which one of the Members here would not like to have an air-conditioned room in his home? I am sure all of us would like to have it but we are unable to have it. But should we grudge this much of comfort to our own Chairman, to our own Deputy Chairman? I would like to know that. I would like these officers of our Parliament, not to speak of the other officers of the State also, to have this minimum possible comfort in a country like this when we expect them to give us the best service. Do they not deserve this minimum of comfort while this wretched heat goes on? When you want to give this much of comfort, should you not provide them with sufficient salary, not that much salary as would leave them with lot of savings? Some friends had said that they have had to give up their other incomes and therefore we have got to give them compensation for that here. That is quite a good proposition. It may be held by several people that they should be compensated too. But as our Law Minister has already stated and rightly too, it is a place of honour. We consider a particular place to be dignified, a particular behaviour to be dignified not in terms of money, but in terms of the virtues, the manner in which we discharge our own functions and our duties. Mahatma Gandhi has taught us a great lesson. So many of us here are lucky to have been elected to this House and paid Rs. 40. I might tell you that I for one

claim to be one of those few people who save the maximum possible amount out of this and then place that money at the disposal of my public work. There is nothing wrong in it. And I can assure you that I feel grateful to the people who have elected me here for their having given me this opportunity of serving them. Now, the Chairman or the Deputy Chairman may not be able to save, but if they do save, we should not complain about that, because they are not going to run away with that money and do nothing at all. We have got Radhakrishnan. We know we are proud to call him Radhakrishnan instead of Dr. Radhakrishnan or Sir Radhakrishnan, because his name has become a household term. He is our Radhakrishna. We know that he has been working all his life not for money but for much bigger things. Think of the renown he has brought to our country. What is it that he has been working for? He has been working for very much bigger things, probably 'mukti'. So many friends have been quoting Vithalbhai Patel's name, a revered name, a renowned name and how he had established very good conventions. I can bear witness to the fact—I happened to be Shri Mavalankar's colleague; only the other day I came over here—that he has also established some of the best parliamentary traditions not only for Speakership but also for standards as to how we should behave towards each other and towards the Chair. Therefore we are proud of that Speaker and all these officers and to say that we are not prepared to pay them this salary will do us no credit. To suggest that their salaries should be reduced and in that way giving the impression—maybe unintentionally—that these officers of Parliament are not themselves conscious of the need for greater and greater comradeship between themselves and the ordinary masses does not do justice to ourselves, not to speak of these gentlemen. Therefore, Sir, I oppose this amendment.

SHRI S. N. MAZUMDAR (West Bengal): Sir, I have listened with very

great interest to the speech delivered by my hon. friend, Mr. Ranga. At this stage, I do not like to take much time of the House by repeating what has already been stated here. As I said, the amendment arises from the point of view that we stand for reduction of higher salaries in the country, and not merely for the reduction of the salaries of the Chairman or the Deputy Chairman or the Speaker or the Deputy Speaker. If the Government and the two Houses agree to a general reduction of salaries, then an Expert Committee can go into the whole question of scaling down the salaries. Now, I only want to say a few words on this. As regards the voluntary cuts which have been made by the Chairman and the Speaker, I admit that this is very admirable, but the question is not one of voluntary cuts, because these depend on the individuals concerned, but here we are laying down a principle that under the conditions in India today, there should be a general reduction of higher salaries. My friend, Prof. Ranga, has said that the salaries in the past were very high and from those standards, the salaries have been scaled down considerably. To some extent it is true, but the fact should not be lost sight of that the salaries in the past were abnormally high. Coming to the Members of Parliament, we do not say that the salaries of the officers of Parliament should be reduced and not those of ours. From our side, we put up a concrete suggestion regarding the salaries of Members of Parliament keeping in view this general principle. We do not subscribe to voluntary cuts because that depends upon individuals, but here we are laying down a general principle. My friend Mr. Ranga said that he saves a good portion of his allowances and utilises it for his public work. It is very good. Sir, I can say that we on our side try to live as simply as possible under the conditions here and as regards the money that we get we also deliberately and in a planned way set apart a major portion of it for our public work. We are not parading this fact because, as

I said before, we do not think much of voluntary cuts. The question here is the acceptance of the general principle of scaling down high salaries and from that point of view, this amendment is necessary. As regards the exact amount, this amount has been put down here as a sort of suggestion, but really if we accept this suggestion, then we can go into the whole question as to what extent higher salaries should be reduced or scaled down.

SHRI C. C. BISWAS: I only want to say that the suggestion made by Mr. Ranga will certainly be considered.

THE VICE-CHAIRMAN: The question is:

"That at page 1, lines 10-11, for the words 'two thousand two hundred and fifty' the words 'one thousand five hundred' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN: The question is:

"That at page 1, line 12, for the words 'two thousand' the words 'one thousand' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

THE VICE-CHAIRMAN: There is an amendment by Mr. Mahanty which has been ruled out of order by the Chairman. There is also an amendment by Mr. Kakkilaya, ruled out of order by the Chairman. There are no further amendments to clauses 4 to 11.

Clauses 4 to 11 were added to the Bill.

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

SHRI C. C. BISWAS: Sir, I move:

"That the Bill be passed."

THE VICE-CHAIRMAN: Motion moved:

"That the Bill be passed."

SHRI K. B. LALL: Sir, this is the stage in which we are going to pass the Bill into an Act and I want to take this opportunity to say a few words. In the speeches of many of my friends I could discern a misunderstanding of what I said. I am glad that the Law Minister has cleared up this point. I had no intention of bringing in any personalities.

SOME HON. MEMBERS: No, No.

SHRI K. B. LALL: Of course, my friends, according to their own light, wanted to fit the cap on any head they liked. It was their responsibility. I only said what is advisable, what would be proper, what would be economically good for the country. That was the point of view that I placed before the House, and I am glad that the Law Minister has supported my stand.

THE VICE-CHAIRMAN: That point has been made clear. Do not elaborate that point further.

SHRI K. B. LALL: All the Members have referred to that point in one way or the other and they have laid stress on the impartiality of the Chairman and the Deputy Chairman and the Speaker and the Deputy Speaker.

THE VICE-CHAIRMAN: We are all agreed on that point, Mr. Lall.

SHRI K. B. LALL: The friend who referred to my speech was interrupted by the Opposition benches. He said that a thing is bad whether it is from this side or that side. I am only going to appeal to him to add whether it is from this side or that side or whether it is from the Chair's side. Wherever it emanates from, it is bad. I do not

say anything more than that. A thing which is bad is bad from whatever side it may be.

THE VICE-CHAIRMAN: This is all in the nature of a personal explanation which you have already given. This is not necessary.

SHRI K. B. LALL: Thank you, Sir, with these words I support the Bill.

THE VICE-CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

THE COMPTROLLER AND AUDITOR- GENERAL (CONDITIONS OF SERVICE) BILL, 1953

THE MINISTER FOR FINANCE (SHRI C. D. DESHMUKH): Mr. Vice-Chairman, I am quite certain that there will be a feeling of universal relief that we are now coming to relatively simple Bill which does not involve any polemic or perplexing points or point of propriety or parliamentary practice. Sir, I take it that the hon. Members have closely examined the Statement of Objects and Reasons which makes it clear why this measure is being brought forward. We first start with article 148 (3) which provides.

"That the salary and other conditions of service of the Comptroller and Auditor-General shall be such as may be determined by Parliament by law and, until they are so determined, shall be as specified in the Second Schedule."

If we refer to Part E of the Second Schedule there we find, firstly, the salary prescribed, and, secondly, it goes on to say that the Comptroller and Auditor-General who was in office under article 377 shall receive special pay and then he shall have the same rights and responsibilities regarding leave of absence and pension and the other conditions of service by