

Report

MR. DEPUTY-SPEAKER : The question is :

"That this House agree with the Seventeenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 13th December, 1967."

The motion was adopted.

MR. DEPUTY-SPEAKER : Bills to be introduced. Mr. Inderjit Malhotra.

SHRI S. C. SAMANTA (Tamluk) : Sir, on a point of order. I would like to draw your attention to Rule 26 which says that for Private Members' Business 2 hours shall be allotted in a week. To-day we have been informed that only for half-an-hour the Private Members' Business will be conducted. But you have the power to extend the time so that the Private Members' rights may not be taken away. That is my request.

MR. DEPUTY-SPEAKER : When this matter came up, as I could understand, it was referred to the Business Advisory Committee. If representatives of the Parties had pleaded that some other time should be provided instead of this, it would have been done. You have every right to appeal or make a representation to the Business Advisory Committee. But I am helpless in this matter.

श्री प्रकाशबीर शास्त्री : (हापुड़) : उपाध्यक्ष महोदय, जो निर्णय इस सदन में हो चुके हैं और जिन पर इस सदन की मुहर लग चुकी है, बिजिनेस एडवाइजरी कमेटी एक कमरे में बैठ कर उन को नहीं बदल सकती है। इस सदन की यह मान्यता है कि गैर-सरकारी सदस्यों के कार्य को निश्चित रूप से ढाई घंटे दिये जायेंगे। उस समय को आज से कल तक स्थगित तो किया जा सकता है, लेकिन उसमें किसी प्रकार की कटौती नहीं हो सकती है।

MR. DEPUTY-SPEAKER : When that report was presented and adopted

by the House, you ought to have raised your voice of protest. There you have failed. I am sorry that opportunity you have missed. Now I am helpless. We will now proceed with the business.

श्री प्रकाशबीर शास्त्री : यह रिपोर्ट कब आई ?

MR. DEPUTY-SPEAKER : You have failed there. Before it was adopted, that was the time for you to have raised this, not now when the report was adopted by the House. I cannot help it now. You can take it up later.

15.34 Hrs.

INDIAN PENAL CODE (AMENDMENT) BILL*

(Omission of section 312)

SHRI INDER J. MALHOTRA (Jammu) : I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860."

The motion was adopted.

SHRI INDER J. MALHOTRA : I introduce the Bill.

SALARIES AND ALLOWANCES OF MEMBERS OF PARLIAMENT (AMENDMENT) BILL*

(Amendment of sections 3, 6 etc.)

श्री ए० ला० बारूपाल (गंगानगर) : मैं प्रस्ताव करता हूँ कि संसद् सदस्य वेतन-भत्ता अधिनियम, 1954 में आगे संशोधन करने वाले विधेयक को पेश करने की अनुमति दी जाये।

MR. DEPUTY-SPEAKER : Motion moved :

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[Mr. Deputy-Speaker]

"That leave be granted to introduce a Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954."

SHRI S. M. BANERJEE (Kanpur) : Sir, I want to oppose this Bill.

The motion moved by Shri Barupal is for leave to introduce a Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954. This is not the first time that the hon. Member has brought forward a Bill of this nature in this House. He had brought forward a similar Bill earlier also, but that was subsequently withdrawn by him.

श्री प० सा० बारूपाल : उपाध्यक्ष महोदय, यह मेरा बिल है ; आप पहले मेरी बात सुनिये ।

उपाध्यक्ष महोदय : हम तुम्हारी बात जरूर सुनेंगे, लेकिन बाद में ।

SHRI S. M. BANERJEE : I oppose the introduction of this Bill.

श्री कंवर लाल गुप्त : (दिल्ली सदर) : "तुम्हारी" नहीं, "आप की"

SHRI PILOO MODY (Godhra) : Sir, people do not allow you to speak the type of Hindi that you know. That is the trouble.

श्री अटल बिहारी वाजपेयी : (बलरामपुर) उपाध्यक्ष महोदय, अगर माननीय सदस्य, श्री बारूपाल, अपने बिल की व्यवस्थाओं को समझाते हुए छोटा सा वक्तव्य देना चाहें, तो नियमों में उसकी व्यवस्था है ?

SHRI S. M. BANERJEE : I oppose the introduction of the Bill.

श्री प० सा० बारूपाल : श्री बनर्जी यूनियन चलाते हैं, उस से पैसा लेते हैं और अपनी सब-मेमेंट यूनियन के पैसे से करते हैं ।

श्री मोलूह प्रसाद (बांस गांव) : माननीय सदस्य को कितना भत्ता और तन्ख्वाह चाहिये ।

MR. DEPUTY-SPEAKER : Shri Barupal will get full opportunity to reply to the objection. But let Shri S. M. Banerjee raise his objection at the introduction stage.

SHRI PILOO MODY : But he cannot oppose it at this stage.

SHRI S. M. BANERJEE : I rise to oppose the introduction of this Bill which has been brought forward by Shri Barupal. This is the second time that he has brought forward a Bill of this nature. Under this Bill he wants some more concessions for the Members of Parliament. He is the Robert Bruce of the Congress Party and he is never disappointed. He goes on bringing forward some piece of legislation of this type every now and then. The reason for my opposing the introduction is this.

In clause 3, he says that section 6(1) of the principal Act shall be substituted by a new sub-section. He wants the words 'first class' to be substituted by 'third class'. I welcome that. But what more does he want? He wants that his wife also should get a sleeping berth, and for the other family members he wants a sleeping berth. Kindly read the provision . . .

SHRI RANDHIR SINGH (Rohtak) : He can only speak now on the admissibility of the introduction. But he is talking on the merits of the Bill.

MR. DEPUTY-SPEAKER : That is true, but . . .

SHRI RANDHIR SINGH : Under the civil law, it is inadmissible.

SHRI S. M. BANERJEE : I have a right to oppose the Bill.

MR. DEPUTY-SPEAKER : He has a right to raise an objection at the introduction stage. He has already inti-

mated to me. A Bill of a similar nature was sought to be introduced and that had been negatived before, and the hon. Member has already referred to that point. Let hon. Members have some patience now, and let us finish this in five minutes.

SHRI NAMBIAR (Tiruchirappalli) : His objection is to a separate sleeping berth for his wife.

SHRI PILOO MODY : One wants a separate one; the other wants to use the same one, each according to his choice.

SHRI S. M. BANERJEE : I only want one choice. The amendment says :

"Every member shall be provided with two free non-transferable third class sleeping berth railway passes, one in the name of the member and one in the name of his/her spouse, as the case may be, and in the case of a bachelor, widow or widower member, one non-transferable third class sleeping berth railway pass in his/her name and one in the name of his/her attendant which shall entitle his/her attendant to travel with the member anywhere in India".

He has not stopped at that. He says in section 4.

"After section 7 of the principal Act, the following new sections shall be inserted" . . .

श्री क० ना० तिवारी (बेतिया) : अगर इन को कोई इस पर आबजेशन है तो अमेंडमेंट ले आये। इस वक्त कैसे इस को अपोज कर रहे हैं ?

MR. DEPUTY-SPEAKER : At the initial stage, he has intimated his objection to the very principle of the Bill. He is perfectly entitled to do so.

SHRI S. M. BANERJEE : I know their worry.

What does he want to insert after section 7 ?

"7A. A member shall, after the completion of his two full terms as a member of Parliament, consecutively or otherwise, be entitled to receive a pension in the same manner as is admissible to a Central Government employee on his retirement".

This is socialism, according to him.

Then section 7B :

"Every member shall be entitled to rent-free accommodation of a uniform type 'IV' with free telephone, furniture, water and electricity and other amenities".

He has not defined 'other amenities'.

AN HON. MEMBER : Food also.

SHRI S. M. BANERJEE : Then there is section 9 which he wants to amend.

"In section 9 of the principal Act, in cl. (f) of sub-section (3), for the words "postal facilities", the words "free postal facilities" shall be substituted".

In this country, even today when the index figure has touched 205, Shri Morarji Desai while replying to a question put by an hon. Member yesterday asking whether the DA would be increased because Government had promised that they would if the index touched 205, he said 'The matter is under examination'. And here is a member of his party, of the same party of which Shri Morarji Desai is Deputy Prime Minister and Indiraji is the Prime Minister, when we are talking of austerity and tightening of the belt to government employees . . .

MR. DEPUTY-SPEAKER : It is a private member's Bill. It has nothing to do with Government. It is on his own initiative that he has brought it forward.

SHRI S. M. BANERJEE : I only plead with the Congress benches and those Ministers and request them to oppose the introduction of this Bill (*Interruption*). Shri K. N. Tiwary is

[Shri S. M. Banerjee]
senior to me. If it were an apprentice like Shri Randhir Singh, I could understand such interruption.

My objection is that when we are getting enough, when compared to other people in this country, we should not attempt to seek more monetary benefits like this.

AN HON. MEMBER : We are getting more than enough.

SHRI S. M. BANERJEE : Even today I have to pay Rs. 420 as telephone bill. I know that my Union will support me in my stand that we should not pinch the pocket of the people. They will oppose the Bill tooth and nail.

SHRI RANDHIR SINGH : I am going to oppose Shri Banerjee.

MR. DEPUTY SPEAKER : There is no provision for a debate now.

श्री रणधीर सिंह : तो उन को कैसे इजाजत दी इस पर बोलने के लिए ? मैं भी बोलना चाहता हूँ ?

MR. DEPUTY-SPEAKER : No debate now.

SHRI RANDHIR SINGH : How are you discriminating between one member and another? He is saying something; I want to say something else.

MR. DEPUTY-SPEAKER : He who has intimated his objection to a Bill will get an opportunity to oppose at this stage. The Mover will then reply. I am sorry I cannot deviate from the rules.

श्री रणधीर सिंह : देखिए, इधर सुनिए, आप ने उनको इजाजत क्यों दी ? आप जानते हैं, मैं आप की कितनी कद्र करता हूँ, फिर आप मुझे बोलने क्यों नहीं देते ?

THE MINISTER OF LAW (SHRI GOVINDA MENON) rose—

MR. DEPUTY-SPEAKER : There cannot be any debate now.

I have already said that it is on his own responsibility that he has sponsored the Bill.

I have already said that. This is not a Government measure.

SHRI RANDHIR SINGH rose—

MR. DEPUTY-SPEAKER : Please resume your seat. This is something beyond my capacity. I cannot permit you.

श्री रणधीर सिंह : आप मुझे बोलने दें :

MR. DEPUTY-SPEAKER : When I have told the Law Minister that he cannot intervene, how is it possible ?

श्री रणधीर सिंह : ला मिनिस्टर, मिनिस्टर हैं। मैं भी लाइवर हूँ। क्या बात है इस में ?

MR. DEPUTY-SPEAKER : This is something for which you are unnecessarily taking the time of the House.

SHRI RANDHIR SINGH : * * *

श्री ५० ला० बारूपाल : श्रीमन्, मेरे मित्र बैनर्जी ने जो विरोध किया है, इन की आदत है विरोध करना लेकिन पैसे लेने में पीछे नहीं हटते हैं। जब हम 1954 में यह बिल लाये तब भी इन्होंने विरोध किया, 64 में लाये तब भी किया। इस बिल के अन्दर हम ने कहा था कि जो महाशय त्यागी हैं वह एक पैसा भी न लें... (व्यवधान)... तो बैनर्जी ने एक पैसा नहीं छोड़ा। पूरे का पूरा पैसा ले रहे हैं। इस बिल के अन्दर हम ने कहा कि हम फर्स्ट क्लास नहीं चाहते। हम जनता के आदमी हैं। जनता के साथ चलना चाहते हैं थर्ड क्लास में। लेकिन मिस्टर बैनर्जी नहीं चल सकते। यह कहते हैं कि थर्ड क्लास में हम से सफर नहीं होता। हम ने टेलीफोन ट्रंककाल फ्री नहीं मांगा है। लोकल काल मांगा है। उन को तो यूनिन से पैसा मिलता है। वह यूनिन से पैसा ले कर के बिल पे करते हैं। इन को शर्म आनी चाहिए जो मेरे सामने बात करते हैं। पोस्टेज हम फ्री

इसलिए मांगते हैं कि जो भी चिट्ठी हम लिखते हैं वह अपनी कांस्टीट्यूएन्सी के अन्दर जनता के लोगों के साथ पत्र-व्यवहार करते हैं। हम कोई मिल ओनर नहीं हैं, मिलों के लिए हम पोस्टेज फ्री नहीं मांगते हैं। बिजली और पानी का जो है वह बहुत थोड़ा सा है। इन्होंने तो कोठियां ले रखी हैं और किराये पर दे रखा है

श्री स० मो० बनर्जी : बिलकुल गलत कह रहे हैं। आन ए प्वाइंट आफ परसनल एक्सप्लेनेशन . . .

श्री प० सा० बाबूपाल : शर्म आनी चाहिए इन को। इन की कोठियों पर कब्जा कर लेना चाहिए। यह समाजवाद की बात क्या करते हैं? शर्म नहीं आती? यह पार्लियामेंट में एक एक मिल वाले से पैसा लेकर एक एक क्वेश्चन का सी सी रुपया लेते हैं . . . (व्यवधान) . . . शर्म आनी चाहिए इन लोगों को। मैं सावित कर सकता हूँ। (व्यवधान) . . . मेरा बिल समाजवादी है। मेरा बिल कोई पूंजीवादी नहीं है। हम जनता के साथ संपर्क करते हैं।

दूसरी चीज हम ने यह कही कि थर्ड क्लास के साथ एक सर्वेंट का पास होना चाहिए। बेचारी कोई विधवा होती है, उस के साथ कोई नहीं है तो सर्वेंट ले जाती है। तो इस में क्या आपत्ति है? फिर हमारी वाइफ हमारे साथ जाती है, जो दुख सुख की साथी है वह साथ चलती है तो उस में विरोध क्या है? यह उस का विरोध करते हैं मिस्टर बैंजर्जी, इन को शर्म आनी चाहिए।

श्री स० मो० बनर्जी : आन ए प्वाइंट आफ परसनल एक्सप्लेनेशन

श्री जार्ज फर्नेन्डीज (बम्बई-दक्षिण) : अध्यक्ष महोदय, आप मेरे व्यवस्था के प्रश्न को सुनिए। यह बिल आ नहीं सकता है। विधान के अनुसार यह आ नहीं सकता है। (व्यवधान)

SHRI S. M. BANERJEE : On a point of personal explanation. He has made a sweeping charge.

MR. DEPUTY-SPEAKER : On this procedure, no point of order, no reply.

श्री मधु लिमये (मुंगेर) : जार्ज फर्नेन्डीज दूसरे बिना पर इस का विरोध कर रहे हैं।

श्री जार्ज फर्नेन्डीज : अध्यक्ष महोदय, नियम 69(1) में यह है :

"(1) A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law.

"(2) Clauses or provisions in Bills involving expenditure from public funds shall be printed in thick type or in italics :

अब यह बिल आप के सामने है, इस को देखिए

MR. DEPUTY-SPEAKER : I have listened to you. I do not want to waste the time of the House. So far as the financial side is concerned, there is the financial memorandum.

श्री मधु लिमये : आप उन को एक मिनट सुनिए ?

श्री जार्ज फर्नेन्डीज : इसको मैं ने पढ़ा है, मगर इस में कोई एस्टीमेट नहीं है।

MR. DEPUTY-SPEAKER : That is all right. That will be taken note of. I am now going to put it to the vote. It is for the hon. Minister to give leave or not.

श्री जार्ज फर्नेन्डीज : अध्यक्ष महोदय, आप कैसे इस को इंट्रोड्यूस कर सकते हैं, इस तरह से तो आप नियमों को तोड़ रहे हैं। यह बिल दोनों चीजों को पूरा नहीं कर रहा

[श्री जार्ज फर्नेन्डीज]

है - न तो इस में ब्लैक टाइप या इटैलिक्स में छपा है और न इस में फाइनेन्शल मैमोरेण्डम है ।

MR. DEPUTY-SPEAKER : I have given my ruling. Will you resume your seat, please ?

SHRI S. M. BANERJEE : A personal explanation, Sir.

MR. DEPUTY-SPEAKER : One word only.

श्री रणधीर सिंह : आप भले आदमी को बोलने नहीं देते,

MR. DEPUTY-SPEAKER : For Heaven's sake, do not do it. It is a personal explanation. An allegation has been made.

SHRI S. M. BANERJEE : Mr. Deputy Speaker, Sir, a serious allegation has been made in this House. Shri Barupal in his wisdom has mentioned certain sweeping remarks. First of all, he said :

ये यूनिजन से पैसा लेते हैं, और वे पैसा देते हैं ।

I do not mind that. At least, it is established that they do not take money from Birlas. That is one thing.

The second thing that he said is :

कि हम को मालूम है कि ये कोठी में रहते हैं ।

I may say that in Kanpur I stay in a rented house, which has two rooms only, at Rs. 48 only. I can assure him—I throw a challenge to Shri Barupal—and if he can establish that I have a *koti* in Kanpur or I have any property anywhere in the country, any inch of land, I am prepared to resign.

SHRI PILOO MODY : May I ask one question ? Is there any virtue in taking money from the poor rather than the rich ?

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954."

The Lok Sabha divided :

Division No. 11]

AYES

[15.58 hrs.

Ahirwar, Shri Nathu Ram

Amat, Shri D.

Ankineedu, Shri

Arumugam, Shri R. S.

Babunath Singh, Shri

Bajaj, Shri Kamalnayan

Barua, Shri Bedabrata

Baswant, Shri

Bhagavati, Shri

Bhanu Prakash Singh, Shri

Bhattacharyya, Shri C. K.

Bhola Nath, Shri

Bohra, Shri Onkarlal

Brahm Prakash, Shri

Brahma, Shri Rupnath

Buta Singh, Shri

Chanda, Shri Anil K.

Chanda, Shrimati Jyotsna

Chaudhary, Shri Nitiraj Singh

Choudhary, Shri Valmiki

Dalbir Singh, Shri

Das, Shri N. T.

- Dasappa, Shri Tulsidas
 Dass, Shri C.
 Deb, Shri D. N.
 Deo, Shri R. R. Singh
 Deshmukh, Shri B. D.
 Deshmukh, Shri K. G.
 Dhillon, Shri G. S.
 Dhrangadhra, Shri Sriraj Meghrajji
 Dhuleshwar Meena, Shri
 Dipa, Shri A.
 Dixit, Shri G. C.
 Dwivedi, Shri Nageshwar
 Esthose, Shri P. P.
 Gavit, Shri Tukaram
 Ghosh, Shri Bimalkanti
 Ghosh, Shri Parimal
 Girja Kumari, Shrimati
 Govind Das, Dr.
 Gowd, Shri Gadilingana
 Gupta, Shri Lakhan Lal
 Hazarika, Shri J. N.
 Heerji Bhai, Shri
 Hem Raj, Shri
 Jadhav, Shri Tulshidas
 Kasture, Shri A. S.
 Khan, Shri Latafat Ali
 Khan, Shri Zulfiquar Ali
 Kinder Lal, Shri
 Kripalani, Shrimati Sucheta
 Krishnamoorthi, Shri V.
 Krishnan, Shri G. Y.
 Kureel, Shri B. N.
 Lutfal Haque, Shri
 Madhok, Shri Bal Raj
 Mahida, Shri Narendra Singh
 Majhi, Shri M.
 Malhotra, Shri Inder J.
 Mandal, Dr. P.
 Mandal, Shri Yamuna Prasad
 Masuriya Din, Shri
 Meena, Shri Meethal Lal
 Mehta, Shri P. M.
 Minimata Agam Dass Guru, Smt
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mody, Shri Piloo
 Mohammed Imam, Shri J.
 Mohinder Kaur, Shrimati
 Mondal, Shri J. K.
 Mrityunjay Prasad, Shri
 Naidu, Shri Chengalraya
 Naik, Shri G. C.
 Nayar, Dr. Sushila
 Nihal Singh, Shri
 Nirlep Kaur, Shrimati
 Oraon, Shri Kartik
 Pandey, Shri K. N.
 Pandey, Shri Vishwa Nath
 Pandit, Shrimati Vijaya Lakshmi
 Parmar, Shri Bhaljibhai
 Parmar, Shri D. R.
 Parthasarathy, Shri
 Patil, Shri Anantrao
 Patil, Shri Deorao
 Patil, Shri S. D.
 Pramanik, Shri J. N.
 Qureshi, Shri Shaffi
 Raj Deo Singh, Shri
 Rajani Gandha, Kumari
 Ram, Shri T.
 Ram Dhani Das, Shri
 Ram Swarup, Shri
 Ramshekhar Prasad Singh, Shri
 Randhir Singh, Shri
 Rane, Shri
 Rao, Shri Thirumala
 Reddi, Shri G. S.
 Reddy, Shri Ganga
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Roy, Shrimati Uma

Sadhu Ram, Shri
 Saha, Dr. S. K.
 Saigal, Shri A. S.
 Sankata Prasad, Dr.
 Sapre, Shrimati Tara
 Savitri Shyam, Shrimati
 Sayyad Ali, Shri
 Sen, Shri A. K.
 Sen, Shri Dwaipayan
 Sen, Shri P. G.
 Sequeira, Shri
 Shah, Shrimati Jayaben
 Shambhu Nath, Shri
 Sharma, Shri D. C.
 Sharma, Shri M. R.
 Shastri, Shri B. N.
 Shastri, Shri Ramanand
 Sheo Narain, Shri

Shiv Chandika Prasad, Shri
 Shivappa, Shri N.
 Shukla, Shri S. N.
 Sinha, Shri R. K.
 Sinha, Shrimati Tarkeshwari
 Sonar, Dr. A. G.
 Sonavane, Shri
 Supakar, Shri Sradhakar
 Suryanarayana, Shri K.
 Tapuriah, Shri S. K.
 Tarodekar, Shri V. B.
 Tiwary, Shri K. N.
 Tula Ram, Shri
 Uikey, Shri M. G.
 Verma, Shri Balgovind
 Verma, Shri Prem Chand
 Vyas, Shri Ramesh Chandra

NOES

Banerjee, Shri S. M.
 Barupal, Shri P. L.
 Bhagabad Das, Shri
 Bharti, Shri Maharaj Singh
 Fernandes, Shri George
 Ganesh, Shri K. R.
 Janardhanan, Shri C.
 Jha, Shri Shiva Chandra
 Kachwai, Shri Hukam Chand
 Kalita, Shri Dhireswar
 Karni Singh, Dr.
 Kripalani, Shri J. B.
 Lakshmikanthamma, Shrimati
 Laxmi Bai, Shrimati
 Limaye, Shri Madhu

Menon, Shri Vishwanatha
 Molahu Prasad, Shri
 Nahata, Shri Amrit
 Nair, Shri Vasudevan
 Nambiar, Shri
 Ramani, Shri K.
 Sambhali, Shri Ishaq
 Sanghi, Shri N. K.
 Sen, Shri Deven
 Sezhiyan, Shri
 Sheth, Shri T. M.
 Shiv Charan Lal, Shri
 Siddayya, Shri
 Virbhadra Singh, Shri
 Yadav, Shri Jageshwar
 Yadav, Shri Ram Sewak

MR. DEPUTY SPEAKER : The result of the Division is : Ayes 138; Noes 31.

The motion was adopted.

श्री प० ला० बाबूपाल : उपाध्यक्ष महोदय, मैं इस बिल को प्रस्तुत करता हूँ।