

[Shri H. R. Gokhale]

is not defined cannot exist and it is incapable of defining it. Therefore I am not worried at all with regard to the contention that the so-called non-existent basic features are not capable of amendment.

Now, the preamble That is again something which has been said in the Press. Somebody said that there is no debate. I read in the newspapers and journals articles written by people who have been very vocal about this, I do not want to mention their names but all of them had been against the view which had been taken by the government.

Their articles had been very elaborately printed in well known weeklies and monthlies in this country and one of them had said the preamble could not be amended. I do not know why it cannot be amended. In the Keshavanand Bharati Case, the Supreme Court held that the preamble is part of the Constitution. On what basis do they say that the preamble is not part of the constitution? I do not see any valid objection nor is there any validity in the objection, that the preamble is not part of the constitution and therefore it cannot be amended.

Most of the matters which have been referred to and which were relevant for a reply by me at this stage had been dealt with by me and I am quite sure that when this Bill comes up for consideration in this House at a later stage, every one of those points, I hope only relevant points, will be raised and will be taken into account by the government in deciding whether any changes are necessary or whether the Bill as it is can go through. Sir, I would request you to put the motion to the vote of the House.

MR SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

SHRI H R. GOKHALE: I introduce the Bill.

MR SPEAKER: Items 15, 16 and 17 are postponed and will be taken up tomorrow. I have got a request from Mr. Dinesh Bhattacharyya. We will take up item 18.

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

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K RAGHU RAMAIAH) Sir, I beg to move *

"That the Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954, be taken into consideration."

As I said the other day, this Bill has been brought in pursuance of the recommendations of the Joint Committee on Salaries and Allowances of Members. The Joint Committee made various recommendations which were considered by the government. Having considered those recommendations, the government have decided that the facilities, etc. embodied in this amending Bill may be agreed to.

The most important provision in the Bill relates to pension to ex-members. The Bill provides for a pension of Rs 300 for a member who concludes a five year term as a member, whether continuously or otherwise, whether as a member of Provisional Parliament or Constituent Assembly, whether partly as such member and partly as a member of the Council

*Moved with the recommendation of the President.

of States or Lok Sabha, or again whether partly as a member of the Council of States and partly as a member of the Lok Sabha or again whether as a member of either House either continuously or otherwise. The Bill also provides that for every succeeding year he will be entitled to Rs. 50 more, until the ceiling of Rs. 500 is reached. Thereafter, whatever be the number of years a member puts in either House, he will be entitled only to a pension of Rs. 500.

The Bill also provides by way of clarification that for the period a member remains a minister, he will be treated as a member for the purposes of this Act. Some members brought it to my notice yesterday. I thought it is a valid point and I am moving an amendment to clarify this point.

Secondly, there is now a provision in the Act enabling a member to undertake four air journeys in a session exceeding 75 days and two journeys in a session below 75 days. Sometimes it is not possible for hon. members to utilise those passes during the session during which the right arises. So, we have provided that any air passage which he is not able to utilise under that relevant provision during a session can be utilised by him in the next session or the session thereafter, provided the journey is concluded within the year in which the right arises.

SHRI DINESH SINGH (Pratapgarh): Why not in the inter-session period?

SHRI K. RAGHU RAMAIAH: Shri Dinesh Singh has enquired just now and some other hon. Members also enquired yesterday in the lobby why they should not be allowed to utilize this even in the inter-session period. I would beg of them to bear

in mind the history of this provision. Since I myself piloted that Bill, I am aware of the circumstances in which it was incorporated. It was felt at that time that it was difficult for Members coming from distant places in the east or the south of India to make a rail journey during the session time and particularly in those days it used to take two or three days to go and another three days to come back, which means a week. So, for a week the Members would not be able to discharge their duties in the House. Therefore, in order to enable such members to go to their constituencies in the remote places, it was suggested that there should be a provision for two extra air passages, and four during the budget session. So, the whole spirit of it is to enable the members to reach their constituencies during the session time and return back. If that principle is accepted, I am sure Shri Dinesh Singh and other members would appreciate that it is not possible to extend this privilege to an inter-session period.

Then, there are certain cases where the members are unable to reach their constituencies, or reach Delhi, on account of waterlogging, rain, snow or breach of road or whatever it is. There is a clause in this Bill which enable them to avail of a free air pass from that area to the nearest railhead. This applies to all members. Supposing the constituency of a member cannot be reached by train and if there is a plane service to that constituency, he can utilise the free air pass upto to the rail terminal.

Then, a representation has been made, and in fact there is a recommendation of the Joint Committee, that when a member has been elected, he should be enabled to draw his pay from the time he taken oath, and

[Shri K. Raghu Ramaiah]

not from the time he takes his seat in the House. Under the rule, as it stands, a member can draw his salary only from the day he takes his seat in the House and that is possible only during the session time. The Committee recommended that there should be the facility of taking the oath even when the House is not sitting in order to enable the member to draw his salary from the date of taking oath. We have considered that recommendation and have felt that it would be much more gracious to provide that a member would be entitled to draw his salary from the day he is declared elected, because otherwise sometimes the Presiding Officer may not be available and it may not be possible to administer the oath. Therefore, I am moving an amendment to that effect and if the House agrees to it, it will be incorporated in the Bill.

These are some of the basic features of this Bill.

In the Bill as circulated, there are two or three slight omissions and oversights which have been rectified, you kindly see the amendments. First of all, the Bill covers every Members who has served in the Constituent Assembly or Provisional Parliament immediately before the commencement of the 1952 Parliament. All that is provided for and taken care of. If any Member points out any other lacuna, I shall be most grateful and shall rectify it on the floor of the House.

Yesterday, Mr. Samar Mukherjee in his speech said that he objected to this provision as if it is something very extraordinary. I told him that this is not something very novel. On the other hand, we are one of the countries which is lagging very much behind. Many other countries have

provided for this, and we are one of the last countries to do so. If I may read out, for the information of the House, the list of countries which have already provided pension, they are: Australia, Austria, Belgium, Brazil, Canada, France, Federal Republic of Germany, Israel, Italy, Jordan, Malaysia, Netherlands, Norway, Sweden, United Kingdom, Camerouns, Denmark, Finland and the United States of America.

If any new points are raised, I shall certainly deal with them in my reply.

I commend this Bill for the consideration of the House.

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954, be taken into consideration."

SHRI RAMAVATAR SHASTRI (Patna): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th November, 1976." (24)

SHRI INDRAJIT GUPTA (Allahpore): It is obvious from the atmosphere in the House that Mr. Raghu Ramaiah will not have much difficulty in getting this Bill passed.

We are quite aware of the fact, which he has now tried to underline, that there are many countries whose Parliaments have already provided pensions for their Members after they cease to be Members. The countries which he read out, with the exception of one or two, are all rather what we call prosperous and affluent countries of the West.

AN HON. MEMBER: They are paying much more.

SHRI INDRAJIT GUPTA: We are all aware of the fact that our emoluments and so on are much lower than those paid in many countries. We know that, we have mentioned it on so many occasions, that we are lagging behind, but we are lagging behind in so many other things also.

Let me make it quite clear that I am well aware of the fact that there are many ex-Members of this House who are really in quite difficult financial circumstances. There are a large number of Members in every Lok Sabha who, before they were elected as Members, were more or less full-time political workers, without any other source of income. Everybody does not come here from professions. There are many people on all sides of the House who come here from being wholetime political workers and if they cease to be Members, they will perhaps have to revert to that status. Economically they are very poorly off.

Nevertheless, I wish to say one thing. We would have preferred it if this Bill providing for pension was not brought just now at this particular stage in our country's life. The present, future and past Members will no doubt be very happy, but I am not quite sure how the public will look at this. But then, in such matters we always brush aside what might be the public reaction. At a time of Emergency when many people under the compulsions of circumstances have been asked to sacrifice many things, in many ways—I do not want to go into all that now—who even have been forced to accept lesser emoluments in a way than they were getting earlier, they would not regard it as a very good thing that Members of Parliament should vote for themselves an additional facility of this type.

I want to tell the Minister, Mr. Raghu Ramaiah, that once this Bill is passed, he cannot prevent this demand coming up from every State Assembly

also. On this principle, you cannot shut it out. I know, some State Assembly have got it. But the overwhelming majority of the State Assemblies have not got it. But, after passing this Bill, naturally, the flood gates will be opened and every State Assembly would want it. Why should you deny pension to ex-MLAs when you are voting it for yourselves? You cannot do it.

Then, I would say, the opposition to this Bill on principle, the opposition to this principle of pension—maybe, some people here are going to oppose or vote against it, I do not know, maybe, they have gone out of the House—can only to consistent if they are prepared thereafter to take the responsibility of seeing that none of the ex-MPs also for whom the party has taken the responsibility, wherever those ex-MPs happen to be, in whichever part of the country, accepts it—if their party has opposed it, then they will have to take the responsibility to see that none of their ex-MPs accept it—which as a practical proposition also is really quite unrealistic.

I wish to make one or two points more. It has been mentioned just now that the minimum term that has been fixed as qualification for the pension is a normal term of five years. If Mr. Gokhale's amendments are passed in the next session—he wants to make the term of the Lok Sabha for six years—in that case, Mr. Raghu Ramaiah also would have to amend this Bill.

AN HON. MEMBER: Not necessarily.

SHRI INDRAJIT GUPTA: I do not know. You know everything, you please tell me. But my point is, what about those Members of the Fourth Lok Sabha who suffered for not any fault of theirs that Parliament was dissolved one year earlier? They served only for four years. What about them? According to the provisions of this Bill, they will be deprived of pension, that is, those Members who have not been able to return to

[Shri Indrajit Gupta]
the Lok Sabha again. I suggest that some provision should be made about them also, by putting a specific clause to that effect. That is an exceptional circumstance. It is not something which happens normally.

The main point that I would like to emphasize here, on behalf of my party, about which we have also given an amendment—I am very serious about it—is that I do not think it is a good thing to put ex-MPs on a kind of higher status than the old freedom fighters in this country. The problem of these freedom fighters has been discussed times without number in this House. The country gave a rather delayed recognition to them. Every Member knows, how many freedom fighters still go on approaching us with representations and so on and how so many of them are in very very difficult circumstances. The Government in their wisdom decided about the freedom fighters pension scheme under which they are given Rs. 200 a month. Even Rs. 200 a month is not given to a freedom fighter who has got an income from other sources of Rs. 5,000 or more per annum. Any freedom fighter who has got an income of Rs. 5,000 or more per annum will not get even a pension of Rs. 200 a month. I want all Members to consider this. Would it be a good thing to put ourselves on a higher pedestal than the freedom fighters by prescribing the minimum pension of Rs. 300, rising upto Rs. 500? There also the freedom-fighter friends will feel that they have been given a quantum of pension which is much lower than that of ex-MPs.

Secondly, there is no distinction here of any kind. I would, therefore, humbly suggest—and we have put forward that amendment—that, in the case of an ex-MP also, if he has got an income from private sources which amounts to Rs. 5,000 or more per annum, as in the case of freedom-fighters, he should not be eligible for this particular pension. Let us not

do something which will create more misunderstanding and—I should say—bad feeling between us and those people who could be only freedom-fighters but who did not have the good luck to become MPs. After all, the sacrifices they made for the country were, surely, not less, not computable in terms of less money than in the case of a person who served as M.P. for one term. An ex-M.P. will get more pension throughout his life than a freedom-fighter who may have given his whole life for the country and suffered years and years of imprisonment. Therefore, we are moving this amendment. I would request the hon. Members on that side of the House particularly, to consider it coolly, because, I know they have to deal with many freedom-fighter friends in their own constituencies also. You know very well that freedom-fighters are specially those who are aged, old and sick people—70 years and 80 years....

श्री बिभूति मिश्र : (मोतीहारी) हम भी तो फ्रीडम फाइटर रहे हैं ।

श्री इन्द्र जीत गुप्त : आपके पलाका भी यादनी है ।

Mr. Mohsin is sitting. He knows very well because we worry him all the time with cases of people who are pleading that a sum of Rs. 200 is inadequate and should be increased. Government have not yet agreed to increase it except in a few cases. Therefore, our earnest request to the Government is that they may not make a seeming discrimination here of this nature and they may not give the freedom-fighters the occasion to say, 'You Yobbed us off with Rs. 200 per month and you have voted for yourselves Rs. 300 to Rs. 500 per month'. Therefore, this ceiling restriction should be there. Let anybody who has not got a private income of Rs. 5,000 or above enjoy this pension by all means. But why should these who have got such sources of income not have that much sense of responsibility and patriotism to give up this

pension? This is our submission. Otherwise, we are not certainly opposing this Bill.

MR. SPEAKER: We have a large number of hon. Members who want to speak on this...

SHRI K. RAGHU RAMAIAH: So far as this section is concerned, there is a broad agreement. Because we have a lot of work ahead of us, I would appeal to them that I would reply. I am appealing to this side of the House. They may permit me to reply, and if I am found deficient, then that may supplement. May I then reply, Sir?

MR. SPEAKER: I will not call any one from the Congress Benches. There are members on the other side.

Prof. S. L. Saksena,

प्रो० एस० एल० सक्सेना (महाराजगंज): मैं इस बिल का विरोध करता हूँ। हमारा मुल्क बहुत गरीब है। दूसरे मुल्कों के मुकाबले हम यहां कम तनखाह लेते हैं। पाकिस्तान असेम्बली में उनको 1500 रुपये सैलरी मिलती है। बंगला देश में भी यही एम०पी० को सैलरी मिलती है। आस्ट्रेलिया और अमरीका में दसियों हजार डालर एम०पी० को सैलरी मिलती है। लेकिन इस महात्मा गांधी के देश में जो भी हम को मिल रहा है उस से हम सन्तुष्ट हैं। जब हम इतना सेक्रीफ़ाइज कर सकते हैं फिर क्यों इस छोटी सी रकम के लिये ऐसा बिल पास कर रहे हैं? जहां तक मैंने सुना है जो हमारे साथी हैं वह खास इस के लिये इच्छुक नहीं हैं। जो लोग बाहर हैं और जो एम०पी० रहे हैं या इस वक्त हैं उनमें से अधिकांश फ्रीडम फ़ाइटर्स हैं और उस की पेंशन पा रहे हैं। अगर आप इस बिल को पास करेंगे तो हमारे फ्रीडम फ़ाइटर्स कहेंगे कि हम ने अपने लिये इतनी लम्बी पेंशन कर ली और उन के लिये कुछ नहीं किया। इसलिये मैं अपील करूंगा कि फ्रीडम फ़ाइटर्स को कम से कम 300 रु०

दिया जाय जिस से उन को मदद मिल जायगी और हम को इस बिल को अपने लिये पास नहीं करना चाहिये। मैं माननीय इन्द्रजीत गुप्ता जी के संशोधन का समर्थन करता हूँ कि हमको अपने लिये सेक्रीफ़ाइज करना चाहिये। बहुत से मेम्बर ऐसे हैं जो फ्रीडम फ़ाइटर्स नहीं हैं, केवल एम०पी० हो गये हैं इसलिये हम को फ्रीडम फ़ाइटर्स से कभी भी ज्यादा पेंशन नहीं लेनी चाहिये। मेरा पुनः निवेदन है कि फ्रीडम फ़ाइटर्स के लिये पेंशन कम से कम 300 रु० कर दें और अपने लिये नियम बना लें कि अगर हमारी इन्कम ज्यादा है तो हम 300 रु० से ज्यादा नहीं लेंगे।

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Speaker, Sir, I am sorry I have to rise to oppose only that part of legislation which relates to pension....

SHRI S. A. SHAMIM (Srinagar): You will not get it then.

SHRI P. G. MAVALANKAR: I know that this kind of a remark will be made. But we do not come here to find out whether by a particular legislation we, as individual members, get something or not get something. We legislate for a generality. I can say in advance that although the present piece of legislation will not entitle me to any pension should I find myself re-elected to this august House and, therefore, in future find myself entitled, then because I oppose this provision of pension today, it is absolutely right and legitimate to expect of me that I will not take such pension and I will not do so. Anyway, the question need not be viewed and discussed by any personal considerations.

Why I oppose, it is all the more because of the timing of this particular piece of legislation. For us, Members of Parliament, this action is very wrong and very unfortunate.

[Shri P. G. Mavalankar]

My friend, Shri Indrajit Gupta, said that people will not relish this, and public opinion will not be favourable. He is right.

SHRI S. A. SHAMIM: But Parliament is supreme.

SHRI P. G. MAVALANKAR: But even if people cannot relish it, they will not be able to say it. They are afraid now a days of even talking about these matters openly because of the general atmosphere of emergency. The Press is censored. So, the Press cannot comment even if they want to comment adversely on this. Therefore, I feel that we should not really seize this particular opportunity or occasion when everything is in a sort of tight situation, and when it is not open and free for the public to react and comment upon this kind of legislation.

I ask, further, one more question. Is it right, proper and just for us, as Members of Parliament; to go on passing something which concerns us and our interests and simultaneously disregarding the interests of so many of our fellow countrymen outside?

SHRI R. S. PANDEY (Rajnandgaon): A point of order, Sir. We are not discussing about present Members' pension. We are discussing about those who have ceased to be Members of Parliament, those ex-Members of Parliament.

MR. SPEAKER: It is a point of intervention.

SHRI P. G. MAVALANKAR: That is my first point. That is why I feel, this is not a very happy timing. Already—I am talking of times before the emergency but even more so times after emergency—already the status and strength of our parliamentary institutions have been weakened, and in the eyes of the people, by and large, we are not really, quite often, I find, respected as honourable members of a democratic institution. I ask in all sincerity whether by

passing this kind of a legislation, will we not add to that kind of feeling? Are we to go down further in the eyes of the public? Will they not feel that when there is this emergency, Members of Parliament are doing this for themselves and their former colleagues while not doing this for other people? My friend Mr. R. S. Pandey objected by way of some point of order which, as you ruled, Sir, was no point of order at all. I invite his attention to one thing. When he was the Chairman, I was a Member of the Joint Committee on Salaries and Allowances. He will perhaps recall this. When the proposal for pension came, I was a member at that time and at that very initial stage itself I registered my strong protest and opposition to that proposal. Then Pandey ji told me, when the proposal comes in more concrete form you can then give your reasons why you oppose it. But soon thereafter I found one fine morning that I was no longer a member of that joint committee, and so that opportunity of registering my protest is available to me only on the floor of the House today. My friend Mr. Indrajit Gupta is perfectly right when he asks, how can you put former MPs. above freedom-fighters? I understand, moreover, that he has an amendment which says that if a former MP has got some income per year he should not get this kind of facility of pension. That is a good proposal which Government should accept. If such a person is having certain income, he should not be given this pension.

When Himachal Pradesh Assembly passed a legislation in 1973 to give pension to former MLAs., and when the Maharashtra Vidhan Sabha at about the same time was in the process of having this consideration and Mr. A. R. Antulay, the present Secretary of the Congress was in charge of this thing when the Vidhan Sabha was considering this matter, at that time in 1973, I invited the attention of the hon. Prime Minister when I wrote to her two letters on 15th February, 1973 and again on

24th February, 1973. I would only quote a few lines. I said:

"The Members of the Himachal Pradesh Vidhan Sabha have, I understand, passed recently a Bill entitling all past, present and future MLAs of that State to the benefit of receiving life pension. On the face of it, this is an extra-ordinary step. If true, it is wrong in ethics and improper in law. I cannot understand how elected members in their capacities as people's chosen representatives, go about providing for their future in such a manner. I am sure, you will share my disgust with such a piece of legislation which is both unusual and unfortunate.

Educated and enlightened public opinion in the country has naturally and rightly reacted sharply against such a provision of life pension for the retired or defeated legislators. I expect and trust that you will give the lead in the matter by publicly discouraging and denouncing such steps taken by our legislators.

I am sure you will personally look into this matter with a view to discouraging such legislation by the state Assemblies and even by Parliament.'

Sir, the hon. Prime Minister replied personally to these two letters on March 12, 1973 and this is what she wrote to me:

"I have your letters regarding pension for the Himachal Pradesh M.L.As. The point is well taken. It is difficult to justify such a law at a time when there is need for utmost economy and austerity."

Therefore, I am asking as to what had happened between 1973 and 1976 which does now justify this kind of pension provision to Members of Parliament.

Then, my next point is this. My esteemed friend, Shri Raghunath

quoted a number of countries. And Shri Indrajit Gupta rightly said that most of them are the prosperous countries who can afford it. Apart from that, the Minister only quoted half the facts. When he quoted those countries where pension provisions are available, he should have also quoted further facts that there are two kinds of schemes obtaining—Members who are actually Members for the time being in the House—Upper or Lower—and they contribute voluntarily to a particular fund and then when they ceased to be Members, they then got a certain benefit. Alternately, there are schemes of outright pension. Further, the Minister did not tell the House that in most of the countries, the amount of pension was available to Members of Parliament who had put in at least two terms meaning thereby eight to ten years. And, what is more important is the age limit which was ranging between fiftyfive and sixty, or onwards. So, one can understand if a person has put in at least two terms—8 or 10 years—as a Parliamentary representative. But, when he has reached the age of fiftyfive or sixty years, he cannot be an active worker and, in that case, a pension may be given. But what is the point in giving pension to those who have one term of five complete years? Is that person eligible for getting it? But, then, perhaps, had there not been this concession, and consideration, the present Lok Sabha may not have passed this! I do not know!

Anyway, my point is that it is not really fair to us when you say that other countries have it. Other countries have it on those lines which I just now indicated, and not generally for even a short-term—one term of four or five years or whatever the period or whatever be the constitutional requirement and whatever be the age limit. Suppose in our Parliament, a Member becomes a Member at the age of twenty-five. And suppose he has a five years' term only. Then at the age of thirty, he starts drawing his pension! Is that the idea of a

[Shri P. G. Mavalankar]

pension? Is it right and proper? If you want to give pension, at least you do it in such a way that you say that he has served Parliament for a certain number of years—say two terms, minimum of ten years—to get the pension, or you say at the age of 55, whichever is earlier. Suppose he has put in one term but he has reached the age of 55 or sixty or whatever the age limit that is fixed. I can understand that at the old age, he cannot function effectively outside. My argument further is in opposition to another point. I want to say one thing. (Interruptions). A pension is to be given to an ex-M.P. But if he was a Member of the Fourth Lok Sabha between 1967 and 1971—he will not get it. Why do you deny this privilege of having the pension to him? Of course, I oppose the whole idea of pension in the way you are bringing in this Bill. So, I do not want to go into details at this stage. All I want to repeat is that this is not the time to bring this kind of legislation at this particular juncture and time when public criticisms are not available to us.

One more point and I have done. Shri Raghu Ramaiah mentioned about one aspect of the Bill. The present practice is that unless a newly elected Member takes the oath in the House, he cannot get any salary. Sometimes it does happen that he may have been elected, but the House may not meet for four or six weeks. Then, in that case, what has to be done? I suggest for the consideration of the House whether we cannot follow the practice in the House of Commons.

In the House of Commons, the practice is that when a Member is elected in a by-election, because this happens naturally only in a by-election, or at any time, when a new Member is elected, when the House is not in session, then according to their practice, a Member who is immediately declared elected by the Returning Officer becomes entitled to receiving

his salary from the day of the declaration of his election. (Interruptions). He is not given that salary until he has taken the oath on the floor of the House. In the House of Commons the practice thus is that the salary is not payable until he has taken the oath. But, it is due to him from the date of the election. Why do I say all this? It is because the Members who have been Members of the first and subsequent Lok Sabhas will recall that, consistently the Chair has ruled in this House that a Member of the Lok Sabha must take the oath on the Floor of the House and then only he gets the salary and other privileges and benefits. There have been certain forceful arguments behind this practice. So, if you want a member to start getting salary from the date he is elected, I would like to say that let him be paid from that date but the actual salary should become payable only after he takes oath on the Floor of the House.

श्री जाबूवन्त घोटे : (नागपुर) : अध्यक्ष महोदय, सदन के सामने संसद सदस्यों के वेतन भत्ते और पेंशन का जो विधेयक आया है उससे एक अजीब वातावरण इस सदन में और देश में फैला हुआ है। इस मामले में पेट्रीशनर भी हम हैं और जज भी हम हैं। जिस समय देश के कई मामले हम को जज करने हैं; देश में कई ऐसी बातें हैं जिनको हमें देखना है उस समय हम अपने ही सामने एक पेट्रीशन दाखिल करते हैं और उस पर विचार करने के लिए जज बन कर बैठते हैं। आज हम एक पेट्रीशनर और जज—दोनों की भूमिका अदा कर रहे हैं। ऐसी अवस्था में हमारे ऊपर एक बहुत बड़ी जिम्मेदारी आती है। यह जो विधेयक इस सदन में लाया गया है; उसके पीछे की भावना मैं समझता हूँ पवित्र हो सकती है लेकिन जिस समय स्वतन्त्रता संग्राम के सेनानियों को हम अभी तक पेंशन नहीं दे सके हैं, आज भी कई स्वतन्त्रता संग्राम के सेनानी हैं जिनको 6 महीने से कम की सजा हुई थी और अभी तक

उनकी हमने पेंशन नहीं दी है—ऐसी व्यवस्था में हम अपनी पेंशन की पेंशन करके सबसे उपचित करते हैं और उस पर विचार करते हैं—इस बात पर हम सम्भारता से विचार करेंगे। इस देश की आजादी की लड़ाई में कई लोग अपने ही से लड़े कई लोग भ्रष्टाचारी के ऊपर से लड़े नेताजी सुभाष चन्द्र बोस और उनकी आकाश हिन्दू फ्रोंट इस देश की आजादी के लिए इस देश में और इस देश के बाहर जाकर लड़ी। आजाद हिन्दू फ्रोंट की आजादी की रानी रेजिमेंट में पहली बार इस देश की महिलाओं लड़ी और बड़ी वीरता से लड़ी लेकिन आज हम आजादी की रानी रेजिमेंट को कोई पेंशन देने में असमर्थ हैं उनको पेंशन देनी है या नहीं—इस बात पर हमने गौर नहीं किया है। जो रेजिमेंट नेता जी के नेतृत्व में लड़ी उसको पेंशन देने का विचार हम करते तो मैं समझ सकता था लेकिन हम खुद पेटीशनर्स बनकर और जज बन कर उस पर विचार कर रहे हैं। संसद में कई ऐसे सदस्य हैं जिन्होंने अपना जीवन राजनीति और समाज के लिए न्योछावर कर दिया जिन्होंने अपना सारा जीवन लोक सेवा के लिए लगा दिया। उन के लिये ऐसी पेंशन का प्रोवीजन करना जरूरी है।

जिन के पास कोई आर्थिक खोल नहीं है जिन का कोई कारोबार नहीं है कोई व्यवस्था नहीं है जिन के पास कोई जमीन नहीं है—ऐसे लोग भी इस सदन में काफ़ी संख्या में हैं—उन के लिये यह प्रावीजन ठीक है लेकिन आप को पता हुआ हूँ आपके सदन में ऐसे लोग भी बहुत बड़ी संख्या में हैं जिन के पास धन्य के आखन हैं जो इन्कम टैक्स देते हैं सैन्ड-बार्ड हैं बन्दीदार हैं बड़े बड़े उद्योग-पति हैं ऐसे भी लोग हैं जो इन्कम टैक्स की थोड़ी करते हैं नम्बर 2 का रजिस्टर भी रखते हैं राई और सहायक हैं ऐसे लोग इस सदन के भीतर सर्रास हैं यदि हम जनों को भी धन्य पेंशन देते हैं—तो यह बड़े बड़े तर्क

मुनासिब है मैं समझता हूँ कि इस सदन को इस पर सम्भारता से विचार करना चाहिये।

संसद सदस्यों के वेतन या पेंशन के नाम से जो बिल यहाँ लाया गया है—मैं समझता हूँ कि इस का ड्राफ्टिंग ठीक तरह से नहीं हुआ है। वास्तव में इस का ड्राफ्टिंग हमारी ब्यूरोक्रेटिक मशीनरी ने किया है—इसी लिये उन्होंने "पेंशन" शब्द का इस्तेमाल किया है। मैं समझता हूँ पेंशन शब्द का इस्तेमाल हमारे सदन की गरिमा के अनुरूप नहीं है वह हमारी इज्जत को बढाना नहीं है बल्कि घटाता है। मैं चाहता हूँ कि इस शब्द को निकाल देना चाहिये और इस की जगह ऐसे शब्द का इस्तेमाल करना चाहिये जिससे हमारी इज्जत बढ़ सके। संसद सदस्यों को पेंशन देकर एक तरह से आप उन की बेइज्जती कर रहे हैं। आप "मानरेरियम" शब्द रख सकते हैं।

अध्यक्ष महोदय : सेवा वृत्ति कह सकते हैं।

श्री जाम्बुवन्त बोटे : सेवा-वृत्ति कह सकते हैं "मान-धन" कह सकते हैं "मानार्थ" कह सकते हैं।

अध्यक्ष महोदय : मेरा यही अनुरोध है कि एक तो इस का शीर्षक बदलना चाहिये दूसरे जो इन्कम टैक्स देते हैं जो जमींदार हैं बड़े बड़े उद्योगपति हैं—उन को इस से बाँधित करना चाहिये उन को यह नहीं देना चाहिये। इसके सिलसिले में कुछ अमेण्डमेंट्स भी हैं—मैं उस समय भी उन पर बोलूंगा।

अध्यक्ष महोदय : श्री रामावतार शास्त्री।

श्री रामावतार शास्त्री : अध्यक्ष महोदय :

SHRI PRIYA RANJAN DAS MUNSI (Calcutta-Bench): Freedom fighters' pension should not be below M.P.s.

MR. SPEAKER: Shri Raghu Ramdasah wanted to say something

SHRI K. RAGHU RAMAIAH: I just wanted to say that after the hon. Members's speech, I may be called for one minute and then after the lunch recess it can go on.

MR. SPEAKER: You can speak now for a minute.

SHRI K. RAGHU RAMAIAH: May I reply?

MR. SPEAKER: Not reply. You wanted to say something before lunch. The hon. Minister.

SHRI K. RAGHU RAMAIAH: Am I called upon to reply to the debate now?

MR. SPEAKER: No, no. There are two more Members. Do you want to say something now?

SHRI K. RAGHU RAMAIAH: You may call me after they have spoken.

MR. SPEAKER: I think it is about lunch time now. The hon. Member will continue after lunch.

13 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at three minutes past Fourteen of the Clock.

[Mr. DEPUTY-SPEAKER in the Chair].

SALARIES AND ALLOWANCES OF MEMBERS OF PARLIAMENT (AMENDMENT) BILL—contd.

श्री रामाबन्धर शास्त्री : (पटना) : उपाध्यक्ष जी, संसद् सदस्यों के वेतन और छुट्टा सम्बन्धी संशोधन विधेयक पर मैंने जोखमस्त जानने के लिये एक संशोधन प्रश्नके सभामें प्रस्तुत किया था। मैं प्रारम्भ में ही यह कह चुका कि मैं इस प्रस्ताव को प्रेष नहीं करना चाहता, लेकिन एक ही बात जरूर कहना

चाहता हूँ। इस विधेयक को इस सत्र में 31 तारीख को संसद् कार्य बंदी हो गया किन्ना जिसका नाम 31 तारीख और अन्तःसर्वेक प्राक जेम्सवर्ड प्राक पार्लियामेंट प्रसेडेंट बिल, 1970 है। इन्होंने इसकी घोषणा इस सत्र में 27 तारीख को की थी और कहा था कि इस तरह का बिल सदन में पेश होया, और यह भी कहा था कि एम०पी० लोग वेंशन पावेंगे। तयाम देश के अखबारों में छपा कि एम०पी० वेंशन बिल टेक्ट वीक, एम०पी० वेंशन बिल शौटली। तयाम अखबारों में इस प्रकार की बातें छपीं। मेरे पास दिल्ली में मेरे डेरे पर लोग आये, कल पटना में लोग मेरे पास आये और कहने लगे कि क्या एम०पी० लोग तनख्वाह भी लेंगे और वेंशन भी लेंगे। तो मैंने उन्हें बताया कि नहीं यह बिल ऐक्स एम०पी० के लिये है। जो बात आप ने इस के उद्देश्य में बतायी है उसमें आप ने जरूर ऐसा कहा है इस बिल के स्टेटमेंट प्राक प्राबजेक्ट्स एंड रोजन्स में कहा गया है : "प्राविजन इज प्राक्सो नियंग मेड एनटाइटलिंग एक्स-मेम्बर्स प्राक पार्लियामेंट टु पेन्शन"। यह तो ठीक लिखा गया है, लेकिन संसद्-कार्य मंत्री को यह कहने का अधिकार नहीं था कि एम०पी० को पेन्शन देने के सम्बन्ध में एक बिल लाया जा रहा है। उन्होंने ऐसा क्यों कहा ? मैंने उसी दिन स्पीकर को लिखा। स्पीकर ने कहा कि वह इसको ग्रीच प्राक प्रिविनेज के अन्तर्गत स्वीकार नहीं करेंगे। लेकिन उन्होंने कहा कि मैं इस सवाल को उठा सकता हूँ।

इस सम्बन्ध में ग्राम लोगों में जो चलतकहमी फली है, मंत्री महाशय को उसका निराकरण करना चाहिए था। ऐसा न करके उन्होंने तयाम संसद्-सदस्यों की प्रतिष्ठा पर आंच जलाई है, जो अनुचित नहीं है।

स्टेटमेंट में बताया गया है कि संसद्-सदस्यों के वेतन और छुट्टा सम्बन्धी संसुक्त सविधि की विचारियों के प्रस्ताव में यह

विधेयक लाया गया है। मंत्री महोदय ने कहा है कि यह उस समिति की सर्व-सम्मत सिफारिश है। उनको बताना चाहिए कि उस समिति में कौन सदस्य थे और वे किस-किस सब से सम्बन्धित थे, ताकि इस सदन और आम जनता को यह मालूम हो जाये कि स्थिति क्या है। हो सकता है कि ऐसे भी सदस्य हों, जिन्होंने समिति में इसका समर्थन किया हो और वहाँ इसका विरोध कर रहे हों।

एक माननीय सदस्य : भ्राय भी तो उसके मेम्बर थे।

श्री रामाचतार शारदा : जब तक मैं उसका मेम्बर था, तब तक मैंने कभी इसका समर्थन नहीं किया।

उस समिति के पुराने अध्यक्ष, श्री राम सहाय पांडे, यहाँ मौजूद हैं। वह बोले नहीं हैं। इस लिए मंत्री महोदय मेहरबानी करके इस सदन और देश को बतायें कि उस समिति में कौन कौन सदस्य थे। इस विधेयक को एम० पी० पेन्शन बिल कह कर मंत्री महोदय ने आम जनता में बहुत गलतफहमी पैदा कर दी है। वास्तव में एम० पी० को पेन्शन नहीं मिल रही है, बल्कि भूतपूर्व सदस्य-सदस्यों को मिल रही है।

जैसा कि मैंने प्रारम्भ में कहा है, अपने जिस संशोधन के जरिये मैंने इस विधेयक के बारे में लोकमत जानने की माग की है, मैं उसको प्रैस नहीं करता हूँ।

SHRI EBRAHIM SULAIMAN SAIT (Kozhikode): Mr Deputy-Speaker, I rise in this House not to oppose this Salaries and Allowances of Members of Parliament (Amendment) Bill. I honestly feel that while I do so, I am doing nothing uncharitable, and I also feel that I am not supporting a wrong cause or a wrong idea. As far as the timing of the Bill is concerned, it may be a wrong timing. The Bill might also have a lot of

shortcomings. But I do feel that there is a general consensus in the House about the principle of giving pension to Members of Parliament. There is a slight misunderstanding and so people say that we are giving something to ourselves. This, I feel, is not a fact. We are approving of pension to those Members of Parliament who have already retired. Maybe we will get the benefit of it later but we are not doing anything for ourselves as we are sitting Members.

One thing is very clear. There are hundreds of retired M. Ps. in this country who are really in very difficult circumstances today. Most of them spent the best part of their lives in either the Lok Sabha or the Rajya Sabha or in both, and after retirement they are really today in difficult circumstances. I do not imagine all the Members who are well-to-do after retirement. Maybe there are some who have industries to command, and big business houses to manage. But generally it is not the case. Therefore, those who have retired from Parliament and are really in difficult circumstances must be given this pension. Therefore, I say that as far as the principle is concerned, there is a general consensus in this House, and this measure will be welcomed by thousands who have retired from Parliament.

We say so much about pension. What, after all, is the amount involved in it? I feel that not more than Rs. 1 crore is involved. There are very few Members who have retired and who are going to be benefited by this scheme. On the whole, I am told there will be 2,211 persons, retired M. Ps., who are going to be benefited by this scheme. I can give you the break-up. As far as the Lok Sabha is concerned, those who retired after one term number is 1,509; those who retired after two terms are 180; those who retired after more than two terms are 83; total: 1,772. As far as the Rajya Sabha is

[Shri Ebrahim Sulaiman Sait]

concerned, those who retired after one term are 297; those who retired after two terms the number is 116; those who retired after more than two terms are just 26; total, 439, so, there are not thousands. There are just 2,211 persons in a population of 60 crores, and as many of them are in difficult circumstances, it is just and fair that they must be given this pension.

It has been pointed out here that the freedom fighters are getting much less. Definitely what the freedom fighters are getting is less, they should be given much more. There cannot be any argument about it. The freedom fighters have really sacrificed much for the freedom of this country. We must have great respect for them, and definitely they deserve much more than what they are getting now. It has been pointed out by our learned friend Shri Indrajit Gupta that freedom fighters who have an income of Rs. 5,000 from other sources are not entitled to get anything. This is wrong. Those who have some income must also get this pension as far as the freedom fighters are concerned.

I have mentioned that there are shortcomings in the Bill. For example, it has been pointed out that Members of the Fourth Lok Sabha are not covered by the provisions of the Bill because they had not completed five years. For such a situation the Members of the Fourth Lok Sabha are not really responsible. It is not their fault that Parliament was dissolved before completing its full term of five years. Therefore, consideration should be given to those who were Members of the Fourth Lok Sabha, and they must also get the benefit of this pension scheme.

The most important thing is the railway pass. It is not being given to retired N.P.s. Once in a way the re-

tired members would like to come to Delhi to participate in the Independence Day or Republic Day celebrations. At least a restricted railway pass should be given to them, allowing them to travel 20 to 25 thousand kilometres a year. This is very much essential. Such a thing should be done. I feel, this is very important.

Before I conclude, I want to say a word about Mr. R. S. Pandey. I feel, all Members should appreciate the great pains that Mr. Pandey has taken in getting this Pension Bill presented before the House. He has worked consistently for days together, for months together, sometimes day and night, as Mr. Indrajit Gupta has said. Therefore, he deserves all the credit and also gratitude.

AN HON. MEMBER: Pandit D. N. Tiwary mooted the idea.

SHRI EBRAHIM SULAIMAN SAIT: Yes. Both Pandit D. N. Tiwary and Mr. Pandey have worked very hard to bring this Bill before the House. We all appreciate the work done by both of them. I hope, the House will approve this measure and at the same time, the Minister will try to rectify the defects that are there in the Bill. About the railway pass, which is most essential I hope, the Minister will consider it favourably. It is so much essential for the retired Members of Parliament that it is a must and must be given under any circumstances.

SHRI PARIPOORNANAND PAI-NULI (Tehri-Garhwal): I am not going to make a speech. I want to ask a few questions.

I would like to know from the Minister of Parliament Affairs whether he is going to make a provision in this Bill about those Members of Parliament or ex-MPs who have opposed this Bill or who do not want to have pension. If they do not want to have any pension, let them do so.

Secondly, about the railway pass, I want to know whether he is going to consider that or not.

Thirdly, about the medical facilities, there are very few places where medical facilities are available. Is he going to provide medical facilities in the Government hospitals as in other cases?

Lastly, I want to know whether he is going to debar or not going to debar those ex-MPs who are income-tax payers from taking pension.

SHRI R. S. PANDEY rose—

MR. DEPUTY-SPEAKER: Mr. Pandey, you have got a full measure of praise from all the Members. Are you not satisfied with that?

SHRI R. S. PANDEY: Mr. Deputy-Speaker, Sir, as far as the credit is concerned, I am grateful to the hon. Members for that....

MR. DEPUTY-SPEAKER: No speech; only a question.

SHRI R. S. PANDEY: In regard to Members of Parliament who are going to get the pension, supposing they die, I want to know whether their widows are going to get it.

SHRI N. K. P. SALVE (Betul): What about income-tax on the pension? What about tram journeys for those Members of Parliament who are going to get the pension? I want to know whether the pension is going to be taxed. Under the provisions of the Income-tax Act, the pension is deemed to be salary.

MR. DEPUTY-SPEAKER: It is only Rs. 500 a month. That comes to Rs. 6000 a year. It is far below the exemption limit of Rs. 8000.

SHRI N. K. P. SALVE: If it is received by those who are likely to pay income-tax, I want to know whether it will be free of tax or not.

What about train journeys? The Railway Minister is agreeable. I want to know, when he is making alterations with reference to the air travel rule, why does he not make a provision that the Members of Parliament who are willing to pay the difference between the First Class and the air travel are made entitled to travel by air?

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Mr. Deputy-Speaker, Sir, I am grateful to all the Members of the House on either side who have spoken as well as those who have left themselves upspoken for the gracious support that they have given to this Bill directly or indirectly.

I would first deal with the points raised by the first speaker, Mr. Indrajit Gupta. I am glad, he has admitted—coming from him, it goes a long way—that Members of this Parliament are one of the least paid in the world. It is a fact. But, at the same, he said that probably this was not the right time to do it. In any case, I think, he said that we should not vote for ourselves things like this. May I ask, if we do not vote for ourselves, who will vote for us? This is a kind of modesty which we, Members of Parliament have—if I may be allowed the liberty of using a little varied expression, it is a kind of complex we, Members of Parliament have—that, whenever anything touches the pension or salary or allowance of Members of Parliament, some Members become very touchy and say, "No; you cannot do it; people will think otherwise". People want you to be well paid like anybody else; people want you to discharge your duties efficiently. That is the main thing. They want you to be paid reasonably. After all, you must not assume that only rich people become Members of Parliament. There are many Members who are very poor, and I think, Mr. Indrajit Gupta himself was kind

[Shri K. Raghu Ramaiah]

enough to say that there are many doctors who have lost their practice by coming here, there are many lawyers who have lost their practice by coming here, there are many politicians who have lost their professions by coming here. So, this is a whole-time work. One has to give up every other profession and come here and concentrate. That is what the people want. People, certainly, want you to live respectably, to live honestly, to live with integrity. How can a poor Member live respectably unless he is well paid? About the rich people, what you pay with the right hand is taken away by the left hand, by way of tax....

SHRI INDRAJIT GUPTA: The pension is for ex-MPs; it is not for ourselves.

SHRI K. RAGHU RAMAIAH: All ex-MPs do not become rich. There are many ex-MPs who are poor. There may be rich people, but the majority of them, as far as my knowledge goes, are poor people; they are not landlords or zamindars or, as somebody mentioned, income-tax payers; everybody does not pay income-tax.

Anyhow, I appreciate the spirit in which Mr. Indrajit Gupta has pleaded for the common man, and I am also pleading for the common man. That is why, this Bill has been brought forward.

One of the points Mr. Indrajit Gupta made was that, in the case of freedom-fighters, we are giving them only Rs. 200 per month whereas the ex-MPs will be getting Rs. 500 per month. Comparisons are always odious, and more so in this case. The House will recall that the freedom-fighter's pension, on his death, is payable to his wife, unmarried daughter and so on. But there is no such provision here. Therefore, you cannot compare these two. In the case of freedom-fighters, I am told, depending on the circumstances, some

draw even Rs. 500 per month. Therefore, let us not compare these two; they are different. The analogy does not apply here.

Mr. Indrajit Gupta and his friends were asking: what about the Members of the 1967-71 Lok Sabha? My great sympathies are with them; we fully sympathise with them. There is a difficulty here. There must be a limit somewhere. Even in the case of freedom-fighters, the normal rule is that one should have been in prison for six months. Then, what happens to the person who was in the prison for three months only? A line must be drawn somewhere. Suppose—God save this country—in the year 2,000 A.D. Parliament is dissolved after two days, then what happens? If I say 'for a term' irrespective of the number of years, that means, for two days also, you will have to pay life-time pension. That will not happen in our life time because we are stable, we are elected by intelligent people and we continue for a long time. But it can happen theoretically. Therefore, a line must be drawn somewhere.

Mr. Indrajit Gupta brought the analogy of freedom-fighters and said that, in their case, there was the restriction about income from private sources to the extent of Rs. 5,000 or more per annum. That analogy should not be brought here. May I say that this is taxable? This also answers the point raised by Mr. Salve. I presume. This is taxable. Therefore, anybody who gets a higher income practically gets nothing or proportionately only a small amount because it goes by way of tax.

I do not want to comment on freedom fighter's pension. I am not dealing with that subject. But if you ask every Member to give a certificate, I would like to point out, incomes keep on changing, there is a rise, there is a fall; in one year it is Rs. 5,000, in the next year it may be Rs. 10,000 and in the next year it may be zero and so on.

Now are we to go on changing the pension? There is no fixity about the income. What is more—what is the method of knowing the agricultural income? At least business people file income-tax returns but those who depend on agriculture do not file any return. Therefore, there is no method to assess their income....

SHRI INDRAJIT GUPTA: They will have to file an affidavit.

SHRI K. RAGHU RAMAIAH: You want us to file an affidavit in the case of election expenses. So, let us be honest about it. Let us know in advance what we get and what we do not get instead of depending on affidavit certificates and all that sort of things.

Shri Ramavatar Shastri was touchy about pension, about the nomenclature. I hope he would not be touchy when he eats it.

He says that last Friday I referred to Members' pension. Everybody knows that pension is not given to one who is a sitting member. That is ordinary commonsense. (*Interruptions*) Apart from that, please listen to what is in the uncorrected report, not the corrected report. Please have patience to read it if you have not already done. It says, 'I may add that I propose to introduce the Pension Bill.' I did not say Members' Pension Bill and it is commonsense.... (*Interruptions*) Even if I had said it, don't you call 'Government Servants' Pension Rules'? Do you say 'ex-Government Servants' Pension Rules'? It is always understood, my dear friend.... (*Interruptions*) Pension is understood to be a sum of money payable after a Government servant or a Member of Parliament or anybody receiving a Salary or remuneration ceases to be such and ceases to receive that salary or remuneration. It is basic commonsense....

SHRI VASANT SATHE (Akola): That is not very prominent there.

SHRI K. RAGHU RAMAIAH: Then, Sir, Mr. Mavalankar raised points of nicety, propriety, *vagaira*, *vagaira*; *vagaria*. I want to ask. When is the appropriate time? I want to know from Mr. Mavalankar. When is that auspicious hour when pension can be granted? I say any time the House decides, and the House is deciding now.... (*Interruptions*)

I have already answered the point Mr. Dhote raised about Zamindars, industrialists and so on. I do not think there is any Zamindar here. If there was a zamin, that has been taken away. Then, Sir, industrialists are liable to taxation. This will be subject to taxation. In case of big landlords, the land ceiling has come. After all, should 95 per cent of the Members suffer because of the 5 per cent well-to-do people?

Now, a few points have been raised on this side. I have already answered many of Mr. Painuli's points. But if there are any points which remain unanswered.... (*Interruptions*) I will come to that. Before I deal with Mr. Painuli's nice point, let me dispose of one minor point raised by Mr. Salve. Mr. Salve said, 'Please allow First Class rail travel to be converted into air travel by payment of the difference.' May I bring it to the notice of this House and to the notice of my hon. friend that when such a clause was introduced in the Fourth Lok Sabha, if my memory is correct, Members said, 'No, no, no. Rich people will take advantage of it. Please delete that clause.' Therefore, I deleted it. Then, Sir, I want notice for such a change.... (*Interruptions*)

Regarding railway pass, somebody said that the Railway Minister is agreeable. Of course, the Railway Minister is a nice man. I do not know; to my memory, this matter has not been considered by Government as a whole, but anyhow, I am not saying anything. All I say is, let us take what is in the Bill.

[Shri K. Raghu Ramaiah]

Sir, I have answered all the points... (Interruptions)

SHRI N. K. P. SALVE: One of the wittiest speeches we have ever heard.

SHRI K. RAGHU RAMAIAH: Mr. Painuli is very anxious to know why I do not provide here that those who are opposed to it, will not get the pension. The point is this. The public already know that those who oppose and consume the pension are not very straight. That is all.

MR. DEPUTY-SPEAKER: If I heard Shri Ramavatar Shastri rightly, he said that he did not want to press his amendment.

SHRI RAMAVATAR SHASTRI: Yes I seek leave of the House to withdraw it.

MR. DEPUTY-SPEAKER: Is it the pleasure of the House to grant leave to Shri Ramavatar Shastri to withdraw his amendments?

SOME HON. MEMBERS: Yes

Amendment No. 24 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: We go to clause-by-clause consideration. Clause 2 has no amendments. The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Amendment of section 1)

MR. DEPUTY-SPEAKER: On Clause 3, there is amendment No. 35 by Mr. Dhote.

SHRI JAMBUWANT DHOTE: I beg to move amendment No. 35, I beg to move:

Page 1, line 10,—

for "Salary, Allowances and Pension"

Substitute—

"Honorarium and Allowances" (35).

MR. DEPUTY-SPEAKER: I will put amendment No. 35 to vote.

Amendment No. 35 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 3 stand part of the Bill"

The motion was adopted

Clause 3 was added to the Bill.

Clause 4 -- (Amendment of section 2)
Amendment made:

Page 1,—

for clause 4, substitute—

"Amendment of section 2.

4. In section 2 of the principal Act, for sub-clause (b) of clause (e), the following sub-clause shall be substituted, namely:—

'(b) in relation to a new member,—

(i) where such new member is a member of the Council of States elected in a biennial election, or nominated, to that House, the period beginning with the date of publication of the notification in the official Gazette notifying his name under section 71 of the Representation of the People Act, 1951 (43 of 1951); or

(ii) where such new member is a member of the House of the People elected in a general election held for the purpose of constituting a new House of the People, the period beginning with the date of publication of the notification of the Election Commission under section 73 of the said Act; or

(iii) where such new member is a member of either House of Parliament elected in a bye-election to that House or a member nominated to the House of the People, the period beginning with the date of his election referred to in section 67A of the said Act or, as the case may be, the date of his nomination,

and ending with, in each such case, the date on which his seat becomes vacant." (42)

(Shri K. Raghu Ramaiah)

MR. DEPUTY-SPEAKER: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted

Clause 4, as amended, was added to the Bill.

Clause 5.—(Amendment of section 5)

MR. DEPUTY-SPEAKER: There are a number of amendments given notice of Shri S. N. Singh—not moving—Nos. 3 and 4; Shri Tuna Oraon—not moving—No. 5; Shri Ramakrishna Reddy, not moving.

I will come to Mr. Tiwary's amendment later as it is introduction of new clause. Now, Shri Ramavata Shastri.

SHRI RAMAVATAR SHASTRI: I move amendment No. 12.

I beg to move:

Page 2, line 10,—

after "sessions" insert—

"and during the period of two sessions and after" (12)

उपाध्यक्ष जी, मेरा संशोधन बहुत ही मामूली है जिसे सरकार को मान लेना चाहिए। अभी व्यवस्था इस विधेयक में की जा रही है कि अगर हम हवाई जहाज पर जाने की पूरी सुविधा को इस सेशन में इस्तेमाल में नहीं लायें और एक या दो बच गये तो उसको हम नेक्स्ट सेशन में इस्तेमाल कर सकते हैं। यह व्यवस्था इसमें कर रहे हैं। मेरा कहना यह है कि कभी-कभी हम लोगों के सामने इस तरह का वक्त आ सकता है कि दो सेशन के बीच में या सेशन के तुरन्त बाद जाने और आने की जरूरत पड़े। तो अगर हमारा कोटा बाकी है तो आप हमको इजाजत दीजिये कि हम सेशन के बीच में भी उसका इस्तेमाल कर सकें। लेकिन साल की कैंद आपकी रहे। मैं ममझता हूँ कि यह बहुत ही इन्फॉर्मेट संशोधन है इंगे आपको मान लेना चाहिए। आप ने अभी कहा कि सदस्यों की सुविधा के लिये बहुत सी बातें करते हैं। तो इससे सदस्यों को सुविधा होगी अपना काम करने में। लेकिन उनकी सीमा जो है उससे ज्यादा न दीजिये। यही मेरा कहना है।

In between session I should avail that.

श्री वसंत साठे. अपोजीशन की एक आध अचछी बात मान लेने में कोई हर्ज नहीं है।

It is a good thing if they can accept it.

SHRI K. RAGHU RAMAIAH: Sir, I have already explained in my opening speech the circumstances under which this concession of four air journeys during the session exceeding 75 days and two more journeys were allowed. The whole spirit of it was to enable the Members coming from distant places like the East of India

[Shri K. Raghu Ramaiah]

or the South of India or may be any part of India, who may be held up here for such a long time, to go to their constituency and come back. That is the only reason why this concession is given.

So, it would not be consistent with that thing if this is to be utilised between the sessions also. If you want such a facility, that is a different concession altogether. That is a matter which is not within the scope of this present Bill.

SHRI VASANT SATHE: There is not much of a principle involved. This is just to go to his constituency and to come to Delhi. This is also important. So, why don't you accept his amendment when no principle as such is involved?

SHRI K. RAGHU RAMAIAH: It is quite possible that a Member utilising all the passes in the inter-session period might be inconvenienced if this is allowed during the sessions. (*Interruptions*) So let us take what is given in the Bill, as I said.

MR. DEPUTY-SPEAKER: I shall now put the amendment moved by Shri Ramavatar Shastri to the vote of the House.

Amendment No. 12 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 5 stand part of the Bill".

The motion was adopted.

Clause 5 was added to the Bill.

New Clause 5A

MR. DEPUTY-SPEAKER: There are amendments by Shri D. N. Tiwary seeking to introduce a New Clause. Do you want to move that?

SHRI D. N. TIWARY (Gopalganj): Yes, Sir. I beg to move:

"Page 2,— —

Bill

after line 13, insert—

"5A. In section 6B of the principal Act, for the words "the spouse" the words "any member of the family" shall be substituted." (40)

मेरा संशोधन बहुत सिम्पल है। इस क्लॉज में मेम्बरों को यह राइट दिया गया है कि वे सेशन के दरमियान एक दफ़ा अपने स्पाउज को ले भायें और ले जायें। लेकिन जिन सदस्यों के स्पाउज नहीं हैं, जैसे श्री इन्द्रजीत गुप्त, वे इस सुविधा से बेहकूम रहते हैं। इस सदन में पच्चीस तीस मेम्बर ऐसे हैं, जिनके स्पाउज नहीं हैं, और इस लिए वे इस फ़सिलिटी से लाभ नहीं उठा सकते हैं। यह डिस्क्रीमिनेशन होगा। इस लिए उनको यह राइट देना चाहिए कि वे अपने किसी फ़मिली मेम्बर को ला सकें और ले जा सकें। इसमें गवर्नमेंट का कोई प्रतिरिक्त खर्च नहीं होता है। मेरे संशोधन का लक्ष्य यह है कि तमाम मेम्बरों को यह फ़सिलिटी दी जाये और किसी को उससे वंचित न किया जाये।

SHRI K. RAGHU RAMAIAH: This is a suggestion which the hon. Member has made. It is not now a part of the Bill. It is a suggestion which you are making.

SHRI D. N. TIWARY: Kindly accept this amendment when it is in order.

SHRI K. RAGHU RAMAIAH: Sir, Government has considered many suggestions to the one made by the hon. Member just now. I would request the hon. Member to take what is given.

SHRI N. K. P. SALVE: You sympathise with Member like Shri Gupta who does not have a spouse!

SHRI K. RAGHU RAMAIAH: I do it on other grounds!

MR. DEPUTY-SPEAKER: I shall put his amendment to the vote.

SHRI D. N. TIWARY: If he is not accepting it, I shall withdraw it.

MR. DEPUTY-SPEAKER: Does the hon. Member have the pleasure of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes, Sir.

The amendment was by leave, withdrawn.

Clause 6.—(Insertion of new section 6C.)

MR. DEPUTY-SPEAKER: There are amendments by Shri E. R. Krishnan. He is not here. Shri Dhote, are you moving your amendments?

SHRI JAMBUWANT DHOTE: I beg to move:

"Page 2,—

for lines 16 to 28 substitute—

"6C. Every member of Parliament shall be entitled to travel by road, rail, steamer and air without any restrictions during his term and thereafter also". (36)

MR. DEPUTY-SPEAKER: I shall put his amendment to the vote. Or do you want to speak on this?

श्री जाम्बुवंत धोटे : अध्यक्ष महोदय, संसद् सदस्यों को पेंशन देने का प्राविजन इस विधेयक के द्वारा कर रहे हैं। उसी वक्त जो मेरी प्रपोजिशन है वह यह बताती है कि केवल पेंशन नहीं, बल्कि उनके आने-जाने का इंतजाम भी होना चाहिए। संसद् सदस्यों को जो भी रेल, सड़क या वायुयान मार्ग द्वारा आने-जाने की सुविधाएं प्राप्त दी हैं, जब वे एक्स-मेम्बर हो जाते हैं उस वक्त भी उनको वे सुविधाएं कायम रहनी चाहिए और वह वैसी की वैसी सुविधाएं जो आज मेम्बर आफ पार्लियामेंट को हैं, उनके एक्स-मेम्बर हो जाने पर उनके लिये रहनी चाहिए। यह मेरी प्रपोजिशन है।

SHRI K. RAGHU RAMAIAH: I am not accepting the amendment.

MR. DEPUTY-SPEAKER: I will put the amendment to the vote of the House.

Amendment No. 36 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7.—(Insertion of new section 8A.)

SHRI K. RAGHU RAMAIAH: I beg to move:

Page 2,—

for lines 34 to 42 substitute—

"to every person who has served for a period of five years, whether continuous or not,—

(i) as a member of the Council of States; or

(ii) as a member of the House of the People; or

(iii) partly as a member of the Council of States and partly as a member of the House of the People; or

(iv) as a member of the Provisional Parliament; or

(v) partly as a member of the Provisional Parliament and—"
(1)

Page 2,—

After line 51 insert—

"Explanation.—For the purpose of clauses (iv) and (v) of sub-section (1) "Provisional Parliament" shall include the body which functioned as the Constituent

[Shri K. Raghu Ramalah]

Assembly of the Dominion of India immediately before the commencement of the Constitution." (2)

SHRI BIBHUTI MISHRA (Motihari): I beg to move:

Page 2,—

after line 51 insert—

"(1A) Where a person is entitled to any pension under sub-section (1), he shall also be entitled to such medical facilities for himself/herself and his/her spouse and dependent children as may be prescribed by rules.

(1B) Where a person is entitled to any pension under sub-section (1), he shall also be entitled to one free first class and one free second class railway pass which shall entitle him to travel at any time by any railway in India" (10)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 3,—

after line 16, insert—

"(iv) has an annual income from other sources of rupees five thousand and above." (17)

Page 3, line 20,—

Add at the end—

"or as long as his annual income remains rupees five thousand and above" (18)

SHRI M. C. DAGA: I beg to move:

Page 3,—

After line 41, insert—

"8B. In case the person mentioned in sub-section (1) of section 8A dies after serving as a member for a period of one term or more and if he is survived by his wife, who has no means of livelihood, she shall get the pension till she survives." (19)

Bill

SHRI SHIVAJI RAO S. DESHMUKH (Parabhani): I beg to move:

Page 2,—

after line 51, insert—

"Provided further that in the case of a person who served Fourth Lok Sabha as a member since first sitting till the dissolution thereof it shall be deemed that such a person has served for full period of five years." (22)

SHRI DINESH CHANDRA GO-SWAMI: (Gauhati): I beg to move:

Page 3, line 6,—

after "becomes" insert—

"a member of Council of Ministers in the Centre or in any State or Union territory or" (31)

SHRI S. M. BANERJEE: I beg to move:

Page 3,—

after line 16, insert—

"(iv) is already in receipt of income from other sources amounting to Rs 5000/- or more per annum." (32)

Page, 3, line 2.—

add at the end—

"or continues to receive an income of Rs. 5000/- or more per annum from other sources" (33)

SHRI JAMBUWANT DHOTE: I beg to move:

Pages 2 and 3,—

for lines 31 to 51 and 1 to 41 respectively substitute—

"8A (1) Every ex-member of Parliament shall receive for life an honorarium of Rs. 550 (five hundred and fifty rupees) irrespective of his term and in addition, he shall be entitled to the facility of unrestricted travel.

(2) the facilities mentioned in sub-section (1) shall be provided to such members of Parliament only, who while taking the oath make a declaration and take an oath that the honorarium shall henceforth be his only means of livelihood and that he shall forego all other financial resources;

Provided that the members of Parliament who do not take such an oath and make such a declaration shall not be entitled to this honorarium and their membership shall be terminated." (37)

SHRI K. RAGHU RAMAIAH: I beg to move:

Page 3,—

after line 41, insert, namely:—

"(4) In computing the number of years, for the purposes of sub-section (1), the period during which a person has served as a Minister as defined in the Salaries and Allowances of Ministers Act, 1952 (58 of 1952), or an Officer of Parliament as defined in the Salaries and Allowances of Officers of Parliament Act, 1953 (20 of 1953), (other than the Chairman of the Council of States), or both, by virtue of his membership in the House of the People or in the Council of States shall also be taken into account". (43)

SHRI S. M. BANERJEE: Mr. Deputy Speaker, Sir, my hon. friend, Shri Indrajit Gupta while speaking on this Bill mentioned about these amendments moved by us and explained as to why we want to restrict the pension to these who are getting less than Rs. 5,000. The amendment reads:

"Page 3,—

after line 16, insert—

"(iv) is already in receipt of income from other sources amount-

ing to Rs. 5,000 or more per annum."

The second is:

"Page 3, line 30—add at the end—
'or continues to receive an income of Rs. 5,000 or more per annum from other sources'"

Shri Raghu Ramaiah has made a wrong comparison, or he never wanted to make a comparison, between freedom fighters and ex-HPs. It is an admitted fact that most of the members of this House are freedom fighters.

AN HON. MEMBER: Not most.

SHRI S. M. BANERJEE: Many. Those who are not freedom fighters here are here only because of the sacrifices of the freedom fighters. We have conveniently forgotten that they were given only Rs. 200, and Rs. 100 by the State Governments which I think has now been raised to Rs. 200. I and my party cannot justify the proposition that MPs who have served for only one term should be given Rs. 300 or Rs. 350 whereas freedom fighters who have practically spent the major portion of their lives in jail should be given only Rs. 200.

MR. DEPUTY-SPEAKER: The Minister has replied to that. You are repeating.

SHRI S. M. BANERJEE: Freedom fighters are not allowed pension if they have an income of more than Rs. 5000 per annum.

There is another point I would like to bring to the notice of the House. When we pleaded that the DA of the government employees should be merged with pay for the purpose of pension, we were told that the time is not opportune. We were told by the Finance Secretary, Shri H. N. Ray and other all powerful Secretaries in the meeting of the JCM when we wanted a merger of DA at 272 points as per the recommendation of the Pay Commission, that the time is not ripe for this and we should use

[Shri S. M. Banerjee]

some other opportunity to raise such issues. When this point was raised, we knew that this merger was for pension only and this could not help the government employees immediately; this would be of help to them only when they retired after 55 or 58. But that was not considered.

I still request the hon. Minister to kindly realise the awkward situation which we are likely to face if this Bill is passed and pension is given:

SHRI VASANT SATHE: Once this Bill is passed, your case will be strengthened.

SHRI S. M. BANERJEE: I do not know if it will be passed. I do not know what will happen. A cardiac patient like me may not survive to get the pension.

This is a harmless amendment that those people who have an income of more than Rs. 5000, who are above the income-tax exemption level should not get pension at all. The hon. Minister must have thought over this. I would like to know whether the second reply will be favourable; he must have thought over it.

MR. DEPUTY-SPEAKER: You have made the point. Why repeat it?

SHRI S. M. BANERJEE: I am trying to convince him, not you.

MR. DEPUTY-SPEAKER: You have made your point very effectively.

SHRI S. M. BANERJEE: But are you convinced? If you are, kindly try to convince him so that he may give a convincing reply.

MR. DEPUTY-SPEAKER: To avoid confusion, I will go serially and ascertain from the members who have moved their amendments.

श्री विक्रम मिश्र : (बीकानेर) :

उपाध्यक्ष महोदय, सबसे पहले तो मैंने मंत्री जी को इस बिल के बहाल होने पर धन्यवाद देता हूँ। इस बिल के बहाल होने से उनका नाम हमेशा इतिहास में रहेगा, क्योंकि उन्होंने वास्तव में एक बड़ा प्रशासकीय काम किया है। जब तक पार्लियामेंटरी सिस्टम देश में कायम रहेगा, तब तक लोग उनको हमेशा याद करेंगे। प्रधान मंत्री जी को तो इसका श्रेय है ही, लेकिन मंत्री जी को भी इसका श्रेय है क्योंकि उन्होंने इस बिल को बनाया है। लेकिन मुझे ऐसा लगता है कि मंत्री जी ने हम लोगों की कुछ कठिनाइयों की तरफ ध्यान नहीं दिया है।

मेरा अमेंडमेंट यही है कि जैसे सी० जी० एच० एम० की सुविधा देश के हर भाग में नहीं है, जहाँ तक मेरी जानकारी है, यह कलकत्ता, मद्रास, दिल्ली, बम्बई, कानपुर में है, शायद एक-दो जगह और हो, लेकिन हम लोग जो बिहार से आते हैं, जिनकी संख्या यहाँ पर सकेण्ड लाजस्ट है, बिहार में ऐसी सुविधा नहीं है। यहाँ तक कि पटना में भी यह सुविधा नहीं है। अब यदि बिहार का कोई एक्स० एम० पी० बीमार पड़े तो उसे कानपुर या दिल्ली जाना पड़ेगा, जहाँ रहने की जगह नहीं है

श्री रामाबतार शाल्मी : पटना में ही गई है, सी० जी० एच० एम० का अस्पताल खुल रहा है।

श्री विभूति मिश्र : जो लिस्ट हम लोगों को सप्लाई की गई है, उसमें पटना का नाम नहीं है। पिछले साल मैं बीमार पड़ा था — वहाँ खून या दूसरे पैथोलॉजिकल जांच की कोई व्यवस्था नहीं थी, अगर किसी प्राइवेट से जांच कराई जाये तो 75—80 रुपया लगता है। इसलिये मेरा यही कहना है कि उनके लिये मैडिकल फैसिलिटीज होनी चाहिये। इसी से रेलवे-पाम का मामला भी जुड़ा हुआ है। जहाँ मैडिकल फैसिलिटीज

नहीं है, अगर उनको दूसरी जगह जा कर इजाजत कराना पड़े, तो उनको रोक पास भी दिया जाय। मैं चाहता हूँ कि मंत्रों जी इस पर विचार करें और जो उचित समझें करें। अगर वह कहें कि इसको विद्वड़ा करना है तो मैं विद्वड़ा कर लूँगा, लेकिन यह बहुत उचित संशोधन है, इस पर उनको अवश्य गौर करना चाहिये।

श्री रामाबतार शास्त्री : उपाध्यक्ष महोदय, मेरा पहला संशोधन तो पांच हजार रुपये को सीमाबन्दी करने वाला है। जिनकी आयदनी 5 हजार रुपये से ज्यादा हो, उनको पेन्शन ना दी जाय। ऐसा क्यों? अभी यहाँ पर स्वतन्त्रता सेनानियों का जिक्र किया गया, मुझ भी स्वतन्त्रता सेनानी होने का सौभाग्य प्राप्त है और किस मुश्किल से सरकार न उनको पेन्शन दी है—यह सदन इस बात को जानता है. . . .

श्री झारखण्डे राय : (घोसी) 25 साल के बाद।

श्री रामाबतार शास्त्री : इस सदन में तीन-चार सदस्य लगातार लड़ते रहे कि स्वतन्त्रता सेनानियों को पेन्शन मिलनी चाहिये—अब जाकर सरकार ने इस बात को माना और इस समय 1 लाख 12 हजार के लगभग स्वतन्त्रता सेनानियों को पेन्शन मिल रही है। लेकिन क्या मिल रही है? कुल 200 रुपये। कुछ एक्सपेंसन्स जरूर है—बहुत से लोग हैं जिनको 300 रुपये, 400 रुपये या 500 रुपये माहवार मिल रहे हैं। आज दिक्कत यह है कि जो लोग स्वतन्त्रता सेनानी नहीं हैं, वे स्वतन्त्रता सेनानियों के दर्द को नहीं जानते। दोनों सदनों के 750 सदस्यों में से लगभग 150 सदस्य स्वतन्त्रता सेनानी हैं, जिनकी कुरबानियों की वजह से आज हम और आप यहाँ पर बैठे हुये हैं। इन लोगों को 25 वर्षों के बाद आप 200 रुपये देना स्वीकार किया है, लेकिन जब हम लोग रिटायर करेंगे

तो हमको 300 रुपये से 500 रुपये माहवार पेन्शन मिलेगी—क्या यह अच्छा लगता है ?

श्री बसन्त साठे : इससे आपकी गलती यह है कि आप मेम्बर पार्लियामेंट की तुलना उनसे कर रहे हैं। मेम्बर पार्लियामेंट को जो मिल रहा है वह उनके वेतन के अनुपात से मिल रहा है, जब कि उनको पहले से कोई वेतन नहीं मिलता था, उनकी मदद पहुँचाने के लिये आपने उनके लिये 200 रुपये पेन्शन शुरू किया है।

श्री रामाबतार शास्त्री : मैं तुलना कर रहा हूँ, आप मत कीजियेगा। मैं अपने विचार रख रहा हूँ।

MR. DEPUTY-SPEAKER: This point about freedom fighters has been made and the minister has replied to it. The same point should not be repeated.

श्री रामाबतार शास्त्री : मेरा अमेंडमेंट तो वही है। अब तक मैंने खत्म कर दिया होता। इस लिये मैं कह रहा हूँ कि स्वतन्त्रता सेनानियों के मन पर इसका अच्छा असर नहीं पड़ेगा।

MR. DEPUTY-SPEAKER: You are speaking on the amendment and making a full-fledged speech repeating the same points which have been replied to.

श्री रामाबतार शास्त्री : आप टाइम बांध दें लेकिन मेरा बोलने का राइट तो है।

MR. DEPUTY-SPEAKER: The same point cannot be repeated.

श्री रामाबतार शास्त्री : मैं खत्म कर रहा हूँ। स्वतन्त्रता सेनानियों का सवाल बार बार यहाँ आया है, उनकी पेन्शन बढ़ाने

[श्री रामावतार शास्त्री]

का सवाल थाया है। आपने उसका विरोध किया है। आपने कहा कि हमारे देश की आर्थिक स्थिति अच्छी नहीं है। यही मैं अब भी कह रहा हूँ कि आप ऐसे लोगों को पेंशन न दें जो बड़े बड़े घरों से आते हैं, जो बिजनेस्मैन हैं राजा महाराजा हैं, जो रानियाँ हैं और जिनकी करोड़ों की सम्पत्ति है। ऐसे लोगों को आप पेंशन क्यों दे रहे हैं ? इसको न दें और स्वतन्त्रता सेनानियों की पेंशन को राशि को आप बढ़ायें ।

श्री मूल खन्ड डागा : (पाली) : मैंने जो अमेंडमेंट दिया है उसको मंत्री महोदय एक बार फिर मेहरबानी करके पढ़ लें। मैंने कहा है :

In case the person mentioned in sub-section (1) of section 8A dies after serving as a member for a period of one term or more and if he is survived by his wife who has no means of livelihood, she shall get the pension till she survives.

भारत में एक बार जो संसद् सदस्य बन जाता है उसका पूरा समय देश सेवा में चला जाता है। वह अपने घर की तरफ देख नहीं सकता है। उसके घर की हालत बिगड़ जाती है

श्री एस० एम० बनर्जी : अपने घर की तरफ नहीं देख सकता है तो क्या दूसरे घर की तरफ देखें ?

श्री मूल खन्ड डागा : उसके घर की हालत बिगड़ जाती है : अपनी धर्म पत्नी के कारण ही कोई यहाँ आ सकता है और यहाँ आ कर बैठ सकता है। एक बार आदमी जब देश का बन जाता है तो वह अपने घर की हालत को सुधार नहीं सकता है। संसद् सदस्य जिसने अपनी सारी जिन्दगी देश सेवा में व्यतीत की होती है वह जब संसार से उठ जाता है देश सेवा करते करते और उसकी

बीबी की हालत जो बहुत खराब हो जाती है उसकी तरफ भी ध्यान दिया जाना चाहिये . .

श्री बलरत्न साठे : जिसका बो औरतें हो ?

श्री मूल खन्ड डागा : उनको आधा आधा पैसा दे दिया जाये ।

SHRI SHIVAJI RAO S. DESHMUKH (Parbhaj): While welcoming this measure, I am hoping against hope that it cannot be the intention of the government to deny this benefit to those members who have been elected for the full term by their electorate but who could not complete the prescribed five year term for no fault of theirs, because of the premature dissolution of the House. Under the circumstances, I beg to differ from the Minister of Parliamentary Affairs. I am not speaking of the feature. The Prime Minister of a future House may be in a position to dissolve the House within a few months of its election. But my amendment specifically relates to the members of the Fourth Lok Sabha, who were elected for a full term of five years, but who were denied of this privilege of serving as the members of this House for the full term for which they had been elected, because of the act of dissolution. Therefore, I hope the Minister will accept my amendment, which specifically refers to this.

15 hrs.

While on this point, let me make this point explicitly clear. The expression "one term" will not fulfil the purpose of the present Bill, because it would mean also a term which has been terminated earlier by dissolution. Even the expression "four years" may not fulfil the objective of the Bill, because a member who has been elected on a bye-election may still have to serve some more time to become eligible for pension. Since my amendment specifically refers to the membership of the Fourth Lok Sabha, it may be accepted.

SHRI DINESH CHANDRA GOSWAMI (Gaūhati): Mr. Deputy-Speaker, my amendment deals with a defect in the drafting of the Bill which the Minister has brought forward. Under the provisions of the Salaries and Allowances of Members of Parliament Act, a Minister is not a Member.

MR DEPUTY-SPEAKER: He has brought forward an amendment.

SHRI DINESH CHANDRA GOSWAMI: He has clarified it in his amendment by saying that if a Member is a Minister for five years and then he retires, he will be entitled to pension, I am not quarrelling on that, I am quarrelling on a different proposition. If a member is entitled to pension, if he subsequently becomes a member of this House, he is entitled only to the pension, not to salary and pension. Suppose I retire today; I am entitled to pension. If I am re-elected, I will be entitled only to the difference between the pension and the salary. But if that person becomes a Minister, under the provisions of this Bill, he will be entitled to the salary of a Minister as well as pension. Because, under sub-clause (2) of clause 8A, where any person entitled to pension under sub-section (1) is elected to the office of the President or Vice-President or is appointed to the office of the Governor of any State or the Administrator of any Union Territory, he is not entitled to the pension. Similarly, if he becomes a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union territory or any Legislative Council of a State or the Metropolitan Council of a Delhi, he is not entitled to pension. If he is employed on a salary under the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, he will not be entitled to any pension, because he gets a remuneration. But the Minister gets a salary, and not a remuneration. Therefore, the four categories which have been exempted

do not include a Minister. More particularly, there may be a person who has become a Minister who is not a Member of either House, because he can do so for six months. In that case, will he be entitled to both salary as a Minister as well as the pension? I am raising this point because the Minister gets his salary and not remuneration. Therefore, a Minister will be able to claim both the salary and pension. How are you going to protect it?

श्री श्रीधरन्त घोटे : (नागपुर) : उपाध्यक्ष महोदय, मेरे संशोधन में कहा गया है :

“8क (1) प्रत्येक भूतपूर्व संसद् सदस्य का जीवन 550/- रुपये (पाँच सौ पचास रुपये) का मानार्थ प्राप्त करेगा चाहे उस का कार्यकाल कितना भी क्यों न रहा हो और इसके अतिरिक्त उसे निबन्ध द्वारा की सुविधा प्राप्त होगी।”

मेरा निवेदन यह है कि जिन लोगों ने अपना पूरा जीवन राजनीति और समाज-कार्य के लिए दिया है, उनके लिए पाँच वर्षों के लिए 300 रुपये, और उसके बाद अगले वर्षों के लिए पचास-पचास रुपये, के हिसाब से पेन्शन कम है। इस लिए प्रत्येक संसद् सदस्य को, जिसका पूरा कार्य सत्रा का ही है—550 रुपये मानार्थ—में “मानार्थ” कहा नहीं है, “पेन्शन” नहीं—हर महीने मिलना चाहिए। इसके अतिरिक्त संसद् सदस्य को मकर की जो सुविधाएँ दी जाती हैं, वे सब सुविधाएँ भूतपूर्व संसद् सदस्य के लिए भी उन्हीं की त्यों जारी रहनी चाहिए।

मेरे संशोधन का दूसरा भाग इस प्रकार है :

“(2) उपधारा (1) में उल्लिखित सुविधाएँ उन संसद् सदस्यों को ही दी जायेंगी जो शपथ देने के साथ यह शपथ भी लेते हैं और घोषणा करते हैं

[श्री वावुबल्ल बोटे]

कि इससे पक्कात मानार्थ ही उनकी आजीविका का एकमात्र साधन होगा और वह सभी अन्य वित्तीय स्रोतों से वंचित होंगे।

परन्तु ऐसे संसद् सदस्य, जो ऐसी शपथ नहीं लेते हैं और ऐसी घोषणा नहीं करते हैं, यह मानार्थ प्राप्त नहीं करेंगे या उनकी संस्यता समाप्त हो जायेगी।"

आज भी इस हाउस में कई ऐसे लोग हैं— वे विगत काल में भी थे—, जो इनकम टैक्स देते हैं, जो राजा-महाराजा, बड़े-बड़े जमींदार और उद्योगपति हैं। ऐसे लोगों को ये सुविधायें नहीं देनी चाहिए। अगर उन्हें ये सुविधायें देनी ही हैं, तो यह व्यवस्था करना चाहिए कि हर एक सदस्य शपथ लेते समय यह घोषणा करे कि मैं भ्रान्त सारा कारोबार, उद्योग, लैंडिङ प्रापर्टी को छोड़ देता हूँ। श्री रघुरामैया ने कहा है कि जब कोई संसद्-सदस्य बन कर आता है, तो उनको कारोबार का नुकसान होता है, उसकी वकालत और उसकी मेडिकल प्रैक्टिस बूझ जाती है, आदि। अगर यह बात सही है, तो जब कोई संसद्-सदस्य शपथ करता है, तो साथ ही उसको यह घोषणा करने के लिए बाध्य करना चाहिए कि इनको बाद वह सारा कारोबार आदि छोड़ देगा, और केवल मानार्थ में ही अपनी जीविका चलायेगा।

हून यह। पर सत्ताजवादी अर्थ-व्यवस्था स्थापित करने की बातें करते हैं। इस स्थिति में अगर बल-सत्ता दृष्टिकोण अपनाते थे, वजाये बलास आउटलुक अपना कर इस विधेयक के जरिये कोई प्राविजन किया जाता है, तो फिर इस सरकार को यह कहने का कोई अधिकार नहीं है कि वह एक सत्ताजवादी सरकार है।

SHRI K. RAGHU RAMAIAH: I have checked up the point raised by

Shri Goswami. His apprehension is that a Minister will draw both pension and salary. I would like to draw attention to the language at page 3, lines 1 to 15, of the Bill. It reads as follows:

"(2) Where any person entitled to pension under sub-section (1),—

(iii) is employed on a salary under the Central Government or any State Government... or becomes otherwise entitled to any remuneration from such Government...."

"Such Government" means Central or State Government. The Minister's salary is remuneration from the Government. Therefore, it is covered by that.

SHRI N. K. P. SALVE: Does the Minister receive remuneration?

SHRI K. RAGHU RAMAIAH: Salary and remuneration are all the same. Remuneration includes salary and salary includes remuneration. If there is any doubt, if there is any legal necessity to further clarify it, we shall examine it. I assure you that we will not allow the Minister to draw both salary and pension.

As regards the other point raised by Mr. Goswami that a Minister can be a Minister without becoming a Member, if he sees my amendment, we have said, "Whoever becomes a Minister by virtue of the membership of the House of the People". So, that is covered.

Regarding the point raised by Mr. Bibhuti Mishra, there is already a circular issued by the Ministry of Health. It reads:

"The undersigned is directed to say that medical facilities under the C.G.H.S. Scheme which are at present available to the Central Government servants residing in Delhi, New Delhi, Bombay, Allahabad, Meerut, Kanpur, Nagpur, Calcutta,

Madras, Bangalore and Hyderabad, in the areas covered by the C.G.F.S. Scheme, the Government have decided to extend the same facilities also to ex-Members of Parliament residing in any of the cities mentioned above."

Mr. Bibhutji Mishra has raised a much wider point that the medical facilities should be given in other places also wherever there are same facilities available. That can be done by an executive order. I shall convey the remark made by Mr. Bibhutji Mishra to the Health Minister.

Regarding the comparison made with the pension of freedom fighters, I think, I have sufficiently clarified it. As regards the point as to why there should not be a limit of Rs. 5000 income, I have already explained it.

The other concept raised by the hon. Member, Mr. Daga, is: Why not pay the pension to the widows of the ex-MPs also? This is a new concept: this is a family pension. Without casting any reflection on the Members of the Joint Committee on Salaries and Allowances of Members of Parliament, I would say, they have not made any such recommendation. In fact, I would like to pay a compliment here and now to Pandit D. N. Tiwary and his successor, Mr. R. S. Pandey, and other Members of the Joint Committee for the valuable contribution they have made and the efforts they have taken in drawing the attention of the Government to this pension scheme. I must admit that the Joint Committee on Salaries and Allowances of Members of Parliament has not made any recommendation about the family pension. This is a new concept. Therefore, there was no occasion for the Government to examine that. I think, I have covered all the points.

As regards the point raised by Mr. Shivaji Rao S. Deshmukh about the Fourth Lok Sabha Members, that we should look backward and not forward, I say, Parliament has to look both backward and forward.

MR. DEPUTY-SPEAKER: Now, I take these amendments serially. There are quite a number of them.

First, I would take amendment Nos. I, 2 and 43 moved by Shri K. Raghu Ramaiah. I put them to vote. The question is:

Page 2,—

for lines 34 to 42 substitute—

"to every person who has served for a period of five years, whether continuous or not,—

(i) as a member of the Council of States; or

(ii) as a member of the House of the People; or

(iii) partly as a member of the Council of States and partly as a Member of the House of the People; or

(iv) as a member of the Provisional Parliament; or

(v) partly as a member of the Provisional Parliament and—"

(1)

Page 2,—

after line 51, insert—

"Explanation—For the purposes of clauses (iv) and (v) of subsection (1) "Provisional Parliament" shall include the body which functioned as the Constituent Assembly of the Dominion of India immediately before the commencement of the Constitution." (2)

Page 3,—

after line 41, insert, namely:—

"(4) In computing the number of years, for the purposes of subsection (1), the period during which a person has served as a Minister as defined in the Salaries and Allowances of Ministers Act, 1952 (58 of 1952), or an Officer of Parliament as defined in the Salaries and Allowances of Officers of Parliament Act,

[Mr. Deputy-Speaker]

1953 (20 of 1953), (other than the Chairman of the Council of States), or both, by virtue of his membership in the House of the People or in the Council of States shall also be taken into account." (43)

The motion was adopted.

MR. DEPUTY-SPEAKER: Now, I take amendment No. 10 moved by Shri Bibhuti Mishra.

SHRI BIBHUTI MISHRA: I want to withdraw my amendment.

MR. DEPUTY-SPEAKER: Does he have the pleasure of the House to withdraw his amendment?

SOME HON. MEMBERS: Yes.

Amendment No. 10 was, by leave, withdrawn

MR. DEPUTY-SPEAKER: There are amendment Nos 17 and 18 moved by Shri Ramavtar Shastri. I put them to the vote of the House

Amendments Nos. 17 and 18 were put and negatived.

MR. DEPUTY-SPEAKER. Mr. Daga

SHRI M C. DAGA: I want to withdraw my amendment

Amendment No. 19 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Mr. Deshmukh

SHRI SHIVAJI RAO S. DESHMUKH: I want to withdraw my amendment.

Amendment No. 22 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Mr. D. C. Goswami,

SHRI DINESH CHANDRA GOSWAMI: In view of the Minister's reply, I want to withdraw my amendment.

Amendment No. 31 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Amendments Nos. 32 and 33, moved by Shri Indrajit Gupta...

SHRI INDRAJIT GUPTA: I press them.

MR. DEPUTY-SPEAKER: I now put Amendment No. 32 to the vote of the House. The question is:

"Page 3,—

after line 16, insert—

"(iv) is already in receipt of income from other sources amounting to Rs. 5,000/- or more per annum," (32)

The Lok Sabha divided:

Division No. 6]

AYES

[15.22 hrs.

Banerjee, Shri S. M.
Bhaura, Shri B. S.
Chandrappan, Shri C. K.
Gupta, Shri Indrajit
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Krishnan, Shrimati Parvathi
'Madhukar', Shri K. M.
Manjhi, Shri Bhola
Mayathevar, Shri K.
Muruganantham, Shri S. A.
Pandey, Shri Sarjoo
Reddy, Shri Y. Eswara
Saksena, Prof. S. L.
Sambhall, Shri Ishaque
Sen, Dr. Ranen
Shastri, Shri Ramavtar

NOES

Aga, Shri Syed Ahmed
 Ahirwar, Shri Nathu Ram
 Ambesh, Shri
 Arvind Netam, Shri
 Austin, Dr. Henry
 Azad, Shri Bhagwat Jha
 Aziz Imam, Shri
 Babunath Singh, Shri
 Banera, Shri Hamendra Singh
 Barman, Shri R. N.
 Barua, Shri Bedabrata
 Basappa, Shri K.
 Basumatari, Shri D.
 Bhattacharyya, Shri Chapalendu
 Ebeeshmadev, Shri M.
 Bisht, Shri Narendra Singh
 Brahmanandji, Shri Swami
 Chakleshwar Singh, Shri
 Chaturvedi, Shri Rohan Lal
 Chaudhari, Shri Amarsinh
 Chaudhary, Shri Nitiraj Singh
 Chhotey Lal, Shri
 Daga, Shri M. C.
 Darbara Singh, Shri
 Das, Shri Anand Charan
 Das, Shri Dharnidhar
 Dasappa, Shri Tulsidas
 Deo, Shri S. N. Singh
 Desai, Shri D. D.
 Deshmukh, Shri K. G.
 Deshmukh, Shri Shivaji Rao S.
 Dhamankar, Shri
 Dharamraj Singh, Shri
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dube, Shri J. P.
 Dumada, Shri L. K.
 Dwivedi, Shri Nageshwar
 Ganga Devi, Shrimati
 Gangadeb, Shri P.

Gavit, Shri T. H.
 Giri, Shri S. B.
 Godfrey, Shrimati M.
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Gowda, Shri Pampan
 Hansda, Shri Subodh
 Hanumanthaiya, Shri K.
 Hari Singh, Shri
 Jadeja, Shri D. P.
 Jamilurrahman, Shri Md.
 Jeyalakshmi, Shrimati V.
 Joshi, Shri Popatlal M.
 Kadam, Shri J. G.
 Kader, Shri S. A.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kamble, Shri T. D.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kolokj, Shri Liladhar
 Krishnan, Shri G. Y.
 Kureel, Shri B. N.
 Lakkappa, Shri K.
 Lasker, Shri Nihar
 Lutial Haque, Shri
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Majhi, Shri Gajadhar
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manbar, Shri Bhagatram
 Maurya, Shri B. P.
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Modi, Shri Shrikrishan
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri

Mohapatra, Shri Shyam Sunder	Reddy, Shri M. Rama Gopal
Mohsin, Shri F. H.	Reddy, Shri P. Narasimha
Muhammed Sherif, Shri	Reddy, Shri P. V.
Murmu, Shri Yogesh Chandra	Reddy, Shri Sidram
Nayak, Shri Bakal	Richhariya, Dr. Govind Das
Negi, Shri Pratap Singh	Roy, Shri Bishwanath
Nimbalkar, Shri	Saini, Shri Mulki Raj
Oraon, Shri Tuna	Salve, Shri N. K. P.
Painuli, Shri Paripoornanand	Sangliana, Shri
Palodkar, Shri Manikrao	Sankata Prasad, Dr.
Pandey, Shri Krishna Chandra	Sathe, Shri Vasant
Pandey, Shri Narasigh Narain	Satpathy, Shri Devenhra
Pandey, Shri R. S.	Savitri Shyam, Shrimati
Pandit, Shri S. T.	Sethi, Shri Arjun
Panigrahi, Shri Chintamani	Stailani, Shri Chandra
Paokai Haokip, Shri	Shenkar Dev, Shri
Patel, Shri Arvind M.	Shankaranand, Shri B.
Patel, Shri Natwarlal	Sharma, Shri A. P.
Patil, Shri Anantrao	Sharma, Shri R. N.
Patil, Shri S. B.	Shastri, Shri Raja Ram
Patil, Shri T. A.	Shastri, Shri Sheopujan
Peje, Shri S. L.	Shetty, Shri K. K.
Pradhan, Shri Dhan Shah	Shivappa, Shri N.
Pradhani, Shri K.	Shivnath Singh, Shri
Purty, Shri M. S.	Shukla, Shri B. R.
Raghu Ramaiah, Shri K.	Siddayya, Shri S. M.
Rai, Shri S. K.	Sinha, Shri Nawal Kishore
Rai, Shrimati Sahodrabai	Sohan Lal, Shri T.
Raj Bahadur, Shri	Sokni, Sardar Swaran Singh
Raju, Shri P. V. G.	Surendra Pal Singh, Shri
Ram, Shri Tulmohan	Swaminathan, Shri R. V.
Ram Dayal, Shri	Swamy, Shri Sidrameshwar
Ram Surat Prasad, Shri	Tarodekar, Shri V. B.
Ramji Ram, Shri	Tiwari, Shri Chandra Bhal M.
Ramhekhkar Prasad Singh, Shri	Tiwary, Shri D. N.
Rao, Shrimati B. Radhabai A.	Tormbi Singh, Shri N.
Rao, Shri Jagannath	Tula Ram, Shri
Rao, Shri Nageswara	Tulsnam, Shri V.
Rao, Shri P. Ankineedu Prasada	Uikey, Shri M. G.
Rao, Shri Rajagopala	Unnikrishnan, Shri K. P.
Rathia, Shri Umed Singh	Verma, Shri Sukhdeo Prasad
Ravi, Shri Vayalar	Yadav, Shri Karan Singh
Reddy, Shri K. Kodanda Rami	Yadav, Shri N. P.
Reddy, Shri K. Ramakrishna	

MR. DEPUTY-SPEAKER: The result* of the division is: Ayes 17; Noes 171.

The motion was negatived.

MR. DEPUTY-SPEAKER: Now, I will put amendments 33 and 37 to vote.

Amendments Nos. 35 and 37 were put and negatived.

MR. DEPUTY SPEAKER: Now, the question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 was added to the Bill.

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

SHRI K. RAGHU RAMAIAH: Sir, I beg to move:

"That the Bill, as amended be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended be passed."

The motion was adopted.

15.23 hrs

STATUTORY RESOLUTION RE. CONTINUANCE OF PROCLAMATION IN RELATION TO THE STATE OF GUJARAT—Contd.

MR. DEPUTY-SPEAKER: Now, we take up the further consideration of the Statutory Resolution in respect of the State of Gujarat.

Shri Natwarlal Patel to continue his speech... (*Interruptions*)

Hon. Members who want to go out, may please do so quietly. Please go with a whimper and not with a bang.

SHRI NATWARLAL PATEL (Mehsana): Sir, I rise to support the resolution moved by the Home Minister for the extension of President's rule in Gujarat.

Sir, before President's rule was imposed in Gujarat, the Janata Front Ministry was ruling. Yesterday I had given some reference to what the Janata Front Ministry did. I do not know why my friend, Shri Mavalankar feels hurt. According to me, Mr. Mavalankar claims to be an Independent Member of this House. I pity for him. I know very well that he was elected to this House with the support of the Opposition Parties of the Gujarat State. That is why he feels his obligation by showing some sympathy here like this.

SHRI P. G. MAVALANKAR (Ahmedabad): On a point of order, Sir.

SHRI NATWARLAL PATEL: I am not yielding.

MR. DEPUTY-SPEAKER: He is on a point of order.

SHRI P. G. MAVALANKAR: My point of order is this. I am going to speak later on, with your permission, in this debate. Therefore, I do not want to reply to any hon. Member about any points. My point of order is this: can any hon. Member of the House refer to any other hon. Member's election, irrespective of facts? Has he got the liberty to speak irrespective of facts? Because he is bringing in individual considerations, my point of order is .

*Shri Appalanaidu also recorded his vote for NOES.