

wants I will put his amendment to the vote of the House.

Pandit Thakur Das Bhargava: It is not the hon. Law Minister's view alone that should be considered. The sense of the House must be taken.

Mr. Speaker: I will put his amendment to the vote of the House. The hon. Minister may make a motion giving the names at 12.45 and I will treat Pandit Thakur Das Bhargava's amendment as an amendment to that motion. Let the House accept it or not accept it. Of course, all ancillary and consequential amendments which arise out of the amending Bill, those that are intimately connected and flow out of it, will certainly be looked into by the Select Committee. All those things will be considered, but absolutely new things which are not contemplated in the Bill alone would not be considered. It seems reasonable that the Chief Election Commissioner who is in charge of it and who has had experience on similar matters all over should sit in conference with the representatives of the various parties from time to time and gather all the suggestions for consideration. I will treat Pandit Thakur Das Bhargava's amendment as an amendment to the motion to be made by the hon. Minister.

Pandit Thakur Das Bhargava: At least one thing may be accepted. The two Private Members' Bills which are already introduced on the same subject should at least be tagged on with this Bill.

Shri A. K. Sen: The suggestions contained in one of the Private Members' Bills have already been incorporated in the present amending Bill.

Mr. Speaker: Private Members will also introduce Bills; otherwise, there would not be work for private Members at all. I will adjourn this now and take up the next item.

12-10 hrs.

SALARIES AND ALLOWANCES OF MEMBERS OF PARLIAMENT (AMENDMENT) BILL

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):

I beg to move:

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

This is a very simple small amending Bill. It seeks to remove certain difficulties which have been experienced in the operation of this Act and to clarify certain matters relating to that Act. It also provides for the issue of a free non-transferable first class rail pass to Ministers and Officers of Parliament, other than the Chairman of the Rajya Sabha, which will entitle them to travel at any time by any railway in India in the same way as hon. Members are entitled.

I will first deal with the nature of the formal amendments.

Clause 2(b) of the Bill seeks to clarify the meaning of the expression "end of the session" occurring in section (2), clause (d), sub-clause (i) of the principal Act. This expression is amended to provide that the period of residence on duty of a Member for purposes of drawing the daily allowance will be reckoned with reference to the date on which a House of Parliament is adjourned *sine die* or for a period exceeding 7 days. This amendment has been considered necessary because the expression "end of the session" in the Act was liable to be construed as prorogation of a House. As Members are entitled to draw daily allowance for three days of residence immediately succeeding the end of a session, it was desirable to specify that this period was to be reckoned with effect from the date of adjournment of a House *sine die* or

[Shri Satya Narayan Sinha]

for a period exceeding seven days and not with effect from the prorogation of a House, because prorogation frequently takes place some days after the effective end of the session. We are following this practice even now and so that there may not be any ambiguity in future we want to clarify this term.

In the same way and with the same intent clause 6 of the Bill amends the expression "termination of one session" occurring in section (7) of the Act to "adjournment of a House".

As the House is aware, the principal Act provides for payment to Members of a standard daily allowance of Rs. 21 per day during any period of residence on duty. But as during the course of such period of residence on duty, for example, in connection with the work of parliamentary committees, a Member may be treated as a guest by the Central or a State Government or a local authority, it was felt that under such circumstances it was not proper for a Member to draw the full daily allowance. There is, however, no provision in the Act for reducing it. The Joint Committee of the two Houses, constituted under the Act, accordingly recommended that the Committee should be empowered to make rules to curtail the daily allowance which should be drawn when a Member is provided free board and lodging, partially or wholly, by a Government or a local authority. Clauses 3 and 7 of the Bill make this provision. In fact, the Joint Committee framed certain rules, but it was thought it will not be legal unless the Act is amended. So legal change is given to that.

Likewise, when Members go on tours abroad on parliamentary duties, it has been held that travelling and daily allowances for such tours should be determined by rules made under the Act governing the salaries and allowances of Members of Parliament.

Hitherto, they have been regulated in each case in consultation with the Ministry of Finance. There has been an audit objection to this procedure on the ground that as there is an Act to govern the salaries and allowances of Members, their travelling and daily allowances during tours abroad should also be regulated under the Act. Hence, clauses 4 and 7 of the Bill provide that such travelling and daily allowances may be prescribed by rules made by the Joint Committee under section (9) of the Act. Clause 4 also provides for the regulation by rules of the amount of travelling allowance payable when a journey is performed by a vessel other than a regular steamer service. There is no provision in the Act for payment of travelling allowance in such cases and difficulties have actually been experienced in determining the allowance admissible in such circumstances. It is proposed, therefore, that the Joint Committee be empowered to make rules to regulate the drawal of travelling allowance in such cases.

Certain other lacuna in the Act were discovered in regard to the payment of rail fares in cash to Members who have had to perform their first journeys to Delhi to take their seat in Parliament before receiving and their return journeys after surrendering their rail passes. Such cases occurred, for example, when some Members elected to Rajya Sabha in 1956 performed their first journeys to attend the session of the House before receiving their passes. Such cases may occur again. Of course, no such case like this has occurred with regard to this House. But it is quite likely that such things might happen here also. In the same way, Members may have to travel back to their usual places of residence from Delhi after surrendering their passes on retirement or dissolution or termination of their membership for whatever reason. It is necessary that provision should be made in such cases for the payment of rail fares in cash. There

is no such provision at all in the Act for the payment of fares in cash. This provision has now been made in the Bill, which also provides that where payment of fares in cash have been made or are due, they should be deemed to have been validly made and validly due. We just want to give retrospective effect.

The Bill further fills a lacuna in the Act in regard to the tenure of office of a Member of the Joint Committee and the manner of filling casual vacancies. In the absence of this provision, the Joint Committee had made a rule fixing the tenure of office of members of the Committee. This rule was held to be *ultra vires* of the Act. Hence a provision has been made in clause 7(a) of the Bill to fix the tenure of office at one year and provide for the manner of filling casual vacancies.

In accordance with normal practice and the recommendation of the Committee on Subordinate Legislation, clause 7(c) provides that all rules made by the Joint Committee shall be laid before Parliament for not less than thirty days and be subject to such modifications as Parliament may make.

The only material amendment of the Act lies in clause 5 of the Bill, which provides that a Minister, as defined in the Salaries and Allowances of Ministers Act, 1952 and an officer of Parliament, as defined in the Salaries and Allowances of Members of Parliament Act, 1953, other than the Chairman of the Rajya Sabha, should be provided with one free non-transferable first class pass which will entitle him to travel at any time on any railway in India. This provision has been made to give to Ministers and to officers of Parliament the same facility as enjoyed by other Members of Parliament. The present position is that while Members are entitled to free travel by rail all over the country, Ministers and Deputy Ministers and officers of Parliament, which

means, the hon. Speaker, Deputy Speaker and the Deputy Chairman are not so entitled. In virtue of their position and responsibilities, it will doubtless be appreciated that they are called upon to travel a great deal for other than purely official or private purposes and it is only proper that their travel should also be facilitated for such purposes. While it is true that Ministers and officers of Parliament are entitled to certain travelling allowances under the respective Acts governing their salaries and allowances.

Mr. Speaker: The hon. Minister by laying emphasis makes it appear that a new provision is being conferred on Deputy Ministers and so on while he is actually only removing the disqualification arising out of certain things.

Shri Satya Narayan Sinha: After all, the Ministers and officers of Parliament are Members first. Then only they have become Ministers.

Mr. Speaker: I think if the Minister says so much, it will carry conviction. Otherwise people may be under the impression that new concessions are being given.

Shri Satya Narayan Sinha: I wanted to make it clear that frequently it becomes difficult to draw a line between what is official duty and what is not. Sometimes it may not be purely private or absolutely official. After all, the Ministers also have got their constituencies. They have got to be in touch with them. In many cases it was found for the Minister.

Shri Bimal Ghose (Barrackpore): The more he is arguing the more it is becoming worse.

Mr. Speaker: All that the Minister says is that the discrimination against Ministers has been removed.

Shri Satya Narayan Sinha: That is all. That is what I am pointing out.

[Shri Satya Narayan Sinha]

Why should there be discrimination against Ministers, Deputy Ministers and officers of Parliament? They are, after all, Members first. So, they must be on par with other Members of Parliament, so far as privileges of Members are concerned.

Shri Braj Raj Singh: A non-Member can also remain as a Minister.

Shri Satya Narayan Sinha: During that period they will not be entitled for those facilities. But those are very rare cases.

Mr. Speaker: Nobody disputes it. But the greater the emphasis, the hon. Members get the impression that it is a new concession.

Shri Satya Narayan Sinha: Because it concerns us, I thought I must make it perfectly clear. I think this has been long overdue. It should have been done when hon. Members were given that facility.

The proposals which I have placed before the House are almost of a very non-controversial nature and so I hope the House will kindly expedite the passing of this amending Bill.

Mr. Speaker: Motion moved:

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

Is there any motion for reference of the Bill to the Select Committee? None.

Shri Khadilkar (Ahmednagar): Mr. Speaker, Sir, this measure, as you just now pointed out, though it appears to remove a certain disadvantage suffered by the Treasury Bench, I consider, is of a general nature.

Mr. Speaker: The Speaker also suffers from the same difficulty.

Shri Khadilkar: I know. Therefore, I very much appreciated your remarks when the matter was placed before the House by the hon. Minister of Parliamentary Affairs.

I do not consider the question that is before us as just a minor amendment to facilitate normal travel by people belonging to the Treasury Benches when they are not on duty. I consider that the time has now come when all the questions regarding giving facilities to the hon. Members of this House with a view to make them function more effectively should be considered. Though they are considered to be honourable in this House, we find in our experience that there is a big gulf between the facilities extended to the bureaucracy, who are supposed to implement the policy laid down by us in this House, and to the hon. Members. The high executives are supposed to be belonging to a superior caste of people. Hon. Members, while considering certain facilities which are absolutely essential for effective functioning in this House, are not taken into consideration. Therefore, what I would like to point out is that if at all we are going to function as a sovereign body entrusted with the task of laying down the law and certain policies concerning the reconstruction of society, the facilities provided for hon. Members must also be such that they will be more useful to the House and to the constituents outside.

We have got to take into consideration one very big factor. In this country, unfortunately, excluding the Congress, no other Party has got a Party organisation having all-India coverage. I am stating the truth. Wherever some Parties, like the Communist Party or the PSP, have some sort of a Party organisation, that Party organisation is not well developed as in the western countries. In the western countries, every constituency Party is so well-organised—it is a sort of a machine—that it helps in

the functioning of a representative in Parliament by supplying information and by keeping him in close touch with the voter and their representatives. These conditions are not there in this country because the political life here is not so well developed. So, an hon. Member of this House, belonging to any Party, has got to rely on himself so far as keeping in touch with his own constituency is concerned. Whether he belongs to the Congress or to any other Opposition group or Party, it is his primary concern to keep in touch with his constituency.

What are the difficulties? We must take into consideration the question of geography as well. This Capital city from where we function is so far off from the other end, i.e., from Kerala or from Madras or from the other Southern States.....

An Hon. Member: Assam.

Shri Khadilkar: Yes, Assam. I do realise that the difficulties of Assam are equally great. When people come for attending the House they are supposed to look into the questions that are raised in the House and apply their mind to it with some study and with some outlook and at the same time are supposed to bring to bear the feelings of their constituents while passing a legislation. These things are almost impossible unless we are kept almost in constant touch with our own constituency.

What is the position today? I come from Maharashtra. If I leave this place to go to my constituency, it takes me two days to reach if I go by railway and by bus and for two days' going and coming and getting in touch with people and moving about is equally difficult. There is not even one good provincial road in the constituency. It is a famine-stricken area. So, in order to move about and get in touch with the people I have got to have some conveyance of my own otherwise I must consider myself, as some hon. Members might be considering, a pensioner

for five years. What does it matter if we are not in touch with our constituencies? We can jolly well function here and move about as hon. Members of this House.

This impression must not be given out. It is wrong. It is not only wrong from the point of view of convenience but from the point of view of growth of democratic life in the country. Sometimes it so happens—we find it in our experience—that when we talk here with the hon. Ministers sitting just in front of us—our language is different—I am not referring to one particular Party—but when we go to our constituencies, this distance between the Government and the people, i.e. representatives of the Government and representatives of the Opposition in Parliament, so widens that the language changes. Even the language of hon. Members belonging to the Congress Party, when they approach their constituents, changes, because they are not in touch—they are not in living touch—with the people and are not in a position to convey the feeling of this House and convince them that this is the right course.

How to overcome this difficulty? That must be taken into consideration and I would appeal to the hon. Minister of Parliamentary Affairs that he should not look at this measure as a small and minor amending measure just to provide a few facilities to the people sitting on the Treasury Benches. He must look to the facility of every hon. Member of this House and see that he functions more effectively, that he is better informed not only about Indian conditions but about world conditions as well, that he subscribes to some foreign journal and that he buys a few books if he has to keep himself abreast of the world. He has no facility regarding a stenographer. If you engage a stenographer for one hour a day or for only four or five hours in a week you have got to pay Rs. 100. Over and above all that, to keep in touch with the people of his constituency, if he is supposed to reply to the correspond-

[Shri Khadilkar]

ence that he receives, another expense comes in I am surprised that when he comes after some time he comes with an amending measure I know he has all sympathies for all these things and he desires, so far as I could gather, that all these amenities should be provided, but he ought to have given, i.e., the Government ought to have given some thought to all these questions Therefore my first submission is that looking to the distance which we have to travel in order to keep in touch with people in our constituencies and the lack of other facilities in the countryside, the first provision that must be made, if at all we could claim honestly to represent the opinion of our constituents, is that some air travel facility must be provided for all the hon Members of this House I am not speaking for myself or for a party or for a section or from an angle Here is a Member from the south from whatever corner Let us not ignore this feeling In the southern section, in the Tripura section, in Assam, which are far off from this place, there is a feeling that the centre of Government activities is far removed from us, what do they know what we feel, who voices our feelings They in their own right take decisions and we are supposed to abide by them In this way, I am afraid that the present gulf between the rulers and the ruled as it exists, is widening and there is a certain amount of distress

Mr. Speaker Is there no provision in the Amending Bill to provide air facilities for persons who come from long distances?

Some Hon. Members. No

Shri Khadilkar: I have taken all the amendments together We have given notice of certain amendments

Shri Satya Narayan Sinha: When we come to that stage, Government will indicate which of the amendments they accept I may tell the hon Mem-

ber, we are glad to accept the amendment of Shri Keshava relating to air travel

Shri S. M. Banerjee (Kanpur): May I submit for your information, Sir, take the case of Shri Dasaratha Deb and Shri Bangshi Thakur, coming from Tripura There is absolutely no route except the air route They have tabled amendments

Shri Khadilkar: As the hon Minister suggested, so far as air travel is concerned, he is prepared to give a little concession that so far as there is the difference, he will have to pay the difference But, the position is this A man who is not in business cannot afford this There are people who are in business, a few only, in this House, who can take advantage of this concession For others, they cannot afford For Bombay, you have got to pay Rs 187 one way fare If you give this facility, I will have to spend from my pocket at least Rs 110 or Rs 107 in order to make one journey That means, during a session of six weeks or seven weeks, if I go once, I will have to pay Rs 200 If I go two times, all the allowances that I am supposed to get are taken away by travelling to my place and coming back You must take these facts into consideration The concession that you propose to make is not going to meet the requirements of the situation

There is a section in the House which thinks and it is, in my opinion, a wrong psychology—that we are demanding more facilities for us, what will the people say That shows some guilty conscience I do not feel that way I feel that if I am to discharge my duty honestly, effectively and conscientiously, I should not feel while going outside to work for the people, or to the House that I should not ask this facility and that I say, these are the conditions, I will function this way; otherwise, you have to have somebody else to represent you. I cannot function in a feeble, ineffec-

trive, anaemic manner That is not the position The people must be definitely told this This psychology has a certain guilty mind behind it It is not I who am demanding these facilities It is for the service of the people, to get into touch with them, to reflect even the small changes in their moods and opinion in this House that I demand these facilities My first submission is, this is the minimum, without any exaggeration During a short session one air journey to his constituency or to his place of residence and back and in a long session, two journeys to his place of residence or constituency and back must be provided I won't say, we should get free air travel all over the country to make a joy ride When I make this claim, I realise I should not make a claim which will not be justified He must be permitted to go to either his constituency or his place of residence and contact the people This is my submission The concession which the hon Minister is about to announce or to make is not going to meet the situation

Shri Bimal Ghose. What is the number of the amendment which the hon Minister is accepting?

Shri Khadilkar I am referring to the concession that he just indicated I have another suggestion to make

Mr Speaker What is the number of the amendment of Shri Keshava?

Shri Keshava (Bangalore) No 28

Mr. Speaker: Well Any other hon. Member wanting to speak?

Shri Khadilkar I want to make one or two suggestions

Mr. Speaker: Two and a half hours have been allotted A number of hon Members want to speak Let them be brief

Shri Naushir Bharucha (East Khandesh). It may be extended by one hour This is a very important matter

Shri Goray (Poona) We have economised on the previous Bill

Mr. Speaker: Very well

Shri Khadilkar: We are allowed a first class pass What happens if we want to travel quickly? The other day, I travelled by the Deluxe from Bombay to Delhi We are given air-condition accommodation for the third class where we can travel by day time I went to the First class coach for the night For a night I have paid Rs 54 for getting the upper berth only for a night I would like to submit, you are charging the difference on the basis of the telescopic rate system You are not paying us, while paying, on that basis You are charging us, when we pay the difference, all the taxes You do not pay the taxes that you have levied and the surcharges that you have levied on the railway fare That anomaly should be removed. This must be looked into It must be made very straight Whatever you say, all their needs should be met by incorporating them in the present measure so that these anomalies will be removed and Members will travel by any route or any method, by rail or by air They must be given these facilities I consider these are ordinary facilities if he has to function effectively

One or two suggestions As I said, those who want to work here, have no assistance of a steno Officers comparable with us have P A s and stenos Why not give the services of a part time steno to the Members here who require it Why not make a concession regarding postal facilities for all the Members? These things are done in the Mother of Parliaments

One thing I will say in conclusion In Britain this question was discussed recently Formerly people belonging to the upper strata, having funded incomes came to the House to represent the people Now, more and more people from the lower strata are coming to the House They have given thought to that Today they have

[Shri Khadilkar]

seen that the people belonging to the working classes who have come to the House would function more effectively and so they have increased their emoluments and other amenities to a large extent. There was a loud noise from those who have got coupons at their command and funded incomes from where to draw. In conclusion, I would humbly plead that the amending measure should be so amended that all these requirements are given—I mean all necessities—to hon. Members who represent their constituencies in this House coming from far and wide, from different regions, most difficult even to approach. The hon. Member suggested Tripura and Manipur. I just visited those places. It is extremely difficult to go there and come back. Even by air it is a hazardous journey. All these considerations should be taken note of, and suitable further amendments should be made. As the Speaker said just now, he is very sympathetic and he also wants to respond to the mood of the House. I would appeal, therefore, that some of these suggestions should be taken into consideration. With these words, I welcome the Bill.

12.51 hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL—contd.

Mr. Speaker: Let me dispose of the previous one. The hon. Law Minister may now move his amendment. Are all parties represented:

Shri Braj Raj Singh (Firozabad): Not all.

Shri Khushwaqt Rai (Kheri): His party is not represented.

Shri Braj Raj Singh: But I do not want.

Mr. Speaker: Shri Braj Raj Singh's name may be included.

Shri A. K. Sen: I welcome it.

Mr. Speaker: Does Shri Bharucha want to be there?

*Shri Naushir Bharucha: No, I will not be able to attend.

Amendment made:

"That the Bill be referred to a Select Committee consisting of Shri Upendranath Barman, Shri N. G. Ranga, Shri Dwarika Nath Tewari, Shri P. C. Bose, Shri Ghanshyamlal Oza, Shri I. Eacharan, Shri Radha Charan Sharma, Shri Jaganatha Rao, Shri S. A. Agadi, Shri Hem Raj, Shri Panna Lal Barupal, Shri C. D. Pande, Shri Jamal Khwaja, Dr. Ram Goti Banerji, Shrimati Sucheta Kripalani, Shri A. M. Tariq, Shri Padam Dev, Shri Shree Narayan Das, Shri Venketrao Srinivasrao Naldurgker, Shri Sunder Lal, Shri V. P. Nayar, Shri S. Easwara Iyer, Shri Yadav Narayan Jadhav, Shri Bibhuti Bhusan Das Gupta, Shri M. R. Masani, Shri B. C. Kamble, Shri Atal Bihari Vajpayee, Shri Surendra Mahanty, Shri Braj Raj Singh, Shri R. M. Hajarnavis and the mover with instructions to report by the 15th December, 1958".

[Shri A. K. Sen—]

All the other amendments for reference of the Bill to Select Committee were barred.

12.52 hrs.

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

Shri Naushir Bharucha: The Salaries and Allowances of Members of Parliament (Amendment) Bill is an important Bill in the sense that

*His amendment No. 32 moved on 10th December, 1958 was deemed to have been withdrawn by leave.