

14.05 hrs.

SALARY AND ALLOWANCES OF
LEADERS OF OPPOSITION IN
PARLIAMENT BILL—contd.SHRI HARI VISHNU KAMATH
(Hoshangabad): I rise on a point of order.

MR. DEPUTY-SPEAKER: On what?

SHRI HARI VISHNU KAMATH: I
take my stand on the proviso to sub-rule
(2) of Rule 376 and Rule 80 and Rule 66.At the outset I submit that this is a
major Bill and not a minor Bill to be dis-
posed of summarily, and it should not be
bull-dozed or steamrolled or road-rolled.I submit that after the resurrection of
democracy as a consequence of the non-
violent electoral revolution of March,
this Bill has emerged as a milestone, a
landmark, on our march to a model par-
liamentary democracy. I accept that and
I am happy that it has been introduced.
But it is rather ill-timed because there
is a lot of misery due to floods in the
country and the people are suffering on
account of the flood devastation. I think
it would be far better if it is brought at a
later date.Why I do raise a point of order is:
under the proviso, you are well aware, and
the House is well aware, that this Bill is a
bit of an interloper. This Bill is an inter-
loper in the sense that originally it was
not there; it was, I would not say, smuggled
or sneaked in but introduced at a late stage
and brought to the notice of the members.
(Interruptions). My friend here says,
surreptitiously. That is perhaps a harsh
word. I do not know whether the Opposi-
tion is impatient. I am sure the leader
of the Opposition will not mind if this Bill
is taken up in the next session. I am sure
they will not mind a three months' delay
because you are well aware that the hon.
Minister of Information and Broadcasting
Shri Advani, is waiting here for the last
so many days for a discussion on the
White Paper,—White paper or black
paper or red paper or whatever colour
you may like, that paper has been put
down for discussion to-day and that has
been allotted 7 hours. Please look at the
clock now. It is 5 minutes or 10 minutes
past 2 and the House has agreed to sit
only upto 7 O'clock. So, there are only
less than five hours. I am sure this Bill
will take an hour or an hour and a half,
if not longer....SHRI DINEN BHATTACHARYA
(Serampore): There are so many amend-
ments.SHRI HARI VISHNU KAMATH:
So, the time left for the Minister of In-formation and Broadcasting will be on e^s
4 hours or even less. If the House agree^e
to have a memorable day, a memorab^e
night and have a midnight session as we^e
once had in the Third Lok Sabha—I do
not know....SHRI DINEN BHATTACHARYA:
We got a good dinner.SHRI HARI VISHNU KAMATH:
That makes it attractive, it acts as an
incentive. If the House agrees to sit all
night or at least till midnight, then we are
agreeable that this Bill should be taken
up now. Otherwise if the Opposition
agrees, then this Bill may be taken up in
the next session. That is my first sub-
mission....SHRI A. BALA PAJANOR (Pondi-
cherry): Provided it is given retrospec-
tive effect.... (Interruptions).SHRI HARI VISHNU KAMATH:
If you are agreeable, I will not proceed
further.... (Interruptions). You do not
seem to be agreeable and you are impatient
to have it passed....SHRI HITENDRA DESAI (Godhra):
We stand on nobody's mercy.AN HON. MEMBER: What is the
intention of the government?SHRI HARI VISHNU KAMATH:
Sir, proviso to sub-rule 2 of Rule 376
reads as follows:"A point of order may be raised in
relation to the business before the
House at the moment:Provided that the Speaker may permit
a member to raise a point of order
during the interval between the termi-
nation of one item of business
and the commencement of
another...."Under Rule 377 hon. members made
their submissions. Between the termi-
nation of that item of business and the
commencement of the next business, I am
raising this.MR. DEPUTY-SPEAKER: That is
why I am hearing it.SHRI HARI VISHNU KAMATH:
I come to Rule 80. It reads as follows:—"The following conditions shall govern
the admissibility of amendments
to clauses or schedules of a Bill:—

- (i) An amendment shall be within
-
- the scope of the Bill and relevant
-
- to the subject matter of the clause
-
- to which it relates."

How is it applicable to this Bill? Please see clauses 11 and 12 of this Bill.

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND LABOUR
(SHRI RAVINDRA VARMA). It is not
under consideration.

SHRI HARI VISHNU KAMATH :
When you move the Bill for considera-
tion, it will be too late for me.

Clauses 11 and 12 are in effect amend-
ments to some other Acts which have
already been passed by this House.
Salary, Allowances and Pension of Mem-
bers of Parliament Act, 1950 and the
other Act which is sought to be amended
through the back door by this Bill—Par-
liament (Prevention of Disqualification)
Act, 1959.

Please look at the amendments that
are sought to be made. They are not
within the scope of this Bill.

Please refer to line 13, page 4. This
refers to the provision in the earlier Act
passed by the Parliament—where the phrase
“an officer of Parliament” appears.
Through the medium of this Bill that has
to be amended. That is outside the
scope of this Bill.

Amendment to Clause 12 is outside
the scope of this Bill because the Govern-
ment apparently takes it for granted
that the House will pass the earlier
provisions of the Bill. If the earlier
provisions are not passed, this will
not arise. Therefore, the proper course
is under Rule 66 which is as under :

“A Bill, which is dependent wholly
or partly upon another Bill.....”

They want to by-pass this rule. What
they should have done is to get it passed
upto Clause 10 and then they should
have brought two more Bills—Amend-
ments to Salary, Allowances and Pension
of Members of Parliament Act, 1954,
and another Bill, an amending Bill,
namely, Parliament (Prevention of
Disqualification) Act, 1959. Now, Sir,
these two Bills could have been intro-
duced along with this Bill on the same
day and taken up together after this
Bill had been passed, as I said, upto
Clause 10. Thereafter, the other two
Bills could also have been taken up
and passed. Therefore, what I submit
is this. This Bill to be moved by
the hon. Minister is untenable as it is.
It is out of order. It should be
taken up after properly regularising
the procedure, and I submit that this
may be taken up in the next session.

Bill

THE MINISTER OF PARLIA-
MENTARY AFFAIRS AND LABOUR
(SHRI RAVINDRA VARMA) : Sir, it
is always a great pleasure to accompany
the hon. Member from Hoshangabad
back and forth through the rules of
procedure. I must say with all respect
to the hon. Member that the points
which he has made out, in my humble
opinion do not prevent the House
from granting me leave to introduce
this Bill. Sir, this Bill has not been
introduced surreptitiously.

SHRI HARI VISHNU KAMATH :
I never said so.

SHRI RAVINDRA VARMA : He
was on the point of borrowing that
expression from somebody else. I do
not accuse him of using any such ex-
pression. I believe, Sir, this Bill has
found a place in all the statements
which I made in this honourable House
on Government Business on more than
one occasion. When I was asked
whether I would be able to introduce
the Bill in this session, I did reply,
the Bill was not ready, but we do hope
to bring this Bill before the session
adjourned. Therefore it would be totally
wrong to imagine that Government
has sprung a surprise in this House.
It is before the House in the shape
of Government's intention to bring
such a Bill.

SHRI HARI VISHNU KAMATH :
That is why I used a mild language—
interloper, I said.

SHRI RAVINDRA VARMA : I
am most thankful for his mild language,
which is characteristic of him. There-
fore, Sir, I would humbly urge you
and the House to permit me to go
ahead with this motion.

MR. DEPUTY-SPEAKER : The
Minister for Parliamentary Affairs has
given you a history of how this Bill
came into being. I think almost from
the start of the session this subject
was raised and they said, the Bill was
not ready. Now that the Bill is ready,
he has brought it before the House,
and it is listed in the List of Business
of today. There is nothing wrong
in taking up the Bill. If hon. Members
could use some self restraint we can
finish it in an hour. If there are con-
sequential amendments which arise out
of the Bill they can be introduced.

श्री उ सेन : (देवरिया) : उपाध्यक्ष
महोदय, चूँकि आज सदन का सत्र समाप्त
हो रहा है, इसलिए मैं एक महत्वपूर्ण

[श्री उग्रसेन]

विषय की ओर सरकार का ध्यान आकर्षित करना चाहता हूँ। मेरा कहना है*

MR. DEPUTY-SPEAKER: You cannot go on like this. You should have taken my permission under Rule 377. It will not go on record.

श्री उग्रसेन :*

MR. DEPUTY-SPEAKER: I did not permit anybody. Nothing will go on record. Now, the hon. Minister.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Mr. Deputy-speaker, Sir, I beg to move †:

"That the Bill to provide for the salary and allowances of Leaders of Opposition in Parliament, be taken into consideration."

This is a very simple Bill and a very short Bill. However, Sir, I would entirely agree with my distinguished and hon. friend from Hoshangabad that this is a very significant Bill and, in a sense, it can also be described as a historic Bill. It is, as he said, a landmark or milestone as far as this Parliament is concerned.

SHRI HITENDRA DESAI: Don't call it 'landmark'. Some of the States have already such provision.

SHRI RAVINDRA VARMA: As far as this House is concerned it is—I do not know why the hon. Member should take an offence to such a simple remark made in the matter. It is, in our opinion a milestone, in our advance, along the path to fuller and more effective democracy in this country.

Sir, it is a testimony of our living faith in democracy,—our living faith in the right of dissent in a democracy for the Opposition, in the legitimate role of the Opposition, in a parliamentary Democracy and our faith in the necessity for the Government, as far as all organs of public opinion are concerned, to provide the Opposition with the necessary opportunities to the evaluation, formulation and expression of public opinion.

Bill

Sir, on an occasion like this, I think, it would be wrong on my part, to make any jarring or marring observations about the attitude that others might have to the Opposition. I wish, nobody compels any reference to whatever might have happened in this country and whatever consequence the people may, legitimately, or, otherwise, have drawn about the attitudes of different parties in the Opposition.

As far as this Government is concerned, since this Government believes sincerely and genuinely in the system of parliamentary system, it believes that the Opposition has a definite, distinct responsibility and role to play in a Parliamentary Democracy. It shall not be guilty of muzzling the Opposition; it shall not be guilty of extinguishing the right of dissent.

Sir, it believes that democracy is the rule of public opinion and the public opinion can be formulated only if the instruments and means necessary for the formulation of public opinion are equally available to all. When there is the evolution or the expression of public opinion, naturally, there would be an attempt, an effort made to discover a consensus. But, it may not be always possible to discover a consensus. So, Parliamentary Democracy, as you know, has to function in terms of the identification of the majority opinion and the minority opinion. Under such circumstances, the view and the will of the majority has to prevail. The position of the minority is equally sacrosanct in a Democracy. It is essential, therefore, to provide opportunities, amenities, and status necessary for the Opposition to play its legitimate role in a Parliamentary Democracy.

As my hon. friend, the Rt. hon. friend from Godhra said, it is not the first occasion that this matter is being discussed in this country, nor is this country the first country which is addressing itself to this question.

Other countries like Great Britain, Canada, New Zealand and nearer home even Ceylon have made provisions of this kind. In our country true—as he was anxious to remind this House—many States have adopted similar legislations. Therefore, this is nothing new but as far as this government here is concerned we are quite conscious that even as the government has a role to play the Opposition has also a role to

*Not Recorded.

† Moved with the recommendation of the President.

Bill

play. We, therefore, want to provide every opportunity to the Opposition to be effective—to be legitimately effective.

The Opposition in a parliamentary democracy is a symbol of a national alternative. It is the focal point round which alternative views and policies crystallise. It has a sacrosanct responsibility in democracy to mount an eternal vigilance on the acts of omission and commission of the Administration. The Opposition, therefore,—which is a genuine Opposition—is regarded almost as a national alternative and every student of Political Science knows that the legitimate Opposition, the authentic Opposition, is always regarded as a potential or alternate government.

SHRI HARI VISHNU KAMATH : The Opposition should be truly loyal to the principles and practice of parliamentary democracy.

SHRI RAVINDRA VARMA : Sir, he is one of the fathers of the Constitution.

SHRI SOMNATH CHATTERJEE (Jadavpur) : He is one of the unwilling or reluctant fathers of the Constitution as almost all his amendments were rejected.

AN HON'BLE MEMBER : He is a bachelor father.

SHRI RAVINDRA VARMA : Anyway he knows. Therefore, Sir, we are of the view that in the same way we hold that the majority has a duty to protect the rights of the minority, the minority has a duty to ensure the prevalence of the right of the majority to rule. If there is irreconcilability and if there is no granting of the paramountcy necessary of the will of the majority as expressed by the electorate, then there may be no democracy of the like we want to establish. The loyalty of the minority to the interest of the country is taken for granted and should never be questioned. Sir, I am not saying something which is light. When anybody who is in government immediately wants to write-off the Opposition by questioning its motive, then things take the same shape as they took very recently.

Sir, I do not want to take much time of the House because I do not think there is difference of opinion as far as the basic question is concerned. The Bill seeks to provide the Leader of the Opposition in this House as well as the other House with due recognition, with status that should attach to an

important position like that of the recognised Opposition. It also tries to provide the Leader of the Opposition with such amenities and facilities as he requires to play his role effectively in a parliamentary democracy. This Bill does not attempt to do anything more. It tries to do what is basically and absolutely necessary to ensure that due recognition is accorded to the Leader of the Opposition and to ensure that he is provided with facilities and the amenities necessary to play an effective role.

I do not want to say more—as I said earlier—because we are not here for recrimination or retaliation. We are here to open a new chapter. We are here to try and see that new attitudes are developed in this country. We are here to see that every institution, every attitude that vitiated democracy, that inhibited democracy, is got rid of and everything that is necessary to support democracy, to sustain democracy and to create bastions of democracy in the minds of the people and institutions is promoted. Therefore, Sir, without taking much of the time of the House, since I am confident that this is a Bill which is above controversy and which is based on a principle which everyone accepts in this House and outside, I would commend this Bill for the consideration of the House.

MR. DEPUTY-SPEAKER : Motion moved :

“That the Bill to provide for the salary and allowances of Leaders of Opposition in Parliament, be taken into consideration.”

I am told that there are some amendments. Mr. Vinayak Prasad Yadav, do you want to move your amendment?

SHRI VINAYAK PRASAD YADAV (Saharsa) : Yes, I move :

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 4th November 1977.”(1)

SHRI M. V. KRISHNAPPA (Chikballapur) : Mr. Deputy-Speaker, Sir, I am glad to welcome this Bill moved by the hon. Minister who was once my colleague and who is now a Minister in the present Morarjibhai Government. By having moved this Bill, he has shown a good gesture. It is a good gesture which the Congress Government would have shown earlier. But there was no recognised party in the Opposition at that time. Certain norms have been fixed to get a recognition

[Shri M. V. Krishnappa]

by a party. I think 10% of the total strength of the House is necessary to get recognition. It was a latest federation of individuals or the Members of a party. A party which has been elected on a manifesto, I think, is a party that can claim recognition in this House. And no party could get that minimum number. The Congress Government could not recognise the Opposition. Otherwise, it is the Congress, as a movement as an organisation that fought for the freedom of this country and after freedom gave a sound economic basis for the proper working of democratic institutions in this country. Our founding fathers of the Constitution, one of whom is, here, had in mind that a day would come when democracy would work in this country in full swing. Sir, we must also think of the people of this country, because, ultimately it is their unanimous opinion sense that has brought the Constitution to this country. If you compare this country with the neighbouring countries—Pakistan and Bangladesh—which got independence a day earlier than this country, you will know what is the system of Government they are following. So, the people of India have given a Government today to this country which are in a comfortable majority to rule and they have given, for the first time, a strong opposition to fight and bring to light the drawbacks of the Government in power. So, the people of India have chosen a path which is going to stay in this country. It is not new. We had already had it in various forms. There was a rule of Dharma here in the days of Ashoka and Buddha. Dharma is a word which has not equivalent word in English that keeps this universe in balance, that is, in Dharma Democracy alone can keep this universe in balance. Democratic government alone can keep this country in balance. This has been realised by the people of this country and this has also been rejected today. It has fallen to our lot historically speaking to do this. During 30 years in Congress government laid firm foundations on the economic, scientific and industrial fronts for good working of democracy.

SHRI HARI VISHNU KAMATH
You have destroyed it

SHRI M. V. KRISHNAPPA
That party also gave talent. You must not forget that the talent which is sitting in front of us today is the product of Congress, the Prime Minister is the product of Congress, the Home Minister is the product of Congress. I see almost half of my friends sitting

there are from Congress. But for that, the people would not have voted for them because trusted leaders of the Congress are there, people who were in the Congress have got there to give leadership to the country. My friend Shri Ravi Verma said that it was a new chapter, I welcome the new chapter. There should be decorum and decency in this House. I welcome that. I can assure you on behalf of our party that we are here to cooperate with the government in a constructive way and see that there will not be lack of decorum and decency. But the trouble starts sometime from the other side because you are in bigger number. In the last chapter of Mahabharata, Yaksha asks Dharmaraja what was the wonder of wonders?

AN HON. MEMBER Indira Gandhi

SHRI M. V. KRISHNAPPA
In the hands of such people, democracy has no future in this country. Dharmaraja replied every day people are dying and still man does not believe that he is going to die one day that is wonder of wonders.
(Interruptions). If you know that one day you will have to come here then an attitude of mind will be there. You think you are going to be permanent there. (Interruptions)

AN HON. MEMBER Only your party thought so

SHRI M. V. KRISHNAPPA
That is why you are behaving in such a way. One day some of you will have to come to this side all of you cannot come because then you will be in power. If you realise that, you will consider all things with due consideration that a matter deserves. I thank my friend and Shri Marji Desai's ministry for having brought this forward. It was said that it was nothing new. We are following the Mother of parliaments, that is British Parliament. In England and in many other countries with a parliamentary democracy working successfully there is this system. In many states in our country they have introduced this. It is again given to our party to establish a strong democracy in his country and history would repeat, it is only Congress that could establish a sound democracy. Today we have that position. Not only the recognised opposition party has been given facilities, other opposition groups also have been given facilities.

In Britain, not only the recognised Opposition party has been given facilities, even other groups have been given facilities.

ties by the British Government I hope a day would come here also when the other Opposition group leaders would also get the facilities so that—Parliamentary democracy would work well in this country

SHRI KANWAR LAL GUPTA (Delhi Sadar) There is no need for any further discussion on this

MR DEPUTY SPEAKER Mr Kanwarlal Gupta, there are six or seven more members to speak. If all the seven Members agree we can pass it. Anyway, I appeal to them to take as little time as possible.

SHRI HARI VISHNU KAMATH Mr Deputy Speaker, Sir, I shall not be long. Because I have given notice of amendments, I will have to speak again. I will not repeat the arguments. I will not repeat myself. I will now say what I will not say later on.

MR DEPUTY SPEAKER May be, you can say now what you want to say later on.

SHRI HARI VISHNU KAMATH Put it any way you like. In Mahabharata, it is said

यदन्वि दन्वन्न
यन्नेहास्ति न तन्न व्रञ्चिन्

It is Sanskrit. Sanskrit is the mother language.

I was interested to hear my old colleague in the Third Lok Sabha, Shri Krishnappa talking of the virtues of democracy, how his party has been strengthening the roots of democracy, how his party has been engaged even today in that laudable task. But I cannot forget what happened during those twenty months, really hideous monstrous twenty months of Emergency. It was during those twenty months that those very friends—who now talk so big of democracy—who now pledge themselves to democracy and who now talk about their contributions to democracy—who destroyed the very house which they sought to build in the previous twenty or twenty five years. Let them not speak of democracy today. My hon friends there—let them search their hearts, let them search souls and pledge themselves anew if they can, solemnly, truly, truthfully and loyally to the principles and practices of parliamentary democracy.

The Minister of Parliamentary Affairs the right hon. Gentleman from Ranchi—he has travelled a long way from Kerala

to Ranchi—I hope it has been a pleasant journey. I think he is happier in Ranchi than in Kerala.

AN HON MEMBER The Minister is not listening.

SHRI HARI VISHNU KAMATH It was not anything derogatory or pejorative. I said it was pleasant journey—whether it is from Kashmir to Kanya Kumari or from Kutch to Kohima, it is always a pleasant travel throughout India. I am sure from Kanya Kumari or from Kaladi to Ranchi is a very pleasant journey. In this inspiring observations while moving the Bill, he referred to this landmark or milestone. I agree with him and I made a similar observation while raising the point of order. Unfortunately, I cannot say whether the milestone or landmark that we are going to build today by the passage of this Bill will not be disfigured, defaced or defiled again. Looking at their record for the last 20 months, I am anxious that it should not happen.

What happened last year? The then Congress President, Shri D. K. Borooah, made some statement and I was astounded when I read that statement. What did he say? I don't know where he is hiding today or where is his hide out. He said, "The opposition is irrelevant in our country today!" And, they applauded him to the skies, they wah wahed him and agreed with him. The opposition members were then in jail. Even the Rt. Hon. Member from Ranchi was in jail at that time. When all the opposition group leaders were in jail, they were waxing eloquent about democracy in this House at that time. This House had become moribund and paralysed. When the then Congress President talked about the opposition being irrelevant, not one of them raised their voice in protest against it. I was in Delhi at that time—I was being persecuted and persecuted also—and I was reading very carefully all the newspapers. Not one voice was raised in protest. That was their attitude. If that is the attitude, where is the guarantee that they have changed their stripes or sports? Their saying so will not do. Let them tell us solemnly let them assure us that they have really changed their hearts.

The former Prime Minister had no respect for the opposition whatsoever. During the ten years she was unfortunately in power in this country, the people suffered so much. Democracy was devalued and degraded. Democracy was slowly eroded and finally destroyed. What did she say? When the opposition tried to forge unity in this country during the 20 months of emergency, she came out with an

[Shri Hari Kishan Kamati]

incredible, astounding, most audacious, most cheeky, and most offensive observation. "The Opposition has been subdued, but not vanquished!" Intoxication of power.

AN HON. MEMBER . Arrogance of power.

SHRI HARI VISHNU KAMATH . Not mere arrogance, but intoxication of power, dementia of power, power-demented. That was the spirit of the then Prime Minister.

There are—I do not know who described it so—four stages of intoxication. The first stage is supposed to be jocular, the second is bellicose, the third is lachrymose and the fourth is ebullient. 'Lachrymose' means tears, crocodile tears. 'Jocular' means they were very happy. I have got so many cuttings here today which I had prepared for the discussion on the White Paper. I cannot read them now because I do not have much time. Jocular—everybody was happy in this country, all was peaceful and normal when the Emergency was proclaimed and all were quietly going about their normal vocations. Even Mr. B.K. Nehru in London said "Nothing has happened in this country." We have got everything in the White Paper itself. I will read it at the proper time. Our Ambassador in America said, "People were going on with their normal business and they were happy that the Emergency was proclaimed. Our Ambassadors and High Commissioners staged a commendable performance. They were asked to do so, and they did it." That is why perhaps we cannot have much quarrel with them, though they overdid their part; they did it with a zeal worthy of a better cause. That is my grievance against them; that is my charge against them. First of all it was jocular—verbally was happy. Then came the bellicose stage. She went about saying "They are subdued but not vanquished. I have not vanquished them. Let them all come. I will vanquish them." This is bellicose. Then lachrymose. I have got the entire tape containing the T.V. interview of David Frost with Mrs. Gandhi.

SHRI RAVINDRA VARMA . What is the evidence of lachrymose? What evidence do you have?

SHRI HARI VISHNU KAMATH . I said, crocodile tears. They also shed tears. After all, man is a superior animal.

SHRI RAVINDRA VARMA . When the crocodile is in water we do not know what are tears and what are drops in the water.

Bill

SHRI HARI VISHNU KAMATH : They are amphibious, and so they can come on land too.

SHRI RAVINDRA VARMA: They crawl any way.

SHRI HARI VISHNU KAMATH: They are amphibious. There are crocodiles even on that side. Therefore, lachrymose is when they start shedding tears. She said "I am sorry", that is what David Frost quoted "that this thing happened." There is only one sentence I will read. David Frost asked the former Prime Minister "Of all the things that happened during the Emergency, what do you regret most?" What did she say? She said "One naturally regrets any suffering." Naturally, as our hon. Home Minister said the other day, lying comes to her naturally, she seldom speaks the truth. Lying comes naturally to her, as truth comes naturally to Mahatma Gandhi. She told Frost "One naturally regrets any suffering or hardship to people, and there was some"—some suffering during the Emergency—"for which I have expressed regret"—regret to David Frost and not to us—and I am sorry"—one more word "sorry"—"that this took place." "but it was not deliberate", she said.

The next question was "And that is the thing most of all. What about the way in which the sterilization programme became much more enforced during the Emergency? In retrospect would you have said that was a major mistake?" The poor woman comes out with regret. She replies "The mistake was that it was left to officials largely, instead of citizens"—Sanjay and Rukhmi probably—"taking up and persuading people. The government's policy was not coercion at all. Somehow there was sort of both things—on the one side perhaps over-zealousness of people"—like the Lt. Governor about whom we heard just a little while ago, and Shri Sushil Kumar—"thinking they would each compete with the other in having more, and sometimes people doing things deliberately in order to make the government and the programme unpopular."

The best piece, the piece de resistance, of the interview comes next, about democracy. I want completely to blast what people like Mr. Krishnappa said.

MR. DEPUTY-SPEAKER. I thought you will keep something for a later occasion.

SHRI HARI VISHNU KAMATH: That will come later on. The most interesting thing is this. I am sure you have read the full text. Mr. David Frost asked a question: "Also, you were in the middle of your crisis"—when the Emergency was proclaimed. She replies: "That was not much of a crisis because nobody had any doubt that I would win my case in the Supreme Court." Have you any doubt? Nobody had any doubt, she says. Then he asks, just as we are asking now, David Frost asks: "Nobody had any doubt?" a cross question. She says: "No, I don't think so." Then the next question is of Frost: "Well, why was the law changed then?" It is a very deep probe that David Frost makes "Why was the law changed on the 5th August . . ."—he knows the date also—" . . . if you would have won it any way?" (*interruptions*) If you want to save democracy, there is a duty cast on you; arrest her and try her; then only you are true democrats.

15 hrs.]

SHRI K. P. UNNIKRISHNAN (Badagara): What is the relevance of all this?

SHRI HARI VISHNU KAMATH: You are not here to decide it; the chair will have to decide it. I say you do not deserve this Bill.

SHRI K. P. UNNIKRISHNAN: Then withdraw it; take it away.

SHRI HARI VISHNU KAMATH: "Why was the law changed?"

Now comes the best of the lot. She says: "Well, that was because they were terrorising people"

—who? JP and others were terrorising the people?—

"including the Judges."

—they were terrorising the judges!—

"The Judges were getting phone calls"

—from whom? From her—

"and so on. I think the"

—she fumbles a little, I think

"this was, that the Members of Parliament just got worked up, it was certainly not my idea."

The amendment was not her idea. If this is your democracy, to hell with such democracy. We do not want that democracy.

Then Mr. Frost asks:

Changing of the law was not your idea?"

She says:

"That particular part of it was not my idea."

It was done by Members of Parliament, by the then majority party, it was not her idea. If you feel your interests get hurt, if you have got the truth in your heart, say it was her idea only, and not your idea, to make amendments to the Constitution. Then only we can rely on you.

One last word, before I have my say on the amendments later on. I think the Minister of Parliamentary Affairs, the right hon. gentleman from Ranchi, said in the course of his speech while moving the motion that several Assemblies, several States, have introduced, have passed similar legislation. He has not given us a list, or mentioned the names of those States. But that is a different matter. If I remember aright, the pioneer in this field was West Bengal, Dr. B. C. Roy in his time. That is why I have got an amendment later on. The West Bengal Assembly in 1957 or 1958 was the first to pass a Bill of this kind, a legislation of this kind. But the then Leader of the Opposition refused to accept, as far as I know, the amenities, the facilities and the salary that was offered to him as the Leader of the Opposition in the Bill. We do not expect the Leader of the Opposition here to do a similar thing. Let them have it we do not mind it. That is all I have got to say on the Bill. I support the Bill in principle, not in details.

SHRI SAMAR MUKHERJEE (Howrah): Mr. Deputy Speaker, Sir, at the stage of introduction, Shri Jyotirmoy Bosu has opposed this Bill. Because the time was very short, we could not give amendments at the proper time. Very hurriedly, this morning we submitted certain amendments and most probably, the Members might not have seen those amendments.

The purpose of this Bill is to make the leader of the Congress Party as the leader of the entire opposition. We cannot accept this position because of the composition of the opposition. There are so many groups and parties who differ in their programmes, ideology, policies, basically and fundamentally. This Bill is the result of the immitation of the British Parliamentary system. This idea

[Shri Samar Mukherjee]

has come out of the idea of two-party system which the Janata Party leadership is welcoming in India after the parliamentary elections. But we are totally opposed to this idea.

SHRI K P UNNIKRIISHNAN You want only one party rule.

SHRI SAMAR MUKHERJEE What is this two-party system? In place of Janata Party Congress will again come into power, that is two party system. In England, in America, this two party system is there and from there you are going to imitate this idea. This was the desire of the Indian bourgeoisie long before because in England capitalism is safe whether Labour Party comes into power or the Conservative Party comes into power. Here this attempt was started long before how the two party system could be brought about. But the Indian realities are totally different from the realities in England. After the Parliamentary and Assembly elections, you can see the whole picture of India. Who is the alternative in West Bengal? After Janata, who should be the alternative? Now the West Bengal Janata Party President, Mr P C Sen has told that Congress should be made the alternative and not the CPI(M) or the left block. To make Congress to be alternative, he has suggested that we should help to revive Congress in its old glory. Is it the task of the Janata Party to revive Congress in its old glory after its 30 years of monopoly rule and the rejection by the people?

SHRI K P UNNIKRIISHNAN Why are you getting scared?

SHRI SAMAR MUKHERJEE What will happen in Tamil Nadu? What is the position there? Who will be the alternative to the Janata Party? There are States where both the Janata Party and the Congress are very weak. But they want to see Congress as national alternative to Janata Party and that is why, this Bill has been brought forward to give statutory recognition to the leader of the opposition. The national alternative means that you want Janata Party, the Congress Party should come into power. But the people of India have not responded to this theory of two-Party alternative. You have seen the results of Assembly elections in Kashmir, Tamil Nadu, West Bengal, Punjab, Pondicherry and Goa. In the South, the picture is also different from North, which is not in favour of Janata.

In this context, this very idea of a two-party system is absolutely wrong and unrealistic. This will not help the

Indian people, 60 crores of people suppressed and exploited, to find a real alternative to save them from their abject economic and social life. That is why, I say, the entire ideology of this Bill is absolutely wrong. The way out is the left and democratic alternative.

We are talking of a parliamentary democracy. But the world has advanced much. Beyond parliamentary democracy, there are new types of democracies now in existence in various socialist countries. There are peoples' democracies, there are Soviet democracies, there are other forms of proletarian democracies. The world is advancing towards that. But still in relation to totalitarianism, parliamentary democracy is a very big advance. In that respect, we welcome the defeat of the Congress Party which led the country to totalitarianism and near fascism.

Now, by bringing forward this Bill at such a stage, you are giving credibility to the Congress although there are other opposition groups, assuring to the Congress opposition the fullest scope to develop themselves as an alternative. The Indian people are not prepared for this thing. The opposition must be there, all sections of the opposition groups must be given equal scope to express their points of view. We have given some amendments. Unfortunately, they have not been circulated.

MR DEPUTY-SPEAKER When you move the amendments you can read them out.

SHRI SAMAR MUKHERJEE I am explaining the idea behind the amendments. We want that equal facilities should be given to leaders of all the parties and groups in the opposition. We are totally opposed to the increased pay of the Leader of the Opposition. No extra pay should be given to the Leader of the Opposition. The Leader of the Opposition and the leaders of other parties and groups can function within the pay of Rs 1000 per month which suddenly Mrs Indira Gandhi increased to satisfy her own party MPs and with Rs 51 daily allowance. The Leader of the Opposition and the leaders of various parties and groups can also function from the same bungalows which they are occupying. They need not require bigger bungalows to function more effectively. They do not need to take the entire family throughout the country along with them. Special provisions have been made in this Bill for that. We are opposed to these things.

What we are prepared to accept is, some secretarial assistance, some telephone concessions, some postage, some conveyance allowance and things like that. We agree that these concessions should be provided not only to the Leader of the Opposition but to all the leaders of parties and groups in the opposition.

AN HON MEMBER For every Member

SHRI SAMAR MUKHERJEE There was such a proposal. We supported that. That proposal is not here. It is only in relation to this Bill that I am speaking.

As Mr Kamath said when Dr B C Roy brought forward this Bill in West Bengal, our party at that time opposed that Bill and Mr Jyoti Basu who is now the Chief Minister and who was then the leader of the opposition refused to accept that position. A similar Bill was brought forward in Kerala also. There also, our party opposed the Bill and the Bill was not pursued upto the last. But there one Stenographer and one peon has been provided to Mr I M S Nambudiripad. He has accepted that facility. Beyond that, we have not accepted anything. If you do not pay extra pay of Rs 2,500, that does not mean that the status of the Leader of the Opposition is, in any way, down-graded by that. There is no need to pay extra salary, there is no need to give special facilities, like big bungalows, allowing the entire family to travel free throughout the country, giving special air concessions and all these things. We are totally opposed to these things. That is why we want that the amendment which we have placed should be accepted and this special pay, house concessions and other facilities must be completely dropped and this Bill should be called the Salaries and Allowances of the Leaders of the Opposition and Parties Bill. In this way, it should come so that all the Opposition Parties and groups should get facilities to function so that they can reflect the views and problems of the people whom they represent correctly on the floor of this House.

SHRI A BAI A PAJANOR (Pondicherry) Mr Deputy-Speaker, Sir, I congratulate the Minister of Parliamentary Affairs for introducing a Bill like this. He calls it a landmark, a milestone, etc as everybody used to say. But, while congratulating him, I want to tell, as I told him earlier also, that it is not a realistic Bill and I can go one step further and say that it is not pragmatic.

I am in agreement with Mr Samar Mukherjee for many of the points which he has raised (*Interruptions*). But I remember, in 1969, when there was a defection by the Congress, and it was described in those days, which I used to read from the papers, as CONGE FORES I TO THE CONGO DESERT they used to call it like this in those days. I think that is how one day they demanded Opposition Parties privileges. But I am not very happy to call this Bill as Members' Salaries Bill or the Opposition Parties' Salaries and Facilities Bill. It can be described as facilities that is privileges to the Opposition Parties, naturally, the Leader of the Opposition is entitled to have the same. But what kind of Opposition Party can it breed is the question? That is why, I suggested to the hon. Minister concerned while introducing the Bill, that it is not realistic and pragmatic. If we are pragmatic, then he could have seen the history of this country in the past 30 years as to how democracy developed in this country.

I am also in agreement about the sorry tale of 20 months/ in which not only you suffered but every one suffered in this country. It happened not only during that period but also during 30 years where only one party ruled this country. But this thing was done first time in 1967 in Madras by our late revered leader Anna. Even in those times, we gave facilities to the Members, not salary to the concerned Leader of the Opposition. As far as its title is concerned, it is also to be changed. But I do not want to add a group or a party such as my learned friend said.

We are all political leaders of the Opposition Parties. You may see how the AIADMK which rules two States in this country is functioning. We are nine Members here in the Lok Sabha and 10 Members in the Rajya Sabha. We are 29 Members in the Parliament. But what is our position? We are not having a room on the ground floor. We have to go to the third floor. If we go to the third floor for any reference, and meanwhile if there is a quorum bell we cannot consult each other and comeback. Then, naturally, there is a tendency amongst us to go from that room to our house. So, you are not developing democracy in a proper manner that is expected of all of us, but, on the contrary, you give a lip-service. I can also agree with Mr Kamath and add some humour to the discussion. But, I do not want to take things in light humour because in the very beginning I agree with Mr Kamath that this Bill may be considered in a very leisurely and deep-rooted manner, not in a hurry when everybody is worried about the white paper or the black paper. I am not sure. But, anyway we are going to discuss it. That is main

[Shri A. Bala Pajantor]

mans and many of us were asked to rush through this and pass it in order to give Mr. Chavan a salary of Rs. 2,500 and other to give facilities, etc., because as long as you have not passed the Anti-Defection Bill, I am not sure whether this no. 152 (Opposition Members) will remain the same for ever. Unless you recognise the political parties—you are not going to recognise me and other Opposition Members—in this House, you are not going to give a certain amount of undue allowance. You are going to encourage not democracy, but, on the other hand, you are going to subvert democracy in this country, because, my hon. and learned friend in the Opposition who spoke has welcomed it, because it is for the benefit of a friend of his. Naturally he is interested in his another friend getting the money. You had the privilege of ruling this country for the past 30 years and we are going to be in the Opposition for the coming years. (Interruptions) But I do not agree with him because you had the privilege of ruling this country for the past 30 years. (Interruptions) I say that you also rule one of the States—not in the very near future. They had the privilege of getting the facilities for the last 30 years with the result that they know every nook and corner of the administration of this country. Not only that, to be pragmatic, realistic and honest, they will have access to many of the facilities that are available in the democratic institutions

So, they do not require any assistance or any machinery then many of us who are put, under this system into a backward and awkward position. So, I request that the Bill may be postponed for some more time and a serious consideration may be given to the contents of this Bill. If the Minister is interested only in having a discussion for the sake of discussion and want to push it through, I am not going to make any more suggestions. But I hope that he will apply his mind and give regard for our feelings also—and not only for the feelings of the Congress of Mrs. Indira Gandhi or the National Congress whatever you may term it. I am afraid, this number will not be the same. I want you to take the statistics on the voting power of these 152 Members and the voting power of us, the voting power of the CPM, the voting power of the CPI and of others. If my calculation in that respect is right the minority of the people gave you the majority vote and have enabled you to rule the country, and the majority is in the Opposition. I believe, the CPM is sitting with us in the Opposition to make for a better democracy in this country, not like the democracy of the United States or of the United Kingdom

of Canada. This country must have its own democracy, I want a democracy of India, not the democracy of England, not the democracy of the USA, not the democracy of Canada. Because if you see the history of England, you will find that, in London, it is the small parties that are constituted into a small State. It is not even one-half of Tamil Nadu or one-third of U.P. So to apply the May's Parliamentary system or to bring in the system of democracy in the United Kingdom or the USA may not fit in with the Indian democracy. I appeal to the Minister through you, Sir, to reconsider this Bill and give real credibility and proper attention to the Opposition parties in this country.

Another point is this. The hon. Marxist Member has correctly explained it. See the pattern of governments in the country. In the north, in Kashmir, the National Conference is ruling. In the south, two States are ruled by our Party, the All India Anna DMK, in Kerala it is the Congress rule it is the CPI—Congress alliance that is ruling. In Gujarat it is a different Party. In West Bengal it is the Marxist Party that is ruling. In Punjab it is the Akali Dal that is ruling.

My learned friend from the Congress said that they did not give these facilities to us because we were 26, 27 and so on, and as per the Constitution or the rules, only that Opposition Party which has ten per cent of the total membership can become a recognised Opposition Party. That means, according to my calculation it works out to 54. That is if an Opposition Party has 54 Members it will become a recognised Opposition Party. My Party, according to some of you, may be a regional Party. But suppose a regional Party comes up in U.P. Then what will happen? That is the reason why I wanted you to have a realistic and far-sighted view on this. Suppose in 1982 or 1983, a real party or group in U.P. or Bihar, and they capture the entire State in the State and every other State has only 40 or 50 seats each. Do you mean to say that they alone can be the real Opposition and the coalition that may form the Government of the day will be the ruling Party? So, this sort of calculation means taking only a half-sighted view. I can understand the feelings of Mr. Morarji Desai and the other Members concerned because they were brothers and sisters once—40 or so many years. No wonder, such a measure is being brought forward now. They are brothers and sisters of the same tribe. That should not be the attitude in a Bill like this. I sincerely appeal to

the hon. Minister through you, Sir, to consider it and consider the Opposition parties here and give them the real facilities that are to be given.

I am also opposed to the question of salary. The Prime Minister is getting so much. I do not know, Sir, what is your salary. The salary of Rs. 2,500 per month is not necessary because we are getting, I think, Rs. 1000 per month. Mr. D. N. Tiwary, Chairman, House Committee, says that practically every Opposition Party leader is getting a bungalow for himself, if my Party gets five bungalows, the Congress Party get 50 bungalows, the CPI get two bungalows and the CPM get three bungalows. This kind of facilities is given. But what about the facilities that are really required by the Members? The Members of Parliament requires a stenotypist, typing facilities, and rooms to function, to assist the Government, as has been rightly pointed out by the learned Minister of Parliamentary Affairs, to be the sentinel, to be the watch-dog of democracy. The Opposition leaders are required to have contact not only with their own parties but also with the people, they have to reflect the ambitions of the people in this House, so that Government may frame the correct policies and govern this country in a better way. So, I would appeal to you on this gracious day, this honorable day or the golden day or the milestone or the landmark as you call it, that if you really have the feeling in your heart and it is not mere lip-service, to withdraw the Bill for the time being and re-introduce it after framing it in a proper form later on because I am not in agreement with this, whatever views Mr. Chavan might have reflected. When the Hon. Minister was explaining—and of course he used so many phrases and made use of all that he has learnt about the grammar of politics—he said that the Opposition will give 'the other side of the picture'. May I ask whether, just because I am in agreement on certain things like the right of recall, it can be said that I am in agreement with the Congress Party? I am not in agreement about many of the amendments in the case of the 42nd Amendment Bill. Though we gave our suggestions, they were rejected in toto and the Bill was passed.

So, this Bill is not a service to us. On the contrary, you are injuring us and you are insulting us. You are putting us in a very bad position and I think this Bill should not be passed in this House, although the gesture is good. Your gesture towards the Opposition is good.

but I am afraid that gesture has been prompted because of your desire to obtain a consensus—which we have been observing for some time. This is no service to democracy nor to the people.

While concluding, I congratulate the Minister for bringing up the Bill but I would congratulate him more heartily if he comes up, instead, with a more pragmatic and a more realistic Bill later on.

DR V A SEYID MUHAMMED (Cochin) Sir, I support the Bill and welcome it. It is not for the reason, as one of the Hon. Members has said, that the Leader of the Opposition gets some more money. It is far from that reason. The Hon. Minister who introduced the Bill applied certain tests and he found that, in order to help the efficient working of the Opposition these provisions are necessary. As far as the detailed provisions are concerned—Rs. 2000 or Rs. 2500, travelling allowance etc.—we are not at all concerned with them. If the Hon. Minister considers that these things are necessary for the efficient working of the Opposition, it is up to him and as far as we are concerned, we do not express any opinion on that. But we support the Bill and welcome it for very sound reasons. It is not because at the present moment our Party happens to have the Leader of the Opposition in a democracy, political fortunes change, and this bill is not only for the present but for all times to come. Those who are there at present as the majority may be in the Opposition here later just as we who were there on the other side as the majority are here now in the Opposition. So, whether the provisions of the Bill affect us adversely or are advantageous to us at the present moment is immaterial. The principal thing is that, as the Hon. Minister has put it very clearly, in a parliamentary democracy it is accepted that the Opposition has an important and vital role to play and it is on the basis of this that in England, for a long time now, and in Canada and various other countries which have already been cited, this system of statutory and officially recognising the Opposition and providing facilities for the Leader of the Opposition has been provided for. The role of the Opposition is 'to oppose'. But that does not mean that it opposes unreasonably, destructively and negatively. It signifies that the Opposition opposes constructively and with the greatest sense for responsibility of our Leader of the Opposition, Shri Chavan on various occasions has unequivocally and clearly stated that we extend our full cooperation to the Government and we will function as a responsible and constructive opposition to the Government.

[Dr. V.A. Seyid Muhammed]

That is in the sense that when the Government proposes any measure, when the Government has taken any action which, according to our best lights, is in the best interest of the country, we will certainly support it. That does not mean that on all occasions, we are prepared or we are willing to act as a rubber stamp to the actions and proposals of the Government. We have our policies, we have our objectives and we have our programmes which are very well known to the country. In any action that the Government takes or any measure that it introduces, it will be our duty and our policy to see that our policies and programmes which we had while in the Government are not impeded by the new measures which the Government may take in the legislative or the executive fields. It is also our duty to see that what we consider to be progressive and the basic foundations of our policy in the economic and all other fields are not only tampered with, but are also implemented by the Government. Our support to any action or proposals by the Government will depend on one factor, whether those measures are in the best interest of the country or not. That is the positive and constructive cooperation which our Leader of the Opposition has offered. Our opposition also means that whenever an attempt is made by the Government which, according to our best lights, will amount to tampering with, destruction, modification or annihilation of our policies and programmes which we consider in the best interest of the country, we will certainly oppose that. This is the sense in which we extend our cooperation and that is what is understood everywhere when we say that the opposition has a positive role to play, a constructive role to play, and a responsible role to play.

There may be occasions when the Government will use its majority to get support for the measures which it proposes to introduce in this House, but in the other House, where we have a majority, we will try our best to see that no measure is passed which, according to us, is detrimental to the best interests of the country and people of country. It is not in the sense of confrontation in the Rajya Sabha we bring some amendments or with the majority that we have got there, certain Resolutions are amended. It is not in a sense of confrontation or obstruction that we do so. There is no meaning when some amendments are brought or some Bills are opposed in the Rajya Sabha, in sulking and saying that the Rajya Sabha is standing in the way of the Government. It is our duty when we earnestly and genuinely feel that certain measures are being introduced which we cannot accept

to use the majority in the Rajya Sabha whenever we can. I am sure that when we say this with the greatest sense of responsibility, the Government who claims to have the best ideals and objectives of democracy will understand this and appreciate this.

I want to add only one thing more. I do not wish to talk on the various criticisms, I would say, so irrelevantly made, whatever has happened before, from time to time, our responsible leaders of various levels have expressed genuine regrets for certain things which have happened. It is not that we are supporting anybody or any action or any proposal or any unfortunate thing which has happened in this country, which by any standard of democratic norms cannot be justified. It is not our idea. But we also feel that while the government is entitled and the members are entitled to say that but they should not go on all the time saying as if that is the main issue.

While the arrangement, as somebody mentioned, of power is definitely detrimental to the best interests of this country, I also wish to say.....

SHRI DINEN BHATTACHARYA :
Too late now.

DR. V. A. SEYID MUHAMMAD :
...that cheap vulgarity of newly acquired power is disgusting and nauseating.

श्री विनायक प्रसाद यादव (सहरसा) :
उपाध्यक्ष महोदय, माननीय मंत्री जी ने अभी जो विधेयक सदन के सामने रखा है वह एक ऐतिहासिक विधेयक है। इस ऐतिहासिक विधेयक को पास कराने के लिए जो समय निश्चित किया गया है वह बिल्कुल नकाफी है। आप बिल के ड्राफ्ट्स को देखें जिसमें कहा गया है कि संसदीय लोकतंत्र में विपक्षी नेता की भूमिका को ध्यान में रखते हुए ऐसा विचार है कि लोक सभा या राज्यसभा में विपक्षी नेताओं को कानूनी मान्यता प्रदान की जानी चाहिए और उन्हें संसद में अपने कृत्यों का निर्वहन करने में समर्थ बनाने के लिए उन्हें वेतन तथा कुछ अन्य सुव्यवस्थाएँ और सुख सुविधाएँ दी जानी चाहिए।

इस बिल का यह उद्देश्य है लेकिन बिल में जो प्रावधान किया गया है वह सिर्फ मकान और उनके वेतन के बारे में है

समझता हूँ केवल यही दो सुविधायें देने से बे अपने कर्तव्यों का निर्वहन नहीं कर सकते हैं। ससदीय लोकतंत्र में जो विपक्षी नेता हैं उनको सिर्फ थोड़ी पे दे देने, मकान देने और भूमने की सहूलियत दे देने से बे अपने कृत्यों का ठीक से निर्वहन नहीं कर सकते हैं। जब तक विपक्षी नेता को सरकारी फाइल तक पहुंचने और मुहकमे के अधिकारियों तक पहुंचने के लिए विशेष प्रावधान नहीं किया जायेगा तब तक इफेक्टिवली कोई भी विरोधी दल का नेता ससद में ठीक प्रकार फंशन नहीं कर सकता है। इसका एक पहलू तो यह है।

दूसरी बात यह है कि अभी मुकजी साहब कह रहे थे कि इस बिल में प्रावधान है कि विरोध पक्ष की जो बड़ी पार्टी होगी उसी को मान्यता दी जायेगी। मान लीजिए इस लोक सभा में जो सबसे बड़ी विरोधी पार्टी होगी उसके 50 मेम्बर हैं और दूसरे जो घुप्स हैं उनके सौ मेम्बर हैं इसलिए वास्तव में मेजारिटी में विरोध पक्ष बड़ी है। यद्यपि यह ऐतिहासिक बिल है, बहुत महत्वपूर्ण बिल है, बहुत पहले इसको लागू होना चाहिए था पर नहीं हुआ, मंत्री जी अब इसको लाए हैं तो वे धन्यवाद के पात्र हैं लेकिन जिस तरह का इसमें प्रावधान है उसको देखते हुए मैं समझता हूँ बिल्कुल ठन्डे दिमाग से ज्यादा सोच समझ कर इससे बढ़िया बिल लाया जाना चाहिए था ताकि वास्तव में जो रीयल अपोजीशन हो उसी को मान्यता मिल सके और वह इफेक्टिवली फंशन करना शुरू कर सके।

माननीय मंत्री महोदय ने इग्लैंड, आस्ट्रेलिया और श्रीलंका के उदाहरण दिए हैं। जहाँ तक भारत का सावल है, हमारे यहाँ शुरू से यह विचाराधार रही है। कबीर ने कहा था :

निदक नियरे राखिए आगन कुटी छबाय
बिन पानी साबुन बिना निर्मल करे स्वभाव।

यह हिन्दुस्तान की पुरानी परम्परा है कि जो हमारी निन्दा करे, उस को दूर तरह की सहूलि-

यत मिलनी चाहिये, उस को भ्रान में रखना चाहिये, ताकि हम पवित्र हों रहें।

इस बिल में अपोजीशन लीडर के लिये जो प्रावधान किया गया है वह सरकार की मशा या मंत्री महोदय की मशा के अनुरूप नहीं है, इतने से वह अपन कर्तव्य का निर्वहन नहीं कर सकेंगे। इसी लिये मैंने प्रमेण्डमेन्ट दिया था कि इस को पब्लिक प्रोपीनियन के लिये भेजा जाय और फिर इस पर समुचित रूप में विचार कर के हिन्दुस्तान की परिस्थिति के मुताबिक इस को बनाया जाय। हमारे सामने यह प्रश्न है कि वास्तव में अपोजीशन लीडर कौन होगा, जो अधिकांश में प्रोजीशन में बैठेंगे, वह उन का नेता नहीं होगा, जो लार्जस्ट पार्टी होगी या जिस के पचास मेम्बर हो जायेंगे, वह विपक्षी दल का नेता बन जायेगा। इस तरह की व्यवस्था से जो इस विधेयक की स्पिट है, वह लागू नहीं हो सकेगी।

हम में कहा जा रहा है कि जो ऐतिहासिक बिल लाया गया है—इस को शुभस्यशीलम पास किया जाय, लेकिन, उपाध्यक्ष महोदय, मेरा यह अनुरोध है कि आज लोक सभा के इस सत्र का अन्तिम दिन है, इस में जल्दबाजी न की जाय और इसको पब्लिक प्रोपीनियन के लिए भेजा जाय। यद्यपि मैं अपनी प्रमेण्डमेन्ट को प्रेस नहीं करूंगा, लेकिन मैं मंत्री महोदय को और आप के जरिये समूचे सदन से निवेदन करूंगा कि यह बिल जितना ऐतिहासिक है, उतना ही महत्वपूर्ण भी है, इस लिये इस पर गम्भीरता से विचार करने के बाद इस में ऐसे प्रावधान लाये जायें, जिस से इस का मकसद पूरा हो। यदि मंत्री महोदय मेरी प्रार्थना का स्वीकार कर लें—तब इस बिल के साथ इन्माफ होगा, वरना हड़बडी में पास कर देने से इस में बहुत सी सुटियां रह सकती हैं।

इन शब्दों के साथ मैं आप को धन्यवाद देता हूँ।

SHRI M N GOVINDAN NAIR
(Trivandrum) I oppose this Bill because you are putting the cart before the horse

We are experimenting with democracy and democratic practices. The elementary thing in democratic functioning is to understand the views of the opposition and if they prove to be correct, without standing on any false prestige to accept it. The opposition should also take it to their mind that parliamentary functioning should not be an obstacle race. These two concepts should first be accepted as norms of functioning. But that is not done.

Should I quote examples? It will take my time. So I am not quoting examples. From the day the Session started when the Opposition said something which was very relevant and which everyone of you felt was correct, did you accept it? You still say it affects your prestige. You have not reached that stage of accepting Opposition views with an open mind.

PROF DILIP CHAKRAVARTY
(Calcutta South) So many instances are there.

SHRI M N GOVINDAN NAIR
Everybody has heard about Isaac Newton. He was a brilliant mathematician. When he became so renowned he had little time to look after his work. He made an arrangement that his door should be locked to keep away visitors. But he asked the carpenter to make two holes for his two dogs to come in. Once his servant came in. He asked why did you get the two holes made? Newton replied that it was one for each dog—the big hole was for a big dog while the smaller hole was for the small dog. The servant said, 'Can't the small dog come through a big hole?' Then it struck him to be correct. Many centuries have passed after this incident. Can anyone, because of this incident, consider Sir Isaac Newton to be inferior in intelligence to his servant? No. Whoever may be there in the ruling party, there would be something or the other which may be brought to notice by the opposition and there may be some truth in what they point out and you will have to examine that. Paying allowances and giving certain facilities will be all right

but what is important is, your mental attitude. That must change first. You have not changed your mental attitude.

The practices of some other country like Britain will not work here. For example so far as the Anna DMK is concerned, their numbers will never reach such a figure as to become a big opposition party. They function in a particular region. Even if they capture all seats from Tamil Nadu this cannot be done. I am not pleading for any special benefits or privileges for opposition groups or parties. You have to recognise our situation in the existing context in the country and you can not just follow the British method. In USA they have Republican and Democratic parties, in Britain they have Conservative and Labour, they may have a few Liberals here and there, but it is one of these major parties which are voted to power.

In our country what happens? We are ruled by waves and counter waves. One wave puts somebody in power. Another wave removes that person and put somebody else in power. So, we are still in that wave-stage, so to say. From there we should reach a stage where policies and programmes decide the fate of parties. Our country has not yet developed to that stage. That is why I said in the beginning 'You are putting the cart before the horse'.

I am not opposing the Bill because they get benefits, nor am I demanding that we must also get a share of the benefits as an Opposition party. What I say is that we should be politically mature to accept opposition view if it is correct. You are not doing it. So I oppose the Bill.

PROF P G MAVALANKAR
(Gandhinagar) This Bill which the hon. Minister for Parliamentary affairs has brought today, which my esteemed friend Mr. Kamath characterised as 'good in principle', has got certain very laudable objects and principles.

Sir, it is accepted all over the world in all democracies that the opposition has a very special, honourable and essential role to play, and an important part to play in any democratic set-up.

And, as he rightly said, the Opposition is an alternative to the Government. But the difficulty is that although it

is good in principle, this Bill has some defective provisions, and it has also some unsavoury terms—and what is more, I am not quite sure whether the timing of this Bill is appropriate.

As you know, Mr Deputy-Speaker, Sir, the phrase 'His Majesty's Opposition' was first coined in England even before the First Reform Act of Parliament was made, that is, before 1832 and, it was Mr John Cam Hobhouse who had coined the phrase 'His Majesty's Opposition'. So, in England today they are having 'Her Majesty's Opposition' which is an alternative to 'Her Majesty's Government'. In fact 'Her Majesty's Government' is incomplete without 'Her Majesty's Opposition'. There in U.K. that principle is accepted.

I was telling that the timing is not appropriate and the provisions are debatable and may I say also that some of them are controversial. Why such a hurry? On the one hand they are not able to pay minimum wages etc. to a large number of people in various fields, on the other hand though it is symbolic here, and I agree, that the expenditure will be Rs. 2 lakhs per year as the Financial Memorandum in the Bill says and this amount is not much they are adding these burdens. I can of course understand that it is a question of attitude towards the opposition. We are prepared to pay this much money to the Leaders of the Opposition. But the Government are not prepared to pay to many of the people in various walks of life who are in need of strengthening their respective roles by performing their duties in their respective fields.

As far as the question of this Government's attitude to the Opposition is concerned, its attitude to the Opposition is—I would not say honourable or better—normal. The previous Government's attitude to the Opposition was abnormal. This Government's attitude is normal, I repeat. If the Minister says that he is respecting the Opposition he is not doing any favour to them. That was expected. That is inherent in a democratic set-up.

Therefore, the point is why this hurry? If you accept the principle of general facilities to M.Ps. also, I am for it. Mr. Deputy-Speaker, Sir, I would ask: Why only to the Leaders of the Opposition, why not to various leaders of the Opposition groups and even to individual M.Ps.? Why should they all not get certain facilities? Here I am an independent. I do not have a office to sit; I do not have a place to put my books. I have not got even a

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table where I could write. I do not have any facility. And, as far as Secretarial assistance is concerned, although we, M.Ps. are on par with the Ministers and we are on the same footing, we do not get any such assistance. They are Ministers and they get more visitors and so, they have more work. That does not mean we get or have less work. All of us are basically Members. When you are giving facilities to the Ministers and to Opposition Leaders, why not to Members of Parliament whether they belong to this, that or no party? Therefore, I say there is a case for the secretarial assistance and accommodation in Parliament House that is, some kind of cabin, small cubicle. I believe, that is provided for even in colleges and universities, but not to Members of Parliament. We have to carry the load of reports with us, in hands and we do not know when the reports will come up for discussion and we bring them along with us. If we have rooms, we can keep them and relax there and be there undisturbed. Therefore where is the hurry for making provisions to the Leaders of the Opposition? Because my time is limited I want to go through quickly. The M.Ps. Salaries and Allowances Act has also been touched in this Bill. As Mr Verma said rightly this is a consequential thing. If it were so then remove also the pension business from this which we have in that particular Act, to former Members of Parliament.

I was telling that this Bill was good in principle. But what are the realities? We are not here coming as professionals—we are not professionals—we are not functioning as Government servants or the like. An M.P.'s work is not a job, it is a calling which is done by us because of the public service idea. Now Sir, in India there are lakhs of people who after their jobs are over are not getting adequate pensions. There are, for example, ex-servicemen from the army, navy and the air force and, even, after ten to fifteen years of service or so, they get Rs. 30, 40 or 50 as pension. But the ex-Members of Parliament, by merely putting one term of five years, are getting Rs. 300 or whatever it is and that is going up to Rs. 500 per month. This pension provision must be removed by him. I hope he will agree with me on this. If he gives me that promise that he will get rid of the pension business from that Act, then I shall agree with this Bill. (Interruptions)

My next point is this. Though this Bill is really good in itself, it is rather unpractical. I do not know whether Mr. Verma has thought over this point. This Bill has assumed the presence or a pre-existence of a

[SRI P. G. MAVALANKAR]

two-party system. But if there is no two party system in the country how can you have this kind of Bill now? We are a large country and we have so many parties in India. We have a multi-party system. I am not for the multi-party system. I am progressively for a few parties. I want independents too to function because that would be a good check on this or that party. And as long as they are genuine and good independents and dependable independent not *Aya Rams* or *Gaya Rams* it is good for us. My point is that in a country like ours where there is no two party system why have this Bill which provide for a Leader of the Opposition? Suppose there are three Opposition Parties in the next Lok Sabha each getting an equal number of seats. Whom will you make the Leader of the Opposition which will be an alternative to the Government? Can you have three alternatives?

Finally Sir look at the irony. Two friends from the Congress party spoke well in their own way about democracy and the Congress party but it is ironical that the party which only recently sought to destroy democracy should be the beneficiary of democracy today. Now, they are saying it is good. Where were they during those nineteen months. They destroyed the parliamentary system.

MR DEPUTY SPEAKER Please, Mr Mavalankar, try to finish now.

PROF. P. G. MAVALANKAR
Sir I will only take one or two minutes more. In the press gallery there were press correspondents appointed by the Speaker and their accreditation cards were cancelled and they were removed from the press gallery during the Emergency period by the Congress Government. So, let this Congress party not talk of democracy. Moreover, Sir, after the great split in 1969 when the Congress (O) became an Opposition Party for the first time—having more than 50 members—a private members Bill for recognizing the Opposition leader was discussed in this House and the then Ruling Party [Congress (R)] ridiculed that effort. Today who is ridiculing whom? Sir the principle behind the Bill is good but the timing is bad.

MR DEPUTY-SPEAKER · You have already taken much time. Please conclude, now.

PROF. P. G. MAVALANKAR
Sir, only a few sentences more. In this country we want all of us to develop a democratic attitude, and there must be the governmental responsibility towards the Opposition as well. This Bill is good because it shows a good attitude of the government to the Opposition. Opposition must oppose and propose but not obstruct. Having said that, the point is that though the Bill is good in principle it does not meet the requirements of time and I do not think Janata Party need bring this Bill to assure the entire country that they believe in democracy. The very fact that people have voted them to power shows that they know how they stand and where they stand. Let the Congress party behave responsibly and democratically and thank for this.

MR DEPUTY SPEAKER The Minister

SHRI DINEN BHATTACHARYA
Sir, before the Minister speaks I formally move under Rule 109 with your permission that the debate be postponed and taken up in the next Session. Rule 109 say

At any stage of a Bill which is under discussion in the House a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker.

MR DEPUTY-SPEAKER I am not giving you the consent.

SHRI DINEN BHATTACHARYA
Under Rule 340 I do not require your permission. 16 00 hrs Under rule 340 it is stated that after the motion has been made, a Member may move that the debate on the motion be adjourned. So, I am bringing this motion.

MR. DEPUTY-SPEAKER · In the first place, you will have to obtain the permission of the Speaker to move the motion and secondly I am not giving the permission to raise it. Therefore, it does not arise.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA).
MR DEPUTY-SPEAKER, Sir, I am grateful to the hon. Member who have participated in the debate. The debate on the Bill has shown that there is a large measure of agreement as far as the principle behind the Bill is concerned. Some hon. Members, of course suggested that perhaps the Bill is not very timely. But I would like to tell the House that

Bill

if one wants to make a departure, if one wants to make a new precedent. If one wants to find the way for a new method of functioning, one has to make a beginning and that beginning has to be from the very beginning. One cannot postpone a good day, one should start if one feels that this is a measure which has to be brought in. Therefore, I do not think that my good friend who said that the measure is not timely, thinks that this measure is so untimely that this should not be discussed or debated by the House. I am not referring to all the points that he raised. I would like to be very brief in answering this debate. As I said earlier, there is a large measure of agreement as far as the principle is concerned. I do not want to enter into a discussion on the question of whether the party which today is the major party in opposition has contributed to the growth of democracy in this country or has contributed at least at some points in its history to the destruction and erosion of democracy in this country.

I said earlier it is not apart of my intention to raise such controversy while I am on this Bill. Irrespective of what they may have done, the Government is concerned with its attitude to the opposition, its attitude to the opposition is not governed by what those who are today sitting in opposition on that side might or might not say about the role of the opposition. I would have liked to bring the word of the hon. Member but I knew that it might bristle with meanings which one may not totally be able to accept. Therefore, I hope he will pardon me if I do not jump at the word that he has used and accepted. However, it is very clear that irrespective of what their attitude might have been, the attitude of the Government and thus party to the Opposition, the idea of the opposition, the institution of the opposition, the right to dissent continues and will continue to be what I have explained. It is not bilateral. We do not want to take a view that if they behave, we behave. We believe in canons we believe in certain norms, we believe in principles and therefore we will stand by those principles.

AN HON. MEMBER: It means we will behave whether they behave or not.

SHRI RAVINDRA VARMA: The hon. Member may add his comments to what I have said. The very way in which you build up public pressure and bring the pressure of public opinion on people to behave is by setting an example, if one does not do so, then one cannot build up the public pressure necessarily on those who must behave whether they are in Government or in the opposition. Now, I think the main question, as far as this Bill was concerned, was raised by my hon.

friend, Mr. Samar Mukherjee and later on to some extent by my good friend, Mr. Govindan Nair. I am not quite sure whether Mr. Govindan Nair was here when I initiated the discussion on the Bill. That does not matter. The point that Mr. Mukherjee raised and which was later on supported by my good friend Govindan Nair is very important. It is not that we want to ignore that point. We accept the fact that in a very big country like ours there may be many parties in opposition to the Government so many groups in opposition to the Government. They have all their legitimate place. Even so, there has to be some criterion by which we can definitely identify what is the main thrust of the thinking on the side of the opposition in opposition to the Government. One hon. Member from this side said that we should use the word real opposition as distinct from numerical strength of the opposition in this House. This, I should submit, is a very elusive word. The word, it is dangerous to accept such a definition. After all, all of us who are here are here by virtue of the logic of numbers. In elections, we get elected by virtue of the logic of numbers. Here in this House we sit on this side of the House and my good friend Mr. Sathes sits on the other side of the House, perhaps reluctantly, because of the logic of numbers. Therefore, it is very difficult for us to ignore the logic of numbers and say that there is no difference between a party in the opposition which has a certain requisite number of members and the other groups in the opposition who also perform a function as groups in the opposition. It is not possible to ignore those differences. In this country almost everybody has said that there must be certain consolidations of forces if not polarisation of political forces. I do not want to enter into this discussion at this stage because it is a very major discussion and this Bill need not be the peg on which one wants to hang such a task. People have talked in this country of polarisation or of the need for polarisation or at least for consolidation so that there may be some effectiveness brought into the functioning of parties in the opposition. (Interruptions) Regional parties will always be there and when people talk of consolidation, they talk of consolidation of the opposition groups. (Interruptions) I am not talking of regional parties.

SHRI A. BALA PAJANOR: We are also a party.

SHRI RAVINDRA VARMA: You can have a label attached, by attaching a label to salt, salt will not be turned into sugar. Therefore, I do not want to talk of labels. If parties want to confine

[Shri Ravindra Varma]

themselves to a particular area, the logic of their developments will be circumscribed by the logic of their parochialism. In a big country like ours, there are, fortunately for us, many who believe that it is possible to have national policies, national groups and national parties, not only parochial parties.

SHRI A. BALA PAJANOR : Ours is not a parochial party.

SHRI RAVINDRA VARMA : I am not referring to any particular party and I am talking of political parties in this country which may involve at some point of time some people. There are certain political tendencies in this country which cannot be ignored or wished away. I wish I could wish them away but unfortunately it is not possible. But the main point behind what Mr. Mukherjee said is that perhaps our object was to make the Congress Party the only opposition party or to recognise only the Congress Party as the opposition. I should not like to use any objectionable word as far as my good friend is concerned but I should like to submit that this is almost an uncharitable interpretation. It is not to enshrine the Congress Party as the opposition party—particularly after what they have done, as my friend says that we have brought forward this Bill. Today they are in the Opposition; tomorrow Mr. Mukherjee might be heading a group having behind him enough members to be recognised as an opposition party. Or it may be Mr. Govindan Nair.

AN HON. MEMBER : Why not you?

SHRI RAVINDRA VARMA : I am coming to that. Don't be in a hurry. We are here now. But we may be there tomorrow, not tomorrow, but on a future occasion. We have been there long enough, but you have not been here long enough and the country will keep you there for long enough. (Interruptions)

I am always willing to accept your invitation provided it is not to Karnataka Bhavan. I do not know where it is. Leaving that aside, therefore the question is not who is to enjoy the facilities and amenities that the Bill provides; but it is the question of providing the Opposition which has this largest strength, which, therefore, can claim to be recognised as the Opposition Party with certain facilities and amenities. I would, if the hon. Members Mr. Mukherjee and Mr. Govindan Nair feel that the Government and the House itself should consider the desirability and the necessity of providing certain facilities, if not similar facilities, which will enable every group to function effectively, consider it. But that is a

Bill

different question which has not been covered by this Bill. Of course, I can understand that question being raised.

My good friend, Mr. Mavalankar went little further and said that even individual members should have facilities. Of course, they should have facilities. But I do not think they are not having any facilities today. This Bill does not deal with those facilities. The hon. Member knows that there is Committee called Salaries and Allowances Committee, if I am not recalling wrongly and all such matters can certainly be brought up in that Committee and I am sure nobody in this House, whether he is in the Opposition or in the ruling Party, would like to take a stand which would reduce the effectiveness the hon. Members of this House. Everything should be done, of course, within our means, to maximise the effectiveness of the Members of Parliament, their effectiveness in serving their constituencies and this House. Therefore, such matters can always be discussed.

When my good friend was speaking, I was almost reminded of the nursery rhyme about 'Baba black sheep' and none for the little boy crying in the lane. That would not be an exact depiction of the position. It is not so bad as the case of the poor boy who was wailing in the lane because there was no wool of the black sheep. (Interruptions)

PROF. P. G. MAVALANKAR : Do you mean to say that the Members of Parliament are getting adequate facilities?

SHRI RAVINDRA VARMA : May I say to the hon. Member that certainly—as I said earlier, I shall repeat that—whatever is necessary to increase the effectiveness of the hon. Members must be considered and this Government will not be found wanting in considering that.

My friend Mr. Pajanor said that this Bill is neither pragmatic nor practicable. I am not quite sure whether that was the consistent tone that was evident in all parts of speech. I do think as conditions stand today, this bill is practicable and perhaps, this is the only pragmatic step that we could have taken.

My friend Mr. Yadav, who spoke from here, said that the provisions of the Bill are not enough. Unfortunately, I do not see him around. He said that the provisions of the Bill are not enough and that more facilities should be made available to the Leader of the Opposition. Somewhere, one has to make a beginning. As I said earlier, this was a matter of evolution of certain attitudes, evolution of certain circumstances where certain facilities become

necessary and certain facilities are used for the common benefit of democracy and the country. A beginning has to be made in this Bill, we have tried to make a beginning. By and large, the Bill does not satisfy most of the considerations that were urged by hon. members. I would, therefore, commend this Bill for the acceptance of this House.

MR. DEPUTY-SPEAKER Shri Vinayak Prasad Rao in his speech has already said that he is withdrawing his amendment. He has the leave of the House to withdraw it?

HON MEMBERS - Yes.

Amendment No. 1 was, by leave withdrawn

MR. DEPUTY-SPEAKER The question is

'That the Bill do provide for the salary and all wages of Leaders of Opposition in Parliament be taken into consideration.'

The motion was adopted

MR. DEPUTY-SPEAKER We shall take up clause-by-clause consideration.

Clause 2—(Definition)

SHRI A. K. ROY (Dhanbad) I beg to move

Page 1—

(i) line 7,—

for "Leader of the Opposition" substitute "real Leader of the Opposition"

(ii) line 19,—

for "Leader of the Opposition" substitute "real Leader of the Opposition" (3)

Page 1,—

(i) line 11,—

for "numerical strength" substitute "political strength"

(ii) line 16,—

for "numerical strength" substitute "political strength" (4)

SHRI HARI VISHNU KAMATH I beg to move

page 1,—

after line 13, insert—

"Provided that the strength of such party in the Council or the House shall be not less than one-sixth of the total membership of the Council or the House respectively." (15)

SHRI SAMAR MUKHERJEE : I beg to move :

page 1,—

for Clause 2, substitute—

"2. Leader of an opposition party or group means the leader of an opposition party or group recognised as such by the convention and practice of the Parliament" (23)

SHRI A. K. ROY (Dhanbad) Sir, I was surprised when I saw this Bill because we have no money for the workers to be given bonus. We cannot afford to return the CDS money. Everywhere we are giving big lectures on austerity and what not. Just today I read in the papers that our President is coming out of the Rashtrapati Bhavan to lead a more humble life. In that context we are wasting the time of the House in deciding the salary and allowances to be paid to the leaders of opposition. I consider this an insult to the whole opposition. Have we got no other functions except extracting more facilities from this House? I was listening to the speech of an hon. member who was demanding more facilities for ordinary members. I am opposed to that also. We ordinary members have got sufficient privileges compared to the poor people of India. I want that no privileges should be extended and even some existing privileges of the Members may also be curtailed. Any extra money to the Opposition leader who happens this time to be the leader of the Congress Party will be considered in the country at large as a bonus for Emergency. They brought Emergency out us into torture and this Government has come out with a bonus for them.

Another point which I oppose vehemently and politically is the economic aspect of the thing. But I have substituted "duties and responsibilities of the Leader of the Opposition". Sir, we are in the transitional period. The country is standing; it must take a turn and in that position the responsibilities and duties of the Opposition will be a very vital one. Even our hon. Minister has said "Democracy means the rule of reason". Now, I would like to read a few lines ..

MR. DEPUTY-SPEAKER : I told you to take only two minutes. You have already taken five minutes.

SHRI A. K. ROY . Please give me one or two minutes. I shall be very brief. Harold Laski in his 'Democracy in crisis' writes .

"The rule of democracy was to be the rule of reason. The party which best grasped the purpose of the electorate would win majority in the legislature and it would use the normal, constitutional forms to give effect to that purpose."

"The flaw in the argument was an obvious one. It assumed the absolute validity of the form of the political state regardless of the economic character of the society it was supposed to represent. It did not see that such economic regime gives birth to a political order which represents the interests of those who dominate the regime, who possess in it the essential instruments of economic power."

My point is this. Democracy does not mean parliamentary democracy. It is not synonymous to parliamentary democracy and parliamentary democracy is not synonymous to the British type of parliamentary democracy. If wever, democracy has got its own historical background for evolution and in India we cannot afford to take any other democracy from outside and that is why on both the counts I oppose the salaries and allowances of Leaders of Opposition. I want to substitute with the duties and responsibilities of the Leaders of the Opposition" so that it can lead to the Indian type of democracy.

SHRI HARI VISHNU KAMATH
Mr. Deputy Speaker, Sir, clause 2 seeks to define the Opposition and which party leader will be entitled to amenities, salaries and all these things. The criterion has been entirely left to the Speaker for this House and to the Chairman for the other House. But I would like that this provision be embodied in the statute itself and not left to the hon. Speaker here and the Chairman of the other House. I think it is desirable that this criterion, this yardstick, should find a place in the statute itself. I, therefore, seek to prescribe the minimum. The Speaker then can certainly recognise the party which has the majority numerically, but in my humble judgment, the minimum should be one-sixth of the total membership of the House, not one-tenth. Today, as far as I am aware, the ruling of the hon.

Dadasahb Mavalankar, the Speaker of the First Lok Sabha, still stands, the yardstick still stands and is still in force—that for the Opposition to be recognised as a Party, the Opposition Party should have at least a strength of 10 per cent of the House.

Numerically, it is equivalent to the quorum of the House. Unfortunately, except in 1969, there was never a 10% strong Opposition in this House since 1952. In 1969, there was an Opposition having more than 10% strength. Even then, the then government did not extend to them the facilities which we are seeking to give to the Opposition through this bill.

I would like that the prescribed minimum strength should be incorporated here in the Statute itself. The House is well aware that in the election law, the minimum of the total votes polled has been fixed—leaving the security deposit—as one-sixth and not 1/10 or 1/4. If you get less than 1/6 of the total votes polled, you lose your deposit. Not that I want to put it on a par with this. But I think there is some logic in it. 10% may be too little, and 25% too high. Therefore, 16-2/3% is the golden mean. So I would very much desire that this minimum of 1/6 should be fixed in the statute itself. Therefore I commend the amendment for the whole-hearted acceptance of the House.

MR. DEPUTY SPEAKER. I shall now put amendments Nos 3 and 4 of Mr. A. K. Roy to the vote of the House.

Amendment Nos 3 and 4 were put and negatived.

MR. DEPUTY-SPEAKER. I shall now put amendment No 15 of Mr. Kamath to the vote of the House.

Amendment No 15 was put and negatived.

MR. DEPUTY-SPEAKER. I shall now put amendment No 23 of Mr. Semar Mukherjee to the vote of the House.

The Amendment No 23 was put and negatived.

MR. DEPUTY-SPEAKER. The question is

"That clause 2 stand part of the Bill."

The motion was adopted.

(Clause 2 was added to the Bill)

Clause 3—(Salary of Leaders of Opposition).

MR DEPUTY-SPEAKER · Now clause 3 On clause 3, are you pressing your amendment, Mr Roy ?

SHRI A K ROY Yes

MR DEPUTY-SPEAKER Mr Roop Nath Singh Yadav, I think you are not moving it

SHRI ROOP NATH SINGH YADAV (Pratapgarh) No

MR DEPUTY-SPEAKER Mr Kamath, are you pressing amendment No 16 ?

SHRI HARI VISHNU KAMATH Yes It is in list No 5

MR DEPUTY-SPEAKER Now Mr A K Roy

SHRI A K ROY I move

for "two thousand, two hundred and fifty rupees per mensem"

Substitute—"five hundred and one rupee per mensem" (5)

We Members of Parliament get Rs 500 as our salary and Rs 500/- as the constitutionally allowed allowance. You know Sir, that when we make a cut Motion we make a symbolic cut of Rs 1/- towards disapproval of the policy. As the Leader of the Opposition is supposed to disapprove the policy, naturally he can be given only Re 1/- more for his performance

SHRI HARI VISHNU KAMATH I move

for clause 3, substitute—

"3. Each Leader of the Opposition shall be entitled to receive as salary of 100 thousand two hundred and fifty rupees per mensem" (16)

I recall, first of all a linguistic, a stylistic change, and I will explain the rationale behind it. The rationale is very sound, in my humble judgment, and what Shri Samar Mukherjee has said has reinforced what I have in view, when he made his observation on the motion moved by the right hon gentleman from Ranchi, that in West Bengal the then Leader of the Opposition refused to accept the salary which was fixed in the Bill. The Government will find itself in an awkward position or a contretemps, may be hypothetical, I am not sure, if the Leader of the Opposition refuses to receive the salary, accept the salary. That is why I say "entitled to receive" instead of "paid to him". You can take the horse to the water but cannot make it drink. So also, if he declines to accept, it will

put the Government in an awkward situation. Will they hand over in a *thail* the amount, or a cheque for Rs 2,250 ? I think legally also the construction of the clause is unfortunate. Because, if you see the next clauses, clauses 3, 4 and 5, about fringe benefits, all of them say "entitled to receive". But here it is said "paid to him". I do not see the rationale behind it.

Coming to the amendment of Shri A K Roy, which suggests that the salary be fixed at Rs 501, I do not think it is reasonable. Because, I think he forgets or overlooks the provision that once a person is declared and recognised as the Leader of the Opposition, he will not be entitled to the salary and allowance of a Member of Parliament. We get a salary of Rs 500 and an allowance of Rs 500, which is tax free, and during a session we are paid about Rs 1,500 per month by way of D.A. Therefore, during a session we get Rs 2,500 per month so far as the salary of Rs 2,250 is concerned. I do not think it is tax free. I do not know whether the Minister wants to make it tax-free. So far as a Member is concerned his daily allowance and travelling allowance are tax free only Rs 500 will be taxed. As we have raised the ceiling for tax exemption, that also will be tax free. So, during the session a member gets Rs 2,500 tax free. Therefore, I do not think this figure to Rs 2,250 is very high. I accept the Bill in principle.

MR DEPUTY-SPEAKER I will now put amendment No 5 of Shri A.K. Roy of the vote of the House

Amendment No 5 was put and negatived

SHRI HARI VISHNU KAMATH Sir, before you put my amendment to the vote, let us hear the Minister

SHRI RAVINDRA VARMA I have listened with great attention to what the right hon gentleman from Hoshangabad has to say. I do not think the clause as it has been drafted in the Bill needs to be modified in the fashion he has suggested. I am, therefore, sorry I am not in a position to accept his amendment

MR DEPUTY-SPEAKER I will now put amendment No 16 moved by Shri Kamath to the vote of the House.

Amendment No 16 was put and negatived

MR DEPUTY-SPEAKER The question is .

[Mr Deputy Speaker]

"That clause 3 stand part of the Bill"

The motion was adopted

Clause 3 was added to the Bill

Clause 4—(Residence for Leaders of opposition)

SHRI A K ROY I beg to move

Page 2,
for clause 4, substitute—

"4. Each Leader of the Opposition shall, so long as he continues as such Leader, be duty bound to focus the grievances of the people to the policies and action of the Government with a clear socio political alternative to the present system causing those grievances" (6)

SHRI HARI VISHNU KAMATH
I beg to move

Page 2,—
for lines 4 and 5, substitute—

"to the proper maintenance of such residence." (17)

SHRI A K ROY My main emphasis is thus that the Leader of the Opposition would be duty bound to focus the grievances of the people to the policies and action of the Government with a clear socio political alternative to the present system causing those grievances. That means that the Leader of the Opposition should be really the Leader of the Opposition and not counter-fact Leader of the Opposition. It is good that our Minister of Labour and Parliamentary Affairs does not want to muzzle the voice of the opposition unlike the previous Government. But what he is doing is more dangerous. He wants to sweeten the voice of the opposition. We are talking of parliamentary democracy in England. But look at the history. There the parliamentary democracy took more than 200 years to take the present shape. Today, if we want to come in the forefront in the saddle of bourgeois democracy, we have to gallop and in that galloping if we have adopted the present stage of their democracy, we will be making a mistake. You know that in any historic development, contradictions play a most important part. Contradictions, struggle, between the opposition and the Government are the guiding force that pushes the country ahead. So, any measure to sweeten any measure to collude, any measure to have an understanding so that there is a two-party system having same class interest, having same philosophy, having same social and political outlook, must

go. That is why I have said in other clauses that numerical strength does not matter. What matters is the political strength. If you wish the birds of the same feather to flock together, it will not help the country. That is why, any attempt by the Government to somehow manoeuvre or somehow tame the opposition, must be opposed because it is the struggle, the confrontation between the opposition and the Government that pushes us forward.

SHRI HARI VISHNU KAMATH
Here the clause says

Each Leader of the Opposition shall, so long as he continues as such Leader, and for a period of one month immediately thereafter, be entitled without payment of rent to the use of a furnished residence and no charge shall fall on the Leader of the Opposition personally in respect of the maintenance of such residence."

Look at the wastage of words. What a plethora of words! I did not expect the Minister to fall a victim to such plethora of words. A poet—I do not know which poet—has rightly said "Bravity is the soul of wit." I do not wish the charge to be levelled against the Minister, the Member from Ranchi that he is dull-witted. He is not dull-witted at all. Therefore, my amendment is very brief. I seek to delete the last but please look at it, no charge shall fall on the Leader of the Opposition personally in respect of the maintenance of such residence." I seek to amend it like this.

Each Leader of the Opposition shall, so long as he continues as such Leader, and for a period of one month immediately thereafter, be entitled without payment of rent to the use of a furnished residence and to the proper maintenance of such residence."

How briefly it looks! How convincing! So, the Minister, as a lover of language and style, should accept this.

SHRI RAVINDRA VARMA I do not think that I am in a position to accept my hon friend, Mr Kamath's amendment. As far as his allegation that there is a plethora of words in the clause, I do not know who should complain about the plethora of words.

MR DEPUTY SPEAKER I first put the amendment moved by Shri A K Roy to the vote of the House.

Amendment No 6 was put and negatived

MR DEPUTY-SPEAKER Now, I put Mr Kamath's amendment to the vote of the House.