

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Tuesday, 28th April, 1953

The House met at a Quarter Past Eight
of the Clock

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-15 A.M.

MESSAGE FROM THE COUNCIL OF STATES

Secretary: Sir, I have to report the following message received from the Secretary of the Council of States:

"In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to enclose a copy of the Calcutta High Court (Extension of Jurisdiction) Bill, 1953, which has been passed by the Council of States at its sitting held on the 27th April, 1953."

CALCUTTA HIGH COURT (EXTENSION OF JURISDICTION) BILL

Secretary: Sir, I beg to lay the Calcutta High Court (Extension of Jurisdiction) Bill, 1953, as passed by the Council of States on the Table of the House.

SALARIES AND ALLOWANCES OF OFFICERS OF PARLIAMENT BILL.
—concl'd.

Mr. Deputy-Speaker: The House will now proceed with the further consideration of the Salaries and Allowances of Officers of Parliament Bill.

Shri H. N. Mukerjee (Calcutta North-East): It is good that an interesting

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turn has been given to this debate and the House has an opportunity, of which I hope some significant use will be made, to discuss the role of the Chair and its grave responsibilities in the Parliamentary scheme of things.

[SHRI PATASKAR in the Chair]

In my view this discussion is by no means uncalled for and is germane to the immediate issue before us, namely, the fixation of the salary and allowances payable to those who occupy the exalted Chair in either House of our Parliament. We are discussing this matter, as we should, in a perfectly impersonal manner. And even if the Deputy-Speaker had continued to occupy the Chair I feel that he should not have felt the slightest embarrassment in listening to this. This is because whatever we say in regard to our expectations of the Chair, we have a very lively sense of respect which we all owe to the Chair, we are very conscious of the primary role of the Chair in a Parliamentary system which must not be belittled, and we are positive that the Chair is entitled, even when we have occasion to differ from it, to very great respect if the system which we are working is going to produce results.

We need not imitate in every detail whatever happens in the British Parliament, but we get from that source a treasury of experience that we should not just discard. That in many things we do not follow the precedents which are practised in Great Britain became very clear to us soon after we came to this House. Well, I suppose everyone who goes to college finds out the first thing about the Speaker of the House of Commons, which is that the Speaker does not speak. Here, however, he does; and sometimes if I may say so with respect, a little more copiously than is perhaps warranted by the circumstances. Personally I do not mind it in the least, for what do the scriptures say? "Out of the abundance of the heart the mouth speaketh". And we are proud that our people are a big-hearted people and if sometimes

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they are voluble it is an expression of the spirit we have. Personally I think therefore that there is no reason for perturbation if occasionally our Speaker speaks a little more than the Speaker of the House of Commons. We differ in many ways from Britain in our Parliamentary practice.

As I have said before, we learn a lot in this line from that country. We remember, for example, how at one time the Speaker was a nominee and agent, so to speak, of the Crown. And there are instances, specially in the palmy days of the seventeenth century British constitutional history, when Speakers were held down in their Chair by hefty Members of the Commons, when the Speakers gave vent, it is reported, to a profusion of weeping, when against their will revolutionary documents like the Grand Remonstrance were read and adopted by the House of Commons. Such instances have happened. There is no reason to expect a recurrence of such instances in the present set-up. But such things have happened. Much water, of course, has flowed under bridges since then. Soon after the time when the Grand Remonstrance was passed, there appeared in the House of Commons symptoms of a change which had come about when the celebrated Speaker Lenthall, who was ordered by King Charles I to point out five members whom he wanted to arrest, fell on his knees and said "Sire, I have neither eyes to see nor ears to hear except what the House has vouchsafed to me". That was a historic incident to show how the Speaker was independent of the Crown and how Parliament was behaving in a fashion which brought about in those days a great change in that country. So the Speaker has come by degrees to be the embodiment of the rights of Parliament. He is the embodiment of the rights of the Parliament, of the prerogatives not of the Crown or of the executive but of the sovereign people.

We find that as far as British history is concerned, the expectations from the Speaker are extremely high. Even in regard to health, it appears that in the three centuries between 1547 and 1853 the Speaker was absent through sickness only twenty-nine times during nearly 300 days. I find some very interesting statements regarding the qualifications of the Speaker, which of course can be referred to only in an academic sort of way. In 1597, it seems, when Sergeant Yelverton was declared elected to the Chair he declared that the Speaker ought to be "a man

big and comely, stately and well spoken, his voice great, his carriage majestic, his nature haughty, and his purse plentiful"—a rather wide catalogue of qualifications which a Speaker had to have in those days! It shows, however, that the Speaker was taken, very rightfully, to be a sort of paragon, a person on whom the people depended, because in Parliament the proceedings were to be conducted in a manner that would redound to the interests of the people and therefore the man in charge of regulating the conduct of Parliament should be a sort of paragon. A perfect man is usually something of a bore, but I suppose the Chair has to be as much of a paragon as he possibly can and take the risk of being boring from time to time.

In regard to the aspect of the Speaker's role to which reference has been made yesterday in the course of the discussion, namely impartiality, which Parliamentary practice has made incumbent in so far as the Speaker's position is concerned, I need not refer to British Parliamentary history, I need not show how the doctrine of the complete divorcement of the Speaker from politics has been a development of the last one hundred years, I need not show instances of how this has happened—because this is more or less common knowledge. The point, however, is: how far should we go on this point of the divorcement of the Chair from all political affiliation—how far should we go? As far as the instances which were collected regarding the practice followed in the Dominions as well as in certain other Parliamentary democracies apart from Great Britain are concerned, we see that the report of the Select Committee of the House of Commons on the Speaker's seat has made some very important suggestions. And we see from this report of the Select Committee that actually in most cases, even where we find that the British practice is not usually followed, the Speaker does try to maintain as much of a judicial detachment from the muddled strands of contemporary political life as possible. Even in the case of Britain we have found that occasionally the convention, which has been established by nearly one hundred years of fairly consistent practice, the convention namely that the Speaker should not be opposed at the time of the general election, the convention which was recommended to us by my hon. friend Mr. Gadgil yesterday, this convention has been departed from even in England on certain recent occasions, in 1935 and again in 1945. The departure from this practice was the

result of an appreciation that at a certain point of time, when basic changes have got to be put into effect, it is not necessary to adhere rigidly to certain conventions which perhaps fitted in when an atmosphere of equilibrium was in existence. At times, that is to say, when a big change is in the offing, many of those conventions which appeared to be more or less acceptable appear to be no longer acceptable in the same way. In 1945 when after the war there was an expectation in the minds of the British people that the whole set-up was likely to be changed because of the way in which the World War was fought and won, it roused great expectations in the mind of every people. At that time there was a realisation of the fact that it was not necessary to adhere rigidly to whatever Parliamentary conventions they had got, it was necessary to work away from certain conventions even as a gesture, even as a sort of emotional change from the older strains of thought and action. So it happens that in a country like ours where there is an expectation in the minds of our people there is a feeling that change is in the air, there is an idea that change should be effected, there is an idea at the same time that there should not be a very rigid and mechanical adherence to certain Parliamentary conventions which may be valid as far as they go in times of equilibrium, in times when tension does not exist, but in times when there is tension, it is necessary to break away from such conventions. In our country, with all respect to the Chair, with all respect to the person who occupies the Chair, it may be necessary for us to try and register, it may be necessary for those elements in the country who are against the Government of the day to try and register their entire disapproval of the way things are going on by discarding certain conventions whose justification can only be put forward at a time when there is no tension, at a time when there is an equilibrium, at a time when there is a co-ordination between the people's desire and the achievement of the Government. We find also that in the case of the British Dominions and in many of the Parliamentary democracies, whose practice was noted by the House of Commons Select Committee on the Speaker's seat, the convention is not very widespread. It is not very well established that there should be no attempt to challenge the Speaker's election at the time of the general election and so we say it is not necessary for us to claim that if we are going to derive from British Parliamentary practice certain ideas in regard to the complete impartiality of the Chair, as long as the Chair is there for the task

of regulating the debate, if we want that kind of British Parliamentary convention to be also adopted here, we should go the whole hog, we should adopt the entire British conventions and also in the case of elections we should agree that the Speaker's seat should not be contested. These two things need not be propounded at the same time. My point is this, that quite apart from whatever might happen at election time, quite apart from whatever the different political and ideological groups in the country might have to tell the country at election time, there are certain expectations of the Chair as long as the Chair's duty is to see that Parliamentary democracy functions in a manner which is useful, in a manner which really would rebound to the interests of this country and it is exactly there that we want that every possible precaution is taken to see that the impartiality of the Chair is guaranteed, that the Chair is not even liable to the faintest whisper of suspicion of partiality. As I say this I am speaking absolutely impersonally and I am not referring to any single instance of rulings given by the Chair in our House but I say it is necessary for the sake of the system which we are trying to work for whatever it is worth. As far as we are concerned, we do not have any illusions, we do not have such expectations of the system as my friends on the other side, but we are trying to work it. Whatever it is, we hope this system is going to produce results. It is necessary to make sure that the position of the Chair is elucidated and certain conventions are established in this country here and now. Now we do not want, I should say, a judicial automaton to sit in the Chair. We do not want a person with a kind of bureaucratic detachment which a civil servant officially develops in the course of his career. I see the House of Commons Select Committee on the Speaker's seat has also said the same thing. We do not want a person who behaves more or less like an official borrowed from Government service. He is supposed to be a very impartial person. He is a permanent Civil Servant. We do not want that kind of person. Why not? Because this is a live place, pulsating, and the man who presides over this Assembly should be a man who has an understanding of the problems agitating the country, who has a real creative understanding, an approach to psychological problems which agitate the country as well as the Members of the House, a man, that is to say who has a real link with the living problems of our country, with the working conditions of the people of our country, that is to say we want a man who has a very lively

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understanding of the political situation. We do not want a man who has said good-bye to all ideology, we do not want a man who has turned himself into a mechanical robot. In that case perhaps some ingenious brain might devise some kind of electric appliances which would do the job of the Speaker. What we want is that the occupant of the Chair should be a person with a sense of problems which come before the House, who could make a human approach to the problems and who at the same time can see that these problems of national importance which are mooted in the House are really discussed in the spirit in which they should be discussed and it is exactly there that we want that there should be certain safeguards.

As far as the present position is concerned, I know that the majority party in this House is also represented on the Chair. Personally speaking, I do not grudge it. Personally, I do not cavil at a Congressman being in the Chair. Personally, also I think that I can concede that the Speaker might continue to ally himself ideologically and politically with a certain school of thought and of action. I do not want the Speaker to be a person who is a mechanical robot. He therefore has human interests and being a public personality, naturally he has developed certain emotional links with certain movements. Now I do not think the Congress today has much of an ideology. It has the usual variety of *status quo* conservatism which is being doled out by the Congress Government and the Congress Party, but I am prepared to concede that many in the Congress might think very differently, the Chair might consider that there are certain basic and valuable pre-suppositions and implications of Congress politics, and I cannot blame the Chair. I cannot blame our Speaker here who spoke last year in answer to speeches of felicitations on his election. I cannot blame the Chair if it says, "I hold fast to the views which I have held for so long". I do not blame it at all but certain misgivings arise and it is only when these misgivings arise that they have got to be faced and those misgivings relate to the possibility, if even there is any remote possibility, of the Chair's affiliation to certain political strands of thought and action to influence his conduct in the Chair. A Speaker after all cannot be a perfect instrument and therefore we should try and see to it that as far as possible any likelihood of his political and ideological affiliation impinging upon his work in the House should be

avoided. That is a matter to which we should try to devote our attention.

Now in the British set-up, even the Chairman of the Ways and Means who discharges the work of the Deputy-Speaker, has to follow the same tradition of abstention from party controversy as the Speaker does and the Chairman of Ways and Means no longer exercises the rights of the ordinary Member to participate in the debates and divisions of the House. Now, the seat of the Chairman of Ways and Means in the House of Commons is liable to be contested unlike the seat of the Speaker in the House of Commons according to the usual convention but in spite of that he does not exercise the rights of the ordinary Member to participate in debates and divisions of the House.

Now in this connection I find that a former Speaker, a very reputed man, of the House of Commons, Mr. Clifton Brown, who came to this country a little while ago, gave a speech before Members of Parliament in the Central hall and he referred to certain practices in England. He said, for example, that the "Speaker does not even mix with Members of Parliament at all. He has his own house in the Palace of Westminster. He is not allowed to go into the smoking room, dining room or refreshment room, and when he walks to the House, he is always preceded by one of his officials, the one usually called 'the train-bearer'. He is considered in circles of the Court as about the fifth person of importance in the State. So he holds a very aloof position in the House of Commons and a very high position in the State".

Now, this is going much too far. This is Anglo-Saxon conventionalism with a vengeance. This sort of thing we do not want. But then, it shows an underlying realisation of the necessity of taking every possible precaution to ensure that the Speaker is absolutely impartial. I do not say that we should go that far. But, let us try to see that there is no tincture of possible suspicion on the position of the Chair. This is a matter on which we would like very much to be assured. This is a matter on which I would like the attention of the Government to be focussed in a serious fashion.

Everybody knows the importance of the Chair, and the responsibilities of the Chair. In this connection, I shall quote what was said by Sir Frederick Whyte as President of the Legislative Assembly under the Montagu

Chelmsford Reforms scheme, to illustrate the difficulties of the Chair and the responsibilities of his position. He quoted the words in which an English statesman described the task of the Speaker many years ago. He said this on 24th August, 1925. These are the words:

"The occasions are frequent and occur unexpectedly, when the Speaker is called upon un-aided, and, alone, and at once, to decide upon difficult points which may have supreme consequences—points which require not only accurate knowledge of the forms and procedure of the House, but which demand the greatest courage and firmness to apply these precedents to the exigencies of the moment."

Courage and firmness is wanted: firmness in regard to the regulation of order in the House and courage in regard to the championing of the rights, specially of the minority sections in the House. This is the reason why it is very important that the detachment of the Speaker from all political affiliation should be assured. I would like to quote to you also the words which were used by a very illustrious person, the late Vithalbai Patel after his election to the Chair of the Legislative Assembly on the 24th August, 1925. He said on that occasion:

"From this moment, I cease to be a Party man, I belong to no Party. I belong to all Parties. I belong to all of you and I hope and trust, my hon. friend, the Leader of the Swaraj Party, will take immediate steps to absolve me from all the obligations of a Swarajist Member of this House."

He said all these things at a time when there was a fight against British Imperialism in this country. He said this at a time when the Legislative Assembly was a forum for that fight, when our country was in bondage, when the Swarajist Party had gone there to fight and oppose everything, good, bad and indifferent. It was at that time, in that context of things, before an Assembly consisting very largely of Europeans and officials, he said, I belong to all of you, I am completely detached from the party in power. That did not prevent him of course, from using his casting vote against the Public Safety Bill. That is a very good thing that he did. Actually that was the instance which was brought back as a reminder to the Chair when, on our behalf, felicitations were given to the Speaker after his election last year. He did

that; at the same time, he said that in his work he was completely detached from all affiliation with the Swarajist party.

This becomes necessary because the Speaker is not only the regulator of the debate, but also the "recognised guardian of the rights of minorities in the House." I am quoting from the report of the House of Commons Select Committee on the Speaker's seat, where it is said that he is the recognised guardian of the rights of the minorities. I do not need to refer to the amplification of the powers of the Speaker in regard to so many other things. He can certify Bills which are Money Bills; he can determine which Party constitutes the Opposition and who is its leader; he appoints Chairman of the Standing Committees, etc. So, the most important function which he has is the duty of securing a balance between the claims of debate and the progress of Government business. The claims of debates require that the minority groups which are in Opposition should be looked after. He is therefore the recognised guardian of the rights of the minorities.

I heard yesterday Mr. Gadgil complaining that the Chair is partial to the Opposition. Mr. Clifton Brown, who is now elevated to the House of Lords with a title which I better forget, when he spoke before us some time ago, said:

"The Speaker, once he becomes Speaker, forgets his Party. He becomes a non-Party man. He is put in a particular job with particular responsibilities and one of his responsibilities must be to see fair-play all round. He must see that the minorities have their fair share and very often, Government supporters say that the Speaker gives the minorities too much say."

Government supporters everywhere belong, it appears, to the same tribe and they make the same kind of complaint, and it is the job of the Speaker to see to it that the minorities in particular are allowed to have their say. In regard to this Mr. Clifton Brown gives an instance when he permitted Mr. Maxton, who was the leader of three Independent Labour Party Members to have a larger share of the time of discussion when there was a sort of trans-Atlantic debate with the U.S.A. He says, "...we do regard the rights of minorities with special care, however much one may disagree with them". He says, Mr. Maxton was being called too often. Once, he said, more or less apologetically

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"I have been called far too often, but you see that is the way in the House of Commons where those who belong to the smallest party very often have the most to say."

It also appears to us that those who happen to be the largest party have so little to say that legislative programmes collapse, as we have recently seen in this House. It is necessary that the rights of the minority groups in the House are respected by the Chair. I do not say that the Chair does not actually respect them. I do not propose to cast any kind of aspersion even remotely upon the conduct of the Chair as far as we are concerned in this House. But, we want to make sure that proper attention is given consistently to the job of ensuring that the Speaker's functions are exercised with due regard to the rights of minorities. Our experience in this House has been, unfortunately, that the Leader of the house—as I had once occasion to remark—forgets that he is the Leader of the House and not only the Leader of the Government and the Majority Party. Especially in this House where there is a minority in Opposition which, in spite of numerical weakness is the un-failing target of attack by the ruling party, the Chair's functions become extremely important, and the expectation we have of the Chair in regard to its complete impartiality takes on a very added importance. I therefore say, I do not mind their retaining affiliation to that ideology which the Chair chooses to adhere to. But, I want to make sure that as long as the Chair is in a position to regulate the debate, as long as it devolves upon the Chair to see that the minorities get adequate representation in the debate, as long as it is the duty of the Chair to see that the ruling party is not in a position to use its steam-roller majority to stifle adequate discussion of national issues, as long as this sort of guarantee has to come from the Speaker, the Chair should make sure to see that no loophole is left and that no avoidable link with a political party is continued. Remain a Congressman by all means if the Chair wishes to do so. But, shed all avoidable links with the party organisation. We respect the Chair even as it is, because we know the Chair has a very difficult job. We know that the Chair tries to do its best in the circumstances. But, we shall respect the Chair all the more if the appearances—maybe very unreal appearances—of a link-up with the ruling party are removed. This is a matter to which I hope the attention of

the House will be given, to which I hope the attention of the ruling party particularly will be given, to which I hope also the attention of the Chair would be given. In that case alone can we get a clarification of these issues which will assist not only us, but also the Legislatures in the different parts of the country.

Now, I come to the question—I will not take much of the time of the House—of salaries and allowances. I will not say very much about it. I would merely point out that I do not wish our Chair to think that rank should only be the guinea's stamp. After all, it does not matter two hoots how much money the Chair gets, how many facilities and amenities in terms of money that the Chair gets. We have been told that there should be a sort of equation between the Ministers and the Speaker. I say, Sir, there need be no equation with the Ministers. The Ministers are in a very different street from the Chair, and the Chair is very much better off without the company of the Ministers. Why do they put forward this comparison between the standard of life of the Chair and the Ministers and that sort of thing? If the Ministers choose to have a certain way of life, it does not necessarily follow that for the sake of a supposed dignity we should try also to see that those who occupy the Chair also follow the same standard of life. I see in the Bill before us provision made for sumptuary allowance and all that sort of thing. Now, let us go into this matter a little more carefully. Let us consider it a little more dispassionately.

I know that in the British days every Executive Councillor would complain that he could not carry on with the very little pittance which he got as Executive Councillor. Even today we have got Ministers and others complaining that this is a very difficult place to go about in, and you cannot make it with as little money as they get. The other day I had the mortification of having to listen to a very high-up member of the Indian Civil Service who was complaining regarding his extremely penurious condition. He was giving me certain facts about the amount of income-tax which he has to pay, the money which is taken away for Provident Fund purposes, the money which is deducted for rent and his refrigerator and all that sort of thing, and how it comes down to a very modest sum which, he said, was a modicum of money with which he had to carry on. Now, I listened very

politely to this tale of woe, but surely we cannot be expected in a serious Legislature to take any serious note of this kind of complaint. I know that there is no end to the standard of life we want to reach and we should like to have a society where everybody more or less has an access to the highest standards of life, and the position being what it is, there is no end to the standard of life which you might expect to be reasonable for a Minister or for the Speaker, or the Deputy-Speaker or for Members of Parliament, and that sort of thing. I may remind of what a very well known writer said about envy. He said that Napoleon used to envy Caesar as a greater General, and Caesar used to envy Hannibal, and Hannibal used to envy Alexander, and Alexander used to envy Hercules, who did not exist. So, there is no end to this envy. So, if I think that the Minister leads to better life than I, it leads nowhere. It is petty, and it is not necessary. Then this criterion should be discarded. Here we are trying to legislate for a country in the slough of despair because economic conditions are so bad;—famine rages in Maharashtra, in Rajasthan, in the dry areas of Madras, in Sunderbans in West Bengal; all over the place, wherever you look, North, South East or West, famine ranges everywhere—and we are trying to do something for the country (whether we are capable of it or not is a different matter; we are trying to do it); and in this set-up, in this psychological atmosphere, we talk about the standard of life which befits the dignity of the holder of the Chair, the Ministers, the *Rashtrapati* and all that sort of thing. I know every time I mention China, there is a flutter in certain dovescotes, but in China things have happened;—there are certain Members of this House who have been to China and who have come back with glowing reports—Chairman Mao who is venerated as perhaps no other person is venerated in the world today, what kind of standard does he follow? That really is an assurance of your link with the people, and that really makes you deserve the confidence and respect of the people. The Chair, I am sure, can do without many of the trappings of dignity—so-called dignity—authority and luxury which seem to be very important in the set-up that we have in this country today. The Chair belongs to the House. That is why I have been speaking in this way. I say the Chair is responsible to the House and the country. The Chair represents the majesty of the House. It is to the Chair we look for certain gestures, for goodwill, for a real understanding of the live problems of our people. If that is done,

if the Chair makes that gesture, it will be a wonderful thing. It will heighten the reputation of this House, but that is not important; it will really show that the wind has begun to blow in a different direction, that our country is perhaps now going to proceed in a different way, that perhaps now the aspirations of the people and the achievement of better living standards for the entirety of the people is being taken seriously and earnestly by the Government of our country. That is why I want that we should reconsider this matter. We should go into this matter more carefully. We should try to ensure that the position of the Chair is above all cavil. We should try to ensure that no suspicion—not the faintest tinge of suspicion—of political partiality can be levelled against the Chair. We should see at the same time that the emoluments given to the Chair are such as are in conformity with the interests of our country and the dignity of our country, a country with the traditions of the life of the *Ashram*, a country where—

“कौपीनवन्नः खलु भागवन्नः ।”

—those who put on the loin cloth were looked upon as the really fortunate people, where these ideals have been propagated for good or ill.

I do not hold with this idea of कौपीनवसन at all, but that is the context in which you operate, that is the atmosphere which is part of the feel of this country where we have to operate. In this country, if we have a kind of apparatus borrowed wholesale from God knows where, surely that is going against everything and that is showing a complete insensitive approach to the mounting problems regarding the misery of the people today, and that is something against which we wish to register our protest by means of the discussion which has been initiated on this Bill.

Mr. Chairman: Before I call upon another hon. Member to speak, I would like to make some suggestions.

Yesterday we discussed the matter for an hour and a half, and so far as I can find, very interesting information has been given by Members, particularly by the hon. Member who has just sat down with reference to the history of the institution of the Speaker in the House and his duties and functions. I will not rule that that is all not relevant, but the fact is that the institution of Speaker and Deputy-Speaker has been recognized in our Constitution already. There is also further provision

[Mr. Chairman]

that under article 97, the salaries of the Speaker and Deputy-Speaker should be fixed. And what this Bill proposes to do mainly is to fix the salaries of the officers. I do not propose to say that the discussion is irrelevant as to whether the Speaker should be a party-man or should not be a party-man—people may have different opinions on that matter—but I think it will be more appropriate if hon. Members who speak after this will confine themselves to the main point and give greater attention to the provisions of the Bill rather than treat us to the history of the institution of Speaker because that we have already got. I would be most reluctant on a measure like this to interfere and stop anyone. That is why I avoid any temptation to come in the way of anyone, but if Members observe this rule, probably we might be able to look at the core of this question from a proper angle of view, and might be able to finish the matter early. I will not go beyond this suggestion and rule out anything which refers to the conventions etc., but if we go into greater details regarding the history of the institution of the Speaker, naturally the institution of the Speaker and Deputy-Speaker is already recognized in the Constitution and we are having it. The primary question now is what should be the salaries and emoluments that should be fixed under article 97 of these officers. I find that there has been a very healthy tone so far as this debate is concerned, and as far as possible all references to personalities are avoided. I am very happy to note it. But, at the same time, if we confine our discussion to the limits I have indicated, probably we may be able to get through this measure early. However, let not this be interpreted as my saying that I would like to rule out any discussion which is relevant to the subject matter of the Bill.

I will now call upon Mr. Sharma.

Prof. D. C. Sharma (Hoshiarpur): Sir, I thank you very much for giving me an opportunity to speak on this very interesting subject.

I would not like to dilate on the role of the Chair in a House like this, because, as you have put it so aptly, it would not be very much to the point. But, I was very happy to hear one of the speakers this morning referring to England, and I think it is a very wholesome departure from the usual practice followed by some Members in this House. Well, the English precedent has been quoted, but I may say that I do not want to quote the English precedent. I want to say something about

the practices that prevail in those countries where Parliamentary democracy exists. And if I know it aright, Parliamentary democracy exists in England, France, the United States of America, Australia, New Zealand and a few other countries. I must say that when we look at the history of the evolution of the institution of the Speaker, we come to the conclusion that there are different conceptions that prevail in different countries. I agree with the hon. Member who spoke just now that in England the Speaker is thought to be a sort of aloofish person, who keeps out of all kinds of party-politics. But when we come to France, we find that the Speaker is generally a party leader, and is either an ex-Minister or a person who is on his way to become a Minister. In the same way, in Australia and New Zealand also, we have different conceptions. In the United States of America, we find that the Speaker or the President is generally a party leader. So, it is no use relying upon the experience of other countries, for laying down the duties and functions of this office. I think India is sufficiently advanced, and sufficiently knowledgeable, to have a conception of her own on this matter. I think that the conception that we have so far adopted is very good in the context of the Parliamentary life of our country. That conception is this. The Speaker, though he belongs to the majority party, is yet free from all party bias and party prejudices. When he takes the Chair in the House, he is not only a leader to us but also an umpire. He is not only a member of the majority party, but also a moderator. I think that that is a very difficult conception which we are practising, but I believe that in the context of our life today, this is exactly what has happened, and what should happen. I do not believe that the healthy practice which used to prevail in England at one time, when the Speaker was taken out of party politics, is going to be eternal. As the previous speaker pointed out, there have been certain lapses even there. Therefore, I think that if the Speaker is to command the respect, loyalty and allegiance of the House, he should belong to the majority party, because after all it is in their interests to have the proceedings on an even keel, and make them run along smooth rails. It is therefore a healthy practice that the Speaker should belong to the majority party.

At the same time, I feel, as the previous speaker has stated, you cannot expect the Speaker to be a person who has absolutely no ideology, who has

ceased to have his hand on the pulse of the people, or who is like the Lady of Shallot. When I was a teacher, occasionally I used to teach a poem called 'The Lady of Shallot'. She used to be in a world of shadows, and used to see all things only through a mirror. She was absolutely out of touch with the realities of life, and with the conditions prevailing in the world. We do not want that our Speaker should be the male counterpart of the Lady of Shallot. We do not want that our Speaker should be utterly divorced from those vital currents of life, which are pulsating in the whole of the sub-continent.

Dr. N. B. Khare (Gwalior): Supposing the Speaker is a female, then what happens to the remarks of the hon. Member?

Prof. D. C. Sharma: I am very sorry that I did not follow the very amusing remark made by this amusing gentleman.

Mr. Chairman: Let the hon. Member go on in his own way.

Prof. D. C. Sharma: I am sorry that I am deprived of the witticism of this gentleman.

Dr. N. B. Khare: I said that supposing the Speaker happens to be a female, then what happens to the remarks of the hon. Member.

10 A.M.

Prof. D. C. Sharma: If the Speaker happens to be a female, then God forbid that she should follow Dr. Khare.

I was just now saying that by the standards and tests which have been laid down by the hon. Speaker, I should say that the Speaker should be a person, who belongs to the majority party, which is responsible for administering the country, and also for building and consolidating the position of the country. That is what should happen. At the same time, he should not be partial in any way. So, our conception that the Speaker should be a majority leader, an umpire and a moderator is the conception that is best suited to our country, and I hope the other nations also will follow this.

It has been stated that the two primary functions of the Speaker are to regulate the debate, and also to be the champion of the rights of the minority. I think these are truisms, and do not need any kind of elaboration. But if you would forgive me for referring to my own experience, though limited and short, I would say that so

far as the regulation of the debate in this House is concerned, I think nobody, whether he belongs to the majority party or the Opposition, should have any grouse. I am not the person to repeat the charges or statements which have been made by some of my friends, that the Opposition gets more share than is necessary. I do not want to say that. I think the Opposition should get as much share as it can.

The hon. Speaker has had to deal with some very critical situations in the House, in regard to the regulation of debate, and at the time of questions and also at other times. He has handled the situation with the utmost firmness and guts, and I would add, gentlemanliness. You have said that we should not make a reference to the Speaker or the Deputy-Speaker in person, but I must say that while the hon. Speaker should be a person of the majority party, should be an umpire and also a moderator, I should say that the Speaker or the Deputy-Speaker should be more than anything else, a gentleman, in the real sense of the word. If you would forgive me for saying that, I would say that the Speaker and Deputy-Speaker that we have here are gentleman of the finest kind, and we are really lucky in having them. So far I have said something about the role of the Speaker and the Deputy-Speaker.

Now I come to the salary and allowance part of the Speaker. Yesterday I was listening to the speech of one hon. Member who said that the salary of the Speaker should be viewed in the context of the refugees who are on the platforms of Sealdah, or in the context of the persons who are rotting in some of the refugee camps. I think that is the expression which the hon. Member used. I would not use that word 'rotting', because I know these refugees are being very well looked after, in those refugee camps.

As a teacher, I had often had the privilege of putting one question on the question-papers, 'Explain with reference to the context', especially on English. There we have to view a particular passage with reference to a particular context. I think when the hon. Member tells me that the salary of the Speaker should be viewed in the context of the refugees or in the context of those lying on the platforms of Sealdah station or of something which is happening in the Sunderbans, I would say that he is not looking at it properly and is not locating the passage rightly, or viewing the problem from the real context.

Shri B. S. Murthy (Eluru): What about his comparing the driver and the Speaker?

Prof. D. C. Sharma: I think the salary of the Speaker or the Deputy-Speaker has to be viewed in the context of the pay-structure that prevails in our country. Well, if you want to reduce the salary of every person, I have no complaint to make and I have no grouse. But so long as the pay-structure of our country is what it is, we have to look it in that way. Someone referred to some I.C.S. man. Another speaker referred to some remarks which Dr. Katju had made. But, I think the whole question of this salary has to be viewed in the light of the pay-structure that prevails in our country. If you judge it on that basis, you will see that the salary we are giving to the Speaker, the allowances that we are giving to the Speaker, the salary that we are giving to the Deputy-Speaker and the allowances which we are giving to the Deputy-Speaker are not out of proportion to the work that they do, the onerous duties which they perform and the burdens which they have to carry. You will then affirmatively say that it is only in the fitness of things that we should give this kind of salaries and allowances to the Speaker and Deputy-Speaker.

I remember a remark which Mr. Jaipal Singh made at one time when we were discussing the salaries of the army officers. Somebody said the salaries of the army officers should be reduced and the hon. Mr. Jaipal Singh at that time asked: 'Do you want that our army officers should live like coolies?' That is the question which the hon. Mr. Jaipal Singh asked. I too would like to ask: Should not our Speaker and Deputy-Speaker live in conformity with those standards of living which, I think, they are entitled to on account of their august office?

I would say this question of salaries is a very difficult question. But I would also say that all salaries that our officers get are a kind of national investment and they put back most of what they get into the national fund. For instance, an officer gets his salary. He has to educate his children, he has to have insurance and provident fund. All those things come back. Therefore, I think the salaries that we give to our officers and to other persons are a kind of national investment. They are ploughed back into the funds of the country. So I do not think that this kind of carping criticism should be made about the salaries and the allowances of the Speaker and Deputy-Speaker. Of course, if you change the whole pay structure, the thing is differ-

ent. But as long as the pay structure remains what it is, I think we are not giving an anna more to the Speaker or Deputy-Speaker and a pie more to the Speaker or Deputy-Speaker than what they should get.

So far as the duties of these august offices are concerned, they have been done with the utmost care and utmost finish by these two persons. I must say that they have regulated the debate in the most impartial manner, they have been impartial to all sections of this House and they have poured oil on troubled waters when there have been very unseemly scenes. Only persons with experience have been able to handle them and they have done it. Therefore, I give my whole-hearted support to the Bill which has been brought forward and I should say that this Bill should be passed as it is. It is very unfortunate that there should have been any debate on this Bill. After all, as a gesture of goodwill and as a gesture of friendliness, we should have tried to pass this Bill without any debate, because the Speaker and the Deputy-Speaker have done well by this House, they have done well by all the parties here, the minority and the majority, and they have held the scales even between all of them.

Mr. Chairman: Before I call upon any other Member, this small Bill which involves only a few points, as I said sometime ago, was discussed about an hour and a quarter yesterday and an hour today. And I find that it is very difficult for any hon. Member to avoid saying probably what has already been said by some other Members. Therefore, there is confusion. I do not want to apply closure to this debate for reasons which, I think, would be obvious to any one. But under rule 257, I would like to take the sense of the House as to when they would like the debate on this particular motion to conclude, as I do not want any confusion to be created by Members saying that they did not understand it. We are at the consideration stage and I want that this motion for consideration should conclude at some reasonable time today so that we can devote the rest of the time for the amendments etc.

Dr. N. B. Khare: 11-30.

Hon. Members: No, no.

An Hon. Member: 12-30.

Mr. Chairman: If it is concluded at 11-30, the whole Bill will be passed today.

Shri S. S. More (Sholapur): General discussion?

Mr. Chairman: We may finish general discussion by 11. As I said, there is no question about the importance of this discussion. But looking to the fact that certain questions only are involved, it may not be possible for hon. Members to avoid repeating it, though I may not have any desire to stop it. That is what I find even now. If we can conclude at 11 o'clock.....

Hon. Members: No, no.

Mr. Chairman: Then I decide under rule 257 that at 11-30 the debate on this particular motion will conclude, if that is acceptable to all.

Hon. Members: No, no.

Pandit D. N. Tiwary (Saran South): Last time I caught your eye first.

Shri B. S. Murthy: Since yesterday, we have been standing and sitting and sitting and standing.

Mr. Chairman: I think the hon. Member, Mr. Tiwary, may speak a little later because there is some arrangement by which I have to call Members from this side or the other. That also has to be regulated.

An Hon. Member: A chance to the Opposition, Sir.

Shri K. K. Basu (Diamond Harbour): Individuals and parties.....

Mr. Chairman: There is no question of party. I have to regulate without looking to the party. Dr. Khare.

डा० एन० बी० खरे : सभापति जी, मैं आप का ज्यादा समय नहीं लूंगा। आज जब मैंने अपने मित्र श्री हीरेन्द्र मुकर्जी का लम्बा चौड़ा भाषण सुना तो मुझे बड़ा आनन्द हुआ कि एक बार तो उन्होंने जो कोटेशन स्पीकर के बारे में दिये वह ब्रिटिश पार्लियामेंट के इतिहास से दिये। इस से मुझे बड़ा आनन्द हुआ। उन के मत में परिवर्तन हुआ हो या नहीं। किन्तु मुझे इस को सुन कर आनन्द अवश्य हुआ। शायद यह उदाहरण भी उन्होंने इस लिए दिया कि सम्भवतः रूस के इतिहास में ऐसी परिपाटी नहीं होगी, और हो तो मुझे कम से कम मालूम नहीं।

दूसरे उन्होंने स्पीकर के वेतन के निस्वत भी कहा कि 'कौपीनवन्तः खलु भाग्यवन्तः'। इस को सुन कर तो मुझे बहुत ही आश्चर्य हुआ। अगर उन की यही फिलासफी है

तो मेरे ख्याल में जल्द से जल्द उन को अपने मत में परिवर्तन करना चाहिए।

Shri S. S. More: And join the Hindu Mahasabha?

डा० एन० बी० खरे : नहीं नहीं, हिन्दू महा सभा की यह फिलासफी नहीं है। हमारा आदर्श अभ्युदय का है। पतन की ओर जाने भीख मांगना और सन्यास की ओर हम नहीं जाते। मैं यह समझता हूँ कि न्याय और अधिकार स्पीकर को उचित वेतन देने से ही मिल सकता है। 'कौपीनवन्तः खलु भाग्यवन्तः' कहने का अधिकार उन को तभी आ सकता है जब श्री मुखर्जी कौपीन पहिन कर सभा गृह में आयें। इस से पहिले नहीं। ऐसा मेरा नम्र निवेदन है।

अब विधान पर बात आई तो मैं यह कहना चाहता हूँ कि इस बिल में स्पीकर, डिप्टी स्पीकर और चेयरमैन और डिप्टी चेयरमैन आफ दि कौन्सिल आफ स्टेट्स के बारे में प्रबन्ध है। मैं चाहता हूँ कि इस में डिप्टी चेयरमैन आफ दि कौन्सिल आफ स्टेट्स के बारे में और विचार किया जाय क्योंकि कौन्सिल आफ स्टेट्स में कोई खास काम नहीं रहता। और वहाँ पर पैनल आफ चेयरमैन भी है इस से वहाँ पर आसानी से काम हो सकता है। मेरा मतलब यह है कि वहाँ पर आप को एक और सवेतन आदमी नियुक्त करने की गरज नहीं है। बाकी और जो विधान के प्रबन्ध हैं उन के बारे में मुझे बहुत नहीं कहना है। सिर्फ इतना ही कहना है कि जिन को हम वेतन देना चाहेंगे या देना चाहते हैं इस विषयक को पास करके वह कैसे होने चाहिए, उन को कैसे काम करना चाहिए, इस के बारे में अपने ख्यालात का जाहिर करना हमारा हक है, ऐसा मैं मानता हूँ।

बात यह है कि इंग्लैंड का इतिहास यहाँ दिया गया है लेकिन यहाँ पर इंग्लैंड की सारी

[श्री० एन० बी० खेर]

बातों की नकल नहीं की जा सकती। अब देखिये कि स्पीकर का इलेक्शन हुआ तो अविरोध नहीं हुआ। उनको पार्टी की तरफ से खड़ा होना पड़ा और वह लड़कर आये। मैजारिटी पार्टी ने उनको स्पीकर बना दिया। जो पार्टी मैजारिटी में हो वह ऐसा कर सकती है। मैं यह मानता हूँ कि चुनाव होने के बाद स्पीकर या डिप्टी स्पीकर को अपने हित के वास्ते यह घोषित कर देना चाहिए कि आयन्दा मैं किसी पार्टी से ताल्लुक रखने वाला नहीं हूँ। अगर इतना घोषित किया जाये तो मेरे ख्याल में काम हो सकता है। लेकिन मुझे अफसोस के साथ कहना पड़ता है कि फिर भी कोई को-स्पॉन्सर यह घोषणा करते हैं कि हम पार्टी के मेम्बर हैं। मेरा ख्याल है कि यह अनुचित है। अगर वह ऐसा घोषित करें तो यह परम्परा बहुत हितकारी होगी लेकिन उन को ऐसा करने के लिए मजबूर नहीं किया जा सकता। अगर उन की ऐसी स्वाहिष है कि इस सभा गृह में जितने पक्ष हैं, उन सब का वह विश्वास हासिल करें तो उनको यह स्वाहिष पूरी करने के लिए यह घोषित करना चाहिए कि अब वह किसी पक्ष के मेम्बर नहीं रहे हैं। आखिर उनकी जो पोलिटिकल आइडियालाजी है वह तो उनकी हड्डी में समाई हुई है उस को तो वह नहीं भूल सकते, लेकिन अगर वह फारमली यह घोषित कर दें कि हम निष्पक्ष हैं तो इससे हाउस का समाधान हो जाना चाहिए, कम से कम मेरा तो समाधान हो जायगा।

अब दूसरी बात यह रही कि आप निष्पक्ष रहते हैं या नहीं या इन्साफ से हाउस में अपना काम चलाते हैं या नहीं। इस बारे में मैं समझता हूँ कि किसी को प्रीवांस नहीं होना चाहिए। उन का जो आज तक का बरताव है उससे प्रीवांस नहीं होना चाहिए।

हां कभी कभी दिल में मलाल हो जाता है लेकिन वह क्षणिक होता है।

एक बात और है। इस पार्लियामेंटरी डिमाक्रेसी में जो मिनिस्टर होता है वह भी पार्टी का मेम्बर होता है और वह मंत्री देश का इतना बड़ा कारोबार करता है, और उनसे हम उम्मीद करते हैं, चाहे वह उम्मीद फलीभत हो या न हो, कि वह अपना काम पार्टीबाजी से नहीं करेंगे। तो जितना बड़ा कारोबार एक मंत्री के हाथ में होता है उसके सामने स्पीकर कोई चीज़ नहीं है। वह क्या कर सकता है। जब यह हाउस एक बड़े भारी ऊंट को निगल जा सकता है तो मेरे ख्याल में एक मच्छर के लिए थू थू करना बेकार है। इस वास्ते मैं समझता हूँ कि यह कोई बड़ी भारी दलील की बात नहीं है। यह डिमाक्रेसी का ईविल है। आज दुनिया में पार्लियामेंटरी डिमाक्रेसी चल रही है और बहुत फेशनेबिल समझी जाती है। वह बुरी है यह तो मैं नहीं कह सकता, यह तो अविष्य काल ही बतलायेगा। लेकिन हम को उसका यहां पर अच्छा अनुभव नहीं हुआ है और आगे भी होने की उम्मेद नहीं है। तो फिर ऐसी हालत में जब कि मिनिस्टर लोग पार्टी के मेम्बर हो सकते हैं तो स्पीकर की तो कोई बात ही नहीं है। तो इस पर कोई बहुत नाक भी चढ़ाने का कारण नहीं है। ऐसा मेरा कहना है। अगर स्पीकर अपनी खुशी से यह घोषणा कर दे कि वह निष्पक्ष है तो यह उसकी भलमनसाहत है। इस परिपाटी का उसे अबलम्बन करना चाहिए।

मुझे ज्यादा बोलने की जरूरत नहीं है क्योंकि थोड़ी बात में ही मज्जा रहता है।

Mr. Chairman: We have decided that we should close this debate at 11-30. I find a large number of Members are handing in notes or standing up and I

would like to fix a time limit because the scope of the discussion is very limited.

Shri S. S. More: Many Members are anxious to express their opinions. It is a very important Bill. Otherwise we shall not be able to ventilate our own bitter experience if sufficient time is not given. There are procedures and procedures; some other method will have to be adopted.

Mr. Chairman: Let not the hon. Member misunderstand me. I thought that as so many people are anxious to speak, we might fix a time limit as far as possible. I will now call upon Dr. S. P. Mookerjee to speak and let us decide it later on.

Dr. S. P. Mookerjee (Calcutta South-East): I am glad to find that while discussing this measure there is a general non-party approach to the problem. In fact, that is what it should be. There may be differences of opinion with regard to the question of salary but with regard to the other question of principle which has been raised and which you, Sir, have allowed to be raised, we should be able to come to certain conclusions which would be consistent with the dignity of this House and also the history and traditions of the Chair of the Speaker.

Reference has been made to the conditions obtaining in the House of Commons in England. Undoubtedly, we should be able to draw some lessons out of the experiences in that House. But, there was a certain historical background which explained the development of the powers of the Speaker in that country and which we cannot for obvious reasons expect to see repeated in this country. Till the 17th century, in England, the Speaker, as he was called, was the King's man. He was the nominee of the King and he functioned as such. Now, there was a struggle for the vindication of the rights of the people between the Members of Parliament on the one hand and the King on the other. Well, obviously, in our country at this stage, there is no possibility of this House struggling with the Executive for the supremacy of power. This is an elected Parliament and the Government will remain in office so long as it enjoys the confidence of the majority of the House. The Speaker, therefore, will have no occasion to decide between the contesting claims of the House, on the one hand, and the Executive on the other, unless a situation arises when the Executive chooses to remain in office even though it has ceased to enjoy the

confidence of the majority of the House and refuses to call a meeting of the House of the People; even for that remedies are provided in our Constitution. Therefore, in our case, the Speaker will function as the custodian of the dignities and rights of the House—and, when I say the House, I mean the Members belonging to all the parties in the House.—and will be able to see that the work of the House is being carried on in accordance with the best of Parliamentary traditions.

Now, if we refer to the practice obtaining in England we can get an answer to the question which has been raised. One of the speakers who spoke a few minutes ago said that the Speaker should be a party man, he should represent the majority party, and he tried to justify it by referring to some practice which is still obtaining in France. If we refer to the practice obtaining in England, till the 17th century, as I said, the Speaker was the King's man. After that, as is written in an article by Lord Campion, who is one of the acknowledged authorities in the United Kingdom on this subject.....

Shri Gadgil (Poona Central): Nothing like common sense, the best authority:

Dr. S. P. Mookerjee: And this is based on common sense naturally, but unfortunately Mr. Gadgil does not follow common sense. "After ceasing to be a courtier, the Speaker in England came to be a party leader."

I am referring to this for this reason that there is a tendency on the part of some Members that in our country also the Speaker may continue to be a member of the majority political party. England also passed through that stage. After the battle was won in favour of Parliament and the Speaker became the man of the House of Commons representing the people, the second stage was from 1679 to the period between 1832 and 1867, that is to say, about 190 years, the Speaker continued to be a party man. This is what Lord Campion says in two sentences:

"After ceasing to be a courtier, the Speaker came to be regarded as a party leader. The City of London thought it worth while to secure Speaker Trevor's support for a Bill by a bribe of 1000 guineas, and the aid of 18th century Speakers was solicited by what came to be known as the 'more respectable method of deputation.'"

Then, Arthur Onslow was the first Speaker towards the beginning of the 18th century who took the decision that

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the Speaker should act with complete independence and try to uphold the dignity of the House and the rights of all Members, including the minorities. He put this idea in two or three sentences, in the course of a minute. He observed:

"Ministers seldom love Parliament; never bring business there for counsel, but to carry points that must have the authority of the Legislature."

As Lord Campion says,—

"It was against the Government that he (Arthur Onslow) consistently upheld the ancient rules and forms of proceeding as 'a protection to the minority against the attempts of power' and 'against the irregularities and abuses which..... the wantonness of power is too apt to suggest to large and successful majorities'."

Then, Campion summarises in four or five sentences the practice in the U.K. today. I would like to read these out to the House, because I believe there will be—in fact, there should be—general agreement with regard to this basic principle. Campion says:

"After the election of Shaw Lefevre, Speaker from 1839 to 1857, the principle has been observed that the Speaker is not only impartial but abstains from anything which could cause the slightest suspicion of partisanship. He does not intervene in committee or make political speeches outside Parliament; he keeps aloof from party contacts, does not even enter a political club. After resigning from the Chair, he also retires from the House, being rewarded by the Crown with a peerage. He is not opposed on re-election in the House as long as he wishes to serve, nor in his constituency during a general election."

This matter was touched upon by our own Speaker when we offered him our felicitations on his election as Speaker on the 15th May, 1952, and it would be only fair to our Speaker to refer to the comments which he made, because he also had in his mind the background of the British methods and he put forward his views as to the circumstances under which the same principles might be made applicable in India. This is what he said:

"The position is undoubtedly an ideal one...."

He was referring to the position in the U.K.—

".....provided it is accompanied by the other essential corollaries of democracy."

I would underline these words. I do not certainly share the view of my hon. friend Shri Hiren Mukerjee when he said that we can adopt only one portion of the British practice, but need not necessarily follow the other practice. That will not do. If we wish to proceed on the British principle—I am not saying that we should follow every minute detail; we can certainly make some exceptions in relation to the conditions obtaining in our country—but if we wish to follow the British model, then by and large the basic principles of the British approach must be accepted in order to arrive at the conclusion that the Speaker should not have anything to do with any political party whatsoever. If we want to accept that basic conclusion, then the conditions precedent to that must also be accepted as has been done in the U.K. I shall presently say what those general conditions are. Now, let me come back to our Speaker's speech. He continued:

"While, therefore, I shall always strive for the establishment of that ideal, it is obviously not possible, in the present conditions of our political and parliamentary life, to remain as insular as the English Speaker, so far as political life goes. But the Indian Speaker acting as such will be absolutely a non-party man....."

This is the declaration which our Speaker made, and we would certainly expect that he would adhere to it so long as he remains in office—

".....meaning thereby that he keeps aloof from party deliberations and controversies; he does not cease to be a politician merely by the fact of his being a Speaker. We have yet to evolve political parties and healthy conventions about Speakership, the principle of which is that, once a Speaker he is not opposed by any party in the matter of his election, whether in the Constituency or in the House, so long as he wishes to continue as Speaker. To expect the Speaker to be out of politics altogether without the corresponding convention is perhaps entertaining contradictory expectations."

In regard to this point of view, I for myself am in complete agreement with it, and I should like to suggest to the House the basic conditions which we

should accept—when I say “We”, I mean not merely this House, because this is a matter which affects the Speakers in all our Legislatures. This is a major decision which has to be taken by all the political parties in the country. You cannot pass a legislation and lay down the traditions or rules which Speakers are to follow in this country. They must be the natural growth of conventions which must operate in this country with the general concurrence of all political parties who may differ from each other on various matters, but who must agree to keep the Speaker, whether in the Parliament at the Centre or in any of the Legislatures in the States, completely independent and impartial.

Now, what are the conditions which are in vogue in the U.K. which I would like to see applied to our country? First comes the selection of the Speaker. When we put this question to Mr. Clifton Brown the other day, he pointed out the method which was obtaining there while a Speaker was selected. He said that the Speaker was the nominee of the back-benchers belonging to all the political parties in the House of Commons. It is the duty of the whips to ascertain the viewpoints of the back-benchers and find out who was the man who in the opinion of the large mass of Members was best fitted to occupy the Chair as Speaker. It is only after that that an agreement is arrived at and the name is proposed, and the nominee is elected without a contest. There was a breach of this convention by Mr. Churchill last time. Mr. Brown referred to it in his speech.

He personally expressed disapproval of this breach having occurred in the U.K. after several centuries, but there were special reasons, according to Mr. Churchill, why this breach took place this time, and he expressed the hope that in future this would not be regarded as a precedent. Once the Speaker is elected, the question arises: what about his future? Let us look at the matter from two points of view. One is, whether he continues to be a member of a political party or not, when he is in the Chair he must scrupulously be impartial and independent. I believe there is no Member on the other side who would maintain that a Speaker, because he is a party-man, should give more favoured treatment to the Government party.

Shri S. S. More: That is what Mr. Gadgil said.

Dr. S. P. Mookerjee: I do not think even he said that. He has got at least that much common sense. Now, as has been said by Campion, “what is necessary is not only to ensure the impartiality of the Speaker, but to ensure that his impartiality is generally recognised”. Two more conditions must be fulfilled, and my hon. friend Shri Hiren Mukerjee was perfectly right when he said that the task of maintaining the rights of the minorities is a major responsibility of any Speaker, because unless the Opposition functions properly—and the Opposition can be voted down by the majority—there is an end of Parliamentary democracy. But that is not the point at issue. If the Speaker is partial when he is in the Chair, then you may bring a motion of no-confidence and remove him or attack him openly, but the question is this. If he continues to be a member of a political party or the majority party, what is the mental reaction that can be produced in him with regard to the discharge of his duties, or what is the reaction which can be produced in the mind of the public, and how can we make him completely free from even the shadow of a doubt with regard to that matter? What are the conditions they have accepted in U.K. for this purpose? The first is that he must not be contested at the time of election. If he chooses to remain a Speaker he has only to signify his intention and there will be no contest whatsoever. I consider this to be of fundamental importance if we expect that in our country the Speaker should be a really non-party man.

My hon. friend Prof. Mukerjee just slipped over this point. He said that does not matter; in our country for various reasons we may have to set up a man in opposition to the Speaker. But then what happens? The Speaker after functioning as an impartial and independent Speaker for say five years or seven years suddenly becomes a strong party-man and is thrown into the controversy of election. Naturally, if he is contested by other political parties he has to justify not his stand as a Speaker, but the stand of the political party which he represents. Therefore, the very purpose of the principle which we want to see established, that the Speaker should be completely devoid of any party bias, is defeated. You encourage the Speaker to become a party-man. So, two conditions have got to be accepted: that he continues in office uninterrupted; so long as he does his duty well there is no question of ousting him,—he remains the Speaker. He remains as the Speaker and as a Member of Parliament without any opposition whatsoever. I have got here a number of precedents where this salutary convention has not been observed in the United Kingdom. I do not, however, wish to bother the House with those details. I am aware

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of that. But at the same time everyone who has considered this question impartially or historically has recorded that the cases in which this convention had not been observed must be regarded as exceptions and not the rule. So, let us make up our mind on this fundamental issue. Are we, who represent the political parties in the country, really serious about it? Do we want that the Speaker should be selected, should be kept in office, and should be re-elected to the House in the same manner and in accordance with the same conditions as obtain in the United Kingdom? These will not be matters of legislation. No Act of Parliament can compel a political party not to set up a candidate. It will be a gentleman's agreement. It will be an announcement of national policy which will guide the activities of different political parties. Even then some individuals may stand—that you cannot avoid. But, of course, it will not matter much if he is not opposed by a party as such.

Shri Joachim Alva (Kanara): Why was not that convention observed in the case of Shri Mavalankar, the Speaker.

Dr. S. P. Mookerjee: I was not referring to any individual. Shri Mavalankar himself was opposed; he had to fight his election.

Shri Joachim Alva: Our democracy should have started with right conventions both at the polls and in this House when Shri Mavalankar was a candidate.

Dr. S. P. Mookerjee: Even so far as the provinces are concerned, as you know—I do not wish to go into details—there were a number of cases where the Speakers had to fight. I know at least of one case where the Speaker, because he did his work independently was ousted by the majority political party itself. He was not allowed to stand.

An Hon. Member: Shri Ganshyam Singh Gupta of Madhya Pradesh.

Dr. S. P. Mookerjee: I did not want to refer to names.

Shri Gadgil: That is an exception to the rule.

Dr. S. P. Mookerjee: If we generally desire that certain healthy conventions should be established in our country more or less on the British pattern—because I believe that pattern has worked well—with such alterations as we choose to make, then these are the fundamental things which we must accept, and not pass an amendment to this Bill and say that the Speaker after being

elected must not belong to any political party. That will not serve our purpose at all. On the other hand, it would defeat the very object we have in view.

Then, another thing they have done in the United Kingdom is that the Speaker gets a salary of £ 5,000. He has his official residence. And when he retires he not only gets a peerage (of course, we cannot make anyone a peer here) but also a life pension of £4,000. Here is a man who is outstanding, who is placed in that highest position by the elected representatives of the country, who so long as he discharges his duty well is not touched and so long as he is physically in a position to serve his country is kept in office. Later on the State sees to it that he does not move about in the corridors of the Secretariat for a job, but gets a life pension and is free from any worries whatsoever. That is the point which I want to place before the House.

My hon. friend Prof. Sharma asked why we should follow the United Kingdom. He said let us follow the other countries. So far as the other countries are concerned the position in America is quite different, because there the Executive is constitutionally excluded from membership of the House of Representatives and there is no question of a Speaker. The Speaker is the Leader of the House in America. That is a different constitution which does not apply here.

In France, undoubtedly, as the hon. Member said, the President of the Chamber has been a prominent party politician. But this is the latest work which has come out reviewing parliamentary practice and here Lord Campion observes:

“The long tenure of the Chair by several presidents of the former Chamber and now by Mons. Auriol has tended to place the office above party.....”

and there is a definite trend of opinion in France that the Speaker of the House should not be a party-man.

In so far as the Commonwealth countries are concerned, they still, as he puts it, make a brave struggle for the survival of the conventions inherited from the House of Commons, but they find difficulties in view of the political pressure put upon those countries. We need not go into these details. But that is the viewpoint which I would like to place before the House. This is a very serious matter. We must be able to consider it at some

other time leisurely and in a manner which will be applicable not only to this House but also to the entire country.

As regards the salary, I personally do not think that it will be desirable for us to have a lower salary for our Speaker than that of our Ministers. This is what has happened up till now. The Speaker was getting Rs. 3,000, but as soon as the Minister's salary was reduced, he has voluntarily accepted a reduction to Rs. 2,250 which he was not bound to do. And certainly we should express our appreciation of this act of sacrifice done by the Speaker without any pressure from anybody, but acting on his own behalf.

My hon. friend Prof. Mukerjee asked: "Why should we think of the Minister's salary?" But we must have some sort of co-ordinated scale of salary. Of course I agree with Mr. Mukerjee that the question of high salary should be examined. Let us examine it. If we want to fix a maximum, let us say that no one should get say more than 15, 20 or 25 times the minimum salary. If the minimum salary fixed is say hundred rupees no one should get more than 2,000. Let us apply it to all. You cannot suddenly pick out the Speaker or the Deputy-Speaker and say that the loin cloth principle will apply with reference to him. We do not want the Speaker to come in loin cloth—not physically. This matter has to be considered from a wider point of view. For the matter of that, so far as our own allowances are concerned, we have been pretty generous to ourselves. I believe, without a division we passed two days ago a Bill which provides that our daily allowance of Rs. 40 shall not be subject to income-tax. We all accepted it, maybe with protest unexpressed. But there must be some sort of co-ordinated approach with regard to salaries paid to important servants of the people. Well, let us have one common structure and in that structure certainly put the Speaker in his proper place. But let us not pick him out separately and try to introduce this principle of reduction in salary in his case.

So far as the Deputy-Speaker is concerned, in the United Kingdom, as Mr. Mukerjee read out, the practice now is that the Chairman of Ways and Means, who is the Deputy-Speaker, is a party-man. This is clear. He is elected by the majority party and there is little chance of his being re-elected, if that party is not in power; there is no possibility of his coming uncontested. All those principles are accepted. But still he also observes certain conventions and he does not participate in the

debates in the House of Commons. He does not go to the Division Lobbies. That convention has been accepted. We found the other day our worthy Deputy-Speaker heaving a sigh of relief when the Speaker came and occupied the Chair and he was most anxious to speak and entertain the House with his observations. Now this is a matter which cannot be governed by law; it can only be done by convention.

Shri Gadgil: He has a constituency to represent. Therefore, to be fair to his constituency he must speak.

Dr. S. P. Mookerjee: The same thing holds good in the U.K. The Chairman of Ways and Means also represents his constituency. I am not saying that we should follow it. But that is a principle that you may consider.

Yesterday somebody asked about the Panel of Chairmen. In the House of Commons you have the Speaker, at the top, then the Chairman of Ways and Means who is the Deputy-Speaker. He presides in the absence of the Speaker. Then there is the Deputy-Chairman of Ways and Means who also steps into the shoes of the Deputy-Speaker in case of need. Then you have a panel of Chairmen of not less than ten Members who are ordinarily expected to preside over committees and do such other things, but they do not come and take the Chair in the open House of Commons. That is a different pattern. But in our case we have done it in a different way. We have the Speaker, the Deputy-Speaker and a Panel of Chairmen who can even come and occupy the Chair. Opportunity may be given here to Shrimati Renu Chakravarty to admit an adjournment motion if she is allowed to occupy the Chair at a time when an adjournment motion is moved. But such a possibility is not there in the House of Commons. These are details which we can consider at a later stage.

With regard to the salary of the Deputy-Speaker, there also I find that the Deputy-Speaker now gets Rs. 1,500, which is subject to Income-tax, and he gets it only when the House is in session. In addition, he now gets his daily allowance. It is proposed here to give him a consolidated salary of Rs. 2,000 on which Income-tax will be charged. He has been paying Rs. 100 or Rs. 150 for his house. The only net advantage will be a free house. You have not done anything special for the Deputy-Speaker. If you calculate it in relation to what he is now getting, namely Rs. 1,500 during the seven or eight months of the sitting of the House, plus daily allowance, I believe it will come more or less to the same figure.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): And he will now be a whole-time officer.

Dr. S. P. Mookerjee: Yes, he will be a whole-time officer. Our Deputy-Speaker is a distinguished legal practitioner. After this he will be deprived of the opportunity of practising in a court of law. That is an additional penalty you have imposed on him. From that point of view I think you have been rather ungenerous to the Deputy-Speaker who did his work with such ability and distinction during the period of absence of the Speaker.

As I said at the beginning, I will conclude by saying that these are all matters where we should be able to look at and settle dispassionately and arrive at conclusions which may embody certain wholesome principles, traditions and conventions which we can hand over to the country without any hesitation whatsoever.

पंडित डी० एन० तिवारी : सभापति महोदय, कल से इस विषयक पर बहस चल रही है। मुझे बोलने की कतई इच्छा नहीं थी लेकिन बहस में कुछ ऐसी बातें घुसेड़ दी गई बाहर से लाई गई जिस के कारण बोलना मैंने ज़रूरी समझा। उचित तो यह था कि यह बिल कल ही पास हो जाता। लेकिन हम लोगों ने जब ड्रैग आन किया तो मैं कुछ बातों का जवाब दे देना ज़रूरी समझता हूँ जो हमारे उबर के भाइयों की तरफ से कही गई हैं। इस बिल में दो पहलुओं पर विचार किया गया है एक तो वेतन के औचित्य का अर्थात् कितना रुपया महीना मिलना चाहिये और दूसरा स्पीकर कैसा होना चाहिये। पार्टी-मैन होना चाहिये या नान-पार्टी-मैन होना चाहिये। या कोई फरिश्ता होना चाहिये। जहाँ तक मासिक वेतन का सम्बन्ध है मैं अनरेबल डा० श्यामा प्रसाद मुखर्जी से ऐश्वर्य करता हूँ। हम लोगों के देश में जो प्रचलित महीने की प्रथा है उसी कंटेक्ट में हम को भी वेतन निर्धारित करना होगा। यह नहीं कि किसी पद के लिये या किसी पद के अकुंरेंट को एक खास मासिक वेतन दिया जाय और दूसरे लोगों को छोड़ दिया जाय। यदि आप को

पे ठीक करनी है तो जो सारे देश के सरकारी नौकरी करने वाले लोग हैं या सरकार के महकमों में काम करने वाले लोग हैं उन सब के मासिक वेतन को ठीक कर दीजिये और उस कंटेक्ट में आप जितना वेतन स्पीकर को देना चाहते हैं उतना दें। उसे दस रुपये कम दें या दस रुपये ज्यादा दें। लेकिन हिन्दुस्तान के और लोगों की पे को आप ज्यों का त्यों रहने दें और स्पीकर की पे कम कर दें यह उचित न होगा। साथ ही मैं नहीं समझता कि जो पे आज उन को मिल रही है वह ज्यादा मिल रही है। यदि सन् १९३८ के अनुपात से देखा जाय तो उस वक्त जो ५०० या ६०० रुपये की कीमत थी वही आज २००० या २२०० रुपये की कीमत है। दरअसल जो पे हम दे रहे हैं अगर उस का मुकाबला पहले की पे से किया जाय तो स्पीकर को हम ५०० या ६०० रुपये मासिक ही दे रहे हैं अधिक नहीं। आज रुपये की बैल्यू बहुत कम हो गई है। हम को इस कंटेक्ट में भी देखना होगा। साथ ही हमें इस बात को भी देखना होगा कि जो लोग बराबर यह चिल्लाते हैं कि स्पीकर का मासिक वेतन कम कर दिया जाय या दूसरों का वेतन कम कर दिया जाय वह स्वयं क्या करते हैं। अगर वह खुद रास्ता बता कर उस पर चलते अपने ऐलाऊंस को कम कर देते, ४० रुपये के बजाय ३० रुपये लेते तब तो हम समझते कि हां एक आइमी तो है जो उदाहरण स्वरूप है। लेकिन हम लोग बोलते बहुत हैं करते कुछ नहीं हैं। ऐसे क्रिटिसिज्म का बहुत महत्व नहीं होता।

अब रही बात यह कि स्पीकर कैसा होना चाहिए। इस के पहिले जब पुरानी ऐसेम्बलियां थीं उन में और प्राविन्सल ऐसेम्बलियां थीं उन में कांग्रेस के बहुत से चेअरमैन थे, कौंसिलों के प्रेजिडेंट थे लेकिन कभी भी कोई ऐसा उदाहरण नहीं बाया

कि उन्होंने पार्शियेलिटी के साथ काम किया हो। यह तो हम को जो आर्दीमी स्पीकर या डिप्टी स्पीकर हो उस पर छोड़ देना चाहिये कि वह पार्टी-मैन रहना चाहता है या नान-पार्टी-मैन रहना चाहता है उस को अपने उपर इतना कान्फिडेंस है या नहीं कि वह पार्टी मैन रहते हुए भी इम्पार्शियल रह सकता है। आज जो हमारे स्पीकरस हैं या डिप्टी स्पीकरस हैं वह सारी उम्र कांग्रेसमैन रहे और आज अपने को उस से अलग नहीं रख सकते। साथ ही उनमें अगर अपने उपर इतना कान्फिडेंस है कि वह कांग्रेस का काम करते हुए भी इम्पार्शियल रह सकते हैं तो मैं नहीं समझता कि जिन लोगों को अपने में इतना आत्मविश्वास नहीं है वह क्यों इस पर आपत्ति करने लगे। कोई भी ऐसा उदाहरण नहीं पेश कर सकता कि जो हमारे स्पीकरस हैं वह कांग्रेस मैन रहते हुए भी इम्पार्शियल नहीं हैं या उन्होंने कभी किसी के साथ पार्शियलिटी की हो।

साथ ही इस सिलसिले में मैं एक बात और कहना चाहता था कि जो कांग्रेस के लोग नहीं हैं या जो कांग्रेस पार्टी के विरुद्ध हैं उन के राइट्स को सेफगार्ड करने वाला कांग्रेस मैन से बढ़ कर कोई दूसरा नहीं मिल सकता है। एक कांग्रेसमैन जो सब चीजों को हर दृष्टि से इम्पार्शियल ने में देखता है अगर वह स्पीकर होता है तो वह दूसरे के वनिस्वत विरोधी लोगों के राइट्स को ज्यादा सुरक्षित रख सकेगा। इस सिलसिले में कल एक आनरेबल मेम्बर श्री पुन्नूस ने हमारे स्पीकर साहब के चुनाव के बाद के भाषण को कोट किया था और कहा था कि स्पीकर ने कहा है कि मैं कांग्रेसमैन रहूंगा और इस बात पर उन्होंने नुक्ता चीनी की थी। मैं नहीं समझता कि उन के सब कुछ कहने के बाद इतना कान्फिडेंस दिखलाने के बाद कि वह एक कांग्रेसमैन रह कर भी इम्पार्शियल रहेंगे

श्री पुन्नूस को उन के भाषण को कोट करने का क्या मतलब था। ठीक है हमारे स्पीकर साहब ने अपने आचरण से दिखला दिया कि एक कांग्रेसमैन कितना इम्पार्शियल हो सकता है।

इस आचरण के बाद शायद कोई नुक्ता-चीनी नहीं की जा सकती है। यदि प्रान्तीय असेम्बलियों में देखा जाय तो यू० पी० में हमारे टंडन जी जब वहां पर स्पीकर थे तो कांग्रेस के मेम्बर भी रहे लेकिन कभी भी किसी ने यू० पी० असेम्बली में यह बात नहीं कही कि उन्होंने पार्शियेलिटी की हो। इसलिए मैं फिर हाउस में यह अपील करूंगा कि वह इस बात को जो व्यक्ति स्पीकर या डिप्टी स्पीकर होता है उसी पर निर्भर रहने दें कि वह पार्टी मैन रहेगा या नहीं रहेगा। हमारे स्पीकर साहब कांग्रेस मैन हैं लेकिन वह पार्टी के कामों में कोई दिलचस्पी नहीं लेते और जहां तक डिप्टी स्पीकर का ताल्लुक है उन को भी हम लोगों ने देखा है कि जब वह कुर्सी पर होते हैं तो इस तरफ से शिकायत होती है कि वह उधर के लोगों को ज्यादा समय देते हैं और उनकी ज्यादा बात सुनते हैं। जब हम लोगों ने यह दोनों उदाहरण देख लिए तो कोई उजूर करने की बात नहीं रहती क्योंकि हमने देख लिया कि वह इम्पार्शियल हो कर काम करते हैं। तो मैं फिर कहूंगा कि हमको यह स्पीकर और डिप्टी स्पीकर पर छोड़ देना चाहिए कि अपने को क्या करते हैं और कहां तक इम्पार्शियल रहते हैं।

पंडित ठाकुर दास भार्गव (गुड़गाव) :
जनाब चैयर मैन साहब जब यह बिल हाउस में पेश हुआ था और मेरे दोस्त पुन्नूस साहब इस पर तकरोर फरमा रहे थे तो मैंने एक ऐतराज किया था कि यह बड़ा सवाल जिसका हम हाउस में जिक्र देखते हैं वह इस वक्त पैदा नहीं होता और इस बिल पर सैलरीज और

[पंडित ठाकुरदास भार्गव]

इमाल्युमेंट्स के मुताल्लिक ही बहस होनी चाहिये ।

कुछ सन्नोय सबस्य : अंग्रेजी में बोलिए

Mr. Chairman: A section of the House wants you to speak in English.

पंडित ठाकुर दास भार्गव : मैं अंग्रेजी में बोलता अगर मेरे दोस्त मुझे यह बात अंग्रेजी में कहते । लेकिन उन्होंने मुझ से हिन्दी में यह बात कही इसलिए मैं उनसे सबक लेता हूँ और हिन्दी में ही बोलना चाहता हूँ ।

Shri Punnoose (Alleppey): We would be very much obliged if you could speak in English.

पंडित ठाकुर दास भार्गव : तो मैं आप से यह अर्ज कर रहा था कि यह जो सवाल इस बिल में आया है यह दरअसल इस बिल में पैदा नहीं होता । लेकिन चूंकि जब डिप्टी स्पीकर साहब चैयर में रहे तो उन्होंने इस सवाल को बन्द करना मुनासिब नहीं समझा और इस पर कोई रूलिंग नहीं दी और हमारे चैयरमैन साहब ने भी जिनको इस बारे में कोई इन्विजिशन नहीं था उन्होंने भी इस बारे में सिर्फ एक सजेसन ही दिया। कोई रूलिंग नहीं दी। इस लिए जब यह सवाल खुल गया है तो मैं भी आपकी इजाजत से इसके बारे में कुछ अर्ज करना चाहता हूँ ।

इस हाउस में जब हम सदर दरवाजे से आते हैं तो हम अपने सिरों पर एक फोटो देखते हैं और आज मुझे खुशो है कि मैं इस फोटो के मालिक को अपना ट्रीब्यूट अदा करूँ । आज से अच्छा मौका मुझे इसके लिए कभी नहीं मिलेगा कि जिनके जमाने में मैंने एक मेम्बर की हैसियत से काम किया और जिन्होंने एक बहुत बड़ा प्रिसिडेंट कायम किया उनको अपना ट्रीब्यूट पेश करूँ । अगर

मैं उन के बारे में इस हाउस में कुछ अर्ज करूँगा तो यह नामुनासिब नहीं होगा । हमारे यह पुराने स्पीकर साहब जब स्पीकरी से हट गये और जेल में गये और उनके साथ सक्स्तियां की गई तो उन्होंने कहा कि Here I have got my peerage अभी हमारे डाक्टर साहब ने फरमाया था कि जब स्पीकर रिटायर हों तो उनको पियरेज विलायत में मिलती है । इस देश के अन्दर हमारे एक स्पीकर साहब को जेल पियरेज के इवज मिली थी । उन्होंने उस जमाने में बतौर स्पीकर वह फरायज अदा किये और इस खूबी से अदा किये कि उन्होंने स्पीकरशिप को चार चांद लगा दिये । जब स्वराज्य पार्टी इन बंचों से उठकर चली गयी तो हमारे स्पीकर साहब को तकलीफ हुई और उन्होंने कहा कि यह सारी की सारी पार्टी गवर्नमेंट के रबैय से नाराज होकर जा रही है । इस पर गवर्नमेंट की तरफ से आबजैक्शन किया गया था कि वह अपनी पार्टी के लिये इस तरह की राय का इजहार कर रहे हैं । अगले ही दिन उन्होंने हाउस में आकर यह बयान दिया कि दरअसल यह मेरी गलती थी और मैं बिल्कुल पार्टीमैन नहीं हूँ जबतक कि मैं स्पीकर हूँ और मुझे इस तरह का इजहार ख्याल नहीं करना चाहिये था ।

11 A. M.

अगर मेरे दोस्त उन रिकार्ड्स को देखेंगे तो मालूम होगा कि इस देश के अन्दर जो प्रथा रही है और हमारे स्पीकर साहबान ने प्रिसिडेंट कायम किये हैं उनमें हमने फ्रान्स के प्रिसिडेंट को नहीं माना है बल्कि हमने ब्रिटिश हाउस आफ कामन्स के प्रिसिडेंट को माना है । हमारे विठ्ठल भाई पटेल ने जब वह २४ अगस्त सन् १९२५ को स्पीकर बने तो यह ऐलान किया कि मैं पार्टीमैन नहीं रहा । इसी तरह से जब हमारे मौजूदा स्पीकर साहब का इलेक्शन हो चुका तो जो कुछ उन्होंने कहा उसको हमारे डाक्टर श्यामा प्रसाद मुखर्जी

साहब ने हाउस को पढ़कर सुनाया है। मैं यह मानने को तैयार हूँ कि बहुत से कांग्रेस मैन और नानकांग्रेस मैन आज हिन्दुस्तान में मौजूद हैं जो पार्टीमैन होते हुए भी अपने फर्ज को ईमानदारी के साथ अदा कर सकते हैं। थोड़ी देर के वास्ते अगर देखा जाय तो चेयरमैन को भी वही हक है जो कि स्पीकर की। गो वह बिल्कुल स्पीकर के बराबर नहीं है लेकिन जब तक वह कुर्सी पर है उस वक़्त तक उस को कांस्टोयूशन के मुताबिक वही हक है जो कि स्पीकर को है। मैं अदब से पूछना चाहता हूँ कि क्या हमारी बहिन श्रीमती रेणु चक्रवर्ती या सरदार हुकुम सिंह जिन का नाम कि चेयरमैन के पैनल में रखा हुआ है इस बात के लिए तैयार हैं कि वह पार्टी की मेम्बरशिप छोड़ दें। क्योंकि यह चीज़ उनको भी अप्लायी होती है कि जब तक वह चेयर में रहें तब तक इम्पारशियल रहें। लेकिन मैं इस बात को मानने को तैयार हूँ कि हम में से कितने ही आदमी ऐसे हैं कि जो हाउस के अन्दर पार्टीबाज़ी से काम नहीं लेंगे और जो उस कुर्सी पर बैठ कर इम्पारशियलिटी से काम करेंगे और उन्हीं प्रिंसिडेंट्स को कायम रखेंगे जिनको कि उन्होंने कायम किया था जिनकी यहाँ तस्वीर है या जिनको हमारे मौजूदा स्पीकर भावलंकर साहब ने कायम किया है और दूसरे स्पीकरों ने कायम किया है। मैं यह मानने के लिये तैयार हूँ कि किसी पार्टी से शाल्लुक रखते हुये भी हाउस में अपने फरायज को इम्पारशियली अदा किया जा सकता है। मैं यह भी मानता हूँ कि जिस आदमी ने सारी जिन्दगी कांग्रेस का काम किया है और जिसके रेशे रेशे में कांग्रेस के उसूल घुसे हुये हैं, उसका यह कहना कि अब मैं कांग्रेस के उसूलों को नहीं मानता और मैं कांग्रेस मैन नहीं हूँ यह गलत होगा। मैं ने इस चीज़ को टंडन जी के इतिहास से देखा है और दूसरे स्पीकरों

के इतिहास से देखा है कि वह कांग्रेस मैन रहते हुये भी अपने फर्जों को इस तरह से अदा कर सके कि किसी ने उनकी नुक़ता चीनी नहीं की, यही नहीं बल्कि जो मुख़ालिफ़ पार्टी वाले थे उन्होंने उन को ट्रीब्यूट दिये कि उन्होंने कांग्रेस मैन रहते हुये भी अपने फर्जों को हाउस में अच्छी तरह से अदा किया लेकिन मैं एक और नुक़तेख़्याल से अर्ज करना चाहता हूँ। मेरे दोस्त पुन्नस साहब ने कल हाउस में अर्ज किया था कि हमारे डिप्टी स्पीकर साहब अब कांग्रेस पार्टी की ऐग्जीक्यूटिव के अन्दर चुने गये हैं और उन्होंने यह ख़्याल जाहिर किया कि ऐग्जीक्यूटिव के सामने सब किस्म के सवालात आयेंगे, ऐडजर्नमेंट मोशन के सवालात आयेंगे और दूसरी चीज़ें आयेंगी और वहाँ पर जो कुछ पार्टी हुक्म देगी उससे वह कैसे दूर हो सकेंगे। मैं अदब से अर्ज करना चाहता हूँ कि मैं इन दोनो यानी स्पीकर व डिप्टी स्पीकर साहबान को जानता हूँ और मैं जानता हूँ कि वह दोनों के दोनों अपने फर्जों को बड़ी अच्छी तरह अदा कर सकेंगे गो वह पार्टी के मेम्बर रहें। मैं ने देखा है कि पार्टी के मेम्बर रहने से उन के इस हाउस के काम पर असर नहीं पड़ता लेकिन ताहम मुझे यह कहने में जरा भी ताम्मुल नहीं कि हमें देश में अच्छे अच्छे कनवेंशन कायम करने चाहिये कनवेंशन कोई कानून से नहीं कायम होते। कनवेंशन वह चीज़ है जो कि अनरिटिन होती है और मैं चाहता हूँ कि इस हाउस के अन्दर यह कनवेंशन कायम हो कि जो स्पीकर हो या डिप्टी स्पीकर हो वह चाहे किसी भी पार्टी का हो, लेकिन हाउस के किसी भी मेम्बर के दिल में उनकी तरफ से यह शुबहा नहीं होना चाहिये कि इन्साफ़ नहीं होगा। यह सही है कि जो हमारा स्पीकर हो उस को माइनोरिटीज व दूर असल हर एक मेम्बर के रायट्स का कस्टोडियन

[पंडित ठाकुर दास-भार्गव]

होना चाहिये और उस को अपने को इस तरह चलाना चाहिये कि जिससे कि माइ-नोरिटी के मेंबरो को भी उस पर पूरा विश्वास हो जाय। चन्द रोज हुये में ने हाउस में अर्ज किया था कि सिर्फ यही जरूरी नहीं है कि इन्साफ किया जाय, बल्कि उस से ज्यादा जरूरी यह है कि यह महसूस किया जाय कि इन्साफ किया जा रहा है। It must be made to appear that justice is being done. इस वास्ते में अदब से अर्ज करना चाहता हूँ कि गो मेरी राय है कि हमारे मौजूदा स्पीकर और डिप्टी स्पीकर पार्टी में रहते हुये भी ईमानदारी से अपने फरायज को अदा कर सकते हैं ताहम में बिल्कुल सहमत हूँ अपने उन दोस्तों से जिन्होंने यह राय जाहिर की है कि उनके पार्टी में ऐक्टिव पारटिसिपेशन से लोगों को यह गुमान और ख्याल पैदा हो सकता है कि साहब हमारी तरफ वह पूरा इन्साफ नहीं कर सकेंगे।

इस वास्ते मेरी जाती राय यह है कि जहां तक पार्टी में ऐक्टिव पारटिसिपेशन का ताल्लुक है उस को हमें चाहिये कि कनवेंशंस के जरिए ऐसा न रहने दें कि जिस से लोगों को जरा भी ख्याल हो या शुबह हो। लेकिन जैसा कि डाक्टर मुकजी साहब ने फरमाया यह चीज हमेशा टू बे ट्रैफिक है। अगर आप चाहते हैं कि कनवेंशंस इस तरह की कायम हों तो सारे कंट्री में इस तरह की कनवेंशंस कायम करनी होंगी और इस पर सब पार्टीज को ऐग्रीमेंट करना होगा। अभी थोड़ा भरसा हुआ कि में ने एक नोट में लिखा था कि इस देश के अन्दर हम को पार्टी सिस्टम को सिर्फ बड़ी बड़ी प्रसेम्बलीज, प्राविशियल प्रसेम्बलीज और फारपोरेशंस तक ही रखना चाहिये। डिस्ट्रक्ट बोर्ड, म्यूनीसिपैलिटीज और पंचायत बौरा में हम को पार्टीबाजी के उसूल से काम नहीं

लेना चाहिये। और मैं खुश हूँ कि हमारे पंजाब की कांग्रेस पार्टी ने फ़ैसला किया कि वह म्यूनीसिपल इलेक्शंस में हिस्सा नहीं लेगी और हम को यह करना चाहिये। हम देखते हैं कि हायर ऐटमासफ़ीयर में तो हम पर्सनल बातों पर नहीं उतरे, लेकिन छोटी जगहों में, म्यूनीसिपैलिटी में, पंचायतों में लोग पार्टीज को भूल जाते हैं और पर्सनैलिटीज को याद रखते हैं। नतीजा यह होता है कि कि अगर किसी का चबूतरा तोड़ना होता है या कोई और छोटा सा भी काम करना हो वो मंजारिटी पार्टी जो चाहे कर सकती है। इसलिये में ने यह रखा था कि सारी पार्टीज सारे कंट्री में यह कनवेंशन कायम करे कि डिस्ट्रक्ट बोर्ड में, म्यूनीसिपैलिटीज में और पंचायतों में पार्टी लाइन्स पर काम न हो। लेकिन यह सब पार्टीज को क़बूल करना होगा। फर्ज कीजिए कि कांग्रेस आज इस को क़बूल करती है लेकिन और पार्टीज इसको नहीं मानती तो नतीजा कुछ नहीं निकलेगा। यहां पर मैं एक बात बतौर ताने के नहीं करता बल्कि मैं खुश हूँ कि आज हमारे काम्युनिस्ट मैम्बर्स हाउस आफ कामन्स की ट्रेडिशनस की याद दिलाने के लिये यहां इसरार कर रहे हैं और हमें बड़े जोर से याद दिलाते हैं। यहां पर मैं बतौर क्रिटिसिज्म के नहीं कहना चाहता, लेकिन अदब से अर्ज करना चाहता हूँ कि जब यहां पर खड़े हो कर वे क्रसम खाते हैं कि हम इस कांस्टीट्यूशन पर कायम हैं, हम भी खड़े होकर कांस्टीट्यूशन की वफ़ादारी की क्रसम खाते हैं और वह भी कांस्टीट्यूशन की क्रसम खाते हैं तो आज हीरेन मुकजी साहब का यह फ़रमाना कि We will act up to the Constitution for whatever it is worth जिस को उन्होंने अपहोल्ड करने की क्रसम खाई क्या वह उस को सेवोटेज करेंगे।

Shri S. S. More: What did you do in 1937?

Pandit Thakur Das Bhargava: I do not understand the objection. What happened in 1937?

Shri S. S. More: Did you not swear by the Act then?

पंडित ठाकुर दास भार्गव : मेरे लायक दोस्त क्या इस उसूल के हैं अगर यहां पर यह उसूल लागू होता हो कि मेरा लैप्स बतलाते हैं कि अगर एक लैप्स मेरा हो गया तो दूसरा भी लैप्स होना चाहिये । मेरे लायक दोस्त को याद रखना चाहिये Two wrongs do not make one right.

इसलिये मैं भ्रदब से भ्रजं करना चाहता हूं कि इस हाउस में आप कनवेंशन चाहते हैं कि जो शस्स स्पीकर या डिप्टी स्पीकर बने वह सब से ऊपर हो, किसी पार्टी से उस का ताल्लुक न हो तो इस के लिये जो और जरूरी बातें हैं वह भी होनी चाहियें । मैं इस बात के हक में हूं कि यह कनवेंशन जो हाउस आफ कामन्स में है यहां भी होनी चाहिये, क्योंकि यह एक हैल्दी कनवेंशन है । लेकिन जैसा डाक्टर मुकजी साहब ने फरसाया बावजूद इस के हमारे यहां पर स्पीकर का इलैक्शन करवाया गया । सिर्फ यह यहां पर ही नहीं, सारे हिन्दुस्तान में स्पीकर के इलैक्शन में मुकाबला करवाया गया । लेकिन अब भी कुछ नहीं बिगड़ा है । अभी हमारे यहां शुरूआत ही है और जो हाउस आफ कामन्स में कनवेंशन है उस को हम यहां भी भ्रडाप्ट कर लें । मैं नहीं चाहता कि उस पर हम बिल्कुल चस्पान ही हो जावें, लेकिन मैं चाहता हूं कि देश में एक हैल्दी कनवेंशन बने । लेकिन यह तमाम पोलीटिकल पार्टीज के ऐक्ट्स से बनेगी, महज उन के कहने से नहीं । इसलिये मैं भ्रजं करना चाहता हूं कि जहां तक स्पीकर का सवाल है मैं चाहूंगा कि हमारी दूसरी पार्टीज जो हाउस में है वे इस प्रकार का कनवेंशन कांग्रेस के सामने लावें और कांग्रेस इस चीज पर जरूर और करेगी ।

मैं जरूर चाहता हूं कि जो शस्स इस कुर्सी पर बैठे वह इसफ ही न करे, बल्कि हर

शस्स को यह भ्रहसास होना चाहिये कि उस के साथ इन्साफ होगा । तो जहां तक इस बिल का ताल्लुक है मैं इस से मुआफिक हूं । मैं इस को नापसन्द करता हूं कि यह रखा जाय कि तनस्वाह उस को जब मिलेगी जब कि वह अपनी पोलीटिकल पार्टी को रिनाऊंस कर देगा । हम ने कांस्टीट्यूशन में रखा है कि किसी भी मेम्बर को स्पीकर मुकर्रर किया जा सकता है । वहां पर कोई डिसक्वालीफिकेशन नहीं है और मैं इसके सख्त मुआलिफ हूं कि जो कोई स्पीकर हो उस को आप चाहेंगे कि वह अपना कनेक्शन रिनाऊंस कर दे । पिस्तूल की नोक पर कनवेंशन नहीं बन सकते कनवेंशन एक हैल्दी ग्रोथ है जो आहिस्ता आहिस्ता पार्टी ग्रोथ से पैदा होती है । जो शस्स इस कनवेंशन को चाहता है वह अपने रवैये से साबित करे कि वह खुद इस कनवेंशन पर कायम है और कायम रहना चाहता है । इसलिये इस कनवेंशन को कायम करना है तो सब पार्टीज मिलकर इस को कायम करें ।

इस के अलावा जो दूसरा सवाल रीअलली इस हाउस के सामने है वह सैलरीज का है । मैं भ्रदब से भ्रजं करना चाहता हूं कि किसी भी हाउस में, किसी भी लैजिस्लेचर में जो जरूरी काम वहां के स्पीकर साहब करते हैं वह एक तरह से देश में सब से बड़ा काम होता है और वह खुद देश में इनसानियत का नमूना होते हैं, जैसा कि हीरेन मुकजी ने पढ़ कर सुनाया । मैं भ्रजं करना चाहता हूं कि वह हमारे में से बेस्ट भ्रादमी होता है, इस वास्ते उस भ्रादमी को जो कुछ भी दिया जाय थोड़ा है । मैं भ्रजं करूंगा कि जो खिदमत स्पीकर और डिप्टी स्पीकर भ्रजाम देते हैं उस के लिये जो यह तनस्वाह यहां आप दे रहे हैं वह कांप्री मुआवजा नहीं है । लेकिन यही बात मिनिस्टर के लिये भी है । हर एक मिनिस्टर क

[पंडित ठाकुर दास भार्गव]

लिये यह बात कही जा सकती है कि अपने डिपार्टमेंट में वह कितना जरूरी काम करता है और इस कदर ज्यादा काम करता है कि जिसका हम भ्रन्दाजा नहीं लगा सकते। एक एक मिनिस्टर हमारी खिन्दगी को बना बिगाड़ सकता है। करोड़ों रुपये पर कलम उस की चलती है और तनखाह आप उन को क्या देते हैं। यह जो तनखाह हम दे रहे हैं यह तो एक तरह का सोलेशियम है जो हम उन को दे रहे हैं। अगर यह तनखाह ज्यादाती की तरफ होती तो उस के लिये हमारे पास पैसा नहीं है। यह तो एक क्रिस्म का सोलेशियम (तसल्ली) है जो हम उन को दे रहे हैं। अगर आप इन्साफ़ से देखेंगे तो यह नहीं कहेंगे कि यह किसी भी मिनिस्टर के वेतन से ईक्वैटेंट न होनी चाहिये। यह तो उसूल के लिये बयान किया गया है। इन के फ़र्जों में रात दिन का फ़र्क है। इसलिये कम से कम रकम हम मुकर्रर कर रहे हैं। यही रकम हम स्पीकर साहिब और डिप्टी स्पीकर साहब के लिये भी मुकर्रर करते हैं। मैं जानता हूँ कि प्राइवेट लाइफ़ में अगर वह होते और जैसा काम वह अब तक करते रहे हैं और कर रहे हैं, करते तो बतौर वकील के वह इस से कहीं ज्यादा कमा सकते थे। यही बात हमारे मिनिस्टर साहबान के लिये भी है। प्राइवेट लाइफ़ में वह इस से बहुत ज्यादा कमा सकते थे। लेकिन हम को यह देखना है कि उन को कम से कम इतनी तनखाह दी जाय कि जिस से आडिनरी कम्फर्ट में कोई आदमी रह सके।

श्री सारंगधर दास (डेनकनाल—पश्चिम कटक) : क्या आपको मालूम है कि मिनिस्टर साहबान में कुछ ऐसे भी हैं कि जो कुछ भी नहीं कमा सकते ?

पंडित ठाकुर दास भार्गव : चूंकि यह सबाल मिनिस्टर्स की सेलैरी का नहीं है और मेरे लायक़ दोस्त को अस्तियार है कि अपनी

राय कुछ ही रखें, मैं अब से अर्ज करना चाहता हूँ कि हमारे कई मिनिस्टर तो ऐसे रहे हैं कि जो एक पैसा भी आप से तनखाह नहीं लेते। जो तनखाह आती है वह सारी इनकम-टेक्स में चली जाती है।

Shri S. S. More: Very good logic.

श्री पी० एन० राजभोज (शोलापुर—रक्षित—अनुसूचित जातियाँ) : ज़रा इनका बायरी तो करो आप को मालूम हो जायगा।

पंडित ठाकुर दास भार्गव : खैर, इस को छोड़िए। यहां पर मुझे मिनिस्टर साहबान के इमौल्युमेंट्स के जस्टीफ़ाई करने का कोई सबाल नहीं है। मैं अर्ज करना चाहता हूँ कि मेरे लायक़ दोस्त कम से कम स्पीकर और डिप्टी स्पीकर साहबान के बारे में ऐसा नहीं कह रहे हैं, इस वास्ते में दूसरी तरफ़ नहीं जाना चाहता और उस पर बहस नहीं करना चाहता।

अखिर में मैं अब से अर्ज करूंगा कि इस खिन्न में जो और बातें बिल में दर्ज हैं वे इतनी छोटी हैं कि हर एक गवर्नमेंट सरवेंट को वह एमैनिटी हासिल है, मैडिकल अटेंडेंस, टूर अलाउन्स वगैरह के बारे में। मैं समझता हूँ कि उन के बारे में कोई शक़्त ऐसा नहीं है जो यह सोचे कि वह कोई हम गौर वाजिब चीज कर रहे हैं। इस वास्ते जानब-वाला इस बिल के जितने क्लार्ज हैं उन में से एक एक की मैं ताईद करता हूँ और इस में कोई ऐसी बात नहीं है कि जिस पर कोई आबज़ैक़शन किया जा सकता हो। इसलिये मैं इसको पूरी तरह सपोर्ट करता हूँ।

Shri S. S. More: I propose to be as brief as possible as I always bear in mind what you have said.

I must say that this Bill is good in parts and bad in parts. As far as the salary of the Speaker is concerned, he has been brought down from Rs. 3,000 to Rs. 2,250, on par with the Ministers of Cabinet rank. But, as far as the Deputy-Speaker is concerned, I believe that he has got a rise in his salary. I must say at the same time

that the Government ought to have placed at the disposal of this House detailed figures as to what the Deputy-Speaker was getting during the last one year by way of Rs. 1,500 per month during the period of work, and also by way of allowance, and what would be the net gain or loss that will accrue to him if this particular measure is passed. If these figures were made available, then there would be no ground for any one to raise suspicion or advance some critical arguments. But, unfortunately, though a financial statement has been appended to this measure, no such detailed figures have been vouchsafed to the House, and therefore we are left wondering whether the Deputy-Speaker—I am not speaking in a personal manner, but I am speaking in an impersonal, objective manner—whether the incumbent of the office, is going to be a gainer or loser.

Then let us look to our past. Just as the House of Commons has developed certain traditions—what the House of Commons is at present practising is the product of so many centuries of revolutionary struggles—so also, what is the yardstick by which we can judge the present performance of the Congress? My submission to this House is that the Congress during the period, the long period, the glorious period of our struggle has laid down certain canons for our observance. They have laid down certain principles, and one of the principles is that when Congress people are called upon to serve the country, they will not look to the monetary aspect, they will not look to the financial aspect of the particular job which they are called upon to perform. I may quote Congress declarations in this respect, and it is perfectly legitimate for me to quote them. Sardar Patel, when presiding over the Karachi Conference of 1931, said that India is not poor in the spirit of sacrifice. You could have men of the greatest merit who will be ready and willing to offer their services for the country's cause for a pittance, or for no remuneration. And that is the argument that I want to rely on when we are judging whether the present salaries are enough or not.

Now, arguments have been advanced that the Speaker and the Deputy-Speaker, whosoever is called upon to discharge some duty to this country, must have some reasonable amenities, some comforts. I do concede that point, but what is the quantum of the comfort, what are the amenities that we are going to give them. These amenities and these comforts cannot be

discussed or considered in isolation or in complete divorcement of the conditions prevailing in the country. My submission is that we are going beyond, we are flouting the different announcements, the declaration, the principles that we have enunciated during the period of struggle. I will give a very pertinent instance. The Deputy-President of the former Legislative Assembly under the Montague-Chelmsford plan from 1921 to 1946 or 1947 was getting only Rs. 1,000 during the period of work, and if we look into the past Budgets, we will find Rs. 4,000 have been allotted in the Budget estimate all along as the remuneration for the Deputy-President. Now, the Deputy-President was the counterpart of the Deputy-Speaker of the present House, and this Deputy-Speaker, according to the present Bill, will be getting not Rs. 4,000 per year, but much more. If my calculation is correct, it will be something like Rs. 24,000. Is there any significance in these figures? My submission is that it is for the Congress people to think about their own past declarations and see whether their present performance is in complete accord with their past declarations.

Leave aside the salary question. Clause 4 of this Bill, reads:

"Residence for officers of Parliament.—Each officer of Parliament shall be entitled without payment of rent to the use of a furnished residence throughout his term of office and for a period of fifteen days immediately thereafter, and no charge shall fall on the officer personally in respect of the maintenance of such residence."

So, what is the cost of maintenance? What is the rent for the residences provided? I am referring to the answer which the Minister in charge of P.W.D. was pleased to give in reply to Unstarred Question No. 250 on the 26th November, 1952. Thirty-two bungalows were enumerated by him. I have made some calculations. The monthly rent of Panditji's house is Rs. 3,800. Monthly rent for furniture is Rs. 1,750. I need not give the details of all the 32 bungalows, but I have made some calculations. The rent of these 32 bungalows comes to Rs. 11,954 per month. For furniture, it comes to Rs. 7,408 plus maintenance charges. Building maintenance, furniture maintenance, electric and horticultural charges—all these amounts put together come to Rs. 2,18,956 per annum. If we divide it by twelve, it comes to Rs. 18,246. All these charges must be put to the credit of the Ministers concerned. Now, these are figures given in November, 1952. After that, many

[Shri S. S. More]

more Ministers have come into existence. If we are prolific in anything, at least this Government is prolific in producing Ministers and Deputy Ministers. So many additions have been made. If we take all this into account, I can say broadly without meticulous calculation, that our Ministers are really getting much more than what they pretend to show. The former Britisher was honest enough and was prepared to receive Rs. 6,600 per month, but he was paying income-tax on it at the highest slab level and paying rent of the buildings and furniture. Here we are reducing our salaries ostensibly, but getting these amenities—bungalows free, no furniture charges, no electric charges, medical aid free, everything free. The monetary value of all these things ought to be calculated. If the cost to the country is to be calculated on that basis, if we put all these things together and try to find out what is the real remuneration the Ministers, the Speaker or the Deputy-Speaker are getting, I think it will be at a fairly higher level. That is my submission. Some actuary, some accounts-experts of the Audit Department of the Government must spend some time in arriving at these figures.

Then, about the impartiality of the Speaker. Some of us feel and fear that a Speaker and a Deputy-Speaker openly parading their party loyalties will not be impartial when in Chair. Mr. Gadgil was yesterday pleased to say: "We are in a majority and naturally from this fact of majority some consequences will flow, and all these jobs which can be secured by a majority will necessarily go to Congress people." I may remind him of what Dryden has said, "None but the brave deserve the fair", said Dryden. If I have to adapt it, Mr. Gadgil's slogan is: "None but Congressman deserves any office". Nobody else will be given any post, because they are in a majority. I may remind hon. friends that in the House of Commons on many occasions the party in power makes a gesture to the party in opposition and the post of Deputy-Speaker or some other post goes to the party in opposition. I may remind also that during the period of the Britisher, some of the offices were given by the Britisher to the parties in opposition. Not only that. Even in 1937, after the Congress first came to power, some offices were given to the minority party. I have not time to quote names and figures, but that was a convention which was followed by the Congress in 1937, but since then the Congress has become greedy and

grabbing. They want everything for themselves.

Shri Gadgil: You are probably not well aware of the facts, as to how the Congress party, when in Opposition, acted.

Shri S. S. More: I am prepared to substantiate my proposition by facts and figures for the satisfaction of the House and the Congress Members if they choose to have it.

My submission is that in this matter we must set some example to the people. Everybody is talking about conventions. Mr. Gadgil was very eloquent in saying that the parties in Opposition did not observe the convention when they put up a candidate against Mr. Mavalankar. But why Mr. Mavalankar was put up as a "Congress candidate" if he was entering the election arena as the Speaker? He could have very well afforded to stand as belonging to no party, and if he had done it, possibly the Opposition parties too would have shown sense enough not to oppose him. Not only that. When Mr. Mavalankar was proposed for the post of Speakership, he was proposed as a party-nominee by the Prime Minister. The proposal was seconded by the great Satya Narain Sinha. Are they backbenchers? Everybody was very eloquent on reminding us of Parliamentary conventions. But the House of Commons has developed a convention that the Speaker's name should be proposed by the backbenchers. It is the backbenchers who get the chance to open their lips, and it is they who propose and second and not the top man from the party in power, who is the Leader of the House. Last year when I spoke on the 15th May, I had mentioned this healthy convention. The Congress people are talking about following healthy conventions of the House of Commons, but they are making a beginning by flouting those conventions.

Shri Gadgil: Mr. Mavalankar sought re-election, but was opposed by the other parties.

Shri S. S. More: I do believe that Mr. Gadgil can understand plain English.

Mr. Chairman: Let the hon. Member proceed.

Shri S. S. More: If they are out to interrupt me, I cannot help it. I am trying to make a point according to my own line. I believe the Congress people quote Parliamentary convention when it is convenient for them to do

so. But they flout a Parliamentary convention or deviate from the Parliamentary practice, when it is to the advantage of the Opposition Members, and they rely on those conventions only when it suits their purpose. They are blowing hot and cold in the same breath. That sort of blowing hot and cold will not do. I say that we are also interested—some of us may not have faith in Parliamentary democracy—and that we are sincerely out to build up Parliamentary democracy, if we could successfully do it. But for that the whole-hearted generous and tolerant co-operation of the party in power is necessary. As long as that co-operation is not made available to us, simply asking the Opposition party to look to the Parliamentary conventions and traditions is not enough.

The time at my disposal being short, I want to say that unless those figures are made available by Government, that the Deputy-Speaker particularly is not going to be the gainer by those proposals. I personally feel according to my humble calculation that he will be getting a larger loaf than he used to get earlier.

Pandit Thakur Das Bhargava: He was allowed private practice before.

Mr. Chairman: It is now almost 11-30 A.M. There are only two minutes more left. Is there any one who can finish his speech within two minutes?

Shri Sarangadhar Das: Sir, I am a member of the Business Advisory Committee, where we decided that such and such a length of time should be allotted to such and such a Bill. But I find that the Chair, whether it is occupied by the Speaker or any other person, is partial to the leaders of the parties. The time is taken up by them, and the backbenchers have been complaining that they are not getting any chance to speak. I am one of them. I want that this discussion should continue for some time longer, in order to give us a chance.

Shri B. S. Murthy: I entirely agree with him.

Shri M. S. Gurupadaswamy (Mysore): There are so many others who want to speak.

Mr. Chairman: Order, order. I do not regard Mr. Sarangadhar Das as a backbencher in the first place. In the next place, when we are discussing this very question, I do not know what will be the justification for the hon. Member to say that the Chair has been partial to

the leaders of the groups. As a matter of fact, as I understand it,—if I properly understand it—the purpose of the Chair is to see that not only justice is done, but also to see that the debate is well regulated. It does not mean that we should call only a particular number of Members on this side and a particular number of Members on that side. Whether the Member be the leader of a party or not, the Chair has to see that the debate on the particular matter which is under discussion is carried on in the proper manner. With respect to that, at least so far as I am concerned, with regard to the progress of this Bill, I may declare—I am not anxious whether it should be finished now or later, that is a different matter—that I have been taking care to see that the sense of the House was ascertained as to the time within which we would like to have the consideration stage to be finished. That was unanimously put forth even by the leaders of the different parties, and the backbenchers never raised any objection.

Shri M. S. Gurupadaswamy: There was an objection.

Mr. Chairman: Therefore I would suggest that once we have decided to finish the consideration stage debate by 11-30, let us stick to it. This time was fixed after consulting and taking into consideration the sense of the various sections of the House.

Dr. Ram Subhag Singh (Shahabad South): Leaders should not be given more time.

Shri Vallatharas (Pudukkottai): May I make a submission? Only the first three benches get some chance to speak. The others in the backbenches are left out of consideration. Those who are sitting far behind in the other twelve benches out of the fifteen on this side, go without any chance. I would request the Chair to look ahead at these backbenches also.

Mr. Chairman: I look at all sides.

Shri Vallatharas: If the time is limited for any Bill, say for two hours or three hours, the time of the speakers should be limited from the very beginning.

Mr. Chairman: I sincerely deplore that in this House there should have been not only parties, but there should have been dissension between the leaders and their followers. Whatever that might be, I realise that quite a good number of people want to speak. But there might be some who might not have a chance to do so, while there are some who get more chance. But

[Mr. Chairman]

when once we have come to a conclusion that we shall conclude the debate at 11-30 A.M. we should stick to it. But as I said earlier, I have no desire personally that it should end now or later. But since there is so much of vociferous demand, I shall extend the debate by another half an hour. But even if I extend it, it is not possible to give all the people who want to speak a chance to speak. Whoever is left out will always say that he has been dealt with unfairly. That is an unfortunate thing that the Chair cannot but face. That has also been my experience.

However, in order to cut short the discussion, and at the same time have a few more Members, I shall give everybody five minutes, and in the next half an hour, we shall have six more speakers. Even then there may be a few others left out, but I am helpless in the matter.

Dr. Ram Subhag Singh: Leaders should not be given more time in the future.

Shri S. C. Samanta (Tamluk): On a point of order, Sir. May I know whether an hon. Member is entitled to call the Chair partial? I would beg to substantiate my remarks.

Shri B. S. Murthy: What is the point of order? I want to know.

Shri S. C. Samanta: The Chair was good enough to consult the leaders of all the parties, in order to allow the Members of this House to participate in discussions. This is the procedure that is being followed, and has been accepted by all the Members of this House. But now I find that a Member stands up and says that the Chair is partial. I pray, Sir, that he should first call his leader partial. I am very mortified to hear that the Chair has been called partial.

Mr. Chairman: I do realise there was a point of order, but certainly I did not enforce it, because the hon. Member who was responsible for this is one of my old colleagues, and in the heat of the moment he used that expression. It is rather unfortunate. I thought it was a gentleman's agreement to close at 11-30 A.M.

Now I shall call upon him to speak.

Shri Borooah (Nowgong): On a point of order, Sir. I would like to know whether the Deputy leader of a party and a former leader of a party is entitled to call himself a backbencher?

Mr. Chairman: That I have already stated.

Shri Sarangadhar Das: I want to explain myself. I did not question the impartiality of the Chair.

We agreed that such and such a Bill should take such and such a length of time etc. But what happens here, is that—I have said it many a time before, and I still repeat it now also—certain Members of the House are called at first, and they take up all the time, thereby leaving no time for the others, whether they are front-benchers or backbenchers. This is a fact, and I stand by it. (*Interruptions*).

Mr. Chairman: Let the hon. Member proceed with his speech.

Shri Sarangadhar Das: Before I speak I must explain myself. Whether I am the leader or not is not the point. The point is that many backbenchers have told me that I have been to the Business Advisory Committee meeting and agreed to certain things as a result of which they could not get a chance to speak.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): This should not extend beyond 12 O'clock in any case.

Shri Sarangadhar Das: I do not want to take very much time. I did not hear Mr. Hiren Mukerjee speak, but I heard later that he quoted:

कौपीनं बन्तम् खलु भाग्यवन्तम् ।

It is all right to quote things from our Scriptures, but none of us live up to them. The point is whether in the modern times you can really rely on a G string. Can anyone come here with a *kauppen*? No, I say. You have to wear clothes.

Then I come to the salary that has been given particularly to the Deputy-Speaker. I do not know about the official duties of the Deputy-Chairman of the Council of States and I do not want to go into that. That amount of work that the Deputy-Speaker does—not necessarily the present one but the future ones also—has to be considered. The convention is that in every Committee with the Deputy-Speaker's name among the members, he automatically becomes the Chairman. I know the present Deputy-Speaker is busy from morning till midnight. Consequently, the salary that is being arranged for him is, I do not think, too much and he will be on a par with a Minister.

An Hon. Member: No, no.

Shri S. S. More: Not on a par but at a higher level.

Shri Sarangadhar Das: But I do not agree to a free house and free maintenance allowance which my friend, Mr. More has calculated to come up somewhere to Rs. 1800 a month. (Interruptions). This was from the replies that were given by the Works Minister to some question last November.....

Shri Jhunjunwala (Bhagalpur Central): 1,800 rupees for house?

Shri Sarangadhar Das: Maintenance of the house, garden, furniture—everything.

Pandit Thakur Das Bhargava: 1,800 rupees a month?

Shri Sarangadhar Das: If the Deputy-Speaker were here, as a member of the Estimates Committee of which he is the Chairman, I would have requested him not to take this maintenance allowance. The maintenance allowance of the Prime Minister's residence is several thousands of rupees.

An Hon. Member 10,000 rupees.

Shri Sarangadhar Das: I do not know very much about figures. I am not a Finance Minister.

If you give a Minister or the Speaker a house with free maintenance then why can you not give the same to the subordinate—Assistant Secretary or the Superintendent of the office and every one else? That is why you come up against the distinction between the high-ups and the low-downs. When the salary is big enough, the man who gets the salary should maintain his bungalow, should pay for his furniture and pay his rent—the same as the Members of Parliament are doing. Therefore, I disagree in that respect.

Then the Speaker and the Deputy-Speaker, as Dr. Syama Prasad Mookerjee had said—he lucidly pointed out what the conventions in the House of Commons are—should not belong to the party. They may come, they will come, as members of a party to Parliament elected from their constituencies, but once they are elected as Speaker or Deputy-Speaker, they should have no connection with the party.

I do not wish to give the name, but I know of a case when the Deputy-Speaker as Chairman of the Estimates Committee had gone into a very scandalous affair of this Government and he was supposed to present a report to Parliament. Instead of doing that, he went to the party and when the report was presented in the party

meeting it was resented by the members. Then it was hushed up. Because he belonged to the party—the ruling party—although he was the Deputy-Speaker, it happened that way. It would not happen if he were not in the party itself.

Mr. Chairman: The hon. Member has already taken five minutes. Will he kindly conclude?

Pandit Thakur Das Bhargava: Which was that report?

Shri Sarangadhar Das: I do not want to mention the name.

Mr. Chairman: It is better to avoid all personal references.

Shri Sarangadhar Das: Therefore, I appeal to the Government to so make it that the Speaker and the Deputy-Speaker should be outside the party after they are elected to their offices.

Mr. Chairman: Dr. Ram Subhag Singh. Does he want to speak?

Dr. Ram Subhag Singh: No, Sir.

Mr. Chairman: Mr. Rajabhoj.

श्री पी० एन० राजभोज : मेरे भाई ने जो कहा मैं उसको वैलकम नहीं करता हूँ। मैं इस हाउस में माइनारिटी में हूँ और हम को चांस मिलना चाहिये। जो डिप्टी स्पीकर की तनख्वाह का सवाल है उसकी तो मैं अपोजीशन नहीं करना चाहता। मेरी तो यहाँ प्रार्थना है कि स्पीकर और डिप्टी स्पीकर को इम्पारशल होना चाहिये क्योंकि जो स्पीकर और डिप्टी स्पीकर होते हैं वह तो किसी पार्टी के नहीं हैं। जो परम्परा ब्रिटिश पार्लियामेंट में कायम की गई है वही यहाँ भी की जानी चाहिये। हिन्दुस्तान में वही परम्परा रखनी चाहिये और जो दलित जाति के हैं उनको विशेष सहूलियतें मिलनी चाहिए, उनको संरक्षण मिलना चाहिए। जब कल चैयरमैन का पैनल हुआ तो उसमें हुकुम सिंह जी प्राय लेकिन इस हाउस के ७२ शिड्यूलडकास्ट वालों में से कोई नहीं लिया गया। हम लोगों को चांस मिलना चाहिए और हमको भी प्रागे बढ़ाना चाहिए। यहाँ जो चैयरमैन का पैनल बना है उस में पांच भाई लिये गये हैं उनमें से

[श्री पी० एन० राजभोज]

एक सिंड्रूल्डकास्ट का हमारा भाई भी होना चाहिए। यही हमारी प्रार्थना है। हम लोगों पर ऐसा अन्याय नहीं होना चाहिए। यह लोकतंत्र राज्य है और जब तक दलित वर्ग को ऊंचा नहीं किया जायगा तब तक समाज की उन्नति नहीं हो सकेगी। इसलिए इस वर्ग को सरकार ने विशेष अधिकार दिये हैं। चेंबरमैन के पैनल में अन्य पायों के आदमी लिये गये हैं पर हमारे आदमी नहीं लिये गये हैं। जो ब्रिटेन का ट्रेडीशन है उसको निष्पक्ष रीति से यहां चलाना चाहिये। और माइनारिटी पार्टी के मैनडेट से ही स्पीकर को अपना निर्णय करना चाहिए। मेरी यही प्रार्थना है स्पीकर महोदय से कि हम लोग जो कि यहां पर माइनारिटी में हैं उनके साथ अन्याय नहीं होना चाहिए। मुझे यही कहना है। मैं हाउस का ज्यादा समय नहीं लेना चाहता। लेकिन दूसरी जो पार्टी है, यहां पर हमारी माइनारिटी पार्टी है, उन को भी समय देने के लिये स्पीकर महोदय पक्षपातरहित दृष्टि से काम करेंगे और उन पर भी कृपा करेंगे, ऐसी मेरी प्रार्थना है।

Shri M. S. Gurupadaswamy: The other day when Mr. Gadgil was speaking on this Bill, he said that the Deputy-Speaker is only a part-time officer and so he must be allowed to take part in his party affairs. But, today, there is a clarification by Mr. T. T. Krishnamachari that the Deputy Speaker would be a full-time officer. So we are in doubt whether the Deputy-Speaker will be a part-time officer or a full-time officer. We want to know whether he is going to be a full-time officer after the passage of the Bill. Everybody was speaking about the Parliamentary conventions to be observed regarding the election of the Speaker and the Deputy-Speaker. One Member on the other side said that when Mr. Mavalankar was contesting for election, the other parties put up candidates against him. Mr. More tried to reply that Mr. Mavalankar did not stand on a non-party ticket but took a party ticket. I want to go still further and point out that in this country, unfortunately, we do not know in advance who are going to be

the Speakers and Deputy-Speakers of the Assemblies in the various States or even including this House for that matter. For example, take the case of Mysore. Till the Speaker and the Deputy-Speaker were elected on the floor of the House, we could not anticipate who would be the Speaker or the Deputy-Speaker of the House. Unfortunately, a practice has developed in this country. That is, suppose a man who was occupying a place in the previous Ministry could not get that place in the new Ministry, then the tendency of the ruling party is to put him for the place of the Speaker or the Deputy-Speaker. That thing is going on in various States. What I am trying to point out is that the ruling party in the country is not anxious or interested in establishing proper Parliamentary conventions. If such conventions are established, there will be no difficulty for the ruling party to hold consultations with the leaders of the other parties and come to an agreement with them. Till today the majority party has failed in its major duty. Consequently find that all sorts of anomalies have crept in. If we say that the Speaker should not be contested in the election, then it may go against their own interests. They want to put up their own candidates; somehow they want to find places for them. So, with this attitude of the majority party it is very difficult in this country to establish fair Parliamentary conventions. Hereafter at least, I want that such conventions should grow. In this connection, we might all agree that the Speakers should not be contested in the elections and the Speakers, as far as possible, should not take a party ticket at all.

Now there is a question of Deputy-Speaker. He is expected to be an impartial man so long as he is in the Chair. According to the Bill, he is expected to be a permanent officer. Recently our Deputy-Speaker has been elected to the Executive Council of the Congress party. After becoming a permanent officer of the Parliament, he should not function as a member of the Executive Council of the party. He has to resign from the Executive Council. We want an assurance from the Leader of the House regarding this matter.

In England the Deputy-Speaker, the Chairman of the Ways and Means Committee, though he belongs to the majority party, so long as he is there in the Chair, will be most impartial. There he has not got any salary. Here he is getting a salary. So, we

have to draw a distinction and he must be on a different footing altogether. So, I appeal to the hon. Members to consider this fairly and equitably.

Shri Vallatharas: Sir, I am reminded of.....

Shri N. M. Lingam (Coimbatore): Has the hon. Chairman taken for granted that nobody on this side of the House is going to speak?

Mr. Chairman: I have taken nothing for granted.

Shri Vallatharas: I am reminded of what Churchill had once said, "He did not assume the office of the Prime Minister simply to dissolve the British Empire." I can apply those words to this case. The Speaker or the Deputy-Speaker or the Deputy-Chairman would not be elected to that post with the expectation that he would dissolve the Congress party itself. But the inevitable must happen. The British Empire was not only dissolved and diluted but must collapse in the end. So, also, the party must necessarily get weakened in course of time and I do not want to say the further consequences, but I do not wish that fate for any party in this country. When one of the members of the majority party happens to be elected under the Constitution to these posts, we cannot seriously dispute it. I loathe to imitate. We need not go on imitating others. Incidentally, in certain matters, we can adopt certain principles, because there is no other alternative, but when there is an alternative why should we imitate the U.K. or other countries. The legal maxim is this: Not only that justice should be done but justice must appear to be done. In this case, whether the Speaker or the Deputy-Speaker does justice or not—that is a totally different thing—he must appear to do justice. What is his position? For election to the House, he must depend upon the party; for election to the Chair he must depend upon the party members, and to escape a no-confidence motion and a collapse he must depend upon the party members. After he gets out, for further election and to spend his life till he goes to the grave, he must be a member of the political party, and for all these there is a great interest which makes him bound to the party to which he belongs. So, it will be unjust on our part to expect that the party should cut that link or that he should cut himself away from that party. When the Constitution was made in 1950, there were many mature, able and discreet members who took part in the discussions. I have seen the proceedings. There should have been made some provision for this. But there is no use in blaming now.

We have got the best traditions established in the judiciary. A relation cannot go and appear before a judge. A relative of a Judge cannot have anything to do with him. So, in that way, we can follow certain principles of the judiciary, which are lamentably omitted in respect of the Constitution of India. An independent gentleman must be appointed by the President. He should be treated like the Supreme Court Judge or the Chairman of the Public Service Commission or the Election Commissioner or of that type. Then alone he will be independent; and his removal from office shall only be for certain proved misbehaviour on the vote of the two Houses. Unless that happens, we cannot expect that any representative from any party can strive to do justice. This is my apprehension.

There is a rule that an adjournment motion can be moved in this House. For the last ten months no motion has been admitted. I can positively say three or four motions were highly necessary for example, when people lost their lives, or when 15 or 20 lakhs of people starved for months together. Are these not considered essential for an adjournment motion? What else is an adjournment motion for? Is it for adjournment of the House *sine die*? So, if we have an independent officer as Speaker, we can preserve democracy.

Shri Mohanlal Saksena (Lucknow Distt. cum Bara Banki Distt.): On a point of order, Sir. Can the hon. Member refer to the rulings of the Speaker or the Deputy-Speaker in that fashion?

Shri Vallatharas: I was only referring to it hypothetically.

Shri Mohanlal Saksena: No. He said that several motions came up before the House and the Chair did not allow them. He said that they should have been allowed.

Shri Vallatharas: I do not think I said so. I know my limits. If the Chair rules it out of order, I will obey, but I know my limits very well.

Mr. Chairman: Did the hon. Member refer to any particular instance?

Shri Vallatharas: No, Sir. It is not as if any reference at all to this matter at once takes away the chastity of our existence. I did not refer to anything particularly.

Mr. Chairman: Only hypothetically he was speaking, then.

Shri Thanu Pillai (Tirunelveli): He said that a number of adjournment motions had been disallowed.

Dr. Gangadara Siva (Chittoor—Reserved—Sch. Castes): On a point of information, am I to understand that simply because some adjournment motions were not admitted, therefore this has been raised by the Opposition?

Mr. Chairman: I do not know, but I think the hon. Member, Mr. Vallatharas, will not be in order in referring to the adjournment motions which have been disallowed.

Shri Vallatharas: I am not referring to any one motion that had not been allowed. I am speaking generally.

Shri Thanu Pillai: He referred to more than one.

Mr. Chairman: Let him speak on the Bill. His time is up.

Shri Vallatharas: Yes, Sir. These are things which are a prelude to a major development at a subsequent period. That is how my reference bears relevancy to the discussion.

As I pointed out; this House may be pleased to consider that an independent officer of the statutory type should be provided for occupying the Chair in both the Houses.

Another point I wish to submit is....

Mr. Chairman: He has already exceeded his time.

Shri Vallatharas: Very well, Sir. With these words, I resume my seat.

Shri G. H. Deshpande (Nasik—Central): I rise to support the Bill. Yesterday, at the very beginning of the debate, the hon. lady Member of the Communist Party attacked the Bill and spoke with vehemence. Today, I was surprised to find a different tone in the speech of the Deputy Leader of the Communist Party who started the debate this morning. A friend of mine remarked on seeing this, that a tigress is generally more ferocious than a tiger. I find that this opinion is true of the human species also.

Now, there were two very reasonable speeches delivered from the other side this morning. Not that I agree with everything that they have said, but I must say that they had taken a very reasonable line. But my hon. friend from Sholapur reminded us of the Karachi resolution. Another hon. Member, who is not here at the moment, also reminded us yesterday of the same resolution. Now, my hon. friend from Sholapur is said to be the oldest man in this House, but the oldest are not necessarily the wisest. He reminds us often of the Karachi resolution. I would have appreciated

the attitude of the several hon. Members opposite who reminded us of that resolution, had they only remembered that resolution when drawing their own allowance. At that time, they conveniently forget that resolution. But when the present Bill has come up, they remind us of the Karachi resolution.

12 Noon

One hon. Member said today that the Executive Councillors under the Montague-Chelmsford Reforms were more honest people, but that this is what we have come to. Now, what was the pay they were drawing? What was the value of money then? What is it today? Can anybody place his hand on his heart and say that the salaries proposed in this Bill are any more than what the officers concerned deserve? Can you expect a poor man with a lot of wants to come and work with efficiency in these high offices? Can he work without any salary? If you say that he can, then it only means that you want rich people should come here, that you want people to come here who can get some money from outside powers and who can discharge their duties efficiently with that help. But here are people who have no other source of income to fall back upon, who have efficiency, who have talents, who have made sacrifices throughout their lives, who are capable of occupying these offices and discharging their duties properly. Can you say that the salaries suggested in this Bill are high? I do not think any reasonable man can say that. Can we not forget policies even for a moment? Is it suggested that my party has come forward and introduced this Bill for the benefit of any particular individual? People went on calculating what each officer was getting. They compared it with what the Deputy President was getting under the Montague-Chelmsford Reforms. Now, when anybody does that, I want to ask him: why do you not remember these things when the allowances Bill was under consideration? Why do you remember it only now? It is no use comparing what the Deputy-Chairman drew during the Montague-Chelmsford Reforms days with what the Deputy-Chairman or the Deputy-Speaker will be drawing under this Bill. Money value has changed. You want to attack the Congress Party. You want to make some propaganda against the Congress Party. From that point of view, if you put forward the opposition, nobody can attach any importance to it. I do think that the amounts suggested in the Bill are very reasonable and that

is why I wholeheartedly support the Bill.

Shri T. T. Krishnamachari: Mr. Chairman, I have listened to the debate and I find that there is nothing much for me to say in view of the fact that some of the criticisms have been answered.....

Shri S. S. More: I rise to a point of order. I think Mr. Biswas is in charge of the Bill.

Mr. Chairman: He need not mind the interruption. Let him proceed with the reply.

Shri S. S. More: Yesterday when Mr. Biswas was not present, it was meet and proper that some other hon. Minister moved the Bill, but when Mr. Biswas is present here today, why should some other hon. Minister reply?

Shri T. T. Krishnamachari: My hon. friend does not know probably that there is no difference between one Minister and another, and it does not matter who replies.

Shri S. S. More: All Ministers are equal as far as competence is concerned.

Shri T. T. Krishnamachari: May be. It is a matter of opinion. He can hold his own opinion in this free country.

Now, I come back to where I left. There does not seem to be much for Government to say on this matter. Regarding the theoretical aspect of the Speaker's position, much has been said. Times have been brought in and quotations have been made from them. I would certainly compliment the two Mukerjees in this House on the very valuable addition that they have made to the literature on this subject. I have no doubt in my mind that some time hence when perhaps the same question arises in some other Legislature in another country, the opinions expressed in this House would be quoted and to that extent I think we should welcome the contributions made by hon. Members.

One question was raised by the hon. Member from Pudukkottai, which has partly been dealt with by the Deputy Leader of the Communist Party, namely, this idea of having an official as Speaker. I would like to quote from the Report of the Select Committee on Parliamentary Elections (Mr. Speaker's Seat), dated the 4th April 1939 in the House of Commons. In paragraph 43, the report says:

"Your Committee cannot contemplate any proposal which would

reduce the Speaker to the status of an official. However great might be the integrity of, and personal respect accorded to, such an officer, a change of this nature would shatter the fabric upon which the conduct of public business now rests. They cannot over-estimate the moral effect upon the House of having in the Chair, not a judge whose impartiality and detachment spring from his lack of direct contacts with the lives and interests of those over whom he presides, but an ordinary member who has been through, and must still face, the trials and uncertainties of a political life and yet has completely subordinated his own political convictions to the ideals of his office."

That at once answers some of the points raised by my hon. friends. That, I think, is the general conception that we still adhere to in this House.

My hon. friend Pandit Thakur Das Bhargava very legitimately referred to the person whose memory we honour and whose photograph in this House we cherish. I do think that in a country where we have had a Vitthalbhai Patel to lay down the traditions of the Speaker's office and duties, we need not really be afraid of anything being done by any subsequent incumbents in that office which will in any way derogate from the dignity which he has built up for that office.

Hon. Members have spoken about British Parliamentary traditions. I think Mr. Punnoose mentioned it. It is true that we have to build up our own traditions. We have modelled our Parliament more or less on the British Parliament. Nevertheless, we do make departures. It is also true—unfortunately perhaps—that the first Parliament which began after the Constitution was framed and promulgated continues to be one where one party dominates because of its majority.

Shri Punnoose: It is very unfortunate!

Shri T. T. Krishnamachari: It is true, but I am afraid the education of the hon. friend who interrupted is extremely imperfect and I do not think he has read his Bible properly. Article 126 on Fundamental Rights of the Soviet Constitution says after a semicolon:

".....and the most active and politically most conscious citizens in the ranks of the working-class and other sections of the working

[Shri T. T. Krishnamachari]

people unite in the Communist Party of the Soviet Union (Bolsheviks), which is the vanguard of the working people in their struggle to strengthen and develop the socialist system and is the leading core of all organisations of the working people, both public and State."

That is the position that has been given to a party in the Fundamental Rights of the Soviet Constitution. I do not say that the Congress is equating itself to that position. Otherwise we would not have had the free elections. There, of course, the Communist Party puts up a candidate and other people vote for him and have to vote for him. That is merely a matter of habit. That habit suits the genius of those people. That does not suit the genius of our people. I do not say that I do not like it, or I have got something to say in criticism of what is being done in the U.S.S.R. Each country, or each nation shapes its own traditions according to its genius. I do believe that we in this country are moving in the right direction, with traditions being built round the office of the Speaker, such as is being done every day here.

On the question of elections, I am rather proud to say that we the Congress Party in Madras have a good record in this matter. The Speaker was originally a Congressman. He said he would not stand as a Congressman. It was very inconvenient for us because it is a multiple seat. I had some interest in it because the seat formed part of my constituency. It was rather difficult to work there when you cannot put up a Congressman. Nevertheless we did not put up anybody against him, though the Opposition parties did put up candidates, I am happy to say that the convention that we sought to establish in that small city of Madras—so neglected generally—has been demonstrated beyond proof and a non-party Speaker was elected. We do make trials now and again like this. That was the experiment carried out in Madras.

I think it could also be said, irrespective of the personalities that occupy the Chair, either in this House or elsewhere, that the general experience in India of Speakers of legislative bodies has been extremely happy. I do not think that by and large there has been any complaint. It is true as my hon. friend Mr. Gadgil mentioned that the feeling that a person has that a Speaker was unfair, on a particular occasion is a purely subjective feeling.

It is not a feeling entertained as a party man. If I get up and say something and you call me to order, momentarily I feel I have not been treated properly. But after a moment, I recognise that it is your job to keep the scales even. So, that kind of feeling that a Speaker or Deputy-Speaker has not been fair to one, is a momentary feeling, purely subjective, whether on this side of the House or that, and should be taken just as a passing phase. I think we can generally be proud of the record of our Speakers and Deputy-Speakers and if they happen to be Congressmen we are all the more proud that when they sit in the Chair they can feel that they are no longer Congressmen and they have got to look after the interests of all the parties in this House. I venture to submit that that is the feeling about the Speaker and the Deputy-Speaker, the panel of Chairmen who have been appointed by the Speaker and the presiding officers in the other House. I think my friend Mrs. Renu Chakravartty when she sits in the Chair is as fair as anybody else and quite stern. Nobody can take any exception to the behaviour of any Member of the opposition in the Chair. I think we had better drop this question at that.

It was said both by the Leader of the Communist Party and by Dr. Mookerjee that these things are being mentioned because they have to be mentioned on an occasion like this and not because they have any direct bearing on the Bill or that either of them wants to object to the provisions of this Bill.

On the question of the quantum of salary to be paid there can be a difference of opinion. As Dr. Mookerjee very rightly pointed out we have a yardstick. The yardstick unfortunately or fortunately happens to be the salaries of the Ministers. When the Ministers' salaries were brought down, whether rightly or wrongly, the Speaker and the Chairman of the other House voluntarily brought their salaries down. It shows that even we have some principles. It does not mean that the yardstick is right. It bears no relation to the actual expenditure that a person has to incur.

Shri Nand Lal Sharma (Sikar): The same yardstick should be applied everywhere.

Shri T. T. Krishnamachari: It is not a question of Procrustean bed.

As regards the Deputy-Speaker the fact was mentioned that there is a

increment in the emoluments paid to him. I would join issue with those hon. Members who mentioned this fact, for this reason that the position of the Deputy-Speaker as we now envisage it is that of a wholetime officer. As my hon. friends Dr. Mookerjee and Shri Gurupadaswamy mentioned, the moment he receives a salary he becomes a wholetime officer. At the moment he gets Rs. 1,500 per month during the time the House is in session and Rs. 40 per day. In fact, if I were the Deputy-Speaker I would prefer the present system. That means Rs. 1,200 a month free of income-tax and Rs. 1,500 a month subject to tax, which is far more than Rs. 2,000 a month. On the top of that the Deputy-Speaker happens to be a fairly well known member of the bar in my province and I do believe that if he goes back for a week, he will probably be able to earn about Rs. 3,000 to Rs. 4,000. As hon. Members know, the fault that was found with him was that he speaks. He could speak fairly well as a lawyer and convince the Judges. When he accepts these terms he is making a real sacrifice. That point should not be missed.

Speaking for myself—not as a Member of the Government—I personally feel that even these distinctions should not be made. When we are speaking of salaries which on calculation are not adequate for any reasonable type of living in Delhi, there is no point in having a graded distinction—one thing for a Minister, another thing for a Deputy Minister one thing for a Cabinet Minister and another thing for a Minister who is not in the Cabinet. Still, we are living in a world where distinctions die hard, and we have to give in to that kind of thing.

This objection to the Deputy-Speaker's salary arises from a non-realisation of facts. I do not want to throw the ball in the court of the hon. Members. But I merely say that I remember the days when I was a non-official Member, getting about Rs. 1,200 a month free of income-tax, without any responsibility. You need not keep a house; you need not have a car. I could walk, or somebody would give me a lift. I am speaking purely subjectively of the position of a non-official Member and that of a Minister I must say that the red ink has to be used very often when I now draw up my monthly budget and that is a fact. Nor do I want to stress that point that when non-official Members are getting Rs. 1,200 why an official should not get Rs. 1,750—which is what he would get after payment of tax. It is only a difference of Rs. 550.

On the question of amenities, Rs. 1,800 or something like that was mentioned as being spent per month on the maintenance of a house. I did not know that I was costing the exchequer Rs. 1,800 a month by way of the house I occupied. I shall be quite willing to get into a house costing only Rs. 130 a month and nothing more, I think these arguments were used by hon. Members more in the nature of embellishing their own particular arguments rather than that they have any basis on facts.

To come back to this question.....

Shri Sarangadhar Das: May I just request the Minister to go into the matter and say at some time in future what his bungalow costs on maintenance?

Shri T. T. Krishnamachari: It all depends on bungalows and bungalows. I may tell you that I dread taking a big bungalow, because apart from what it costs to Government it will cost me on four servants whom I will have to keep, which including their feed, will cost about Rs. 400; and I cannot afford it on the salary I get!

To come back to this point of whether it should be expressly mentioned in the statute that the officers of Parliament shall be whole-time officers or not, an amendment has been tabled by Dr. Syama Prasad Mookerjee. I might say that we did, as a Government, consider this aspect. We know that similar provisions have existed in the past. We felt that in respect of just four officers, two here and two in the other House, elected by Parliament, it is much better that a recognition of this comes out of convention rather than that it should be laid down by statute. This question of putting hedges there is not necessary because they are watched all the time. We know whether they are carrying out their duties as whole-time officers or not. I know they are honourable men, they would not get beyond any of the conventions we prescribe. I think in the interests of our own self-respect it is much better for us to achieve this end by tradition and convention rather than by putting a clause here. I am only mentioning this because it was considered and we felt as a Government that we should not ask officers of Parliament, elected by Parliament, to subject themselves to a condition which they would voluntarily subject themselves to; and the fact that they are transgressing it, if they do, will be known practically every day. That is why we have not put it in and I would humbly request Dr. Syama Prasad Mookerjee to give this convention a trial. And I have no doubts

[Shri T. T. Krishnamachari]

that after a period of time we will feel that what we have done is perfectly right.

I do not think there is any other point that has been raised on this matter. So far as Mr. Punnoose's amendment is concerned, as I have said, there is an obligation under article 97 to prescribe a salary even though it may be one rupee, and we cannot have an honorary officer as Speaker or Deputy-Speaker.

So far as the question of reduction of the salary is concerned, to do this in order to make an example of somebody (most unfortunates of them all!) is not right. As Mr. Deshpande mentioned, if the cost of living comes down and salaries are generally reduced naturally their salaries will also be reduced and you will find that Ministers as well as officers of Parliament fall in line with alacrity. But so long as the present cost of living obtains and remains what it is I do not know why we should make an example of these four officers and reduce their salaries.

Lastly I would like to mention one fact which has already been mentioned by some hon. Members. It was mentioned that the Deputy-Chairman of the Council of States did not deserve it. I think it is an extremely unfair imputation. I do not think that we in this House should cast any reflections on a Presiding Officer of the other House even though we are rather keen on curtailing the expenditure which is charged to the exchequer. But I must say that both these officers are doing work which they are not called upon to do—presiding over Committees. And I have to acknowledge here with gratitude the alacrity with which the Deputy-Chairman of the other House has always responded to any invitation to undertake any investigation, and at the moment he is presiding over two such Committees set up by the Commerce and Industry Ministry. Government have to make use of these officers, not only because of their impartiality of judgment but also because of the experience they have gathered in the House as Presiding Officers. To preside over committees, Government will certainly make use of them on every possible occasion, and these are not sinecure posts. Far from it. None of these will be sinecure posts. I hope that with what I have said the

House would have no cause to complain that Government have done anything which is not fair or proper.

Mr. Chairman: The question is:

"That the Bill to provide for the salaries and allowances of certain Officers of Parliament, be taken into consideration."

The motion was adopted.

Mr. Chairman: I will now take up the clauses.

There are three amendments. Two of them stand in the name of Shri-mati Renu Chakravartty. I think she is not here. The third amendment is the one which stands in the name of Mr. Punnoose. I do not know whether he wants to press it.

Shri T. T. Krishnamachari: It is not in order, Sir.

Shri Punnoose rose—

Mr. Chairman: When I come to the particular clause he can speak on that clause.

Clauses 2 to 4 were added to the Bill.

Clause 5.—(*Sumptuary allowance to Chairman and Speaker*).

Shri M. S. Gurupadaswamy: I want to submit here that the sumptuary allowance of Rs. 500 is not necessary for the Speaker. I would respectfully submit that the sumptuary allowances that are allowed even in the case of Ministers and others are not necessary. We have raised an objection to them in the past. But in the case of the Speaker I do not find any ground on which this sumptuary allowance can be justified. If the Speaker wants money for giving tea or entertaining some of the Members of Parliament or others—that was the ground raised by Congress Members—we submit that we do not need any tea or like any entertainment to be given by the Speaker. If we go to him we will go for our business, speak to him and come back. Why should there be some money allotted from the treasury for this purpose? So while the Speaker will be only carrying on his duties and we will be going to him for our own official work there is no necessity for this allowance. It is an unnecessary thing.

Dr. S. P. Mookerjee: Is it confined only to M.Ps.? The entertainment is not meant only for the M.Ps.

An Hon. Member: For whom else?

Mr. Chairman: Let not the hon. Member carry on a conversation with his neighbour.

Shri M. S. Gurupadaswamy: So I want to know from the Minister whether the sumptuary allowance is utilised for entertaining persons other than Members of Parliament. We feel this is an unnecessary allowance and this may be deleted.

Shri Nambiar (Mayuram): I agree with Mr. Gurupadaswamy in this connection. As regards this idea of sumptuary allowance for calling M.Ps, or others and giving them coffee or tea, I do not like it. If anybody goes to the hon. Speaker's house or the Deputy-Speaker's house, just as many people come to our houses also, we give them tea if possible. Nobody gives us money. And nowadays, in summer, we give them *tanda pani*.

Dr. S. P. Mookerjee: Hon. Members may pay for the tea!

Shri Nambiar: We do not expect anything from any of these people, either from the Ministers or from the Speaker or Deputy-Speaker. And these days it is not possible to do it. So we want to have an equality and the same method in this respect. We want to have the normal procedure of entertaining friends and relations, in a domestic way, in a household way, and not in any other way. Therefore we strongly oppose this sumptuary allowance business.

Shri T. T. Krishnamachari: The position is sumptuary allowance is not given to entertain Parliament Members alone. Probably they might be entertained. The Speaker has a position in this country. Foreign visitors come and he has to entertain them. Recently he had to entertain a number of people. The Speaker has an international personality, a thing which hon. Members do not recognise and the obligations that arise therefrom compel him to entertain and it is very unfair to ask him to defray his expenses from his pocket.

Mr. Chairman: The question is:

"That clause 5 stand part of the Bill"

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 and 7 were added to the Bill.

Clause 8.—*(Advance to officers of Parliament for purchase of motor cars)*

Mr. Chairman: Now clause 8

Shri T. T. Krishnamachari: After 8 there is an amendment.

Mr. Chairman: As I understand, he does not want to put 8A but he wants to make some suggestions.

Shri T. T. Krishnamachari: He should move it only after clause 8 is put to the vote of the House.

Mr. Chairman: The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

New Clause 8A

Shri Punnoose: I beg to move.

In page 2, after line 24, insert:

"8A. Notwithstanding anything contained in this Act, the Chairman, the Speaker, the Deputy Chairman or the Deputy-Speaker shall not be entitled to any salary, allowance or other amenities or facilities provided for in the foregoing sections, as long as he is a member of any political group, party or organisation."

I do understand that very lengthy discussions have been conducted on this amendment. I have got the satisfaction that the whole question has been placed seriously before the House by raising this point.

I do not want to take much time of the House but I would like to point out a few things in this connection. Hon. Members of the Congress Party seemed to have a hectic time yesterday in dealing with this question. They spoke all sorts of things, travelled all the way from Delhi to Moscow, examined the Constitution of the Communist Party and betrayed their utter ignorance of it. I am greatly obliged to the hon. Member Shri Gadgil and I have to let him know my reactions to his arguments. Well, with his natural youthful vigour, he applied himself to the question and then as a strong argument, placed before us what he considered to be a very noble record of Speakers in our Parliament. He said that we have got almost a spotless history behind and that even in very troublesome days, the Speaker's conduct was never questioned by hon. Members of this House. Now since he has raised that question, it is open to me to show the other side if there is any but I do purposely desist from doing so. My feeling is that it is no argument. It may be true that the Speaker has never caught a cold. The question is, "Is he likely to catch one?" Is there anything in our Constitution or convention which might compromise with the impartiality which we expect from the Speaker?

[Shri Punnoose]

There was a saying in Europe in the 18th century that "If France sneezed, the whole of Europe caught a cold". Is it by any stretch of interpretation possible that some leader, however great, some whip however powerful, could sneeze in such a way that not this Speaker or the Deputy-Speaker but any Speaker or any Deputy-Speaker, at any future time, might get a cold. Mr. Gadgil went on arguing that British traditions are all right and British example is worthy of being emulated but then he brought in an argument which I feel has led him to a ditch from which it will be difficult for him to pull out. He said that the difficulty with us was that, there is no convention of the Speaker being returned uncontested in the general election meaning thereby that the Speaker has to look to the party which supported him and that he has to be careful, a bit careful, always so that he may not find himself at sea after three years or five years. Instead of quietening my fears it has only added to them.

Well, to me personally, much of what is in the British tradition is acceptable. There is no doubt about it and the question of giving preferential treatment to the Speaker is a proposition that can be considered but when that is put forward by hon. Members like Mr. Gadgil, I am a little surprised because the papers say that even in his own party for the seat of the Executive Committee, Shri Gadgil and others were not prepared to give the Deputy-Speaker a "line-clear". As such, is it not rather premature to think that in this wide country other parties might give away?

Dr. Mookerjee also made a mention of it and made a brilliant exposition of the British position but one thing I have to say. Those who have praised this British example have forgotten that it is the result of at least a hundred years, of the interplay of forces, all sorts of forces, economic, political and social. The simple question here is whether the Speaker, the Deputy-Speaker and the party in power are prepared to put a little trust in the genius of our people, in their capacity to understand things, to evaluate things. If they can be do that, then the question of giving up party affiliations is no question at all. This can be disposed of straightaway. Who will bell the cat? Whether we shall first give them an assurance of a "line-clear" or whether the Speaker and the Deputy-Speaker will conduct themselves in a manner that will impress

the nation, so that it would return them uncontested in the next elections. Even when the nation is convinced of observing this practice a party might oppose but if you put your trust in the people, then I think you will not have to be sorry for it. Therefore we shall not go into the vicious circle. We have to begin it here and now. The Speaker and the Deputy-Speaker should be out of the party and party affiliations.

Then I thought a little seriously about the difficulty raised by the hon. Speaker, Mr. Mavalankar. He said that the mornings of the past held him to the Congress Party. I can very well understand that and it is far from my intention that the hon. Speaker must be away from all political ideologies and all the past but for the information of many hon. Members on the other side I may mention that the greatest Congressman of all times was not even a four anna member of the Congress.

Shri B. S. Murthy: Not entirely correct. He was once a member.

Shri Punnoose: There is no question of giving up ideologies. It is only a question of giving up links and keeping aloof from party politics. That is what we expect of these officers of Parliament. The question has to be decided in the light of our problems. As I said yesterday, I am demanding it not because there is something very attractive about the British example as such. But today our country is faced with so many problems, so many conflicts. As far as possible every type of thought, every trend of thought, every party, every new force must have the fullest expression in this House and outside. It is for that purpose that we demand that the Speaker and the Deputy-Speaker shall be kept out of politics.

But, I am sure the Congress Party will not pay heed to this. I am sure while they are in power, as the hon. Minister himself admitted 'unfortunately', they will not give up their hold, however technical it may be, on these high officers of Parliament. I will conclude with a proverb. This morning I came early to find out the hon. Finance Minister and get a proverb from him. But, I could not. Therefore, I have found one from my own language Malayalam:

"Vinasha Kale vipareeta buddhi".

Hon. Members: Translate.

Shri Punnoose: I am going to translate. When a man is out for ruin, when he is on the path of ruin and ultimate destruction, nobody can

ever stop him and good sense will never prevail. This is as true of parties as of individuals. Here is an example on the spot.

Shri V. P. Nayar (Chirayinkil): Sir, I wish to say a few words.

Mr. Chairman: I was under the impression that the hon. Member Mr. Punnoose only wanted to speak on this amendment and that he did not want to press it.

Shri V. P. Nayar: He has moved the amendment. I am entitled to speak.....

Mr. Chairman: Do you want to move the amendment?

Shri Punnoose: I have moved.

Mr. Chairman: Then, the question will be whether that amendment is proper in that form. I thought that he only wanted a general discussion of the same subject which has taken place. I gathered that he only wanted to express himself and speak. If it is to be taken as an amendment which is to be debated, I do not think it will be proper. I will have to take up that question.

Shri Punnoose: It is for you to decide, Sir.

Shri V. P. Nayar: I only wanted to speak on certain other aspects of the same question.

Mr. Chairman: So far as Mr. Punnoose is concerned, he had given notice of an amendment. Naturally, it was proper that he should be allowed to speak before I can even rule it out as an amendment. That would not have been proper and so I allowed him to speak. I do not know whether he has changed his mind. Does he want to press this amendment?

Shri Punnoose: There is no question of changing my mind. I thought that my amendment in the usual course would be moved and that I need not press it. That was what I thought.

Mr. Chairman: If you are not going to press, further speeches would not be permissible.

Shri Nambiar: For the purpose of this speech, he is pressing.

Mr. Chairman: I am clear about the position. Instead of throwing on me the task of preventing people from repeating, I would rather request the hon. Member not to force me to resort to that course.

Shri V. P. Nayar: At the outset, Sir, I want to tell the House about

certain other aspects of the same question. The point raised by Comrade Punnoose has been misunderstood and I feel by some of those on the other side, deliberately misunderstood. The question as it is, is very simple. Should this House allow its most important functionaries to meddle with contemporary politics or should we not give them a mandate and ask them to divorce all connection with such politics. That is the simple question that we have to consider. I have no doubt in my mind that complete aloofness from politics is to be maintained by the Speaker and the Deputy-Speaker. Let us examine the position here. It is not by a mere accident that the Speaker and his Deputy are functioning in the Congress Party also. They are both conscious of that. That is what the Speaker himself said in his famous speech of 15th May.

Shri B. S. Murthy: On a point of order, Sir, that has already been quoted. Is a Member entitled to quote it over again?

Shri V. P. Nayar: The hon. Member will find that the portion which I am quoting has not been quoted so far. On page 44 of the debates of 15th May, I find these words:

"Similarly, though a Congressman, it would be my duty and effort to deal with all Members and all sections of the House with justice and equity and it would be my duty to be impartial and remain above all considerations of party or of political career."

Mark his words. He himself knows that. "Although he is a Congressman" he says that he would perform the job in a different way. Here comes the conflict between the functions of the Speaker as Speaker and his functions or duties as a Member of the majority Party. I would go to the extent of saying that the Speaker was conscious of the dual role which he had to play the role of Dr. Jekyll when he was in the Chair and Mr. Hyde when he was in the Party. That was something which he himself knew and which the Deputy-Speaker also knew. Although there was much heat generated from that side surprisingly, from the "cold storage" of those benches, over there, yesterday, we found that the Governing party has itself departed from the rules. We find from the papers that the Deputy-Speaker was a candidate. They had not the magnanimity to give him a seat without contest. He had to contest with the result that he secured only the third number of votes, if I have understood.....

Mr. Chairman: This is not in order.

Dr. M. M. Das: On a point of order, Sir.

Mr. Chairman: I have already ruled it out of order.

Shri V. P. Nayar: I do not mean anything against any person.

Mr. Chairman: This is not necessary and relevant here.

Shri V. P. Nayar: With all the heat they generated over nothing, with all the beating they tried to give us with imaginary sticks, they themselves do not hold the principle aloft in their own matters. As I told you before, the Speaker and the Deputy-Speaker function in another capacity in the party. Let us look at this question this way. They are pledged to carry on the policy and programme of the party to which they belong.

Shri Nand Lal Sharma: Is the amendment allowed? Is the hon. Member speaking on the amendment?

Some Hon. Members: Yes.

Shri V. P. Nayar: Supposing the anxiety of the Chair to have an impartial view of things is considered by the Whip of the party in power as not to conform to certain principles or policy, what will be the position of the Chair? You know in this House.....

Mr. Chairman: The position of the person in the Chair is always clear. Why should there be any doubt?

Shri V. P. Nayar: It is always clear this way also that the Chair is at the mercy of the party in power.

Mr. Chairman: It is not so at all.

Shri V. P. Nayar: This is so, Sir, you point out one rule which makes it impossible for the Speaker to be voted out of office? There is none. If there is.....

Shri Telkikar (Nanded): On a point of order, Sir,.....

Shri V. P. Nayar: I am giving my own views.

Mr. Chairman: I think looking to the point involved in this amendment it is out of order. I have allowed some discussion. The amendment is that he shall not be entitled to any salary, allowance or other amenities or facilities provided for in the foregoing sections as long as he is a member of any political group, party or organisation. The hon. Member will realise that the question whether he should or should not belong to a political

party has been debated at length, and I do not think at this stage it will be proper to carry on a long discussion about it. If he wants to be brief, I will allow him.

Shri T. T. Krishnamachari: On a point of order, Sir. This point was raised yesterday, whether we could seek to impose a disqualification on the Speaker and the Deputy-Speaker not contemplated by the Constitution. Article 97 of the Constitution says that we ought to pay them a salary, whatever the salary might be. The hon. Member will be quite right in insisting on one rupee being paid, and he will be right in speaking on a motion of that nature. But to seek to impose a disqualification not mentioned in the Constitution is entirely out of order.

Shri Punnoose: I have to make a submission.

Mr. Chairman: I do not think we should enter into a long discussion.

Shri V. P. Nayar: I am not entering into a long discussion.

Mr. Chairman: I would rather think of deciding whether the amendment is in order or not. Before that, let there be no heat on any side.

Shri V. P. Nayar: What is the occasion for any heat, Sir? I have been very impersonal I believe. I only wanted to point out the desirability of the Speaker divesting himself of all politics, and I am reading out to you a particular passage from the famous book of Redlich. This is what he says—this is one of the reasons why we want the Chair not to have anything to do with politics:

“During the time of Parliament, he ought to sequester himself from dealing or intermeddling in any public or private affairs, and dedicate and bend himself wholly, to serve his office and function.”

I ask you, Sir, whether it is possible for a man who happens to be a Member of a political party also to function to the fullest extent in this capacity? Will not his time be taken up by some work for the political party also?

Further down, Redlich quotes a passage from the famous Constitutional historian Stubbs which reads:

“The result was that the Speaker, instead of being the defender of liberties of the House, had often to reduce it to an order that

meant obsequious reticence or sullen submission."

—I would add, "to the Party Whip", Sir. I will finish with this.

Shri Thanu Pillai rose—

Mr. Chairman: I think no discussion is necessary.

Shri Thanu Pillai: You have allowed discussion by two Members on the other side. You might permit me to speak.

Mr. Chairman: Is the hon. Member going to withdraw his amendment?

Shri Punnoose: No, Sir.

Mr. Chairman: Then, I am afraid, so far as this amendment which the hon. Member wants to press is concerned, I will have to look at it in a different way and decide whether it is in order or not. I understood from the hon. Member that he did not want to press it, and therefore, I allowed it.

Shri Nambiar: He is not pressing it for a division.

Shri Punnoose: It is true that article 97 of the Constitution empowers Parliament to decide upon the salary and allowances of the Speaker and Deputy-Speaker. What I have attempted to do is that this Parliament decide that the Speaker and the Deputy-Speaker should have this qualification. The question is whether the Constitution prevents us from doing it. The difficulty only arises if Parliament accepts this amendment, and then if the Speaker or the Deputy-Speaker refuses to comply with the condition that we want to impose. Then only the question arises, and this Parliament has got the right to decide what qualifications the Speaker and the Deputy-Speaker should have.

Shri T. T. Krishnamachari: May I mention, Sir, the only disqualifications that the Speaker or the Deputy-Speaker can have are enumerated in articles 94 and 102. They ought to be read together. If the disqualifications are not enumerated there, Parliament has no right to impose other disqualifications.

Shri Punnoose: Is it exhaustive?

Mr. Chairman: Article 93 of the Constitution says:

"The House of the People shall, as soon as may be choose two members of the House to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the House shall choose another member to be Speaker or Deputy Speaker, as the case may be."

Article 93 provides for the election of the Speaker and Deputy-Speaker.

Article 97 of the Constitution reads:

"There shall be paid to the Chairman and the Deputy Chairman of the Council of States, and to the Speaker and the Deputy Speaker of the House of the People, such salaries and allowances as may be respectively fixed by Parliament by law and, until provision in that behalf is so made, such salaries and allowances as are specified in the Second Schedule."

Therefore it means that salaries and allowances have to be paid. Now my hon. friend proposes that:

"Notwithstanding anything contained in this Act, the Chairman, the Speaker, the Deputy-Chairman or the Deputy-Speaker shall not be entitled to any salary, allowance or other amenities or facilities provided for in the foregoing sections, as long as he is a member of any political group, party or organisation."

That is really against the spirit of the Constitution. The Constitution does not contemplate salaries and allowances being made conditional on certain things.

Hon. Members rose—

Mr. Chairman: I think I have heard enough. This amendment is out of order.

Shri K. K. Basu: Article 94 does not mention any disqualification.

Shri S. S. More: Before you give your ruling.....

Pandit Thakur Das Bhargava: It is beyond the scope of the Bill also.

Mr. Chairman: Order, order. So far as that point is concerned, I have already decided that and I will hear no argument.

Shri S. S. More: Since you have interpreted article 97 in the way in which you have done, I will say that your ruling conflicts with.....

Mr. Chairman: There shall not be said anything in the House which is against a ruling which I have given.

Pandit Thakur Das Bhargava: Can a ruling of the Chair be discussed after it has been given, Sir? The ruling of the Chair cannot be disrespected.

Shri S. S. More: I am not discussing it.

Mr. Chairman: Then what is the purpose of it?

Shri S. S. More: I am making a submission.

Clause 9.— (*Officers of Parliament not to draw salary etc. as Members of Parliament*).

Mr. Chairman: Now let us take up clause 9.

Shri M. S. Gurupadaswamy: May I make a submission, Sir?

Mr. Chairman: I will say that no submissions should be made with respect to the point which I have decided. If there is anything else, I am prepared to hear.

Shri M. S. Gurupadaswamy: About clause 9, Sir. I want to say that the Deputy Chairman and the Deputy Speaker should not be allowed to take part in any Committee set up outside Parliament.

Shri T. T. Krishnamachari: This is not germane to this. Article 97 relates only to drawing of salaries and allowances. So, how can this taking part in a Committee come in?

Shri M. S. Gurupadaswamy: I am saying that no allowance should be given to the Deputy Chairman or the Deputy Speaker, if he attends a Committee set up by the Government. But the practice has been so far that when the Deputy Speaker or the Deputy Chairman is often made the Chairman of some inquiry Committees set up by the Government. I learn that they draw salary, allowances, travelling allowance, D.A. etc.....

Shri T. T. Krishnamachari: No, Sir. Nothing of the sort. This is covered more or less by clause 6. If they are asked to undertake any other work, they just paid them out of pocket expenses.

Shri M. S. Gurupadaswamy: I mean not dearness allowance, but daily allowance. If these officers are taken on the Committees set up by the Government, then they will be put under the obligation of the Government, and indirectly they will be under their patronage and it will ultimately affect their impartiality in the House also. Then they may have to favour the majority party in so many ways. They may have to favour the hon. Minister who has made the Deputy Speaker or the Deputy Chairman the Chairman of an inquiry Committee. Therefore, taking into consideration

all these points, I would suggest that these officers should not be appointed on any Committee in any capacity, outside Parliament.

Shri Nambiar: On a point of clarification, Sir? There is a term in clause 9 'Officers of Parliament not to draw salary or allowances as Members of Parliament'. I do not know whether the hon. Minister will agree with me, but I could not find out how the hon. Speaker or the Deputy Speaker can be called as Officers of Parliament. I could understand the Secretary of the Parliament Secretariat being called an officer, or his Assistant Secretary being called an officer of Parliament, because they are gazetted officers. But to call the hon. Speaker and the Deputy Speaker.....

Shri T. T. Krishnamachari: They are described as officers in the Constitution itself.

Shri Nambiar: I cannot find it there. So I have my own doubts about it, and I feel that that term may be removed. Let them not be called 'officers' of Parliament. Let them be called by some other.....

Shri T. T. Krishnamachari: My hon. friend may look into page 38 of the Constitution. Before article 89, the heading is 'Officers of Parliament'.

Mr. Chairman: Does the hon. Minister want to say anything about this clause 9?

Shri T. T. Krishnamachari: No, Sir.

Mr. Chairman: The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10 was added to the Bill.

Clause 11.— (*Power to make rules*).

Shrimati Renu Chakravarty (Basirhat): Sir, I have a small amendment. I just want to mention one point. The purpose of my moving this small amendment is to prevent embarrassment to the Speaker and the Chairman since they are the people who are concerned. So I rather thought that instead of straightway putting in 'in consultation with the Chairman and the Speaker', that may be left out, although you may do it if you want. But it should not be a part of

the Bill. Therefore I just move this small amendment:

"In page 2, lines 36 and 37, omit "in consultation with the Chairman and the Speaker".

Shri T. T. Krishnamachari: No, Sir, in a matter like this, in the case of an officer of the status of Speaker, it will be improper for Government to make rules without consulting the Speaker.

Shri S. S. More: But the Speaker himself is concerned.

Shri T. T. Krishnamachari: May be. Still we have got to ask him.

Mr. Chairman: Does the hon. Member want to press her amendment?

Shrimati Renu Chakravarty: Yes, Sir.

Mr. Chairman: The question is:

In page 2, lines 36 and 37, omit "in consultation with the Chairman and the Speaker".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

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

Shri T. T. Krishnamachari: I beg to move:

"That the Bill be passed."

Shri S. S. More: Sir, I would make a few submissions.

Mr. Chairman: Motion moved:

"That the Bill be passed."

Shri S. S. More: I want to make a few comments, Sir. Article 97 was relied on by the Minister and you were kind enough to accept that point of view. The Article says:

"There shall be paid to the Chairman and the Deputy Chairman of the Council of States and to the Speaker and the Deputy Speaker of the House of the People, such salaries and allowances as may be respectively fixed by Parliament by law....."

1 P.M.

As this particular article refers to salaries and allowances and does not contemplate the imposition of any other restriction when granting such salaries and allowances, you were pleased to rule that the particular amendment moved by my hon. friend

Mr. Punnoose was out of order. I accept that ruling. In accordance with that ruling and the interpretation of article 97, I say there is no provision for free furnished residence. Clause 4 says:

"Each officer of Parliament shall be entitled without payment of rent to the use of a furnished residence....."

There is no provision in article 97 for the grant of such a free furnished residence. When the Constituent Assembly passed this Constitution, if at that time they contemplated to make such provision, they would have been surely conscious of that fact and such a provision would have been there. I would refer you to Schedule II, Part D, clause (2):

"Every Judge of the Supreme Court shall be entitled without payment of rent to the use of an official residence."

So, this is a specific provision in the case of the Judges of the Supreme Court. I may bring to your notice, Sir, this distinction that here the Supreme Court Judges are entitled to get official residences without any rent. But the question of maintaining the house, the question of furniture etc. are placed outside the ambit of this. It means that they are required to pay the maintenance charges and the charges for the hire of the furniture etc. There is no such provision in the case of the Speaker or the Deputy Speaker, and, therefore, I fear that this clause 4 is not only discriminatory but also not contemplated by the Constitution. It will be *ultra vires*. Therefore, I submit that we should not pass this measure with this particular clause until the whole Constitution is amended so that article 97 may be comprehensive enough to make provision for free residences, furniture etc. These are my independent remarks and not a point of order for your rulings.

Mr. Chairman: I am afraid the hon. Member made these remarks in the garb of making a speech on the passing of the Bill. I do not so much object to it, for technical reasons. But, I think, even now he has misread the whole thing. There is no provision in article 97, that besides the salary, nothing else shall be provided. So, all the ingenuity which he displayed in putting his point is of no use.

Shri S. S. More: I am not prepared to accept the compliment about ingenuity.

Shri Nambiar: Sir, when I raised a point about these 'Officers of Parliament', I was shut out by saying that on page 36 there is a reference to the 'Officers of Parliament'. There is another title on page 40, called, 'Conduct of Business'. Can that title be considered as a part of the Statute and so can you say that because 'Conduct of Business' is there, anything coming under that chapter comes under conduct of business? I make my submission.

Pandit Thakur Das Bhargava: So far as the third reading of the Bill is concerned, you can only consider matters in relation to which amendments have been accepted. Now, to raise the same questions over and over again, which were the subject-matter of discussion when we considered the Bill clause by clause is not fair. My hon. friend spoke before in relation to the allowances etc., and even now those arguments are being repeated. At the time of the third reading this should not be allowed.

Shri Nambiar: My submission is...

Shri Raghavachari (Penukonda)
rose—

Mr. Chairman: I hope the hon. Member will not try to say something which is not warranted at the time of the passing of the Bill.

Shri Raghavachari: I have been listening to the whole arguments for and against; but what made me feel quite amused and surprised was that the point which the Opposition wanted to raise was simply not appreciated. The point was not that there must be a disqualification disentitling the officers of Parliament to draw their salaries or allowances but that their continuance actively associated with a political party was likely to create an apprehension of want of confidence in their impartial discharge of duty. In fact, the question is not one way or the other to be stressed or pressed to a division; the whole matter should have been appreciated in the view that with such august offices as that of the Speaker and the Deputy Speaker nothing should be associated with them which really takes away from their position of absolute impartiality. And, towards that end, conventions were quoted from all countries and even arguments against it by either party. We are not interested in conventions and histories of other peoples but, really, in a common sense view. That is the whole point. I for one do think that the officers would bear in mind that the opinion of this House is, not

that they should dissociate themselves completely from being members of any political party but that they should not continue to be active members thereof. Instead of dragging down the whole of the discussion to this level namely of some Members pressing for one thing and others urging against it, the real point that the officers should remember is that they ought not to be members actively associated with any political party. If this is done, and only when this is done, it will infuse more confidence, and the whole House would be glad and would express its satisfaction that not only has it got impartial officers but though they are members of a political party, there is nothing which still detracts from their position of impartiality, in the due discharge of their duties.

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

COMPTROLLER AND AUDITOR-
GENERAL (CONDITIONS OF SER-
VICE) BILL

The Minister of Finance (Shri C. D. Deshmukh): I beg to *move:

"That the Bill to regulate certain conditions of service of the Comptroller and Auditor-General of India, be taken into consideration."

This is a relatively simple and straightforward measure which seeks to make provision for the tenure and the pension of the Comptroller and Auditor-General, in regard to both of which we consider the existing provision as not entirely satisfactory. The terms and conditions of service of the Comptroller and Auditor-General are now sought to be regulated by the Second Schedule to the Constitution, read with the Government of India Audit and Accounts Order, 1936, promulgated as part of the constitutional changes in 1936, which has been kept alive by the provisions in the Constitution. At present, the Comptroller and Auditor-General has a minimum tenure of five years and subject to this, he has to vacate office on completing thirty-five years of service if a member of the Indian Civil Service, or on attaining the age of fifty years in other cases. The question whether, as in the case of other constitutional authorities, a fixed term should not be prescribed for the Comptroller and Auditor-General has been under the consideration of Government for some time, and we have come to the conclusion that the tenure

*Mover with the recommendation of the President.