

**PUNJAB VIDHAN PARISHAD**

**REPORT**

**OF THE**

**Committee Constituted to Frame a  
Code of Conduct for Members**



---

**PUNJAB VIDHAN PARISHAD SECRETARIAT, CHANDIGARH.  
JUNE, 1966.**

## CONTENTS

	PAGES
Personnel of the <i>Ad hoc</i> Committee Report	.. 1—17
Appendices	... 19—52

**PERSONNEL OF THE COMMITTEE CONSTITUTED TO FRAME A CODE  
OF CONDUCT FOR THE MEMBERS**

- |                             |    |             |
|-----------------------------|----|-------------|
| (1) Shri Des Raj            | .. | Chairman    |
| (2) Shri Chander Bhan Gupta | .. | Member      |
| (3) Shri Hans Raj Sharma    | .. | Member      |
| (4) Master Hari Singh       | .. | Member      |
| (5) Shri Kanwar Lal Sharma  | .. | Member      |
| (6) Shri Krishan Lal        | .. | Member, and |
| (7) Shrimati Śita Devi      | .. | Member      |

**SECRETARIAT**

- |                        |    |                     |
|------------------------|----|---------------------|
| (1) Shri R.L. Nirola   | .. | Secretary           |
| (2) S. Sukhendra Singh | .. | Assistant Secretary |

## CHAPTER I

### INTRODUCTION

The Committee on Prevention of Corruption set up by the Government of India in para 11(4) of its Report, recommended as follows :—

“It is desirable that a code of conduct for Legislators embodying these and other principles should be framed by a special Committee of representatives of Parliament and the Legislatures nominated by the Speakers and Chairmen.”

2. The above suggestion of the Committee was based upon the fact, as stated by them earlier in the same paragraph, that there was talk about some Members using their good offices to obtain permits, licenses and easier access to Ministers and officials for industrialists and businessmen. The Committee also added that since some of the Legislators were in the employment of private undertakings for legislative work, it was desirable that such employment should be open and well known and be declared by the legislators concerned. Further in such cases these legislators should not approach Ministers or officials in connection with the work of their employers and also refrain from participating in the discussion or voting on demands or proposals in which their firms or undertakings are interested.

3. In the background of the above observations of the said Committee and in pursuance of the aforesaid recommendations, the Chairman, Punjab Vidhan Parishad constituted a Committee of the following Members of the Vidhan Parishad to frame rules of conduct for the Legislators inside as well as outside the House,—*vide* notification No. PLC-65/9, dated the 29th March, 1965 :—

- |                             |                |
|-----------------------------|----------------|
| (1) Shri Des Raj            | .. Chairman    |
| (2) Shri Chander Bhan Gupta | .. Member      |
| (3) Shri Kanwar Lal Sharma  | .. Member      |
| (4) Master Hari Singh       | .. Member      |
| (5) Shri Krishan Lal        | .. Member      |
| (6) Smt. Sita Devi          | .. Member, and |
| (7) Shri Hans Raj Sharma    | .. Member      |

4. In the original terms of reference, the time fixed for the Committee to make its report was three months of its appointment which was subsequently extended from time to time upto the end of June, 1966.

5. The Committee had eight meetings. In its first two meetings, the Committee considered the observations and suggestions of the Committee on Prevention of Corruption, constituted by the Government of India, as referred to above, which would hereinafter, for the sake of facility, be referred to as Santhanam Committee. In the second meeting, the Committee also decided to collect data from various sources, such as, Secretariats of the two Houses of Parliament and other Legislative Bodies in India, as also the practice, rules or any other useful data of the other countries through their Embassies/High Commissions. In its

third meeting, the Committee decided to obtain the views of the Vice-President of India (Chairman of Rajya Sabha), Speaker, Lok Sabha and some other Presiding Officers of State Legislatures. The fourth meeting was devoted by the Committee to the collection of some facts. In this meeting the Committee also authorised the Chairman of the Committee to appoint a Sub-Committee to collect evidence as per decision taken in its second and third meetings. In its fifth meeting the Committee had the advantage of having the views of the Speaker, Himachal Pradesh.

6. In pursuance of the decision taken by the Committee in its fourth meeting, the Chairman of the Committee appointed a Sub-Committee consisting of Sarvshri Kanwar Lal Sharma, Krishan Lal and himself to collect evidence. Accordingly the Committee had the benefits of views/opinion of the following :—

- (1) S. Hukam Singh, Speaker, Lok Sabha.
- (2) Shri M.N. Kaul, Honorary Officer, Lok Sabha.
- (3) Shri S.L. Shakdar, Secretary, Lok Sabha.
- (4) Shri Gurdial Singh Dhillon, Minister for Parliamentary Affairs, Punjab.
- (5) Shri Morarji Desai, Member, Parliament.
- (6) Dr. Ram Manohar Lohia, Member, Parliament.
- (7) S. Darbara Singh, Home Minister, Punjab.
- (8) Chief Minister of Gujarat.
- (9) Dr. P.V. Chelian, Governor of Maharashtra.
- (10) Shri D.S. Desai, Home Minister, Maharashtra State
- (11) Shri P.P. Shirodkar, Speaker, Legislative Assembly, Goa, Daman and Diu.
- (12) Shri D.P. Mishra, Chief Minister, Madhya Pradesh.
- (13) Shri V.K. Krishna Menon, M.P.
- (14) Shri Kamlapati Tripathi, Member, Uttar Pradesh Vidhan Sabha.
- (15) Shri C.B. Gupta, Member, Uttar Pradesh Vidhan Sabha, Ex-Chief Minister of Uttar Pradesh.
- (16) Acharya Jugal Kishore, M.L.A., Uttar Pradesh Vidhan Sabha.
- (17) Shri K.P. Gupta, Secretary, Uttar Pradesh Legislature.
- (18) Shri Darbari Lal Sharma, Chairman, Uttar Pradesh Vidhan Parishad.
- (19) Shri Madan Mohan Verma, Speaker, Uttar Pradesh Vidhan Sabha.
- (20) Shri G.V. Hellikari, Chairman, Mysore Legislative Council.

The views expressed by them are available at Appendix A.

7. The first question confronting the Committee was whether there was at all any necessity to have a Code of the kind suggested by the Santhanam Committee. One view put before the Committee was that such a code need not be drawn. Shri Des Raj Mahajan, Speaker, Himachal Pradesh Assembly was of the opinion that it would not be proper to put restrictions on the Members by a code in as much as the malady, in his view, had not gone so far and the majority of the Legislators were not bad or corrupt. He suggested that the matter should be regulated by moral ethics instead of written rules, because a written code, besides other things, would lead to personal rivalries, a fear also entertained by S. Bhupinder Singh Mann, Member of the Punjab Vidhan Parishad. It may be stated here that subsequently the Speaker, Himachal Pradesh himself constituted a similar Committee of Members of his own House.

8. S. Gurdial Singh Dhillon, Minister of Parliamentary Affairs, Punjab was of the view that instead of framing a code of conduct for Legislators, there should be code to guide the Ministers and high ups only who were in a position to corrupt and demoralise the Members. Dr. P. V. Cheria, Governor of Maharashtra, who had been the Chairman of the Madras Legislative Council for a good number of years before assuming the exalted office of Governor, expressed the view that the whole question would more appropriately be solved by conventions than by drawing formal rules of conduct for the members. Dr. Cheria had also doubts regarding the enforceability of such a code even if it was drawn. Shri D. S. Desai, Home Minister, Maharashtra was of the view that in fact there was not as much corruption in the country as was being talked about. If according to him, anybody was guilty of any act of corruption, the proper course would be to bring him to book immediately in a Law Court.

9. Shri Morarji Desai advised : "you should first of all come to some common agreement with the opposition. This agreement you can prescribe in black and white and then you can go on adding more items to that. A fool proof code is not possible at the moment but some universal standard must be maintained in public life." The Chief Minister of Gujarat said that a code of conduct for Legislators might be tried though it would not afford a complete solution.

10. On the other hand, S. Hukam Singh, Speaker, Lok Sabha was of the opinion that the object aimed at by the Committee was laudable and added that it was high time that some effective measures were adopted to remedy the increasing ailment. S. Darbara Singh, Home Minister, Punjab and Shri P. P. Shirodkar, Speaker, Legislative Assembly, Goa, Daman and Diu expressed similar views. Shri D. P. Misra, Chief Minister of Madhya Pradesh observed that "the appointment of such a Committee was a very laudable step" and added that "had the opposition political parties in Madhya Pradesh also agreed for the appointment of such Committee, Madhya Pradesh would also have a similar Committee and probed the entire matter in details. Shri Misra was further of the view that "the success of such a Committee could only be possible if the Opposition was also convinced of the utility of a minimum code of conduct to be observed by all Legislators irrespective of their party affiliations and ideologies". Shri Hellikeri, Chairman, Mysore Legislative Council said that there was no doubt in his mind regarding the desirability of some such rules for Ministers and Legislators. He further pointed out that the above step was all the more necessary so as to restore confidence of the people in their representatives in the Legislature. Similar views were expressed by Shri C. B. Gupta, Ex-Chief Minister, Uttar Pradesh, Shri Kamalapati Tripathi and Acharya Jugal Kishore, Members of the Uttar Pradesh Vidhan Sabha.

11. Shri M. N. Kaul, Honorary Officer (ex-Secretary, Lok Sabha) Lok Sabha, now M. P., Shri S. L. Shakdar, Secretary, Lok Sabha and Dr. K. C. Bedi, Secretary, Punjab Vidhan Sabha agreed that there should be a code of conduct for the Legislators, although the first two suggested that since the word 'code' was not liked in some quarters it might be termed as 'Rules of conduct of Legislators'.

12. It is by and large agreed that there has been some fall in the ethical standard of the Legislators. Frequent complaints have been heard that Legislators interfered with day today administration, sought favour from the Government in the form of permits and licences for their relatives and friends and in some cases indirectly for themselves. In some cases they act as agents of vested interests. There is also an allegation that they try to influence the course of justice in furthering personal interests of favoured Government servants or candidates for Government service. The mere fact that the question of tackling the problem of "growing menace of corruption" was raised in Lok Sabha and further resulted in the appointment of a Committee to devise ways and means to combat and overcome the same should be enough to make every one devote serious thought to this problem.

13. Besides corruption of varied shades and forms, the conduct of some Legislators inside the Legislature also leaves much to be desired. It is felt that those who are entrusted with the duties of framing the laws sometimes waste valuable time of the Legislature in raising unnecessary points on personal level. The abuse of the rule of "Point of Order" is frequently witnessed. "Walk outs" have become the fashion of the day. Derogatory language, snouts and counter-shouts and flouting the authority of the Presiding Officers are on the increase. So much so that many a time the Presiding Officers have to adjourn the business in order to calm the ruffled tempers in the House. In short, some Members do not conduct themselves in a manner consistent with the accepted democratic conventions.

14. Nonetheless, inspite of the contradictory views expressed above, in the opinion of the Committee it seems necessary to highlight the Do's and Dont's for the Legislators both inside and outside the House by enumerating the same as far as possible. It is hoped that it would exercise healthy effect on the legislators and improve the existing state of affairs. People's faith in Parliamentary institutions is the strongest safeguard against erosion of democracy. Such rules are essential to preserve people's faith.

15. Having come to the conclusion about the desirability and necessity of framing such rules, the Committee has tried to analyse the problem thread bare and arrived at the decision that no useful purpose would be served simply by formulating such rules of conduct unless the problem was in all seriousness dealt with at the base. In the opinion of the Committee, there are a number of basic causes leading to this malady, such as, failure of the political parties to select the right type of candidates, enormity of expenditure during the election campaign, financial support by big business houses, and efforts made by various parties in wooing and winning members of the opposition in the House.

16. The Committee, therefore, decided to deal with the different aspects of the problem.

## CHAPTER II

## SELECTION OF CANDIDATES

17. One of the main causes of this malady is the selection of wrong candidates by the political parties contesting elections. Merit is sacrificed at the altar of other considerations, such as, caste, religion, region, group alignment, etc. etc. A mature, sober, enlightened and a capable person is sometimes discarded for the aforesaid reasons.

18. In this connection, Dr. Cherian, Governor of Maharashtra, very rightly observed "all problems could be solved if the parties selected only gentlemen." Shri C. B. Gupta, ex-Chief Minister, U. P. stated that "the political parties did not select people on the basis of ability and utility, tickets are allotted on considerations of group and castes and that reflected in the State Legislatures. This could only be done if the parties and the leaders in the country decided to sponsor candidates with calibre ability". Shri Kamalapati Tripathi, a member of Uttar Pradesh Vidhan Sabha, was also of the view that "there was need to bring intelligent men to the Legislature".

19. It cannot be gainsaid that all round character of a legislator is a sheet anchor of the ship of democracy. As soon as the anchor disappears, the ship is bound to flounder. The debris of democracy in the neighbouring countries is a clear warning to India. One by one the light of democracy fell in Pakistan, Burma, Indonesia and other parts of Asia. If candidates do not possess the requisite qualifications, educational or otherwise, it is bound to lower the standard inside the legislature and adversely affect the faith of the people outside. Acharya Jugal Kishore, M. L. A., Uttar Pradesh while expressing the views about prescribing minimum qualification for the candidates said, "it was a fact that some of the members could not even cast their votes properly. The experience of three General Elections in the country and the warning provided therein should not be ignored. The leaders of all political parties must put their heads together well in time to meet this demon which endangers future progress of Parliamentary institutions.

20. Though at the time of framing the Constitution it was suggested by some eminent persons in the public life of India that certain minimum qualifications should be fixed for a candidate to the Legislature, yet under the present political set up, it may not be possible to prescribe such minimum qualifications now. The founding fathers of the Constitution, under the able guidance of late Dr. Rajindra Prasad, had entered into a long discussion over this provision. But somehow or the other, irrespective of Dr. Rajindra Prasad's personal views in favour of such qualifications, the Constituent Assembly did not favour this proposition. In view of the constitutional difficulty it can be possible in some measure only if the political parties keep in mind these minimum qualifications before selecting the candidates. This Committee would recommend to all political parties to either jointly or severally lay down certain qualifications in this regard. The Committee further feels that the present troubles, confronting parliamentary institutions, are in no mean measure due to the incapability, lack of integrity and inefficiency of the Legislators. The Committee hastens to dispel any such notion that it is trying to cast aspersions on the integrity or ability of the legislators in the present legislatures as a whole but some how certain stern and unpleasant facts cannot be altogether ignored. As discussed above, in order to surmount this constitutional difficulty, the political parties alone can render Yeoman's service to the Parliamentary system of Government by maintaining some standard at the time of selection of the candidates. Another way to meet the present debacle would be to promote frequent seminars, lectures,



conferences, etc., on various aspects of democratic system of Government to enlighten the Legislators. The political parties might also consider the advisability of assessing the contribution made by a particular member to the deliberations of the House at the time of re-selection of the same candidate.

21. Dr. Lohia, M.P. emphatically expressed the opposite view and pleaded that no qualification should be necessary for candidate of a legislature. According to him such people were more honest and hard working than the rich who generally get elected. The Committee could not agree with the extreme view of Dr. Lohia because in its opinion, the illiterate people would not be able to discharge their duties and obligations efficaciously.

22. The Committee, however, further agrees that wealth and "Capacity to win" alone should not weigh with the political parties for selection of the candidates. It would be of immense help if the political parties before reselecting the candidates, endeavour to assess their contribution to the deliberations in the Legislatures. The Committee is conscious that quite a few members in the Legislature confine their activities to attending the meetings of the Legislatures more in silence than in vocal contribution towards the discussion in the House. It strongly feels that political parties can play a very major and significant role by discouraging the candidature of such members whose contribution in the Legislature in the past has not been effective. It is possible that some of these Legislators may be of tremendous use in the field work of their own parties. Lord Salisbury once said "Power in democracy lies with those who can speak". It may not be wholly true, yet it contains a vital truth. Again some members may render gainful assistance in Committee work. Lord Artlee was more known as a Committee man than otherwise.

## CHAPTER III

## Election Expenses

23. From the evidence collected by the Committee, the crucial problem appears to be expenses which the candidates have to incur in their election campaign. The statutory limit of expenses for a candidate seeking election to the Assembly permissible under sub-section (3) of section 77 of the Representation of People Act, read with rule 90 of the Election Rules, 1961 is Rs. 6,000 to Rs. 9,000. In actual practice, however, the amount spent by a candidate on his election to a State Assembly varies from Rs. 20,000 to Rs. 50,000 and in some cases it may go upto a lac. In the United Kingdom, the amount permissible in this respect under the law is £450 per constituency plus 2 pence per elector in the Counties and 1½ pence in the Boroughs. (Income per capita in United Kingdom, according to statistics of 1959 was 4,907 rupees. In India per capita income per annum in 1965 was Rs. 350). Even the permissible limit of expenditure on election to the State Assembly is, of course, out of proportion to the per capita income in this country as compared with that in the United Kingdom. Although Shri C.B. Gupta was of the opinion that there was nothing to feel perturbed over election expenses, yet he admitted that the Congress machinery (in U.P.) which spent about Rs 5 lakhs in the year 1937, had to spend about Rs. 37 lakhs in the year 1962 when the number of constituencies had increased to a considerable extent. The result is that money bag casts an evil shadow on ballot box. There cannot be two opinions, as has been gathered from the experience in the last three elections in the country, that money has been playing an alarmingly dangerous role not only in the elections but also in the selection of candidates. The Chief Minister, Madhya Pradesh agreed that "the cost of election was becoming very prohibitive and that was one of the main reasons which attracted the Legislators towards certain capitalists and vested interests which directly or indirectly had come in their way of acting as impartial Legislators". Similar were the views of the Chief Minister, Gujarat who said "if a candidate has to spend a large sum, it is likely to lead to corruption. If a candidate has thus to incur such heavy amounts for his election to a State Assembly, he may naturally be tempted to reimburse the amount in one way or the other. Again to find out money to meet his election expenses, a candidate has to tap resources which ultimately tend to bring a fall in his moral standard. Not only it impairs healthy functioning of democracy but also hampers the growth of socialistic legislation. The Committee has evidence before it that some industrialists in India directly or indirectly have a few legislators under their influence. Shri V.K. Krishna Menon in his interview with the Committee made a stunning observation that about 100 Members in Parliament were in the pocket of one industrialist alone. Even the main political parties in the country were not free from the tentacle of "big business". It may be recalled that when the Bill to amend the Indian Companies Act was before Parliament, voices were raised against collection of subscription by political parties from Joint Stock Companies because the recipients of huge amounts, being under the influence of the donors, could not be free in taking decision which might adversely affect the donors' interests.

24. Even in U.K. the problem of expenses is worrying the political thinkers. Mr. J.F.S. Ross in his book "Elections and Electors" observes as follows :

Inevitably, then, the scales are still biased in favour of the candidate who can shoulder a large part of the burden of election expenses himself, or can find some trade union or other well-to-do body to relieve him of it. This is a most unsatisfactory state of affairs. It means that entry to the House of Commons is still governed to a considerable extent by finance rather than by merit. The potential candidate who possesses, or can secure, financial backing

has both a much better chance of adoption and if, adopted, a much better chance of success than has a competitor who lacks that advantage, even if the latter is the better man. Further, a man who depends on the backing of a trade union or a comparable body is to that extent hampered in his freedom of action as a candidate and as a member of parliament. He cannot exercise the independence of judgement than he should but must for ever bear in mind the interests and the prejudices of the body on which he depends for meeting his election bills.

\* \* \* \*

There is, then no equality of opportunity for those who aspire to enter Parliament. People of wealth, and people who have wealthy backers, have far better chances than have the general run of citizens, whatever their abilities. The law no longer imposes a property qualification on candidates; but poverty, even relative poverty, is still a serious barrier. Assistance in meeting election costs is given only by interested bodies to favoured candidates. It is high time for this relic of the bad old days to be swept away and a more democratic plan substituted. The Community should recognise that bona fide candidates perform a public service by offering themselves for election, and that they should accordingly be helped to meet the high cost of so doing.

\* \* \* \*

The plain fact sticks out for all to see : no adjustment of the legal limits can possibly meet the case. The only realistic solution is State grants towards candidates' expenses. Exactly what form such a grant should take, what proportion of the total cost of an election it should cover, and so on these are matters for the most careful consideration. But of the need for such a grant there can surely be no doubt. It would, of course, be strictly limited to bona fide expenditure such as is already permissible under the law. The institution of a grant would in no way relax the stringency of the laws against corrupt and illegal practices. Further, it might well be enacted that in no circumstances would the grant exceed a specified proportion say two thirds of the expenses actually incurred, the object of the grant being not to relieve candidates and their supporters of all cost over an election, but to carry out what is the expressed wish of the House of Commons, the aiding of candidates, and particularly the poorer candidates, to meet their legitimate and necessary election expenditure.

## CHAPTER IV

## Indiscipline within the House

25. The Committees' attention has been irresistibly drawn to the display of indiscipline to an alarming dimension in various Legislatures in the country including Parliament. There have been uproarious scenes in various Legislatures in the recent past frequently, we have reports of protests, walk outs, disturbances necessitating the adjournment of the Houses, order of expulsion of a Member from the House and his resistance to the Chair's order, resulting in calling the aid of the Marshal, etc., etc. These scenes are disturbing features in the way of functioning of Parliamentary institutions. Such indiscipline not only impairs the decorum and dignity of Parliamentary institutions but also robs the people in general of their faith in the same. The work allotted to the session suffers heavily and people's problems by and large remain unattended. All our elder statesmen appear to be acutely worried over this great menace to our Parliamentary life. Dr. Radha Krishnan, President of India, Dr. Zakir Hussain, the Vice-President of India, Sardar Hukam Singh, Speaker, Lok Sabha and various other dignitaries in the country have expressed their deep concern and agony in this regard. Almost all important Newspapers in the country have struck a note of warning in this connection. Failure of democratic institutions in various Asiatic and Middle East countries adds to the present alarm. On the other hand those who are responsible for such disturbances are heard to complain that the party in power rides rough shod over their suggestions/criticism.

26. In the Committee's views, legitimate grievances ventilated on the floor of the House should be properly examined and the Members concerned be assured that due attention would be paid to their complaint/suggestion. Such responsive steps will go a long way to ease the tension in the House. At the same time it is equally important that the Members also realise their obligations and duties towards the House, apart from their own rights and privileges.

27. In this connection, one of the suggestions put forth was that some such provision in the rules be made that would debar members from indulging in violence towards the Presiding Officers. It is, no doubt, within the competency and jurisdiction of the Legislatures even today to suspend or dismember those who grossly violate the dignity and decorum of the house. But somehow or the other no such example has yet been set. It may be considered whether some provision of this nature can be included in the rules which should result in the dismembering of a Member who relentlessly persists in indulging in such unparliamentary and objectionable practices throughout the session.

28. The Committee's attention is irresistibly drawn to the reports of unruly scenes, created by some group or groups of Opposition in some Houses of the Legislature in this country, which cannot be said to be in keeping with the dignity of a Legislature. In some cases such undignified scenes occur at the hands of certain members of the Ruling Party itself. It may be that in so far as Opposition is concerned, such scenes are the result of some frustration caused by the continuous overwhelming majority of the Ruling Party in practically all the Legislatures in the States and at the Centre for the last 16 or 17 years. The Committee feels that the outburst of anger and use of indignantly intemperate languages and unseemingly occurrences in a House of Legislature should not be allowed to become the order of the day as they reflect not only on the dignity of the particular House but also in the ultimate analysis on their (Members) own sense of sobriety and ordered proceedings which the Committee is of the opinion, the electorate in this country has every reason to expect from them.

29. In this connection the Committee cannot but refer with regret to undue publicity which certain sections of the Press give to undignified behaviour by a particular member in the course of proceedings in a House. The Committee earnestly hopes that the Press would also regard it as a duty to the people of this country and undoubtedly seem to have come to regard parliamentary democracy as the most suited system of Government in the country not to shake their faith in its instruments and institutions by highlighting ugly scenes, incidents and outrageous statements by individual members in their respective organs.

30. Another measure that could be adopted in curbing the indiscipline in the House would be the promotion of frequent meetings between the Presiding Officers and the Leaders of the various groups.

31. The Committee's attention has been drawn to another factor, namely, the manifestation of difference of opinion amongst the members of the ruling party on the floor of the House. It is very rare that members of the ruling party in any other country display their dissensions in the House but somehow we have not yet attained that stage of maturity. Thus it becomes incumbent on the leader of the ruling party that he should take proper care to effectively control his ministers and members and thus eliminate this additional cause of worsening the confusion in the Houses.

## CHAPTER V

## CROSSING OF FLOOR

32. No Parliamentary democracy can successfully function without an effective Opposition. Unfortunately no adequate Opposition as such exists in our Legislatures. There are splinter groups which fail to exercise healthy check on the ruling party on account of their poor numerical strength. One of the causes for unsatisfactory working of the Opposition in our country is the impunity with which the legislators cross the floor. Not only the members from the Opposition parties/groups are encouraged to cross the floor and join the other party but instances are not lacking when they are actually tempted and rewarded for doing so. It is a problem of primary importance in as much as the migration from one party to another is not based on any radical change of views born of wider experience or mature knowledge. Party ideologies or creeds obviously do not determine the pace from one affiliation to the other. Such frequent shifts endanger the political stability which is very essential for smooth running of Parliamentary institutions. It fosters 'Opportunism' in our political life. Career politicians make hay while honest and intelligent suffer humiliation and defeat. Sardar Hukam Singh, Speaker, Lok Sabha told the committee that in Australia a party with a majority of one\* had been ruling the country for over ten years. We have also before us the instance of the Labour Party in England which remained in power with a majority of only three. The Political parties would be rendering a most valuable service to the healthy growth of democratic institutions if they stop such inflow and outflow of Members. The Committee strongly feels that if a member wants to go over to another party, he must be asked to resign his seat and seek a verdict of his constituents before he is allowed new affiliations. A legislator who has been a Member of a particular political party cannot overnight be expected to execute the policy and promote the ideology of the other. It would not be safe to depend on the integrity of such a turn coat. Shri Kamlapati Tripathi, M.L.A., Uttar Pradesh, has rightly suggested that "leaders of the Political parties should sit together and decide among themselves not to admit in their fold the Members of other parties after the elections." A stringent curb on this growing menace must be imposed by some unwritten code amongst political parties.

---

\*In the senate

## CHAPTER VI

## EMOLUMENTS OF THE LEGISLATORS

33. Of late it appears that Membership of a House of a Legislature has become almost a whole-time job. It is unlikely that any legislator can pursue his personal vocation or business and also discharge his duties as such. Apart from his attendance in the Sessions a considerable time has to be devoted to Committees work for which he has to go through a good deal of material supplied by the Departments of the Government and the Legislature Secretariat. Contact with the public is another important duty which he has to perform as regularly and carefully as attending meetings of the House and its Committees. The Legislator is further expected to carry reactions of the public to the House and *vice versa*. As such, he is required to tour his constituency and explain the implication, importance and usefulness of various legislative measures and other resolutions adopted by the House and in return inform the Government if the implementation thereof is inadequate, defective and prejudiced. Obviously all these duties do not leave him sufficient time to devote to any gainful employment. Therefore, unless he is adequately compensated, he may, of necessity, be compelled to resort to some questionable means.

34. Shri V.K. Krishna Menon, M.P. also endorsed the aforesaid view. He further suggested that "a Member of Parliament or of a State Legislature should be paid so much that he could live comfortably to discharge the duties of a Legislator or a Parliamentarian without any dependance on capitalists."

35. It is also noticed that there is generally a scramble for membership on the Committees for indirect compensation. In face of all these facts it is imperative that the Members allowances should be raised and they be granted all types of facilities in the shape of free transport, supply of stationery, stenographic assistance, telephone facilities, free residential accommodation at the Capital and at places of meetings, etc., etc. A provision for pension on the lines of the Ministerial Salaries and Members Pension Act, 1965 of U.K. may also be considered.

36. Rightly or wrongly, an impression is growing that some members attend meetings at the expenses of others who seek their assistance in some form or the other. It is, therefore, obvious that the Member be paid sufficiently to enable him to perform his functions efficiently. Now for example, a member of the House of Commons of the British Parliament was paid £400 a year in 1919, which rose to £3,250 per annum in 1965. In U.S.A. a Member of the Senate or a Member of the House of Representatives is paid dollars 30,000 a year. A table showing the emoluments and other facilities allowed to the Legislators of the Commonwealth Countries, other than India, is appended as Annexure-B. It is true that a poor country like India may not be able to leap so high as the other Commonwealth countries whose national income is much higher than ours. But still some reasonable amount and necessary facilities have to be provided to a Legislator. In the opinion of this Committee, urgent attention is required to be paid to this aspect of the matter.

## CHAPTER VII

## MISUSE OF POSITION

37. In a developing economy it may be necessary to impose certain restrictions in the form of permits and quotas of various articles either for manufacture, sale or import or export. But great care has to be exercised so that it may not be misused or abused. It is common talk that even the Legislators are not immune from such abuse. It would not be incorrect to say that few of them hold Benami shares in business through shady deals. Consequently, they are not only "Benami" partners but also act as agents and promoters of vested interests. Temptation to enrich themselves through some foul practices appears to be on the increase. Constant support of vested interests in this shape has caused wide-spread discontent amongst the people at large. Though there may be a few legislators of the kind mentioned above, yet as they say "a single sinner sinks the boat". Time has come to take a serious note of such evil practices on the part of the legislators and clamp their activities. In case it is allowed to continue, others too may be attracted to this fold and consequently, the entire fabric of democratic life would be imperilled. The Committee feels that legislators indulging in such black practices and ungentlemanly conduct should be seriously dealt with.

38. Again there are members who are reputed to secure certain promotions and transfers of Government servants in lieu of some rewards. If a prima facie case is made then, in the opinion of the Committee, an enquiry should be promptly instituted and suitable action taken.

39. It is also noticed by the Committee that sometimes the party in power in a Legislature in order to embarrass and disgrace either their own member or any member of the opposition, start some action or institute some sort of a case against him. In the opinion of the Committee, such misuse or abuse of power, is highly condemnable in a democratic set-up of Government. Care should be taken that before a Legislator is involved in a case of the above nature, the Presiding Officer should be consulted.



**CHAPTER VIII****ENFORCIBILITY OF THE CODE**

40. The most crucial problem concerns the enforcibility of the proposed rules of Conduct. There need be no legislation for the enforcement of these rules. The Committee suggests that the rules proposed hereafter may be adopted by the House by a resolution. These restrictions would then be deemed to have been voluntarily imposed by the Members upon themselves. In due course of time as in U.K., conventions will evolve themselves, to regulate the conduct of legislators. Even today Article 194 of the Constitution of India can be invoked for such purposes, as was done in the case of Shri Mudgil, Member of Parliament. Any member found guilty of violating the rules so adopted be dealt with by the House after thorough probe by a Committee to be appointed for the purpose. Its implementation will largely depend upon the measure of Co-operation extended by different parties/groups in the House. The Committee expects that in the interest of proper functioning of the parliamentary institutions in this country, all legislators will lend their assistance to observe these rules.

## CHAPTER IX

## RULES OF CONDUCT

41. The Committee commends the following rules of Conduct to be observed by the Members:—

## Essential

(1) A member should not make a personal statement in the House which is false.

(2) A member ought not to publish any evidence taken by any (Select) Committee of the House and the documents presented to such Committee and which have not been reported to the House.

(3) A Member should not accept any fee or reward for drafting, advising upon or revising any Bill, resolution, matter or thing intended to be submitted to the House or Committee thereof.

(4) A member should not divulge information to any one nor use directly or indirectly in the profession in which he is engaged, such as in his capacity as Editor or Correspondent of a Newspaper or proprietor of a business firm, which has been given to him in confidence by virtue of his being a Member of a committee of the House.

(5) A member should not indulge in any malpractice during his election such as raising communal or caste passions, bribing voters and offering rewards.

(6) A member should not indulge in any such activity unworthy of a gentleman either inside or outside the House.

(7) A member should not be influenced in his conduct as a member by accepting any fee, compensation or reward in connection with the promotion of, or opposition to any Bill, resolution, matter or thing submitted or intended to be submitted to the House or any Committee thereof.

(8) A member should not accept fees for professional services connected with proceedings in the House so as to guard against the indirect influence.

(9) A member should not accept payment for the disclosure of information about matters to be proceeded within the House, obtained from other members under obligation of secrecy.

(10) No member should either personally or through a member of his family, accept contribution for any purpose, whether political, charitable or otherwise, without proper receipt and accounts.

(11) A member should not persistently and wilfully obstruct business of the House.

(12) A member should not conduct himself in a disorderly manner by challenging the authority of the Presiding Officer.

(13) A member should not refuse to withdraw words which have been considered by the Chair to be objectionable.

(14) A member should not persistently and wilfully refuse to conform to any rule of the House.

(15) A member should not persistently and wilfully discard the authority of the Chair.

(16) A member should not change his party unless for very valid reasons in the interest of the public welfare, without resigning his seat in the House and seeking re-election.

(17) A member should not try to secure business from the Government for a firm, Company or Organisation with which he is directly or indirectly concerned.

(18) A member should not make profit out of a Government residence allotted to him by subletting the premises.

(19) A member should not unduly influence the Government.

(20) A member should not write recommendatory letters or speak to Government officials for employment or business contracts for any of his relations or other persons in whom he is directly or indirectly interested.

(21) A member should not directly or indirectly take or agree to take any fee or honorarium for services rendered in the House to any foreign power.

(22) A member should not vote in the House upon any question (not being a matter of public policy) in which he has a pecuniary interest, not held in common with the other citizens of the States of the Indian Union.

(23) A member should not sit on a Committee if he is personally interested in the enquiry before such a Committee.

(24) A member, before or immediately after taking his office, should disclose to the Leader of the House details of the assets and liabilities, and of business interests of himself and of members of his family, giving particulars of immovable property and the total approximate value :—

(i) Shares and debentures.

(ii) Cash holdings, and

(iii) Jewellery.

(25) A member should not be under any acknowledgement of allegiance, obedience, or adherence to a foreign power.

(26) A member should not proceed against on behalf of his constituents on some baseless facts.

(27) A member should not elicit information from the Government in an unauthorised manner by inducing a subordinate to give information, which in the course of his normal functions he should not do, nor encourage any such official to speak to him against his senior Officers on matters of public importances and policy.

(28) No member should bring any complaint against any other member of the House which is not based on facts. If such a complaint after enquiry is found to be incorrect, baseless, frivolous and with mala fide intention on the part of the member who brought such a complaint he shall be deemed to have infringed the rules of conduct.

**Desirable**

(1) A member should not attend as a witness for the other House or any Committee thereof, without leave of the House.

(2) A member should verify facts before he gives any certificate.

(3) A member should not endorse incorrect certificates on bills claiming amounts due to him.

**DES RAJ,**  
Chairman.

---

## **APPENDICES**

---

## APPENDIX A

[Vide para 6 of chapter I]

Proceedings of the meeting with the Speaker, Lok Sabha, by the sub-committee of Ad-hoc Committee of the Punjab Legislative Council constituted to frame a code of conduct for the members, on the 12th July, 1965

**Sardar Hukam Singh** :—(Welcomed all the members and occupied his seat).

Well how have you come and what is the matter ?

**Chairman, Punjab** : We would like to be guided by your goodself as to whether, in view of your vast experience, you feel the necessity of framing a Code of Conduct for the Legislators in India ?

**Sardar Hukam Singh** : The task which you have taken upon yourself is commendable. This is a very laudable object which you propose to begin with. But you will have to be very cautious in this matter. This can be done only with mutual understanding of all concerned. You will, however, be able to bring round other members to your point of view because at present you have no particular individual in view. Once they agree, then it would be possible for you to implement your decisions. When they give their agreement voluntarily to abide by certain principles then it can be codified and put in certain words. You can request the members that we should set an example ourselves. We should say to them that we always received their co-operation in the past and we do hope that they will agree to co-operate in this noble task as well.

**Chairman, Punjab** : Then I think this Committee should continue its work.

**Sardar Hukam Singh** : I think, it ought to. You can tell the concerned members that this question was put to so and so and that he suggested this particular course of action for us to follow. You may tell your members that other prominent persons want us to do.

**Chairman, Punjab** : And in this way we will also be able to frame a code for the members for their conduct in the House.

**Sardar Hukam Singh** : But if the conduct of a particular member is unbecoming of a member of legislature, and it is outside the House, then that member should be answerable to the legislature. Even if such an act takes place outside the House, we do expect that certain minimum standards must be maintained by members of Parliament and State Legislatures. It is necessary that we may put it down in the Code so that they should not remain immune for their indecent behaviour and we may be able to take action. If any thing has been done by them outside the legislature and it is unbecoming of legislator, then, the House does expect a minimum standard of dignified behaviour. This can be justified on the plea that a member who has been chosen by the electorate and is there as a representative of the people, he must behave in a particular manner.

**Shri Kanwar Lal Sharma** : What is your opinion about those members who were elected on the ticket of a particular party or independently and then they joined the Congress ? There is no check on such members. Do you feel the necessity of putting a check on this act of theirs ?

**Sardar Hukam Singh** : I feel this is the responsibility of our own party, i.e., the Congress Party. It is for this party to set an example in the matter. They

should say that if somebody wants to come then he should first resign his seat seek re-election and then join the party. In Australia, one party is ruling that country for the last seventeen years with a bare majority of one member. The opposition party has not been able to win one single member and similarly the ruling party could not add to its strength during the last seventeen years. In England there is a majority of three members only. In India the conditions are such that if there is a majority of only three members, you can be thirteen very soon. But this is a matter which should be considered in its internal meeting by the party. It is their internal affair. My personal opinion is that the Congress Party should once go into Opposition, only then the conditions can be improved.

**Shri Kanwar Lal Sharma :** The other day I was reading a statement of two Advocates of Madras. They want that instead of democratic system we should adopt Presidential system of Government. The people are feeling sore of democracy.

**Sardar Hukam Singh :** Every system has its own defects. I had recently been to Phillipines. There the Constitution is based on Presidential system. But there is so much corruption that members accept money for questions which they put and Bills which they sponsor. The members sit for 100 days to pass the Budget and while sitting in the House, they can smoke, read newspapers and can even sit with their backs to the Chair. No rules are observed. Even the Speaker does not bother. The present Chairman of the Senate is an *Ex-officio* Vice-President and he is himself a candidate for the next election of the President. The Senate there has very wide powers. I do not think these things can be tolerated in India.

**Chairman, Punjab :** Do you feel that during the last eight or ten years there has been some lowering of ethical standards of our members ?

**Sardar Hukam Singh :** There has been definite decline particularly in Congress Party. Opposition parties do have some missionary spirit and say that they want to oust the Congress, while the Congress says what we wanted we have achieved and so we need not bother now". This is the reason that I say that Congress should now go into the Opposition. Unless this happens, the conditions in the country cannot improve. But the difficulty is that no opposition party is developing to take power from the Government. Rather the opposition parties are disintegrating themselves. Even if the Congress loses, no other party can form the Government.

**Chairman, Punjab :** Do you feel that pre-Independence legislators were a better stuff ?

**Sardar Hukam Singh :** Our character today and before Independence remains the same. But there was a burning passion in all of us that we have to oust the British from our country. All other aspects of our character were in the background at that time. After Independence, we are in our true colours.

**Shri Kanwar Lal Sharma :** Some members get houses, telephones, etc., on Government expense and let other use it.

**Sardar Hukam Singh :** Yes, it is a fact in some cases.

**Chairman, Punjab :** All these things are there. But how to check it ? Legally we cannot do anything.

What procedure should we adopt to achieve this object ? Should we prepare a questionnaire and send the same to prominent members of Parliament and other legislators, so that we may get their suggestions ?

**Sardar Hukam Singh:** My first reaction was to oppose your suggestion because you have so many people who will oppose it. There are so many who create so many hitches. The immediate second reaction to my mind was that you have no other solution. So you will have to adopt this very procedure. You will have to take your opponents in your confidence and try to know their reactions. There is no other way out.

**Chairman, Punjab :** At this stage we should proceed with an open mind.

**Sardar Hukam Singh :** Yes you must definitely consider this question impartially and dispassionately.

**Shri Krishan Lal :** Politics has now become a wholetime job. If you have to be an active politician then you have to devote whole of your time and you have to miss your professional work.

**Sardar Hukam Singh :** Yes, it is very difficult for professional people, e.g., Doctors, Lawyers, etc.

**Shri Krishan Lal :** And we and our families cannot pull on with the meagre allowances that we get and if there is a demand for increased emoluments, then it is said that the legislators are misusing their position.

**Sardar Hukam Singh :** It may not be misuse of your position; but others will exploit it on political reasons. They will say that poor people are suffering and they are filling their own pockets. Perhaps you know that legislators in other countries are getting vast sums as their allowances. These are very startling figures.

**Shri Kanwar Lal Sharma :** Yes we have seen these figures in one of the issues of the Parliamentary Journal. The legislators do adopt other means to acquire income and live on false prestige.

**Sardar Hukam Singh :** We have become a nation of hypocrites. The people of the world outside say that we are incapable of facing realities. We talk of religion and profess to be saints, whereas the people are dishonest.

**Shri Krishan Lal :** The legislators spend so much money on elections. How can they be compensated for this? They have to get money from rich people.

**Sardar Hukam Singh :** This is a vicious circle and it is very difficult to get out of it. Every legislator has to seek the help of an industrialist or a businessman.

**Shri Kanwar Lal Sharma :** And if one does not go to them, the rich people themselves call and offer the money.

**Proceedings of meeting with the Honorary officer, Lok Sabha and Secretary Lok Sabha, by the Sub-Committee of the Ad-hoc Committee of the Punjab Legislative Council Constituted to frame a code of conduct for the members, on the 12th July, 1965**

1. Sarvshri Kanwar Lal Sharma, Krishan Lal and the Secretary, Punjab Legislative Council met Sarvshri M.N. Kaul, Honorary Officer of the Lok Sabha and S.L. Shakhdar, Secretary, Lok Sabha at the Parliament House, New Delhi at 5.30 p.m. on 12th July, 1965. Shri Sharma told them the purpose of their visit, i.e., they wanted to know the desirability and utility of framing a Code of Conduct for the members, as was mentioned by the Santhanam Committee in its Report.



2. Shri Kaul stated that their view was reflected in the note of Shrimati G. Surti Bhai in the Mondgil case and that, if necessary, some other rule could be added thereto, Shri Kaul also added that for the enforcement of rules forming the Code of Conduct, there should, first, be a preliminary enquiry so that there should be a prima facie case of referring it to the House in the form of resolution for constituting a Committee of the House for enquiry and report. In his view it was necessary that the Chief Minister and the Presiding Officer should be convinced of the necessity of taking action on the complaint or the matter having in any way come to their notice, Both Shri Kaul and Shri Shakti were agreed that there should be Code.

3. It was also pointed out that the Word 'code' was not liked in same quarters. In that behalf Shri Kaul observed that it might be termed as Rules for Conduct of Members.

4. Shri Kaul also suggested that for enquiring into such matter, there should be an *Ad hoc* Committee to be constituted as and when any matter rose and that this matter should not be referred to the Privileges Committee.

5. It was then pointed out to Shri Kaul that inside the House cases of disorder and rowdiness were now more frequent. Shri Kaul said that he agreed that there was some deterioration in the standard of debate ; but at the same time he said that so far as Parliament was concerned, the members were very vigilant to highlight cases and to bring them before the House or focus attention of Parliament to any matter which had some political importance. He also observed that the job of the Speaker had become very nerve-breaking.

---

**Statement of S. Gurdial Singh Dhillon, Minister for Parliamentary Affairs, Punjab, recorded by the Sub-Committee of Ad hoc Committee of the Punjab Legislative Council constituted to frame a Code of Conduct for the Members, on the 13th July, 1965.**

**Chairman, Punjab :** Do you feel that after Independence there is a general down-fall in the moral of the legislators?

**S. Gurdial Singh Dhillon :** By moral if you mean the sense of dignity, responsibility and consciousness of his capacity to do service to the people, capacity to influence the decision for the good of the people, for getting the wrong redressed, then the legislators elected in 1962 certainly compare favourably to their counterparts in pre-Independence period and even as compared to those elected in 1952 and 1957.

**Chairman, Punjab :** Could you give some idea of the reasons which have contributed to the lowering of the standard of the legislators all round ?

**S. Gurdial Singh Dhillon :** I think the lowering of the standards is due to many factors. Firstly, the standard of party bosses themselves has gone down. Legislators who are conscious of their responsibilities and who have proper education and proper political standing and character are often ignored at the time of elections and preference is given to those who are only superficially clever and can please the selecting bodies and the State leaders by sycophancy or by some liberal subscriptions in the form of money or by some other undesirable means.

It is a fact that the general behaviour and conduct of an average legislator—both inside and outside the House—has gone down considerably and in my opinion some steps should be taken by properly educating and guiding the members in matters relating to their conduct in the House and their conduct in dealing with their opponents. To some extent we are to educate the people also as to how far they are justified in using their members in matters which are purely administrative.

It is shocking to note that some legislators have changed their loyalties from parties to individual leaders for getting benefits of questionable nature. I am prepared to disclose such instances to the Sub-Committee personally although I do not want the same to be recorded.

(S. Gurdial Singh Dhillon then cited a number of cases of such mal-practices which are unfortunately rampant amongst a certain class of members.)

I do not think that the framing of any code of conduct for such legislators whose own conduct is tied with certain interests, will prove of much use. In my opinion certain code of conduct should guide the Ministers and high-ups who are in a position to corrupt or demoralise members and who actually do so.

The next remedy which I suggest is that political parties should exercise considerable discretion and wisdom to the time of selection of candidates. Only those persons should be selected whose integrity is beyond question and who have independent means of subsistence of their own and who should not regard their membership of Legislature as the only means of earning. The compensatory allowance of Rs 300 per mensem given to a member is intended to cover the expenses of touring his constituency and is not meant to provide subsistence allowance to him.

There is another difficulty. With the increase of work in the Legislatures, the job of a legislator has become not only irksome but whole-time job also. This naturally adds to the difficulties of a member if he has no independent source of income of his own and it may lead to temptations to supplement his income by foul means. In my opinion it is absolutely necessary that the compensatory allowance of members of legislature today should be increased on the basis of the allowances given to the members of some other countries. In the context of our country being a poor country, I think the allowance to be given to member should be equal or as far as possible equal to the salary drawn by a Minister. My idea is that the compensatory allowance should be sufficient to attract men of integrity and talent to the Legislature from other professions and walks of life. It is a bad economy to give small allowance to the members and as a result thereof suffer so much loss in national life.

It is true that the expenses incurred at the time of elections in some cases run to abnormally high amounts and every effort should be made to reduce the same. But that will again depend on the quality of the candidates selected by the respective parties. If all Political parties co-operate in this matter it is possible that the reasonable solution may be found out. The mal-practices resorted to at the time of elections not only corrupt the members and the workers but also the public generally. Constitutional and legal changes, however, drastic are not, in my opinion, likely to check these mal-practices. What is needed is the recognition by all political parties themselves and also the people at large that if these mal-practices are continued, they shall ultimately make the whole nation morally bankrupt and that will recoil on them. In this regard I suggest a large scale educative campaign should be launched by the State and other political, social and religious bodies in the country to impress upon the people this aspect of the problem.

I agree that with a view to create a proper climate against disorderly behaviour and personal misconduct, the formulation of a proper code of conduct will go a long way to improve the situation. I, however, suggest that emphasis should be made in such a code on the all important fact that no member, during his term of membership, should try to get any undue benefit on account of his being a legislator in the form of permits, quotas, licences and any other such benefits. The obtaining of such benefits might help to bring fortune to his family but it will bring misfortune to his party and discredit him personally. This will also impair the prospects of his re-election.

Emphasis should also be laid in the proposed code on members to influence the course of debate more by arguments and force of logic than by shouting and aggressive behaviour. Also no attempt should be made to force oneself to the attention of the Presiding Officer to participate in a debate from the back door, i.e., by such means. It should also be emphasised that it is better that controversial matters are discussed by members with the Presiding Officer and a solution found out, rather than on the floor of the House and thus wasting the time of the House.

It is unfortunate that public in this country pester the members and even the Ministers too much. It appears that the past Governments in this State particularly made it almost a rule to spoon-feed the people and gave them the impression that for every little thing they can by-pass the procedure, officers and administration and get everything done from the Ministers. In my opinion this must be discouraged and people must be made to seek the redress of their grievances from the quarters concerned rather than to rush to members and Ministers and by-pass the administration and the procedure laid down.

The introduction of universal suffrage at a rather early stage of democracy has also turned the democracy into mobocracy.

Statement of Shri Morarji Desai, M. P., recorded by the Sub-Committee of the *Ad hoc* Committee of the Punjab Legislative Council, constituted to frame a code of conduct for the Members, on the 13th July, 1965.

**Shri Morarji Desai :** It is a good thing that you are going to consider the code for conduct of members of the Legislature. It would be very good if you can do it and if all parties adhere to it and agree to give a code to themselves. It will be a very good thing because it would raise the standard of debate also. It will also raise the reputation of the legislators as a whole and they will be able to discuss their common problems with a better understanding.

Now the Santhanam Committee says that those five men who were represented on that Committee are honest and others are dishonest. I agree that there are matters which we should improve ; but to say that the whole country is dishonest is very very wrong. We are better than so many people in this world. I will say that some have done it and they will do it in any other country. Now the Opposition says that all Congressmen are corrupt. Now this is too much. In every party you will be able to find good as well as bad people. We may differ on ideology and we should criticise each other on ideology. The criticism should not be based on personalities and there is no idea of imputing motives. There is no idea to run out everybody in such a manner that we all become a nation of rascals. If we continue to behave in this manner, a day will certainly come when there will hardly be any person who can be relied upon in this country. Even in elections, I have never named the candidates. On the contrary I have always been saying that there is no question of discussing individual candidates and that is not the basis on which we should elect candidates. I have so many times said that the opponents may be even better person than the Congress candidate, but we differ with him on ideology.

3. As regards the 'code', you should first of all come to some common agreement with the Opposition. This agreement you can prescribe in black and white and then you can go on adding more items to that. A fool-proof code is not possible at the moment but some minimum standard must be maintained in public life.

4. I do not say that the best man do not come to Legislatures at all. My own argumnt is that a person who remains away from difficulties and keeps him personal interest superior in such matters is not a good man. A person is good only if he does good to others, and I do not think that there would ever be a vacuum of good man in our public life. Now if this good man does not go, the other good men will go there. When these good men cast their votes in favour of a particular candidate and get him elected, are not those good men responsible for sending this good man to the Legislature ? They personally do not go because they are afraid of it. But this happens because parties also do not have proper functioning. If parties function properly then this communalism will also disappear. No party should try to take advantage of another party by communalism or by maligning the other on the basis of religion. These are the conventions which should be set by the parties themselves, and within my own party I have always been pleading for party conventions.

5. As regards the election expenses, I feel that the provision of giving statement of expenses to the Election Commission at the time of election, should be altogether abolished, because I feel that every body is compelled to make and sign a wrong statement. To me it appears that all legislators are compelled to make a wrong statement because otherwise they cannot become members. Even the Prime Minister must have made a wrong statement. So in a sense all legislators in this country can be called 'liars'.

6. We in Gujarat do not fight elections individually. We entrust the entire work to the Party and we canvass jointly for the candidates for Parliament and the Assembly. In my case, however, the expenses have never exceeded the prescribed limit.

**Views of Dr. Ram Manohar Lohia, M. P., Recorded at the time when Sub-Committee of the *Ad hoc* Committee met him at his residence on 14th July, 1965 at 10 a.m.**

**डा० राम मनोहर लोहिया, एम. पी. :** आप का यह ख्याल कि विधान मंडलों के सदस्यों के लिये कोड ऑफ कंडक्ट बनाया जाये बहुत अच्छा है। लेकिन आप इसको करेंगे कैसे जब कि आपकी सरकार में बड़े से बड़े आदमी रिश्वत खाते हैं। इस वक्त भारत की सरकार में तकरीबन 50 या 55 के करीब मंत्री हैं, उनमें से मेरे ख्याल में चार या पांच ऐसे निकलेंगे जो इमानदार हों। मंत्रियों को तो कहते हैं कि यह लोगों से रेल या बस के सफर का किराया ले लेते हैं, उनको ऐसा नहीं करना चाहिये, लेकिन जो लोग लाखों रुपया कमाते हैं उनका क्या करेंगे? और जब तक उनका इलाज नहीं होता हम कुछ कर नहीं पायेंगे।

**अध्यक्ष पंजाब कौंसिल :** अभी तक तो पारलीमेंट में एकही मिसाल मिली है। मोदगिल केस हमारे सामने है। लेकिन हमने मेरे पारलीमेंट्री प्रैक्टिस में देखा है वहां (इंग्लैंड में) तो मंत्रियों पर काफी पाबन्दियाँ हैं और बहुत मंत्री निकाले भी गये हैं।

**डा० लोहिया :** और यह तब है जब कि वहां ऐसी बातें लोग बहुत कम करते हैं। यहां तो मुसीबत यह है कि ऐसी चीजें सब करते हैं, आप किस किस को निकालेंगे? अगर निकालना है तो यह कांग्रेस के वजहियों को निकालो और सब से पहले कृष्णमाचारी को निकालो।

**अध्यक्ष पंजाब कौंसिल :** इंडीविजुअल को छोड़ कर, आप कुछ हमें ऐसे रास्ते पर डालें कि जो कोशिश हम करना चाहते हैं, उसको कामयाब कर सकें। हम आपके पास इस लिये आये हैं कि आप इसके बारे में कोई गुर बतायें क्योंकि आपका तजुर्बा बहुत ज्यादा है।

**डा० लोहिया :** करना तो आपने है ही और मैं यह नहीं कहता कि आप यह काम ही छोड़ दें। नेक काम है। लेकिन मैं तो आपको यह कहना चाहता हूँ कि आप छोटों पर हाथ डालने की बजाये बड़ों के बारे में सोचें। आप बड़ों के बारे में कुछ कर न पायेंगे। जहां बुनियाद ही सड़ी हुई हो, उसके बारे में आप कांग्रेस में रहते हुए कैसे कोई हल निकाल सकेंगे, यह तो आपने सोचना है। मैं तो यह समझता हूँ कि यह मसला ला-इलाज है। इस लिये मुझ से पूछने की बजाये आप जो कुछ चीज मेरे जिम्मे डालना चाहेंगे, उसको मैं कर सकूंगा। लेकिन इस मसले को हल करने के लिये मैं अपने आपको बिल्कुल नाकाफी पाता हूँ।

**अध्यक्ष पंजाब कौंसिल :** विचार तो यह है कि जो सच-मुच बड़ी बेईमानी करते हैं उनको कुछ डर हो कि उनके खिलाफ कार्यवाही हो सकती है।

**डा० लोहिया :** तो आपही बतायें कि कैरों का क्या बना? आप तो कहते थे कि वह गिरफ्तार होगा। जब कोई इनकी मर्जी के खिलाफ होता है, तो उसको गिरफ्तार करने की धमकी देते हैं और जब ठीक हो जाता है, तो उसपर फखर करने लग जाते हैं और जब मर जाता है तो उसको शहीद बना देते हैं।

**श्री कृष्ण लाल :** कुछ बुनियादी विचार भी हैं जो आपसे करने हैं। जैसे कि कुछ व्यक्ति गलत काम करते हैं और जब उनसे पूछा जाता है कि तुमने ऐसा क्यों किया तो

वह कहते हैं कि हमारे मँबर चुने जाने पर लाख दो लाख रुपये लग गये हैं। मेरा इतनी थोड़ी रकम में कैसे गुजारा चलेगा? पार्टी के विचार से ऊपर उठ कर अगर कोई विचार किया जाये तो क्या हम कोई ऐसा बुनियादी विचार करके ऐसा कोई हल निकाल सकते हैं, जिस से यह इलैक्शन का खर्च कम हो सके?

**डा० लोहिया :** यह चीज जो आप कह रहे हैं, यह सोचने वाली चीज है। इस बात में मुझे कुछ ज्यादा वजन दिखाई देता है। मेरा इसमें यह विचार है कि —

- (1) जिस दिन वोट गिरने हों उस दिन उस हल्के में कोई गाड़ी बिल्कुल न चल सके। वैसे मेरा विचार है कि चुनावों के बीस दिन पहले कोई गाड़ी न चल सके पर उस को तो कोई मानेगा नहीं। यह मैं कहता हूँ कि हस्पताल वगैरा की जो गाड़ियाँ हैं, उन को छूट दे दी जाये। अगर यह सुझाव मान लिया जाये, तो काफी बचत हो सकती है।
- (2) हर उम्मीदवार अपनी पंचियां छापता है जो कि वह हर वोटर को बोट डालने से पहले देता है। मेरे ख्याल में इसको गैर-कानूनी कर दिया जाये। इलैक्शन कमीशन खुद जैसे और खर्च करता है उस को ही यह छपवानी चाहिए और हर उम्मीदवार को दे देनी चाहिये। यह काम इलैक्शन कमीशन को खुद अपने जिम्मे लेना चाहिये, इस से हर उम्मीदवार के तीन चार हजार रुपए बच सकते हैं।
- (3) तोउरा सुझाव जो मैं देना चाहता हूँ वह यह है कि इलैक्शन कमीशन को खुद कुछ मीटिंग्स करवानी चाहिए जहाँ सारे उम्मीदवार अपने अपने विचार रख सकें और लोग जिस को अच्छा समझें वोट दे दें। लेकिन इसमें कुछ खराबियाँ जरूर हैं। जो ज्यादा बोलने वाला है उस को सुविधा मिल जायेगी। यह चीज होनी चाहिये या नहीं इस बात पर मैं खुद दुविधा में हूँ।

**श्री कृष्ण लाल :** विधान बनाते वक्त हमारे नेताओं का यह विचार था कि एक गडरिए का लड़का भी हिन्दुस्तान का प्राईम मिनिस्टर बन सकता हो। लेकिन इसके उलट आज हम देख यह रहे हैं कि पैसे वालों का प्रभाव बढ़ रहा है और हमारा यह स्वप्न बिल्कुल समाप्त होता नजर आ रहा है। देखना यह है कि क्या हम कोई बुनियादी चीजें हल कर के कोई रास्ता निकाल सकते हैं कि नहीं?

**डा० लोहिया :** काम बहुत अच्छा है। इसको ऐसा न समझना कि मैं काम बन्द करवाने के लिये कह रहा हूँ। लेकिन बड़ों को छोड़ कर छोटों को पकड़ कर कोई फायदा नहीं होगा। यहां कुछ बुनियादी चीजें हैं जिन को हल करने के लिये मैं अपने आप को बिल्कुल असमर्थ पाता हूँ और ऐसा महसूस करता हूँ कि क्या हम इसे जमहूरी तरीके से ठीक कर भी पायेंगे?

**श्री कृष्ण लाल :** दूसरी बात जो है वह यह है कि जो व्यक्ति पिछले 10 या 12 साल से विधान सभाओं या पारलीमेंट में आये हैं उन में से बहुत यह महसूस कर रहे हैं कि वह दोबारा विधान सभा या पारलीमेंट का चुनाव लड़ें या न लड़ें। और पढ़ लिखे लोग सोचने लग पड़े हैं कि उन को बहुत मालो मुश्किलों का सामना करना पड़ता है और अब वह इन मँबरियों को घाटे वाला सीदा समझने लग पड़े हैं।

श्री कंबर लाल शर्मा : यह खुद नहीं आना चाहते थे ।

डा० लोहिया : ऐसी बात नहीं है । बिल्कुल ऐसा मत कहिये कि आने को तबीयत नहीं थी । मैंने सोचा कि उत्तर प्रदेश के जो हालात हैं, हम उसमें क्या कर सकते हैं ? मेरा ख्याल था कि इन हालात में चुनाव लड़ने का कोई फायदा नहीं है । बाकी कृष्ण लाल जी ने जो प्रश्न किया है जो लोग पढ़े लिखे हैं और बड़े हैं उन को आप बिल्कुल पढ़ा लिखा न समझें । उन को हमारी जनता की मुश्किलों का बिल्कुल एहसास नहीं होता और वह उन के बारे में कोई अच्छा सुझाव दे ही नहीं सकते हैं । मैं उन पढ़े लिखे लोगों को बिल्कुल जाहल समझता हूँ और यह प्रैनिंग कमीशन इस चीज की सबसे बड़ी जड़ है । और मिडल क्लास के जो लोग हैं, वह भी इसी तरफ लग गये हैं । अब 1947 के बाद जो जमाना आया है, देश की सेवा करने वाले में वह बात नहीं रही है जो कि उनमें पहले देश सेवा करने वालों में थी । मैं तो यह महसूस करता हूँ कि इन विधान सभाओं में गरीब लोग आये जो बिल्कुल अनपढ़ हैं और आजकल के अमीर लोगों से वह बहुत अच्छे रहेंगे और मुझे पूर्ण विश्वास है कि वह इनसे इमानदार भी होंगे । मैं बैरिस्टर लोगों से इन इमानदार और गरीब लोगों को ज्यादा पसंद करता हूँ । मेरे ख्याल में तो जो ज्यादा पढ़े लिखे हैं वह ज्यादा जाहल हैं ।

अध्यक्ष पंजाब कौंसिल : तो आप के ख्याल में यह जमहूरी ढांचा रहना चाहिये या नहीं ?

डा० लोहिया : इस के बारे में आप मेरे से न पूछें क्योंकि मेरा इस बात से विश्वास खत्म होता जा रहा है कि क्या हम अहिंसा के तरीके अपनाते हुए इस गंदे समाज को ठीक कर सकेंगे या नहीं ।

श्री कृष्णलाल : डा० साहिब, मैं इस चीज को और तरीके से ले रहा हूँ । मिसाल के तौर पर अगर कोई वकील है और वह मੈम्बर के तौर पर पूरा इन्ट्रिस्ट ले तो वह वकालत की तरफ ध्यान नहीं दे सकता और उस को यह मुश्किल पेश आती है कि वह अपना गुज़ारा कैसे करे ? इन वजूहात की वजह ही से वह इस दुविधा में है कि वह मੈम्बर बने या न बने ?

डा० लोहिया : मेरे ख्याल में इस बारे में आप इतने निराश न हों । आज से 15 साल पहले जो लोग सियासत में आते थे चाहे वह अमीर घर के हों या गरीब के उन के मन में यह ख्याल होता था कि विदगी हकूमत को बाहिर निकालना है । उन के मन में यह लगन हुआ करती थी । लेकिन आज कल जो पढ़े लिखे अमीर आते हैं, उन का मन्शा देश की हालत को सुधारने का नहीं होता है । आप घबराइये नहीं जो छोटे लोग हैं वह बहुत आगे आ रहे हैं और वह इमानदार भी हैं । सोशलिस्ट पार्टी में तो वह लोग बहुत आ रहे हैं शायद जन संघ में भी आ रहे हैं, यह तो आप को मालूम होगा ।

श्री कंबर लाल शर्मा : इन का ख्याल है कि मੈम्बर साहिबान को जो एलाउंस वगैरा मिलता है उसमें कुछ बनना चाहिये । अगर पारलीमैण्ट के मੈम्बर को 500 रुपये मिलते हैं, तो उसको 1,500 रुपये दे दिये जायें ताकि उसको रोटी की फिकर न रहे ।

डा० लोहिया : हमारी पार्टी का तो इस में बिल्कुल उलट विचार है । वह यह है कि जब लोगों को पहले ही ज्यादा तनखाह मिलती है, उन को कम किया जाये । मैं समझता हूँ कि तनखाह कम की जाये और एम. पी. वगैरा को काम करने की सुविधा दी जाये, मसलन मैं समझता हूँ कि हर एम० पी० को एक ऑफिस दे दिया जाये, एक सैवरी दे दिया

बाप और दौलत के लिए जाय, दौलत या संपत्ति उस का अपना आदमी न हो बल्कि गवर्नमेंट का मालिक हो। इस तरह करने से उस गवर्नर का अपना जानी खर्च नहीं बढ़ता। यह भी नहीं होता बल्कि वह अपने ही रिश्तदार को रख सके। स्ट्राफ की लिस्ट उस को देनी चाहिये, उस में से जिस को वह चाहे ले ले। मरे खाल में भीर कपड़े देने की बजाए ५५० पी० बी० की सड़कें दे दी जाय, जो कि उन के काम करने के लिये बखरी है बल्कि वह एक ५५० पी० बी० के तीर पर टीकती से काम कर सके।

श्री० लालिदा : पहले मैं नहीं कहूँगा। आज्ञादी से पहले यह सब बूटाईया छुपी रहती थी। उस वकत बड़े आदमियों की बातों पर कोई नुकलानेवाली नहीं कर सकता था। अब वह सारी बातें हमारे सामने आ रही हैं। इस लिये यह सब बूटाईया हमें दिखाई देती है। आप बंधुसमूह के आदमियों को बखरी है, आप को चाहिये कि यह जो शीया और अशिया (हिन्दी और डीकोरम) की बात है इसको संजाना छोड़ दें। अब आप ही बतायें कि सरदार (किम सिंह मूँषे क्या शीया सिखारंग) मैं कहता हूँ कि अगर हमें किसी की बूटाईया या बूटाई किम सिंह मूँषे को कहना हो तो यह शीया या अशिया की बात स्वीकार अपन ऊपर क्या है ?

श्री० लालिदा : मैं आपसे ब्रिटिश परलामेंट की बात करता हूँ। वही इंग्लैंड आधे घंटे का वकत होता है। उस वकत जो गवर्नर जो कुछ भी कहना चाहे उस को कहने का अधिकार होता है। हमें भी वह अधिकार देना चाहिये बल्कि जो बखरी मसल है उन को वरफ खान दिया जा सके। इससे बखरी मसलों को वरफ खान देने में सुविधा मिल सकेगी।



**Meeting of the Sub-Committee of Ad hoc Committee with S. Darbara Singh,  
Home Minister, Punjab, at New Delhi on 4th December, 1965**

S. Darbara Singh, Home Minister, happened to be in Delhi and the Sub-Committee took advantage of having his opinion in the matter.

S. Darbara Singh was of the view that it was worthwhile to have such a Code. But he added that there must be some minimum educational qualifications for the person to be elected as a Member of State Legislature. He was conscious of the fact that it may be taken to be a retrograde step, nevertheless it was worth trying. At the same time, his opinion was that this matter should not be left to the Political Parties, because it may be difficult for a particular party to work on the above principle, meaning thereby that it would be better to have the desired object by Legislation and, if necessary by amendment of the Constitution. In support of the above suggestion, Shri Darbara Singh said that the standard of debate could not be raised unless a Member had certain minimum educational qualifications. He also laid stress on the party research work and suggested that each party should have a separate Library and that Organisation of the Party should do educative work.

S. Darbara Singh further opined that the opposition should function not only to oppose, but should concentrate on effective contribution. It should take into consideration the State as a whole and suggested that the Constituency work should be done outside the House. Quoting the example he said that if a Member wanted a particular thing to be done in his Constituency in the field of Agriculture or Industry, he should pursue the matter outside the House. (Elaborating further, S. Darbara Singh explained that that was the reason why the Government did not like to have the Fourth Plan discussed early).

The next fact about which the Home Minister laid emphasis, was specialization in particular subject by the Members. He was of the view that every Member should specialize himself in one or, at the most two subjects and he should concentrate his activities in the House or office on that subject, so that he could make an important contribution to the proceedings of the House. Citing example of U.K. he said that there a Member ordinarily sat in the Library or in the lobby preparing his subject and did not even bother such what was going in the House except when he expected that the subject on which he was fully prepared was being discussed in the House and that his presence was necessary. S. Darbara Singh was further of the view that, at present, there was no cohesion either in the Party about participating in the debate or otherwise taking part in the proceedings of the House. In England he said that youngsters were asked to take political work while they were yet in the Universities. Political Parties/Leaders go there and when they find that a particular student had done well in discussion or in declamation contest, they groom him as a future Member of their Party.

As regards the expenses on election in U. K., S. Darbara Singh said candidate's expenditure is very small. The entire propaganda is conducted by the local Units of the Party.

**Meeting of the Sub-Committee of *Ad hoc* Committees of Punjab Vidhan Parishad with the Chief Minister, Gujarat, Ahmedabad, on 5th December, 1965 at 11.45 a.m.**

The Sub-Committee headed by its Chairman, Mr. Des Raj, called on the Chief Minister, Gujarat, Ahmedabad at his residence at 11.45 a.m. and had talks with him till 12.30 P.M.

After some talks about the State of Punjab, with reference to the problems arising out of the present conflict with Pakistan, the Members of the Sub-Committee brought to his notice the set-back which the Industry in the Punjab had suffered due to this conflict with Pakistan. Mr. Kanwar Lal Sharma drew the attention of the Chief Minister to a particular point of reference for which the Committee had called on the Chief Minister and explained, in brief, the background of constituting the Sub-Committee of *Ad hoc* Committee of the Punjab Vidhan Parishad, as envisaged in the Santhanam Committee Report. The Members also explained their view point and the purpose of constituting the Sub-Committee. The Chairman of the Sub-Committee stated that the intention was to have a Code of Conduct for the Members of the Form of set rules. The Chairman also pointed out that perhaps, there was hardly any other State which had taken some action on the Santhanam Committee Report. He, however, wanted to have the benefit of Hon'ble Chief Minister's experience and guidance in this behalf.

On an interrogation made by the Chairman, whether or not it was correct that Legislators were taking undue advantage of their influence, in their capacity as such, the Chief Minister stated that no complaint in this regard had been received so far, so far his State was concerned. He, however, did make a mention of some cases about the suspicious character of the Legislators. After a good deal of exchange of ideas, the Chief Minister, said that a Code of Conduct for Legislators may be tried though it will not afford a complete solution.

With regard to the distribution of quotas, permits etc., Shri Krishan Lal emphatically stated that in 40 per cent cases, the Legislators has managed to get these permits through their influence. The Chief Minister said that a Code of Conduct for the Members could be tried. He suggested that the Code of Conduct for the Ministers and Deputy Ministers had already been adopted in Gujarat.

On further interrogation made by the Chairman, whether it is not a fact that this vicious circle starts because of the election expense, in the sense that after contesting elections, the candidate wants himself to be compensated, the Chief Minister stated that it is not true in all cases, because it is not necessary that in every case one has to spend a huge amount for contesting elections. He, however subscribed to the view that if a candidate has to spend a large sum, it is likely to lead to corruption.

The Members then referred to allowances which were being paid to the Legislators in the State of Punjab and also made a mention of the anormity of this problem in England where Government also have suitably revised these allowances to Legislators. So far as these allowances are concerned, the States of Punjab and Gujarat are almost going parallel.

Shri Krishan Lal drew the attention of Chief Minister towards the problems which the Punjab State is facing on account of introduction of Adult franchise and stated that in spite of all our efforts, this was encouraged for the victory of the candidate and which ultimately brought in inefficiency in the working. Supporting this view, the Chairman also wanted to know if there could be some criteria for the selection of the candidates, that is to say, if some sort of qualification could be prescribed for the candidate. To this Chief Minister replied stating that this will not solve the problem.

So, it is only the party which could be cautious in this behalf. The Chief Minister stated that so far as this State is concerned, they have not much problems of that kind and that is why he was pleased to mention that the Governor had an idea of sending the proceedings of the State Legislature to the other Legislatures in the country. Mr. Kanwar Lal Shama welcoming this suggestion stated that this could be model State in India.

During their talks, the Members also made references to Call-Attention Motions, Adjournment Motions, Points of Order, unruly behaviour of the Legislators etc., etc., at a time when the House is in Session. At this, the Chief Minister felt rather surprised and could not help saying, "We cannot function in this way". To another question by the Members, regarding the time taken by members, the Chief Minister suggested that all this could be worked out by the Business Advisory Committee of the House. Regarding amendments and Passing of Bills the Chief Minister suggested that in order to avoid unpleasant situation, in case of rejection and amendment of Bills the Minister concerned may call some important Members of all Parties and settle things at that level before placing the bills before the House. When the Members of the opposition are prepared to co-operate, this practice is sometimes adopted in Gujarat.

Proceedings of the meeting held with the Governor of Maharashtra by the Sub-Committee of the *Ad hoc* Committee of the Punjab Vidhan Parishad, constituted to frame Code of Conduct for the members on 6th December, 1965

Shri Durga Dass Khanna, Chairman, Punjab Vidhan Parishad, Shri Des Raj, Chairman of the Sub-Committee, Shri Kanwar Lal Sharma and Shri Krishan Lal, members of the Sub-Committee and Secretary, Vidhan Parishad called on Dr. P.V. Cherian, Governor of Maharashtra at Raj Bhavan, Bombay at 4.45 p.m. on the 6th December, 1965. The Governor of Maharashtra welcomed the setting up of the *Ad hoc* Committee by the Punjab Vidhan Parishad. He was, however, of the view that the whole question should more appropriately be solved by developing democratic conventions than by drawing a Code of Conduct for the members. He further expressed the view that even if a Code was formulated, it would be extremely difficult to enforce the same because a distinction will have to be made between defiance of the Code and proof of such defiance. The Governor, therefore, re-iterated his opinion that it would be better if the whole question was solved by holding healthy democratic conventions in the matter.

**Meeting of the Sub-Committee of *Ad hoc* Committee with the Speaker,  
Legislative Assembly, Goa, on 7th December, 1965.**

The Speaker of Goa was of the view that it was a good thing to have a Code of Conduct for the Members. He was further of the view that the Legislative in appointing such a Committee was commendable. Ours is a very small State and democratic functioning of Legislative Organisation here is in its infancy. Still, to safeguard the future working of democracy, it is essential that your Committee should probe into this matter minutely and give far reaching recommendations.

**Meeting of the Sub-Committee of *ad hoc* Committee with the Home  
Minister, Maharashtra State, Bombay  
on 7th December, at 10.15 a.m.**

The Committee called on the Home Minister, Mr. D.S. Desai at his residence on the 7th December, 1965 at 10.15 a.m.

**Shri Kanwar Lal Sharma:** Sir, we have formed a Sub-Committee to frame rules for the members as envisaged in the Santhanam Committee Report. There is talk of corruption amongst Legislators, and there is no doubt in it. But, we want to take your advice. What is your opinion in this regard ?

**Mr. Desai:** I cannot talk of the country as such, I can however talk about my own State definitely. No really much of corruption exists here. We know, it all does happen, but something is to be done. Another thing is that we talk of corruption too much. Corruption is everywhere. I do not think we should talk of the corruption that much. This State also is thinking seriously as to what steps should be taken to stop this corruption. This Santhanam Committee has revealed that there is corruption at all levels everywhere. That is why, because of that Report, they had talk on corruption greatly in India. The foreigners are talking about corruption. The atmosphere was that in this country there was nothing but corruption. If anybody is responsible, action should be taken against him immediately. The man concerned should be removed. But any way, we should not talk to such an extent that people are more busy only with the corruption.

**Shri Krishan Lal:** But, Sir, side by side, we have made progress also.

**Home Minister:** There is no doubt in it. We should talk about our achievements, for example, the way in which the Agriculture in Punjab is progressing. These developments are marvellous and the whole world should be proud of it. And that is why I say we should talk of that and not much of corruption.

**Shri Krishan Lal Sharma:** In this regard, we are concerned only with Members, Sir. What a sizeable number of persons amongst us, who are interested in some investment, in getting permits etc., or spending too much on elections and then getting compensation for that ?

**Home Minister:** Some such ways are there. We should not talk too much about Congress Party. Elections of Maharashtra Samiti were captured on this account. Therefore, Congress Party has many good people; many good administrators. Congress Party has many many good principles and, therefore, we should not talk of corruption to such an extent as we are going. Congress Party has good footings and men of character and if there are bad names, let us stop the bad names.

**Shri Kanwar Lal Sharma:** Sir, Mr. Nanda's approach is rather not very conducive.

**Home Minister:** He has got his own views. I have got my own.

**Shri Kanwar Lal Sharma:** Mr. Menon's view is also different, Sir. You are very much of the views of Mr. Desai, Chief Minister of Gujarat, Sir.

**Home Minister:** There is a party freedom. The man concerned should be removed immediately. When the Opposition comes in power, the corruption is bound to be there.

**Chairman:** In general public life as a Legislator the idea seems that lot of expenditure has to be incurred in the elections, and thereafter the candidate tries himself to be compensated. Is it not so ?

**Home Minister :** This is not justified for doing corruption. It should be found out by the party. It is not the way to be corrupt. The High Command should ask the man concerned to quit. It is expectation of the people from the High Command.

**Chairman :** Sir, at the time of election, no merit of the candidate is taken into account. No idea of caste and creed comes.

**Home Minister :** Every caste has good names. Every caste has bad names.

**Shri Krishan Lal :** What about the voilences that we see in the House ?

**Home Minister :** In our State it is not so.

**Member :** Sir, the problems arising out of the Members are such that there is a danger to our democracy.

**Home Minister :** That is why I say, to nip the evil in the bud what we should do is that we should ask the man to leave immediately.

**Shri Krishan Lal :** Sir, we should provide something that if a person is found guilty or below the standard, he should be punished.

**Home Minister :** What happens in this country. There is no other Political Party so strong. There is no other party, which can come back to power in future in this country. So, if you are weakening the Legislators, you are demaging the improvement of the country. Therefore, it is not proper. What I mean to say is that Government should show to the people that it is a party which condemns the wrong type of persons and appreciates right type of persons.

**Shri Krishan Lal :** But Sir, we are from Punjab. The way in which the Ruling Party tackles this Partap Singh Kairon problem is before us. My claim is that something wrong is going on with the Legislators.

**Chairman :** Sir, do you think it is almost possible to throw out all the people ?

**Home Minister :** That is why the High Command is there. That is expectation of the people from the High Command. Mr. Kamraj and Shastri can reply these questions.

Proceedings of the meeting held on December 11, 1965 at Bhopal, with the Chief Minister of Madhya Pradesh, by the Sub-Committee of the *ad hoc* Committee of the Punjab Vidhan Parishad constituted to frame Code of Conduct for the members.

1. Shri Durga Das Khanna, Chairman of Punjab Vidhan Parishad, Shri Des R. j, Chairman of the Sub-Committee, Sarvshiri Kanwar Lal Sharma and Krishan Lal, members of the Sub-Committee and the Secretary, Punjab Vidhan Parishad met Shri D.P. Misra, Chief Minister, Madhya Pradesh at the latter's residence at Bhopal at 11.00 a.m. on December 11, 1965.

2. The Chairman, Punjab Vidhan Parishad explained to Shri Misra the purpose of appointing the *Ad hoc* Committee in pursuance of the recommendations of the Santhanam Committee, appointed by the Government of India, for framing Code of Conduct for members of the State Legislature.

3. The Chief Minister of Madhya Pradesh observed that the appointment of such a Committee was a very laudable step and in fact, he added that had the Opposition of political parties in Madhya Pradesh also agreed for the appointment of such a Committee, Madhya Pradesh would also have a similar Committee and probed the entire matter in detail. The Chief Minister was, however, of the view that the success of such a Committee could only be possible if the Opposition was convinced about the utility of a minimum Code of Conduct to be observed by all legislators irrespective of their party affiliations and ideologies.

4. The Chairman, Punjab Vidhan Parishad informed the Chief Minister, Madhya Pradesh that in the case of Punjab Vidhan Parishad, the Opposition was fully co-operating in the matter in so far as the functioning of the Committee was concerned.

5. On the question of expenditure on elections, the Chief Minister, Madhya Pradesh agreed that the cost of election was becoming very prohibitive and that was one of the main reasons which attracted the legislators towards certain capitalists and vested interests, which directly or indirectly had come in their way of acting as impartial legislators. The Chief Minister further observed that Adult Franchise had now become an article of faith in the Constitution and that India having already had three General Elections on that basis, it was rather difficult to find an alternative to it, which might assist the legislators to observe the minimum Code of Conduct.



**Meeting of the Sub-Committee of *Ad hoc* Committee with Mr. V.K. Krishna Menon, MP, formerly Minister for Defence, Government of India.**

The Sub-Committee had the advantage of collecting views of Shri V.K. Krishna Menon, M.P., formerly Minister for Defence, Government of India. Shri Menon, was of the opinion that character building could not come about by legislation or Code alone. The Code he said could be flouted. He was of the view that the big capitalists of the country, through sheer force or money have of late, acquired political power by purchasing Members of Parliament. He added that to his knowledge, one industrialist of India, had, directly or indirectly, under his influence one hundred Members of Parliament. But he said that the problem is worth handling. The very fact that the Members of the Committee had come to discuss with him showed that there was consciousness (of the existing evils). He exhorted the Committee to go on discussing and to go ahead with their programme. He suggested that the Legislators should be paid more. Citing the example of U.K. he said that previously Members of British Parliament were paid 400 pounds a year, which allowance had now been increased to 3,000 pounds a year. The idea behind this suggestion made by Mr. Menon was that a Member of Parliament or a State Legislator should be paid so much that he could live comfortably to discharge the duties of a Legislator or a Parliamentarian without any dependence on capitalists.

proceedings of the Meeting of the Sub-Committee of *Ad hoc* Committee held at the residence of Shri. Kamalapati Tripathi on the 26th December, 1965 at 6.30 p.m.

The following were present:

1. Hon. Chairman, Punjab Vidhan Parishad;
2. Shri. Kamalapati Tripathi;
3. Shri Krishan Lal; and
4. Secretary to Hon. Chairmar

Hon. Chairman, Punjab Vidhan Parishad apprised Shri Tripathi about the purpose of the visit of the Committee and Shri Tripathi expressed the following views:—

1. The country had been under a foreign subjugation for a very long time and there was lot of illiteracy. After the independence, the system of adult franchise was followed. It is not possible now to have an indirect method of elections because a privilege once granted could not be withdrawn. Since majority of the masses are illiterate we could not expect for sometime that they would elect more intelligent people to Parliament and Legislatures. He was sure that after some more lapse of time, the things were bound to improve.

2. With regard to the noisy and unseemly scenes in the Legislatures, Shri Tripathi was of the view that there was too much of anti-Government and anti-Opposition attitude in the political parties. The nation was one and the aim of all the political parties was the welfare of the masses. They might differ on principles, which was altogether a separate matter but the ruling party must consult leaders of the Opposition parties very often. This was sure to create a favourable climate in the Legislatures.

3. With regard to the need of discipline and decorum in the House, Shri Tripathi was of the view that the Presiding Officers should act in a manner that no member might be able to doubt the impartiality of the Presiding Officer. Some times, it so happened that the Presiding Officers remained loyal to their groups in the Ruling Party and they did not act freely and the rulings of the Presiding Officers were not fair.

4. Shri Tripathi pointed out that the Members of the House owed a lot of duty to the electorate. So they naturally wanted to voice their grievances. On the other hand, Government depended on bureaucracy too much. Whatever the Government officials say was accepted by the Government as a gospel truth and the factual information of the Member was not relied upon. The function of the Government is very clear. They are a link between the administration and masses. After the elections, the people were neglected and the bureaucracy was protected. For any legislator this situation is highly intolerable.

5. To have a cordial atmosphere in the House, the Leader of the House should remain in touch with the various political Parties. If any particular party is bent upon to create disorder in the House, then the House should take action against that group or party with the help and co-operation of other political parties in the House. If this can be done, then that very particular party or group would stand condemned and this is bound to have a salutary effect on the rowdy elements.

6. Shri Kamalapati Tripathi agreed that there was need to bring intelligent men to the Legislature. Presiding Officers should take up this matter with the political parties. Again he agreed that instead of Presiding Officers, various political parties should take up this matter. In this case rules or law could not help.

7. As regards the influence of the capitalist on the elections and political life, Shri Tripathi said that in a free democracy it could be avoided. This trouble was more in the case of Parliament and so far as State Legislatures were concerned, there was not much difficulty. In other democratic countries like Britain and U.S.A., etc. the capitalists had much more hand in the affairs of the Government. This could be helped unless the people themselves realised that they should return the right type of people.

8. Shri Tripathi was of the view that leaders of political parties should sit together and decide among themselves not to admit in their fold the Members of other parties after the elections. He pointed out that the Congress Working Committee has already decided not to admit the members who were elected on the tickets of other political parties.

Proceedings of the meeting held between Shri C.B. Gupta, Ex-Chief Minister, Uttar Pradesh and the Sub-Committee of the *Ad hoc* Committee on 26th of December, 1965, at 3.30 p.m.

The following were present:

1. Shri Durga Dass Khanna, Chairman, Punjab Vidhan Parishad;
2. Shri Kanwar Lal Sharma, M.L.C.
3. Shri Krishan Lal, M.L.C.; and
4. Shri K.S. Man, Secretary to Chairman, Council.

Hon'ble Chairman, Punjab Legislative Council apprised Shri C.B. Gupta of the purpose of the visit of the Sub-Committee. Shri Gupta was of the view that until and unless the top leadership of the country sets an example for others to follow, it would not be possible to set better standards in public life. He was also of the view that the personal conduct of the leader/leaders of a Party was bound to reflect in the Members of that Organization. He cited an example of a Deputy Minister who was defeated in the elections, but was appointed so on the plea that he had a special knowledge of the Labour Problems. He also cited an example of the case of S. Partap Singh Kairon. He stated that had the then Prime Minister of India told late S. Partap Singh Kairon of the latter's weaknesses, he would have definitely taken note of it and that would have set very good example for others to follow. The Chairman of the Punjab Legislative Council wanted to know as to how the working of the Assemblies and Councils could be improved. Shri C.B. Gupta stated that this all depended upon the personal conduct of the leaders of the Parties which were represented in that House. Shri Gupta was of the view that everybody in this country said that the people should not run after offices but in practice, everybody was trying his level best to get one or the other office and some of the leaders even adopted dubious methods to attain power. Shri Gupta was of the view that the Congress was an Organization of the poor masses before independence, though led by the middle classes. A large number of young men made sacrifices for the attainment of Independence. Most of such workers could not be provided with political offices. The result is that they feel that some of their colleagues are very well-off while they are not being treated properly. So, they also have a lust that there should be some method by which they could also get such offices. Another difficulty which he thought very harmful for the spread of democracy in the country was that the influence of the caste is perpetually on the increase. This, Mr. Gupta said, was not the case of Congress alone, but all the Parties in the country distributed their tickets at the time of elections, keeping in view the Majority of the caste in the respective Constituencies. This went against the very root of the Parliamentary Democracy and our desire enshrined in the Constitutions. But he felt that he was optimistic about the future of the country and felt that it would take some more time to build up traditions in this country. He was of the view that until and unless we profess more and preach less, we could improve the prevailing conditions.

About the quota, permits and other benefits which the legislators or persons connected with public life were trying to get from the Government, Shri Gupta was of the view that in a controlled economy this thing was bound to happen, so long the new conventions of public conduct do not take new shape. The reason in this case, as stated earlier, was that most of the public workers belonged to a poor class and with the assumption of political power they felt that they should be given some preference over others in order to enable them to make their both ends meet. His

experience was that some of the workers who were allotted quotas and permits to run business earn a living could not run them personally since they were bereft of funds and were compelled to seek the help of those who could provide them with funds. He was of the view that if the State gave them loan and helped them to obtain technical knowledge to run the business, there was no harm to give them the permits. But since this was not being done, they transferred their permits or quotas for consideration and that had a very bad reflection on the other people. This gives an impression that the public workers were indulging in corruption although the factual position were that they are earning very meagre amounts by such method. He was further of the view that he would not feel at all embarrassed if the workers who had contributed their youth for the sake of the country were provided with a good living.

Shri Krishan Lal brought another important factor to the notice of Shri C.B. Gupta. The point was that the capitalists in this country were trying to send their own representatives to the legislatures and the Parliament and were thus trying to get their hold on the Legislators, which was a very bad sign in the functioning of our socialist democracy. Shri Gupta, however, did not subscribe to this view. He was of the view that the industrialists and other such people also helped the leaders and the parties in elections as they did during the independence struggle. It may be that some helped the parties in the hope that in future they may stand to gain. At least so far as the State Legislatures were concerned, he did not feel that the industrialists were keen to have their hold on them. So far as the question of Parliament is concerned it may be they may try for some seats for their representatives.

Shri Krishan Lal raised the point that the elections were getting very expensive and something should be done to curb the election expenses so that the persons with ordinary means could also succeed in elections. Shri Gupta pointed out that he had been fighting elections for the Congress since the year 1937 in the State and he did feel that the Congress machinery which used to spend about Rs 5 lakhs in the year 1937, had to spend about Rs 30 lakhs in the year 1962 when the number of constituencies had increased to considerable extent. But, in this case also, Shri Gupta was not worried because he was of the view that a time was definitely bound to come when the people would get accustomed to the party system and the parties concerned would have developed their organisations. He felt that public opinion was bound to develop and there was nothing to feel perturbed over it. He was further of the view that the election expenses could not be reduced unless we switched over to indirect method of elections. For this he felt that the country was not prepared and the idea of indirect elections might not be liked by the masses. It was pointed out by Shri Krishan Lal that talented people were not interested to fight elections due to heavy election expenses and the result was that the best people were not being returned to the Legislatures. Shri Gupta said that that was due to the fact that the Political Parties did not select people on the basis of ability and utility. The tickets were allotted on consideration of group and castes and that reflected in the deliberations in the State Legislatures. This could only be done if the parties and the leaders in the country decided to sponsor candidates with calibre and ability. He, however, pointed out that that was not the case only with the Congress but all other Opposition Parties suffered from the same weakness.

Proceedings of the meeting of the Sub-Committee of *Ad hoc* Committee held at 3.45 p.m. on 26th December, 1965 at Carlton Hotel, Lucknow.

The following were present:—

1. Shri Durga Dass Khanna, Chairman, Punjab Vidhan Parishad ;
2. Acharya Jugal Kishore, MLA, Uttar Pradesh & Ex-Education Minister, Uttar Pradesh ;
3. Shri Kanwar Lal Sharma, MLC ;
4. Shri Krishan Lal, MLC; and
5. Shri K. S. Mann, Secretary to Chairman.

The Chairman, Punjab Vidhan Parishad told Acharya ji of the purpose of the visit of the Sub-Committee to visit Lucknow. Acharya Ji expressed the following views:—

(1) It is not possible to pin down the any particular reason for disorderly scenes in the Legislatures. To avoid such behaviour, he was of the view, the Leader of the House should frequently consult the prominent leaders of the Opposition on issues which vitally concern the Nation. He cited that Pandit Nehru used to take the Members of the Opposition into his confidence frequently and felt that since a particular party is ruling the country for the last so many years, the Opposition parties sometime get very bitter. If, however, they are consulted very often, then the edge of the criticism and bitterness does not remain so sharp.

(2) About the behaviour of the Members of the ruling party itself, he felt that due to the fact that as members of the party they do not get adequate opportunities of giving expression to their views in the party meetings they sometime indulge in criticism on the floor of the House which exceed the limit expected from a member of the party. Such a conduct is due perhaps to frustration and lowers the prestige of the party in power. This could be prevented if members were given greater opportunities of discussing the issues at the meetings of the party.

(3) The Members of the House are not properly informed about the activities, policies and achievements of the Government. On matters of public importance such as planning and food, etc., the Members should be taken into confidence. Planning has a national aspect and every Member of the House has a right to know what the Government wants to do in the matter.

(4) The Chairman pointed out to Acharya ji that the Congress had always preached against the Caste system. But in the elections Tickets were always distributed keeping in view the majority of a particular caste in that constituency and he wanted to know as to how far it was in consonance with the declared policy of the Congress. Acharya ji pointed out that it is certainly against the declared policies of the Congress but due to the system of parliamentary democracy every party wants to secure the majority in the Legislature to form Government. It is some times obliged to elect candidates who are likely to be elected with the help of the communal votes.

(5) Acharya ji pointed out that in England most of the work was done by Committees. If the matters were properly thrashed out in Committee meetings then most of the bitter criticism in the House could be avoided.

(6) Acharya ji was of the view that some minimum qualifications should be prescribed for the candidates who sought elections to the Legislature. It was a fact that some of the Members could not even cast their votes properly.

(7) Acharya ji did not agree with the view that capitalists financed the various political parties or political leaders in order to keep control on political organisations. They financed them so that they might be able to have their business matters pushed through whenever the occasion arose. Similarly, they financed leaders of the Political parties for that very purpose. Leaders of the parties financed the various candidates to have the maximum number of Members with them. That was everywhere in a parliamentary democracy and in this connection he cited the instances of Britain.

The meeting then adjourned to meet Shri Kamalapati Tripathi, President of the Uttar Pradesh Congress Committee at 6.30 p.m.

Shri K.P. Gupta, Secretary, Uttar Pradesh Legislature called on the Hon'ble Chairman, Punjab Legislative Council and members of the *Ad-hoc* Committee, on the 26th of December, 1965 at 3.00 p.m. The following were present :—

1. Shri Durga Das Khanna, Chairman, Punjab Vidhan Parishad
2. Shri Kanwar Lal Sharma, M.L.C.
3. Shri Krishan Lal, M.L.C. ; and
4. Shri K.S. Mann, Secretary to Chairman, Punjab Vidhan Parishad.

While discussing the broad recommendations of the Santhanam Committee, Shri K.P. Gupta, Secretary, Uttar Pradesh Legislature pointed out that in his opinion certain minimum qualifications should be prescribed for a person seeking an election to the Legislative Assembly of a State or Parliament. It had been his experience that some of the Members could not even properly sign their names and in the elections to the Rajya Sabha and the Vidhan Parishad four or five votes were always rejected because the Members could not mark their ballots properly. He was of the view that unless such qualification was prescribed and the Members were not able to read the literature is supplied to them, they could not effectively participate in the debate. Shri Krishan Lal, M.L.C., pointed out that some of the Members do not take part in the deliberations of the House throughout the whole of their term and they just sit like 'dumb-members'. Shri Gupta informed that this was the position with some of the Members of the Uttar Pradesh Legislative Assembly also. Shri Krishan Lal was of the view that the Legislature Secretariat should evolve some method and if possible, print the names of the Members who had spoken on the maximum number of occasions in the last five years and also the names of those who did not speak at all or had taken a very little part in the deliberations of the House. The Secretary of the Uttar Pradesh and the Members of the Committee agreed that this would have a very sound impact on the Members and they should definitely try to contribute their best in order to gain popularity with their electorate. Another difficulty which was pointed out by the Secretary of the Uttar Pradesh Legislature was that the whips were not working properly and there was not a proper liaison between the Government whip and the Government machinery. Unless some such method is evolved, proper co-ordination between the Presiding Officer and the House on the one hand, and the Government on the other, could not be maintained.

Proceedings of the meeting held in the office room of the Hon'ble Speaker, Uttar Pradesh, Vidhan Sabha, on 27th December, 1965 at 11.00 a.m.

The following were present :—

1. Shri Durga Das Khanna, Chairman, Punjab Vidhan Parishad.
2. Shri Darbari Lal Sharma, Chairman, Uttar Pradesh Vidhan Parishad ;
3. Shri Madan Mohan Verma, Speaker, Uttar Pradesh Vidhan Sabha ;
4. Shri Krishan Lal, M.L.C. ;
5. Shri K.P. Gupta, Secretary, Uttar Pradesh Legislature ; and
6. Shri K.S. Mann, Secretary to Chairman.

About the rowdyism in the Legislatures, Shri M.M. Verma, Speaker of the U.P. Vidhan Sabha was of the view that that was due to the fact that there were a number of parties in the House, but there is no opposition with outstanding leadership having sound parliamentary background. Every Opposition group was in a race to gain cheap popularity. Newspapers also gave headlines to such unruly incidents which furnished an unhealthy temptation. He was of the view that no party or group should be recognised in the House unless their strength was enough to maintain a quorum in the House.

2. Hon'ble Speaker and Hon'ble Chairman of the U.P. Legislature were of the view that Members should be encouraged to specialise themselves in particular subjects. If they did so, the standard of the debate could considerably be improved.

3. Both the Presiding Officers of the U.P. Legislature were of the view that there should be frequent consultation between the Government and Partymen, as also between the Minister for Parliamentary Affairs and the Political parties. They were of the view that the Minister for Parliamentary Affairs should not be burdened with other portfolio. They also agreed with the view expressed before them that sometimes the Government business was not received in time and even the Ministers did not know as to when they would be able to bring a particular legislation before the House. Steps should be taken to improve such state of affairs.

4. Hon'ble Speaker of the U.P. Vidhan Sabha was of the view that there should be a rule in the Rules of Procedure of the House that if a Member was named he should immediately withdraw. If he did not do so then he should be deemed to have been suspended from the House automatically for five days. On such second occasion, he should be deemed to have been suspended for fifteen day and so on. In addition to the Ruling Party, other opposition parties should also support this action. Once this practice was developed, Hon'ble Members who indulged in such a behaviour would lose all popularity and would be isolated.



**Discussion with the Chairman, Mysore Legislative Council regarding *Ad hoc* Committee in the Committee Room of the Punjab Vidhan Parishad Secretariat Vidhan Bhawan, Chandigarh, held on 7th January, 1966, from 4.15 p.m. to 5.15 p.m.**

The following were present :—

1. Shri G.V. Hellikeri, Chairman, Mysore Legislative Council ;
2. Shri Des Raj, Chairman of *Ad hoc* Committee for Code of Conduct of Members, Punjab Vidhan Parishad ;
3. Shri Chander Bhan Gupta, M.L.C.—Member ;
4. Shri Kanwar Lal Sharma, M.L.C.—Member ;
5. Shri Beli Ram, M.L.C. ; and
6. Babu Shri Chand Goyal, M.L.C.

*Secretariat*

Shri R.L. Nirola	..	Secretary
Shri Sukhendra Singh	..	Assistant Secretary

**Shri Des Raj :** The Santhanam Committee had recommended that there should be a Code of Conduct for the Legislators and Ministers. So keeping in view that recommendation, our Chairman had appointed an *Ad hoc* Committee to formulate a Code of Conduct for the Members and it was in that connection that we had requested you for giving guidance in the matter because you have got a long experience.

**Chairman, Mysore Council :** There is no doubt that there should be a Code of Conduct for Ministers and Legislators. But there should not be fuss made of it and the public should not begin to feel that everyone is corrupt. The people should not develop a sort of no confidence in the leaders of the nation and the Government as a whole. I do feel the need for such a code ; but our Central Home Minister has laid too much stress on it and as a result thereof, the people think that everyone is corrupt.

**Shri Des Raj :** The other problem is that one had to undergo a lot of expense in the elections and it is said that after one is elected as member, he wants and tries to compensate himself by all means.

**Chairman, Mysore Council :** Ideal conditions should be created in this respect. Really speaking, an expense of Rs 5,000 or Rs 6,000 in an election is not much. There should be such amount prescribed that the member would not try to compensate himself later on.

**Shri Des Raj :** What are the average expense in Mysore for fighting elections ?

**Chairman, Mysore Council :** I think it may be about Rs 10,000. It may be 30 or 40 thousands rupees in exceptional cases. In compact constituencies, the expenses are not less than 15 to 20 thousands rupees.

**Babu Shri Chand Goyal :** Do not you think that we should amend the Representation of Peoples Act?

**Shri Kanwar Lal Sharma :** It is being amended.

**Chairman, Mysore Council :** Necessarily, they have to amend it.

**Shri Kanwar Lal Sharma :** Do you think that there should be a substantial increase in the remuneration of Members because that may at least minimise the chances of members running after permits, quotas, etc. ?

**Chairman, Mysore Council :** There I agree. M.Ps. are getting Rs 500 per mensem plus Rs 31 per day. But in the case of Assembly Members, the remuneration is not so good. In our State, the Members are paid Rs 150 plus Rs 100 as special allowance. In all they get Rs 250. They get Rs 16 per day on the days of the sittings. But they get free accommodation, which is possibly the best accommodation available.

APPENDIX B

(Vide para 36 of Chapter VI)

TABLE

Showing the emoluments paid and other facilities allowed to Parliamentarian and Legislators of the Commonwealth Countries

Serial No.	Name of the Country	Salary and Allowances paid	Pension	Travelling Allowances	Other Facilities
1	United Kingdom— House of Commons	£3,250 per annum	£ 60 per annum provided he has served for 10 years or more	1st or 2nd class free vouchers by rail	(i) May use specially flanked envelopes when writing to Government Departments. (ii) Free local calls from the House of Parliament.
	House of Lords	Nil	They are to contribute £ 150 per annum	4½ d. per mile by road. Actual expenses incurred for the purpose of attendance of the House of Committee subject to a maximum of 4½ guineas for each day of attendance. Cost of travel paid	<i>Secretarial Services.</i> — (i) Free accommodation for their secretarial staff. (ii) A copying machine is provided for use of Members. (iii) Free Stationery up to £ 20 worth per annum. <i>Office Accommodation.</i> — (i) Office Accommodation (ii) Typing rooms for Members' Secretaries, <i>Postal Communications.</i> — (i) As in the case of U.K. (ii) Free Secretarial service during session. (iii) Free office accommodation. (iv) Free stationery.
2	Canada	Sessional indemnity \$12,000 per annum Expenses Allowance— % 5,000 per annum (Tax-free)		To contribute 6% on sessional indemnity Paid allowance equal to 5/12th of total contribution To widows 3/5th of the allowance payable to husband (Members of Upper House) not allowed pension (i) Free travel on all Canadian Railways including family members (ii) Allowed travel expenses, meals etc. coming to and returning from Parliament	

3 Commonwealth of Australia	<p>(i) £3,500 per annum Parliamentary Allowance</p> <p>(ii) £1,100 per annum representing State. Electorate or £1,300 per annum representing Country Electorate as electorate expense allowance</p> <p>(iii) £ 6 per day when in Canberra to attend sittings of the House living allowance</p>	<p><i>Contributory Scheme for Members—</i></p> <p>Each member contributes 11½ per cent of his Parliamentary allowance and becomes eligible for a pension at the age of 40, having served for at least 3 Parliaments or 8 years preceding on voluntary retirement</p> <p><i>Rate of Pension—</i></p> <p>30 per cent of his parliamentary allowance £ 5/12th of the rate of parliamentary allowance payable to the member is paid to widow</p>	<p>A Member is allowed free air travel</p> <p>A member's wife is entitled to free travel by rail or air from her home to Canberra 4 times each to financial year</p> <p>(ii) On completion of 25 years service free pass on all Government railways for life</p>	<p>(i) Free local and long distance calls</p> <p>(ii) Pay of Secretary Typist employed by a member is paid by the Commonwealth.</p> <p>(iii) Free Office accommodation for members and their staff.</p> <p>(iv) Free service of Parliamentary library.</p> <p>(v) the right to name 35 persons for inclusion in free distribution list of Hansards.</p> <p>(vi) Free issue of parliamentary papers and various Government publications.</p>
4 New Zealand	<p>(i) £ 2,150 per annum</p> <p>(ii) Sessional allowance 15 s. per day and an accommodation of allowance of £ 2 10s. for each night spent in Wellington for Parliamentary purposes</p> <p>(iii) £ 450 to £ 775 per annum for members representing various constituencies</p>	<p>A compulsory contribution of £ 215 per annum to a superannuation fund, out of this fund is calculated at 132 second of basic salary of a member</p>	<p>(i) Free travel on passenger air service</p> <p>(ii) Free travel on Government railways and free roads;</p> <p>(iii) Free travel on privately-owned inter Island steamer ferry service</p> <p>(iv) free travel on railway, road motor service and on privately-owned road motor service</p>	<p>(i) Monthly issue of stamps to the value of £ 7 for postal, telephone and telegraphic use.</p> <p>(ii) free telephone service.</p> <p>(iii) reduced rate of stamps.</p> <p>(iv) free typing facilities to members during session.</p> <p>(v) free office accommodation.</p> <p>(vi) free stationery.</p> <p>(vii) free supply of statutory requirements statutes and Hansards.</p>
5 Pakistan	<p>(i) Rs 500 per annum plus Rs 50 per diem for his residence at the place of meeting</p>	Nil	<p>(i) One free non-transferable I Class rail steamer pass</p> <p>(ii) for journey by rail one I class and 1 third class railway fare</p>	<p>(i) One free telephone service.</p> <p>(ii) Free medical facilities.</p>
6 Ceylon	<p>(i) Rs 7,200 per annum House of Representatives Rs 3,600 Senator</p> <p>(ii) Rs 1,200 per annum clerical allowance</p>	Nil	<p>Allowed free travel by air, railway and road transport, when travelling as a member</p>	<p>Free postal and free telegraphic service on correspondence and messages relating to State visits.</p>

Serial No.	Name of the Country	Salary and Allowances paid	Pension	Traveling Allowance	Other Facilities
7	Ghana	(i) £1,200 per annum (ii) £300 as basic incidence allowance	Paid gratuity out of consolidated fund at 1/5 of his annual emoluments to a person who has been a member for 5 years or more	Free travel on railways and air ways when coming to attend Parliament	(i) Free telephone service at three residences in Accra. (ii) local calls free. (iii) long distance calls on payment.
8	Malaysia	(i) Dollars 750 Members of House of Representatives dollars 500 Senators (ii) Subsistence allowance dollars 35 per day when they are away from their homes to attend meeting	Nil	Two complimentary 1st class railway passes or recovered air fare or mileage allowance using his own motor car at the rate laid down for Government offices	Free post service and free telegrams in urgent cases, rent free, telephone free at their residences.
9	Federation of Nigeria	(i) £ 900 per annum, (ii) £ 266 per annum as consolidated transport allowance (iii) £ 3 per day for attendance at meetings	Nil	Free travel on airway, railway, ships and road-transport for himself his wife and two servants when travelling as legislator	Free correspondence, free telephone calls and telegrams if those are addressed to the Clerk of the Parliament-legislator
10	Sierra Leone	£ 920 per annum (ii) constituency allowance of £ 300 per annum (iii) £ 2, s 10 per night for the duration of the meeting (iv) transport allowance 1 s. 6 d. per mile (v) Rent allowance £ 120 per annum	Nil	Free travel by rail, by air to attend meetings. In addition first class rail fare for his wife and third class rail fare for his servants	(i) Allowed franking privileges on mail sent to the Clerk of the House. Free local Telephone calls.

11 Tanzania	<ul style="list-style-type: none"> <li>(i) £ 700 per annum</li> <li>(ii) Constituency allowance of £ 300 per annum</li> <li>(iii) Subsistence allowance £ 3 per night for all nights spent away from home while attending meetings. (Members living at the capital receive subsistence allowance £ 1. 10 s. per sitting)</li> </ul>	Nil	Free I Class Rail or Air fare	<ul style="list-style-type: none"> <li>(i) Postage allowance of £ 25 per annum.</li> <li>(ii) Official telegrams sent free.</li> <li>(iii) Free local telephone calls.</li> </ul>
12 Jamaica	<ul style="list-style-type: none"> <li>(i) £ 1,800 per annum</li> <li>(ii) £ 400 per annum to member representing electorate in the corporate Area and £ 500 outside in corporate area as an allowance for travelling within his constituency</li> <li>(iii) Subsistence allowance £ 5 per night spent in Corporate Area</li> </ul>	Nil	£ 180 per annum, plus 5 d per mile travelling in connection with his parliamentary duties	An allowance of £ 450 per annum to maintain an office.
13 Trinidad and Tobago	<ul style="list-style-type: none"> <li>(i) Dollar 5,520 per annum</li> <li>(ii) Subsistence allowance £ 50 for each day spent at the Capital</li> </ul>	Nil	<ul style="list-style-type: none"> <li>(i) £ 1,200 per annum to members residing in Trinidad and £ 1,500 per annum to members residing in Tobago</li> <li>(ii) 20 per cent per mile car allowance for members residing 8 miles or more from Parliament House</li> </ul>	Free travel by air, rail or road
14 Uganda	<ul style="list-style-type: none"> <li>(i) £ 1,200 per annum</li> <li>(ii) Attendance allowance of £ 3 per day for attending meetings</li> <li>(iii) Subsistence allowance of £ 3 per night spent away from home</li> </ul>	Nil	Free travel by air, rail or road	<ul style="list-style-type: none"> <li>(i) Free postage of correspondence and telegram service.</li> <li>(ii) Free use of telephones in Parliament House (for local and trunk calls).</li> <li>(iii) Free secretarial service on Parliamentary business on Parliament House during session. Members and their family members entitled free medical treatment.</li> </ul>

Serial No.	Name of the Country	Salary and Allowances paid	Pension	Travelling Allowance	Other Facilities
15	Kenya	(i) £ 1,200 per annum (ii) £ 4 for each day for attending meetings (iii) Subsistence Allowance of £ 2 per day (iv) Constituency Allowance of £ 120 per annum	Pension or <i>ex-gratia</i> amounts are granted	A I Class return rail ticket or an air ticket for attending meetings  (ii) Transport allowance as applicable to Government servants	Local telephone calls free,
16	Malawi	(i) £ 6,000 per annum (ii) (Duty allowance of £ 240 per annum (iii) Allowance of £ 2 for every night spent away from home (iv) An allowance of £ 3 for every day for attending meeting	Nil	Free travel to and from meetings. Allowance of 1 s. 0 d., per mile for the use of his own car	Franking privileges on all correspondence,
17	Malta	£ 648 per annum	Nil	£ 50 per annum	Free postage on internal mail. Free telephone service on their residence. Free secretarial services. Free stationery and other literature,
18	Zambia	(i) £ 1,200 per annum special allowance of £ 500 per annum (ii) Constituency Allowance of £ 150 to 300 (iii) Subsistence allowance of £ 72 for members residing 25 miles or less from Lusaka (iv) £ 240 for members residing beyond	Nil	Free journey by air or rail including Taxi fares	(i) Postage Allowance of £ 50 per annum 3 guineas per day for attending meetings, (ii) Free local calls,

© (1966)

Published under the authority of the Punjab Vidhan Parishad and printed  
by the Controller, Printing and Stationery, Punjab, Chandigarh.