

MR. CHAIRMAN: Then I will put it to the vote of the House.

The question is :

"This House while expressing its appreciation of the New 20 Point Programme initiated by the Government notes that implementation of the poverty alleviation programmes has not been fully satisfactory and urges upon the Government to take immediate steps for effective implementation thereof."

The motion was negatived

16.48 hrs.

RESOLUTION RE: GUIDELINES
FOR APPOINTMENT AND TRANSFER
OF GOVERNORS

[English]

MR. CHAIRMAN: Now, we will take up the next Resolution. Mr Reddy.

SHRI S. JAIPAL REDDY
(Mahbubnagar): I beg to move:

"This House recommends to the Government to lay down clear guidelines for appointment transfer of Governors."

Sir, in the history of free India, no office has become so sinecure and at the same time so insecure as that of the Governor. Sir, this office has become so controversial that many thoughtful commentators and political activists have demanded the abolition of this office. We must try to understand the reasons that prompted them to make this extreme demand.

Sir, in the initial period we did not have much difficulty with the office of the Governor because only one party was in power both at the Centre and in the States. Trouble arose for the first time in 1958 when a CPI-led Government headed by Shri E.M.S. Nam-

boodripad came to the unsettled in Trivandrum. So, it was in your State that the powers of the office of the Governor were misused with a view to dismissing the legally constituted Government. Sir, this process got accentuated after more and more non-Congress parties came to assume power in the post 67 period. I am not among those who believe that the office of Governor is altogether useless. It has its own uses, provided we go in for certain safeguards. Today none of the constitutional offices is so insecure as that of a Governor. You cannot remove the Election Commissioner, the Judge of an High Court or the Supreme Court or the Comptroller and Auditor General by a stroke of the pen. Of all the eminent constitutional offices, it is only the Governor who can be transferred, hired and fired at the sweet will of the Government of India.

SHRI A. CHARLES (Trivandrum): So, you want to make his position more secure.

SHRI S. JAIPAL REDDY: Yes. I agree with you. It is the sense of insecurity which is also responsible for dilution of the glory this office. When this question was first debated in the Constituent Assembly, I may recall that a sub-Committee headed by Sardar Vallabhai Patel in fact recommended that the Governor be elected directly by the people on the basis of adult franchise. It was Jawaharlal Nehru who felt that this would lead to a kind of diarchy in the States and, I think, Mr Nehru was correct. He therefore pleaded for nominated Governors. While pleading for nomination, he stated that the people who have not been much too active in politics, who may have attained some unquestionable eminence in some walk of life would be chosen for the office. But did that happen? It did not happen that way. At that time, it was also mentioned that the approval of the State Government would be secured before Governor is chosen for a particular State. All these high sounding criteria and procedures were honoured only in breach. As of now, if you look at the scene today, we have as many as 11 retired civilians or defence employees functioning as Governors. Sarkaria Commission noted that

60 percent of the persons chosen for the office of the Governor in the first 35 years were active politicians.

A few days back Mr. Vasantdada Patil passed away. I have great respect for him. He was in his own way a brave and a great freedom fighter. But when he was the Governor of Rajasthan, he showed or worked with an ostensible interest in the politics of Maharashtra. Only recently...

SHRI RAM PYARE PANIKA (Robertsganj): I have one objection. Now, Vasantdada Patil is no more.

MR. CHAIRMAN: That is right. But he has paid tributes also.

SHRI RAM PYARE PANIKA: He was just telling that he was interfering in the Maharashtra politics. That cannot be mentioned. We cannot discuss about the Governors' conduct. (*Interruptions*)

MR. CHAIRMAN: Panika, here the subject itself is Governor. Then what else can you do?

SHRI RAM PYARE PANIKA: No. It is regarding appointment of Governor. He cannot discuss individuals. (*Interruptions*)

SHRI RAM PYARE PANIKA: He should not be allowed to discuss the conduct of the Governor. He may discuss the method of appointing the Governor and not the conduct.

SHRI V. KISHORE CHANDRA S. DEO (Parvathipuram): The point is whether the Governors are appointed to act as Governors, or as agents of the ruling party at the Centre. That is precisely the point.

SHRI S. JAIPAL REDDY: I have not come to the aspect of the agency.

MR. CHAIRMAN: You cannot say that. So far what you have said is in order; but do not say what Mr. Deo has suggested.

SHRI S. JAIPAL REDDY: I was only trying to draw the attention of the House to the inherent dangers involved in the process of selection of politicians for the job of Governor; and politicians with not only an immediate past, but also with ambitions about the future.

Only recently in Bihar where Congress (I) is in power, Mr. G.N. Singh who was Governor, had problems with the Chief Minister; or I should say, in fact, that the Chief Minister of Bihar had problems with the Governor of Bihar. As between a Governor and a Chief Minister, I would tend to support the Chief Minister, even if he belongs to the ruling party.

16.57 hrs.

[SHRI SOMNATH RATH *in the Chair*]

What is the job of a Governor? The job of a Governor is to take independent decisions when the Government of the State cannot be carried on in accordance with the provisions of the Constitution. When there is a Government, and a stable one at that—it may not be politically stable, but so long as it is legally stable or, as my friends would put it, arithmetically stable—the Governor has no role to play.

I would like to come to other examples. We have a Governor in Andhra Pradesh Ms. Kumudben Joshi. The Administrative Reforms Commission in its report long back had pointed out that Government of India, even in those days, had appointed many politicians of inadequate stature for this office. But in recent years, we find many non-descript politicians finding their way into Raj Bhawans. (*interruptions*)**

MR CHAIRMAN: That portion will not go on record.

SHRI S JAIPAL REDDY: Why?

MR. CHAIRMAN: That is a comment on the Governor. You can change that. That will not go on record.

SHRI S JAIPAL REDDY: Okay; I will not say that.

There is an ongoing controversy between the Government and the Governor on the appointment of the Lok Ayukta. I do not want to comment on the merits of the choice of the Lok Ayukta made by the Chief Minister or the Government. If the Government of Andhra Pradesh had made a wrong choice, the people of Andhra Pradesh would, in due course, pronounce their verdict; but the Governor has no independent discretion in the matter. The courts in India have settled this issue in a clinching fashion. I am quoting from Shamsheer Singh case.

"This Court has consistently taken the view that the powers of the President and the powers of the Governor are similar to the powers of the Crown under the British Parliamentary System. The executive power of the Union is vested in the President. The President is a formal or a constitutional head of the executive. The real executive powers are vested in the Minister of the Cabinet. There is a Council of Ministers with the Prime Minister as the head to aid and advise the President in the exercise of his functions. Whenever the Constitution requires the satisfaction of the President or the Governor for the exercise of this power by the President or the Governor or of any power or function, the satisfaction required by the Constitution is not the personal satisfaction of the President or Governor in the constitutional sense of the Cabinet system of Government, that is satisfaction of his Council of Ministers on whose aid and advice the President or Governor generally exercises all his powers and functions."

17.00 hrs.

Therefore, it is clear whether at the Centre or in the States it is a decision of the Council of Ministers which is final and binding. The Governor or the President can tender advice, can extend aid but if a view is

taken by the Council of Ministers the President or Governor has no option in the matter. When that is the case, I would like to know, how the Governor of Andhra Pradesh is exercising independent discretion on the question of appointment of a Lok Ayukta, it is not my job to go into the merits.

It is unfortunately a part of the imperial legacy that the governors are made Chancellors of Universities under separate Statutes. And wherever there are non-Congress(I) Governments, the Governors exercise independent power. Unfortunately, it is legally correct. But in my view it is politically outrageous and obnoxious. How can a Governor who comes from some other State know as to who is the best Vice-Chancellor? How can the wisdom of the Governor be considered superior to the collective wisdom of the Council of Ministers? Right now there is an on-going controversy in Kerala over the Governor's appointment of various people to educational institutions like Senates of Universities. Earlier on, both in Andhra Pradesh and in West Bengal, the Governors made their own choice in respect of Vice-Chancellors. This is happening because the Governors are not properly selected, and a person selected does not have a sense of security. There is a popular misconception about the status of the Governor. A Governor is not a subordinate, not an agent even of the Government of India or even to the President of India. The Governor is an integral part of the State apparatus.

I may, in this connection, draw your attention to the observations made by Mr. T.T. Krishnamachari, in the course of a debate in the Constituent Assembly.

He said:

"I would at once disclaim all ideas that we in this House want the future Governor who is to be nominated by the President to be in any sense an agent of the Central Government. I would like that point to be made very clear, because such an idea finds no place in the scheme of Governor we envisage for

the future."

This is what Shri T.T. Krishnamachari has said in the course of the debate in the Constituent Assembly.

Again Sir, Dr. Ambedkar also added, as far as our Constitution is concerned, there is no functionary created by it, who can see to it that the instrument of instructions is carried out faithfully by the Governor.

The Government of India may issue an instrument of instructions. If a Governor does not, for some reason, even honestly carry it out, there is nobody who can force him to do so. The idea inherent in the whole system is that the Governor should be a part of State apparatus and he should be independent of the intervention by the Central Government. But unfortunately Sir, Governor today has come to be looked upon as... **...

(Interruptions)

SHRI RAM PYARE PANIKA (Robertsganj): Sir, it is far from truth and so objectionable.

PROF. MADHU DANDAVATE (Rajapur): Unknown martyrs are allowed here. ... (Interruptions)

MR. CHAIRMAN: I will examine and find out.

Shri S. Jaipal Reddy: ... **... (Interruptions)

MR. CHAIRMAN: "....."

All these will not go on record.... (Interruptions)

SHRI V. KISHORE CHANDRA S. DEO (Parvathipuram): Sir, I am on a point of order. Unless he says something unparliamentary, you cannot fabricate records by removing whatever you do not like. What is your ruling?

MR. CHAIRMAN: There cannot be any aspersions... (Interruptions)

PROF. MADHU DANDAVATE: Sir, there cannot be any aspersions against any individual, but there can be against Central Government, institutions and all that... (Interruptions)

MR. CHAIRMAN: I think, "....." all these are aspersions... (Interruptions)

SHRI S. JAIPAL REDDY: Sir, I propounded this extreme formulation to drive home the point that the office has been downgraded, devalued to this kind of debate. That is the point I was trying to make.

If there is a politician of certain calibre and yet who can have certain objectivity, those Governors are not put up with. Prof. Nural Hassan is an intellectual and a politician, rolled into one. He has now been replaced by an ex-intelligence officer in a non-Congress State. Sir, I do not associate intelligence with intelligence branch... (Interruptions) An intellectual has been replaced by an intelligence officer.

Sir, Sarkaria Commission submitted its report recently. The Government, who would like to give an impression, though it is a false impression, that it has accepted the recommendations of the Sarkaria Commission Report recently made the postings of Governors which were made without the knowledge, let alone the consent, of the Chief Minister.

Even when they pick on officials, they pick on such officials who were required to handle scandals. I know an officer who dealt with HDW submarine scandal, Bofor scandal and Mirage purchases and he has now been posted as Governor. I would like to know as to what are the criteria. Are they being posted as Governors so that their silence could be purchased or their services could be rewarded. What are the criteria?

**Expunged as ordered by the chair.

[Translation]

SHRI RAMPYARE PANIKA: On a point of order, Sir, I have got a copy of the Constitution of India in which qualifications needed for a Governor have been laid down. Just now Shri Reddy was talking about these qualifications. The minimum qualification as has been stated therein is that anybody who is a citizen of India and who is 35 years of age. (Interruptions)

He said that the Governor was such a man, he was a man of lower standard and even then he was appointed Governor. I am of the view that it is irrelevant. He has got no right to comment upon the qualifications of a Governor. It is the right of the President to see as to whom he is going to appoint a Governor. Had they brought forward any Constitutional amendment for this purpose, I would have agreed to their proposals. These people are casting aspersions against an individual. (Interruptions)

SHRI HARISH RAWAT: The person about whom the hon. Member made a reference had been a Secretary in the Government of India who had high standard of integrity. It is not good to cast aspersions on him.

[English]

MR. CHAIRMAN: I will examine whether it is permissible or not.

SHRI S. JAIPAL REDDY: He has provoked me to quote Jawaharlal Nehru. Speaking in the Constituent Assembly on the choice of Governor Jawaharlal Nehru observed:

"I think, it would be infinitely better if he was not so intimately connected with the local politics of the province. And would it not be better to have a more detached figure, obviously a figure that must be acceptable to the government of the province?"

I am quoting Jawaharlal Nehru in his centenary year to Congress(I) men.

MR. CHAIRMAN: To the House and not to Congress(I) men.

SHRI S. JAIPAL REDDY: He further says:

"And yet must not be known to be a part of party machine of the province. Politicians would probably like a more active demand for their activities, but there may be eminent educationists or persons eminent in other walks of life who naturally while cooperating fully with the Government and carrying out the policies of the Government at any rate helping in every way so that the policies must be carried out, he would nevertheless represent before public someone slightly above the party and thereby, in fact, help that government more than he was considered as part of the party machine. By its obvious desire that eminent leaders of minorities, eminent leaders of groups should have a chance, I think, they will have a far better chance in the process of nomination than in election."

This is what Jawaharlal Nehru said, if the choice of the official is correct in the light of these remarks, then I can only pity the power of understanding of my colleague in this House.

A tall intellectual in Calcutta has been replaced by... This is the method which the Government of India is adopting in regard to appointment of Governors. I may, in this connection, draw your attention to the Judgement pronounced by the Assam High Court in regard to the partisan action of the Governor of Nagaland when the Assembly of Nagaland was dissolved... (Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV): Sir, it is the onus of the hon. Member, but the case is still

going on. One Judge gave the judgement and it has gone to a double Judge Bench. It is better if he can avoid it. Anyway, it is up to him.

SHRI S. JAIPAL REDDY: Sir, for the enlightenment of the Minister, may tell him that the judgement has settled one point conclusively, that is, in regard to... **...

What it referred to the third Judge was whether the correspondence between the Governor and the President, or the satisfaction of the President, could be gone into or not. Therefore, the point I am referring to has been well-settled by the Assam High Court Bench. This I submit for the benefit of the hon. Minister.

Even when ex-Generals are chosen, only persons who would be highly complacent are chosen. Even when they are not complacent, when they have no sense of security, they are compelled to oblige the Government of India. Then you appoint him as a Governor. When he has no security after his tenure, how can he be depended upon for exercising judgement independently?

In Karnataka, recently the Government recommended names of certain persons for nomination to the Council. The Governor there wanted to interfere in the process. How is that valid?

In the pre-1984 period, when the Government was being headed by Dr. Farook Abdullah, the Government of India here wanted to get him dismissed. The then Governor there... (Interruptions)... **... did not agree with the Government of India. He was transferred and replaced by the present incumbent who can assume many incarnations, many roles within the space of one term**

(Interruptions)

SHRI S. JAIPAL REDDY: Sir or, may I now draw the attention to the 1984 episode

in Andhra Pradesh? Sir, the then Governor in Andhra Pradesh...

MR. CHAIRMAN: No names will go on record.

(Interruptions)*

SHRI HARISH RAWAT: Now, he is in his company, Sir.

(Interruptions)

MR. CHAIRMAN: I think Mr. Jaipal Reddy needs no prompting.

SHRI S. JAIPAL REDDY: Sir, the then Governor dismissed the NTR Government in Andhra Pradesh and got Mr. Nathalla Baskar Rao sworn in as Chief Minister. Then, Mr. N.T. Rama Rao offered to prove his majority on the floor of the House in 48 hours.

Sir, So, did I blame the Governor? I did not blame the Governor even in 1984. (Interruptions). I did not blame the Governor in any of my speeches in the House or outside, even at that time because what was the wrong**

He was not to be the agent of the Government of India. And I feel that when the office of Governor does not have security, what can the Governors do? What happened to the Governor... **..... He was transferred. A person so eminent as he was, so close to the ruling family of the country, could be fired because he did not oblige. So, what is the value of the Office of the Governors? I am not criticising but I am only deploring the devaluation that has occurred.

Sir, Sarkaria Commission has recommended a particular method for selection of Governors. They suggested that the State Government could prepare a panel of three names from which the choice could be made by the Government of India. But I would like to know from the Government as to why this method is not being adopted. The Sarkaria

[Sh. S. Jaipal Reddy]

Commission also discussed the measures that are required to safeguard the tenure of the Governors. No Governor can be removed from office. The Sarkaria Commission pleaded that without an explanation being called for from the Governor and without an explanation being placed on the Table of the House, no Governor can be removed from Office. Sir, I am referring to all this because nondescript persons, corrupt officials, defeated politicians would be a disaster for the office of Governor and if they have no security, they will be totally partisan agents of the ruling party at Delhi. Today you are in power and I have no doubt that we will be in power one year hence and at that time the Governors appointed by you will be the agent of that ruling party. Sir, I am of the considered view that no Governor should be placed at the mercurial mercy of the ruling party at Delhi.

SHRI RAM PYARE PANIKA: Sir, how much time you have allowed for him.

SHRI V. SOBANADREESWARA RAO: Mr. Jaipal Reddy is telling that they will be in power after one year which he did not relish.

(Interruptions)

SHRI S. JAIPAL REDDY: Sir,**.....

This is a general observation not merely of the Opposition leaders but of all the political commentators.

SHRI HARISH RAWAT: It is highly objectionable, Sir. (Interruptions).

MR. CHAIRMAN : I will see to it.

(Interruptions)

SHRI S. JAIPAL REDDY: I have not referred to a particular Governor.

MR. CHAIRMAN: Mr. Reddy, as you

know, names of the Governors will not go on record.

SHRI S. JAIPAL REDDY: Their names cannot go on record...

MR. CHAIRMAN: Please proceed. I will look into the records. If there is anything objectionable, I will expunge it.

SHRI S. JAIPAL REDDY: Sir, what about the need to ensure the independence of the office of the Governor? As I have been pleading in the case of High Court Judges, Supreme Court Judges and Election Commissioner, Comptroller and Auditor General, the Governors also should be prevented from nomination to any office except an electoral office. Otherwise, the Governor sitting in Raj Bhavan would be all the time on the prowl for one more sinecure job. I know of persons who are posted as Governors, re-posted as Chief Ministers, again posted back as Governors. This happened in my state. I can quote instances galore.

Sir, I am not pleading for the abolition of this office. I am expressing grave concern at the degradation of the office. If the office of the Governor is to be protected and the Governor is to play the role assigned to him in the Constitution, then certain guidelines in respect of the appointment of a Governor and certain guidelines in respect of termination of his office, certain guidelines in respect of transfer of Governors need to be laid down, and these guidelines must be given a statutory shape because guidelines laid down on paper would never be honoured by parties of this kind which are now ruling at Delhi. Therefore, Sir, I would appeal to the Government not to take a partisan view of this question. My whole attempt was to lift the level of debate above the parties. Therefore, I would request the Government to come forward with a proper legislative initiative in this area. Thank you.

MR. CHAIRMAN : Motion moved:

"That this House recommends to the

**Expunged as ordered by the chair.

Government to lay down clear guidelines for appointment and transfer of Governors."

Now, Shri Ram Pyare Panika may speak.

[Translation]

SHRI RAM PYARE PANIKA (Robertsganj): Mr. Chairman, I was thinking that hon. Member, Shri Reddy would make some constructive suggestions through this resolution, but I was totally disappointed when I attentively listened to his speech.

At the outset he made a reference to the members of the constituent assembly. While he made a reference to these persons, he forgot that it is they who framed the constitution of India and it is in the same constitution that the qualifications needed for a Governor have been written clearly. The qualifications are very simple i.e. he should have a completed 35 years of age and should not be holding the office of an M.L.A. or an M.P.

He wants that the person to be appointed as Governor should either be a Scientist and or an educationist. I would like to tell him for his information that social service which is the highest qualification has not been included as a qualification for the post. He may recall the events as I would not like to make a mention of. The Janata Government came to power for some days. The persons appointed Governors during their regime cannot just be imagined. What qualifications did they possess, what knowledge did they have? What intellect did they have? I do not want to mention the name of any particular individual. Now these people are talking about the Constitution. They may perhaps recall as to how they gave more powers to the Governors against their will as soon as they came to power and forced the then Vice-President of India who held the office of President for some time, to dismiss the democratically elected Congress Governments. Now when these people talk about democracy and the Constitution, I find

it difficult to understand their intentions behind it. They are casting aspirations against against Governors. Though they did not mention any particular name yet the attack was intended against the Governors of Karnataka, West Bengal and Andhra Pradesh. I know what pains them. If the post of Governor is abolished, what will be the administrative position of those States the Governments of which resign all of a sudden following a stricture by a High Court or by an enquiry Commission that it is corrupt.

[English]

SHRI S. JAIPAL REDDY: He belongs to Congress-I. But let the Minister say this (Interruptions)

MR. CHAIRMAN: Let the hon. Minister continue. Don't interrupt now. You can say this when you give a final reply.

[Translation]

SHRI RAM PYARE PANIKA: I would like to tell you that what well happen if the Governor does not present the factual position of a State before the public, before the Central Government, before the country. Producing the facts has been treated a fault with the Governors. What was the fault of the Governor of Kerala. It was her duty to see that public life remains normal during the bandh called by the party in power. When she exercised some checks on those elements who wanted to disrupt the public life by calling a bundh, the Chief Minister got annoyed. Why did the Chief Minister of Andhra Pradesh get annoyed? You know what nepotism bribery and casteism have become the order of the day in Andhra Pradesh. I am just reading out the duties of a Governor as laid down in the Constitution... (Interruptions) I am talking about the Governors.

[English]

SHRI S. JAIPAL REDDY: We are discussing the rule of Governor, guidelines about the Governor. We are not discussing the State administration.

SHRI V. SOBHANADREESWARA RAO: How can he discuss the functioning of the Government of Andhra Pradesh? He should confine to the subject... (*Interruptions*)

[*Translation*]

SHRI RAM PYARE PANIKA: Sir, if the post of Governor is not there, the Government formed after winning the elections in the name of a particular party, in the name of regionalism, language and parochial feelings and by instigating public feelings will become irrepressible and go unbridled. If the post of Governor is not there, these people will bring secessionist tendencies into the country. That is why I tell you that the post of Governor is very important under the present day circumstances. It has been stated herein that...

[*English*]

SHRI S. JAIPAL REDDY: He is pleading guilty. He says, the Governor is to perform the function.

MR. CHAIRMAN: Let the hon. Member continue his speech. You may contradict it, when you speak.

SHRI S. JAIPAL REDDY: I do not deny his fundamental right of ignorance!

[*Translation*]

SHRI RAM PYARE PANIKA: I have not disturbed him. The moment you asked me, I became quiet. It is provided in the Constitution that the Chief Minister or the Government of a particular State will give a penal of three names and it is in the Governor's discretion whether he agrees to it or not. When the ex-Governor, Shri Sharma selected the name at the third place in the panel, who is a famous educationist and a learned scholar they took objection because they wanted a man from the cadre. The discretion of the Governor is to work in public interest and this has been provided in the Constitution. He cannot be indiscreet. If

this had not been the motive, our Constitution farmers would never have made the provision for the Governors post. But there is only one thing behind it that the State Governments which are formed, talk about regions, castes or penals and Chief Ministers of such States are influenced by narrow interests and political considerations. If Chief Minister's counsel is not heeded how can they blame the Governor. I am not prepared to accept it... (*Interruptions*)

[*English*]

SHRI V. SOBHANADREESWARA RAO: I am on a point of order. He is criticising the Chief Minister of Andhra Pradesh. He has his right. I do not say anything about his right. He is alleging that he has encouraged narrow regionalism. The people of Andhra Pradesh have given unstinted support to Shri. N. T. Rama Rao in 1983 and again in 1985 elections. He has contested the election. He is going to serve the State.

SHRI S. JAIPAL REDDY: I am on a point of order.

MR. CHAIRMAN: When another Member is on a point of order, you are also on a point of order!

SHRI S. JAIPAL REDDY: The Member is discussing the performance and the character of State Governments and in the instant case, the State Government of Andhra Pradesh.

MR. CHAIRMAN: What is your point of order?

SHRI S. JAIPAL REDDY: This is not a motion under which such things can be discussed in Parliament. The performance of the State Governments cannot be discussed. This is a motion relating to the institution of Governor. Therefore, I request you to rule such remarks out of order.

MR. CHAIRMAN: That is right. I will go through it. I will look into it.

[*Translation*]

SHRI RAMPYARE PANIKA: Sir, I want to submit to you that the Governor is the head of the executive, and he is concerned with the executive and the council of Ministers. We cannot talk about the functions of the Governors separately. He has criticised the functions of both. He can say like that but I cannot.

[*English*]

MR. CHAIRMAN: Will you please confine yourself to the subject? It is better.

[*Translation*]

SHRI RAM PYARE PANIKA: I would confine myself. I want to say that the Central Government always functions within the framework of the Constitution. Since congress Government has come into power, rigging has not taken place in elections anywhere. The trouble with them is that the irregularities of a Governor have come to light in this House, and it is a coincidence that he belongs to their party and our Central Government has removed him. It is this which troubles him. Sir, I want to tell you till a man is with us, that is with the Congress Government, he is centre of all the evils but the moment he crosses to the other side, he becomes an apostle, no matter whether he is a Governor Chief Minister. Considering all this, our able friend has not talked about any other Governor. He has talked about only the Governors, who have been a source of trouble for them. He wanted that Governor should be turned into a rubber stamp so that they may do what they like. He has just said that if an incapable man is made the chancellor and given special powers, would he be able to use his discretion.. (*Interruptions*)

SHRI S. JAIPAL REDDY: The Assembly has given them these special powers. Who are you to give them... (*Interruptions*)

SHRI RAMPYARE PANIKA: All right, it is given. It does not matter whether we give it or the Assembly gives it. (*Interruptions*)

Ok, our friend has given. I want to tell you that they have brought forward this resolution because they are politically motivated and they are not bothered about the dignity of the Governor's office. Through this resolution they have made unsuccessful effort to criticise the Government, but I want to stress that when they criticise the Government, they should also be prepared to hear about the mis-deeds of the non-congress Governments in the States. I want to say that you should try to imagine the plight of the Governor in non-congress States and the way they have to function there. Nothing is being done to maintain the dignity of the Governors' office. His activities are closely scrutinized and efforts are made to insult him. Not only this, it is very shameful that adverse publicity against him is made through the newspapers. They have no right to do so. It has also been stated here that Governor's office functions more or less like a P.C.C. office in these States. I feel it is very shameful to say so about the Governor's institution. There is nothing like that anywhere but non-Congress Governments have criticised the Governors and attacked their personal lives which is against the dignity of the Governor's office. I had expected that they would keep their views about the Governor to themselves. They have mentioned Sarkaria Commission. They have not said anything new. I feel pained that they are criticising our Government through this resolution. The time has come when we should view these things seriously. The post of Governor has to be maintained because the situation will deteriorate if the Governor's post are not maintained. You may recall that it was in 1967 that the malaise of defection crept into the Indian body politic. If our Prime Minister Shrimati Indira Gandhi has not sent good Governors to the State at that time, the very roots of democracy would have been destroyed by defectors Governments. These Governors used their rights very intelligently and discharged their duties well. These Governments which were formed by the defectors came to an end. I feel happy that law and order was restored by these Governors whether they were in Uttar Pradesh or in any

[Sh. Ram Pyare Panika]

other State.

Our friend complains why an M.L.A. or an M.P. is made a Governor. This is done because they have political experience. An M.L.A., or an M.P. knows about the people and understands their problem. They understand the circumstances through which an M.P. or an M.L.A. has to pass. They are aware of the working of the Assembly and also the aspirations of the M.L.As. These are the criteria for Governors appointment. You must have observed been that only those who have excelled in their own fields and have a record of achievements are appointed to these posts. What is bad in it? Is it bad if a good military officer is appointed a Governor. There is nothing bad if an excellent social worker is appointed to this post. The opposition do its duty and instead criticises us for our achievements. I do not want to name them. They have been such Governors when they were in power and such Prime Ministers ...

[English]

MR. CHAIRMAN: Mr. Panika, please don't point out member ... (*Interruptions*). You please address the chair.

[Translation]

SHRI RAM PYARE PANIKA: I do not know whether he belongs to the Janata Dal, Janata Party, Lok Dal (A) or Lok Dal (B).

Sir, they appointed Governors by transplanting people who were holding some other posts. This is no yard stick for the appointment of a Governor.

Such a situation existed during the Janta regime, when many Governors were appointed in this manner. I don't want to name them. Prime Minister of the Congress party, be it Pandit Jawaharlal Nehru, Shrimati Indira Gandhi, Shri Lalbahadur Shastri or our young Prime Minister Shri Rajiv Gandhi, have appointed governors with the

a lot of deliberation. There can never be any doubt about the character, integrity, patriotism and nationalism of the Governors appointed by the Congress (I).

Hon. Kumudben Joshi is a lady Governor who has been Minister in the Central Government she has been a social worker and as you are aware, Sir, she is a spinster. She is a lady who has devoted her entire life in the service of the nation. She is accused of using the Governor's office to handle party affairs. Such an idea can only be the product of a parochial feelings. Their Government should take everything in the national perspective. They disregard her views. Does she do wrong if she disapproves questionable appointments when they commit irregularities in the selection process? Sir, all these issues are required to be thoroughly examine.

A very high-level Intelligence Officer was appointed as Governor in West Bengal. Prior to this appointment he had worked in a very sensitive Department of Intelligence. So what was the wrong in appointing him Governor? They are afraid that they may not be able to appoint their own party cadre on every post in arbitrary manner. They do not approve the list of IAS and IPS officers forwarded to them by the Centre. Now they feel that they will not be able to do so now. Funds provided to them under the 20 Point Programme are given to their 'Gram Panchayats'. The needy people do not get the benefits of the I.R.D.P. The Governor is duty-bound to check on these matters. Is it not the duty of the governor to pull-up the Chief Minister if the latter is working in a partisan manner against public interest? Is it not true, Sir, that with money power or being Party in power, M.L.As belonging to one State are taken to another State and kept in hiding to show their majority.? All these things are done in the name of democracy people involved in this are those who have never been members of any Party or leaders anywhere. They make money through acting in films and then from a party. The Telugu Desam Party was formed just nine months prior to elections and they won. Later when

they had come into minority, they took their M.L.As in buses to Karnataka. They behaved like this as if the Congress (I) wanted to induce them to defect and join their party. Where did the money come from to bring M.L.As to Delhi? How much money was spent on each M.L.A.? This is how democracy is functioning, rather democracy is being destroyed. The appointment of Governors as hon. Shri Rajiv Gandhi wants it ... (Interruptions)

[English]

MR. CHAIRMAN: Please address the Chair. Confine yourself to the subject.

[Translation]

SHRI RAM PYARE PANIKA: Whatever I am saying is part of the record. It is in the Andhra Pradesh Assembly records and the public knows it too. What were the various charges that were levelled? How was the Karnataka Chief Minister removed from office? If our Governor sends a report to the Government that the State Chief Minister is embroiled in a 'tapes' controversy, this matter was raised here (Interruptions)

[English]

SHRI S. JAIPAL REDDY: I want him to go on record. Sir. According to him, the Governor has sent the tape!

[Translation]

SHRI RAM PYARE PANIKA: In the democratic set-up we have the President and the Central Government at the Centre and the Governor and State Government in the States. (Interruptions)

The Head of the Government has to act as a link between the Central Government and the State Government. He has to report on the developments in the States to the President and the Central Government. It is unfortunate that such matters are raised. Governors perform their duties in accordance with the provisions of the

Constitution. They are bound to get annoyed with him who work against national or State interest. Qualities such as integrity and duty-consciousness should be essential criteria for the appointment of a Governor and the Congress (I) has always followed this principle. Whenever we saw rules being flouted in any manner we ordered immediate dismissal or transfer of the Governor. We are proved of our Government's prompt action in removing errant Governors. (Interruptions)

Nowhere in the Constitution has it been mentioned that Governors be appointed in consultation with Chief Ministers of respective States. If Governors are appointed in consultation with Chief Ministers States where Governments have been formed on the basis of caste, region or language, the future of the nation will become dark. So I would appeal to the hon. Minister of State for Home Affairs not to introduce any provisions in the Constitution which would envisage consultations with the Chief Minister of States for appointment of Governors. Otherwise we shall be unable to serve the people of living in States. No amendments should be made that would overrule the provisions set down by the founders of our Constitution. Harsh steps be taken, if necessary to control Governments who have a narrow-minded outlook. I oppose the Resolution moved by hon. Shri Reddy. With these words I conclude my speech.

[English]

SHRI V. SOBHANADREESWARA RAO (Vijayawada): Mr Chairman, Sir, I thank you very much for giving me the opportunity. I support the private members' resolution moved by my friend, Shri S. Jaipal Reddy that this House recommends to the Government to lay down clear guidelines for appointment and transfer of Governors. While moving the resolution he made amply clear the objectives with which he has brought forward this resolution for discussion in this House. I agree with all the points which he has put forward. I would like to add some more for consideration of this House.

[Sh. V. Sobhanadreeswara Rao]

Sir, this post of Governor of a State has a very important role to play. In fact, he is the Constitutional head of the State. He has to act as a friend of the State Government. He has to act as per the advice of the State Government. He has taken the oath to abide by the provisions of the Constitution and he may try his best with the Union Government to further the interests of the State to which he is acting as a Governor.

Unfortunately, we have some very sad experiences in the recent past especially in our state of Andhra when a popular government elected by the people and which was enjoying absolute majority the Governor took the step to dismiss that government and installed another Government. I was most unfortunate. It took a long time for the people to get this mistake corrected and the people paid a heavy price as several lives were lost during that agitation for restoration of democracy. Of course, the late Prime Minister

was magnanimous enough in accepting her mistake and she allowed Mr. N.T. Rama Rao's Government to come into being again. Similarly, in the State of Jammu and Kashmir in both the States as my friend said—the earlier Governor who was a great statesman he did not accede to the suggestion but his successor played a very dangerous game.

18.00 hrs.

In fact, the dissident MLAs, who came to the Raj Bhavan, were kept there. And the Government of Mr. Farooq Abdullah was dismissed. All these people were made Ministers.

MR. CHAIRMAN: The honourable Member will continue next time.

18.00 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, March 7, 1989/
Phalguna 16, 1910 (Saka)*