

[Shri Ajit Kumar Saha]

Normally the construction of such a project should have been completed within 2 years from the date of allotment of land by DDA. Despite this, no action has been taken in the matter. No audit has reportedly taken place into the accounts of this Society since June, 1984. Thus the innocent members who had invested their lifetime savings in expectation of flats are suffering for no fault of theirs.

I, therefore, urge upon the Government to look into the matter and instruct the Registrar of Societies/DDA to get the flats completed within a minimum period to avoid any further harassment to the retired/retiring employees and others.

(viii) Demand for a centre for U.P.S.C. examinations at Gangtok in Sikkim

SHRIMATI D.K. BHANDARI (Sikkim): The Union Public Service Commission has examination centres in most of the State Capitals. This is a boon to candidates residing in those States. So far, Sikkim is not covered by this facility. Our boys and girls have to go all the way to Calcutta or to other places far off from the State to sit in UPSC examinations. This entails great financial hardships apart from the difficulty in finding suitable accommodation during the examination period. This is a great disadvantage to them. This is also the main reason why our boys and girls cannot think of appearing in UPSC examinations. It is, therefore, requested that the Government would kindly look into it and recommend to the UPSC for its examination centre at Gangtok, the State Capital.

12.15 hrs.

GOVERNORS (EMOLUMENTS, ALLOWANCES AND PRIVILEGES) AMENDMENT BILL—Contd.

[English]

MR. DEPUTY SPEAKER: Now we take up further consideration of the following motion moved by Shri Buta Singh, on the

4th May, 1987, namely:—

"That the Bill to amend the Governors (Emoluments, Allowances and Privileges) Act, 1982, be taken into consideration."

Shri Virdhi Chander Jain. Please be brief, Sir.

[Translation]

SHRI VIRDHI CHANDER JAIN (Barmer): Yes Sir, I will be brief. Mr. Deputy Speaker, Sir, I was speaking on the Governors (Emoluments, Allowances and Privileges), Amendment Bill. I am of the view that the office of the Governor is essential in a democratic set up. I fully agree with the views of Shri Venkata Ratnam. The Governor should be an impartial, honest and highly learned person. It is the responsibility of the Central Government to keep these qualifications in mind while making appointment of Governor in the States because when a State is placed under President rule the Governor has to assume the responsibility of looking after the administration of the State. If he is not competent, he would not be able to run the administration of the State properly. So, it is necessary that the Governor should be impartial, honest and a highly learned person. Any politician who has been expelled from a political party or who has no place in the politics should not be appointed as a Governor. The Governor also performs the duties of a Chancellor of Universities of his State. Due to this, he has a great responsibility to look after the education in the State. Unless he is a highly learned person, he cannot discharge his functions as a Chancellor. In our State, learned persons like Sampooranandji were appointed as Governor which had a salutary effect on the State. The Governors who are not competent, interfere in the affairs of the University. This lowers the dignity of the office of the Governor. With this in view, if there is need to amend the Constitution for providing these qualifications, it should be done. Besides, there should be some guidelines to ensure that the office of the Governor is

not misused. Guidelines can also be provided for by amending the Constitution, or they can be incorporated in the rules because sometimes such responsibility comes on them that they are not able to discharge them properly. In such a situation, the position of Governors becomes very odd and they become the subject of criticism. Therefore, it is necessary that they should be men of integrity and such guidelines should be laid down as would give them little chance to misuse that institution.

There is a lot of pomp and show in the Governor's House. Ours is a poor country and we can not afford pomp and show in any way. The Governor's Houses should not be allowed to have greater pomp and show than the Chief Ministers' Houses. I have seen in most of the cases that huge expenditure is incurred on maintaining these houses which has made a mockery of our democratic State.

I welcome the decision of enhancement of salary of a Governor from Rs. 5500 to Rs. 11,000 because the salary of Governor must befitting his status. The salary of a judge has been raised to Rs. 11,000, so the salary of a Governor should also be raised likewise. I support the Bill presented in this respect.

In the Union Territory we have the office of Lt. Governor. He is an administrator there and has wide powers. Now a time has come that the Lt. Governors should not be given such a wide powers because they do not give due recognition to the advice of Ministers and Chief Ministers. The Lt. Governor should have powers similar to the powers of the Governor.

I wanted him to avail of this opportunity to say that we have raised the salary of Judges, Speakers and the Ministers but we have not raised the salaries of Members of Parliament. Their salaries should also be raised and more facilities should be given to them so that they are able to discharge their functions smoothly.

With these words I support the Bill.

[Translation]

SHRI C. JANGA REDDY (Hanamkonda): Mr. Deputy Speaker, Sir, the office of Governor is being given considerable importance. But we often come across the criticism that it is being misused in non-Congress run states.

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[English]

MR. DEPUTY SPEAKER: Mr. Janga Reddy, do not make this kind of statement. That will not go on record. I will expunge it. I cannot allow it. That is something substantial. I cannot allow this kind of statement.

SHRI C. JANGA REDDY: I am not telling any substantial thing.

MR. DEPUTY-SPEAKER: You are not making a general statement. You are saying about a particular person. I cannot allow this.

[Translation]

SHRI C. JANGA REDDY: What I mean to say is that.....**

[English]

MR. DEPUTY SPEAKER: I cannot allow it.

[Translation]

SHRI C. JANGA REDDY: I am not speaking, Sir, You do not listen at all. You do not know Hindi, I do not know English.

[English]

MR. DEPUTY SPEAKER: Don't say that somebody is saying that....(Interruptions)

** Expunged as ordered by the Chair.

[*Translation*]

SHRI C. JANGA REDDY: You do not understand Hindi, I do not understand English. I do not understand Tamil and you do not understand Telugu. Hence, the difficulty.

[*English*]

MR. DEPUTY SPEAKER: You speak in Telugu, I can understand.

[*Translation*]

SHRI C. JANGA REDDY: You may please just listen to the translation carefully. What I mean to say is that office of Governor... **

[*English*]

MR. DEPUTY SPEAKER: What is this? A new thing you are finding Governor is Governor. For that understanding, I can understand your Hindi. (*Interruptions*)

[*Translation*]

SHRI C. JANGA REDDY. **

[*English*]

MR. DEPUTY SPEAKER: No, No. I just cannot allow it.

[*Translation*]

SHRI C. JANGA REDDY: What am I saying?

[*English*]

MR. DEPUTY SPEAKER: You are making a personal criticism of a Governor. (*Interruptions*)

[*Translation*]

SHRI C. JANGA REDDY: I am not say-

ing. He has said. There should be some system for holding enquiry against the persons making such criticism... (*Interruptions*)

SHRI RAM PYARE PANIKA (Roberts-ganj): Mr. Deputy Speaker, Sir, I have a point of order (*Interruptions*). I am quoting the rules.

[*English*]

MR. DEPUTY SPEAKER: He is quoting the rules.

[*Translation*]

SHRI RAM PYARE PANIKA: Personal conduct of Governors cannot be discussed in this House.

[*English*]

MR. DEPUTY SPEAKER: Already I have told this.

SHRI RAM PYARE PANIKA: He should be asked not to speak.

MR. DEPUTY SPEAKER: I have told that there is no point in raising this

(*Interruptions*)

[*Translation*]

SHRI C. JANGA REDDY: What I mean to say is that reports appear in the press about Governors' conduct. There is the Government of Congress Party at the Centre and there are Governments of opposition parties in some States. Due to this, some controversies arise. So, I want that Governors should be appointed from a panel of names to be submitted by Chief Ministers. Do you propose to amend the constitution accordingly? Presently, Governors are appointed on behalf of the Central Government on decision of the Cabinet. I suggest that in the States having Governments of the Opposition parties,

** Expunged as ordered by the Chair.

the appointment of Governors be made out of the panel of names to be called for from concerned Chief Ministers. (*Interruptions*). You know what * * did there. It should not be repeated. (*Interruptions*). You have seen the consequences also. (*Interruptions*)** I am saying that you may please leave the name of **. The consequences of the deeds of the former Governor of Andhra Pradesh are before you and you know the debacle your party faced in election there. Therefore, I say that if you want to topple any Government, a decision to that effect should be taken, not in the Government buildings or at the residence of the Governor, but in the Assembly, and if possible, while electing the Chief Minister, the Governor should also be invited to the House a day earlier and then a decision about the Chief Minister be taken. Now-a-days the office of the President is being debated. Did any leader of the Congress come forward and say that Shri Rajiv Gandhi has lost majority? Zail saheb said that he is satisfied that they have the majority. If a party gains majority, the President says, well, you have got majority and you form the Government and accept the post of the Prime Minister. This will create problems. The same is the case with the office of Governor. This power should be done away with. Otherwise, it will create a major problem. Some changes should be made in the constitution. We are raising the salary of the Governor and the Governor has no work to do. He is only a show piece. His movement is made known by sounding siren. At that time, one can feel whether it is a democratic Government or a British Government. The siren is sounded upto the distance of one to two miles that Governor Saheb is coming, give way to him. The entire traffic comes to a halt. This indicates that Governor Saheb is coming or Chief Minister is coming. I want to say that the Governor should be treated like an ordinarily man. The Rai Bhawans have been constructed on the land covering 5 acres. Guest House have been constructed. Some changes must be made in the prevailing system. The office of Governor has

been borrowed from abroad. Therefore, it does not need to be attached with so much luxury or so much space.

The Governor addresses the Legislative Assembly once or twice and a vote of thank is adopted. Where did this vote of thanks come from? I say there is no need of vote of thanks. He has to address the Assembly for only an hour on behalf of the Government and his speech is prepared by the cabinet. He reads out the policy of the Chief Minister like a stereo. He says "My Government" Whereas neither the Government belongs to him nor the opinion is his. He only reads out the decision of the Chief Minister or programmes chalked out by the cabinet. If the speech goes against the Government policy, then he says that the Government put words in his mouth. Do you have any guidelines in this regard? If he does not have any power, then what is the need of the Governor? He has to function at the instance of the Government and to report the policies of the Government to the Legislative Assembly. If you do not translate your legislation into action, then you must make some changes in it. You must think of some separate set of rules in this regard in respect of the States which have the Governments of opposition parties. If it is not possible to bring about changes in the constitutions, it will be in the interest of the democracy to hold informal talks with the Chief Ministers in the matter of appointment of Governors. The analogy is that you cannot make direct intervention in the programmes of the State Government. You cannot change the programmes without the consent of the Chief Minister. I shall conclude after citing an example.

[English]

MR. DEPUTY SPEAKER: I call Mr. Sharad Dighe. The time is over. Nothing will go on record... (*Interruptions*)** Not allowed. The time is over. It won't go on record. Already you have taken five-six minutes. I cannot allow you. You can give

** Not recorded.

[Mr. Deputy Speaker]

the example in writing to the Minister and he will study it..... *(Interruptions)*** I won't allow. Nothing will go on record..... *(Interruptions)***

SHRI SHARAD DIGHE (Bombay North Central): Mr. Deputy Speaker, Sir, I rise to support this *Governors (Emoluments, Allowances and Privileges) Amendment Bill* moved by the Home Minister, Shri Buta Singh ji.

Really speaking it is a simple Bill which seeks to raise the salary of Governors from Rs. 5500 p.m. to Rs. 11000 p.m. The salary of Rs. 5500 was being paid since Independence which is now sought to be raised after several years to Rs. 11000. Therefore, from this point of view I should say that this amendment was overdue and, therefore, this has not at all been anyway brought a day earlier.

Now the discussion has started on this simple Bill. This Bill which should have been passed within few minutes the discussion has gone on all the possible subjects of this Bill. The opening speaker, Mr. Venkata Ratnam raised the fundamental issue whether there is any necessity of this institution at all and whether it is serving any purpose. He went to the extent of saying that this institution is useless and not necessary at all.

Now some of the hon. Members have tried to bring the question of President's powers under the guise of this and some Members also took the opportunity to ventilating grievances about the salaries of MPs also. I submit that this Bill has a very narrow scope but as the opening speaker from the Opposition has raised a fundamental issue whether this institution is necessary and whether it should be continued or not I would like to express my views on that subject also.

Before Independence this institution of

Governor was merely a constitutional dictator and he was an autocrat presiding over the provincial despotism but after Independence his role is completely different and it is very difficult to agree that the institution is not necessary at all. In the federal set-up of this Constitution when we have got States and Centre some constitutional head is necessary. I do not imagine a situation where there is no constitutional head at all when the Ministry itself is responsible to the elected Assembly or to the elected Parliament. Therefore, there may be several situations where decisions have to be taken regarding the summoning of the Assembly, giving oath to the Chief Minister and several other constitutional duties have to be performed. Apart from that I would say that the Constitution of India has made it abundantly clear by giving certain special responsibilities to the Governors. For example in hilly areas it is the special responsibility of the Governor to look to this. There are many provisions now made under Article 371 and several other Sections following thereafter to be taken care of. For example, the share of royalty between the State Governments and District Councils has to be decided by him. Apart from that the Governor is called upon to decide the leader of which party has to be sworn in as Chief Minister of that State and there are several other provisions in the Constitution which require the institution of Governor.

Now I may also say at this stage that our Constitution mainly visualises a strong Centre. We may also appreciate that when the Constitution was framed, the country was passing through very difficult days. There was partition of the country and several things were being done. Therefore, the leaders of this country decided that there should be a strong Centre. From this point of view, the Constitution was framed.

So, there is nothing wrong even if in the Constitution it has been provided that Cen-

** Not recorded

tre should have some say or some sort of a supervision over the work that is being done in the States themselves. Therefore, some of the duties are given to the Governor. For example, he has got a duty to see that the States' administration is run according to the constitutional provisions. If it is not run, he can make a report to the President and acting upon that report, President's rule can be imposed. It is not always that he serves the purpose of only the ruling party. Many a time, it is in the interest of the country that if the constitutional provisions are not properly followed and a constitutional Government is not functioning in the States, then Centre has to intervene through the President and from the report of the Governor himself.

Therefore, from this point of view, in order to maintain the unity and the strong Centre of this country, it is necessary to have all these powers. For example, now as far as the ordinances are promulgated, the Governor has to promulgate the ordinance. But under certain circumstances it has also been provided that he can withhold that assent and he may also consider the promulgation of the ordinance.

Then as far as the Bills are concerned, sometimes it is found that even Bills are passed beyond the powers of the Assembly and in that circumstance also the Governor should act and has to act and is expected to act and withhold his assent as far as that Bill is concerned. Now there are instances where some States have passed even Bills which were against the interests of the country itself and the Governor had to stop that. If the institution of Governor was not there, the whole interest of the country would have suffered. Therefore, from this point of view, I would say that it is absolutely necessary to have this institution.

There are instances where the State Governments had connived with the local agitationists and the law and order situation had completely deteriorated. People were very much afraid. The Governor had intervened and told the Chief Minister to

call the Ministry and said: You must act and stop all this. So, it is not that Governors have never functioned, it is merely a decorative post or it is merely used by the ruling party for their interests. That is not so. If we go into all these provisions, social responsibilities of the Governor and several powers of the Governor, then it will be found that it is absolutely necessary as far as this institution is concerned.

The role of the Governor was also ably described by Alladi Krishnaswami Ayyar. He said:

"Such a person is likely to act as a friend and mediator of the Cabinet and help in the smooth working of the Government in the early stages. The central fact to be remembered is that the Governor is to be a constitutional head, a sagacious counsellor and advisor to the Ministry, one who can throw oil over troubled waters."

He has got this responsibility also and many times Governors have performed that responsibility ably, otherwise the interest of this country also would have come to trouble. Some guidelines have also been mentioned by the experts of Constitution how he has to use the powers which are discretionary. When he does not act according to the advice of the Ministry, there are so many things that have been laid down. It is suggested that the Governor should exercise the functions of reserving a Bill for Presidential consideration if the Bill is patently unconstitutional and then if it is palpably against the larger interests of the country from the points of view of its unity and integrity and the necessity of maintaining the federal principle, and clashes head on with the general policy of the Union, or if it is in direct opposition to the directive principles of State policy or if the Bill passed by the State is of grave national importance.

These things are not merely theoretical. For all these years we have seen, and

[Shri Sharad Dighe]

instances have taken place, where Governor had to act.

It is true that for performing these functions, it is necessary to appoint persons who are able enough to perform all these duties and these functions. Therefore, I take this opportunity of urging upon the Government that while appointing Governors, they must consider certain aspects. These are really political appointments. You cannot merely find out retired bureaucrats or retired army officers and ex-servicemen and appoint them. It is not merely a function or a duty of the bureaucrats. It is a political function. The Governor has to see, assess the politics of the State when he makes his report, he has to understand the politics of that State. It is not merely administrative. Therefore, I will urge upon the Government to review their policy and not merely appoint discarded politicians or retired Government servants, or ex-servicemen but just as you appoint good politicians as Ministers, you must also appoint good politicians, good persons as Governors. It is not wrong if you appoint your own persons, because when the other party was in power, they also appointed their own men as Governors. There is nothing wrong, the party in power must appoint their own people of confidence, who can keep the relationship between the Centre and the State properly and who can function properly and who can see that the whole federal relationship is going on proper lines.

If we have got some examples of bad Governors who have acted badly, this does not mean that the institution is bad. You might have appointed bad persons who did not understand their duty and they did not perform their duties properly. The institution is good; it is necessary under the Constitution, it is necessary in the interest of our country, but the only thing that the executive should do is that they should appoint able persons, able politicians, persons of their own choice, of their own confidence, persons who would be able to

uphold these things and perform these functions in the interest of the country. These are my submissions.

SHRI DINESH GOSWAMI (Guwahati) : Sir, the scope of the Bill is very limited. So far as the scope of the Bill is concerned, it is with regard to raising the salary of the Governor from Rs. 5500 to Rs. 11000 per month and I will not grudge for this amount being given to the Governors. But I feel that a time has come, when instead of an adhoc increase of the salaries of President, Vice President, Ministers, Speaker, Deputy Speaker, Members of Parliament and others, there should be some principle to guide the increase or decrease of salaries. May be that it should be linked up with price index. Instead of every time the Home Minister coming with a Bill to raise the salaries of Members of Parliament, which creates a wrong impact, or the salaries of the Governor, there should be some principle that the salaries are increased with a particular increase in the price index and so on and so forth.

But coming to the broader issue, on which a number of members expressed their views, one extreme view has been that the post of the Governor should be abolished. Well, I do not think, at this juncture I will like to enter into a debate on that because that is a very broad question. But the hon. member who preceded me said that the Governor should be a friend and a mediator; and secondly he said that the duty of the Governor is to see that the State's administration is run according to the Constitution. A federal set up if it is to succeed, is dependent upon the trust and confidence between the Centre and the State. If the Centre feels that the Centre alone is the repository of constitutional virtue and that there should be an agent of the Centre at the State and that the States are always to be doubted that the State may not be run—though it is elected by the people themselves—according to the Constitution, then I believe that the very existence of our federal set up is jeopardised.

After all, if the State Government can run amuck, if the States can violate the constitution, by the same logic what guarantee is there that the Central Government will govern according to Constitution? Is it not a fact that there have been aberrations of constitutional provisions in this country and the people have voted parties out of power, because of the aberrations?

Now, if a State or the Centre is governed not in accordance with the Constitution, no individual, no President or no Governor can protect this country. The protection will be from the people themselves. And therefore to feel that if a State is not run according to the Constitution by an elected Government, the final arbiter is the President or the Governor is not correct according to my view. The arbiter should be the people only. Because if we give this power to the Governor, then on the same analogy this power can be arrogated by the President of the country, and one can argue that the Central Government is not run in accordance with the Constitution, the President can dismiss the Prime Minister on the ground that the Government at the Centre is not run according to the Constitution. My definite view is that the President has no power under the Constitution to dismiss an elected Government at the Centre.

After all, there are two safety valves. The first safety valve is this House. So long as the Prime Minister or the Council of Ministers with the Prime Minister at the helm will have the confidence of the House, he will continue to be the Prime Minister. Supposing that the Parliament does not exercise its power in accordance with the Constitution, the other safety valve is the people themselves. People will throw out that Government which they feel is violating the provisions of the Constitution. And I believe that the same principle should apply in the case of States also. These two safety valves, i.e. the safety valve of legislature and the safety valve of people, should only act as guarantee against constitu-

tional aberration. I say this because, after all, as we know, the Governor's power has been misused in the past. If a Governor is to act as a friend and a mediator, he could act provided he has good relationship with the Council of Ministers and with the Legislature. You are not supposed to put somebody to act as an intelligence officer there, so far as the functioning of the State is concerned.

So far as the appointment of the Governor is concerned, a number of suggestions have been made. The Governor is to act basically—except where there are such functions laid down in the Constitution according to which he can exercise his discretion—with the aid and on the advice of the Council of Ministers. How can you expect the Governor to act to the aid and advice of the Council of Ministers if he does not possess some sort of equation with the State Government. Therefore, the minimum that I will urge upon the Home Minister is that in the matters of appointment of a Governor, not only the consultation but the concurrence of the State is imperative because if you put a Governor on the head of a Chief Minister or the Council of Ministers without their concurrence, then friction is bound to occur. And in a democracy, where the Governor's role is a very limited one, if it starts with friction and with a sense of misunderstanding, then the system cannot function properly. We have seen for example what had happened in Andhra Pradesh. I do not want to say anything about it. We have also seen what has happened in Jammu and Kashmir. I have not brought the book entitled 'My Dismissal' by Shri Farooq Abdullah. He had made strong allegations against the Governor. Subsequent facts have shown both in Andhra Pradesh and in Jammu and Kashmir that the decisions of the Governors to dismiss the Governments were entirely wrong.

The people have voted against them and the other fundamental question that I want to raise is that the Governor's is an office which is not accountable under the Consti-

[Shri Dinesh Goswami]

tution. If the President acts against the Constitution, we can impeach him under Article 61 of the Constitution. If the Prime Minister does not behave properly, we can bring a No Confidence Motion against him. But against the Governor, there is no provision for impeachment. There is no provision for No Confidence Motion. There is no provision of accountability against the Governor. There is no provision whatsoever in the Constitution that the Governor can be made accountable either in the State Legislature or in the Parliament. This position, is totally un-acceptable that all other personalities in this country and all other public heads of this country are accountable but not the Governor. Even if the Chief Justice or the Judges of the Supreme Court act wrongly, there may be proceedings against them. But so far as the Governor is concerned, there are no proceedings. If his function or performance is totally against the Constitution nobody but the Prime Minister can take some decision against him with the result that the Governor will only keep the Prime Minister happy.

We have seen, for example **

We cannot discuss it. I would therefore suggest and submit that if the Chief Justice of the Supreme Court can be a subject-matter of discussion in an exceptional case, if the judges of the Supreme Court can be a subject-matter of the discussion in an exceptional case, if the President and the Vice-President can be a subject-matter of discussion in an exceptional case in a Parliament and if the Prime Minister and the Chief Ministers are accountable in the Parliament and in the Legislatures, why is not the Governor made accountable?

Therefore, I would urge upon the....

(Interruptions)

MR. DEPUTY SPEAKER: Mr. Goswami,

regarding the allegation that some Governor's House was used for.....

(Interruptions)

SHRI DINESH GOSWAMI: I would say some Governor's.

MR. DEPUTY SPEAKER: No. That cannot go on record. I have already given a ruling in Mr. Janga Reddy's speech and I cannot give a different ruling here.

SHRI DINESH GOSWAMI: It is about the abuse of power...

MR. DEPUTY SPEAKER: But generally you can say that.

SHRI DINESH GOSWAMI: I will say that the abuse of the power of the Governor can be discussed. An individual Governor may not be discussed. I will submit that the Governor's powers have been abused in this country in favour of the ruling Party at the centre.

MR. DEPUTY SPEAKER: That he has already told.

SHRI BRAJAMOHAN MOHANTY (Puri): Sir, I have a point of order.

MR. DEPUTY SPEAKER: What is your point of order?

SHRI BRAJAMOHAN MOHANTY: According to Rules 41 and 352, the restriction is about the Governor and the President, who are continuing in office. So far as ex-Governors and ex-Presidents are concerned, that can be freely discussed. That is my point. You may over-rule it or you may uphold it.

MR. DEPUTY SPEAKER: No. He cannot discuss a particular person. Simply that cannot be taken up. On a Substantive Motion, we can discuss it. But generally...

(Interruptions)

** Expunged as ordered by the Chair.

SHRI DINESH GOSWAMI: I am saying generally. I am not particularly referring to any State. I do not want to enter into any controversy on this that a particular Governor in this country has abused his powers and has acted as a hand-maiden of the centre. There are cases. I will not refer to any a particular case. Mr Kaushal has been the Governor in Bihar. Well, I don't think, we can have any reason to complain against him. Therefore, it will depend upon the individuals. I am entirely in agreement with some of the Members—from both sides of this House—that there should be specific guidelines for the purpose and in matters of the appointment of the Governor. It is not that the rejected people should be dumped. It is not that the persons who have been rejected by the people should be dumped in this State that the Governor should be a pliable person and the Government should act as an intelligence officer of the Centre, particularly, in the Opposition run States to help Central Government to over-throw elected Government.

Therefore, I submit that a time has come to examine the whole issue in the context of the present controversy which has arisen in this country, even regarding the power of the President and Governors. This is number one. Secondly, what is their relationship vis-a-vis the elected Governments—both at the Centre and in the States? And the Home Minister should bear in mind that if we make a particular principle applicable, that is a Governor has the power to over-throw a popularly elected Government or that the popular Government can run the State, not in accordance with the Constitution but violative of the Constitution, then the same analogy or the same argument may be applicable to the Centre also. A reference has been made regarding Bills. A Bill may be passed by the Parliament, which may infringe the rights of the States.

What is the remedy? The remedy is in the court of law. The Supreme Court or the

High Court will interpret, and will interfere if Parliament so acts, or exercises a power which it does not possess. Therefore, if a State exercises a power which is violative of the Constitution, which either List II or List III does not confer upon the States, then the Governor should not arbitrate. The court will ultimately decide whether that power is available to the State or not. But the fact remains that a number of Bills which are for the good of the people, a number of legislations which are for the benefit of the people, have been withheld; assent has not been given by the President for years together. So, even on the question of giving assent or not giving it by the President, some guidelines, some discussions are necessary today.

13.00 hrs.

I am only concerned that this Bill does not give me scope to discuss in depth, in detail the functions and powers of the Governor, the mode of appointment of the Governor, the functions and powers of the President to give assent or not to give assent, the functions and the power of the Governor to refer to the President the Bills which should come up to him for assent. Therefore, I feel that at least a thorough discussion on these institutions is necessary today, particularly in the context of the controversy which has come to light. Even the Prime Minister is on record as saying that there are institutions which are trying to subvert the Constitution. One cannot ignore such a statement coming from the Prime Minister. It becomes important.

MR DEPUTY SPEAKER: The time is over.

SHRI DINESH GOSWAMI: When the Prime Minister feels threatened, and also feels that an office may be misused, I believe the whole thing should be discussed; and I have said it because it is the feeling of all the sections of this House that the entire powers and functions of Governors should be discussed. I hope some opportunities will be available to us, when we will be able to discuss it in depth and in detail.

MR. DEPUTY SPEAKER: We adjourn now for lunch, and will reassemble at 2 p.m.

13.02 hrs.

The Lok Sabha adjourned for lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at five minutes past Fourteen of the Clock

[MR. DEPUTY SPEAKER *in the Chair*]

GOVERNORS (EMOLUMENTS, ALLOWANCES AND PRIVILEGES) AMENDMENT BILL—*contd.*

SHRI P. NAMGYAL (Ladakh): I rise to support the *Governors (Emoluments, Allowances and Privileges) Amendment Bill, 1987* in which it has been sought to increase the emoluments payable to the *Governors* from Rs. 5,500 to Rs. 11,000 per mensem.

Sir, the *Governors'* salary has not been revised since 1950, although the salaries of the *Ministers of the Central Government* and the *Presiding Officers of the two Houses of Parliament* were enhanced in 1985. Since 1950 the prices of essential commodities and other items of cost of living have increased manifold. In view of this, the present increase in the emoluments of the *Governors* is very much justified. So, I wholeheartedly support this Bill.

Sir, the irony of fate is that the *Members of Parliament* who have to pass the *Budget of the Central Government* and support the increases in emoluments of almost all cases like the salaries of the *Ministers, the Presiding Officers, Governors* and all other *Government employees*, are never taken care of. No one ever realises the financial problems and the difficulties being faced by *Members of Parliament*.

The *Members of Parliament* who are

arguing for the sake of other persons and defending others, enjoy, hardly any facilities. But who is going to defend our case?

AN HON. MEMBER: There is no scope.

MR. DEPUTY-SPEAKER There are two *Ministers* sitting here.

SHRI P. NAMGYAL: On paper the *Members of Parliament* enjoy many facilities like facilities for railway travel, telephone, air journey, concessional rates of house rent, electricity and water supply, etc. And, perhaps in most cases these facilities are being availed of by many *hon Members*. But in some cases like those coming from some areas where there is no railway line, or where there are no air services, or no telephone facilities, these facilities are of no use to such *Members*. Therefore, the *Government* should consider, in the near future, increasing the emoluments and other facilities of *Members of Parliament*, so that they are in a position to fulfil their public commitments and obligations effectively and efficiently. There is a need for drastic changes in the rules pertaining to the *Salaries and Allowances of members of Parliament*. As I had mentioned earlier, *Government* should consider making changes in the rules and about providing facilities where there are no rail or telephone or other transport facilities and the *Government* should consider such cases on merits for providing at least some other facilities in lieu of rail, air, telephone and other facilities which are not available to such *Members*. Sir, the *Hon'ble Home Minister* should convey our feelings to the *Minister of Parliamentary Affairs* so that necessary amendment is brought in the near future. With these few words, I support the Bill moved by the *Hon'ble Home Minister*. Thank you very much.

SHRI BRAJAMOHAN MOHANTY (Puri): Sir, while we are debating about the emoluments of the *Governor*, by the by the question arises what is the authority and what is the function of the *Governor* in relation to the *Council of Ministers*. Sir,

would say the matter is settled. In the year 1974, the Supreme Court had decided it. It is not a matter to be debated. You know, under Article 141 the decision in regard to the law interpreted by the Supreme Court is the law of the land. Unless this is superseded, no other interpretation is permissible. And I doubt whether the amendment of the Constitution, in this regard is permissible or not. Because of the limitations imposed by Keshavananda Bharati case, the basic structure of the Constitution cannot be changed.

Now, I am quoting the judgement in the case of Samsher Singh Vs. State of Punjab, which will eloquently decide the law about the relationship of the Council of Ministers and the President as well as the Council of Ministers and the Governor.

In Para 153- Page 2230

"We declare the law of this branch of our Constitution to be that the President and the Governor, custodians of all executive and other powers under various Articles, shall, by virtue of these provisions, exercise their formal constitutional powers only upon and in accordance with the advice of their Ministers save in a few well-known exceptional situations..."

What are the exceptional situations? In Article 100, when the Election Commission advises, the President will act on the advice of the Election Commission. So, these are different. So far as the President and the Governor are concerned, they have no personal business in any other sphere. Here, I will quote the observations made by Sri Krishna Iyer, one of the distinguished jurists of the country:

"Without being dogmatic or exhaustive, these situations relate to (a) the choice of Prime Minister (Chief Minister), restricted though this choice is by the paramount consideration that

he should command a majority in the House..

He may be the Prime Minister or the Chief Minister, but the paramount consideration is that he should command a majority in the House. And:

"(b) the dismissal of a Government which has lost its majority in the House but refuses to quit office.."

This is the circumstance when the Governor or the President can dismiss the Council of Ministers, i.e. when they lost the majority in the House and are unwilling to quit office. And:

"(c) the dissolution of the House where an appeal to the country is necessitous, although in this area the Head of State should avoid getting involved in politics and must be advised by his Prime Minister (Chief Minister) who will eventually take the responsibility for the step..."

In regard to the dissolution of the House also, he must be advised by the Council of Ministers or the Prime Minister. Sir, this has been decided and this is the trend of the decision since 1955. Article 74 was not amended at that time. It was amended only in the year 1977. This was subsequently strengthened by the amendment of the Article 74 where the word "shall" was incorporated.

In 1977 'shall' was included in article 74. When Janata Party was in office, it also accepted this position. It changed some of the provisions of the Constitution through 44th Amendment of the Constitution but not this one. So this is the national consensus. So the President or the Governor is bound by the advice of the Council of Ministers.

So far as controversy between the Governor or the President and the Chief Minister or the prime Minister is concerned, it is

[Shri Brajamohan Mohanty]

not new. As a matter of fact, in 1979 one President had gone for a national broadcast. A copy of the speech was sent to the Prime Minister for information. After seeing that, the Prime Minister reacted. I am quoting how the Prime Minister of that time reacted. That was on 21.1.79.

"I think, it has been the convention for the President to send to the Prime Minister the draft of speech before it is finalised. I am wondering whether you now wish to change the convention which was followed by your predecessors, even by you last year since it is also in accord with the constitutional position."

This quotation is from Morarji Papers, page 25.

It is not that there have been no differences between the President and the Prime Minister. Some Presidents wanted to have the freedom to choose their own entourage to go to foreign countries but not necessarily guided by the Prime Minister. You know also that some Presidents have gone and commented against the Government of the day. That is also not according to the British convention. My submission is that so far as these aberrations in the constitution are concerned, they should be erased. In UK unless it is permitted by the Leader of the House even the opposition leaders cannot meet the Crown. There was an episode during those days when Gladstone was the Prime Minister and Disraeli was the leader of the opposition. From that time a convention developed that the leader of the opposition cannot meet the Crown unless it is okayed by the Leader of the House.

Since 1950 an argument is going on that since the President is elected, he has some more powers than the British King or Queen which is an hereditary office. But my submission is that it is very much

reflected in the Constitution and the President happens to be only a constitutional head having no more powers than the British King or Queen. So, he does not acquire any extra power from articles 74 and 78. Under article 74 the President is bound by the advice of the Council of Ministers. Under article 78 the Prime Minister has the duty to supply information which the President will require. But my submission is that Article 78 is subject to Article 74 because the oath of secrecy is taken by other Ministers and not by the President. The President does not take the oath of secrecy. He is not bound not to disclose any secret information or any classified information which is being transmitted to him. (Interruptions)

MR. DEPUTY SPEAKER: Don't drag on the subject. Don't go on to the President. You restrict it to Governors subject.

SHRI BRAJAMOHAN MOHANTY: That related to the President and the Governor. That decision I have quoted.

Now, I will come to another thing. you know that in 1950-51 there was a controversy and then the Prime Minister also referred the matter to the Attorney General and he had given his opinion and that opinion made the position very clear and the matter was subsequently settled judicially. That issue is not open now. Nobody can open it. Unless you amend the Constitution or unless you pass the law, that Supreme Court decision is not void. So, naturally that cannot be opened.

Another thing that I will like to point out is that in the year 1977, when nine State Assemblies were dissolved, the then President did not give his assent immediately and delayed it for one day. Then there was a demonstration in front of Rashtrapati Bhavan and the slogan was 'Naatak bandh Karo' (stop this drama). Ultimately, the President came round and he sent it for reconsideration and then ultimately gave his assent. So, this is the position and this is the tradition. In that back ground my

submission is that the matter cannot be opened and should not be opened.

So, that is the spirit of the Constitution and you know that the spirit of the Constitution is reflected in the convention.

SHRI NARAYAN CHOUBEY (Midnapore): Mr. Deputy-Speaker, Sir, I am neither a jurist nor a lawyer; I speak from my commonsense.

MR. DEPUTY SPEAKER: That is more important, Sir, That will be more effective

SHRI NARAYAN CHOUBEY: To my mind, the post of Governor is mostly a decorative post and less substantive. If it is substantive, it is mainly substantive for the Central Government to deal with the State Governments. For the State Government ruled by whatever party, it is, in the main, decorative. He goes to some functions, gives a good speech, advises the young men, advises everybody, but when a crisis comes, from the very beginning he behaves really in a manner which is not liked by the people of the State but is liked by the Central Government. As Shri Sharad Dighe has said, he puts oil over troubled waters. I have seen many times that he puts petrol when the flames are burning.

Sir, you are from Madras. From the very beginning you are from Madras. In 1952 elections, Madras comprised of Tamil Nadu, Andhra and a portion of Kerala. The Communist Party was a very strong party in that state and was at the point of coming to power. The Central Government at that time sent a famous man, a great man, a glorious man, Shri Rajagopalachari, to act as the Governor of that state so that the Communists could not come to power. That is on record. The first Communist government elected was in Kerala and they got the majority only by two members... (Interruptions).

SHRI BIPIN PAL DAS (Tezpur): What was wrong in Rajagopalachari becoming the Governor?

SHRI NARAYAN CHOUBEY: *Nothing. I simply say that he was sent to see that Communists never come to power. Even then the Communist Party came into power in 1957*

SHRI BIPIN PAL DAS: What was wrong in that? Why do you impute motives?

SHRI NARAYAN CHOUBEY: Because there was a motive, I put it. It was at that time Rajaji stated "Communism is my enemy No 1" He said that

SHRI BIPIN PAL DAS: Yes, he said so. What is wrong in that?

SHRI NARAYAN CHOUBEY: Now, the Government never says that Communism is its enemy No 1. Do they dare speak so? Sir, in 1957, the first Communist Ministry was sworn in Kerala and how this Government was brought down is known to everybody. Actually we did not lose our majority on the floor of the Assembly. Even then it was brought down through the agency of the Governor. In 1967 as well as in 1969, the same thing was done in West Bengal. From 1971 to 1977, during that period, what was the role of the Governors in West Bengal? As Mr. Sharad Dighe has said, the Governor's duty is to put oil over the troubled water. About hundred boys were being killed in the streets of Calcutta and in other parts of West Bengal. The Governor was a silent spectator. Since the Chief Minister at that time belonged to the same party, that is, the ruling party at the Centre, his advice was meticulously followed by the Governor. Sir, you know what has happened in Andhra Pradesh and you know what has happened in Jammu & Kashmir. So, naturally the examples that I have stated are the realities, not what is being stated by the lawyers and the jurists. What is the use of keeping these decorative posts?

"Kintvaya Kriyate Dhivanna, ya Na Soota Na Dughdwa."

PROF. MADHU DANDAVATE (Rajapur): Why don't you translate it?

SHRI NARAYAN CHOUBEY: I think he knows it definitely. Now, Sir, you are increasing their pay from Rs. 5500 to Rs. 11000. I have nothing to say anything on this. You do that. But really the post should not be there. Even if you are compelled to keep the post, you may do so but you may come to a consensus by consulting the Chief Minister of the State concerned. Nobody should be appointed as Governor against the will of the State Chief Minister. There should be a panel of names. The Centre and the State should select the names and keep the names in the panel. Out of that panel, Governor should be selected. Nothing should be done against the will of the State, as has been done recently in Andhra Pradesh. Sir, in Andhra Pradesh the Telugu Desam party was in majority on the floor of the Assembly. They even came to Delhi all the way from Hyderabad to prove their majority. Their trains were delayed planfully and they were harassed. But even then the Governor was not satisfied. These are the examples of the reality of life. What is being stated by our lawyers and the jurists and the legal luminaries in this matter does not conform to the reality of today. Hence I demand and I request the Government to think why not abolish the post of Governor once for all. If you can't do that, why does a system not be evolved so that the Governors are appointed in consultation with the State Governments.

[*Translation*]

SHRI RAJ KUMAR RAI (Ghosi): Mr. Deputy Speaker, Sir, I am very grateful to you for giving me an opportunity to speak on the *Governors (Emoluments, Allowances and Privileges) Amendment Bill*.

Sir, everybody in this country and every hon. Member of this House support the view that if you want to get work from a person, if you want to keep him away from worldly allotments, if you want to make him capable and competent, he must get that much of emoluments and facilities as would enable him to discharge his duties honestly. The salary of the Governor is

being raised from Rs. 5,500 to Rs. 11,000. There is nothing special in it. The entire House should unanimously adopt the measure. The incidence of dearness allowance of all categories has been increased. This measure was over due. Salaries of Judges of the Supreme Court and High Courts have been increased. Salaries of other civil servants have also been increased. There is not a single category whose salary has not been increased. The way prices have risen, it is but justified that the salaries also increase. Some of our colleagues have by implication brought in the debate on the controversy over the Prime Minister-President relations. Sir, you have already given your ruling that this issue cannot be discussed here. One of our colleagues has pleaded for abolition of the institution of Governor. Sir, the framers of our constitution framed it with great imagination. They had visualised that democratic India will have State Governments and State Assemblies and in order to supervise their work and to report to the Central Government on their working, there shall be some institution. So, in the present state of affairs, the institution of Governor is imperative. Nobody can deny this. And a debate as to what mistakes were committed by a Governor has no meaning. If any Governor committed mistake, he was punished and history is witness, public opinion went against him, the Government went against him and the high-ups did not spare him. But this does not mean that this office should be abolished. The entire House will unanimously agree that the people are supreme in a democracy and they are the measurement of any view point, any sentiment and the people's representative represents public sentiments. Therefore, I would, through you like to exhort all newspapers and people not to indulge in wild rumours that the President is about to dismiss the Prime Minister. These types of rumours are harmful. There is no legal or constitutional provision in this respect. It is only to waste the time of the newspapers and killing the time of newspaper readers without any reason. It has no propriety. I would like to submit one more thing. As I have said earlier, there

should be some facilities for carrying out the work properly. I take up the case of Members of Parliament. I do not say that their emoluments be increased. But so far as facilities are concerned, these should be increased. There should be no ceiling of telephone facilities and facilities of water and electricity. Can we not provide them electricity, fans or the facility of making calls over telephone to establish links with our own people? The facilities available to the Members of Parliament must be enhanced. Similarly, the facilities available to our colleagues in the State Assemblies and Councils are also negligible. They cannot undertake a journey comfortably because they do not have any facility of vehicle. The hon. Minister of Home Affairs is a man of the masses, he hails from the grass-root. We have in this country 5-tier Government system—Parliament, State Assemblies, Zilla Parishads, Blocks and Gram Panchayats—to strengthen our democratic set up. I would like to submit to the hon. Minister of Home Affairs that in order to run the democracy properly in this country, and keeping in view their work, their time, some emoluments and facilities must be provided to all the heads of these five tiers agencies—Block Premukhs in the blocks, Members in the Zilla Parishads and Chairmen of the Zilla Parishads, Members of State Assemblies and Councils, and Members of Parliament so as to enable them to serve the people more efficiently. Some emoluments and facilities should be made available to them. If you do not give them any salary and other facilities, you force them to indulge in dishonesty, corruption and many sorts of such things. They must not live in wants and fall prey to people's ill-will. They should not be allowed to be purchased by unscrupulous elements. Therefore, it is necessary to give them some facility to be able to discharge their duties efficiently and honestly. This will encourage honesty in the country and the democracy will proceed further in the right direction.

Sir, with these words I conclude.

THE MINISTER OF HOME AFFAIRS (S BUTA SINGH). Mr Deputy Speaker, Sir,

the hon. Members have expressed their views on the Bill which is before this august House today I am very grateful to them.

It is a very simple proposition that the salary of the Governors, who are rendering very valuable service in our States, be increased. In fact, it is not a salary. It is only giving something in lieu of the services rendered by them. All hon. Members have expressed their views on the Bill. Only three hon. Members have spoken on this subject. The rest have present their own political views. The object of this Bill is to enhance the allowances of Governors. But some hon. Members did not touch upon the subject and raised big side issues. Shri Choubey also delivered a full political speech. It appeared as if the treatment being extended to the poor Governor is like making efforts to cut the feathers of a bird while it is coming to a pond to drink water.

It is true that we should see that the institution of Governor in our country is utilised properly and that the important role attached to it under the constitution is played efficiently. During the last 37 years, fortunately, several great men of this country have graced this office. They have served the country well and we have evolved a very good system under their statesmanship. We can say proudly that the office of the Governor has played an extremely good role under our constitution.

I would not like to single out any State because it would not be consistent. I can also counter the argument of Shri Choubey by citing an example. But I would definitely like to say that some of our learned colleagues and legal experts like Shri Dinesh Goswami have made references in their discussion to some states and named a some Governors which does not conform to the rules of this House. But even then I would say that the issues are under the consideration of the Sarkaria Commission and all States, organisations and political parties have the opportunity to present their own view points before the Commis-

[S. Buta Singh]

sion. The Central Government and all State Governments have submitted their views before the Commission. All the political parties, whether in this House or outside, have the opportunity to submit their view points before the Commission. In the centre-State relations the office of the Governor has a very important role to play and under the provisions of the Constitution, the Central Government and State Government have to serve the people of the country with mutual cooperation. All these issues are before the Commission and it is considering them very seriously. Fortunately, the Commission is composed of experts and learned persons of the country. Eminent retired persons working people, great leaders of all political parties, lawyers, people engaged in social services have appeared before the Commission. All the issues raised here should be placed before the Commission. It would be an injustice with the Sarkaria Commission if today, we express such views in the House as in any way can influence the conclusions of the Commission. Let this subject be open till Sarkaria Commission submits its report to the House. It would be injustice to the Commission if we express our views in a manner which can influence their thinking and efficiency.

The allegations levelled by some of the hon. Members even by naming some of the States and Governors are unfortunate. I categorically refute all these allegations. It was not the occasion to do so and if you want to highlight them, then there are rules under which any hon. Member can bring a substantive motion which can be discussed in the House and some decision taken.

[English]

MR. DEPUTY SPEAKER: That would not go on record.

[Translation]

S. BUTA SINGH: I must refute those

charges, otherwise all these things will appear in the press and the concerned Governors will also not be able to reply. Therefore, I must refute. It is also against the rules. Therefore, if you think it proper, you should go through the proceedings and expunge the names.

[English]

MR. DEPUTY SPEAKER: I have already instructed that those things would not go on record.

[Translation]

SHRI SYED MASUDAL HOSSAIN (Murshidabad): You are replying to a thing which is not on record.

SHRI RAJ KUMAR RAI: But it will appear in the press and nobody will be able to refute it.

S. BUTA SINGH: It is my duty to reply to the points raised by some hon. Members. (Interruptions)

I would like to say that while looking at the role played by the Governors in the history of last 37 years of independence, our Government, our Congress Party have never treated non-congress ruled States differently. This has never been our attitude. Shri Goswami very angrily said that we are not treating the present State Government well and our attitude has been unsympathetic.

SHRI DINESH GOSWAMI (Guwahati): I did not say it in anger.

S. BUTA SINGH: Assam has been especially mentioned in the discussion. I would like to remind him that the present Government of Assam is getting full cooperation from the Central Government. Differences of opinion can be there which is possible even among the real brothers. If there are any differences over the service of the people, that should not be considered as enmity. We may have our own way to provide better service to the people and you

may have your way but it does not mean that either we are wrong or you are wrong, we both can be right. There can be some adjustment. We can find out some common way by exchange of views.

[English]

SHRI DINESH GOSWAMI: I want to make it clear that I have not made any comments regarding the state of affairs.

S. BUTA SINGH: While speaking on the institution of the Governor, you said that it has turned into political affair and then today also you said that the present Government is not treated well.

SHRI DINESH GOSWAMI: I have not said so.

S. BUTA SINGH: That is why I want to go on record that we do not have that thing in mind.

(Interruptions)

S. BUTA SINGH: I am only assuring you.....

(Interruptions)

SHRI DINESH GOSWAMI: I want to make it clear to you that I have not made any comments regarding the present state of affairs, the present situation.

[Translation]

S. BUTA SINGH: We have to take all States whether it be Karnataka, Tamilnadu, Andhra Pradesh, West Bengal, Kerala, Tripura, Assam, Punjab or Mizoram which have non-congress Governments along with us and they are all integral part of our country. After all, the existence of Centre depends on the cooperation of all the States. We can serve the country unitedly and not separately (Interruptions)

SHRI NARAYAN CHOUBEY: Some times, you spoil things.

S. BUTA SINGH: Shri Choubey should not worry. The ideology, the manifesto of his party and that of the Congress Party have equally been reflected in the preamble of our Constitution. It has been written very clearly that all the institutions, be it the Parliament, office of the President, office of the Governor or any other office, are meant for serving the country. I would like to read the objective of all these institutions under our Constitution.

"We the people of India having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens; justice, social, economic and political, liberty of thought, expression, belief, faith and worship; equality of status and⁴ of opportunity."

It is our objective, whether we are a political party, whether we are sitting in Lok Sabha or in Rajya Sabha or in State Assembly or we are holding the office of Governor; our objective is the same. If this objective is being fulfilled and people are being served, then all these institutions are useful and if we are not fulfilling it, then who-so-ever may be in power that would not be useful for the people and would be an impediment to the development of the people of the country. We will have to remove this impediment. Only with this objective the Constitutional set up can be protected. This is the reason that all the Governors we have had so far had this aim before them. The institution of Governor has been discussed and it has been admitted that in real sense, the Governors are our friends, guides. Many big leaders of our country say that Centre is a mith. They say that it has no territorial jurisdiction. It appears to me that they are ignorant like frogs of a well who think that the well is the entire world and there is nothing outside the well. These frogs must know that there is a vast world outside the well also. India is a great country and Government of India is an elected Government which cannot be a mith. It is a reality and it is elected by the

[Shri Buta Singh]

people to serve them. We have cordial relations with the States. In Planning Commission, National Development Council or in any other national forum we keep only one thing in mind that we have to serve the people of entire country, whether it is the eastern region, western, northern or southern region. Our Constitution has been framed to serve all the countrymen and the institutions of President, Governor, Prime Minister, Chief Minister or the Parliament have been established with this aim in view.

Many hon. Members have given their suggestions and the question of salary of the Members of Parliament was also raised. Shrimati Sheilaji listened to their views very carefully and has said that she has noted their suggestions. We shall endeavour to translate your suggestions at the next available opportunity.

I once again would like to appeal to the leaders of opposition parties that it is not a question of any one particular individual but it is the question of an institution. Whenever we discuss any institution we may have different views on it but if we lose our faith in this institution, the people will lose faith in the Constitution and that will, in turn weaken our democratic strength. People have faith on our federal system. Therefore, whenever we discuss these institutions, we must not be guided by our political views, especially personal views. You may not like the face of a particular individual but we have not to see his face but the service he has done to countrymen.

A question was also raised that State Governments are not consulted at the time of appointment of new Governors. There is not even a single instance when there was disagreement between the Central Government and the State Government on this point. All the appointments made, of which I know, have been successful and the incumbants have done good work. Unfortunately, one incident took place in

Andhra Pradesh as a result of which the institution of Governor became controversial. In this incident, Shri Ratnam who was Speaker of the Assembly had to lose his post. Such incidents can take place because ours is still a developing democracy and we will gain experience from such incidents. Our people, particularly rural people are so intelligent and capable that they take right decision which surprises even the educated and the elite class of people. Actually the poor people, the villagers know very well as to what is good for the country, and that is why they take right decision and we all have to bow our heads before their decision. The people of this country are great. They have seen how the democracy has strengthened its roots in our country during last 37 years of independence. The people have also witnessed a political incident in which 100 years old Congress Party was voted out of power for a short period and other people of different ideologies were brought in power. Now the opposition is blaming that we do not allow smooth functioning of State Governments, but in fact is, when they came to power they dismissed one dozen State Governments. They might have thought that the policies they were going to adopt would not be implemented if the State Government were allowed to continue. This was their view point but our party always considers the decision of the people supreme. We respect the decision of the people because they always take right decision and we respect their verdict. Our leader Late Shrimati Indira Gandhi respected the verdict of the people and with their verdict she again came to this House. People elected her to this House but those who today claim to be the champion of democracy did not allow her to sit in the House. But the people again brought Shrimati Indira Gandhi and her party to power and the latter served the country. In this regard, I would say only this. It is an institution and the House is discussing the allowances and maintenance of Governors. It is necessary under the Constitution. That is why we have to come before the House for this purpose. I do not agree with the suggestion of Shri Goswami that the allowances

of the Governors should be linked with price index. After all, these are big institutions. They have their own status and people have faith in them. So if we want the people to continue to have that faith, we will have to act according to our Constitution. Our Constitution provides that the salaries and other facilities given to the President, Vice-President, Governor, Speaker, Deputy Speaker and Members of the Parliament will be decided by the House. Therefore, salary of the Governor cannot be linked with price index and cannot be increased with the increase of price index. Hence, I cannot agree with the suggestion of hon. Member. I think whatever is provided in the Constitution by our great leaders has been done after careful consideration and it will be in the interest of all of us to follow them. Then only will we be able to preserve and enhance the dignity of our country and strengthen our democracy.

With these words, I would appeal to the all hon. Members to pass this Bill unanimously.

[English]

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to amend the Governors (Emoluments, Allowances and Privileges) Act, 1982, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: Now we take up clause by clause consideration of the Bill.

The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1, the Enacting Formula and the

Title were added to the Bill.

S. BUTA SINGH: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is.

"That the Bill be passed."

The motion was adopted.

14.57 hrs.

JUTE PACKAGING MATERIALS (COMPULSORY USE IN PACKING COMMODITIES) BILL

[English]

THE MINISTER OF STATE OF THE MINISTRY OF TEXTILES (SHRI RAM NIWAS MIRDHA): I beg to move:*

"That the Bill to provide for the compulsory use of jute packaging material in the supply and distribution of certain commodities in the interests of production of raw jute and jute packaging material, and of persons engaged in the production thereof, and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration."

Sir, the House is aware that jute industry is one of the most important traditional industries for the economic well-being of the Eastern parts of our country. The raw jute farming sector supports four million agricultural families in the States of West Bengal, Assam, Bihar, Orissa, Tripura, Meghalaya, U.P., and Andhra Pradesh. The industrial sector provides livelihood to around 2.5 lakh workers. The industry also earns around Rs. 300 crores in foreign exchange every year. Hence from the industry, trade, employment and socio-economic angles jute sector has got to be protected and looked after in our scheme of things.

* Moved with the recommendation of the President.