

12.53 Hrs.

PRESIDENT'S EMOLUMENTS AND PENSION (AMENDMENT) BILL

[*English*]

MR. SPEAKER: The House will now take up Item No. 10, namely, President's Emoluments and Pension Act, 1951.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P.M. SAYEED): I beg to move:

"That the Bill further to amend the President's Emoluments and Pension Act, 1951, be taken into consideration".

Sir, the President's Emoluments and Pension Act, 1951 regulates the emoluments and pension of the President and various other benefits admissible after demitting the office of the President. The said Act provides for the use of a furnished residence without payment of rent, a telephone and a motor car free of charge and secretarial staff consisting of a Private Secretary, a Personal Assistant and a peon by the retired President. The Act does not provide for any free travel by air, rail and road, although under the President's Pension Rules, 1962, free travel is allowed to retired Presidents in connection with medical attendance and treatment for themselves and their spouses.

In order to enable the former Presidents to maintain the dignity of the august office held by them, it is proposed to amend the President's Emoluments and Pension Act, 1951 so as to provide for their free travel by the highest class by air, rail or steamer accompanied by one person anywhere in India.

According to Section 4 of the

President's Emoluments and Pension Act, 1951, any sum payable under this Act is charged on the Consolidated Fund of India.

The President's Emoluments and Pension (Amendment) Bill 1993, has been finalised in consultation with the Ministries of Civil Aviation & Tourism, Finance, Railways, Surface Transport and the Ministry of Law, Justice and Company Affairs.

With these words, Sir, I commend this Bill to this august House for approval.

MR. SPEAKER : The question is :

"That the Bill further to amend the President's Emoluments and Pension Act, 1951, be taken into consideration."

The motion was adopted.

MR. SPEAKER: The House will now 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.

MR. SPEAKER : The question is :

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill"

The motion was adopted.

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

SHRI P.M. SAYEED: I beg to move:
"That the Bill be passed."

MR. SPEAKER: The question is :
"That the Bill be passed."

The motion was adopted.

12.58 Hrs.

STATUTORY RESOLUTION RE:
DISAPPROVAL OF THE CHIEF
ELECTION COMMISSIONER AND OTHER
ELECTION COMMISSIONERS
(CONDITIONS OF SERVICE)
AMENDMENT ORDINANCE AND CHIEF
ELECTION COMMISSIONER AND OTHER
ELECTION COMMISSIONERS
(CONDITIONS OF SERVICE)
AMENDMENT BILL

[English]

SHRIMATI GEETA MUKHERJEE
(Panskura) : I beg to move:

"That this House disapproves of the
Chief Election Commissioner and
other Election Commissioners
(Conditions of Service) Amendment
Ordinance, 1993 (No. 32 of 1993)
promulgated by the President on the
1st October, 1993."

Mr. Speaker Sir, we are moving this
Statutory Resolution because we do not
approve the practice of bringing forth
ordinances for every thing. Whatever may
be the subject matter of the Bill, if it is
passed by way of an ordinance, we oppose
such a move. This may or may not
necessarily mean that we are opposing the
provisions contained in the Bill. We only

want to put on record that this practice of
ordinances is bad and that is why I chose
to move the Statutory Resolution against it.

THE MINISTER OF STATE IN THE
MINISTRY OF LAW, JUSTICE AND
COMPANY AFFAIRS (SHRI H.R.
BHARDWAJ): Sir, I beg to move:

"That the Bill to amend the Chief
Election Commissioner and other
Election Commissioners (Conditions of
Service) Act, 1991 be taken into
consideration."

Sir, the question whether there should
be a multi member Election Commission has
been debated from time to time. In 1990, the
Committee on Electoral Reforms headed by
the then Law Minister, Shri Dinesh
Goswami, had recommended that the
Election Commission should be a three
member body. In Parliament, the hon.
Members have repeatedly made the demand
for making the Election Commission a
multi-member body. The hon. Supreme Court
in Dhanoa's case has aptly described the
need for making the Election Commission a
multi-member body and I quote from the
judgement:

"When an institution like the Election
Commission is entrusted with vital
functions, and is armed with exclusive
and uncontrolled powers to execute
them, it is both necessary and
desirable that the powers are not
exercised by one individual, however,
all-wise he may be. It ill-conforms to
the tenets of the democratic rule."

The hon. Supreme Court in the
aforesaid case has also observed that it is
an acknowledged rule of transacting business
in a multi-member body that, "when there is
no express provision to the contrary, the