

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