

(v) DEMAND FOR CONSTRUCTION OF RAILWAY BRIDGES AT BHEEMANAGAR AND AT THENNORE IN TIRUCHIRAPALLI DISTRICT OF TAMIL NADU.

SHRI N. SELVARAJU (Tiruchirapalli): Sir, Tiruchirapalli is the fourth biggest town in Tamil Nadu with a population of about 10 lakhs. The giant public sector undertaking, B.H.E.L., is located in Tiruverambur, a suburb of Tiruchirapalli. This public sector undertaking supplies the finished products to all over the country and is also getting supplies of raw materials from different parts of the country.

The broad-gauge line from Madras to Tiruchirapalli passed through the heart of the city, dividing markets, bazars, wholesale trade and retail trade, freight carriers, etc., and residential colonies, government offices, courts, etc. The movement from one part to the other is through two manned gates at Bheemanagar and at Thennore. Because the raw materials required by B.H.E.L. from the Ports of Madras and Visakhapatnam are to go through this BG line, the congestion of traffic on this line is really heavy. These two gates are closed for more than 15 times in a day resulting in all the traffic coming to a standstill on all these occasions. On occasions these two manned Railway gates have also caused fatal accidents.

The people of Tiruchirapalli are demanding for the past so many years two railway overbridges on these two sites. The Government of India should order the construction of two railway bridges at Bheemanagar and at Thennore so that the daily problems of the people are reduced to the minimum if not eliminated altogether.

(vi) DETERIORATION IN THE WORKING OF TELEPHONES IN THE COUNTRY.

श्री राम विलास पासवान (हाजीपुर) :
उपाध्यक्ष महोदय, पूरे देश में टेलीफोन की स्थिति दिन-ब-दिन खराब होती जा रही

है। अधिकांश टेलीफोन खराब पड़े हैं। जो टेलीफोन ठीक हैं, उसमें 50 प्रतिशत से अधिक गलत नम्बर मिलते हैं। घण्टी बजती रहती है, लेकिन एक्सचेंज में टेलीफोन उठाने वाला कोई नहीं रहता है। दिल्ली के बाहर टेलीफोन की स्थिति बिल्कुल ही खराब है। लगता है कि किसी पर कोई जवाबदेही ही नहीं है। दिल्ली में भी टेलीफोन की स्थिति दिनोंदिन बिगड़ती जा रही है।

संसद्-भवन के अन्दर भी टेलीफोन की स्थिति बहुत दयनीय है। मेरा लोकदल संसदीय पार्टी कार्यालय (संसद्-भवन) का टेलीफोन नं० 377848 है, जो महिने में मुश्किल से 5 दिन भी ठीक नहीं रहता है और बराबर शिकायत करने के बावजूद भी इस समस्या का कोई हल नहीं निकल रहा है। टेलीफोन की खराबी से आज जनता सहित संसद्-सदस्य सभी परेशान हैं।

अतः अनुरोध है कि इस सम्बन्ध में अविलम्ब आवश्यक कार्यवाही कर संचार मन्त्री एक वक्तव्य दें।

GOVERNORS (EMOLUMENTS, ALLOWANCES AND PRIVILEGES) BILL—CONTD.

MR. DEPUTY-SPEAKER: We shall now take up further consideration of the following motion moved by Shri Nihar Ranjan Laskar on the 27th July, 1982, namely:—

“That the Bill to determine the emoluments, allowances and privileges of Governors, be taken into consideration.”

The time allotted to this Bill is one hour. We have already taken one hour and 21 minutes. I think that many Hon. Members have taken part

in the debate. Now, Shri G.M. Banatwalla is the last speaker. He will take three to five minutes....
(*Interruptions*)

SHRI SURAJ BHAN (Ambala): What about the allotment of time party-wise ?

MR. DEPUTY-SPEAKER: We have already spent more than one hour and 21 minutes. If the Bills to be passed in this House go on getting delayed like this, we will not be able to complete the business for this Session. Therefore, I call Mr. Banatwalla to speak on this Bill who will be the last speaker.

(*Interruptions*)

MR. DEPUTY-SPEAKER: Yesterday, Mr. Satyasadhan Chakraborty took 20 minutes. Of course, he is a very great leader of C.P.I. (M).

SHRI N.K. SHEJWALKAR (Gwalior): Why did you allow him more time ?

MR. DEPUTY-SPEAKER: We have been warning him. Now, what do you want me to do ? Should we not finish the business within the limited time ?

SHRI N.K. SHEJWALKAR: You must allot time party-wise.

SHRI CHITTA BASU (Barasat): Sir, you can extend the time allotted for this Bill by 45 minutes more.

SHRI VIRDHI CHANDER JAIN (Barmer): You can extend the time by half-an-hour.

MR. DEPUTY-SPEAKER: Many points have already been made by Mr. Chakraborty. All right now we will come to one understanding. Now, Mr. Banatwalla will take 3 to 5 minutes and conclude his speech and then those who have given their names to participate in the debate will be

given a maximum time of five minutes each. Please don't go beyond that time. Is that all right ?

SOME HON. MEMBERS: Yes.

SHRI N.K. SHEJWALKAR: Sir, we have got different parties representation in this House. You cannot say that nobody will speak any more. Sir, you must control the Members who have taken more time. They cannot take away the time of other parties.

13-00 hrs.

MR. DEPUTY-SPEAKER: When Shri Satyasadhan Chakraborty speaks for 20 minutes, he is taking the time of other parties.

SOME HON. MEMBERS: No, no.....(*Interruptions*).

SHRI SATYASADHAN CHAKRAVORTY (Calcutta South): Kindly extend the time for this Bill. On previous occasions, the time has been extended for many Bills.....
(*Interruptions*)

MR. DEPUTY-SPEAKER: You are leaders of different parties. It is not that from the chair only we can control the proceedings of the House. You must immediately sit down at least when I ring the bell. You must obey the chair and sit down, but you do not do it. Should I get down and ask you to sit down ? Therefore, I request all the Hon. Members to speak within the time available.

Now, Shri Banatwalla will take two or three minutes. Within five minutes I will ring the bell and would expect the Hon. Members to finish....
(*Interruptions*). I have agreed to your point of view. Shri Banatwalla.

SHRI G. M. BANATWALLA (Ponnani): Mr. Deputy-Speaker, Sir, hitherto, there was no law whatsoever enacted by the Parliament to regulate

emoluments, allowances and privileges of a Governor. The present Bill seeks to have legislation as envisaged by Clause (3) of Article 158 of the Constitution. It is, therefore, good on the part of the Government to have come forward with a measure on this important aspect. Further, there is an attempt to have a ceiling on the expenditure. Therefore, on these counts, the present Bill is a welcome measure. It is a welcome measure in so far as it seeks to enact legislation as envisaged by Clause 3 of Article 158 of the Constitution. It is also a welcome measure in so far as there is an attempt to have a ceiling on expenditure.

My only and principal objection lies in the fact that according to the various provisions of the Bill, the exact quantum of various allowances and the rate of allowances will not be prescribed by rules; they will be fixed by an order by the President. These orders also will not be placed on the Table of the House, and, therefore, after having passed this Bill, the House will have no authority whatsoever further to review the situation.

According to Clause 4 of the Bill, the President, by order, may determine the rate at which leave allowances can be paid to the Governors; according to Clause 8, the President may, by order, determine the number of motor vehicles that can be used by the Governor; according to Clause 10, the President may, by order, determine such allowances as may be required for renewing the furnishings and for the maintenance of the official residence. Again, by provision of Clause 11, the President may, by order, determine entertainment allowance, hospitality grant, household establishment expenses, office expenses, contract allowance, tour expenses and any other permissible allowances. The quantum and rate of all these allowances will be fixed by the President by his order. As I said, there is no provision for all these orders to be laid on the Table of the House and the

House will not have any opportunity to modify or negative them.

As far as Clause 12 is concerned, of course, the President is entitled to sanction the excess expenditure. This order will be placed on the Table of the House. The Government is gracious enough for such a provision, but again this House will not have any authority to consider those orders and opine on them. Therefore, the principal objection that I have is that these quantum of allowances and rate etc. ought to have been prescribed by rules under the Legislation. These rules can be placed on the Table of the House and if any Hon. Member has anything to say, then he will be entitled, according to the procedure, to come before the House with his suggestions.

I, therefore, conclude by saying that though the Bill is a welcome step in the direction of enacting a legislation as envisaged by the Constitution, yet the manner in which all the allowances and rates etc., will be fixed are such as to cripple this House; they are such as to render this House, This Parliament, ineffective in future with respect thereto. I do not grudge the quantum of allowances etc. that will be necessary in keeping with the dignity of the Governors. I am a person who believes that whatever is necessary in order to maintain the dignity of the Governors should be provided. But I object only to the procedure which is such as would render this House ineffective in the matter. I shall be moving my amendments to the Bill.

I support the Motion of the Hon. Minister for consideration of the Bill, but while on consideration stage, I hope my amendments will be adopted and I will support the measure with amendments.

MR. DEPUTY-SPEAKER: But you have spoken on your amendments also. Now, Shri Virldhi Chander Jain will speak. You will speak only for five minutes.

श्री वृद्धि चन्द्र जैन (बाड़मेर) : उपाध्यक्ष महोदय, गवर्नर्स एमाल्यूमेंट्स, प्रिविलेजेज एण्ड एलावेसेज बिल, 1981 जो सदन में प्रस्तुत किया गया है, मैं उसका स्वागत करता हूँ।

Sir, the allowances and privileges of the Governors were first regulated under the Government of India (Governors' Allowances and Privileges) Order, 1950.

1950 का जो आदेश था वह 32 साल तक जारी रहा और 32 साल तक हमने इस सम्बन्ध में कोई लेजिस्लेशन प्रस्तुत नहीं किया, इसका क्या कारण है, यह मैं जानना चाहता हूँ। क्यों विलम्ब किया गया जबकि कांस्टीच्यूशन में यह प्राविजन था, आर्टिकल 158 (3) में स्पेसिफिक प्राविजन था कि इस सम्बन्ध में लेजिस्लेशन बहुत जरूरी है, तो इस विलम्ब का क्या कारण था? अगर यह पहले ही प्रस्तुत हो जाता सदन में करीब 30 साल पहले तो यह भी स्थिति पैदा हो सकती थी कि जो अंकुश है मेम्बर्स आफ पार्लियामेंट पर और जो कांस्टीच्यूशन ने भी कुछ अंकुश रख दिए हैं मेम्बर्स आफ पार्लियामेंट पर वह अंकुश मिटाने की कोशिश की जा सकती थी। जो अंकुश रखा गया है वह इस प्रकार का रखा गया है कि हम न तो एलावेस के बारे में इस हाउस में डिस्कश कर सकते हैं कि एलावेस अधिक है या कम है, न सैलरी के बारे में कि सैलरी अधिक है या कम है, इस बारे में हम कोई भी डिस्कशन नहीं कर सकते हैं। आर्टिकल 112 आफ दि कांस्टीच्यूशन के अनुसार और इस सम्बन्ध में जो अधिकार दिए गये हैं वह राष्ट्रपति को दिए गए हैं। अभी भी जो लेजिस्लेशन हो रहा है उसके अन्दर राष्ट्रपति को अधिकार दिया गया है कि वही सैलरीज के बारे में तय करेंगे, वही एलावेसेज के बारे

में तय करेंगे, मेन्टिनेंस आफ दि हाउस होल्ड्स, एलेक्ट्रीसिटी आदि जो भी एक्सपेंसेज हैं उसके बारे में वही रूल्स बना करके और आदेश दे करके तय करेंगे। इस तरह का कानून बिल्कुल ही हमारे अधिकारों पर प्रतिबन्ध लगाता है। इसलिए हम चाहते हैं कि हमारी सरकार जब कांस्टीट्यूशन में अमेन्डमेन्ट लाए तो इस सम्बन्ध में भी अमेन्डमेन्ट पेश करे।

MR. DEPUTY-SPEAKER: Since the President is the appointing authority of the Governors, he fixes them.

SHRI VIRDHI CHANDER JAIN: No doubt President is the appointing authority, but we must also have a say in this matter. इसलिए मैं चाहता हूँ कि इस सम्बन्ध में परिवर्तन किया जाना चाहिए।

राज्यपाल तथा राष्ट्रपति के पद की एक गरिमा है, इसको हम स्वीकार करते हैं लेकिन हमें यह भी मानना चाहिए कि इस देश में हमें जो आजादी मिली वह हमें राष्ट्रपिता महात्मा गांधी की बदौलत मिली। हमारे राष्ट्रपिता महात्मा गांधी ने इस बात पर जोर दिया था कि प्रजातन्त्र में राष्ट्रपति तथा राज्यपालों को अपना सादा जीवन बिताना चाहिए और उन्हें चरित्रवान होना चाहिए। मेम्बर्स आफ पार्लियामेंट को भी महात्मा गांधी के सिद्धांतों का पालन करना चाहिए। हमारा भारत देश एक गरीब देश है इसलिए यहां पर वेस्टफुल एक्सपेंडीचर नहीं होना चाहिए, एक-एक पाई बचाई जानी चाहिए जिसको राष्ट्र की उन्नति के लिए खर्च किया जाना चाहिए। राज्यपालों अथवा राष्ट्रपति की सुविधाओं पर करोड़ों रुपया खर्च किया जाए—यह हमारे देश के लिए उपयुक्त नहीं है क्योंकि आज इस देश में 50

फीसदी व्यक्ति गरीबी की रेखा के नीचे अपना जीवन बसर कर रहे हैं। इसलिए मेरा अनुरोध है कि महात्मा गांधी के आदर्शों का पालन करते हुए संविधान में संशोधन होना चाहिए और इस प्रकार के वेस्टफुल एक्सपेंडीचर पर अकुश लगाया जाना चाहिए।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

श्री सूरज भान (अम्बाला) : उपाध्यक्ष महोदय, यह बिल भूतपूर्व गृह मन्त्री आदरणीय ज्ञानी जैल सिंह के जरिए पेश होकर, आज के राष्ट्रपति सम्माननीय ज्ञानी जैल सिंह को कुछ पावर्स दे रहा है। ज्ञानी जी के जरिए ज्ञानी जी को ही पावर्स दी जा रही हैं। मैं इस विधेयक का समर्थन नहीं कर सकता हूँ। इसलिए नहीं कि ज्ञानी जी का नाम बीच में आया है, कारण कुछ और ही है। आर्टिकल 158 के तीसरे पोशन में लिखा हुआ है :

“Such emoluments, allowances and privileges as may be determined by Parliament by law.”

पार्लियामेंट अपने कानून के जरिए तय कर सकती है लेकिन इस आर्टिकल में यह कहीं नहीं लिखा है कि पार्लियामेंट अपनी पावर्स डेलिगेट कर देगी किसी और व्यक्ति को। मेरा आब्जेक्शन यह है कि पार्लियामेंट अपनी पावर्स को डेलिगेट कर रही है, यह गलत है, विधान के खिलाफ है।

इस बिल में एक जगह यह कहा गया है कि गवर्नर्स की डिग्नटी को मेन्टेन करने के लिए कुछ सुविधायें बढ़ाई जायें। ठीक है, सुविधायें बढ़ाई जायें लेकिन सुविधायें बढ़ाने से डिग्नटी बढ़ेगी—यह बात मेरी समझ

में नहीं आती है। किस ढंग से गवर्नर काम करते हैं उससे ही उनकी शान और डिग्नटी बढ़ेगी। यह बदकिस्मति है कि गवर्नर की पोस्ट किस ढंग से मिस-युटिलाइज हुई। रूलिंग पार्टी को फेवर करने के लिए 1967 में पहली बार एक प्रथा हिन्दुस्तान में जारी की गई, पहली बार राजस्थान विधान सभा को मूर्च्छित किया गया, बेहोश किया गया और उसके बाद होश में तब लाया गया जब रूलिंग पार्टी के लोग दल बदल के कारण कुछ ज्यादा हो गए। विपक्ष के एम. एल. एज. राष्ट्रपति के सामने दिखाए गए कि इतने ज्यादा हैं। लेकिन नहीं, गवर्नर की पावर्स का गलत इस्तेमाल करके गलत काम किया गया। उसके बाद असम में गवर्नर के पद का इस ढंग से गलत तौर पर इस्तेमाल किया गया कि विपक्ष को मौका नहीं दिया गया कि वह हुकूमत बना सके। लास्ट इलेक्शन 19 मई को हुए। हरियाणा और केरल में जो कुछ हुआ, वह आप सब जानते हैं। केरल में लार्जस्ट पार्टी सी. पी. एम. की थी और अगर लार्जस्ट पार्टी को हुकूमत देनी है तो वह केरल में भी देनी चाहिए थी, मगर हरियाणा में दी गई। हरियाणा में यह आधार कि कांग्रेस लार्जस्ट ग्रुप है, इसलिए इसको हुकूमत बनाने का मौका दिया जाएगा और गवर्नर साहब ने एक बार एक व्यक्ति को वायदा देकर कि तुम परसों अपनी स्ट्रैन्थ शो करो और उससे पहले दूसरे को मौका दे दिया। इस आधार पर कि यह लार्जस्ट ग्रुप है, तो लार्जस्ट ग्रुप की बात केरल में कहां चली गई। यह बात बिल्कुल गलत है। मैं यह मांग करना चाहता हूँ कि आप उनकी सुविधायें बढ़ाइए, लेकिन गवर्नर्स की ड्यूटीज क्या हैं, उनके फंक्शन्स क्या हैं,

[श्री सुरज भान]

उनको भी थोड़ा कोडिफाई कीजिए। मैं समझता हूँ कि इससे ज्यादा जरूरी यह है कि गवर्नर्स भी कई बार सेन्ट्रल गवर्नमेंट के रहम पर रहते हैं कि अगली बार भी गवर्नर रह सकें और बीच में ही हमें कोई हटा न दे, उन का टैन्योर फिक्स होना चाहिए। पांच साल के टैन्योर के बाद दूसरा टैन्योर उसको नहीं मिलना चाहिए और पांच साल के पहले उसको हटाना नहीं चाहिए। इम्पिचमेंट का प्रोवीजन गवर्नर के खिलाफ कोई नहीं है। लेकिन गवर्नर को प्रैशराइज किया जाता है, यह प्रैशराइजेशन खत्म होना चाहिए। मैं एक और सुझाव देना चाहता हूँ। आप अगर रीयली नेशनल इन्टीग्रेशन चाहते हैं, तो हिन्दुस्तान को चार-पांच जोन में बांट दीजिए—नार्दर्न, ईस्टर्न, साउदर्न और वैस्टर्न तथा बीच में एक सैन्टर का बना लीजिए। इस प्रकार पांच गवर्नर मुकर्रर कर दीजिए, पांचों जोन्स में। उस वक्त यह सवाल आता है कि एक ही जोन में एक रूलिंग पार्टी हुकूमत कर रही हो और उसी जोन में विपक्ष भी हुकूमत कर रहा हो तो उसको एक ही किस्म का आचार दोनों के साथ करना पड़ेगा। इसलिए मैं निवेदन करना चाहता हूँ कि इस प्रकार उनके खर्च में भी बहुत कमी हो जाएगी और जो कुछ भी गड़बड़ियाँ हैं, वे भी खत्म हो जायेंगी।

आखिर में, मैं एक बात और कहना चाहता हूँ कि अगर गवर्नर के काम का कोडिफिकेशन हो जाएगा, तो ठीक हो जाएगा। मैं आपको बताना चाहता हूँ कि कई बार गवर्नर्स से डाक्टर्ड रिपोर्ट अपनी मर्जी के हिसाब से ली जाती है। 1968 में हरियाणा में विपक्ष की मैजोरिटी होते हुए भी गवर्नर ने रिपोर्ट दी कि मैजोरिटी नहीं है और अब हरियाणा में मैजोरिटी

न होते हुए रिपोर्ट दी गई कि मैजोरिटी है। यदि उनका कोडिफिकेशन हो जाएगा, तो इस तरह का मिसयूज खत्म हो जाएगा और गवर्नर की डिग्नटी सही मायने में कायम हो सकेगी।

इसलिए मैं निवेदन करना चाहता हूँ कि गृह मन्त्री जी इन बातों पर ध्यान दें, क्योंकि यह बिल विधान की स्पीट के खिलाफ है और आर्टिकल 158(3) के खिलाफ है। पावर को आप डेलीगेट नहीं कर सकते हैं। इसलिए इस बिल को आप वापिस लें और ठीक ढंग से ड्राफ्ट करने के बाद इस बिल को लायें, तब हम उसको स्पोट करेंगे, वरना हम इसका विरोध करते हैं।

SHRI C. T. DHANDAPANI (Pollachi): Mr. Deputy Speaker, Sir, at the outset I would like to make a brief observation on this Bill. All the previous speakers have stated that the office of the Governor is decorative, luxurious and superfluous. Of all the institutions given to us by the British regime, the only one which survives after Swaraj is that of the Governor. The Governor was appointed by His Majesty to control the States which were under the direct rule of the British Raj. Those Governors had been given lot of powers. They were not required to consult the Ministry. If the Ministry gave any advice to the Governor, he was not bound by that advice. He had got the discretionary powers. Of course, afterwards, we have reduced some of the powers of the Governors. But at the same time, we have increased their emoluments. Some time ago, there was a communication sent to all the Governors by the Prime Minister stating that there was a lot of criticism by the public that the amount spent on the institution of the

Governor was too much and their attention was drawn to the public criticism against luxurious expenditure in Raj Bhavans. But now the Government has come forward with a Bill to give them more emoluments. I failed to understand the necessity for increasing their emoluments. Clause 11 says:

“For the purpose of enabling a Governor to discharge conveniently and with dignity of his office....”

In what way is the Governor going to uphold the dignity of the institution of the Governor just by getting some concessions in the customs and excise duties? Duties are also not levied on food, drink and tobacco for consumption by the members of the Governor's household or by his guests, whether official or otherwise. I do not know how he is going to uphold the dignity of the institution of Governor.

DR. KRUPASINDHU BHOI (Sambalpur): Drink means what?

SHRI C. T. DHANDAPANI: It is upto the Member to take the meaning according to the taste.

Clause 12 provides for additional allowances. In Article 158 (3-A) it has been stated:

“Where the same person is appointed as Governor of two or more States, the emoluments and allowances payable to the Governor shall be allocated among the States in such proportion as the President may by order determine.”

An officer in government service incharge of two sections does not get two salaries, whereas a Governor, who looks after more than one State, gets additional emoluments. When the DMK Party was in power in Tamil Nadu, we had placed a white paper in

the Assembly. About Governor it has been said in that paper:

“He is a functionary appointed by, and responsible to, the Central Government and as such, he could not be expected to understand the local conditions and the political situation. The expenditure incurred on the office of the Governor does not seem to square with the socialistic pattern of society. The expenditure is a wasteful one, which could well be dispensed with.”

SHRI XAVIER ARAKAL (Ernakulam): What is the solution? Do you want to abolish the office of Governor?

SHRI C. T. DHANDAPANI: I will come to that.

Under Clause 13 every rule made by the President shall be laid before each House of Parliament. Clause 13 (3) further says:

“however...any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

Which rule? The rule which the President, by notification in the official Gazette, may make for the purpose of giving effect to the provisions of the Act. So, no purpose is served by laying such rules on the Table of the House. I would request the Hon. Minister to look into the matter.

Some Hon. Members have asked whether I want the abolition of the office of the Governor. This is not only the contention of my party. During the Swaraj period, before the constitution came into force, before 1947, our leaders, our forefathers have expressed their views on this question. Once there was a discussion in the Constituent Assembly and a paper was formulated for the Cabinet. They said that the Governor should be elected. The Legal Adviser of the Constituent Assembly, Sir B.N. Rao wanted the opinion of the members. Out of 25 members, 7 members gave the opinion. Sir B. N. Rao himself

[Shri C. T. Dhandapani]

gave an independent note, saying that the Governor should be an elected person, he should not be nominated.

Again, on the 30th May, 1947, the Provincial Constitution Committee discussed this matter. At that time, many eminent personalities including Pandit Nehru said that if the election system for the Governor is allowed, there is every possibility of creating a separatist tendency in the minds of the people in the different regions. So, it was then decided that such a kind of system should not be allowed. At that time, the political atmosphere was surcharged because of the demand for Pakistan. Since then the situation has entirely changed. Here I may say that it is not only our demand, it is the demand of the great leaders, like Sardar Vallabhbhai Patel. The only person who opposed this was Shri H.V. Kamath. Several Congress leaders supported the suggestion for an elected Governor. Another suggestion made was that there should be a panel of, say 4, out of which he should be selected.

There are two contradictory statements or arguments. One argument is that the Governor is an agent of the Centre. Another argument is that he is not an agent of the Centre, he will have his own say. The Governors' Committee have submitted a report, which says:

"In the framework of the Constitution, there is no power vested in any authority to issue directions to the Governor or lay down any code of rules for guidance." (page 9).

So, I would request the Government to consider what our forefathers have said and decide whether this institution of Governors should be elected or nominated.

One argument given in favour of nomination is that there should be a direct representative of the Central Government to watch and supervise the performance of the State Government. According to the West

German procedure, where the office of the Chief Minister falls vacant by death, a successor should be elected within a fixed period of time and, if this is not done, the Assembly will automatically stand dissolved. During the interregnum, it is suggested that the Chief Justice of the State may take charge of the administration, till such time as the new Chief Minister assumes office. Under the West German system the executive can be dismissed by a vote of no-confidence, called as the 'constructive vote of no confidence'. Under this provision, the executive cannot be dismissed by a no-confidence motion, unless it is accompanied by a selection of the successor. I do not want to talk much about it. Therefore, in this connection I would appeal to the Hon. Minister about all these things, of course, in a general way. As far as these emoluments are concerned, at this juncture, I do not know whether the Government is more sympathetic towards the Governors than the Members of Parliament. I would like to have a clarification from the Hon. Minister on this. If it is convincing, certainly I will support the Bill.

श्री रामावतार शास्त्री (पटना) :

उपाध्यक्ष जी, मैं इस विधेयक का विरोध करता हूँ और इस लिए विरोध करता हूँ कि हमारे देश को गवर्नरों की आवश्यकता ही नहीं है। इस इन्स्टीच्यूशन को बहुत पहले अबोलिश कर देना चाहिए था, लेकिन कोई बात नहीं, अभी भी देर नहीं हुई है, आज भी इसको अबोलिश करने की जरूरत है। यह इन्स्टीच्यूशन फिजूलखर्ची का अखाड़ा है। कितने करोड़ रुपये गवर्नरों के ऊपर उनकी शान-शौकत के ऊपर खर्च किए जाते हैं। उनसे देश की गरिमा नहीं बढ़ती है।

कहा जाता है कि गवर्नर का पद गरिमा का पद है। मैं इसे मानने को तैयार नहीं हूँ। यह गरिमा का पद या गरिमा की बात

तब होगी जब हमारे देश में गरीबी मिट जाएगी, बेकारी मिट जाएगी और सब लोग सुख और चैन से रह कर के, देश के विकास के कार्यों में अपना योगदान कर सकेंगे। तभी सचमुच में देश की गरिमा बढ़ सकेगी। आप गवर्नर रख लीजिए, उनकी शान-शौकत पर करोड़ों रुपये खर्च कर डालिये, इससे गरिमा नहीं बढ़ती।

इस सदन में जब-जब भी श्रमजीवियों, सरकारी कर्मचारियों और मेहनतकशों के सवाल उठे कि महंगाई को देखते हुए उनके वेतन आदि में वृद्धि की जाए तो प्रधान मंत्री ने बराबर यह कहा कि इन लोगों को जो सुविधा प्राप्त लोग हैं उन्हीं की आवाज उठाना आता है, विरोधी दल के लोग, देहात के गरीब लोगों के सवाल नहीं उठाना चाहते। प्रधान मंत्री जी यहां नहीं हैं, मैं आपसे पूछना चाहूंगा कि अभी आप चुप क्यों हैं? जब आप करोड़ों रुपये गवर्नरों की शान-शौकत पर, उनके परिवार के लोगों की परवरिश पर खर्च कर रहे हैं और इस तरह से जनता के पैसे को लुटवा रहे हैं तो आपको ऐसे मौके पर बोलना चाहिए था। खैर वे तो यहां हैं नहीं। इसी प्रकार से उन कर्मचारियों का भी सवाल है, जिनके बारे में आप कहेंगे कि उनका सवाल आप यहां मत उठाइये। लोक सभा के कर्मचारियों और राज्य सभा के कर्मचारियों की क्या हालत है। उनकी बात तो हम यहां उठा भी नहीं सकते। आप इन लोगों को देखिये, न कि गवर्नरों की सुविधाएं बढ़ा दीजिए।

वर्तमान में संविधान के मुताबिक एक गवर्नर को साढ़े पांच हजार रुपये वेतन दिया जाता है। पार्लियामेंट इसको कम कर सकती है। लेकिन आप साढ़े पांच हजार

रुपये के अलावा उन्हें छुट्टी भत्ता, निवास भत्ता, चिकित्सा भत्ता, मकान भत्ता, मकान को सजाने सवारने के लिए फर्नीचर का भत्ता और दूसरी अतिरिक्त अनेक सुविधाएं, न मालूम कितनी ऐसी सुविधाएं देने जा रहे हैं। पहले ही न मालूम गवर्नरों को कितनी सुविधायें दी जा रही हैं। इस तरह की सुविधायें दूसरों को भी मिलनी चाहिए। उन लोगों को मिलनी चाहिए जो लोग धन पैदा करते हैं, जो उत्पादन बढ़ाते हैं। जो उत्पादन बढ़ा रहे हैं उनके लिए आप क्या कर रहे हैं? जो उत्पादन नहीं बढ़ाते हैं, गवर्नर लोग बेकार हैं उनसे क्या देश का भला होगा उनका आप सुविधायें दे रहे हैं। इस लिए मैं समझता हूँ कि इसका कोई औचित्य नहीं। इनसे जितनी जल्दी मुक्ति पा लें, उतना अच्छा है।

दूसरी बात है कि इनको अधिकार क्या है? इनको केवल यही अधिकार है कि आप कहें कि हरियाणा में विरोधी दल की सरकार न बनने दें—ये कहें—जी हुजूर ठीक है। आप कहें कि बंगाल की सरकार को तंग करिए, गवर्नर कहे—ठीक है, जी हुजूर। आपने जनतन्त्र को सबवर्ट करने के लिये गवर्नर का पद बना रखा है, डेमोक्रेसी को मजबूत करने के लिए नहीं। इसलिए जनतान्त्रिक विकास के लिए यह ठीक नहीं है।

मैं एक सिपल सी बात बताना चाहता हूँ। बिहार के गवर्नर डा० किदवई हैं। फुलबारी-शरीफ में अभी दंगा हुआ—सांप्रदायिक दंगा हुआ। हम लोग कम्युनिस्ट पार्टी की तरफ से एक डेपूटेशन लेकर गए। हम लोगों ने दंगाइयों के बारे में बताया। सात आदमियों के नाम भी दिए, जो कि दंगा फैला रहे थे। कहा जाता है कि उसमें

[श्री रामावतार शास्त्री]

से ज्यादातर आर० एस० एस० के लोग थे। गवर्नर ने कहा कि इन लोगों की गिरफ्तारी होगी, लेकिन आज तक एक भी दंगा फैलाने वाला न मुसलमान गिरफ्तार किया गया, न हिन्दू गिरफ्तार किया गया। ये है आपके गवर्नर का अधिकार। वे डर के मारे बोलते भी नहीं, क्योंकि दुर्भाग्य से कहिये या सौभाग्य से—वे मुसलमान हैं। तुरन्त चार्ज लग जाएगा कि मुसलमानों का पक्ष लेते हैं। आज गवर्नमेंट का यह हाल है कि दंगाइयों को गिरफ्तार नहीं कर सकती। इस और भी ध्यान जाना चाहिए। जब गवर्नर को कोई मान्यता नहीं है, केवल कांस्टीट्यूशनल हैड बनाकर रखा है तो उन पर जनता की गाढ़ी कमाई को क्यों खर्च किया जा रहा है।

अन्त में एक बात और कह दूँ, वह घटना मेरे साथ घटी है। जब हमारे बिहार में बरुआ साहब गवर्नर थे। मैं एक दिन उनसे मिलना चाहता था। मैं रिक्शा पर गया, क्योंकि मेरे पास कार तो है नहीं, क्योंकि वैसे खानदान में पैदा नहीं हुआ, गलत तरीके से घन पैदा नहीं किया, तो कार कहां से आएगी। रिक्शा में गए, उस वक्त मैं पार्लियामेंट का मेम्बर था, लेकिन कहा गया कि रिक्शा अन्दर नहीं जा सकता। मैं वापिस चला गया। ये हैं आपके गवर्नर का इंस्टीट्यूशन।

MR. DEPUTY SPEAKER: Were you a Member of Parliament then ?

SHRI RAMAVATAR SHASTRI: Yes.

MR. DEPUTY SPEAKER : Then you could have raised the matter in Parliament.

SHRI RAMAVATAR SHASTRI: I would just let you know what I did at that time.

(Interruptions)

श्री रामावतार शास्त्री : फ्लड रिलीफ कमेटी की वह मीटिंग थी। जब दूसरी मीटिंग हुई तो उस समय मैं किसी की गाड़ी में घुस गया और मैंने मीटिंग में इस सवाल को रेज किया तो बरुआ साहब ने कहा कि रामावतार शास्त्री या कोई भी, यदि रिक्शे से आएगा तो वह हमारे बंगले में आ सकता है, उनको रोका नहीं जाएगा। लेकिन अब फिर वही बात है — नहीं घुस सकते। तो या तो मंत्री जी मेरे जैसे संसद सदस्य को ऐसे समय में कार की व्यवस्था कर दें और नहीं तो रिक्शे को जाने की इजाजत दें।

MR. DEPUTY SPEAKER: All Governors may not be like Shri Barua. There may be some good Governors also.

SHRI RAMAVATAR SHASTRI: The present Governor is a very good Governor. Dr. M.R. Kidwai is very good Governor.

(Interruptions)

श्री रामावतार शास्त्री : लेकिन ये जाने नहीं देते। तो क्या आप इसको उचित समझते हैं? हमारी भी डिग्नटी है। हम किसी चीज से जा सकते हैं, इजाजत क्यों नहीं मिलेगी।

इसलिए हम समझते हैं कि राज्यपाल की फालतू पोस्ट है, इसको अबोलिश कर दिया जाए। इसका कोई औचित्य नहीं है और इसका इस्तेमाल आप केवल गलत तरीकों के लिए करते हैं, जिसका असर हिन्दुस्तान की जनता पर बहुत अच्छा नहीं पड़ता। वही रुपया गरीबों पर खर्च किया जाए तो मैं समझता हूँ अच्छा होगा।

गवर्नर पर खर्च करना बेकार है। उन खर्चों को दूसरे अच्छे कामों में खर्च किया जाना चाहिए, देश के विकास में लगाइए, वह ज्यादा अच्छा होगा

श्री हरीश रावत : (अल्मोड़ा) : इस विधेयक के जरिये गवर्नर को अधिक सुविधायें देने ताकि वे अपने कर्तव्यों का ठीक से निर्वहन कर सकें, उपाय किए गए हैं। इस लैजिस्लेशन के जरिए सरकार द्वारा पार्लियामेंट के पूरे अधिकार लिए जा रहे हैं और इस पर किसी तरीके का कोई कंट्रोल हम नहीं रख सकेंगे। यदि कोई व्यक्ति अपनी सुविधाओं को बहुत अधिक बढ़ा ले, अपनी सीमा से बाहर जाने लगे तो उस स्थिति में सरकार किस तरीके से उस पर नियंत्रण करेगी, यह मैं जानना चाहता हूँ ?

हमारे देश में प्रजातांत्रिक इस्टीमेट्स परीक्षा की घड़ी से गुजर रही है। प्रतिपक्ष के द्वारा बराबर गवर्नर के ऊपर आक्षेप लगाने की कोशिश की जाती है। जहाँ कहीं भी कोई टस्सल का मामला होता है सारा का सारा दोष गवर्नर के ऊपर थोपा जाता है। जिस तरीके से इस पद की गरिमा को घटाने की कोशिश प्रतिपक्ष की तरफ से बराबर हो रही है, यह नहीं होनी चाहिये। डैमोक्रेसी में यह एक बहुत महत्वपूर्ण पद है जिसके ऊपर बहुत बड़ी जिम्मेदारी है। मैं समझता हूँ कि इस तरह की कोशिश से हमारे मित्र बाज्र आएंगे।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

PROF. MADHU DANDAVATE (Rajapur): Sir, in the Statement of Objects and Reasons, it has been stated:

"The Bill seeks to replace the existing GAP Orders by a comprehensive

legislation as envisaged in Clause (3) of article 158 of the Constitution. This would enable the re-fixation of the ceilings on expenditure on Raj Bhavans keeping in view the necessity to maintain the dignity of the office of the Governor and at the same time, to make them more realistic in the light of the present day situation."

In the very Statement of Objects and Reasons, there is a reference to the dignity of the office of the Governors. The expenditure on Raj Bhavans is to be fixed in keeping with the dignity of the Governors. (*Interruptions*). Therefore, in terms of the Statement of Objects and Reasons of the Bill, the problem of dignity of the Governor is perfectly within the jurisdiction of the scope of this Bill. I know the scope is limited. Formerly there was GAP order and that order is sought to be replaced by a Bill which when given effect to, will replace the Order by a legislative measure. To that extent, apparently, it appears, as if the scope of this particular Bill is very much restricted. But since in the very Statement of Objects and Reasons, the question of dignity of the Governor has been brought into the picture, I think, it would be in the fitness of things, if I make some references to it. I do not want to cast aspersion on any particular Governor, 'X', 'Y', 'Z' or 'T'. Therefore, I do not want to make any particular reference about the institution of Governor.

I may say that in order that the dignity of the institution of the Governor will be kept up, it is very necessary that there is some provision which will act as a deterrent in the case of appointment of the Governor. Therefore, I have already introduced one Private Member's Bill regarding the appointment of Governor and that Bill says that every appointment of the Governor will be ratified by Parliament. I have not said, it is the Parliament which makes this appointment. But the appointment of the

[Prof. Madhu Dandavate]

Governor will be ratified by Parliament and when the question of ratification comes before Parliament, it is very likely that a discussion will not be on the name, but there will be a general discussion on the norm, the experience that we had in the past, and as a result of that, that will act as a deterrent on the Government while making appointments of the Governors. Therefore, this is one particular provision that I have already suggested.

There are problems of constitutional crisis in the State. Sometimes, at the hands of the Governor, even the powers of the Government are completely made superfluous. For instance, it is always said that whenever there is a break-down of law and order in a State or if the constitutional machinery fails or collapses, in that case, the Governor makes a report to the Centre and, on the basis of that particular report, the Central Government acts. There are at least two clear instances in the past. You know that the non-Congress (I) Governments were destabilised after the new Government was installed in 1980. The Prime Minister, Mrs. Indira Gandhi, in one of her interviews in Trivandrum after she came in power, announced that she was not interested in destabilising the non-Congress (I) Governments. Next day, in Delhi, at a press conference, the pressmen asked me. "What is your reaction? Do you think that she will stick to the decision?" I said in the press conference that since she had announced that she was not interested in destabilising the non-Congress (I) Governments, most probably, in 15 days or a month, the non-Congress (I) Governments were bound to go. Not to my surprise but to the concurrence of my assessment we found that soon after the non-Congress (I) Governments were destabilised.

It is always told that when the Governor makes a report to the Centre

that the constitutional machinery has collapsed and the law and order machinery is also not working, in that case, the Central Government acts. It can act otherwise also. It has powers. But basically, it is said, that the Governor has to make a recommendation.

I can at least quote two instances. Shrimati Sharda Mukherjee was the Governor of Gujarat—I need not refer to here, but, I think, only derogatory references need not be made; complimentary references can be made—and she had also said publicly, "I never made such a report. I had never stated that the law and order machinery in Gujarat had failed, nor the constitutional machinery had broken down." I think, she said about Andhra also. Again, the Governor of Madhya Pradesh had also said publicly that there was no break-down of law and order machinery in Madhya Pradesh and there was no law and order problem in the State. In spite of the attitude taken by the Governor, we find that the Central Government acts in a particular way. Therefore, sometimes the Governors themselves destroy their own dignity; sometimes the Central Government destroys the dignity of the Governors. This is the problem.

Sometimes, the Governors announce that they will make the MLAs parade in the Governor's chamber and decide the strength of the party. In fact, it is the most humiliating practice. The comparative strength of various political parties is to be judged not in the cosy chamber of the Governor but that is to be judged on the floor of the Assembly. On the contrary, we sometimes find that enough elbow room is given to the parties to manipulate their game of defection and piracy.

Recently, we found that a lot of defections took place. I do not want to name any particular individual. But now some Chief Ministers take the attitude, "We will not purchase the

voters. We will purchase the ready-made governments. Let the voters vote for any party that they want. Our game will begin after the results of the elections are announced." Every trader likes instead of purchasing the raw material to purchase the finished product. In modern times, some political leaders are adopting the attitude, "Rather than purchasing the voters, we will purchase the ready-made governments". That is what happened in Haryana. The minority was transformed in majority....

MR. DEPUTY-SPEAKER : I hope, it is not an aspersion on the voters.

PROF. MADHU DANDAVATE: They have confidence in the voters. They have respect for the voters. They say, "We will not purchase them at all".

MR. DEPUTY-SPEAKER : The voters cannot be purchased.

PROF. MADHU DANDAVATE: That is what I have said. I have said something complimentary to the voters. But the Chief Ministers realising that the voters cannot be purchased adopt the attitude, "We will not purchase the voters. We will purchase the ready-made governments. You give your verdict. But we know how your verdict is to be reversed." In this game, sometimes the Governors also become an accomplice, because they allow enough elbow room for the game to operate. They do not call the legislature ; they do not test the strength of the various parties on the floor of the Assembly. They allow enough elbow room and, as a result of that, the game of defections continues. I only quote one instance. I will not quote any particular individual. Recently it so happened in Delhi, when one particular MLA was locked up in a 5-Star hotel, that man jumped through the window and went by the drainage pipe and joined some other party.

At that time, I once said to my friends that the Delhi Police should be

instructed by the Central Government that if in Delhi, in 5-Star hotels, they find any one at night climbing up the drainage pipe, he should be identified as a thief.

And if they find that man down the pipe, he should be identified as a defecting MLA who is likely to join the ruling party !

This is the state of affairs in the country today. The entire atmosphere is vitiated. It cannot be changed merely by making some administrative reforms.

Ultimately our way of functioning has to be changed.

Such institutions which are very important in times of crises are also to be protected. Their dignity is to be maintained.

Why are they thinking about the allowances and emoluments and other facilities and privileges to be given to the Governors which will remain commensurate with their dignity ?

If their dignity goes down, in that case, their allowances will also have to be reduced and their emoluments will have to be reduced.

But we do not want to do that.

Therefore, to keep them commensurate with the dignity of the Governor, some of these reforms are urgently needed and, therefore, while we think in terms of changing and replacing the Order by legislation and providing better emoluments and giving them certain facilities and privileges, we should think of improving these institutions also so that the dignity is maintained and after maintaining the dignity of the Governors institution, if you give emoluments which are commensurate with the dignity of the Governor, then in that case, nobody would grudge.

I have made these suggestions taking advantage of this particular Bill.

[Prof. Madhu Dandavate]

Otherwise, it is very difficult to put forward this criticism.

SHRI HARIKESH BAHADUR (Gorakhpur): In fact, it has become very difficult to understand the relevance of this institution now-a-days because the entire country has started feeling that this institution of Governor is becoming irrelevant because most of the Governors are behaving in a fashion which is absolutely against the established norms and they are just like puppets in the hands of the Central Government.

Some of the Governors, it appears, are functioning like computers of the Central Government and people feel that whatever directive goes from Centre to them, immediately they follow and they act. Thus they are themselves just eroding their dignity and in the present existing set-up, Governors are very fast losing their relevance.

That is why, this institution should be abolished and it was the view expressed by several Members in this House earlier also.

Therefore, I would like to suggest that Government should withdraw this Bill. There is no use of just passing the legislation here.

In the Statement of Objects and Reasons, it is said that they should enable the refixation of ceilings of expenditure on Raj Bhavan keeping in view the necessity to maintain the dignity of the office of Governor.

The dignity of the Office of the Governor cannot be maintained by only increasing the emoluments and allowances. That can be maintained only by the acts of the Governor.

My friend Shri Rawat has said that the Opposition is trying to erode the dignity.

It is my charge on the ruling party that they are degenerating this institution and destroying it.

The other point is written here:

“At the same time, to make them more realistic in the light of the present situation.”

What is the present situation? 60% people of this country are living below the poverty line. This is the present day situation.

There is enormous unemployment in this country. People are not getting employment.

Why should they increase Governor's allowances? Whatever they are getting, that is sufficient.

MR. DEPUTY-SPEAKER : Governors' posts are 20 or 22. How can you solve unemployment problem?

SHRI HARIKESH BAHADUR : There are several people, agricultural labour, working class people, employees in various Departments and unemployed youth. We should first try to solve their problems.

We should not venture upon just increasing Governors emoluments and salaries and other facilities.

I want to oppose this Bill.

I request the Government to withdraw this bill.

MR. DEPUTY-SPEAKER : You have made very valuable suggestions.

SHRI K. MAYATHEVAR (Dindigul): What happened to the allowances to M.Ps.?

SHRI HARIKESH BAHADUR : He is talking of Membrs of Parliament. I am not going to say anything about that. He belongs to that Party and naturally he will support them.

I would like to say that everybody in this country is feeling that the institution of Governor is becoming irrelevant and it should be abolished. Therefore, emoluments and other facilities for them should not be increased.

SHRI CHITTA BASU (Barasat): Mr. Deputy-Speaker, Sir, I think you have heard voices here demanding the abolition of the office of Governor, you have heard voices here and outside....

MR. DEPUTY-SPEAKER: I have heard him. But the Bill is not for that. That is the point.

SHRI CHITTA BASU: The voices are that the duties and responsibilities of Governors should be exhaustively redefined and also the Constitutional position and powers of Governors should be refixed or re-scheduled or properly delineated. There are very important issues. Prof. Madhu Dandavate has raised the question of dignity. The dignity of the office of Governor is very much linked with these fundamental issues that agitate the public mind.

So far as the question of abolition of the office of Governor is concerned, I am of the opinion that, sooner that 'magnificent zero' is eliminated, the better it would be for the country and for the people. As per the Constitution, the office of Governor is nothing but a magnificent cypher. It is better to do away with that cypher.

Coming to the other points which agitate the public mind, the first question is whether there are any discretionary powers for a Governor, and the second question is what are the Constitutional obligations of a Governor. I shall not go into details.

So far as the first question is concerned, I think, everybody on this side is of the view that Governors have got no Constitutionally-fixed

discretionary powers. So far as the Constitutional obligations of Governors are concerned, the Constitutional is very clear: the obligations are to defend, to protect, to preserve, the Constitution of the country. Our experience in the last few years is that we have found that Governors, on many occasions, have acted in a manner by which one can be led to assume that Governors enjoy certain discretionary powers. This is the impression which has been created. Therefore, my point is that this issue, whether a Governor has got any discretionary power, has to be made clear and if he has, it should be clearly and exhaustively demarcated.

As regards the Constitutional obligations, I can cite example after example and I can say, I can argue, that several Governors on several occasions have failed to defend, to preserve and to protect the Constitution.

MR. DEPUTY-SPEAKER : Please try to conclude. This is a very small Bill.

SHRI CHITTA BASU: But the issues are very big, Sir. I shall be brief.

I take this opportunity only to remind the House of the observations made by Pandit Jawaharlal Nehru about the role and functions of Governors. I think, Sir, you would like to hear it....

MR. DEPUTY-SPEAKER : You have finished your lunch whereas we have not.

SHRI CHITTA BASU: I have not yet gone for my lunch. I had gone only to cast my vote. I will be brief, Sir. Mr. Nehru says :

"The Governors must be acceptable to the province and yet he must not be known to be a part of the party

[Shri Chitta Basu]

machine of that province. He should nevertheless represent before the people some one slightly above the party and thereby in fact, help that Government more than if he was considered as a part of the party machine... that would make the democratic machine work smoothly."

I would only want to know one thing from the Hon. Minister whether the Governors if any really acted on any occasion as part of the party machine. Examples are with me when the Governors functioned as nothing but a part of the party machinery. By that way the Governors do not maintain their dignity.

14.00 hrs.

Again I have got an observation made by the former President, Neelam Sanjiva Reddy, when he addressed the Governors' Annual Conference on the role, functions and duties of Governors. He says :

"The Governor should be a friend, philosopher and guide to his cabinet. It is very essential to create an impression in the public mind that the Governor is an independent and impartial authority, but he should not be in conflict with the Council of Ministers...."

Sir, he should not be in conflict with the Council of Ministers....

MR. DEPUTY-SPEAKER: Please conclude now. I do not know how far the Minister is going to reply for all these points. It is beyond the purview of the Bill. I do not know.

SHRI CHITTA BASU: "...He should provide the healing touch and win the confidence not only of his cabinet, but also of the opposition parties." ..

MR. DEPUTY-SPEAKER : This is not a general discussion. It is a Bill of a specific nature...The Parlia-

ment is not a place for oratory.... That is all right.

SHRI CHITTA BASU: This is not the place ?

MR. DEPUTY-SPEAKER : This is not a place for oratory at all. In the House of Commons it is very clearly stated that Parliament is not a place for oratory.

SHRI CHITTA BASU: Should I then make a speech of this nature at a street-corner meeting in Calcutta ?

MR. DEPUTY-SPEAKER : So many issues are raised and the Government must be prepared to reply to that.

SHRI CHITTA BASU: Therefore, these things are there.

MR. DEPUTY-SPEAKER: Many policy issues are raised. How can he reply ?.... Yes, please carry on.

SHRI CHITTA BASU: You may seek his help to reply. I do not grudge it.

Anyway, to cut short, these are some of the observations regarding the function, role and responsibility of the Governors. My complaint is this— that these norms have not been always followed by the Governors. Therefore, what is the need to-day is to re-define these duties and responsibilities of the Governors....

SHRI BAPUSAHEB PARULEKAR: You want Governors ?

SHRI CHITTA BASU: Of course, it is there. I will be very much happy to get it abolished.

Therefore, I would only.... Again, Sir, since you are very impatient, I will not speak more....

MR. DEPUTY-SPEAKER : No, no. I have great respect for your

oratory. As I said, in Parliament oratory is not needed.

SHRI SATYASADHAN CHAKRABORTY: It is. Sometimes I have observed that you become convinced by the oratory.

SHRI CHITTA BASU: In Article 61 there is a provision for the impeachment of the President for the violation of the Constitution of our country. There are instances....

MR. DEPUTY-SPEAKER: You have given a Private Member's Bill.

SHRI CHITTA BASU: As a matter of fact, under Art 58 there is no provision for impeachment of Governors. As a matter of fact the Governors go scot-free even when there are accusations against them that they have violated the Constitution of our country. In order to meet that situation, I have given a Private Member Bill which is pending with you, saying....

PROF. MADHU DANDAVATE: This is objectionable. He was saying that the Governors should be given Scotch free.... (*Interruptions*)

SHRI CHITTA BASU: Therefore, there should be a provision in the Constitution whereby Governors can also be impeached and their action can be discussed in the legislatures....

MR. DEPUTY-SPEAKER: But it is not for Prabhudas Patwari.

Regarding the responsibilities, constitutional obligations and duties etc., I think, the dignity of the Office of the Governor cannot be kept properly if the emoluments are to be fixed on the basis of the dignity.

I think the whole Bill is to be recast. Therefore, I oppose the Bill.

MR. DEPUTY-SPEAKER: Now, the Minister will reply.

THE MINISTER OF DEFENCE AND HOME AFFAIRS (SHRI R. VENKATARAMAN): Mr. Deputy-Speaker, Sir, in the absence of my esteemed colleague who would have done much better justice to the debate than I am able to do, I wish to make a few points. There was a very wideranging debate on the institution of the Governor itself. Points were raised whether the institution is necessary or not whether we can have a different system in which there will be no Governor. I love debate but, this is not the place, as the Deputy-Speaker said, to have a debate.

In my opinion, in a Cabinet form of Government, one institution—whether you call it a Governor or any other name—would be necessary for the purpose of regulating the establishment of a Governor. In a fixed executive where a person holds office for a period of four or five years, then there would be no need for the office of the Governor because the person will hold office for a fixed period. Nobody can change him. Then, elections are held within that period and another person will come and take charge. This is what happens in the Presidential system. The name may be different. It is not a Cabinet form of Government; it is a Presidential form of Government. It is either a removable executive or a fixed executive. Wherever we have removable executive, he is removable by Parliament. So, an institution of this kind would be necessary and, without it, it cannot function. This is a proposition in Political Science.

I am prepared to go on a debate at an appropriate place—not in the House. Having said that, it is necessary to have an institution of this kind. How should this person be chosen and what should be his position, status etc.? Much was made by a number of Members on the expression 'Dignity' of the Governor.

[Shri R. Venkataraman]

Others who have not been in Government could make a fun of it. But, I was rather surprised when my friend, Mr. Madhu Dandavate said that.

MR. DEPUTY-SPEAKER: Prof. Dandavate.

SHRI R. VENKATARAMAN: I was rather surprised when Prof. Dandavate said that.

PROF. MADHU DANDAVATE: I was discussing the same point.

SHRI R. VENKATARAMAN : Can a person who has been in Government make a fun of the expression 'the dignity of the Governor' ? Are you aware of that ?

MR. DEPUTY-SPEAKER : It was all said in a lighter vein by Prof. Dandavate.

SHRI R. VENKATARAMAN : I am also referring to it in a lighter vein.

PROF. MADHU DANDAVATE: I am sorry. If I said that the delegated dignity of the Governor is also subject to debate then I am sorry about that.

SHRI R. VENKATARAMAN: I did not mean you. I am going to say something different. You would certainly appreciate it. To our country, a number of dignitaries come from abroad. They are entertained in the Government House. They stay in the Governor's residence in Raj Bhavan. We have to keep up the status and dignity of that residence so that, when the dignitaries and the heads of States and other people come here, they will be able to have the comforts and the conveniences to which they are accustomed. In fact, I can give you a very interesting anecdote. There was a Governor of Bombay—a very brilliant man. Once

when I went to stay with him—that was before I was a Minister—he asked me, 'Do you know what I am, Mr. Venkataraman ?'. I asked him: 'Why do you ask me ? You are a Governor of the premier State in India—Maharashtra—It was then Bombay'. He said: 'No. I am the Chief Caretaker to the Government of India'. That is to say, he is the person who takes care of the dignitaries who arrive in Bombay, then entertains them in Bombay Raj Bhavan, takes them or sends them to the various places ; this is the kind of work which he has got to do. He said it in great joke. But it only illustrates the function which the Governor has to perform apart from the constitutional functions which he has got to do.

DR. SURBAMANIAM SWAMY: Haryana Governor was the Chief Undertaker, not the Chief Caretaker.

SHRI R. VENKATARAMAN: I don't know which is the corpse. Sir, the world dignity is used not in relation to the person but in relation to the office and the status of the office of the Governor. We have got to maintain it, we have got to keep it up. Number of Members said : We have got so many people below the poverty line. What is the fun of spending money on it ? Do you want us to expose our poverty even to our friends and dignitaries whom we invite to this country ?

PROF. SATYASADHAN CHAKRABORTY: It is already exposed.

DR. SUBRAMANIAM SWAMY: You should say : Do you want us to wallow in our poverty ?

SHRI R. VENKATARAMAN: I would ask those people one thing. I have also been guest of those Governments which have preached equality, this, that, and the other. In such countries also there is poverty. The way in which they have treated their

Government guests and their dignitaries is totally different from the way in which they treat their workmen.

MR. DEPUTY-SPEAKER : Mr. Venkataraman, Indian hospitality is unique in the world, and it is our culture.

DR. SUBRAMANIAM SWAMY: Tamil Hospitality is the best....

PROF. SATYASADHAN CHAKRABORTY: Hospitality does not mean lavishness.

MR. DEPUTY-SPEAKER : Do you not agree with the point I made ? Indian Hospitality is the best.

SHRI R. VENKATARAMAN: In those countries they have lavish hospitality which is totally different, which is many times more than the hospitality that we are able to afford.

MR. DEPUTY-SPEAKER : Mr. Venkataraman, you know it ; there is a proverb in Tamil, without a guest we don't take food: '*Virundombal*'.

AN HON. MEMBER: Do you practise it also ?

MR. DEPUTY-SPEAKER: Yes, we practise it.

SHRI R. VENKATARAMAN: I would stop here and merely say that this is necessary not for the purpose of maintaining the dignity of the person but the dignity of the office and status of the Governor as well as that of the country. Guests come to our country and we always try to treat them properly. Having agreed that we must have that status then it would naturally follow that you have to give him the facilities. Another type of criticism was that these Governors had not exercised their functions under Article 162 in an appropriate manner. Whenever somebody is affected, he always says like this. If I am not affected, I would say, the

Governor has misused his power. If somebody is affected, he would say the same thing.

PROF. SATYASADHAN CHAKRABORTY: Certain standards have to be maintained.

(*Interruptions*)

SHRI R. VENKATARAMAN: I don't want to hear any interruptions..

MR. DEPUTY SPEAKER : He is not yielding.

SHRI R. VENKATARAMAN: In politics this cannot be avoided.

PROF. SATYASADHAN CHAKRABORTY: No.

SHRI R. VENKATARAMAN: You will only draw me to say: What did you do ? What is it that the Janata Government did ? I did not want to say all these things, but you provoke me to say these. Why is it that they dismissed a governments ? Sir, 9 governments were dismissed.

(*Interruptions*)

SHRI RAMAVATAR SHASTRI: We were not a party to it.

(*Interruptions*)

SHRI R. VENKATARAMAN: Some doubts were expressed by some Hon. Members. I think Mr. Banatwalla and some other Hon. Members said this: They said, Parliament's powers are eroded. I am very humbly wish to point out that this is not so. Because, rules will be framed under Clause 13. Within these rules powers are given to the President to fix the quantum of emoluments. But he must do it under the rules and the rules will be placed on the Table of the House. Whether the Governor should have 3 automobiles or 2 automobiles cannot be decided by Parliament and cannot be framed in the rules. Whether the curtains should be of raw silk or polyester cannot be

[Shri R. Venkataraman]

decided. Therefore, if you read the Bill carefully, rules will be framed under Clause 13, all the things will regulate these privileges and emoluments. But the quantum will be decided by the President which means the Government and Clause 12 says that if any addition or increase becomes necessary in some stray cases, then.

It could be increased by the President *suo motu* and it should be placed before the Parliament. Therefore, the powers are not, in any way, taken out of the Parliament. It is a well known principle of delegated legislation where principles are laid down by the Parliament, but the quantum is decided by the Executive authority and nothing goes against the principle of the Act. Therefore, I commend my motion for acceptance of the House.

MR. DEPUTY SPEAKER : Now, the question is:

“That the Bill to determine the emoluments, allowances and privileges of Governors, be taken into consideration”.

The motion was adopted.

MR. DEPUTY-SPEAKER : We shall now take up Clause by Clause consideration of the Bill.

The question is:

“That Clause 2 and 3 stand part of the Bill”.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 4—LEAVE ALLOWANCE

SHRI G. M. BANATWALLA : (Ponnani): I beg to move :

Page 2, line 33,

for “as the President may by order determine”

substitute “as may be prescribed by rules made in this behalf” (3)

MR. DEPUTY-SPEAKER : I shall now put Amendment No. 3 moved by Shri Banatwalla to the vote of the House.

Amendment No. 3 was put and negatived.

MR. DEPUTY-SPEAKER : The question is:

“That Clause 4 stand part of the Bill”.

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 to 7 were added to the Bill.

Clause 8—(CONVEYANCE)

SHRI G. M. BANATWALLA: I beg to move:

Page 3, lines 7 and 8—

for “as the President may by order determine”

substitute “as may be prescribed by rules made in this behalf” (4)

MR. DEPUTY-SPEAKER : I shall now put Amendment No. 4 moved by Shri G.M. Banatwalla to the vote of the House.

Amendment No. 4 was put and negatived.

MR. DEPUTY-SPEAKER: The question:

“That Clause 8 stand part of the Bill”.

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9 was added to the Bill.

Clause 10—ALLOWANCES FOR REVEWING FURNISHINGS AND FOR MAINTENANCE OF OFFICIAL RESIDENCE.

SHRI G. M. BANATWALLA: I beg to move:

Page 3, lines 27 and 28—

for "as the President may by order determine"

substitute "as may be prescribed by rules made in this behalf" (5)

MR. DEPUTY-SPEAKER : I shall now put Amendment No. 5 moved by Shri Banatwalla to the vote of the House.

Amendment No. 5 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 10 stand part of the Bill".

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11—(OTHER PRIVILEGES AND ALLOWANCES)

SHRI G. M. BANATWALLA: I beg to move:

Page 3, lines 33 and 34—

for "paid, subject to any rules made in this behalf, such amount, as the President may, by general or special order, determine"

substitute—"paid such amount as may be prescribed by rules made in this behalf" (6)

MR. DEPUTY-SPEAKER : I shall now put Amendment No. 6 moved by Shri G.M. Banatwalla, to the vote of the House.

Amendment No. 6 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 11 stand part of the Bill".

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12—(ADDITIONAL EXPENSES)

SHRI G. M. BANATWALLA: I beg to move:

Page 4, lines 2 to 4 :—

omit "that the amount authorised under this Act by way of any allowances or for meeting any expenses with respect of any matter requires to be increased or". (7)

Page 4, lines 6 and 7,—

omit—"increase such amount or".(8)

Page 4 for lines 11 and 12, substitute—

"(3) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order". (9)

MR. DEPUTY-SPEAKER : I shall now put Amendments Nos. 7, 8 and 9 moved by Shri G. M. Banatwalla, to the vote of the House.

Amendment Nos. 7 to 9 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 12 stand part of the Bill".

The motion was adopted.

Clause 12 was added to the Bill.

Clauses 13 to 15 were added to the Bill.

Division No. 12]

[14-28 hrs

Clause 1—(SHORT TITLE, EXTENT AND COMMENCEMENT)

AYES

Amendment made:

Page 1, line 4—

for "1981" Substitute "1982". (2)
(*Shri R. Venkataraman*)

MR. DEPUTY-SPEAKER : The question is:

"That Clause 1, as amended, stand part of the Bill".

The motion was adopted.

Clause 1, as amended, was added to the Bill.

ENACTING FORMULA

Amendment made :

Page 1, Line 1—

for "Thirty-second" substitute

"Thirty-third". (1)

(*Shri R. Venkataraman*)

MR. DEPUTY-SPEAKER : The question is:

"That the Enacting Formula, as amended, stand part of the Bill".

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI R. VENKATARAMAN: I beg to move:

"That the Bill, as amended, be passed".

MR. DEPUTY-SPEAKER : The question is:

"That the Bill, as amended, be passed".

The Lok Sabha divided.

Ahmed, Shri Kamaluddin
Appalanaidu, Shri S.R.A.S.
Arakal, Shri Xavier
Arunachalam, Shri M.
Baitha, Shri D.L.
Bhagat, Shri H.K.L.
Bhardwaj, Shri Parasram
Bhoi, Dr. Krupasindhu
Brijendra Pal Singh, Shri
Chandra Shekhar Singh, Shri
Chaudhuri, Shri A.B.A. Ghani Khan
Chennupati, Shrimati Vidya
Dabhi, Shri Ajitsinh
Das, Shri A.C.
Dev, Shri Sontosh Mohan
Faleiro, Shri Eduardo
Fernandes, Shri Oscar
Gounder, Shri A. Senapathi
Jain, Shri Virdhi Chander
Jena, Shri Chintamani
Jha, Shri Kamal Nath
Kamal Nath, Shri
Kaul, Shrimati Sheila
Kidwai, Shrimati Mohsina
Krishna, Shri S.M.
Krishna Pratap Singh, Shri
Mallick, Shri Lakshman
Mallu, Shri Anantha Ramulu
Mishra, Shri Uma Kant
Misra, Shri Nityananda
Murthy, Shri M. Rajashekhara
Murugian, Shri S.
Muttemwar, Shri Vilas
Nadar, Shri A. Neelalohithadasan
Nahata, Shri B.R.
Parashar, Prof. Nārain Chand
Patel, Shri Mohan Lal
Patel, Shri Shantubhai
Patil, Shri A.T.
Patil, Shri Shivraj V.

Pradhani, Shri K.
 Pu jah, Shri Darur
 Raju, Shri P.V.G.
 Ramalingam, Shri N. Kudanthai
 Rana Vir Singh, Shri
 Rane Shrimati Sanyogta
 Rathod, Shri Uttam
 Rawat, Shri Harish
 Reddy, Shri T. Damodar
 Sahu, Shri Narayan
 Saminuddin, Shri
 Satya Deo Singh, Prof.
 Sethi, Shri Arjun
 Shailani, Shri Chandra Pal
 Shakyawar, Shri Nathuram
 Sharma, Shri Nand Kishore
 Shiv Shankar Shri P.
 Singaravadivel, Shri S.
 Singh, Kumari Pushpa Devi
 Sivaprakasam, Shri D.S.A.
 Soren, Shri Hari Har
 Subburaman, Shri A.G.
 Sunder Singh, Shri
 Tariq Anwar, Shri
 Tewari, Shri Krishna Prakash
 Thungon, Shri P.K.
 Tiwari, Shri Ramgopal
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Venkatasubbaiah, Shri P.
 Verma, Shrimati Usha
 Vyas, Shri Girdhari Lal
 Yadav, Shri Ram Singh
 Zainul Basher, Shri

Basu, Shri Chitta
 Bhim Singh, Shri
 Chaturbhuj, Shri
 Dandavate, Prof. Madhu
 Das, Shri R.P.
 Datta, Shri Amal
 Ghosh Go wami, Shrimati Bibha
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Goyal, Shri Krishna Kumar
 Hannan Mollah, Shri
 Jatiya, Shri Satyanarayan
 Mandal, Shri Sanat Kumar
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mohammed Ismail, Shri
 Muzaffar Hussain, Shri Syed
 Nihal Singh, Shri
 Pal, Prof. Rup Chand
 Parulekar, Shri Balusaheb
 Patil, Shri J.S.
 Roy, Shri A.K.
 Roy, Dr. Saradish
 Shamanna, Shri T.R.
 Shastri, Shri Ramavatar
 Surya Narayan Singh, Shri
 Swamy, Dr. Subramaniam
 Verma, Shri R.L.P.
 Verma, Shri Raghunath Singh

MR. DEPUTY-SPEAKER : Subject to correction, the result* of the division is as follows:

Ayes: 75 ; Noes: 32.

The motion was adopted.

NOES

Azmi Dr. A.U.
 Bag, Shri Ajit
 Barman, Shri Palas

*The following Members also recorded their votes.

AYES : Shri R. N. Yadav;

NOES : Shri T. S. Nagi and Shri Satyasadhan Chakraborty.