

to the farmers who suffered losses due to use of spurious fertilizers?

**SHRIDEVILAL:** It is a good suggestion. We are trying to identify the persons and traders involved in this racket. I hope that we will get your support also in the matter. This issue is more important than that of the security of the country. If adulterators are allowed to go scot free even after committing crime like this, they will find a way out to colourised fertilizers also. That is why I am seeking your co-operation to deal with them.

**SHRI RAJBIR SINGH:** I would like to know from the hon. Minister as to how many cases of adulteration of fertilizers have so far been detected and in what quantity common salt was used in place of Ammonia and whether any punishment was awarded to them. I would also like to know the number of cases in which laboratory tests were carried out and the number of traders and factoryowners manufacturing and selling spurious fertilizers after packing and selling them in gunny bags of known trade marks, who were awarded punishment?

**SHRIDEVILAL:** The Government wants to punish them and the matter is also enquired into. Let us gain ground, everything will be set right.

[English]

#### **Guidelines to Governors Regarding Nominations to State Legislative Councils**

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\*146. **SHRI L.K. ADVANI:**  
**SHRI SHANKERSINH VAGHELA:**

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether any guidelines have been issued to the Governors in regard to making nominations to the State Legislative Councils; and

(b) if so, the details thereof?

**THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED):** (a). No, Sir.

(b) Does not arise.

**SHRI L.K. ADVANI:** The hon. Minister has replied that no guidelines were issued and, therefore, the question does not arise. The question has been prompted by the action of the Maharashtra Governor who just before the elections made certain nominations to the State Legislative Council, which, though legally may not be questionable and constitutionally may not be questionable, but whose political ethics was questionable. It is in that context that this question has been raised. I would like to know from the Government whether the various recommendations made by the Sarkaria Commission in respect of the role of the Governors have been considered by the Government and whether any decision has been made in respect of those recommendations. This is because it has a direct bearing on the Centre-State relations.

**SHRI MUFTI MOHAMMAD SAYEED:** The Sarkaria Commission on Centre-State relations has categorically stated that Article 171 of the Constitution does not provide for the exercise of discretion by the Governor in the matter of nominations to the State Legislative Council.

**SHRI L.K. ADVANI:** That is not my question. It did not relate only to the specific instance which provoked the question. I am talking of the entire gamut of recommendations and the guidelines that have been suggested by the Sarkaria Commission in order to ensure that any person who occupies the office of Governor is able to discharge his duties correctly and properly as warranted by the Constitution. Have those recommendations of the Sarkaria Commission in respect of Governors been considered by the Government and whether the Government have accepted those recommendations?

**SHRI MUFTI MOHAMMED SAYEED:** Those recommendations are under the consideration of the Government.

**SHRI L K ADVANI:** A specific suggestion was made by the Sarkaria Commission which is in a way only an endorsement of assurances given at the time of the Constituent Assembly and that is that while appointing Governors, the State Governments would be consulted, and not merely informed. I would like to know whether in the recent appointments of Governors by the new Government, this particular assurance given earlier by every Government, and which when it was overpassed by any Government, we from the opposition criticised it, was adhered to.

**SHRI MUFTI MOHAMMAD SAYEED:** Yes, Sir; the Chief Ministers were consulted.....(*Interruptions*)

**SHRI P CHIDAMBARAM:** Since the Mufti doctrine was proclaimed outside the Parliament, I would like to know from the Home Minister whether it is a policy of this Government that on a change of Government, all Governors appointed by the previous Government should resign or should be asked to resign. Is that the policy of the Government?

**SHRI MUFTI MOHAMMAD SAYEED:** The Governors will continue as long as they enjoy the confidence of the Centre.

[*Translation*]

**SHRI GUMAN' MAL LODHA:** Mr. Speaker, Sir, I would like to know from the hon. Minister whether it is constitutionally proper to remove the Governors of different states en masse after change of Government at the centre? Will the policy of removal of Governors with the change of Government at the centre be reviewed? Secondly, I would like to know from the hon. Minister under which Article of the Constitution, Governors are supposed to enjoy the confidence of the Central Government. Under the Constitution, Governors are appointed by

the President. It is not necessary that they should enjoy the confidence of the Central Government. I would like to know under which Article it is necessary to enjoy the confidence of the Central Government?

[*English*]

**SHRI MUFTI MOHAMMAD SAYEED:** Sir, I think this supplementary question has no relevance with the present question. (*Interruptions*)

**SHRI JANARDHANA POOJARY:** It is a very important question. (*Interruptions*)

**MR. SPEAKER:** Please take your seat. What is the point?

**SHRI EDUARDO FALEIRO:** It is a fundamental question. It is a basic question. It is an important question. You are cutting short the whole supplementary. (*Interruptions*)

**MR. SPEAKER:** Please take your seat.

(*Interruptions*)

**SHRI VASANT SATHE:** Have you declared the question asked by the hon. Member irrelevant? Have you done it? Was the question asked by the hon. Member declared irrelevant by the Speaker? The Minister has no right to say that it is irrelevant. He must answer the question. Unless you say, he will not answer.

[*Translation*]

**MR. SPEAKER:** Shri Lodha, please again put the question pointedly.

**SHRI GUMAN MAL LODHA:** Mr. Speaker, Sir, I would like to know through you under which Article of the Constitution Governors were removed.

**SHRI MUFTI MOHAMMAD SAYEED:** Mr. Speaker, Sir, I have already said that so

far as the Governors are concerned, in 1980 also.....(Interruptions)

[English]

The Governors continue to be in office at the pleasure of the President. These Governors stayed. They offered to resign.(Interruptions)

**SHRI SANTOSH MOHAN DEV:** Sir, the hon. Minister has said that as soon as the Government is changed, the confidence of the new Government on Governors go. In view of this whether the seven Governors who have submitted their resignations still continue. It is more than two months. May I know whether these Governors have instilled their confidence, i.e. the Governors of Manipur and Bihar, because they have not called the largest party to form the Government. Or, will they be changed?

**SHRI MUFTI MOHAMMAD SAYEED:** Sir, some Governors have resigned first. Some have offered to resign. Some have been asked to continue. There is nothing wrong in that.

**SHRI MANDHATA SINGH:** I am very thankful to you for giving me an opportunity to speak. Mr. Advani's question has got derailed when we started talking about Governors' resignation and so on. I pointedly want to ask the hon. Minister to explain why the Government — as he says — has not issued any guidelines to the Governors regarding nominations to the Legislative Councils? Does the Constitution of India clearly indicate that men of literature, art, science and culture will find priority in those nominations and whether those guidelines which are given by the founding fathers of the Constitution are being deliberately violated?

**SHRI MUFTI MOHAMMAD SAYEED:** Sir, Article 80 (3) says that the people who will be nominated as Members to the Council should be men of literature, science, art and social service. This is the principle.

## Development Boards in Maharashtra

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\*147. **SHRI BANWARI LAL PUROHIT:**  
**SHRI BABANRAO DHAKNE:**

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government of Maharashtra has sent a revised draft proposal to the Union Government for setting up of separate statutory Development Boards for Vidarbha, Marathwada and Konkan; and

(b) if so, the decisions taken thereon?

**THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED):** (a) and (b). A Statement is laid on the Table of the House.

### STATEMENT

The Government of Maharashtra have made two proposals. The first proposal is for establishment of separate Development Boards for Vidarbha, Marathwada and the rest of Maharashtra as envisaged in article 371(2) of constitution and the second proposal is for amending article 371 (2) so as to include a specific provision for establishment of a separate Development Board for Konkan also. In the case of first proposal, the State Government furnished a revised draft scheme for giving effect to the said constitutional provision. It comprised a draft order to be made by the President under article 371 (2) and a draft order to be issued by the Governor in pursuance thereof providing *inter alia* for establishment of Development Boards for Vidarbha, Marathwada and the rest of Maharashtra., After examination, the Government of Maharashtra were requested to consider recasting the Governor's order keeping in view the requirements of the State and the legal opinion in the matter. The reply of the State Government has since been received. As far as the second proposal is concerned, in deference