

[Shri P.A. Sangma]

But they have been identified. In fact, from the funds available with us we have given scholarships to children of the cinema worker worth about a lakh of rupees. So, the identification and the issue of cards is going on. But since it is only one year, nothing much has been achieved. We have had only two meetings but after the amendment of this Bill we propose to call another meeting, either in southern region or in Western region, I do not know. We have not decided the venue. We want to discuss everything how it can be done.

SHRI NARAYAN CHOUBEY: Why don't you kindly issue a booklet from your Department in this regard and have it distributed to the cinema houses?

MR. CHAIRMAN: It is a suggestion.

SHRI P.A. SANGMA: We are taking some steps.

MR. CHAIRMAN: The question is:

"That the Bill to amend the Cine-Workers Welfare Fund Act, 1981, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: The House will now take up clause-by-clause consideration of the Bill.

MR. CHAIRMAN: The question is:

"That clauses 2 to 4 stand part of the Bill."

The motion was adopted

Clauses 2 to 4 were added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause 1, Enacting For-

mula and the Title stand part of the Bill."

The motion was adopted.

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

MR. CHAIRMAN: The Minister may now move that the Bill be passed.

SHRI P.A. SANGMA; Sir, I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

16.53 hrs.

GOVERNORS (EMOLUMENTS, ALLO-
WANCES AND PRIVILEGES) AMEND-
MENT BILL

[English]

MR. CHAIRMAN: Now we go to the next item—Shri Buta Singh to move that the Bill to amend the Governors (Emoluments, Allowances and Privileges) Act, 1982, be taken into consideration.

THE MINISTER OF HOME AFFAIRS:
(S. BUTA SINGH): Sir, I beg to move:

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

As you know, Sir, Article 158(3) of the Constitution of India lays down that "the Governor shall be entitled without pay-
ment of rent to the use of his official resi-
dences and shall be also entitled to such
emoluments, allowances and privileges as
may be determined by Parliament by law
and, until provision in that behalf is so

made, such emoluments, allowances and privileges as are specified in the Second Schedule". The Second Schedule prescribes a salary of Rs. 5,500 per month for the Governor. To regulate the emoluments, allowances and privileges of the Governors, an Act, namely, the Governors (Emoluments, Allowances and Privileges) Act, 1982 was enacted. This Act has now been brought into force with effect from April 1, 1987.

Section (3) of the said Act prescribes the same emoluments for the Governors as specified in the Constitution, that is, Rs. 5,500 per month. Consequent on the revision of salary and allowances of the President, Vice-President, Ministers, Speaker, Deputy Speaker, Members of Parliament, etc. in December 1985, the question of revision of salary of various Constitutional statutory authorities, including the Governors, had been under consideration of the Government. The salary of the judges of the Supreme Court and the High Courts has also been revised by virtue of the Constitution Fifty-fourth Amendment) Act, 1986 and the effective date has been fixed from 1st April, 1986. It would, therefore, be appropriate to enhance the emoluments of the Governors of the States from the said date, that is, April 1, 1986. Accordingly, it is proposed that the emoluments of the Governors of the States may be enhanced from Rs. 5,500 per mensem to Rs. 11,000 per month with effect from April 1, 1986. The Governors (Emoluments, Allowances and Privileges) Amendment Bill, 1987 has been finalised in consultation with the Ministry of Law, as introduced in Lok Sabha on 24.4.1987.

The Bill, when enacted, will involve an additional recurring expenditure of Rs. 11,88,000 per annum only which will, however, be charged on the Consolidated Fund of the respective States. With these few remarks, I commend to the House that the Bill be passed.

MR. CHAIRMAN: Motion moved:

"That the Bill to amend the Gov-

ernors (Emoluments, Allowances and Privileges) Act, 1982, be taken into consideration."

Shri N. Venkata Ratnam.

SHRI N. VENKATA RATNAM (Tenali): I oppose the Bill. Not that I oppose the amount that is being spent but I oppose the very institution of the Governor.

This Governorship has been created from the East India Company days—from 1770 onwards—that is taking shape. From time to time the Governors are there. Governor-Generals are there. Afterwards, on our becoming a Republic, it has not been disturbed. It is there. The main intention is that our institution being a federation, that is intended to be a link between the Centre and the State. But how far that has been a link. We have to see this. That has ceased to be a link. The Governor post or the institution has become an agent of the Centre. I may say, it is itself an agent. It is a political agent of the Centre and the Governor's institution is being used by the Centre as against the State from time to time. Instead of the honour that is to be given to it, it has become virtually a servant of the Centre. The institution is dancing to the political tune of the Centre and whoever is a bit independent, he is being punished in an awful, sorrowful way. Take the example of S/Shri Tapase, Ananthasayanam Ayyangar. They failed to be the tool of the Centre. They were either disgracefully removed or their term was not extended. This is how this institution is being used by the Centre.

That was not the intention at the time of the framing of the Constitution. In order to maintain the character of the Federation, that has to be used as a link. That is the concept. The appointment of the Governor or the removal of the Governor has nothing to do with the intention of the State. The Governor is a representative of the Centre and the State. When the Governor is appointed, the opinion of the State is not taken. Even if the State is opposed to the conduct of the Governor, that is not being

[Shri N. Venkata Ratnam]

looked into by the Centre. The intention is how to safeguard the interests of the State. In democracy the people's interests must be protected. The duty of the Governor is, if the States fail to look after the welfare of the people, the Governor has to intervene and report to the Centre and proper action is to be taken. But that is not being done at all.

From the days of Mr. Padmanabhan in Kerala, what has been done, all of us know. In order to remove the Government, no less a person, a very great in our estimate was sent to give the report. The report is given on which Governor had recommended for abolition and the Government was removed. This is how a laudable institution is being used by the Centre. Something should be done to preserve the integrity or the honour of the institution. Many of the provisions of the Constitution would be amended also and that will also be taken into consideration.

The States are not in a happy position financially because the Centre is not coming to the assistance of the State in financial matters. They take their own time. That States are made to spend crores and lakhs of rupees on maintenance of their premises. It is purely purposeless, benefitless, I must say a useless institution. It has become merely purely a decorative post.

17.00 hrs.

It is being used by the Centre as its agent. So, Sir, the very concept of the Governor's post and the institution of the Governor is not at all necessary for the State and the State is being made to spend crores and crores of rupees and that amount can be spent for some other useful purposes. Our Hon. Prime Minister was telling "we have been giving much importance for the welfare of the poor". So, that amount can be spent for the welfare of the poor people. Why should we spend money for ornamental, decorative and useless

posts of Governors. This post has also become a rehabilitation Centre for politically defeated persons. Our experience is there. The talk goes on like this that instead of winning a seat against the Opposition, it is better to get defeated from the Treasury Benches. There are so many examples. Those who are defeated in different States and also in our State, are being made Governors. It is a very honourable post which is given to them. So, it has become a talk of the people that it is better to get defeated from the Treasury Benches than winning the election against an Opposition Member. It has become quite true. So, Sir, I would like to submit that we are trying to see that so much money is spent in proper way, not misused or mis-spent, As far as this institution is concerned, it is purely an unnecessary expenditure. Crores and crores of rupees are spent for the institution of the Governor. We expected it to be a non-political post, but it has become purely a political post and I knew their conduct also. 1984 is the worst year in the history of this institution. I may say that Andhra Pradesh and Jammu and Kashmir are the worst affected so far as the institution of Governors is concerned. I may say that in 1984 the conduct of two governors was a disgrace to the very position of the office of Governor and it is a policy matter whether to continue this institution or not for which an amendment to the relevant Article of the Constitution should be made. We are now keeping this institution. But so long as the institution is continuing, we have to give honour and respect the institution. But at the same time it must be kept open to all.

So, my first suggestion that was given was that the Governor must be a person with public fame, well qualified, a man of good conduct and character. Such a person must be chosen as Governor. But that is not being done now. If you want to appease a person, you are dumping him as a Governor. But it is an important post and it should not be treated like that. That is not the idea of the Constitution. So, Sir, I would like to submit that if you want to continue the post of Governor, let us have

a proper perception, let us have good Governors and let us have a qualified and popular person as Governor and I have no objection to your spending money for this institution. But because the institution is misused and mis-guided and used for political purposes this institution has lost its value and unless you repair this institution, all the money that you spend on this institution is going to be a sheer waste. Hence I oppose this Bill.

SHRI SHANTARAM NAIK (Panaji): Mr. Chairman, I support the Bill and in supporting the Bill I would like to make a few observations.

I do not understand the logic behind my learned friend's opposition to the institution of the Governor itself. It is within his rights to make some concrete suggestions so that the institution becomes a real democratic institution. One can understand those suggestions made in that light. But if the post at all is abolished, what are you going to do with respect to the constitutional vacuum that would be created in such an event? And the hon. Member while criticising the institution has not answered this point. If he had given some solution to the vacuum that would have been created, then one could understand as to how he would like to have the institution to be abolished. Therefore, I would not like to agree with the hon. Member with respect to the idea that he has mooted about the abolition of the post of the Governor.

I may draw the attention to Article 153 of the Constitution which says that 'there shall be a Governor for each State.' Now, I would like to suggest here that in any case we have divided the country into States and Union Territories and we should not make any distinction on aspects as far as Union Territories and States are concerned. In the Union Territories we send or appoint what are known as Administrators or Lt. Governors. I do not think that practice is sound because even in the Union Territories which are created under the Constitution we should have Governors. Maybe we can think of some sort of Deputy

Governors, but we send some people known as Administrators or Lt. Governors in the Union Territories in spite of the fact that the Union Territories are created under the Constitution. Therefore, I would like the Government to consider this aspect also.

Secondly, earlier also it was suggested that the powers of the Administrators or Lt. Governors under the Union Territories Act are very wide, which is not the case with the Governors of the States. If we respect the advice tendered by the Council of Ministers in a State, we should also respect the advice given by the Council of Ministers in a Union Territory. By that I mean, the advice tendered by the Council of Ministers even in a Union Territory should be binding upon the Administrator or a Lt. Governor whatever may be the case, so that there is absolutely no distinction between the two sets of Governors, namely, Governors and Lt. Governors or Administrators because the Union Territories are also the creation within the Constitution.

Thirdly, may I take the House to read Article 75(2)? I am of the opinion that whatever the ambiguity somehow remains in the Constitution as far as the powers of these Governors etc. are concerned, it creates problems. Although we understand certain convention in a very good manner, yet these things create a sort of confusion. I will just take you to Article 75(2). Article 75(1) says:

"The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister."

Article 75(2) says:

"The Ministers shall hold office during the pleasure of the President."

I am just taking you to Article 75(2) regarding the power of the President and the

[Shri Shantaram Naik]

Governor also. Even here, in the Council of Ministers, the Minister does not hold office under the pleasure of the President in reality. There is a system. It is not vested in the President to dismiss any Minister or Governor because what normally comes in is the advice by the Prime Minister, the Council of Ministers or the Chief Minister as the case may be, and therefore these wordings which are used, viz, 'The Ministers shall hold office during the pleasure of the President' are not a reality. So in the Constitution wherever these wordings occur, they can be deleted by way of amendment.

I will take you to article 163 of the Constitution:

"163 (1) There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion."

Now, Sir, as far as article 74 of the Constitution is concerned, when an advice is given by the Council of Ministers to the President of India, he is bound to accept the advice and he is bound to follow it. We have got a clear-cut provision in article 74. But as far as States are concerned, such a similar provision is not there, although by convention, the advice tendered by the Council of Ministers in a State is binding on the Governor. I, therefore, suggest that article 163 of the Constitution should be amended in line with article 74.

Now, I will like to take you to article 53(2) of the Constitution. I am saying it in the light of my observation that whatever ambiguity which prevails in the Constitution which creates a confusion, which is not a reality, should be removed. Article 53 (2) says:

"Without prejudice to the generality of the foregoing provision,

the supreme command of the Defence Forces of the Union shall be vested in the President and the exercise thereof shall be regulated by law."

Now, the President of India, in fact, is not the supreme commander of the Armed Forces. That would be clear if you read the second portion "shall be regulated by law". And these powers are vested in other bodies and other authorities. Secondly, the advice tendered by the Council of Ministers is binding on the President. Virtually, the President of India does not have any power with respect to the Armed Forces, Defence Forces. I am saying this because whatever ambiguities are there in the Constitution should be removed so that there is no doubt about it. I am saying this after my definite observation.

MR. CHAIRMAN: Why do you bring in the question of President? Let us discuss the Governors' emoluments.

SHRI SHANTARAM NAIK: I am comparing the powers of the Governor and the President.

MR. CHAIRMAN: Not necessary. You confine yourself to the Bill.

SHRI SHANTARAM NAIK: My point is, what is in reality should be reflected in the Constitution. When he is not, in fact, the supreme commander of the Armed Forces, it should be made clear. Therefore, in this light, what I say is, ultimately the Government should exhaustively review this part of the Constitution so as to bring it in line, with what is the real, factual, Constitutional position so that if there is any ambiguity in the wording, which is not true or correct, that should be removed.

SHRI THAMPAN THOMAS (Mavelikara): Sir, it is quite natural when the Treasury Bench brings in the President into the affair, in the present context, because there is some fear in its mind. Therefore, I feel that that suggestion came from the Treasury Bench about the powers

of the President in the discussion on this Bill.

MR. CHAIRMAN: The Bill is very simple. It is only about increasing the salary of the Governors.

SHRI THAMPAN THOMAS: It is now clear from the Treasury Bench itself, the fear which it has expressed reveals that the President has got very great powers by which, perhaps he may dismiss the Prime Minister or not—some question is there in its mind and is agitating the Treasury Bench.

MR. CHAIRMAN: Please don't discuss the President's power under the guise of this Bill.

SHRI THAMPAN THOMAS: Therefore I welcome the question of looking into the matter thoroughly and having a proper evaluation of these facts. My hon. friend has brought in certain things whether the office of the Governor is necessary or in what manner that can be re-arranged. That should be a matter of public debate in this country where all fora are involved. Of course, participating in the discussion on the Bill, what I would suggest is, a point which has been raised by both the previous speakers should be a subject-matter of discussion and debate publicly and something should come up and our democracy should be streamlined in a proper manner.

Another thing I would like to point out is about the Supreme Court's decision on Governors' powers, the Ordinance-making powers of the Governor, wherein it is said that it is a fraud played on the people in a democracy. Supreme Court itself said this, that the Governors play the role of something which is against the mind of the people by passing the powers of Parliament and the powers of the legislature and the elected representatives and act in such a manner that, everything is passed to them. This has been criticised even by the Supreme Court. Therefore, these are the

subject matters which are to be discussed and streamlined in this light.

Through this Bill, the salary is being increased from Rs. 5,500/- to Rs. 11,000/- The reason stated in the objects is that of price increase. I am very glad that Government has accepted the fact of price increase. If that is the case, my question is why the Supreme Court Judges, why the Governors, why the executives in public undertakings alone, are given this increase in salary. I am mentioning this with particular reference to certain areas. Recently, in the public undertakings, the salaries of executives are increased though the agreements have been terminated a year back and no new agreement has come. This has happened even in the Undertakings including BHEL and others. We are going to discuss this matter.

When in this Bill, it is said that price increase is there and on account of the price increase, the salary is to be increased of the Governor, of the Supreme Court Judges and of the executives and of the bureaucrats of this country, my request is that this yardstick should be made applicable to the poor working people of this country. Of course, there was a Pay Commission for the Government servants and something has been done but, there is yet another view which comes there, also the public who are very much affected by it, really the people and, in that, what are they going to do? This is a question which I would like to pose in this matter that, in that area, wherever revisions have to be made, such revisions have to be made and payments and salaries will have to be increased.

It has been pointed out by the hon. Minister that retrospective effect will have to be given in this respect. Why? That aspect is not looked into in the matter of workers. I know that there are cases where the trade unions come to an agreement, they follow the agreement, the Bureau of Public Enterprises and Cabinet Special Committee and all that directs "Do not pay the arrears from the date of agreement." Even if three or

[Shri Thampan Thomas]

four years have elapsed after an agreement, subsequent revision is never made applicable and why in the case of the Governors and Supreme Court Judges, have you found out the sanctity of date and implemented it in these cases? I have no objection in giving them the increase in salary but give the others also their due share. That aspect is not there. Of course, I am not against increasing the salary and giving it. But everywhere this aspect has to be maintained. That is my submission.

SHRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Chairman, I rise to support this Bill, the Governors (Emoluments, Allowances and Privileges) Amendment Bill, 1987 brought forward by the hon. Home Minister.

As observed by you rightly, this is a very simple and innocuous Bill and there is nothing even to discuss about the provisions. It has only one provision, seeking to increase the emoluments of the Governor from Rs. 5,500 to Rs. 11,000/- a month.

17.21 hrs.

[Mr. DEPUTY-SPEAKER *in the Chair*]

Since there has been upward revision of the salary etc., of employees and of people in different high elective Services so many times hitherto, but there has been no revision whatsoever in the salary or emoluments of Governors since the Constitution itself has come into being. Therefore, absolutely there is nothing to dispute about the provisions of this Bill. But I wonder why this opportunity has been seized by the hon. Member, the Opposition Member, who spoke and who went to the extent of suggesting or abolition of the institution of Governor. He is of course himself confused. He said: "I support these amendments but oppose the Bill". Kindly see it. He himself has said: "I support the upward revision of emoluments"—he supports it but he opposes the Bill.

(Interruptions)

Yes, you may go through the record. You have said very clearly "I oppose the Bill". But at the same time, you have said: "I support the increase, proposed increase in the emoluments"...But, Sir, he says that he is opposed to the very institution of Governors. But I find that some State Governments, some people may be unhappy with some action of some Governors here and there. But that cannot be the yardstick. That cannot be the yardstick to judge the performance of Governors as an institution. If a particular Governor in some place, at some point of time might have erred in his judgement in assessing certain situations, in making certain recommendations to the Centre and if we will be applying the same yardstick everywhere and if we will be suggesting to abolish this institution, it will not be just. It will be very very unjust. That way this is a very useful institution. The Governorship post is a very very useful institution and very much necessary.

As you know, we have the federal system in India. We have opted for a federal system with the Centre at the Centre and with the States all around. Therefore, what is very much important is the right type of relationship between the Centre on the one hand and the States on the other. Who will provide this link? Who is supposed to work as the link between the Centre and the States? It is naturally the Governor. And what way, that post is very signified and the Governor—whosoever he may be—has to act independently, fearlessly and impartially. The Governor should identify himself with the interests of the people, the people there, the welfare of the people of the State that he is posted to, and there is no doubt about it. There has been a debate going on whether we should have this institution of Governor or not. Some States. I think, including the State of Andhra Pradesh, which is the pioneer in that, have come before the Commission on Centre-State relationship. That Commission is now working on it. They have come before the Commission, I mean the Sarkaria Commission. Several States ruled by the Opposition parties have come before

Sarkaria Commission suggesting the abolition of this office. Some States are also suggesting some modes of appointment of the Governors. About the appointment of the Governors, that point was debated in the Constituent Assembly. There were two opinions expressed. The two opinions were whether this office should be filled up by election or by nomination. After a great deal of thought, they decided that thing should be nominated. This should be filled up by nomination or by selection. The founding fathers of the Constitution have found that if both the Chief Minister and the Governor will be elected persons, then that would lead to confusion; that would lead to more clash than cordiality. There would be confrontation every time as to who is superior and all that. This will go on. The Governor is supposed to be the eyes and ears of the Centre. As I told you, he has to be an effective link between the Centre and the States. As such, he has to be very, very careful. As you know, he has to watch the political developments in the State, he has to oversee the working of the State Government and at the same time he has to remain non-involved. It is a very delicate work. He has to have contact with various political parties and not only with the Chief Minister and his colleagues and he has to provide solace also to the aggrieved people. When people feel aggrieved by the conduct of the ruling Party in different States, they go to the Raj Bhavan, irrespective of party or political affiliations, they meet the Governor and acquaint him with the different aspects of the situation. As you know, he has to act on the advice of the Council of Ministers. The safeguards are there...

MR. DEPUTY-SPEAKER: Please try to conclude.

SHRI SRIBALLAV PANIGRAHI: He has to summon the Assembly. And when there is a fear of breakdown of Constitutional machinery, who will be there to report, who will be there to watch the situation, to

assess the situation and make a correct objective report to the Centre? Naturally, in our system the office of Governor, this institution, is a very useful one. We can never think of abolishing this. The only thing as I said is this. There may be allegations against certain incumbents of Raj Bhavans here and there, made by some people. In some cases there may be some element of truth in the allegations, but in many cases they are far from the truth. Those people who allege, who come forward with allegations against Governor, we find on an analysis in different places—I do not say, all places—are themselves biased people. When a set of biased people come out with serious allegations against Governor, what sort of credibility can we place on these things?

MR. DEPUTY-SPEAKER: Please conclude.

SHRI SRIBALLAV PANIGRAHI: I am concluding.

A Governor has not only this work to perform, but he has certain other roles also to play. For instance, Chancellor; in many States in respect of all the Universities, the Governor is the Chancellor, and as Chancellor he has a very effective role to play. As Chancellor, he is not bound by the advice of the Council of Ministers, because this is something else; Chancellorship is created by a Statute passed by the State Legislature and, therefore, it is not exactly in tune with the Constitutional provision that he is bound by the advice or recommendation of the Council of Ministers.

The Governor is the Head of the Red Cross in the State. The role of the Red Cross is quite noble and wherever there is any difficulty or trouble or calamity, the Red Cross comes to the rescue. He encourages social services; he provides inspiration for social work. Social workers go to him wherever there is any trouble. He also heads the Hind Kusht Niwaran Sangh.

[Shri Sribhallav Panigrahi]

These are all national institutions, and Governor is the head of these institutions in their respective states.

Of course, I agree that the distinction between national interests and political interests must not be lost, and the Governor must identify himself with the people of his State and think of their welfare. This office, this institution, is an independent and high authority. As Head of the State, he has to maintain a close link between the Centre and State, offer advice as a friend and ensure uniform standards and sound public policy and uphold the majesty of the law and the Constitution and interpret them.

I had to say all this because, unfortunately, there has been some remark, some observation, some suggestion, from the other side that this institution is not useful, is not relevant, and that this should be done away with. That prompted me and the Members on this side to speak all this on the utility of this institution, how it is very useful, and how we can strengthen this institution. Now, Sir, as you know we all complain here that for our various programmes, Anti-Poverty programme, developmental programmes, the Centre is releasing money, is granting funds, but that is not being properly spent in different States, run by different political parties. Naturally, it is time, I would suggest to the Hon. Home Minister that he should also examine how far the Governors could be involved in such programmes. The Governors are generally retired Military Generals, retired top civil servants, very famous jurists of national repute, educationists of national repute and not any third class people. How many political people are being appointed? Very few here and there. They are trying to create an impression that only political people belonging to ruling party are appointed as Governors and being sent to different States to rule the States. That is not so. We are not short of talents. The country is full of talents and we

have to utilise those talents. The persons in the evening of their life, who have rendered valuable service in the country, are being given this assignment. Naturally we should not come forward with such allegations. Of course, we can involve, as I was suggesting you, these Governors also in the developmental things without involving them in local politics. That can be thought of. In the changing times, our work is increasing manifold and there are serious allegations of money being not spent properly. That also can be thought of without involving the Governors in the local politics. With these words, I support the Bill and conclude.

[*Translation*]

*SHRI AJIT KUMAR SAHA (Vishnupur): Mr. Deputy Speaker, Sir, I cannot support this Governor's Emoluments, Allowances & Privileges Bill which is under discussion. I will like to give my reasons for opposing it. Sir, in the Statement of Objects and Reasons of this Bill it has been stated that the Salary of Governors is sought to be raised from Rs. 5000/- to Rs.11000/- due to the rise in prices and cost of living.

Now, the Govt is itself admitting that the prices of all commodities are rising in the country. We find that all the benefits and reliefs on account of price rise are being provided to the Governors and highly paid officials. This Govt. is unconcerned about the plight of all those poor workers who work in fields and factories, all those poor share croppers and agricultural labour who are growing under the pressure of skyrocketing prices all round. This Govt. thinks only about the high-ups in society. A short while ago Shri Shantaram Naik an hon. Member from the treasury benches said many things about the powers of the President in his speech. He said that the President shall act on the advice of the Council of Ministers etc. etc. But this Bill

* The speech was originally delivered in Bengali.

has nothing to do with the President. Hon. President is not mentioned anywhere in this Bill nor is there any reference to him either. We were wondering why was he mentioning about the President again and again. Perhaps there is some apprehension in the ruling party on account of the recent write-ups in the press, about the shape of things to come, what the President will do and what will be their own future etc. However we do not want to say anything in this respect. But we have certainly to say something about the Governors. Because we have seen that in 1969 when Sh. Dharam Vira was the Governor of West Bengal, he dismissed our lawfully elected Left front Govt. there by undemocratic methods without showing any reason for that and this was done on instructions from the Central Govt. This was highly improper and unfair. Therefore we find that the Governors act on the dictates of the Central Govt. They cannot tolerate the non-congress State Govts. and make all efforts to harass and create difficulties for such State Govts. Some time ago another Governor was appointed in West Bengal when the left front Govt. was in power. His name was Shri A.P. Sharma, who is at present a member of the Rajya Sabha. During his tenure as Governor he put the West Bengal Govt. in great difficulty over the University Bill and we believe that he did that with political motivation.

Due to such politically motivated action of the Governors, the State Govts. have to face great difficulty many a time. We are of the firm opinion that there is no necessity of the post of the Governor. The Governor's post should be abolished. Moreover we have seen that those politicians who cannot contest elections or lose the elections are appointed as Governors and thrust on some State. Governors should not be nominated and thrust on the States. Rather Governors should also be elected just like the Presidents. Then they will command more credibility and trust. We will certainly support such a Governor. The life

style of a Governor and the facilities enjoyed by him are almost unimaginable for us. In spite of that the Central Govt. is increasing their salaries. This idea we cannot approve. Hence I cannot support this Bill. With that I conclude.

SHRI HARISH RAWAT (Almora): Mr. Deputy Speaker, Sir, I rise to support the Governors (Emoluments, Allowances and Privileges) Amendment Bill. The sole objective of this Bill is to increase the emoluments of the Governors which had been under consideration of the Government for a long time. No body would oppose the move to increase the emoluments and other facilities of the Governors. It is the duty of the Government to provide necessary facilities to the Governors so that they may be able to discharge their duties in a proper way. I congratulate the Home Minister for bringing this Bill for increasing the emoluments of Governors. At the same time, I also expect that the Minister of Parliamentary Affairs will consider seriously a proposal in regard to the increase in the emoluments and allowances of the Members of Parliament and bring forward a legislation in this regard before the House. The reason is that the facilities which are available to us for discharging our duties, are insufficient and deserve reconsideration in the context of present day circumstances. I do not say that the emoluments of the Members of Parliament be increased substantially but I do demand that the Government should at least pay us commensurate with our duties. The criteria adopted for increase in the emoluments and allowances etc. of the big officers, Ministers and the Governors should also be adopted in the case of Members of Parliament.

Of late, the office of the Governor has become a subject of controversy. A tendency to criticise him has developed. In every State where there is Government of the opposition, the office of Governor becomes an eye sore for them. The State Governments regard him as an agent of the Central Government. This is a very dangerous tendency. The fact is that the

[Shri Harish Rawat]

Governors work in the States as the protectors of Constitution. They have to see that the constitutional machinery in the States works properly and the State functions are carried out in accordance with the provisions of the Constitution. But unfortunately whosoever may be made the Governor, it has become a practice with some of our friends to criticise him in view of their political ends. At least such a tendency should not be encouraged. It can prove dangerous.

The Constitution framers had discussed at length the utility of the institution of Governor. Later on, whenever any constitutional crisis took place in the States, the Governors played an important role as guardians of the Constitution. I do not think, there is any need to reconsider the question of retaining the post of Governor.

So far as the question of elected institution of the Governor is concerned, there is a distinct differences between the office of President and the office of the Governor. If we elect Governor in the same manner as the President is elected, it will create many problems.

My friend from Andhra Pradesh who initiated the discussion has levelled some charges against the Governor indirectly. If we seek the opinion of the people of Andhra Pradesh, they will praise the present Governor. The Governor looked into the problems and grievances of those poor and weaker sections of the people who were neglected and ignored by the State Government and tried to find a solution to their problems. It is not justified to evaluate the office of Governors on the performance of the occupants in the political perspective. I think, my friend from Andhra Pradesh has neither served the people of Andhra Pradesh nor the Constitution by saying so. With these words, I once again

welcome the Bill presented by the Home Minister.

*SHRI V. KRISHNA RAO (Chikkabalapura): Mr. Deputy Speaker, Sir, I rise to support the Amending Bill moved by the hon. Home Minister Shri Buta Singh. This Bill is to amend the Governors' (Emoluments, Allowances and Privileges) Act, 1982. I whole-heartedly welcome this Bill and would say a few words.

The office of the Governor is a high office. It will not be possible for the President to be in touch with the happenings in every nook and corner of our vast country. Hence Governors are appointed as State heads and they provide a healthy link between the States & the Centre. This appointment is made according to the provisions of Constitution.

Some of the opposition members have said that the Governors are the agents of Central Govt. I am really surprised and shocked to hear such comments and criticisms about Governors. I reiterate that Governors are not the agents of the Centre. They hold a very important office and they are impartial. If there is any trouble for the State Govt. or if there is any instability in the State Govt. then the Governor invites all parties for discussion. After thorough discussion, it is the Governor who finds a solution to the problems facing the State. It is such a responsible post like the President and the Prime Minister the Governors are also performing responsible duties. They must be respected by one and all. There is no scope for comments and criticisms about the office of a Governor.

It is justified to rise the emoluments of Governors from Rs. 5500 to 11000. In fact, this amendment has been brought too late. However, I congratulate the hon. Home Minister Shri Buta Singh for bringing this Bill. Governors office is a respectable and dignified office. Governors must be respected by all of us irrespective of our party affiliations. Their knowledge and

* The speech was originally delivered in Kannada

experience command respect. Hence increase in the emoluments of Governors is a welcome step. Therefore once again I support the Bill and expect that all the opposition members will join us in passing this Bill unanimously. With these words Sir, I conclude my speech.

SHRI GIRDHARI LAL VYAS (Bhilwara) : Mr. Deputy Speaker, Sir, I support the Governors (Emoluments, Allowances and Privileges) Amendment Bill. The CPM members are opposing it for only opposition sake. They never do a constructive work and try to do destructive work. Nothing can be more deplorable than the way they condemn the office of Governor. We all should condemn the wrong method they have adopted in giving the details about Shri Dharmpal Ji and several others. They do not like any of the Governors. Nobody from CPM side can become a Governor because there is Congress Government at the centre and it is the Central Government which appoints the Governors. These CPM people think that the persons other than CPM men can not do any good work.

SHRI BUTA SINGH : It can be done with their consent.

SHRI GIRDHARI LAL VYAS : Whether it is with their consent or not, they do not like a person other than a CPM man. It is also their misfortune that even during Janata rule, nobody from CPM could become a Governor. They can indulge in criticism only and nothing else. It is not proper to condemn this post because the Governor is the Head of the State and it is his duty to guide the State Government if the latter commits any mistake and to tender them good advice and try to bring them to the right path.

SHRI VIRDHI CHANDER JAIN (Barmer) : Shri Vyas should be made the Governor of Bengal....(Interruptions)....

SHRI GIRDHARI LAL VYAS : Mr. Deputy Speaker, Sir, I am saying so, so that God may give good sense to Shri Acharya and he may work properly in the days to

come. Alongwith it, their Government of West Bengal may also work properly.

AN HON. MEMBER : He does not believe in it.

SHRI GIRDHARI LAL VYAS : He may believe it or not, but I want that God may bless him with good sense. A little ago, our Prime Minister threw light on the modus operandi of their Government.

SHRI BASUDEB ACHARIA : He has praised the State Government. ...

...(Interruptions)...

SHRI GIRDHARI LAL VYAS : The CPM men claim to be the Messiah of the poor people, but they do not know that they are not spending the funds which are given to them for the welfare of the poor people. I would like to know from the Minister of Home Affairs as to why no action is taken against the State Government for not spending the funds given to them for the poor people? Such a Government should be dismissed and in its place a Government which works with strength and vigour should be installed for this purpose, a strong Governor may be appointed in the State who can make the State Government work. The Central Government while agreeing with the State Government should impress upon them the necessity to spend the funds provided for poverty alleviation programme to the State properly and not spend it on CPM cadre so that the poor are benefited and those who are below the poverty line are brought above the poverty line. The funds meant for poverty elimination programme should not be spent on making CPM men millionaires. The CPM people swallowed all the wheat and spent all the money that was given to them on their own people. Hon. Minister should ensure that they in no way misuse the funds. To improve the matters in the State, a strong governor should be posted in the State. I can only make this submission.

As regards this Bill, the emoluments of

[Shri Girdhari Lal Vyas]

the Governors have been raised from Rs. 5,500 to Rs. 11,000 through it. It is a welcome step. The prices have steeply risen but it appears as if only the Governors, the President and big officers like the IAS officers are affected by it and the Members of Parliament remain unaffected and they do not require any hike in their emoluments. As such, if their emoluments are enhanced, they will make more uproar and demand more. Let them remain as they are. Rather cut their emoluments a little and make their living still difficult so that they can neither nurse their constituencies nor attend the House or entertain the people coming to them from their constituencies for their work. The Home Minister might be knowing that a large number of people come to us from our constituencies. People might be coming to him also. But since he is a Minister, people might not be bothering him for boarding and lodging. But we have to make all arrangements for them. Therefore, our case also deserves serious consideration. It is good that the emoluments of the Governors have been raised. At the same time, the emoluments of the Members of Parliament should also be raised. Like Shri Rawat, I would also suggest that constituency allowances should be granted to the Members of Parliament. They should be provided free telephone facility. The Members of Parliament have to pay a fixed amount for water and electricity which should be made free. We have to pay for the accommodation that is provided to us. It should also be made free. When rent free accommodation is provided to all, why rent is recovered from them. All these amenities should be provided to them to improve their efficiency. So many PAs are provided to a Deputy Secretary, a Joint Secretary and an Additional Secretary...*(Interruptions)*... I am speaking about all including the Governors because Governors and the President come in the same category. President is elected and he in turn appoints the Governors. He is also covered under this arrangement. We, the MPs elect the President and the President in turn appoints the Gov-

ernor. So we are all inter-linked. If their emoluments are raised, then our emoluments should also be raised.

In the matter of protocol, we have been equated or placed above the Secretary. A Secretary is provided two to three PAs, an Additional Secretary is provided two to three PAs a Joint Secretary is provided one PA. Other officers are also provided one PA and all other facilities of typing, telephone etc. But the Members of Parliament have not been provided PA or any typing machine. As such, we experience difficulty in replying to the letters from our people. Arrangements for a typing pool have been made here. But it cannot meet all the requirements. Proper arrangements should, therefore, be made to ensure that Members of Parliament can work efficiently and place all the details about their respective constituencies before the House...*(Interruptions)*

Mr. Deputy Speaker, Sir, I am pleading your case also. If our emoluments are increased, your emoluments will also be increased. The Home Minister has increased the emoluments of all except the Speaker and Deputy Speaker. Their emoluments should also be suitably increased so that they can also work properly. We have no objection if emoluments of the Minister are also raised. Above all, the emoluments of Members of Parliament must be raised so that they may work efficiently. Such an arrangement must be made. As the Home Minister is aware, all the facilities such as conveyance, servants, catering etc. are provided free of charge to the Governors. Even their guests are treated as official guests and the Government has to bear all their expenditure. We should also likewise be extended all these facilities free of charge so that we can also do our work properly. It is my request to the hon. Minister. The Minister might be aware that our daily allowance is Rs. 75 v. whereas the daily allowance of MLAs in some Assemblies has been raised to Rs. 100. All other facilities are also provided to them free of charge but we are deprived of them. In these circumstances the hurdles

that we come across in our working can be well imagined. I urge upon the Deputy Speaker also to ask the Minister to rectify such anomalies. I support this Bill and we are prepared to extend full co-operation to the Minister. But it is my humble request that the hon. Minister should bring forward a Bill on these lines in the days to come through which Members of Parliament may also get facilities and they may perform their duties with full efficiency.

SHRI VIRDHI CHANDER JAIN (Barmer): Mr. Deputy Speaker, Sir, I support the *Governors (Emoluments, Allowances and Privileges) Amendment Bill, 1987*. At the time our Constitution was framed, the Constitution makers had created the post of Governor after giving it due thought. Had the post of Governor not been created, it would have been difficult to conduct the affairs of different States in certain circumstances. Sometimes a vote of no-confidence is passed against a State Government and the Government falls, sometimes a State Government is dismissed. In these circumstances, only the Governor of a State conducts the affairs of that State till fresh elections are held. As such it must be noted that had the post of Governor not been there, the situation would have been volatile and it would have been difficult to conduct the affairs of the State. It is due to these reasons that the post of Governor is required. However, some qualification must be prescribed for appointment to the post of Governor. I have thoroughly studied the Constitution. In the Constitution, no qualifications have been prescribed except that the incumbent must be at least 35 years old and he should not hold any office of profit. Except this the Constitution is silent about the qualifications of the Governor. If an illiterate person is appointed as Governor, how he will discharge the duties of a Governor? The Governor, has to exercise his discretion in certain circumstances. Sometimes more than one parties have equal strength and in the circumstances the Governor has to decide as to which party should be asked to form the Government. The Governor has to take this decision at his own

discretion. What I mean to say is that some qualifications must be prescribed for appointment to the post of Governor. If it is not done, it will not be proper. Once Janata Government was also there. They had also appointed Governors. Communist party was also in power and it was extending its support to them. There were other parties also.

S. BUTA SINGH: They had also toppled the Governments.

SHRI VIRDHI CHANDER JAIN: What I mean to say is that they had also dismissed Governments. Government of Rajasthan was one of them. If at all, the office of Governor was ever misused, it was they who misused it. It is, therefore, imperative to ensure that the office of Governor is not misused.

[English]

MR. DEPUTY SPEAKER: You can continue tomorrow. We will take up half-an-hour discussion.

18.00 hrs.

HALF-AN-HOUR DISCUSSION

New Drug Policy

[English]

SHRI SHANTARAM NAIK (Panaji): Mr. Deputy Speaker, I stand here to initiate this discussion on *New Drug Policy* basically because this is a vital policy of the Government which is going to guide us at least for next four to five years. Therefore, the policy of the Government on this vital aspect of drugs tends to be very valuable.

At the outset, I would like to pinpoint a very preliminary thing, namely, in the document, which I have got here before me—Measures for rationalisation, quality control and growth of drugs and pharmaceuticals industry in India. It would have