

contravenes the said rule. The proposed amendment cannot also be passed by the Lok Sabha unless the legislatures of at least two States pass resolutions adopting the proposal.

MR. CHAIRMAN: I now put Amendment No. 13 moved by Shri Shamanna to Clause 6 to the vote of the House.

*Amendment No. 13 was put and negatived.*

MR. CHAIRMAN: The question is:

"That Clause 6 stand part of the Bill"  
*The motion was adopted.*

*Clause 6 was added to the Bill.*

MR. CHAIRMAN: There is Amendment No. 14 Clause 7 (New) in the name of Shri Shamanna. Is he moving the Amendment?

SHRI T. R. SHAMANNA: I am not moving my Amendment.

MR. CHAIRMAN: The Amendment is not moved.

The question is:

"That Clause 1, the Enacting Formula 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.*

SHRI SAWAI SINGH SISODIA: Sir, I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

## GOVERNORS (EMOLUMENTS, ALLOWANCES AND PRIVILEGES) BILL

MR. CHAIRMAN: We now take up the next item, the Governors (Emoluments, Allowances and Privileges) Bill. Shri Nihar Ranjan Laskar.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (Shri Nihar Ranjan Laskar): Mr. Chairman, Sir, I beg to move:

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

The measure is very simple and the purpose is also very limited. So, I do not think that the hon. Members have to say so many things on this measure. In short, I would like to say that article 158(3) of the Constitution provides:

"The Governor shall be entitled without payment of rent to the use of his official residences 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 of the Constitution."

In the absence of any law enacted by Parliament so far, the allowances and privileges of Governors were first regulated under the Government of India (Governors Allowances and Privileges) Order issued in relation to different States.

The existing GAP Orders relating to allowances and privileges of Governors prescribe limits within which the Governors are entitled to incur expenditure on their official residences and staff etc.

These limits were prescribed a long time back. Over the years, in several cases, on account of the increase in prices, it had become impossible to restrict the expenditure within the limits prescri-

[Shri Nihar Ranjan Laskar]

bed under the GAP Orders, particularly of 1950 and 1957 and additional expenditure has, therefore, to be incurred on the Raj Bhavans.

The GAP Orders also did not provide for expenditure on medical treatment of the Governors.

**PROF. MADHU DANDAVATE (Rajapur):** There are already more facilities for medical treatment of Governors.

**SHRI NIHAR RANJAN LASKAR :** This Bill, besides fulfilling the Constitutional requirement, seeks to rationalise the expenditure on Raj Bhavans and to make some necessary provisions in respect of the emoluments, allowances and privileges of the Governors.

This, in short, is what is contained in the various provisions of this Bill.

I request the Hon. House to accept the legislative proposal placed before it.

**SHRI SATYASADHAN CHAKRABORTY (Calcutta South):** This Bill appears to be very simple. But the post of the Governor and the role of the Governor are not simple.

At the very outset I would like to dwell upon the fact that in the pre-Independence days, the Congress leaders used to talk of plain living and they were all the disciples of Mahatma Gandhi, who is known for his simple and unostentatious life and the people believed that after independence, all these programmes, proclamations and principles would be faithfully implemented.

But, then, after independence what do we find?

All those plain living persons have started a different sort of life betraying their earlier promises and commitment to the people.

The same Congress people who criticised the luxurious life and office of the British officers, have started imitating those

people and today we find that in all the States with some honourable exceptions—I am speaking of the Governors—Governors have all the facilities which the Britishers used to have, the same bungalows and the same privileges.

Even though those of the rise of prices, the real income of the people has gone down, look at the way the Governors lead their life.

In Soviet Russia and China, after the Revolution, all those bungalows were converted into museums, schools and hospitals. But, you are spending more money for their maintenance for Governors.

So much expenditure has to be incurred, according to you, in order to safeguard the dignity of the post of the Governor.

But dignity of a person or office does not lie on the expenditure you incur on his maintenance but it depends on the integrity of the man and on his commitment to the people and the service he

renders to the people. With Gandhiji we had very great differences. But he used to live a very simple life. He was ridiculed by the Britishers as 'half-naked fakir' but he was respected by the Indian people; even his opponents respected at least his simple way of life.

Now I come to the next point. I do not go into details because these are amenities, they are entitled to medical and other things. But the more important question is what should be the role of a Governor in a federal State. When the Government of India Act, 1935, was passed by the British Parliament, the Indian National Congress protested. What did they protest against? As you know, the Congress joined the Provincial Ministries on the condition that the Governor, that is, the Central and also the Provincial, would not interfere with the functioning of the elected representatives of the people. The Indian National Congress passed a Resolution not to join the Cabinet, not to join the Provincial Government, and only when a commitment was made by Lord Linlithgo that the interference would be the minimum, on the basis of that, the Indian National Congress joined. The

Indian National Congress always, in all their Resolutions, demanded provincial autonomy and they said that, to be really federal, the State should be free from unnecessary control by the Centre. But after Independence, when this Constitution was framed....

PROF. N. G. RANGA (Guntur): By whom?

SHRI SATYASADHAN CHAKRABORTY: By you. If you go into that question, I would say that it was not done by the representatives of the people because at that time hardly 18 to 20 per cent of the people could vote; 80 per cent had no voting rights....

AN HON. MEMBER: Only 14 per cent.

SHRI SATYASADHAN CHAKRABORTY: Only 14 per cent could vote. Anyway I am not going into that now. We could debate it. Now, what was done? Section 93 of the Government of India Act, 1935, was almost incorporated in our new Constitution. At that time, in the debate, some of the members demanded that this post of Governor should be elected, the people of the State should elect. It is done in the United States of America. But the argument was that there should not be two elected bodies—the Governor elected by the people and the Council of Ministers elected by the people. But then the question is: under normal circumstances, what is the duty of a Constitutional head? Has he any discretionary power? Can he disregard the advice of the Council of Ministers? No. Never. In a Parliamentary system of Government, there is always the responsibility of the Executive to the Legislature, and the Governor and President are simply Constitutional heads. Here in India we find a peculiar system of federation. And what is the history of the Congress Party, the Party which promised during the debate in the Constituent Assembly that there would be the least interference? I am not going into details how the Indian federation is really not a federation. Actually it is almost a unitary State with certain federal principles. But even then it was said—Dr. Amedkar also said—that in their own spheres the States will be completely free—with no control from the Centre. And

that is the principle of a federation. A federation pre-supposes two sets of government powers enumerated in the Constitution and that the constitution cannot be changed unilaterally. That is the basic feature of a federation—where two forces are balanced, the centripetal and the centrifugal, which means that it is a sort of unity in diversity which India is and the federal constitution conforms to the social and political conditions of the country and that was recognised by some of the leaders.

But right from 1952 elections, the Central Government started interfering in the affairs of the States. In PEPSU and Travancore-Cochin the governments were dismissed—the elected governments of the people, and they were dismissed by the Centre. After that, in Kerala when a communist government was voted to power by the people, and, according to our constitution, the sovereign, that government was dismissed. And also in all these cases the Governors were used unfortunately, I must say, as the instruments of the Central Government because the Governors are appointed by the President. The President is bound to obey and conform to the opinion tendered by the Council of Ministers. So it means what? Try to understand it. If, in the Centre there is one political party which is running the Government, that party, through the President using the Governor, can go against the will of the people of a State. Do you think this is democratic? Do you think this is permissible under the Constitution? I do not think so. Even in the United States of America, the States not only enjoy the residuary powers but the powers of the Central Government are limited and they are having a strong State. You say, a strong country requires a strong Centre. Undoubtedly, but the strength must be relating to the subjects given to the Centre. But what is happening in the United States? The States enjoy more freedom. Do you think that it has weakened the political system in the USA? I do not think so. Or take the case of Switzerland. The Cantons enjoy more powers. Do you think that it has weakened the political system? No. But here we find gradually more and more the Governors are being used, unfortunately—I do not

[Shri Satyasadhan Chakraborty]

say that all Governors have become willing tools. What else can they do? They are responsible to the President and they cannot go against the President. That means that they cannot go against the Prime Minister. So, it is the Prime Minister who is going to determine what form of government a particular State should have. In the type of polity we have, don't you envisage that since there are multiplicity of Parties, there can be different types of government. No State under the present Constitution can go against the basic structure of the Constitution because already their powers are limited—both administrative, legislative and financial. So, even within the limited powers, the Central Government does not trust the State Government. The problem is not only with the Party, a different Party having a State Government. There are contradictions even within the ruling party itself. The latest example as to how the Governor can not only misuse his office but can also destroy the democratic principles is the example of Haryana.

I must say it is unparalleled we have seen Shri Dharma Vira who wanted to bypass the Legislature; we fought against, Shri Dharma Vira and, ultimately, we won in West Bengal. There were interferences by the Centre against the people because they do not like the type of Government that we had in West Bengal. I do not speak about the present Governor. I do not know what will happen. But, we were very happy with our previous Governor, Shri T. N. Singh, because he did not interfere. In our Constitution, the Governor is not given any discretionary powers. This was settled in England where even the Queen did not have the discretionary powers. The Constitutional Head—the King or the Queen—says that they have the right only to be consulted and nothing more. But, in Haryana, what do we find? Mr. Chairman, Sir, it is a strange thing.

**SHRI G. NARASIMHA REDDY** (Adilabad): Sir, I am on a point of order.

**MR. CHAIRMAN:** Mr. Chakraborty, please take your seat. — He is on a point of order.

**SHRI G. NARASIMHA REDDY:** Sir, this amendment envisages only regarding emoluments of the Governors. But, the hon. Member is going to foreign countries and he is going into the functioning of the Governors in the States whether he is functioning under the President or the Prime Minister. I would only request the hon. Chair to give its ruling on whether a Member is entitled to speak anything he likes or only on the subject that is pending here.

**MR. CHAIRMAN:** Well, the Members are always expected to speak on the subject and, I think that, as a background, he can also discuss these things. When the Governors' emoluments, Privileges and other things are being discussed, then, in that connection, though they are not relevant; they are not out of order. I think the Member should now come to the Bill proper.

**SHRI SATYASADHAN CHAKRABORTY:** I am sorry I cannot oblige the hon. Member for speaking what he would like.

**PROF. MADHU DANDAVATE:** While participating in the debate, we will be allowed to speak on the points of order.

**MR. CHAIRMAN:** I have given my ruling on the point of order.

**SHRI SATYASADHAN CHAKRABORTY:** Mr. Chairman, Sir, now what has been done by the Governor of Haryana? The people of Haryana voted against the Congress (I). It was in minority. The Congress (I) Government was forced to be formed there.

**SHRI MOOL CHAND DAGA:** Sir, I am on a point of order. He is telling something about the Governor of Haryana. Kindly see Rule 352. The Explanation says:

"The words 'persons in high authority' mean persons whose conduct can only be discussed on a substantive motion drawn in proper terms under the Constitution or such other persons whose conduct, in the opinion of the Speaker, should be discussed on a substantive motion drawn up in terms to be approved by him;"



He is discussing about the character of a Governor of Haryana. In the Explanation to Rule 352 it is laid down. I think the hon. Member goes into the Explanation. You will not allow him to discuss about the Governor of Haryana.

MR. CHAIRMAN: There is no new point.

SHRI SATYASADHAN CHAKRABORTY: Mr. Chairman, Sir, now the democratic principle is this. *Vox Populi Vox Dei*—they say, the Voice of the people is the voice of God. The people in Haryana are now suffering. The majority of the people voted for a non-Congress (I) Government but, because of the role of the Governor, the Congress (I) Government was formed and the Leader of the Congress (I) was given a chance and ample opportunities by the Governor for defection. Now, Sir, compare the role of the Governor in Assam. . . . (Interruptions)

MR. CHAIRMAN: Please take your seats. As an example you can quote but you cannot go in details. We are not discussing here the role of Governor of Haryana. I did not stop you earlier but in your entire speech of more than fifteen minutes you have not mentioned a word about the contents of the Bill. I thought as a background you may say but while discussing on this Bill you cannot bring in the role of Governor of Haryana. Please concentrate on the Bill under consideration.

SHRI SATYASADHAN CHAKRABORTY: If you say that I am to concentrate only on this then for your ready reference I may point out that in the debate on Presidential Address the whole thing of West Bengal was discussed. I objected to it and the ruling from the Chair was that it could be done.

(Interruptions)

17.02 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

MR. DEPUTY SPEAKER: You may please now conclude. The time allotted is only one hour.

SHRI SATYASADHAN CHAKRABORTY: Now, how the Governor functioned in Assam. When the list of the majority of the Members was produced he wanted to know who would be in the Ministry and sometimes they are compelled to be bodily present. What was done in Haryana. He was asked to prove his majority after one month. A period of one month was given to buy the MLAs. Is it democracy? (Interruptions)

PROF. K. K. TEWARI (Buxar): Sir, I rise on a point of order. Rule 352 has already been quoted and this House has suffered the speech of Mr. Chakraborty for more than half an hour. His entire speech is devoted to a vicious attack on the institution of Governor. Sir, You also know that without giving a previous notice a Member cannot level charges against Governor. So, my request to you would be that you kindly go through the proceedings and expunge all such remarks.

MR. DEPUTY SPEAKER: I will go through the records. Please conclude now. You insist on taking more time then what I will do hereafter is that after the allotted time is over then I will immediately ask the Minister to reply. If one Member insists on taking twenty minutes then how can I stop other members also speaking that long?

PROF. MADHU DANDAVATE: Mr. Deputy Speaker, Sir, time given to the hon. Member while speaking on allowances to the Governors must be in keeping with the dignity of the Governor.

MR. DEPUTY SPEAKER: Please conclude now. So, I think, the time has come when this House should consider as to what exact role the Governor should play. The ruling Congress (I) party is more and more dependent upon the Governors to accomplish their own political interests.

MR. DEPUTY SPEAKER: One sentence about the amendment. . . . (Interruptions)

PROF. SATYASADHAN CHAKRABORTY: What is this? This is a very serious discussion. I don't like this. They

[Shri Satyasadhan Chakraborty]

should not interrupt. Otherwise, I will do the same thing. More and more the ruling Congress (I) party is using the Governors for their own political ends.

MR. DEPUTY SPEAKER: May I know, how much time you would require?

PROF. SATYASADHAN CHAKRABORTY: Sir, I am concluding.

PROF. K. K. TEWARI: I rise on a point of order.

MR. DEPUTY SPEAKER: Mr. Tewari, he is concluding. Please take your seat.

PROF. K. K. TEWARI: I rise to make my point of order under Rule 380. As I have already said, there are expressions in the speech of Prof. Satyasadhan Chakraborty which are defamatory, which are against the dignity attached to the institution of Governors. Therefore, under Rule 380, his expressions should not be allowed to remain on record. Rule 380 says:

"380: If the Speaker is of opinion that words have been used in debate which are defamatory or indecent or unparliamentary or undignified he may, in his discretion, order that such words be expunged from the proceedings of the House."

My submission is only this: Words have been used by Prof. Chakraborty against Governors, against the institution of Governors. In the interests of the House, in the interests of the political system, such expressions should not be allowed to go on record. These words should be expunged from the records of the House. This is my respectful submission to you. The Member should be restrained from turning this House into a street-corner meeting in Calcutta where they take advantage of indulging in slanderous campaigns against the Congress (I).

(Interruptions)

SHRI CHANDRAJIT YADAV: Expressions like 'street-corner meeting' are also defamatory.

PROF. MADHU DANDAVATE: His expression 'street-corner meeting' is also objectionable.

MR. DEPUTY SPEAKER: He always remembers Calcutta, I know.

PROF. SATYASADHAN CHAKRABORTY: Sir, I don't want to hear any lecture from the hon. Member because they are out to destroy the democratic system itself; their party is doing its best to do this and they did it during the emergency.

PROF. K. K. TEWARI: It is your party which is doing it and which has already done it; not we.

(Interruptions)

MR. DEPUTY SPEAKER: Prof. Tewari, please sit down. He is concluding.

(Interruptions)

MR. DEPUTY SPEAKER: Order, order. Professor is concluding. All of you should be ready for clapping hands. He is concluding. Please conclude.

PROF. SATYASADHAN CHAKRABORTY: Considering the political role of the Governors, it is clear, the ruling party has been using the Governors, only to subserve their interests: This will adversely affect the democratic system; nay, even reverse the verdict of the people. Therefore, it is my submission that the institution of Governors should be abolished. There is no reason why the Governors appointed by the President, who are subject to the control of the Prime Minister, should be allowed to function in a State utterly to the detriment of the will of the people of the State. I also want that Governors should not be given those facilities. Many things are not specified here. Specific rules should be made even if it goes against the accepted principles of the ruling party. This is my submission. In our country majority of the people are poor. No money should be wasted on these posts. That is why I request, Mr. Deputy-Speaker, that the whole House should reconsider this Constitutional provision. I do feel that the

post of Governor should be abolished. Sir, there is no reason why the Central instrument should be working in different States in this way.

With these words I conclude.

(Interruptions)

MR. DEPUTY SPEAKER: Order please. Shri Mool Chand Daga.

PROF. K. K. TEWARI: I want your ruling, Mr. Deputy Speaker.

MR. DEPUTY SPEAKER: I said, I will go through the records. Already I have said that.

Now, Shri Mool Chand Daga.

श्री मूलचन्द डगा (पाली) : उपाध्यक्ष महोदय, मैंने जब यह बिल पढ़ा तो मुझे मालूम हुआ कि इस बिल में आपने सारी बातें डेलीगेटड लेजिस्लेशन की कही हैं। आप कोई सी क्लॉज भी इस बिल की लेकर देख लीजिए। सभी में यह है।

"Clause 8 (1) A Governor shall be entitled to use without payment of rent or hire, such number of motor vehicles as the President may by order determine.

Then—"(3) The use of the motor vehicles referred to in sub-section (1) by the members of the family of a Governor shall be regulated by rules made in this behalf."

In every section, it is stated that it will be regulated by rules.

Section 11: "For the purpose of enabling a Governor to discharge conveniently and with dignity the duties of this office, he shall be entitled...." to so many things.

Then it is stated...."as may be provided for by rules."

मुझे एक बात समझ में नहीं आई कि इतने अधिकार क्यों देने जा रहे हैं। इस पर पुनर्विचार करने की आवश्यकता है। Kindly see Section 12;

"Where, in the case of any Governor, the President is satisfied that the amount authorised under this Act by way of any allowances or for meeting any expenses with respect to any matter require to be increased or that a need has arisen to sanction expenses with respect to any matter for which provision, though permissible, has not been made in the rules made under this Act, he may by special order increase such amount or sanction such expenses to such extent as may be specified in such order."

और हमारे राष्ट्रपति जी हुकम जारी कर देंगे। हम इसके जरिए नहीं समझ पाए कि इतने लंबे-चौड़े पावर्स क्यों दे रहे हैं। प्रोसीजर मैथड पर अधिकार देने चाहिए, बसिक चीजें आप डेलीगेट नहीं कर सकते—

Everywhere, the delegated power is there. Parliament never abrogates its rights.

इसको देखने के बाद मालूम होता है कि पार्लियामेंट बसिक चीजों को डेलीगेट करने जा रही है। आप केवल प्रोसीजर डेलीगेट कर सकते हैं कि क्या प्रोसीजर होगा। उपाध्यक्ष महोदय, आपके चेयर पर होते हुए यह बिल इस रूप में पारित नहीं होना चाहिए।

"Where a Governor is granted leave by the President he shall, during the period of such leave, be paid leave allowance at such rates as the President may by order determine."

मतलब क्या है? यह तो आज भी सब जगह है, इतनी देर से यह बिल क्यों लाए हैं। इसमें कोई अधिकार पार्लियामेंट को नहीं है। सारे अधिकार डेलीगेट लेजिस्लेशन को दे दिए हैं। यह जो है --

"....he shall be entitled to such other privileges as may be prescribed by rules made in this behalf....entertainment allowance, hospitality grant.... as may be provided for by rules."

हम क्या कर रहे हैं। इससे तो अच्छा है कि हम चुपचाप कह दें कि सारे



[श्री मूलचन्द डागा]

पावर्स डेलीगेट लीजिसलेशन को दे दिए हैं। पार्लियामेंट को क्या करना है। हमने सारे अधिकार दे दिए हैं गवर्नर साहब को जो चाहे दे दें, नहीं दे सकते हैं तो प्रेसीडेंट साहब दे देंगे। किसने यह बनाया है? श्रीमन्, इस तरह का लीजिसलेशन सदन में आ जाए और सारा सदन एक राय से कह दे कि—यस, वी डेलीगेट आल पावर्स, तो मेरे ख्याल से पार्लियामेंट के पावर्स पर आपका एन्क्वै-मेट है। आपने किया हुआ है कि गवर्नर की तन्खाह 5550 होगी। इसके अलावा आलीशान मकान भी मिलेगा और उस मकान की मरम्मत पर लाखों रुपया सालाना खर्च भी हो सकेगा। गवर्नर पर जो खर्च होता है या जो बजट में उसके लिए प्रोवाइड किया जाता है उस पर डिस्कशन नहीं हो सकती है, वह डिबाई है, वह चार्ज्ड एक्सपेंडीचर है। मुझे मालूम है एक गवर्नर के मकान की मरम्मत पर 12 या 15 या 16 लाख सालाना खर्च आता है। पानी के बिल पर दो तीन लाख आता है। सत्तर लाख रुपया जो सर्वेयर्स होते हैं उन पर आता है। बहुत बड़ा खर्चा होता है। उस पर असम्बली में या यहां बहस नहीं हो सकती है। उसका आप नाम भी नहीं ले सकते हैं। गवर्नर जो बनता है वह ब्यावृद्धा होता है। एक अच्छी जिन्दगी बिताने का यह एक अच्छा तरीका है। जिस की जिन्दगी सौ साल होती है यहां आ कर उसकी जिन्दगी डेढ़ सौ साल की हो जाती है। सुन्दर मकान, अच्छी मरम्मत, सुन्दर और सुहावने ताज, फूलों के गूलदस्ते, गवर्नर के बैठने के लिए लम्बी चौड़ी कुर्सी सब तरह की सुविधाएं उसको मिलती हैं। भगवान जाने कितनी शान से वह रहता है। हम मानते हैं कि उसकी डिगनिटी रहनी चाहिए। कारें कितनी होंगी इसके बारे में रूल बनेंगे, एंटरटेनमेंट क्या होगा, इसके बारे में रूल बनेंगे, यह कह दिया गया है। सब कुछ आर रूल्स से ही करना है तो हमारी क्या जरूरत है। इस प्रकार का लीजिसलेशन मैंने नहीं देखा है। होम मिनिस्टर ने तो कमाल ही कर दिया है इस तरह का बिल ला कर। इस पर वह

हमारी मुहर लगवाना चाहते हैं। गवर्नर के जो फौमिली मम्बर होते हैं उनको भी फ्री कारें मिल जाती हैं। एक गवर्नर ऐसे भी हैं जिन के बारह लड़के हैं, नौ लड़कियां हैं। लड़कियों के दामाद आते हैं। सब कारों का इस्तेमाल करते हैं। गहली क्लाज से लेकर आखिरी क्लाज तक मैं समझता हूँ कि रीथिंकिंग की जरूरत है। सभी तरह की पावर्ज डेलीगेट इस में कर दी गई हैं। कानून पार्लियामेंट को उसकी जो पावर्ज हैं उनको डेलीगेट करना नहीं चाहिए। ऐसा करके पार्लियामेंट अपने अधिकारों को छोड़ी। गवर्ज के एमालुमेंट्स, उनकी सुविधाओं को अगर आप लीगलाइज करना चाहते हैं, उनको आप कानूनी रूप देना चाहते हैं तो इस काम को आप पार्लियामेंट को करने दीजिए। ऐसा नहीं होना चाहिए कि सभी मैटर्ज को ब्यूरोक्रेट्स को सौंप दिया जाए। आप ब्यूरोक्रेट्स को अनलिमिटेड पावर्ज दे रहे हैं। एक एक गवर्नर का एक साल का जो नजट बनता है वह डेढ़ करोड़ का बनता है। देखने में आता है कि गवर्नर साहब नैना देवी के दर्शन करने जा रहे होते हैं तो सारे फौमिली मम्बर्ज उनके साथ जाते हैं और सभी को अलग अलग कारें मिलती हैं। कोई मुसामान गवर्नर हुआ और उसकी तीन बेगमें हुईं तो तीनों जाएंगी और एक एक बेगम एक एक कार में जाएंगी। मान लो बहनें हैं या लड़कियां हैं तो सारे दामाद जाएंगे। और कौन मांग करता है? यह बिल किसने बना कर दिया है। और दे भी दिया होम मिनिस्टर की जगह स्टेट मिनिस्टर को कि तुम समझालो। इसमें हमको कुछ पावर्स नहीं दी हैं, और उल्टे हमसे मोहर लगवाना चाहते हैं कि गवर्नर को पूरा अधिकार दे दो वह अपने जिस घर में रहे उसको इन्द्रपुरी बना ले और जो चाहे करे। इस इन्द्रपुरी में रहने के लिये कौन सा बिल है और इसमें क्या पावर्स हैं? मैं समझता हूँ यह कानूनन गलत है। इसलिए इस बिल को आप कल के लिए रखें और फिर सरकार की तरफ से कुछ संशोधन आना चाहिए। रात में आ जाए तो बड़ा अच्छा होगा। नहीं तो हम समझेंगे जो पावर्स लिए हैं वह हमारी पावर्स नहीं हैं।



प्रो. अजित कुमार मेहता (समस्तीपुर):  
उपाध्यक्ष महोदय, सगय देने के लिए  
बापको धन्यवाद देना चाहता हूँ।  
गवर्नर की प्रिविलेज के बारे में जो बिल  
लाया गया है उसके पहले हमें यह विचार  
कर लेना चाहिए कि राज्यपाल के पद की  
वर्तमान संदर्भ में कोई आवश्यकता है  
क्या? आवश्यकता होगी तभी न उसका वेतन  
आदि निर्धारित करेंगे। अगर आवश्यकता ही  
न हो तो फिर इस विधेयक की भी कोई  
जरूरत नहीं है।

संविधान के निर्माताओं ने जो राज्यपाल  
की परिकल्पना की थी उसमें उन्होंने यह  
सोचा था कि राज्यपाल को बिस्मिल को  
रोकने तथा केन्द्रीय और राज्य सरकारों के  
बीच एक सम्पर्क सूत्र का काम करना होगा।  
किन्तु हुआ क्या? इस संबंध में मैं याद  
दिलाना चाहता हूँ संविधान सभा में जब  
सबसे पहले राज्यपाल के पद की परिकल्पना  
की गई थी उस समय में यह सोचा गया था  
कि राज्यपाल भी निर्वाचित होगा। किन्तु  
दो महीने के बाद जब तत्कालीन विधि  
सदस्य, स्वर्गीय भीमराव अम्बेदेकर ने,  
खुद उसमें एक संशोधन पेश किया कि  
राज्यपाल का पद निर्वाचन से न हो कर  
नौमिनेशन के द्वारा भरा जाएगा, तो उस  
समय में संविधान सभा के दो सदस्यों—  
प्रो. के. टी. शाह और श्री शिव्बन लाल  
एक्सनेना—ने इसका तीव्र विरोध किया था  
और उन्होंने कुछ संशोधन पेश किए थे।  
मैं उन्होंने को उद्धृत करूंगा:

“Such a Governor will have no in-  
dependence, and the Centre might try  
to do some mischief through that man.  
Even if he is nominated, he can at  
least be independent. if after he is  
nominated, he is irremovable.”

उस समय डा. अम्बेदेकर ने एक तरह से  
इस संशोधन की भावना को स्वीकार भी  
किया। किन्तु स्वीकार करने के साथ  
उन्होंने यह कहा कि चूंकि राज्यपाल की  
नियुक्ति प्रेसीडेंट के द्वारा होगी और  
प्रेसीडेंट के द्वारा होने पर केवल दो ही  
कारणों से नियुक्ति रद्द की जा सकेगी।  
एक तो जब वह शारीरिक रूप से अस्वस्थ  
हो जाए अथवा उन पर कोई करप्शन का

चार्ज लगे। साधारणतया इन्हीं दो कारणों  
से नियुक्ति रद्द की जाती है। यह कहते  
हुए उन्होंने संशोधन की भावना को स्वीकार  
किया। किन्तु क्या हुआ? अभी जो  
स्थिति है वह देख रहे हैं। उस समय  
पंडित जवाहर लाल नेहरू ने भी कहा  
था..... राजपाल सत्ता की राजनीति से  
ऊपर रहेंगे और यह एपॉइंटमेंट पॉलिटि-  
कल एपॉइंटमेंट नहीं होगा।

मैं एक बात याद दिलाना चाहता हूँ,  
आप 22 मार्च, 1980 का इंडियन एक्स-  
प्रेस देखिए, उसके एडिटोरियल में लिखा  
है कि गृह-मंत्री ज्ञानी जैल सिंह ने अपने  
प्रेस इंटरव्यू में कहा है—

“It is proper for all political ap-  
pointees including the Governors to  
resign immediately after the change of  
Government at the Centre.”

यह तो संविधान की मूल भावना का सरासर  
हनन है। जत स्वीकार कर लिया गया  
था कि गवर्नर की पॉलिटिकल नहीं है, यह  
पॉलिटिकल नियुक्ति से ऊपर की चीज  
है, गवर्नर, राज्यपाल सत्ता की राजनीति  
से ऊपर रहेंगे, फिर भी हमारे गृह-मंत्री  
यह कहेंगे कि यह पॉलिटिकल एपॉइंट-  
मेंट है, तो फिर यह पॉलिटिकल एपॉइंट-  
मेंट है। कोई गवर्नर इसको स्वीकार नहीं  
करेगा तो उसकी क्या हालत होगी? उसकी  
हालत वही होगी जो तमिलनाडु के गवर्नर  
श्री प्रभुदास पटवारी की हुई, यानी उनको  
वर्खास्त कर दिया गया। अगर कोई  
राज्यपाल इस स्थिति से बचना चाहें तो वह  
अपने को उसी तरह बना ले जैसा कि  
हरियाणा के राजपाल ने अपने को बना  
लिया, वह सब निकृष्ट कर्म करने को तैयार  
हो गए सिर्फ अपने पद की सुरक्षा के लिए।  
यही स्थिति सभी राजपालों के लिए होगी,  
यदि वह स्वयं विचार करने वाला हुआ  
तो उसकी वर्खास्ती निश्चित है, अगर  
उसने केन्द्रीय सरकार की आज्ञा मानी, निदेश  
माना तो उसके पद की सुरक्षा है। मैं  
सदन को याद दिलाना चाहता हूँ कि प्रो.  
के. टी. शाह और प्रो. शिव्बन लाल  
एक्सनेना की आशंकाएँ कितनी सही थीं।

THE MINISTER OF STATE IN THE  
MINISTRY OF HOME AFFAIRS AND  
DEPARTMENT OF PARLIAMENTARY  
AFFAIRS (SHRI P. VENKATASUB-  
BAIAH): Can we sit beyond Six O'clock?

SEVERAL HON. MEMBERS: No.

MR. DEPUTY SPEAKER: I would  
request the members to be short.

SHRI CHITTA BASU: The time can  
be extended.

MR. DEPUTY SPEAKER: I cannot  
tell you now. You have to wait till  
Six O'clock.

प्रो. अजित कुमार मेहता : उपाध्याक्ष  
महोदय, यह सोचा गया था कि राज्यपाल  
का कर्तव्य है कि सत्ता की राजनीति से  
उत्पर रहेंगे, लेकिन क्या यह संभव है जब  
एक्टिव पॉलिटिक्स में रहने वाले लोग  
राज्यपाल के पद पर नियुक्त होंगे। मैं  
तो नहीं समझता कि किसी आदमी के  
दिमाग के दो कम्पार्टमेंट होते हैं कि  
एक्टिव पॉलिटिक्स में रहे तो यह रास्ता  
और राज्यपाल हो जाए तो निष्पक्ष भाव से  
सोचने लगे।

असम में जो हुआ, वह क्यों हुआ ?  
वहां के राज्यपाल एक्टिव पॉलिटिक्स में  
थे, वह राज्य-सभा के सदस्य थे। एक  
पाटी के सदस्य थे। असम में जब गवर्नर हुए  
तो उन्होंने वही किया जो उस पाटी का कर्तव्य  
था कि उसी पाटी की सरकार कायम हो।  
उसी तरह का निर्देश हरियाणा में हुआ।

मैं यह कहना चाहता हूँ कि गवर्नर  
का पद आज एक प्रधान मंत्री के हुक्मी बन्दे  
से अधिक नहीं रह गया है। ऐसी स्थिति  
में क्या इतना खर्च कर के गवर्नर का पद  
वरकरार रखने की आवश्यकता है ?

हिन्दुओं के यहां सत्यनारायण की पूजा  
होती है। वहां पर एक गोबर का गणेश  
बना कर रखा जाता है। अगर प्रतिष्ठा

के लिए गवर्नर के पद की आवश्यकता है,  
तो हर राज्य में गवर्नर के बदले एक गोबर  
गणेश बना कर रख दिया जाए। गोबर  
का बना हुआ रहने के कारण उसमें  
पवित्रता भी रहेगी, और आज के गवर्नर  
जो गृहित कर्म कर रहे हैं, वह उन्हें  
नहीं करेगा और इसके साथ ही उस पर  
खर्च भी नहीं होगा। अगर गवर्नर का  
पद रखना ही है, तो गोबर का गवर्नर बना  
कर रखना चाहिए। आज गवर्नर का पद  
ब्रितानी परम्परा का कायम रखने के लिए  
जारी रखा जा रहा है। मैं समझता हूँ  
कि उस पर अत्यधिक खर्च करने की जो  
व्यवस्था की जा रही है, वह अनुचित है।

अब मैं इस विधेयक पर आता हूँ। इस  
विधेयक में कहा गया है कि गवर्नर के परिवार  
के लिए जो उचित खर्चा होगा, वह विशिष्ट  
भत्तों के रूप में दिया जाएगा। मैं पूछना चा-  
हता हूँ कि जब औरों के लिए परिवार की  
सीमा नियत की गई है, तो क्या गवर्नर के  
लिए भी नियत की गई है। जैसा कि आज  
व्यवहार में देखा जा रहा है, राजभवन में  
गवर्नर के वयस्क पुत्र और पुत्रियां भी रहते  
हैं और गवर्नर को जो सुविधाएं मिलती हैं,  
वे उनका उपभोग धड़ल्ले से करते हैं।  
क्या यह उचित है कि उन लोगों को भी  
गवर्नर को दी जाने वाली सुविधाओं का  
उपभोग करने दिया जाए ?

समझ में नहीं आता है कि इस विधेयक  
का उद्देश्य क्या है। हम सारे विधेयक  
में खोज कर के भी यह नहीं जान पाए  
कि सात भर में गवर्नर पर खर्चा कितना  
होगा, उसको जितनी सुविधाएं दी जा रही  
हैं, उनका मूल्य कितना होगा। हर  
मद के बारे में कहा गया है कि पावर  
डेलीगेट की जा रही है और रूलज बनाए  
जाएंगे, जिनके मुताबिक इस बारे में  
निश्चय किया जाएगा। इस तरह से  
गदन को अंधकार में रखने से सरकार का  
क्या लाभ होगा ? जब हम इस विधेयक  
को कनसिडर कर रहे हैं, तो हमें  
मालूम होना चाहिए कि हमारे राष्ट्र पर  
कितना खर्चा पड़ने जा रहा है, अगर  
सरकार ने वह तो बताया नहीं।

कुछ देर पहले मैं परिवार की सीमा की बात कह रहा था। इस विधेयक की धारा 9 में कहा गया है:-

"Subject to any rules made in this behalf, a Governor shall be entitled to travelling allowance for himself and the members of his family and for the transport of his and his family's effects."

इस बारे में मैं एक उदाहरण देना चाहता हूँ। अभी हाल में एक गवर्नर ने शपथ-ग्रहण किया है। जब शपथ-ग्रहण करने के लिए यह गवर्नर महाशय अपने घर से चले और उस राज्य में पहुँचे, तो उनके साथ 150 लोगों की बरात थी। जाहिर है कि यह सारा का सारा खर्चा किसी न किसी रूप में सरकार को ही बहन करना पड़ा होगा। यह तो नहीं है कि राज्यपाल महोदय ने अपनी जेब से वह खर्चा दिया है। मैं जानना चाहता हूँ कि शपथ ग्रहण के लिए पंजाब के राज्यपाल के साथ जो 150 लोगों की बरात गई, उसका खर्चा किसने बहन किया। अन्ततोगत्वा वह खर्चा राष्ट्र पर ही पड़ा है। इसी लिए परिवार की सीमा निर्धारित करना आवश्यक है।

अच्छा तो यह होगा कि जब इस विधेयक में सब बातों को गोल-गोल रखा गया है और कोई भी बात स्पष्ट रूप से सदन के मागने नहीं रखी गई है, तो मंत्री महोदय विधेयक को पुनर्विचार के लिए वापस ले लें और इसको संपूर्ण रूप में सदन में रखें, जिससे राष्ट्र को हानि न हो।

इस शब्दों के साथ मैं इस विधेयक का विरोध करता हूँ।

**श्री राम सिंह यादव** (अलवर): उपाध्यक्ष महोदय, राज्यपाल के पद के औचित्य एवं कार्य-प्रणाली के सम्बन्ध में कुछ माननीय सदस्यों ने गम्भीर आपत्तियाँ की हैं और इस पद को समाप्त करने के लिये भी अपने सुझाव दिए हैं। मैं समझता हूँ कि प्रजातंत्र एक बहुत डीलकॉट सिस्टम है पार्लिटिक्स का और उस में पदाधिकारी और दूसरे लोगों के व्यवहार में जब तक संयम नहीं होगा तब तक उस पद से वह अपेक्षाएँ और आशाएँ आप नहीं कर सकते जिन का प्रावधान संविधान में किया गया है। वेस्ट बंगाल में आने वाले

माननीय सदस्य ने जो एक बहुत ही अच्छे विद्वान भी हैं, कुछ शंकाएँ प्रकट की और कुछ बातें कहीं। मैं उन से पूछना चाहता हूँ कि धर्मवीर जो वहाँ के गवर्नर थे, उन के बारे में और उन की कार्य प्रणाली के औचित्य के बारे में आपने प्रश्न किया, किन्तु क्या यह उपयुक्त होगा यदि आप भी किसी स्थान पर गवर्नर हों, आप ने तीन साल पहले उसी प्रदेश में किसी विशेष दल की सरकार के साथ गवर्नर की हँसियत से काम किया है और जो काम किया है उस को औचित्यपूर्ण तरीके से किया है, इस के बाद दूसरी गवर्नमेंट के आने के बाद उसी गवर्नर के मह से वह सरकार यह कहलाना चाहें कि मैंने जो किया था या मेरी सरकार ने जो कुछ किया था वह अनुचित था तो आप की सरकार के लिये डेमोक्रेसी में क्या इस की प्रोप्राइटी है? क्या आप की सरकार ने जो अविभाषण तैयार किया राज्यपाल महोदय के लिए उस कोई डेमोक्रेटिक प्रोप्राइटी थी? क्या आप महसूस करते हैं कि किस तरह की डेमोक्रेटिक परम्परा आप कायम करना चाहते हैं यदि आप ऐसा गवर्नर पैदा करना चाहते हैं जो आज यह कहता है कि जिस प्रकार के साथ या जिस दल की सरकार के साथ वह काम कर रहा था तो गलत काम था और दूसरी सरकार के आने के बाद वह यह कहें कि जो कुछ मैंने किया है वह गलत काम था और आज मैं सही काम करने लगा हूँ? क्या आप इस तरह की परम्पराओं को कायम करना चाहते हैं? क्या उपगवर्नर के पद की गरिमा को इस तरह से गिराना चाहते हैं? मैं समझता हूँ कि संविधान के निर्माताओं का यह उद्देश्य कभी नहीं था। डेमोक्रेसी आप की एक पॉलिटिकल बाडी नहीं है, केवल आप का एक राजनीतिक ढाँचा नहीं है। डेमोक्रेसी का मतलब यह है कि सामाजिक और आर्थिक जो कुछ भी आप की विचारधारा है, आप की वे आफ लिबिंग है, सब मैं डेमोक्रेसी की एक झलक होनी चाहिए, उस का प्रतिबिम्ब होना चाहिए, वह आप के आचरण में आचरित होनी चाहिए। तभी वह डेमोक्रेसी सफ़ल हो सकती है। आप यह चाहें कि गवर्नर तो डेमोक्रेसी के अनुकूल काम करें लेकिन वह दल और उस



[श्री राम सिंह यादव]

दल की सरकार जिस का एक उत्तरदायित्व है कि संविधान के अन्तर्गत वह उस पर न चले। संविधान यह नहीं कहता है। पिछली सरकार ने यदि कोई गलत काम किया है तो आप के पास कमीशन आफ एन्क्वायरी एक्ट है, आप के पास सी आर पी सी, आई पी सी और दूसरे एक्ट्स के प्रावधान हैं उन के अन्तर्गत उन के खिलाफ एक्शन ले सकते थे, मिनिस्टर के खिलाफ एक्शन ले सकते थे। गवर्नर को तो उस में कहीं जिम्मेदारी नहीं आती है। आप स्वयं ही कहते हैं कि वह एक कांस्टीच्यूशनल हेड है। कांस्टीच्यूशनल हेड के ऊपर क्या जिम्मेदारी है? चीफ मिनिस्टर जो पहले कांग्रेस पार्टी के उन की जिम्मेदारी थी। यदि उन्होंने कोई गलत काम किया था तो उन के खिलाफ आप चार्जज लगाते, अदालत में उन को ले जाते और दूसरे काम आप कर सकते थे। लेकिन मैं यह कहता हूँ कि सब से पहले एक आप्रजातांत्रिक काम यदि किसी ने किया है तो वह वेस्ट बंगाल की सरकार ने किया है, गवर्नर धर्मवीर को मजबूर किया है। आप उन से गलत स्टेटमेंट दिलाना चाहते थे। इस तरह की जो आ की परम्परा है, इस से आप प्रजातंत्र की परम्पराओं को तोड़ना चाहते हैं। प्रजातंत्र की परम्पराओं को आप मजबूर नहीं करना चाहते हैं। मैं समझता हूँ कि आज भी अपनी गलतियों को आप नहीं मानते हैं। आप की यह बहुत बड़ी गलती थी, प्रजातांत्रिक गलती थी, संवैधानिक गलती थी, अगर कोई भी इस तरह की गलती करता है तो उस से प्रजातंत्र मान्य नहीं होता।

आप ने हरियाणा के राज्यपाल की कार्य प्रणाली के बारे में कुछ कहा। लेकिन मैं आप से कहना चाहता हूँ कि जिन को आप फर्स्ट सिटिजेन आफ इंडिया समझते हैं और वह व्यक्ति जो अपने पद भार से विमुक्त हो कर जा रहा है, क्या आप ने उस के भाषण को पढ़ा है? माननीय राष्ट्रपति नीलम संजीवा रेड्डी ने जाते समय यह कहा है कि मेरी यह विचारधारा थी, मैं ऐसा महसूस करता था कि हरियाणा के गवर्नर ने यह जो एक विशेष पार्टी के नेता को बुला कर सरकार बनाने का निमंत्रण दिया, वह

उचित नहीं है। मैंने ऐसा महसूस किया। महसूस करने के बाद उन्होंने जो कुछ कार्य-वाही की, कैबिनेट को लिखा या कहाँ कहाँ लिखा वह अलग बात थी, लेकिन बाद में उन्होंने कहा कि मेरी वह धारणा गलत साबित हुई। आप के राष्ट्र का राष्ट्रपति यह अनुभव करता है कि हरियाणा के राज्यपाल ने सही काम किया है, उस ने जिस पार्टी के नेता को सरकार बनाने के लिए आमंत्रित किया है वह काम सही है। तो क्या फिर आप यह महसूस नहीं करते ... (व्यवधान) ... तो यह जो आपके राष्ट्रपति थे उनका कथन है। आखिर जिस संस्था को या जिस व्यक्ति को आपने विवेक दिया है, डिस्क्रिशन दिया है उसके डिस्क्रिशन को इन्वैल्यूएट करने के लिए चैक्स एंड बैलेंसेज भी है। हरियाणा के गवर्नर ने चीफ मिनिस्टर को सदन में अपनी मंजूरिटी सिद्ध करने के लिए टाइम भी दिया था। क्या यहां पर चरण सिंह की सरकार को राष्ट्रपति की ओर से सदन में मंजूरिटी शो करने के लिए टाइम नहीं दिया गया था?

**SHRI SATYASADHAN CHAKRABORTY:** What about the point of order of Prof. Tewari? When I was talking, you objected to this discussion.

**MR. DEPUTY-SPEAKER:** Are you raising a point of order?

**SHRI SATYASADHAN CHAKRABORTY:** I want to know whether your conscience is sleeping.

**MR. DEPUTY-SPEAKER:** I have already given my ruling.

**PROF. K. K. TEWARI:** Shri Yadav has not used any offensive expression.

**MR. DEPUTY-SPEAKER:** Prof. Tewari felt that you were making certain derogatory remarks. That is why he raised objection.

**श्री राम सिंह यादव :** उस समय हमारा दल उधर विपक्ष में बैठा हुआ था और हमारे दल ने उस दिन का इंतजार किया था जब इस सदन में आकर यह तय होना



कि जिस नेता को राष्ट्रपति ने प्रधान मंत्री बनाया है वह अपनी बहुमत सिद्ध कर सकता है या नहीं। लेकिन आपने देखा कि वे अपना बहुमत सिद्ध करने के लिए इस सदन में प्रवेश भी नहीं कर सके।

इसलिए मैं समझता हूँ जो कुछ भी हमारी संवैधानिक परम्पराएँ हैं उनका निर्माण करना, उनका सृजन करना और उनको सुदृढ़ करना, यह केवल किसी एक दल विशेष का नहीं, सभी दलों का उत्तरदायित्व है और इन स्वस्थ परम्पराओं को कायम करने में सभी दलों के सहयोग की आवश्यकता है।

अभी हमारे दल के एक माननीय सदस्य ने गवर्नर्स के इमालुमेन्ट्स, सैलरी पेन्सन के बारे में आपत्ति करते हुए कहा कि जो लीजिस्लेशन यहां पर लाया गया है वह इन-कंप्लीट है। उन्होंने कहा कि इसमें यह प्रावधान नहीं किया गया है। इस सदन को यह अधिकार नहीं मिला है कि वह उनकी तनखाह को तय कर सके। मैं यह बात कहना चाहता हूँ कि संविधान ने इस बात की सुमानियत की है। मंत्री जी को यहां पर गवर्नर की तनखाह के बारे में मेन्शन करने का अधिकार नहीं है। जो हमारा संविधान है उसने ऐसा करने से मना किया है। कांस्टीट्यूशन के आर्टिकल (158) में यह दिया हुआ है कि आप गवर्नर के इमालुमेन्ट्स को कग नहीं कर सकते हैं। आर्टिकल (158) के क्लॉज (3) में दिया हुआ है :

Article 159(3) reads:

"The Governor shall be entitled without payment of rent to the use of his official residences 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."

सेकेण्ड शेड्यूल में उनकी तनखाह और सारी चीजें दी हुई हैं।

The Second Schedule says:

"1. There shall be paid to the President and to the Governors of the States the following emoluments per mensem, that is to say:—

The President ..	10,000 rupees.
The Governor of a State ..	5,500 rupees.

2. There shall also be paid to the President and to the Governors of the States such allowances as were payable respectively to the Governor-General of the Dominion of India to the Governors of the corresponding Provinces immediately before the commencement of this Constitution."

It means all these provisions have been made in the Constitution. Unless the Constitution is amended, Parliament has no power to determine it. Of course, you have the right to amend the Constitution.

SHRI MOOL CHAND DAGA: I have an objection.

MR. DEPUTY-SPEAKER: Shri Yadav, are you yielding?

SHRI RAM SINGH YADAV: No.

MR. DEPUTY-SPEAKER: He is not yielding. There is no point of order.

SHRI RAM SINGH YADAV: This august House has the power to amend the Constitution. But the Government has got no power to amend it either by way of this Bill or any other legislation.

Article 112 of the Constitution also provides that so far as the emoluments of the Governor are concerned, they are not to be voted in this House. The estimates of expenditure embodied in the annual financial statement shall show separately. And it has been mentioned:

"The following expenditure shall be expenditure charged on the Consolidated Fund of India:—

(a) the emoluments and allowances of the President and other expenditure relating to his office;

[Shri Ram Singh Yadav]

(b) the salaries and allowances of the Chairman etc...."

The emoluments and salary and pension etc., payable to the Governor, they are not to be discussed in the House. They are treated as charged on the expenditure of the Legislative Assembly as well as on the Union. Therefore, this argument that all this should be enumerated and this House should discuss those things, it has been specifically prohibited in the Constitution. Therefore, it cannot be discussed.

इस के अलावा मैं मंत्री महोदय को इस बात के लिए धन्यवाद दूंगा कि वे इस तरह का बिल लाए हैं। इस से पहले वास्तव में हमारे पास गवर्नर्स के बारे में केवल एक आदेश दि गवर्नमेंट ऑफ इंडिया (गवर्नर्स एलाउंसमेंट्स एण्ड प्रिविलेज) आर्डर, 1950, था और उस में कुछ मुद्दे ऐसे थे, जिन के बारे में स्पष्ट प्रावधान नहीं था। अब इस बिल के माध्यम से मंत्री जी उन मुद्दों के बारे में स्पष्ट प्रावधान लाए हैं और इन से मैं समझता हूँ कि आत्मी जो धारणा है और मान्यताएँ हैं, उन को आगे पूरा कर सकेंगे।

इन शब्दों के साथ, जो यह विधेयक पेश किया गया है, उस का मैं समर्थन करता हूँ।

SHRI G. M. BANATWALLA (Ponnani): The present decade is a testing time for the democratic institutions that we have and the office of the Governor is also one such democratic institution envisaged by our Constitution. Moreover, the office of the Governor suffers from colonial origin, democratic ethos and bureaucratic background. Naturally, therefore, there is bound to be controversy with respect to this office of the Governor. That is very natural under this circumstance and can be expected. Therefore, we have had

such expressions which may not be going in accordance with the Constitutional niceties as to describe the Governors as favourite boys or fallen horses. However, that is the situation that is there. As I say, because of the very nature of the office there is bound to be controversy. There are many who say that the office should be abolished. Shrimati Vijay Lakshmi Pandit, when she resigned as the Governor of Maharashtra expressed the firm opinion, that the office is useless and must be abolished.

But, here Mr. Deputy Speaker, Sir, I commend to this House, an important point for consideration. A political system can be both unitary and federal at the same time. It is this unique characteristic and feature of our Constitution which makes the office of the Governor a political necessity. Moreover, this office of the Governor, I may say in a very compact language, is the legal survivor to a substantial residue of power and importance. Of course, if I try to elaborate this particular point, I will have to go into the question whether there are or there are not any discretionary powers to the Governor. However, not going into all that details, it is necessary for me to say a word or two about the efficacy of the office of the Governor.

I must say that it all depends upon the personality of the person who is holding the office, Mr. Deputy Speaker, Sir, about the Sovereigns in England, we are told that an able monarch can have a considerable influence on the government. This also applies to a Governor. There is also a saying that the voice of reason is more readily heard when it can persuade but not coerce.

PROF. MADHU DANDAVATE: That is why we are readily heard.

SHRI G. M. BANATWALLA: This applies very aptly to a Governor. Of course, we have had Governors and Governors and then with these Governors, different situations have come up. I may give only a few examples without trying to offend any Constitutional niceties.

The Chief Minister Gurnam Singh compelled the Governor B. C. Pavie to read his own criticism in the Governors Address to the Legislature. But at the same time, we have another example that Dharm Vira in West Bengal disregarded the Chief Minister by skipping certain portions critical of his own action. Therefore, I said that much about this office of the Governor and the institution of the Governor will depend upon the very personality of the Governor.

In Bihar, Governor Bhandare publicly criticised certain Ministers. Some of the Ministers had to apologise before he administered the oath of office and secrecy to them. Then, we also have a sorry spectacle of U.P., where the Governor of U.P. Shri Homi Modi once switched on the radio, and learned to his surprise that he had already appointed—just appointed—one more Minister. He got that news coming from the radio. Therefore, I am pointing out the various things.

We had also the Governor, Pattabi Sitarayya of Madhya Pradesh. He has revealed that very often he did not even know that ordinances have been promulgated in his name. These are various examples one can go on multiplying.

Our friends talk of Bengal. When B. C. Roy was the Chief Minister, even the late lamented Pandit Jawahar Lal Nehru could not appoint a non-Bengali as a Governor. But that was not the situation later on.

After 1967, really speaking, the situation has changed very much and the office of the Governor has acquired greater dimensions as far as importance is concerned. We may have our own different point of view. But that does not however mean that we can deny the Constitutional importance, the political necessity of the institution of Governor.

Sir, with these words, I come to the Bill. We are told that the Bill is a very simple one. It is supposed to be simple. But I am sorry to say that the Bill is not as simple as it is sought to be made out. You see what happens. Article 158(3) of the Constitution provides:

"The Governor shall be entitled... to such emoluments, allowances and privileges as may be determined by Parliament by law..."

This is an important point. That must be considered. The Constitution wants the Parliament to determine the emoluments, allowances and privileges of a Governor and to determine by law. Now, here is the Bill. The Bill says that the quantum of allowance which a Governor will have under Clause 4, will be determined by the President by an order. That is the end of the thing. Today, if we pass this Bill, once and for all, all the powers of this House are given over to the President. The

President in his own discretion may decide any quantum of allowance whatsoever and fix it by an order. And this order also will not be placed on the Table of the House.

PROF. N. G. RANGA: Why?

SHRI G. M. BANATWALLA: There is no such provision. I have moved several amendments to the Bill. I am happy that an elder statesman like Prof. Ranga has been socked. The reality of the Bill is now before us. The President in his discretion can fix any allowance. I am not grudging the quantum of emoluments and allowances. You give whatever is necessary. But I say, "You follow the democratic method." He could have said, under Clause 4, that the exact quantum of allowance, the rate of allowance, will be prescribed by rules. If he had said so, I would not have taken any objection because the rules will be placed on the Table of the House and then we can, if we feel they are not justified, move appropriate motion for modification or for annulment of those rules. But that is not the provision under Clause 4.

The rules will simply tell us about the details perhaps of how that allowance will be drawn, this and that, and these matters of details will be dumped on the Table of the House. But the exact rate at which the allowance will be given to a Governor will be fixed by the President under Clause 4, by his order. There is no provision in the Bill that this order will be placed on the Table of the House. Therefore, this

[Shri G. M. Banatwalla]

House after giving the powers to the President will be helpless, a silent spectator. This, I submit, is not a democratic way of dealing with the thing.

My amendments are there. I do not say that you fix up the rate and the quantum here and now itself. I can understand the practical difficulties. My amendments are there to say that the exact rate and the quantum can be fixed by rules and the rules can be placed on the Table of the House and, then, we can deal with it according to the rules that we have for transacting our business.

There is a word in the Memorandum regarding Delegated Legislation and it is mentioned there that the legislation that is delegated is of an extra-ordinary nature. It is mentioned there in a corner. The whole thing has been tried to be explained away by saying that though it is extra-ordinary it is inherent in the nature of things. What does it mean by "inherent in the nature of things?" This is my main objection to the whole Bill.

18 hrs.

Clause 4 is about the leave allowances.

Then again there are Clauses about Conveyance allowances also and about the number of motor vehicles etc., that the

Governor can use. These also will be determined by order—the number of vehicles that the Governor will use. Let him use thousands of vehicles. I do not dispute that. But that again will be fixed by an order!

MR. DEPUTY SPEAKER: Are you concluding?

SHRI G. M. BANATWALLA: I have several amendments to explain.

MR. DEPUTY SPEAKER: You can continue tomorrow.

18.01 hrs.

BUSINESS ADVISORY

THIRTY-THIRD REPORT

THE MINISTER OF PARLIAMENTARY AFFAIRS AND WORKS AND HOUSING (SHRI BHIHMA NARAIN SINGH): Sir, with your permission I beg to present the Thirty-third Report of the Business Advisory Committee.

18.02 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, July 28, 1982/Sravana 6, 1904 (Saka).*