

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 rishis, 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

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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 CHAKRA-BORTY: 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 CHAKRA-BORTY: 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 CHAKRA-BORTY: 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 CHAKRA-BORTY: 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 डागा (पाली) : उपाध्यक्ष महोदय, मैंने जब यह बिल पढ़ा तो मुझे मालम हुआ कि इस बिल में आपने सारी बातें डेलीगेटिड लेजिस्लेशन की कही हैं। आप कोई सी क्लाऊ भी इस बिल की लेकिर 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."

मूर्खे एक बात गम्भ में नहीं आई कि इतने अधिकार क्यों देने जा रहे हैं। इस पर पर्नविचार 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-चाँडे पावर्स क्यों दे रहे हैं। प्रोसीजर मैथड पर अधिकार देने चाहिए, बैंसिक चीजें आप डेलीगेट नहीं कर सकते—

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

इसको देखने के बाद मालम होता है कि पार्लियामेंट बैंसिक चीजों को डेलीगेट करने जा रही है। आप केवल प्रोसीजर डेलीगेट कर सकते हैं कि क्या प्रोसीजर होगा। उपाध्यक्ष महोदय, आपको 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 गह निल क्यों लाए हैं। इसमें कोई अधिकार पार्लियामेन्ट 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 चूगचांग कह दें कि सारे

[श्री मूलचन्द डागा]

पावर्स डेलीगेट लैंजिसलेशन को दे दिए हैं। पार्लियामेन्ट 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 देनाया है? श्रीमन्, इस तरह का लैंजिसलेशन सदन में आ जाए और सारा सदन एक राय से कह दे कि—यस, वी डेलीगेट आल पावर्स, तो मेरे ख्याल से पार्लियामेन्ट के पावर्स पर आपका एन्टोनी-मैट है। आपने किया हुआ है कि गवर्नर की तन्त्राह 5550 होगी। इसके बलावा आलीशान मकान भी मिलेगा और उस गकान की मुरम्मत 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 डिवार्ड है, वह चार्ड एक्सपेंडिचर 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 सर्वेंट्स होते हैं उन पर आता है। बहुत बड़ा खर्च 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 बायोड्रा होता है। एक अच्छी जिन्दगी बिताने का यह एक अच्छा तरीका है। जिस की जिन्दगी सौ साल होती है यहां आ कर उरको जिन्दगी डेढ़ सौ साल की हो जाती है। सुन्दर मकान, अच्छी मरम्मत, सुन्दर और सहावने ताज, फूलों के गुलदस्ते, गवर्नर के बैठने के लिए लम्बी चौड़ी कुर्सी राब तरह की सुविधाएं उसको मिलती हैं। भगवान जाने कितनी शान से वह रहता है। हा मानते हैं कि उसकी डिजिनिटी रहनी चाहिए। कारं किनी होंगी इसके बारे में रुल बनेंगे, एंटरटेनमेंट क्या होगा, इसके बारे में रुल बनेंगे, यह कह दिया गया है। सब कुछ आर रूल्स से ही करना है तो हमारी क्या जरूरत है। इस प्रकार का लैंजिसलेशन मैंने नहीं देखा है। होम मिनिस्ट्री ने तो कमाल ही कर दिया है इस तरह का बिल ला कर। इस पर वह

हमारी मुहर लगवाना चाहते हैं। गवर्नर के जो फैमिली मैम्बर होते हैं उनको भी फ्री कारं मिल जाती है। एक गवर्नर ऐसे भी हैं जिन के बारह लड़के हैं, नौ लड़कियां हैं। लड़कियों के दामाद आते हैं। सब कारों का इस्तेमाल करते हैं। 'हली क्लाज से लेकर आखिरी क्लाज तक मैं गम्भीर हूं कि रीथिंकिंग की जरूरत है। सभी तरह की पावर्ज डेलीगेट इस में कर दी गई है। कानून पार्लियामेन्ट को उसकी जो पावर्ज है उनको डेलीगेट करना नहीं चाहिए। ऐसा करके पार्लियामेन्ट अपने अधिकारों को सोएगी। गवर्ज के एमालुमैट्स, उनकी सुविधाओं को अगर आप लीगलाइज करना चाहते हैं, उनको आप कानूनी रूप देना चाहते हैं तो इस काम को आप पार्लियामेन्ट को करने दीजिए। ऐसा नहीं होना चाहिए कि सभी मैट्ज को द्यूरोफेट्स को सौंप दिया जाए। आप द्यूरोफेट्स को अनलिमिटेड पावर्ज दे रहे हैं। एक एक गवर्नर का एक साल का जो तजट बनता है वह डेढ़ करोड़ का बनता है। दरोने में आता है कि गवर्नर साहब नैना देवी के दर्शन करने जा रहे होते हैं तो सारे फैमिली मैम्बर्ज उनके साथ जाते हैं और सभी को अलग अलग कारं मिलती है। कोई सून्दर मकान गवर्नर हुआ और उनकी तीन बेगमें हुई तो तीनों जाएंगी और एक एक बेगम एक एक कार में जाएंगी। मान लो वहने हैं या लड़कियां हैं तो सारे दामाद जाएंगे। और कौन मांग करता है? वह बिल किसने बना कर दिया है। और दे भी दिया होम मिनिस्टर की जगह स्टेट मिनिस्टर को कि तुम सहायता। इसमें हाको कुछ पावर्स नहीं दी है, 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 हूं यह कानूनने गलत है। इसलिए इस दिल को आप कल के लिए रखें और फिर सरकार की तरफ से कुछ संशोधन जाना चाहिए। रात में आ जाए तो बड़ा अच्छा होगा। नहीं तो हम समझेंगे जो पावर्स लिए हैं वह हमारी पावर्स नहीं हैं।

प्रो. अद्वित कुमार महेता (समस्तीपर): उपाध्यक्ष महोदेय, सगय देने के लिए बापको धन्यवाद देना चाहता हूँ। गवर्नर की प्रिवेलेज 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 उग्रका वेतन आदि निर्धारित करेंगे। आर आवश्यकता ही न हो तो फिर इस विधेयक को भी कोई जरूरत नहीं है।

संविधान के निर्माताओं ने जो राज्यपाल की परिकल्पना की थी उसमें उन्होंने यह सोचा था कि राज्यपाल को विवराव 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 अम्बेदकर ने, खुद उग्रमें एक संशोधन पेश किया कि राज्यपाल का पद निर्वाचित से न हो कर नीमीनेशन के द्वारा भरा जाएगा, तो उस समय में संविधान सभा के दो सदस्यों—प्रो. के.टी. शाह और श्री शिव्वन लाल सक्सेना—ने इसका तीव्र विरोध किया था और उन्होंने कुछ संशोधन पेश किए थे। मैं उन्होंने को उद्धर्त करूँगा:

“Such a Governor will have no independence, 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. अम्बेदकर 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 करण का

चार्ज लगे। साधारणतया इन्होंने 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 दब्ख रहे हैं। उस समय पंडित जवाहर लाल नेहरू ने भी कहा था..... राज्यपाल सत्ता की राजनीति से उपर रहेंगे और यह एपौइंटमेंट पॉलिटिकल एपौइंटमेंट नहीं होगा।

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

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

यह तो संविधान की मूल भावना का सरासर है। जब स्वीकार कर लिया गया था कि गवर्नर की पॉलिटिकल नहीं है, यह पॉलिटिकल नियुक्ति से उपर की चीज है, गवर्नर, राज्यपाल सत्ता की राजनीति से उपर रहेंगे, फिर भी हमारे गृह-मंत्री यह कहेंगे कि यह पॉलिटिकल एपौइंटमेंट है, तो फिर यह पॉलिटिकल एपौइंटमेंट है। कोई गारंट इसको स्वीकार नहीं करेगा तो उसकी क्या हालत होगी? उसकी हालत वही होगी जो तगिलनाडु के गवर्नर श्री प्रभुदास पटवारी की है, यानी उनको वर्खस्ति कर दिया गया। अगर कोई राज्यपाल इस स्थिति से बचना चाहता है तो वह अपने को उसी तरह बना ले जैसा कि हरियाणा के राज्यपाल ने अपने को बना लिया, वह सब निकृष्ट कर्म करने को तैयार हो नए सिर्फ़ डाने पद की सूक्ष्मा ने लिए। यही स्थिति सभी राज्यपालों के लिए होगी, यदि वह स्वतन्त्र विनाशक रद्दने वाला हुआ तो उसकी वर्खस्ति निश्चित है, अगर उसने केन्द्रीय सरकार की जाज्ञा मानी, निदेश माना तो उसके पद की सूक्ष्मा है। मैं सदन को याद दिलाना चाहता हूँ कि प्रो. के.टी. शाह और प्रो. शिव्वन लाल सक्सेना की आशंकाएं कित्तबी सही थीं।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): 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. अंजित कुमार मेहता : उपाधाक्ष महोदय, यह सोचा गया था कि राज्यपाल का कर्तव्य है कि सत्ता की राजनीति से उपर रहेंगे, लेकिन क्या यह संभव है जब एकिटव 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 एकिटव 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 एकिटव पॉलिटिक्स में थे, वह राज्य-सभा के गदस्थ थे। एक पार्टी के सदस्य थे। असम में जब गवर्नर हुए तो उन्होंने वही किया जो उस पार्टी का कर्तव्य था कि उसी पार्टी की मरकार कायम हो। उसी तरह का निर्देश हरियाणा में हुआ।

मैं यह कहना चाहता हूं 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 बरकरार रखने की आवश्यकता है?

हिन्दूओं के यहां सत्यनारायण की पूजा होती है। वहां पर एक गोबर का गणेश बना कर रखा जाता है। गगर 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 गहिरत कर्म कर रहे हैं, वह उन्हें नहीं करेगा और इसके साथ ही उस पर खर्च भी नहीं होगा। गगर गवर्नर का पद रखना ही है, तो गोबर का गवर्नर बना कर रखना चाहिए। आज गवर्नर का पद ब्रिटानी परम्परा को कायग रखने के लिए जारी रखा जा रहा है। मैं समझता हूं कि उस पर अत्यधिक खर्च करने की जो व्यवस्था की जा रही है, वह अनुचित है।

जब मैं इस विधेयक पर आता हूं। इस विधेयक में कहा गया है कि गवर्नर के परिवार के लिए जो उचित खर्च होगा, वह विशिष्ट भूत्तों के रूप में दिया जाएगा। मैं पूछना चाहता हूं कि जब आंरों 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 बगस्क पुत्र और पुत्रियां भी रहते हैं और गवर्नर को जो सुविधाएं मिलती हैं, वे उनका उपभोग धड़ल्ले में 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 शर में गवर्नर पर खर्च कितना होगा, उसको जितनी सुविधाएं दी जा रही है, उनका मूल्य कितना होगा। हर मद के बारे में कहा गया है कि पावर डेलीगेट की जा रही है और रूल्ज बनाए जाएंगे, जिनके मूलाधिक 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 खर्च पड़ने जा रहा है, गगर 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 हारा में एक गवर्नर ने शपथ-ग्रहण किया है। जब शपथ-ग्रहण करने के लिए यह गवर्नर महाशय आने घर से चले और उस राज्य में पहुँचे, तो उनके साथ 150 लोगों की बरात थी। जाहिर है कि वह सारे का सारा खर्च किसी न किसी रूप में सरकार को ही वहन करना पड़ा होगा। यह तो नहीं है कि राज्यपाल महोदय ने अपनी जेब से वह खर्च दिया है। मैं जानना चाहता हूँ कि शपथ ग्रहण के लिए पंजाब के राज्यपाल के साथ जो 150 लोगों की बरात गई, उसका खर्च किसने बहन किया। अन्ततोगत्वा वह खर्च राष्ट्र पर ही पड़ा है। इसी लिए परिवार को 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 मानने नहीं रखी गई है, तो मंत्री महोदय विधेयक को पर्नाविचार के लिए वापस ले लंगे 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 कछ माननीय सदस्यों ने गम्भीर आपत्तियां की हैं और इस पद को समाप्त करने के लिये भी उपने सुझाव दिए हैं। मैं समझता हूँ कि प्रजातंत्र एक बहुत डॉलिकेट सिस्टम है पालिटिक्स का और उस में पदाधिकारी और दूसरे लोगों के व्यवहार में जब तक संयम नहीं होगा तब तक उस पद से वह अपेक्षाएं और आशाएं 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 विद्यवान भी हैं, कुछ शंकाएं प्रकट की और कुछ बातें कहरे। मैं उन से पूछना चाहता हूँ कि धर्मबीर जो वहां के गवर्नर थे, उन के बारे में और उन की कार्य प्रणाली के औचित्य के बारे में आगे प्रश्न किया, कित्तु 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 हैसियत से काम किया है और जो काम किया है उन को औचित्यपूर्ण तरीके से किया है, इस के बाद दूसरी गवर्नर्मेंट के आने के बाद उसी गवर्नर के माह से वह सरकार यह कहलाना चाहे 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 प्रोप्रोग्राइटी है? क्या आप की सरकार ने जो अशिभाषण तैयार किया राज्यपाल महोदय के लिए उस कोई डेमोक्रेटिक प्रोप्रोग्राइटी 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 कहे कि जो कछ मैंने किया है वह गलत काम था और आज मैं सही काम करने लगा हूँ? क्या आप इस तरह की परमाराओं 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 पोलिटिकल बाड़ी नहीं है, केवल आप का एक राजनीतिक ढांचा नहीं है। डेमोक्रेसी का गतलब यह है कि सामाजिक और आर्थिक जो कछ भी आप की विचारधारा है, आप की वे आफ लिबिंग हैं, सब मैं डेमोक्रेसी की एक भलक होनी चाहिए, उस का प्रतिविम्ब होना चाहिए, वह आप के आचरण में आचरित होनी चाहिए। तभी वह डेमोक्रेसी सक्सेसफूल हो सकती है। आप यह चाहे कि गवर्नर तो डेमोक्रेसी के अनुकूल काम करे लेकिन वह दल और उस

[श्री राम सिंह यादव]

दल की सरकार जिस का एक उत्तरदायित्व है कि संविधान के अन्कूत चले वह उस पर न चले । संविधान यह नहीं कहता है । पिछली सरकार ने यदि कोई गलत काम किया है तो आप के पाम कमीशन आफ एन्क्वायरी एकेट है, आप के पाम सी आर पी सी, आई पी सी और दूसरे एकेटों के प्रावधान हैं उन के अन्तर्गत उन के खिलाफ एकेट ले सकते थे, मिनिस्टर के खिलाफ एकेट ले सकते थे । गवर्नर की तो उस में कहीं जिम्मेदारी नहीं आती है । आप स्वयं ही कहते हैं कि वह एक कांस्टान्च्यूशनल हैंड है । कांस्टान्च्यूशनल हैंड के उत्पर 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 चार्जिंग 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 आप की परम्परा है, इस से आप प्रजातंत्र की परम्पराओं को तोड़ना चाहते हैं । प्रजातंत्र की परम्पराओं को आप मजबूत नहीं करना चाहते हैं । मैं समझता हूँ कि आज भी अपनी गलतियों को आप नहीं मानते हैं । आप की यह बहुत दड़ी गलती थी, प्रजातांत्रिक गलती थी, संवेधानिक गलती थी, अगर कोई भी इस तरह की गलती करता है तो उस से प्रजातंत्र मानवत नहीं होता ।

आप ने हरयाणा के राज्यपाल की कार्यप्रणाली के बारे में कुछ कहा । लेकिन मैं आप से कहना चाहता हूँ कि जिन को आप फर्स्ट स्टिजेन आफ इंडिया समझते हैं और वह दावित जो अपने पद भार से विस्तृत हो कर जा रहा है, क्या आप ने उस के भावण को पढ़ा है ? माननीय राष्ट्रपति नीलम संजीवा रडेडी ने जाते सम्म यह कहा है कि मेरी यह दिचारधारा थी, मैं ऐसा महसूस करता था कि हरयाणा के गवर्नर ने यह जो एक विशेष पार्टी के नेता को बूला कर सरकार बनाने का निमंत्रण दिया, वह

उचित नहीं है । मैंने ऐसा महसूस किया । महसूस करने के बाद उन्होंने जो कुछ कार्यवाही की, कैबिनेट को लिखा या कहां कहां लिखा वह अलग बात थी, लेकिन बाद मैं उन्होंने कहा कि मेरी वह धारणा गलत सावित है । आप के राष्ट्र का राष्ट्रपति यह अनुभव करता है कि हरियाणा के राज्यपाल ने सही काम किया है, उस तो जिस पार्टी के नेता को सरकार बनाने के लिए आमंत्रित किया है वह काम सही है । तो कथा फिर आप यह महसूस नहीं करते । . . . (व्यवधान) . . . तो यह जो आपके राष्ट्रपति थे उनका कथन है । आखिर यिस संस्था को या जिस व्यक्ति को आपने विवेक दिया है, डिस्क्रीशन दिया है उसके डिस्क्रीशन को इवलैएट करने के लिए चैक्स एंड बैलेन्सेज भी है । हरियाणा के गवाँह ने चीफ मिनिस्टर को सदन में अपनी मेजारिटी फ़िद्ध करने के लिए टाइम भी दिया था । क्या यहां पर चरण सिंह की सरकार को राष्ट्रपति की ओर से सदन में मेजारिटी छो करने के लिए टाइम नहीं दिया गया था ?

SHRI SATYASADHAN CHAKRA-BORTY: 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 CHAKRA-BORTY: 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 विधान में दौठा हुआ था और हमारे दल ने उस दिन का इंतजार किया था जब इरा सदन में आकर यह तथा होगा

कि जिस नेता को राष्ट्रपति ने प्रधान मंत्री बनाया है वह थपनी बहुमत सिद्ध कर सकता है या नहीं। लेकिन आपने देखा कि वे अपना बहुमत ग्रिद्ध 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 सूजन करना और उनको सुधङ्ग 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 आपत्ति करते हुए कहा कि जो लैंजिस्लेशन यहां पर लाया गया है वह इनकॉप्लीट है। उन्होंने कहा कि इसमें यह प्रावधान नहीं किया गया है। इस सदन को यह अधिकार नहीं मिला है कि वह उनकी तन्त्राह को तय कर सके। मैं यह बात कहना चाहता हूँ कि संविधान ने इस बात की मुमानियत की है। मंत्री जी को यहां पर गवर्नर की तन्त्राह के बारे में मेन्शन करने का अधिकार नहीं है। जो हमारा संविधान है उसने ऐसा करने समना किया है। कांस्टीट्यूशन के आर्टिकल (158) में यह दिया हुआ है कि आप गवर्नर के इमालुमेन्ट्स को कम नहीं कर सकते हैं। आर्टिकल (158) के कड़ाज (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."

सेकेन्ड सेंड्यूल में उनकी तन्त्राह और सारी चीजें दी हर्दी 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 दलावा मैं मंत्री महोदय को इस बात के लिए घन्यबाद दूँगा कि वे इस तरह का बिल लाए हैं। इस से पहले वास्तव में हमारे पास गवर्नर्स के बारे में केवल एक आदेश दि गवर्नर्मेन्ट आफ हिन्डिया (गवर्नर्स एलाउंसेज एण्ड प्रिविलेजेज) आर्डर, 1950, था और उस में कूछ मुद्रदे एसे थे, जिन के बारे में स्पष्ट प्रावधान नहीं था। अब इस दिल के माध्यम से मंत्री जी उन मुद्रों के बारे में स्पष्ट प्रावधान लाए हैं और इन से मैं समझता हूँ कि आको जो घारणा है और मान्यताएँ हैं, उन को आग पूरा कर सकेंगे।

इन शब्दों के साथ, जो यह विधेयक पेश किया यगा 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 necessities 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 necessities.

The Chief Minister Gurnam Singh compelled the Governor B. C. Pavte 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 Bhandari 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 Sitaramayya 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 soothed. 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 determinated 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 ADVISOR

THIRTY-THIRD REPORT

THE MINISTER OF PARLIAMENTARY AFFAIRS AND WORKS AND HOUSING (SHRI BHJHMA 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).