

**Bill No. 137 of 2012**

THE GOVERNORS (EMOLUMENTS, ALLOWANCES AND  
PRIVILEGES) AMENDMENT BILL, 2012

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BILL

*further to amend the Governors (Emoluments, Allowances and Privileges) Act, 1982.*

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Governors (Emoluments, Allowances and Privileges) Amendment Act, 2012.

Short title  
and  
commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

43 of 1982.

2. In section 2 of the Governors (Emoluments, Allowances and Privileges) Act, 1982 (hereinafter referred to as the principal Act), for clause (a), the following clauses shall be substituted, namely:—

Amendment  
of section 2.

10 (a) “ex-Governor” means a person who has been the Governor of a State or two or more States;

(aa) “Governor” means the Governor, or any person discharging the functions of the Governor, of any State or of two or more States;’.

Insertion of new section 12A.

3. After section 12 of the principal Act, the following section shall be inserted, namely:—

Entitlement of ex-Governor to secretarial assistance.

**“12A. Subject to any rules made in this behalf, the ex-Governor shall, for the remainder of his life, be entitled to secretarial assistance of one Personal Assistant on reimbursement basis:**

**Provided that where such ex-Governor is re-appointed to the office of the Governor or elected to Parliament or the State Legislature or appointed to any office of profit under the Union or a State Government, he shall not be eligible for such secretarial assistance for the period during which he holds such office.”** 5

Amendment of section 13.

4. In section 13 of the principal Act, in sub-section (2), after clause (g), the following clause shall be inserted, namely:— 10

**“(h) the manner of providing secretarial assistance and reimbursement under section 12A.”**

## STATEMENT OF OBJECTS AND REASONS

As per the Governors (Emoluments, Allowances and Privileges) Act, 1982 the Governor is entitled to emoluments amounting to one lakh ten thousand rupees per month. However, the said Act does not provide for any pension or post-retirement benefits to ex-Governors except medical facilities governed by the rules or orders issued by the Ministry of Health and Family Welfare, from time to time. Keeping in view the high constitutional office that a Governor holds and considering the contributions in public discourse that they would continue to make after they retire, it is proposed to provide the secretarial assistance to ex-Governors in the form of one Personal Assistant, which the ex-Governor concerned may appoint on reimbursement basis, during his life time. However, he shall not be eligible for such secretarial assistance for the period during which he is re-appointed to the office of Governor or elected to Parliament or the State Legislature or appointed to any office of profit under the Union or a State Government.

2. The Bill seeks to achieve the above objects.

SUSHIL KUMAR SHINDE

NEW DELHI;  
*The 30th November, 2012.*

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### PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

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**[Copy of letter No. 7/31/2011-M&G, dated 30th November, 2012 from  
Shri Sushil Kumar Shinde, Minister of Home Affairs to the Secretary-General,  
Lok Sabha]**

The President, having been informed of the subject matter of the Governors (Emoluments, Allowances and Privileges) Amendment Bill, 2012, recommends the introduction of the Bill in Lok Sabha under article 117(1) of the Constitution as also the consideration of the Bill by Lok Sabha under article 117(3) of the Constitution.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to insert new section 12A so as to provide for secretarial assistance to an ex-Governor in the form of one Personal Assistant, on reimbursement basis, during his life time and shall not be eligible for such secretarial assistance for the period during which he is re-appointed to the office of Governor or elected to parliament or the State Legislature or appointed to any office of profit under the Union or a State Government.

2. In order to implement the aforesaid provision it is estimated that, an approximate amount of rupees one crore ninety-five lakh per annum would be involved. The said expenditure will be met from the Consolidated Fund of India.

3. This Bill, if enacted, will not incur any other recurring or non-recurring expenditure.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill seeks to amend section 13 of the Governors (Emoluments, Allowances and Privileges) Act, 1982, relating to the power to make rules, by inserting clause (h) in sub-section (2) of section 13. Clause (h) proposed to be so inserted empowers the President to make rules for the manner of providing secretarial assistance and reimbursement thereof under section 12A.

2. The rules made by the President are required to be laid before Parliament. The matters in respect of which rules may be made by the President are matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

*ANNEXURE*

EXTRACTS FROM THE GOVERNORS (EMOLUMENTS, ALLOWANCES AND PRIVILEGES) ACT, 1982

(43 OF 1982)

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Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) “Governor” means the Governor, or any person discharging the functions of the Governor, of any State or of two or more States;

\* \* \* \* \*

Power to  
make rules.

**13.(1)** \* \* \* \* \*

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

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**BILL**

further to amend the Governors (Emoluments, Allowances and Privileges) Act, 1982.

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*(Shri Sushil Kumar Shinde, Minister of Home Affairs)*