

डा० राम सुभग सिंह ने देखा होगा कि पूरा सदन किसी प्रश्न पर एकमत हो। इतने दिनों के बाद सदन में एक ऐसा प्रश्न आया है, जिस पर सारा सदन एकमत है। इस स्थिति में जनतन्त्र की भावना का स्वागत करते हुए डा० राम सुभग सिंह को यह कहने में हिचक नहीं होनी चाहिए कि सिद्धान्त रूप में वह इस को स्वीकार करते हैं। कमेटी में सब दलों के प्रतिनिधि होंगे। वह सब पहलुओं पर अच्छी तरह से विचार करेगी और निर्णय लेगी।

डा० राम सुभग सिंह : माननीय सदस्य अपने विषय को वापस ले लें। सब बातों पर विचार कर लिया जायेगा।

SHRI NATH PAI : This is not a matter between the Opposition and Government alone. You are also concerned.

MR. SPEAKER : Everybody is interested.

SHRI BAL RAJ MADHOK (South Delhi) : The Speaker's vote is with us.

MR. SPEAKER : The Speaker never votes. I should not express my views.

AN HON. MEMBER : He has supported the Bill.

MR. SPEAKER : Nobody is opposing the Bill.

श्री क० ना० तिवारी : अध्यक्ष महोदय, मैं निवेदन करना चाहता हूँ कि इस बारे में दो मत नहीं हैं। हम लोग भी यह चाहते हैं कि संसद् का एक सेशन दक्षिण भारत में बुलाया जाये।

MR. SPEAKER : The only question is : What has the Minister to say ?

श्री क० ना० तिवारी : मिनिस्टर साहब ने भी नाथ पाई के सजेस्चन को मान लिया है कि एक कमेटी बनाई जायेगी और वादा किया है कि इस पर विचार किया जायेगा। ऐसी हालत में माननीय सदस्य को अपना विधेयक वापस ले लेना चाहिए।

SHRI NATH PAI : The Minister was good enough to welcome the suggestion that Shri Hanumanthaiya and I have submitted. The Committee was not to examine it; it was to see how it could be implemented. That is the idea.

श्री प्र तिवारी. शास्त्री : अध्यक्ष महोदय, मैं चाहता हूँ कि मूझे यह विधेयक वापस लेने की अनुमति दी जाए।

MR. SPEAKER : Has the hon. Member the leave of the House to withdraw the Bill ?

SOME HON. MEMBERS : Yes.

The Bill was, by leave, withdrawn.

17.15 hrs.

CONSTITUTION (AMENDMENT) BILL

(Substitution of article 156 and insertion of new article 159A) by Shri P. K. Deo

SHRI P. K. DEO (Kalahandi) : I beg to move :

"That the Bill further to amend the Constitution of India, be taken into consideration."

It is the compulsion of recent undignified and inglorious political events and the compulsion of conscience which has made me bring this Bill.

This Bill envisages a change in article 156 of the Constitution. Article 156 says:

"(1) The Governor shall hold office during the pleasure of the President.

(2) The Governor may, by writing under his hand addressed to the President, resign his office."

For this I want to substitute another clause which says :

"(1) The Governor shall hold office for a term of five years from the date on which he enters upon his office.

(2) The Governor may, by writing under his hand addressed to the speaker of the Legislative Assembly of the State or where there are two Houses of the Legislature

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of the State, to the Speaker of the Legislative Assembly and Chairman of the Legislative Council of the State, resign his office.

- (3) A Governor may, for violation of the Constitution, be removed from office by impeachment, in the manner provided in article 159A of the Constitution."

For this purpose, a new provision, article 159A is envisaged which I would like to be incorporated in the Constitution. This mainly deals with the procedure for impeachment, and reads :

"159A.(1) When a Governor is to be impeached for violation of the Constitution, the charge shall be preferred by the Legislative Assembly of the State.

- (2) No such charge shall be preferred unless—

(a) the proposal to prefer such charge is contained in a resolution which has been moved after a notice in writing signed by not less than thirty members of the Assembly has been given of their intention to move the resolution; and

(b) the resolution has been supported by not less than two-thirds of the total membership of the Assembly.

- (3) When a charge has been so preferred, the Speaker of the Assembly shall inform the Chairman of the Council of States and thereupon the Council of States shall appoint a committee which may consist of or include persons who are not members of the Council, to investigate the charge and the Governor shall have the right to appear and to be represented at such investigation.

- (4) If as a result of investigation, a resolution is passed, supported by

not less than two-thirds of the total membership of the Council of States declaring that the charge preferred against the Governor is sustained, such resolution shall have the effect of removing the Governor from his office as from the date on which the resolution is communicated to the Speaker of the Assembly."

The sapling of democracy in this country has not yet taken firm root. The parliamentary system of government is still on trial. When we are witnessing the graveyards of democracy all around us, those of us who are pledged to the smooth working and success of the parliamentary form of government shudder to see the various disruptive and destructive forces at work trying to sabotage and strike at the very root of the parliamentary form of government by creating chaos and turmoil in order to topple down the entire democratic structure from its pedestal and replace them by their own form of dictatorship.

People have started losing faith in elections, their right to change the Government through the ballot, and are being forced to take recourse to unconstitutional methods. I accuse all those parties which have been responsible for this state of affairs, creating despair in the minds of the people. Of course, the first culprit would be the power-hungry Congress Party which, instead of bowing down to the verdict of the electorate and reconciling to their rejection at the polls after the 1967 election, started intrigues and defections and seductions, lastly using the institution of Governors to instal minority governments and sharing power without responsibility.

I would be failing in my duty if I do not condemn the action of the West Bengal legislators who created an ugly scene in their Assembly (a small glimpse of which we saw here yesterday while the Budget was being presented), who hurled insults at the constitutional head of the State, especially when we were all anxiously awaiting the verdict of the Assembly, especially after the High Court had validated the action of the Governor and the constitution of the new Ministry. I must say

that we have been denied on two occasions the verdict of the West Bengal Assembly. On an earlier occasion the Governor arrogated to himself the power of the Assembly and dismissed the Ministry which was functioning there, which was about to crumble under its own weight because of various pulls, and installed some other Government. At that time we were denied the verdict of the Assembly. Secondly, an adamant speaker, in spite of the decision of the High Court, stood in the way of the Assembly and did not allow it to do its work. In spite of our anxiety to get the verdict from the Assembly, we were denied that verdict. In the latter case, my full sympathy goes to the Governor of West Bengal who stood the trial and carried out his constitutional functions.

But I am sorry to say that different standards are followed by different Governors in different States to further the interest of the Congress Party. No common standard is laid down; no guideline is being given by the Home Ministry on how they should function unlike the instrument of instruction which used to be given at the time the British were ruling here. I am sorry to say that on many occasions defeated and discredited politicians and inconvenient, unwanted colleagues and retired bureaucrats had been appointed as Governors. They are not answerable to the people unlike the President who is answerable; they cannot be impeached. The chief executive of the State in India, the President of the Union, and the Governor in the different States in India—are to function as constitutional heads and carry out the clearly expressed wishes of the majority in the popularly elected legislature. The functions of the President and Governor are therefore exercised with the aid and advice of the Council of Ministers who are collectively responsible to the popularly elected legislatures. This has been provided in articles 74 and 75 of our Constitution in regard to the Centre and under articles 163 and 164 in regard to the States. The Governor of a State is appointed by the President by warrant under his hand and seal and holds office during the latter's pleasure. As the Governor holds office during the pleasure of the President and as the President exercises his functions under the aid and advice of the Council of Ministers of

the Government of India, Governors are virtually directly responsible to the Council of Ministers of the Government of India through the President. As a Governor is not impeachable like the President, he is more privileged than the President himself. There is provision for the election of a President in this country and the President is impeachable under article 61 of the Constitution. But the Governor is neither elected nor impeachable. He does not care for public opinion or the verdict of the people or any democratic principles or conventions. He is answerable only to the President and his job is secure so long as he pleases his boss, that is the Home Minister, through the President. By this process the Home Minister emerges as the dictator. Nobody bothered about the institution of Governors before 1967. The emergency of non-Congress Government in a majority of States and the Congress in saddle, in power in the Centre places the federal character of the Constitution in acid test. Especially when the Governors behave in a very whimsical manner and played ducks and drakes with Assemblies, the only parallel that comes to mind is Charles I in British history who threw to winds all healthy democratic conventions. Naturally there is great agitation in the minds of people about the usefulness of this institution. This institution should be improved and made useful to the people. The Governor should be made impeachable when necessary.

In Haryana the ministry enjoying a majority even according to the Governor was dismissed and there was a long sermon on defections and public morality. Even before the ink of the Governor's report dried, a minority Government was installed in some States and the defectors were rewarded and were given fishes and loaves and even chief ministerships. When the union of convenience in West Bengal, i.e., the UDF, was crumbling under its own weight, it was not allowed a natural death; a minority ministry was installed with a leader having a following of only 17 members.

Sir, in Madhya Pradesh, while discussing the budget, the Assembly was prorogued by another Governor on the advice of the Chief Minister who did not enjoy the confidence of the majority of the House at

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 that time. In Rajasthan, the Congress Chief Minister resigned just one day prior to the Assembly meeting and he did not have the courage to face the Assembly. The Governor recommended President's rule though the majority of the MLAs in Rajasthan expressed their allegiance to the Swatantra party leader there and physically paraded before the President at New Delhi.

In Punjab, the Government did not wait even for a single day even though a request to wait for 24 hours was made by Mr. Gurnam Singh and the oath of office was administered to another puppet leader, a defector who had the following of only 17, lest all the defectors may melt away in the meantime. Similarly, in Bihar, a minority government has been installed. It is so because the Governor there did not care two hoots for public opinion. They do not bother about the verdict of the people, as there is no provision in the Constitution for their removal.

The Home Minister should give them a guideline. In this regard, I would like to point out your directive. In your direction No. 121, it is clearly stated as follows :

"In recognizing a Parliamentary Party or Group the Speaker shall take into consideration the following principles:—

- (i) An association of members who propose to form a Parliamentary Party—
 - (a) shall have announced at the time of the general elections a distinct ideology and programme of Parliamentary work on which they have been returned to the House;
 - (b) shall have an organisation both inside and outside the House;" etc.

It is time that you should give directions to the Government that they should issue a similar direction to the Governor that unless and until the various groups and parties contested the election on some platform and they function both inside and outside the House, there should be no occasion to give them any recognition. If

that could be done, there would be no occasion for mushroom parties like the Soshit Dal, the Janata Party in Punjab or the PDF or any association of convenience or expediency or immorality to bid for power and we could be saved from the pangs of witnessing the marauding of democracy in broad daylight.

My Bill is nothing but a carbon copy of the draft Constitution. It is only clauses 132 and 137 of the draft Constitution. In this connection, I would like to point out that after the Constituent Assembly met, a sub-committee was appointed under Sardar Vallabhbhai Patel to go into the question of a provincial constitution in which many people were associated like Dr. Pattabhi Sitaramayya, Satya Narayan Sinha, Rafi Ahmed Kidwai and many other dignitaries. I would like to refer to the item dealing with the term of office of the Governor as contained in the report of the sub-committee of the provincial constitution committee.

It said :

"The Governor may be removed from office for stated misbehaviour by impeachment, the charge to be preferred by a Provincial Legislature or where the Legislature is bicameral, by the lower House of the Provincial Legislature, and to be tried by the Upper House of the Federal Parliament, the resolution in each case to be supported by not less than two-thirds of the total membership of the House concerned."

This was the specific recommendation of the sub-committee on the provincial constitution. On the basis of this recommendation these two drafts were made in the draft Constitution of India and I have carried it over here word for word and letter for letter.

MR. SPEAKER : Why don't you continue your speech afterwards ?

SHRI P. K. DEO : I shall take only five to 10 minutes.

MR. SPEAKER : Not now. You will have enough time then. Let us proceed to the next item.