

**Shrimati G. Durgabai** (Madras : General): Mr. President, Sir, I stand here to support the amendment moved by friend Shri Brajeshwar Prasadji and supported by my friend Mr. Kamath. Sir, I must frankly confess that I also for some time held the view that the system of election by direct vote would be a better one compared to every other system. But I should say that I have changed my views in the matter because I am one of those who have given some thought to this question and come to the conclusion that the proposal of nomination or appointment as suggested in the amendment is a better one in the circumstances that we have today. Sir, I find that those friends who opposed this proposal of appointment by the President did it mainly on two grounds, that it would be inconsistent with the principle of democracy and also it would be giving too much power to the President. With regard to their fear that the ideal of democracy would suffer a good deal if people were deprived of their right of franchise in favour of Governor and that the ideology behind that the freedom to exercise their vote would be defeated if this power is given to the President, I may say that the usefulness or otherwise of any institution should be judged by the results that ultimately the institution would yield. Certain functions are expected to be discharged by the Governor. We wanted to introduce the Governor in our Constitution because we thought that an element of harmony would be there and that institution would bring about some sort of understanding and harmony between the conflicting groups of people, if really the Governor is conscious of his duties and he functions well. It is only for this purpose this is proposed, the governing idea is to place the Governor above party politics, above factions and not to subject him to the party affairs. Now, we find a section in the draft Article 135 wherein it is said that he is not to be a member of either of the Legislatures or, even if he was a member at the time when the choice may fall on him, he is expected to resign before he is appointed or elected as Governor. The idea behind it is that he should be above party politics and party factions. May I ask those friends whether this idea would be realised if we make him dependent upon the mercy of the people and make him subject to party affairs? If he is to depend on the mercy of the people for votes, I am afraid the idea that he would be a harmonious element in the constitution of our country would not be realised. Therefore, I feel that the election system as proposed by some, as against the amendment, is very dangerous. The other point, which my friends who opposed nomination is that it would be giving too much power to the President. May I ask whether the President does not mean his Prime Minister, and the Prime Minister in his turn would not consult his colleagues before making the choice? Those in favour of this system of appointment said yesterday that a happy and healthy convention would grow of consulting the Provincial Prime Ministers. I think already the system has grown and is growing that whenever a Governor is appointed to a province, the Chief Minister of that Province is invariably consulted. Therefore, I think the fear of my friend that the President would not discharge his responsibilities well and in the interest of the country is absolutely groundless. Therefore, it would be quite safe to leave the entire responsibility to the President and I do not see any danger why we should not leave it if that could be discharged with great caution and I may tell my friends that the person who is to take the responsibility of such a magnitude would not easily take it and would take it after a great hesitation because he knows that he has got to face the criticism of my friends like Shri Rohini Kumar Chaudhuri or Shri Biswanath Das or friends who oppose this idea and who are afraid of giving this power to the President. Therefore, I suggest that there is absolutely no danger and it is always open to those people to go and tell the President that whenever a man is not wanted why he is not wanted and, therefore, he is to be removed on certain grounds.

Therefore, I feel that there is absolutely no danger in that system of appointment and I urge on my friends to be convinced by this argument that this would be a safer method in the present circumstances. The Drafting Committee itself has changed its view and has put forward an alternative proposal, viz., to appoint one of the four candidates out of a panel of four candidates to be elected by the Houses. Sir, this is a proposal which has no counterpart or similarity in the whole world and also it is impossible to defend this panel business on its merits. I would say that this will not carry any responsibility but on the other hand carries all the disadvantages of a divided responsibility. It carries no responsibility of either the President or the Cabinet or the Provincial Cabinet because the responsibility here is very much divided. In this panel system there is this danger that if the votes recorded vary, as they are bound to vary, and if the President happens to pick up a man who has secured less number of votes, the person chosen will come into clash with the Provincial Legislature. Therefore, he would be naturally unwilling to take up that responsibility. Ultimately, therefore, it would resolve itself into an election by the House itself. An election or appointment which rests on the House, I do not think, carries much importance.

I should also say that the system of proportional representation would not improve matters in any way. That will only produce the effect that it would divide the whole House into warring groups and it will also produce all the disadvantages and defects of the French system. This experiment of panels and appointment from the panel is already tried in some of our universities today and it cannot be said that this has worked well. Every appointment has resulted in a disappointment. Ultimately, the defeated candidate transforming himself into the opposition, has brought about a lot of trouble to the Vice-Chancellor. Therefore, I do not see any reason why we should not have recourse to the simple and straight procedure of appointment by the President. Sir, with these words, I heartily support the amendment of Shri Brajeshwar Prasad.