

**Shri Biswanath Das (Orissa : General)** : Sir, in discussing article 131 regarding election of the Governor, I realize the difficulties of an election of a general nature in which every adult person in the province is called upon to vote. That is a difficult process and it is bound to create complications. I had therefore given notice of an amendment, that is No 2023, not being satisfied with the alternative that was proposed by the Drafting Committee. Be the amendment what it is, we have to submit to the joint wisdom of honourable Members. Sir, in the course of discussion of this question, Mr. Alladi Krishnaswami Ayyar invited our attention to the British precedents. I request him to cite me a precedent from Britain wherein a British Governor is being nominated. The only precedent I could think of is the Lord Lieutenant of Ireland. The Lord Lieutenant of Ireland was always a non official nominated by the cabinet. If the British precedent has any use for him, it is just the other way. Sir, the Canadian

precedent has been quoted, but I would plead with him and tell him that the process that we propose to adopt will be more akin to the South African system, where you have very little of autonomy for the provinces. Sir, that being the position however great your anxiety may be to hasten the passage of the Constitution, the course of action taken by my honourable Members cause delay. Important propositions which were discussed and adopted in this House and being given the go-by; important changes are being proposed in the meanwhile. Therefore, it gives occasion for discussion, and discussion means delay. Therefore, I would plead with you that we on this side of the House have done nothing to earn your advice, or crave for your advice, for we have never desired to crave for consideration or indulgence. Sir, it has been stated that the Governor has very little functions. If he has very little functions under the set up that we have laid down in the new Constitution, then why have him? The Governor is getting a decent salary and he is getting allowances and if the functions prescribed for him are not very useful and necessary and not worth the money that we pay, I think it is time that we give the go-by to the Governor. I claim, that the new set-up, unless this House proposes to change the new set-up, invest the Governors with definite and important powers. The powers are the ordinances, powers, of course, in a modified way which you have under the Government of India act of 1935, to return Bills for consideration of the Assembly and dismissal of Ministers and calling for elections. I claim that these are very important powers under the new set-up. Therefore, a change in the Constitution that we have so far accepted means a change in all these items of responsibility that we have at present if these powers continue to operate, I claim that the Governor under the new set-up has an important constitutional role to function. I have my bitter experiences in this regard. I was the Prime Minister of a province and I know how the Governor of my province was out to break my party. I know those days are gone and new days are coming ahead and I will plead with my honourable Friends to look at the future. If I were to have my leaders in office continuously, if I were to have men like Pandit Jawaharlal Nehru and Sardar Vallabhbhai Patel, I have absolutely, if I were to have men like Pandit Jawaharlal Nehru and Sardar Vallabhbhai Patel, I have absolutely no complaint. But I plead with my honourable Friends that human life is temporary, however long and however much we desire; human life is temporary; the existence of parties, emergence of parties have to face elevation-ups and downs of parties are there, and world history has enough examples of such cases. That being the position. I want to plead with the honourable Members to look into the future and see how far the new set-up that they purpose to have, will work and function properly and well.

What is the set-up that you are going to have? You are going to have the party system as the basis of democracy. It has been claimed in the newspapers that the present Constituent Assembly (Legislative) has no opposition and as such the Congress Party is having its own way. I do not at all agree and I join issue with people holding this opinion. However, whatever the criticism may be, the fact remains that democracy to make itself useful to the country and to the State must have a party system well organised and functioning properly. That being the accepted position, there is no knowing which party will be in power. It may be that a party absolutely different from that in the Centre may be functioning in office in a province. What then would be the position? The Governor, who is a Constitutional Governor under the Act has to be appointed on the advice of the Prime Minister of India, leader of another Party.

My honourable Friend, Mr. Kher, made a distinct contribution to this discussion. His contribution is this, viz., the Governor is being appointed in consultation with the Cabinet. If that were so, I do not know what it is—the selection becomes less objectionable. But reference to the Legislative Assembly discussions shows that the Prime Minister appoints the Governor. The Prime Minister today is one of the tallest of the few men in the world. You may expect justice and you do expect justice in his hands. He has no axes to grind. But there may be a Prime Minister in the Centre who may have his own axes to grind. Is it anything serious to expect that a party functioning with its majority in the province may be interfered with if he proposes to play the role that was just now discussed by my honourable Friend the jurist member, Dr. Sen? Therefore, I feel and join issue with those friends who feel that the set-up that we propose under the new Constitution will be useful. I claim that you cannot have both ways. You cannot have democracy and autocracy functioning together. In the provinces you are going to have democracy from toe to neck and autocracy at the head. Both these are bound to fail; you are inviting friction. I know I will not vote against it because as I have stated I submit to the joint wisdom. But, I must clearly state here and place on record my view and what I see the future of it is going to be. I have experienced myself and I have no hesitation that this experience which I have had in my life will repeat itself. If the Honourable Sardar Patel were here, I would have cited how the Governor, who was an agent of British Imperialism, had all along been attempting to smash my party. What was being done by the Governor under British Imperialism may also be repeated by the party, though I have no hesitation in saying that my leaders would not stoop to or even think in the way in which things were being done.

We are told that this is one of the devices to bring harmony into the provinces. How could you bring harmony? It is impossible. You can never bring harmony by these acts. I could understand my honourable Friend Mr. Brajeshwar Prasad. His has been an undiluted paternal autocracy and he is for scrapping the entire Constitution; he does not have any faith in democracy. I do not agree but I respect his views. You cannot, as I have already stated, have it both ways; you cannot have democracy and autocracy together. My honourable Friend says, if the Prime Minister at the Centre who is responsible to the people of India nominates, it could not be autocracy. It will not be democracy either. It may be a nomination of the President under the advice of the Prime Minister; but it really is a nomination of the Prime Minister and in no event could it be democracy. We are giving powers to the villagers; we organise village panchayats. You authorise the Panchayat to elect its President. Would you in this Constitution deny the same right to the Assembly? My honourable Friend Mr. Ramalingam Chettiar had gone a step forward and he wanted to increase the size of the electorate in the province, by bringing in the District Boards, Municipalities in the arena of election. That is one aspect of the question which we may have to explore; but it was rejected. I am not sorry for its rejection; nor have I been pleading for it. What I say is this : you cannot refuse, nor could you justify this refusal to the Assembly to have its own elected Governor. There may be reasons to say, that an adult suffrage elected Governor and a responsible Premier functioning is nowhere in the world and as such not very desirable. That may be justifiable. In fact, when in the 1947 session this was debated, I pleaded with the Members that this would not be proper; but that was not accepted, and as I have stated I am always prepared to respect and follow the joint wisdom of the party and of this Assembly. In that view of the question, I had accepted it. It looks to me that constant change has been the fame and reputation of the honourable Members of this Assembly. We appointed a Committee; it had as its President a person no less than the Honourable Sardar Patel. The unanimous recommendation of the Committee was embodied in this Draft Constitution. Well,

Sir, this very question was discussed thoroughly in this House and then it was sent to the Drafting Committee. Now, we come forward for such an important and basic change in the set up of the Constitution. If this is to go on, I think it is unfair to the Members who have absented themselves feeling probably that changes in the Constitution will not be root and branch.