

Article 142

Shri T. T. Krishnamachari : Sir, I formally move amendment No. 2153 and in substitution of same, I move Amendment No. 184 (Third week—List IV):

“That for article 142, the following be substituted :—

‘142. Subject to the provisions of this Constitution, the executive power of each State shall extend to the matters with respect to which the Legislature of the State has power to make laws.’ ”

Sir, this will simplify the wording of the article as it stands and also eliminate clause (b) which raises complications, as it refers to certain aspects of this Draft Constitution about which we have not made any decision for the time being, because it refers to States in Part III of the First Schedule and a decision will have to be taken later when the position of States in Part III of this Schedule is precisely defined. Therefore, Sir, this amendment is necessary and I hope the House will accept it.

(Amendment No. 2154 was not moved.)

Mr. President : The question is:

“That for article 142, the following be substituted :—

‘142. Subject to the provisions of this Constitution, the executive power of each State shall extend to the matters with respect to which the Legislature of the State has power to make laws.’ ”

The amendment was adopted.

Mr. President : The question is:

“That article 142, as amended, stand part of the Constitution.”

The motion was adopted.

Article 142, as amended, was added to the Constitution.”

Article 143

(Amendment Nos. 2155 and 2156 were not moved.)

Shri H. V. Kamath (C.P. & Berar: General): Mr. President, Sir, I move:

“That in clause (1) of article 143, the words ‘except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion’ be deleted.”

If this amendment were accepted by the House, this clause of article 143 would read thus :—

“There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions.”

Sir, it appears from a reading of this clause that the Government of India Act of 1935 has been copied more or less blindly without mature consideration. There is no strong or valid reason for giving the Governor more authority either in his discretion or otherwise *vis-a-vis* his ministers, than has been given to the President in relation to his ministers. If we turn to article 61 (1), we find it reads as follows :—

“There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions.”

When you, Sir, raised a very important issue, the other day, Dr. Ambedkar clarified this clause by saying that the President is bound to accept the advice of his ministers in the exercise of all of his functions. But here article 143 vests certain discretionary powers in the Governor, and to me it seems that