

[Sardar Hukam Singh]

I am opposed to it and I do not see any justification in giving these additional things to these Governors who would be merely titular heads and denuded of all authority in the provinces or States.

Mr. President : The question is:

“That after article 135 the following new article 135-A, be added :—

‘135-A. Every Governor shall, on completion of his term of office and retirement, be given such pension or allowance during the rest of his life as the State Legislature may by law Provide;’

‘Provided that during the life-time of any such Governor who has retired, the pension or allowance granted to him shall not be varied to his prejudice;’

‘Provided further that such pension shall be allowed only on condition that any such Governor in retirement does not hold any other office of profit in the State or under the Government of India.’ ”

The amendment was negatived.

Article 136

Mr. President : There is an amendment of which we have received notice, by Dr. Ambedkar. It is No. 2104. There are other amendments which are more or less of a similar nature.

Shri T. T. Krishnamachari : My amendment in List 2—No. 132—follows more or less the wording of article 49 which this House has passed.

Mr. President : Let the amendment be moved first: then we can take up amendment No. 132. Dr. Ambedkar, I take it that you have moved amendment No. 2104?

The Honourable Dr. B. R. Ambedkar : Sir, I move:

“That in article 136 for the words “in the presence of the members of the Legislature of the State’ the words ‘in the presence of the Chief Justice or, in his, absence, any other judge of the High Court exercising jurisdiction in relation to the State’ be substituted.”

Shri T. T. Krishnamachari : Sir, I move:

“That for amendment No. 2106 of the List of amendment, the following be substituted :—

‘That in article 136, for the words ‘in the presence of the members of the Legislature of the State’ the words ‘in the presence of the Chief Justice of the High Court exercising jurisdiction in relation to the State or, in his absence the senior most judge of that Court available’ be substituted.’ ”

This does not need any explanation for the reason that it follows, as I said, the wording of article 49 which the House has adopted. At any rate it would not be proper in view of the different method of selection of the Governor now decided on that he should take the oath before the Legislature. It is only proper that the Chief Justice of the High Court, exercising jurisdiction in relation to the State, should perform the function the function, or in his absence the senior-most judge of the Court.

Sir, I move.

(Amendment Nos. 2105 and 2107 were not moved.)

Shri H. V. Kamath : Sir, I move:

“That for amendment No. 2106 of the List of Amendments the following be substituted:—”

“That in article 136, for the words I, A.B., do solemnly affirm (or swear) the following be substituted :—

swear in the name of God”
 “I, A.B., do _____
 solemnly affirm

This follows the amendment which was accepted unanimously by the House about the oath or affirmation to be made by the President under article 49 of the Draft Constitution. You, Sir, were unfortunately not in the Chair on that occasion. You were lying ill at Wardha from which illness happily by the grace of God you recovered rapidly and we are fortunate to have you again in this House to preside over its deliberations.

I do not propose to make any speech, because I have said what I had to say on that occasion. I would only say this that we would be true to our heritage and true to our spiritual genius if we adopt an amendment of this nature, with regard to the oath or affirmation to be made by the Governor of a State. I commend this amendment for the acceptance of the House.

Mr. President : As amendment Nos. 2107, 2108 and 2109 are not, I understand, being moved, does Dr. Ambedkar wish to make any reply to the amendments moved?

The Honourable Dr. B. R. Ambedkar : Sir, I accept the amendment moved by Shri T. T. Krishnamachari and also the one moved by my Friend Mr. Kamath.

Mr. President : The question is:

“That for amendment No. 2104 of the List of Amendments, the following be substituted :—

“That in article 136, for the words ‘in the presence of the members of the Legislature of the State’ the words ‘in the presence of the Chief Justice of the High Court exercising jurisdiction in relation to the State or, in his absence the senior-most judge of that Court available’ be substituted.’ ”

The amendment was adopted.

Mr. President : The question is:

“That for amendment No. 2106 of the List of Amendments, the following be substituted :—

“That in article 136, for the words ‘I, A.B., do solemnly affirm (or swear)’ the following be substituted :—

swear in the name of God”
 “I, A.B., do _____
 solemnly affirm

The amendment was adopted.

Pandit Hirday Nath Kungru (United Provinces : General) : How does the oath read? Is it, “I do swear in the name of God, or I do solemnly affirm,” or not? The question is this : some people may think that the Governor should take oath in the name of God. There may however be people in this country who are atheists. (*Interruptions*) (Mr. President read out the oath) I see that there is an alternative. That is what I wanted to know. Nobody should be compelled to swear in the name of God if—he does not want to do so.

Mr. President : No, no. The question is:

“That article 136, as amended, stand part of the Constitution.”

The motion was adopted.

Article 136, as amended, was added to the Constitution.

The Assembly then adjourned till Eight of the Clock on Wednesday, the 1st June 1949.