

so long as we receive amendments as we do at present between half-past ten and eleven, this complaint is bound to continue.

Mr. President : If there is any amendment which requires consideration about which Members want time, I shall be present to consider any suggestion of that sort. The amendments reach Members at ten because the amendments come till five in the afternoon and they cannot very well reach the Members before ten.

Shri R.K. Sidhwa : It is neither the fault of the office nor our fault.

Mr. President : But they have to be typed and then circulated.

Shri R.K. Sidhwa : We get fresh amendments from office at ten, I mean from the Drafting Committee.

Mr. President : The Drafting Committee is also sitting from day to day and they sit every day after the House rises and they have to consider all that has taken place and in view of other considerations they have to prepare their draft and those drafts come till about five in the office and then they have to be typed and circulated. All that takes time. But as I have said, I shall always be prepared to consider adjournment of discussion of any particular item about which members have doubt.

DRAFT CONSTITUTION—(contd.)

Article 146

Mr. President : We are now going to deal with a number of articles which are more or less word for word reproduction of articles which we have passed only during the last few days and I think there would not be much of discussion with regard to many of these articles. Article 146.

(Amendment No. 2212 was not moved.)

Professor Shah has tabled an amendment 2213. Do you wish to move that?

Prof. K.T. Shah (Bihar: General): Yes, Sir. Sir, I beg to move:

“That in clause (1) of article 146, for the word ‘Governor’ the words the Government of the State Government of the State concerned be substituted.

That in clause (2) of article 146, for the word ‘Governor’ where it first occurs the words ‘Government of the State’ be substituted.”

The amendment clause will therefore be:

“All executive action of the Government of a State shall be expressed to be taken in the name of the Government of the State concerned.”

and a similar change will follow in the second clause.

The reason why I put forward this amendment is that it is very unusual—not to say improper—for us to attach in our Constitution such a personal importance to the Governor, who is after all a temporary Head of the State, elected only for a few years, to make all executive action of Government being taken in his name. It is all very well for those countries where a hereditary, permanent, life-long King is the Head of the State, and where consequently action is taken in his name. Even then it is impersonal to the extent that it is spoken of as His Majesty’s Government. But in this case the suggestion that all executive action be taken in the name of the Governor seems to me to be utterly incongruous with the democratic republic that we are thinking of establishing. The Governor is a bird of passage. He is there for five years at most, and therefore not having that permanence of headship and perpetuity which a hereditary monarchy would possess. It is improper and unreal, therefore, to suggest that every executive action be in the name of the Governor.

[Prof. K. T. Shah]

The orders of the Government of India even today have been expressed and all along have been expressed as the orders of the Government of India. An impersonal of that kind is much more suitable and appropriate for the form of Government that we are going to establish, then the personal prominence that this clause seems to suggest to the Governor individually.

I realise that this is only confined to the executive side of the Government. But even so I think the argument I have been advancing should be conclusive that the action of Government should be impersonal, and in the name of the Government of Province A or B or State X or Y as the case may be.

The orders I take it will be signed by the Secretary. If so, it would be still more appropriate to speak in the name of the State as a whole than in the name of the Governor who does not sign.

If on the other hand, it is intended that all executive action will be also signed by the Governor, and would, therefore, be more appropriate to be taken in the name of the Governor, I would enter a more emphatic objection. For in that case, apart from the foregoing argument, it would be almost impossible for the Governor personally, so to say, to look to every order of Government, and as such the machine may become unworkable. I, therefore, suggest, that instead of the Government action being in the name of the Governor, we must have a more appropriate and more impersonal expression—the Government of the State concerned—and I think there will be no objection to his suggestion.

Shrimati G. Durgabai (Madras: General): Sir, I think the language of this article is exactly the same as was adopted in article 64.

Mr. President : Amendment No. 2214 is of a drafting nature.

The Honourable Dr. B. R. Ambedkar : Sir, I do not accept the amendment. Article 146 is only a logical consequence of article 130. Article 130 says that the executive power of the State shall be vested in the Governor. That being so, the only logical conclusion is that all expression of executive action must be in the name of the Governor as is provided for in article 146.

In regard to the observations made by my honourable Friend Prof. K. T. Shah that under the old regime, all executive action was expressed in the name of the Government of India, my reply is that that was due to the fact that under the old system, the civil and military Government of India was vested not in the Governor-General, but in the Governor-General in Council, and consequently, all action had to be expressed in the name of the Government of India. Today, the position has altogether changed so far as article 130 is concerned.

Mr. President : The question is:

“That in clause (1) of article 146, for the word ‘Governor’ the words ‘the Government of the State concerned’ be substituted.

‘That in clause (2) of article 146, for the word ‘Governor’ where it first occurs the words ‘Government of the State’ be substituted.”

The amendment was negatived.

Mr. President : The question is:

“That article 146 stand part of the Constitution.”

The motion was adopted.

Article 146 was added to the Constitution.