

### ANNOUNCEMENT BY THE CHAIR

MR. CHAIRMAN: Hon. Members, considerable time was taken today for the motions for introduction of about 70 Private Members' Bills. I suggest that we may continue with the consideration of Private Members' Bill beyond 4.30 p.m. till 5.15 p.m. After that, permitted Special Mentions will be taken up. Is that the sense of the House?

SOME HON. MEMBERS: Yes, Sir.

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### PRIVATE MEMBERS' BILLS - *Contd.*

MR. CHAIRMAN: Further consideration of the following motion moved by Dr. V. Sivadasan on 9th December, 2022, "That the Bill further to amend the Constitution of India, be taken into consideration."

On 9<sup>th</sup> December, 2022, Dr. V. Sivadasan had not concluded his speech while moving the motion. He may, therefore, be called upon to continue his speech.

#### **\*The Constitution (Amendment) Bill, 2022 (amendment of Article 153 and substitution of articles 155 and 156)**

DR. V. SIVADASAN (Kerala): Respected Chairman, Sir, here, the Constitution Amendment Bill, 2022, (amendment of Article 153, substitution of Article 155 and 156) is a very important Bill. It is in the public interest that the Governor's position is to be filled not by the President under the advice of the Union Government. The Governor should be appointed by the State itself.

The will of the people has to be respected. The Governors cannot act as stooges of the Union Government. Sir, currently, Governors are working as tools of the intrusion of the Union Government into the States. We have a lot of examples. Article 1 to the Constitution starts with a sentence and I quote, 'India that is Bharat shall be a Union of States.' It proves importance of States. Federalism is a part of the basic structure of our nation, basic structure of our Constitution. We all know, the existence of our great nation, India, is linked with the existence of its basic character i.e., 'unity in diversity.'

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\* Further consideration continued on a motion moved on 9.12.2022.

[THE VICE-CHAIRMAN (DR. SASMIT PATRA) *in the Chair.*]

If the diversity is ruined, the majority of people will be marginalized. That means, they will lose their identity, language, culture and habitat. It cannot help in their development. Diversity is the basic principle of the federal structure of our nation. Unity develops and strengthens in this diversity. The very structure of our nation, India, as the Union of States, is built by the positive spirit of love, affection and respect to diversity.

Mr. Vice-Chairman, Sir, our great nation, India, was not built by bricks and stones or bullets and guns or missiles and force. It was built by the struggle of freedom fighters, tears of workers and sweat of peasants. They have differences in their opinion, they have differences in their religion, languages, ideas and identity. But, above all, these differences have a deep commitment to values towards humanity.

Sir, what do we see here? The rights of the States are reduced day-by-day by the Union Government. Not only have the rights of the States, the rights and powers of the Rajya Sabha, the Council of States, also been reduced by the same Union Government through the Money Bills. If we fail to protect the interests of the States, as representatives of the States, then the great values of federalism will be destroyed by the rulers.

The world history reminds us the autocrats and their political parties have always attacked diversity and have tried to establish their own power and promoted only a monolithic culture. The dangers of this attitude had been proved by the experience in various countries like Italy and Germany. We, as the representatives of the people, as the representatives of the States of India, should oppose the attack against the diversity, the steps against legislative rights of the States and undemocratic style of functioning of the Union Government. In India, we have various identities. It is our strength. The great forefathers of our nation told us to unite against intolerance. Mr. Vice-Chairman, Sir, when the British colonial powers divided the State of Bengal into West Bengal and East Bengal, the people of Bengal had united and fought against bifurcation. Finally, the British Empire had to surrender in front of a massive movement led by the unity of the people. The leaders of the present colonialism — big corporates — have identified that one of the premier enemies of them is the unity of people. That is why the ruling class of the country is practising the same kind of colonial policy — divide and rule. Wherever the State Government is taking the stand to promote the secularism, the Governors try to promote the politics of hate.

Sir, everybody knows that the Kerala State Assembly passed a resolution against NRC and upheld the secular values of the nation,<sup>†</sup> The division of power is a part of our Constitution. This is a part of our national character. The powers are divided between States and the Union. But, day by day, the powers of the States are being reduced by the Union Government. The Union Government is utilizing the Residuary Powers to capture the powers of the States. Unfortunately, the Governor has also become an instrument to implement the plan of the Union Government. ‘Education’ and ‘forest’ are two classic examples of violation of division of power. These were the State subjects. But these sectors are now under the Union Government. Similarly, ‘agriculture’ was earlier in the hands of the States. But the intrusion of the Union Government has happened there too. The ‘dams’ and the ‘hydel projects’ in the States are also serious cases of capture of power. The State Governments have taken stands against these kinds of interventions. But, some Governors of the States have openly criticized the initiatives of the States. It has widened the gap between the elected State Government and the nominated Governor. The people of the State are requesting for more autonomy. But, the Union Government is trying to pave the way for more centralized administration through the Governors.

The States like Kerala, Tamil Nadu, and Telangana are fighting for their rights in various ways. The representatives of these States are here. Sir, kindly look at the approach adopted by the Governors in the States. They are standing against the interest of their own State Governments. Centralization *versus* decentralisation is the core of the clash between the States and the Governors.

Decentralisation is the spirit of the age. This means not only the autonomy of the States but also the autonomy of the Panchayati Raj Institutions. It is also a serious concern of the democratic movement in the country. Autonomy of the State does not mean the autonomy of the Raj Bhavans. The existing wrong notions of the Governors and the Union Government should be corrected. In the name of Concurrent List or Residuary Powers, the Governors are holding the Bills passed by the State Assemblies. The Union Government has so far ignored the demand of the States to place, at least, the Residuary Powers of legislation in the State List. The Ministers are here, but the Union Government is not ready to hand over these Residuary Powers to the States. We have seen the examples of the usage of Residuary Powers, in many ways, against the interest of the States.

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<sup>†</sup> Expunged as ordered by the Chair.

In agricultural sector, the Union Government had made new laws. But, they were withdrawn because of the massive agitation by the people. Above 800 people had martyred in that struggle. But, the Governors, the titular head of the States, were silent. They did not make any single statement against the move of the Union Government against the people, against the farmers of their States.

On the other hand, many times, the Governors have criticized the State Government when the State Government intervened for the protection of the people in the State. The State Assemblies in some States passed a resolution against the anti-people laws made by the Union Government. The strongest position against the anti-people laws of the Union Government has been expressed by the Legislative Assembly of Kerala in the Resolution. But the titular Head of the State took the stand against the interests of the State and also the farmers. Then, what is the meaning of the words 'Head of the State'? We all know that the federal structure and great values of the Constitution will be destroyed by these kinds of legislations by the Union Government. In education sector, State Governments are facing various issues. Everybody knows that extreme centralization in education sector is one of the mottos of the Union Government. The issue of NEET still exists. The representative from Tamil Nadu is here. The Tamil Nadu State Government has taken a very strong stand for the protection of the interest of their State in the education sector. Naturally, it is against the interests of the Union Government; it is against the wishes of the Union Government. The Legislative Assembly has passed the Resolution against the NEET. The Governor of the State openly criticized the State Government and their principled position on the issue of NEET.

The powers in the Union List are in the hands of the Union Government. They are taking the decisions unilaterally without any inclusion of the opinion of the States. Moreover, there is no formal institutional structure for the mandatory consultation between the Union and the States for the legislation under the Concurrent List.

Sir, States' revenue and the role of the Governor should be discussed here. Why? This is an important subject. As regards the revenues of the States, some States are facing a lot of problems because of the intervention of the Governor. In this great Republic, one of the Governors in India openly told the public that he did not sign the Budget Speech of the State Government. It has created an uncomfortable situation in the State. The duty of the Governor is to follow the advice of the Cabinet. The wise men who have adorned this post have worked in such a way. But, reality of this period is that this wisdom is rare in Raj Bhavans.

The post-liberalisation period witnessed a sharp decline in the fiscal health of the State Governments. Most of the States are facing fiscal crises. The important

factor behind this fiscal strain is the policy of the Union Government. That is why the States are facing fiscal crises. Many States have tried to introduce different alternative measures to overcome the situation, but, unfortunately, then the Governors are making hurdles.

The residuary powers of taxation in the sphere of services are being unilaterally used by the Union Government to the total exclusion of the States. The GST captured the entire right of the taxation of the States and LSGs. The allocation of money to the States is linked with the reforms in the administrative sector. The financial allocation...

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, may I just request you? In the previous Session, you had taken about 21 to 31 minutes roughly. You have now taken about 15 minutes. If you think about concluding shortly, then, other Members will also get an opportunity.

DR. V. SIVADASAN: Sir, I will conclude in five minutes.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Since you have already spoken in the earlier Session, that is why, I am just requesting you.

DR. V. SIVADASAN: Sir, I have already mentioned here the residuary powers of taxation. The allocation of money to the States is linked with the reforms in the administrative sector. The financial allocation of the Union Government is not charity. It is the right of the States. So, the financial allocation should not be linked to any kind of reforms by the Union Government. The Governors should stand for the financial autonomy of the States. It is their duty. The financial burden of the States caused by the Governors should be discussed. The fiscal crisis of the States and the expenses of the Governors should be debated. I have received an answer from the Government to my question that the total expenditure of the National Mission for Libraries in the year 2019-20 is only Rs. 73 lakhs. The annual expenditure of some Raj Bhavans is more than 30 times.

Respected Chair, the media has reported that Maharashtra Government has given an answer to an RTI question. They revealed that the expenditure of Governor for two years is sixty crore rupees. It is ten times of the entire allotted amount of the Union Government to National Mission for Libraries. Currently, the expenditure of the running of the Office of the Governor and the family of the Governor is the duty of the State. This expenditure of the Governors should be audited by the society. The Governors are appointed by the Union Government but the salary and other

allowances are paid by the State Government. Appointed by the Union Government but the salary is paid by the State Government! It is irrational.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): You need to start wrapping up, hon. Member.

DR. V. SIVADASAN: Sir, I will finish within two minutes.

The salary of the representative of the Union Government, appointed by the Union Government, should be paid by the Union Government. The burden of the salary and upkeep should not be transferred to the States.

The Raj Bhavans are representing the colonial era of India. A majority of the Raj Bhavans are not only the residences of the Governors but also their leisure houses. Look at the existing expenditure and facilities of the Raj Bhavans. In Maharashtra, there are four Raj Bhavans -- Mumbai, Nagpur, Pune and Mahabaleshwar. Sir, one Governor is residing in four palaces in a single State! A palace for three months! That means, for the rest of nine months, the palace is empty. Then how will this palace be maintained? When the Governor is not there, who will occupy the palace?

Sir, crores of Indians are living without a shelter. But a Governor, the titular Head of the State, is using four palaces. Why are these kinds of practices continuing? During the travel, the VVIPs, the Chief Minister and Ministers are utilizing the circuit houses or guest houses. Then why are there the permanent palaces for the Governor in different places? They hardly stay in these palaces.

Sir, Uttarakhand has two Raj Bhavans — Dehradun and Nainital. Nainital Raj Bhavan occupies 220 acres of land which includes a 45-acre golf course.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, please conclude.

DR. V. SIVADASAN: The residence of the Governor is a highly restricted area. But the golf course is of 45 acres. The State Governments should ensure that this land is properly utilized. And, in Tamil Nadu, there are two Raj Bhavans.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, I am giving you the last minute. Thereafter, I will move on. I have already indulged you in the previous Session. You have spoken for 31 minutes. Please conclude.

DR. V. SIVADASAN: Sir, I will mention only the residence of the Governors. In Tamil Nadu, there are two Raj Bhavans — Chennai and Ooty. The present area of the

Chennai Raj Bhavan Estate is 156 acres. It is in the reserved forest area. It might be a buffer zone. In Tamil Nadu, the Governor is in the buffer zone. Ooty is one of the noted tourist places of the country. Is the Governor a tourist? There is a winter palace and a summer palace. How rich our country is!

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, I will have to move on. I am moving on.

DR. V. SIVADASAN: I will conclude within a minute, Sir.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Please conclude. Your last comments, please.

DR. V. SIVADASAN: Sir, in West Bengal, there are two Raj Bhavans, one in Kolkata and the other at Darjeeling. In Odisha, your own State, there are two Raj Bhavans, one at Bhuvaneshwar and the other at Puri.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): I think I will have to move on. I have given you time. I have requested you repeatedly. Please, make your closing comments and then we move on.

DR. V. SIVADASAN: Sir, I am concluding.

The Governors, the titular heads of States, are creating hurdles in the administrative functioning of the State. This august House must discuss this matter seriously. I would request all hon. Members to take the initiative to stop these hurdles, the wrong practices of Governors and try to end the colonial era practices in our country.

*The question was proposed.*

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Thank you. Motion moved. I now call upon the Members whose names have been received for participation in the discussion. Hon. Member, Dr. Anil Agrawal; nine minutes have been allotted to you.

**डा. अनिल अग्रवाल (उत्तर प्रदेश) :** महोदय, भारतीय संविधान की एक खूबसूरती रही है कि किसी भी पद पर, किसी भी संवैधानिक संस्था पर कोई ना कोई क्रॉस चेक जरूर रहता है। इस संविधान में जो गवर्नर का पद है, वह बहुत ही महत्वपूर्ण पद है। जब संविधान निर्माताओं ने

भारतीय संविधान को बनाया, तो बहुत सोच समझ कर इस पद को बनाया गया। इस पद पर हमेशा बहुत ही विद्वान व्यक्ति रहे हैं। मेरे जो मित्र केरल से आते हैं, मैं उनको भी बताना चाहूँगा कि वहाँ वर्तमान में जो गवर्नर हैं - महामहिम श्री आरिफ मोहम्मद खान साहब - वे एक बहुत ही अच्छे स्कॉलर हैं। अगर आप उनकी स्पीच सुनेंगे, तो आपको लगेगा कि वास्तव में आप किसी विद्वान व्यक्ति की स्पीच सुन रहे हैं। हिंदुइज्म और जिस धर्म से वे आते हैं - इस्लाम, उसके बारे में श्लोक और आयतों के माध्यम से वे जो बोलते हैं, पूरा देश उनकी बातों को सुनता है। हमारे अधिकांश महामहिम ऐसे हैं, जो वास्तव में बहुत ही विद्वान हैं और वे संविधान के रक्षक के रूप में स्टेट में काम करते हैं। मेरे मित्र ने जो कहा, अगर उस बात को मान लिया जाए, तो जो पूरा संवैधानिक ढाँचा है, वह चरमरा जाएगा; जो क्रॉस एंड चेक की हमारी एक संस्कृति है, पद्धति है, एक तरीका है, वह पूरा का पूरा समाप्त हो जाएगा और स्टेट गवर्नमेंट्स, जो चुन कर आएँगी, वे पूरी तरह से मनमानी हो जाएँगी, बेलगाम हो जाएँगी। कई बार लोकतांत्रिक व्यवस्था में ऐसे भी लोग चुन कर आ जाते हैं, जिनकी कोई आइडियोलॉजी नहीं होती, जिनकी कोई विचारधारा नहीं होती। वे किसी भी मुद्दे पर चुन कर आ गए और उसके बाद वे मनमानी करने की कोशिश करते हैं।

महोदय, मेरे विद्वान मित्र ने जो कहा, जिस प्रकार से महामहिम को हटा कर वे उस पद को दोबारा लाना चाहते हैं, उसमें उनका जो सजेशन है, उसमें यह बात है कि वहाँ के जो एमएलएज हैं, वहाँ की जो म्युनिसिपैलिटीज हैं, वहाँ के जो कॉरपोरेशंस हैं, वे सब मिल कर महामहिम का चुनाव करें, इलेक्शन हो। महोदय, स्टेट में ऑलरेडी चीफ मिनिस्टर का जो चुनाव होता है, वह लोकतांत्रिक व्यवस्था से होता है। अगर एक स्टेट में दो लोकतांत्रिक व्यवस्थाएँ, दोनों इलेक्टेड हो जाएँगी, तो शायद हमारे संविधान निर्माताओं का गवर्नर के पद पर नियुक्त करने का जो परपज़ था, वह पूरी तरह से डिफीट हो जाएगा।

महोदय, मेरे मित्र ने अपने बिल में एक सुझाव यह भी दिया है कि अगर टू-थर्ड एमएलएज चाहें, तो वे गवर्नर को हटा सकते हैं। गवर्नर के पद पर वर्तमान में जो नियुक्ति होती है, वह महामहिम राष्ट्रपति जी के द्वारा होती है। राष्ट्रपति का पद elected पद है। महामहिम राष्ट्रपति जी का जो चुनाव होता है, उसमें हर विधान सभा के विधायकगण, लोक सभा के सांसदगण और राज्य सभा के सांसदगण मतदान करते हैं। MLAs और MPs, सबके मत की different-different values रहती है। पूरे देश में एक बहुत ही लोकतांत्रिक तरीके से वह चुनाव होता है और उस चुनाव के आधार पर महामहिम राष्ट्रपति के पद पर कोई व्यक्ति आसीन होता है। उनकी integrity को या उनके द्वारा nominated व्यक्ति को किसी भी प्रकार से शंका की दृष्टि से देखना - मेरे खयाल से यह उचित नहीं होगा।

मैं आपको पूर्व में भी ले जाना चाहता हूँ, क्योंकि मुझे लगता है कि मेरे मित्र गवर्नर के पद से परेशान हैं। कांग्रेस की कुछ सरकारों में इस प्रकार के गवर्नर्स रहे हैं, जिनका आचरण ठीक नहीं रहा है, तो मुझे लगता है कि वह दृष्टांत उनके सामने है, लेकिन अधिकांश मामलों में इस प्रकार की व्यवस्था नहीं है और गवर्नर्स की अपनी एक गरिमा है। आप यह देखिए कि जब स्टेट इलेक्शंस होते हैं, जब वहाँ चुनाव होता है, उस समय गवर्नर का कितना इम्पोर्टेंट रोल होता है! अगर गवर्नर भी राजनीति से प्रेरित होकर काम करने लगे, तो मुझे लगता है कि जो पूरी की पूरी संवैधानिक व्यवस्था है - चीफ मिनिस्टर को शपथ दिलाने की व्यवस्था है, उनका सदन में बहुमत सिद्ध करने की व्यवस्था है - वह जो पूरी की पूरी प्रक्रिया है, वह प्रभावित हो सकती है।



महोदय, मेरे मित्र ने राजभवन के residences के बारे में कुछ बताया है कि किसी स्टेट में तीन हैं, तो कहीं चार हैं। मैं आपको बताना चाहूँगा कि राजभवन वास्तव में कई-कई स्टेट्स में ज्यादा हैं, लेकिन उनमें एक सुइट या दो सुइट्स ही महामहिम के लिए आरक्षित रहते हैं, बाकी का जो राजभवन है, वह बहुत सारे व्यक्तियों के द्वारा यूज किया जाता है, उनके सेक्रेटरीज के द्वारा यूज किया जाता है। उन राजभवनों में जब महामहिम नहीं भी रहते, तब भी स्टेट के वीआईपी गेस्ट्स उसी राजभवन में निवास करते हैं। यह एक ऐसी व्यवस्था है, जो सुरक्षा की दृष्टि से भी उचित है। कई बार हमारे बहुत सारे ऐसे गणमान्य व्यक्ति होते हैं, जो उस स्टेट में विजिट करते हैं और विजिट करते समय उनकी सुरक्षा का विशेष ध्यान रखा जाता है, तो उनको उन राजभवनों में ठहराया जाता है। वे राजभवन सुरक्षा की दृष्टि से बहुत अच्छी लोकेशंस पर हैं, उनकी सुरक्षा व्यवस्था अच्छी है, इसलिए उन महामहिम व्यक्तियों को ठहराने की हमारी जो बाकी की चिन्ताएँ होती हैं, हमारी वे चिन्ताएँ दूर हो जाती हैं।

महोदय, आज राष्ट्रपति महोदय द्वारा गवर्नर को चुने जाने का, चयनित करने का जो सिस्टम है, वह भी बहुत लोकतांत्रिक है। अगर उसमें हम किसी भी प्रकार की छेड़छाड़ करने की कोशिश करेंगे, तो मुझे लगता है कि उसका रिजल्ट बहुत खराब होगा। हमारे यहाँ जो गवर्नर का पद है, वह एक बहुत ही महत्वपूर्ण पद है और राज्य सरकार की मनमानी को रोकने का एकमात्र जरिया है। राज्यपाल की रिपोर्ट के आधार पर राष्ट्रपति उसमें बहुत सारे निर्णय करते हैं। लेकिन मैं यहाँ यह भी बताना चाहता हूँ कि उस व्यवस्था पर भी हमारे न्यायालयों द्वारा समय-समय पर उचित कार्रवाई की गयी है। अगर किसी महामहिम राज्यपाल द्वारा कोई गलत निर्णय लिया गया है, तो ऐसे बहुत सारे निर्णय कोर्ट में चैलेंज हुए हैं। विशेषकर उनके जो निर्णय चैलेंज हुए हैं, वे ऐसे निर्णय हैं, जो कि सरकार के formation से related हैं, सरकार के बनाने से related हैं। चीफ मिनिस्टर के शपथ लेने से लेकर चीफ मिनिस्टर के नोमिनेशन, चीफ मिनिस्टर का सदन में बहुमत साबित करना - ये जो सारी की सारी व्यवस्थाएँ हैं, वे कई बार चैलेंज हुई हैं, लेकिन उनमें भी अधिकांश समय न्यायालयों द्वारा जो निर्णय आये हैं..

**उपसभाध्यक्ष (डा. सस्मित पात्रा):** माननीय सदस्य, आपके पास एक मिनट का समय और बचा है।

**डा. अनिल अग्रवाल:** कोई बात नहीं, मैं कंक्लूड करता हूँ, सर। महोदय, उनमें भी जो व्यवस्थाएँ रही हैं, वे ऐसी रही हैं कि उनमें से अधिकांश निर्णय, जो महामहिम राज्यपाल के द्वारा लिए गए, वही निर्णय upheld हुए हैं।

मैं पुनः अपने मित्र से यह अनुरोध करूँगा कि वे इस बिल को वापस लें। हो सकता है कि वे व्यक्तिगत कारणों से या अन्य किसी के दबाव में इस बिल को लाये हों, लेकिन मुझे लगता है कि अगर वे यह बिल वापस लेंगे, तो संविधान की मर्यादा बचेगी। भारत का संविधान इसके निर्माताओं ने बहुत सोच-समझकर बनाया है। यह एक ऐसा पद है, जो कि बहुत बड़ा संवैधानिक पद है। मुझे लगता है कि अगर हम उसमें किसी भी प्रकार से छेड़छाड़ करेंगे, तो यह उचित नहीं होगा। मुझे लगता है कि मैं पूरे सदन से यह अनुरोध करूँ कि इस बिल के विरोध में अपना मत करें। धन्यवाद, जय हिन्द, जय भारत।

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Now, Dr. L. Hanumanthaiah. You have 15 minutes.

DR. L. HANUMANTHAIHAH (Karnataka): Sir, the Private Member Bill moved by Dr. V. Sivadasan is timely and this Upper House, with the representation of different political parties, has to discuss it thoroughly, and I request the House to have a unanimous decision in implementing the Bill so that there is no friction between the Central Government and the State Governments, particularly, the Government in the Centre and non-political attitude can prevail in the States.

Article 153 says that there shall be a Governor in each State and one person can be appointed and he can be given charge of two or three States. A Governor is appointed by the President and is a nominee of the Central Government. It is stated that a Governor has a dual role. He is the constitutional head of the State bound by the advice of the Council of Ministers of that particular State and he functions as a vital link between the Union Government and the State Government. The Governor has the power to grant pardons and reprieves according to Article 161.

The Governor, who is the head of the State, except under some conditions where he can apply his discretion, has to take the advice of the Chief Minister who is the head of the Executive in the State. The Governor appoints the Chief Minister and other Ministers according to Article 164. He gives the assent, withholds the assent or reserves the Bill passed by the Legislative Assembly for the consideration of the President.

Then, the Governor may promulgate the Ordinances under certain important circumstances according to Article 213. The Governor is envisaged as the apolitical head. This is a very important factor to be considered. He is always an apolitical head who must act on the aid and advice of the Council of Ministers. However, the Governor enjoys certain discretionary powers granted under the Constitution, for example, giving or withholding assent to a Bill passed by the Legislative Assembly, determining the time needed for a party to prove its majority, or, deciding as to which party must be called first to do so generally after the hung verdict in any election in a State. There are no provisions laid down for the manner in which a Governor and a State must engage publicly when there is a difference of opinion. There are no provisions laid down so far in this regard.

The Governor has a five-year term in Office. In 2001, the National Commission to Review the Working of the Constitution held that the Governor owes his appointment and his continuation to the Union Government. There is an

apprehension that he is likely to act in accordance with the instructions received from the Union Council of Ministers. It is only an apprehension, but it is not the fact.

In the Constitution, there are no guidelines on the exercise of the powers of the Governors with regard to the appointment of Chief Minister and dissolving the Assembly. There is no limit set as to how long can a Governor withhold the assent to a Bill. The Governor sends a report to the Centre which forms the basis of the Union Cabinet's recommendations to the President for invoking Article 356. This is another article which the Governor has to follow very carefully in the interest of the Centre as well as State. Sir, attempts have been made to address concerns over the alleged partisan roles played by the Governors and it is the question which we have to address today.

On the issue of changes in the selection of Governors, the National Commission to Review the Working of the Constitution (NCRWC) appointed by the Atal Bihari Vajpayee Government in 2000 suggested that Governor of a State should be appointed by the President after consultation with the Chief Minister of the concerned State. It has to be noticed. But, Sir, no Central Government so far has followed this recommendation of having a consultation with the Chief Minister.

Sir, the Sarkaria Commission set up in 1983 to look into the Centre-State relations proposed that the Vice-President of India and Speaker of the Lok Sabha should be consulted by the Prime Minister in the selection of the Governors. It was a proposal by Sarkaria Commission, which gave landmark reports during that period.

Sir, let me also mention about the Punchhi Commission under the chairmanship of Justice Madan Mohan Punchhi. It was constituted in 2007 to look into the Centre-State relations and it proposed in its report that a committee comprising the Prime Minister, Home Minister, Vice President of India, Speaker of the Lok Sabha and concerned Chief Minister should choose the Governor. It was the recommendation by the Commission. It also recommended deleting 'Doctrine of Pleasure' from the Constitution but backed the right of the Governors to sanction the prosecution of Ministers against the advice of the State Government. It also argued for a provision for impeachment of the Governor by the State Legislature. These are the duties of the Governors which have to be followed meticulously. Unfortunately, what is happening today, what are the comments in the public domain, how Governor offices have been treated by the Central Government and why are the State Governments forced to go to the Supreme Court to implement the constitutional spirit on which they do not have clear guidance! The Supreme Court's question is: Can Governors kill the Bills passed by the Assembly? It is the question raised by the Supreme Court. The substantive part of the Article 200 empowers the Governor to

withdraw the assent to a Bill but in such an event, the Governor must mandatorily follow the course of action -- which is indicated in the first proviso -- of communicating to the State Legislature, as soon as possible, a message warranting reconsideration of the Bill. But, in most of the cases where State Governments are in front of the Supreme Court today, the minimum requirement of sending a message to the State Legislature, as soon as possible, warranting the reconsideration of the Bill has not been followed. Many a time, Bills have remained pending for years in the offices of the Governors. It is the major loss caused to an elected Government by the Governors, who are the representatives of the Central Government. That is the major issue which is under discussion today.

Sir, Babasaheb Ambedkar, during the drafting of the Constitution, said in the Constituent Assembly on November 4, 1948, and highlighted the need to defuse the constitutional morality in Indian society. He also said that it is imperative to deepen the democracy which is only a top dressing on Indian soil, which is essentially undemocratic. Sir, after the journey of these 75 years of independence, the constitutionalism in India provides the perfect context to revisit the idea of constitutional morality. That is what Ambedkar said in 1948. It is also said in the light of the ongoing tussle between the Governors and the elected Governments, especially in Kerala, Maharashtra — of course, not now as the Government there has changed — Punjab, West Bengal and Tamil Nadu. The noticeable factor is all these Governments are non-BJP Governments. That is what is to be noted today. Sir, the Supreme Court has expressed serious concerns about the delays by the Governors in giving assent to the Bills passed by the State elected legislators. This violates the constitutional provisions and the doctrine of constitutional morality which Ambedkar was talking about. Sir, the Constitution of India envisaged the role of the Governors as custodians of constitutionalism irrespective of States. However, owing to the nature of appointment using nominee selection by the Union Government, most of the times, the Governors abide by the obligation of the ruling dispensation rather than the constitutionalism. This is the major observation at these times. This has deepened the crisis between the Union Government and the State Governments. It is eroding the principle of cooperative federalism. The conduct of the Governors in these States has resurrected the question of the need to continue the Governors in office in a parliamentary democracy. That is a serious crisis today. So, the fact that there is a conflict between the Governor's office and the elected Governments is a very sad part of the democracy, a serious concern of the democratic process. The immediate consequences of this trend are affecting the public governance and administration and eroding the harmonious relation between the State Governments and Central

Government. It also affects the Governor's office and destabilizes the elected Government as they are under pressure of non-performing the governance. The Union-State relations and overall federal scheme of Constitution are in a state of disequilibrium.

There are some solutions suggested by the experts of the Constitution and the people who have the experience of 75 years of independence. Firstly, the State Government must be consulted before the appointment of the Governor by the Union Government. This is a suggestion, as recommended by the Sarkaria Commission. This will ensure much needed consultation between the Union and the State Governments, thereby strengthening the relationship between both these Governments in the true spirit of cooperative federalism. Secondly, the Supreme Court of India must direct the Union Ministry of Law and Justice to frame the guidelines for the Governor's office in consultation with the Law Commission of India to assent the Bills on time to avoid unregulated delays in the future, which is very much required.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, you have one minute more.

DR. L. HANUMANTHAIAH: Yes, Sir. I will go according to the time limit.

Thirdly, empower the office of the President of India to recall the Governors who are the subject of the constitutional violation in discharging the duties as per Article 200. Article 200 has become a serious concern today. Governors are playing with it. The discretionary powers given to them by the Constitution are not followed with judicious thinking and judicious decisions.

Lastly, the time has come to remove the word 'otherwise' in Article 356 through a constitutional amendment as Governors have misused the word to dissolve many elected Governments in the States.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Thank you.

DR. L. HANUMANTHAIAH: Sir, this is the last sentence. This will curtail some of the discretionary powers and prevent misuse of Governor's office by whichever Union Government is in power. If these things are followed, then, the Private Member's Bill, which we are discussing, will have some fruitful decisions. Thank you very much, Sir.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Shri Jawhar Sircar, you have seven minutes.

SHRI JAWHAR SIRCAR (West Bengal): Thank you, Sir, for giving us this opportunity of supporting the constitutional amendment brought in by Dr. V. Sivadasan to introduce election of Governors as a mode to save the Constitution. I as a legislator and you are all legislators, we are all part of the overall structure of governance. One of the most depressing news that we have heard in the last few days is the manner in which a Governor -- I am referring to the Governor of Tamil Nadu -- was pulled up by the Supreme Court for exceeding his jurisdiction. The Supreme Court has intervened from time to time pulling up the Governors of Kerala. Our Governor in West Bengal has set new records. The Supreme Court has intervened from time to time pulling up the Governors of Maharashtra for exceeding their powers. This all emanates from one mischievous word -- I used the words 'one mischievous word' -- in the Constitution and that was a legacy of the colonial past. And this word 'discretion' is found in Article 163(2).

This is a colonial legacy. We all speak of colonial legacy but we do not know how to define it. Anything that militates against our way of thinking, anything that militates against what I call the culture of Ganga valley is said to be colonial and fit to be drubbed out. It is not so. Colonialism spells itself out through the mechanics of power and hegemony. And this has been proved through the continuation of the powers of the institution of the Governor in a democratic, federal set-up. This post came up from the Imperial Act of 1919. It was carried on through the Government of India Act, 1935. I would inform my hon. friends on both sides that the Deputy Chief Minister of West Bengal at that time, Shri Syama Prasad Mukherjee, whom they respect a lot, had a series of guerilla wars with Governor Herbert who did not allow him to exercise his democratic powers.

In a free, federal and democratic India, we should have learnt a lesson and circumscribed and cut the wings and cut the talons of the Governor. Instead, we put Article 163(2).

Today, this Bill seeks to bring an amendment to Article 153 to introduce elections. We can't have a diarchy, Sir. This is a democratic polity. You can't have two Governments of India. There is one Government of India that is elected by 35-37 per cent votes. We respect it. So, respect also the State Governments that have been elected by the same electorate for governing the States. Do not assume that just because you have a colonial post, you can interfere with it; you can trip it; and you can sabotage it whenever you feel like it. You cannot. You have learnt your

lessons while in the Opposition. You will learn those again when you come to the Opposition. Having said that, West Bengal has the singular fortune of being out with the Central Government for 49 years.

Two-three generations! My generation has never seen any amity, and the instrument of the post of Governor is used for every purpose including the interference with the intrinsic law and order powers of the State. If there is any comment to be made, let the Home Ministry come up and make a comment. But why should a Governor be advised by an Under Secretary? I am saying this, at the cost of contradiction, all Governors, irrespective of regime, are run by diktats issued by Under Secretaries and Deputy Secretaries of the Ministry of Home Affairs. Come, challenge it and say, "No". I will ask for the correspondence. I know what I am talking about. It hurts the self-respect of any thinking person. The bureaucrats of North Block cannot be allowed to have a free run over the democratic aspirations of different peoples of India.

We consider the post of Governor to be largely protocol and largely ceremonial so that the Chief Minister does not have to run to every function. मैंने सीधी बात कह दी। But, then, you can't bear such huge expenditure; you can't go in for such huge expenditure at the lavish scale, as was mentioned. The lavish scale itself, whether the Bill is passed or not, is a subject that the Government may like to review because it smacks of colonial imperialism. I am giving a merit only. Suppose you had a similar institution in the Government of India; suppose you had the President telling you morning and evening आपने यह गलत किया, आपने वह गलत किया, आपने लॉ एंड ऑर्डर... You can't run; you are insulting the people who have elected that Government -- the Central Government or the State Government. You cannot run. We had a small instance of this when President Zail Singh was having his run-ins with the Prime Minister of India. And that is not a very pleasant experience. Remember that experience and squeeze it to the experience of States, you will know how you have created a ceremonial post into a nuisance, an absolute nuisance. I support the election because election would again be in tandem with what the people of that State want for the Governor.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, you have one minute.

SHRI JAWHAR SIRCAR: Sir, the core of our strength is federalism. As a democracy, it is the federalism that represents us. I come from a State that is quite distinct from the Ganga Valley; I come from a State that is quite distinct from Tamil Nadu but we feel that we are together because we are respected. If you carry away the self-

respect, you destroy India. We are one because we are many. Do not try to homogenize us. With these words, I support the Bill.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, Shri Sandosh Kumar P; you have three minutes.

SHRI SANDOSH KUMAR P (Kerala): Mr. Vice-Chairman, Sir, even though the mover of the Bill belongs to a political party which is very close to my party, I can't support this Bill because my party, the Community Party of India, stands for the abolition of the very post of Governor. This issue was highly debated years ago in the Constituent Assembly as well. Rohini Kumar Chaudhary, a prominent Member from Bihar, had stated that a piece of cow-dung can spoil an entire vessel of milk. She was referring to the activities of the Governor. It is all history. But this is relevant even today. Governors have become trouble engines to destroy everything in the States. I don't want to give you details of what is happening in Kerala and Tamil Nadu. Governors have become political manipulators. So, why do we need the post of Governor? The mover has given a detailed list of examples of how Governors are spending money, how decorative their life is, how extravagant they are, etc. So, I don't want to add anything more. To perform the role or duties of a Governor, if at all anything is there, it can be done by the Chief Justice of a State High Court or the Supreme Court Chief Justice. Nothing more is required. I think it is high time that we thought about the abolition of the post of Governor. Secondly, I think almost all parties are in agreement with the continuation of the post of Governor; at least, let us think about changing the very name of Raj Bhavans because it is a British name. I am not in favour of the name changing virus. That virus has affected everywhere in the country and every aspect of life. But, these people who are sitting in Raj Bhavans think that they are *Rajas* of the modern time.

So, at least, let us take an initiative to rename *Raj Bhavans*. Moreover, I can tell you that these extra-constitutional, overstepping activities of the Governors must be controlled at any cost. When we talk about the election of Governors, these provisions are irrelevant.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): You have a minute more.

SHRI SANDOSH KUMAR P: It is because the electoral college consists of even local representatives, I mean, representatives of local bodies. It is a very strong position because if you have to elect a Chief Minister, what do you want? The Members of the



Assembly can elect the Chief Minister. But, here, to elect the Governor, you need the support of Members of the Assembly plus local body representatives.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, please conclude. Your time is running out.

SHRI SANDOSH KUMAR P: Please let me complete, Sir. One minute. That makes the post of the Governor more powerful. So, that should not be higher than the elected Chief Minister of a State. The Chief Minister is, of course, the highest democratically elected post in a State. Then, how can the Governor be above that? Moreover, to dismiss the Governor, we do not want the representatives of the local bodies.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, your time is over. Please conclude.

SHRI SANDOSH KUMAR P: That also is a drawback of the Bill. So, anyway, let me add this point once again that we all have to rethink about the post of Governor and this post must be abolished at any cost. Thank you.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Shri R. Girirajan, just before you start, let me clarify that you have three speakers from your Party and the total time for your Party is only five minutes.

SHRI R. GIRIRAJAN (Tamil Nadu): No, no.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Therefore, we will be only able to provide two minutes or maximum two-and-a-half minutes per Member. It is decided as per the roster. I cannot help it. ...*(Interruptions)*... Tiruchi ji, you are a senior Member. You were a part of the Chair, you know. We work by the roster, we cannot have our discretion. So, two minutes. Please start.

SHRI R. GIRIRAJAN: Respected Sir, thank you. Thanks to my leader Shri Tiruchi Siva. It is the right time to discuss the Governor is needed or not. Sir, I want to speak in Tamil.

\*"Our leader *Peraringar* Anna had expressed a view in this august House. When he had achieved a remarkable dimension as a leader of his times in this House, he had said, "Beard is not needed for a goat. Similarly Governor's post is not needed for a state". Sir, as beard is not necessary for a goat, the post of Governor is not necessary for a state. The post of Governor is a high ceremonial post. The Union Government uses this ceremonial post to appoint such persons who could act as puppets in those States which are not ruled by the incumbent party at the Centre. What happened in Maharashtra? What is happening in Kerala? What is happening in Telangana? What is happening in Tamil Nadu? State Governments are elected by people. Our party, Dravida Munnetra Kazhagam (DMK), has been elected by the people of Tamil Nadu with a vast majority. Our State Government under the leadership of our hon. Chief Minister, *Thalapathi* M.K.Stalin is governing the State as per the values enshrined in our Constitution. The State Government of Tamil Nadu had passed many Bills for the welfare of people. When the Bills were sent to the Governor of Tamil Nadu for his assent, he did not give his assent to more than fifteen Bills. He has kept those Bills under his feet. He had delayed it for more than two years. It is none other than Mr. R.N. Ravi, Governor of Tamil Nadu. I would like to register this fact in this House. We have to discuss.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, please wrap up. You will have to conclude.

SHRI R. GIRIRAJAN: The time limitation should be fixed for Governors to give assent. On several issues in India, States are also not strangers to controversies arising with their Governors. Most of them relate to choosing of Chief Ministers, conducting the floor test, dissolving Legislative Assemblies, recommending President's Rule and delaying assent to Bills or reserving them for President's consideration. In the recent times, besides Tamil Nadu, Chhattisgarh, Haryana, Kerala and Telangana, were in the news.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, you have to conclude. ...*(Interruptions)*... I am sorry but you will have to conclude.

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\* English translation of the original speech delivered in Tamil.

SHRI R. GIRIRAJAN: Article 153 of the Constitution provides for a Governor in each and every State. The Executive powers are vested in the Governor under Article 154.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, please conclude. We will have to move on. Please conclude.

SHRI R. GIRIRAJAN: The constitutional scheme warrants that assent of the Governor or the President is necessary for all Bills to become the law of the land. The Supreme Court in *Shamsher Singh vs. State of Punjab, 1974* has settled the position that the Governor is only a constitutional head.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, I will have no other option but to move on. I have no option but to move on. ...*(Interruptions)*...

SHRI R. GIRIRAJAN: Under the Executive Powers of the State actually exercised by the Council of Ministers which...

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Please conclude. I am moving on, hon. Member. ...*(Interruptions)*... I am sorry. Your time is up. I will have to move on. ...*(Interruptions)*... Sorry; I will have to move on. ...*(Interruptions)*... Shri Sujeet Kumar. I am sorry. Your time is up. ...*(Interruptions)*... It is as per time. ...*(Interruptions)*... I am sorry. You know the rules. ...*(Interruptions)*... Hon. Member, please sit down. ...*(Interruptions)*... It is not going on record. ...*(Interruptions)*... It is not going on record. Please. ...*(Interruptions)*...

SHRI R. GIRIRAJAN: Sir,... \*

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Now, hon. Member, Shri Sujeet Kumar.

**श्री सुजीत कुमार (ओडिशा):** सर, मेरा समय अभी से शुरू होना चाहिए।

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Alright.

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\* Not recorded.

**श्री सुजीत कुमार:** सर, आप तो दिलदार हैं, एक-दो मिनट ज्यादा दे दीजिएगा।

**उपसभाध्यक्ष (डा. सस्मित पात्रा):** यह मेरे हाथ में नहीं है, यह माननीय चेयरमैन साहब का निर्देश है। You have a total of five minutes to speak.

SHRI SUJEET KUMAR: Sir, although I appreciate and acknowledge the sentiments and the spirit with which this Bill has been introduced by my dear friend and esteemed colleague, Mr. Sivadasan, I do not support the Bill because I think, it is neither desirable nor feasible and I will give you four reasons. One is the issue of accountability, second is the constitutional reasons, third is the normative grounds and fourth is the constitutional debates which have settled this issue in my view.

Sir, we have to understand the difference between accountability and constitutional authority. The high office of Governor is that of constitutional authority and not accountability. In his arguments, the hon. Member, Shri Sivadasan, alluded to the stature and dignity of the high office of the Governor. I am completely with him on that. He argued that because of this high office which the Governor holds, he should enjoy the legitimate support of the people and he should be accountable to the people. But, Sir, for this, we already have an elected Government in the State. Can you have two parallel power centres, one of the Chief Minister and one of the Governor? The office of Governor should evoke co-operation and respect and to give further clarity, I would like to quote what the Constituent Assembly Member, Shri B.G. Kher, had said. "The most important principle of good government in a popular constitution is that no executive functionaries should ever be appointed by popular election, neither by the votes of the people themselves nor by those of their representatives."

Next, I come to the normative grounds as to why I oppose this Bill. The Office of Governor should exert in all-pervasive moral influence on the State Government and the people of the State. I will like to quote Sarkaria Commission which Dr. Hanumanthaiah elaborately referred to. Sarkaria Commission on Inter-state relations states, "The office of the Governor, as the constitutional head, is to act as 'friend, philosopher and guide' to the elected Government with the Council of Ministers." If we have an elected Governor as is envisaged in this Bill, we will not have the check and balance which is the core of our Constitution. How can an elected Governor operate freely without being beholden to the party that has chosen that person to be elected? How can the Governor think independently? These are the reasons as to why I oppose this Bill. While addressing the Conference of Governors in June, 2005, the former President of India, Dr. Kalam observed, "While there are many checks and

balances provided by the Constitution, the office of the Governor has been bestowed with the independence to rise above the day-to-day politics and override compulsions either emanating from the central system or the state system." Now, I will refer to the constitutional grounds as to why I oppose this Bill. In our constitutional scheme of things, the Governor plays a very important role in maintaining the federal structure of our Constitution which also is part of the "Basic Structure" in the Supreme Court Judgement of 1973 Kesavananda Bharati Judgement. The celebrated judgement of *SR Bommai v. Union of India* explains in detail the importance of this role and I quote. This is the hon. Supreme Court. "The key actor in the Centre-State relations is the Governor, a bridge between the Union and the State. The office of the Governor is a vital link and a channel of impartial and objective communication of the working of the Constitution by the State Government to the President of India." The Judgement goes on and because of paucity of time, I am not getting into details. It is also important for the House to visit the Sarkaria Commission Report on the role of the high office of the Governor. I will briefly quote from the report. It says, "The Governor in our system does not function as constitutional head for the whole gamut of his responsibilities. There is an important area, though limited and subject to constitutional constraints, within which he acts in the exercise of his discretion."

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, last minute.

SHRI SUJEET KUMAR: "He is a live link of channel between the Union and the State." Finally, I will refer to the constitutional debate. On this very issue, eminent Member, T.T. Krishnamachari had said and I quote, "The position is either you make the legislature supreme or you make the Governor supreme. If you adopt the presidential system, the Governor is supreme. But under the parliamentary system that we have, the legislature and the leader of the majority party in his legislature will be supreme. The choice is obvious and that choice is logical." In their infinite wisdom, the founding fathers of our Constitution had anticipated such a situation and there was an elaborate discussion for two full days, that is, on 30<sup>th</sup> of May, 1949 and 31<sup>st</sup> of May, 1949 and two alternatives were suggested. Sir, please give me thirty seconds. Alternative one; this is Article 131 of the draft Constitution of 1948. The first alternative is, 'The Governor of a State shall be elected by direct vote of all persons who have the right to vote at a general election for the Legislative Assembly of the State.' This is the first alternative. Now the second alternative, 'The Governor of a State shall be appointed by the President by warrant under his hand and seal from a

panel of four candidates to be elected by the members of the Legislative Assembly of the State, or, where there is a Legislative Council in the State, by all the members.'...*(Interruptions)*...

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Please conclude. ...*(Interruptions)*...

SHRI SUJEET KUMAR: Sir, after exhaustive and elaborate discussion, deliberation and debate, the Constituent Assembly adopted this second alternative with some modification, which is Article 151 as it stands today, "That the Governor of a State shall be appointed by the President by warrant under his hand and seal." ...*(Interruptions)*...

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, you will have to conclude.

SHRI SUJEET KUMAR: Our first Prime Minister Pandit Nehru also sided with this argument, the second alternative.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Please conclude. ...*(Interruptions)*...

SHRI SUJEET KUMAR: I feel there is no compelling reason to deviate from the wisdom of our founding fathers and this is the reason I oppose this Bill.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Now, Prof. Manoj Kumar Jha. You have three minutes.

**प्रो. मनोज कुमार झा** (बिहार): वाइस चेयरमैन साहब, आपको शुक्रिया कहने और जय हिन्द बोलने में ही वक्त गुजर जाएगा। मैं उन तमाम पीड़ित राज्यों के पक्ष में खड़ा हूँ, जो अपने-अपने लाट साहब से परेशान हैं और यह परेशानी कई तरह की है। मैं तो यह मानता हूँ कि हमारे बीजेपी के मित्रों के पास बहुत अच्छा पूल है। अब यहीं कितने लोग हैं, जिनके लिए मैं चाहूंगा कि गवर्नर बनाकर अपने स्टेट बिहार ले जाएँ। अच्छे लोग हैं - लोकतांत्रिक, विशाल हृदय।

माननीय उपसभाध्यक्ष महोदय, एक वाक्य बताना चाहता हूँ। शायद टीएमसी से कोई नहीं है। 1952 में बी. सी. राय वेस्ट बंगाल के चीफ मिनिस्टर थे। नेहरू जी ने किसी को गवर्नर नियुक्त करने की कोशिश की, तो बी. सी. राय साहब ने कहा कि हमारे यहाँ नॉन बंगाली गवर्नर नहीं चलेगा, हालांकि उसके बाद से काफी चीज़ें बदल गई हैं और फिर एच. सी. मुखर्जी साहब की नियुक्ति हुई। 1957 में फिर वैसा ही कुछ हुआ, तो बी. सी. राय साहब ने फिर कहा कि नहीं, वही बात अभी भी रहेगी, हमको बंगाली गवर्नर चाहिए, तो पद्मजा नायडू जी पर सहमति बनी। पद्मजा

नायडू बाइलिगुअल थीं, मदर बंगाली थीं और फादर आंध्राइट। एक तो वह दौर था, जब देश के प्रधान मंत्री, मुख्यमंत्री की बात सुनते थे और एक यह दौर है। बाकी तो नहीं कहूँगा, फिल इन दि ब्लैंक है, लेकिन मुख्यमंत्री से बैर रखना गवर्नर्स ने अपना दायित्व समझ लिया है।

*"कितने नाम गिनाऊँ, कहाँ तक सुनोगे, कहाँ तक सुनाऊँ,  
हजारों हैं शिकवे, क्या-क्या गिनाऊँ।"*

अभी हाल में ही सर्वोच्च न्यायालय की टिप्पणी आई, वह टिप्पणी क्या कहती है? ये गवर्नर्स सचमुच अपने को लाट साहब समझते हैं। एक राज्य में राज्य की चुनी हुई व्यवस्था का मुख्यमंत्री, अगर वे कुछ करना चाहते हैं, तो गवर्नर साहब बिल पर बैठ जाते हैं, लेकिन वे बिल पर नहीं बैठते हैं, बल्कि जन-आकांक्षाओं पर बैठ जाते हैं और अगर कोई व्यक्ति जन-आकांक्षाओं पर बैठ जाता है, तो आप यह यकीन मानिए कि वह चुनी हुई सरकार के लिए प्रतिरोध के क्षण हर वक्त उत्पन्न करता रहता है। माननीय उपसभाध्यक्ष महोदय, मैं आपको एक और उदाहरण देता हूँ। वाइस चेयरमैन साहब....,

*"तेरे जाने में और आने में,  
हमने सदियों का फासला देखा।"*

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Please conclude.

**प्रो. मनोज कुमार झा:** सर, मैं सिर्फ एक-डेढ़ मिनट लूँगा। कोई नहीं, सिर्फ एक-डेढ़ मिनट। आपको जय हिन्द से पूर्व दोबारा टोकना नहीं पड़ेगा। सर, देखिए मेरा तारतम्य टूट गया। मैं क्या बता रहा था?

**उपसभाध्यक्ष (डा. सस्मित पात्रा):** आप दूसरा वाक्या बता रहे थे।...(व्यवधान)... मान्यवर, आप कन्क्लूड करें।...(व्यवधान)...

**प्रो. मनोज कुमार झा:** सर, मैं यह कह रहा था...(व्यवधान)...

**उपसभाध्यक्ष (डा. सस्मित पात्रा):** माननीय नीरज जी, प्लीज।...(व्यवधान)...

**प्रो. मनोज कुमार झा:** सर, मेरे टाइम में से नीरज भाई वाला टाइम निकाल दीजिएगा।

**उपसभाध्यक्ष (डा. सस्मित पात्रा):** आप कन्क्लूड करें, मान्यवर।...(व्यवधान)...

**प्रो. मनोज कुमार झा:** सर, मैं कन्क्लूड कैसे करूँ, बीच में नीरज भाई बोल दिए।...(व्यवधान)...

**उपसभाध्यक्ष (डा. सस्मित पात्रा):** चलिए, अब आप बोलिए।

**प्रो. मनोज कुमार झा:** सर, मैं इतना कहना चाहता हूँ कि जिन राज्यों में बीजेपी विपक्ष में है, वहाँ बीजेपी मजबूत हो जाती है। आप जानते हैं, क्यों? गवर्नर साहब 60 परसेंट विपक्ष का काम कर देते हैं, वे विपक्ष में हो जाते हैं। मैंने ऐसे गवर्नर्स देखे हैं, जो टेलीविजन चैनल्स में शाम से बैठ जाते हैं। अपनी ही सरकार के बारे में... ..(व्यवधान)...

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, please conclude. You have only 30 seconds more to speak.

**प्रो. मनोज कुमार झा:** अनिल जी, आप एक बात बताइए कि अगर ऐसी बात होगी तो कोई बात कैसे होगी?

**उपसभाध्यक्ष (डा. सस्मित पात्रा) :** माननीय मनोज जी।

**प्रो. मनोज कुमार झा:** सर, आपने माननीय मनोज जी कहा तो मैं एक चीज जरूर कहूँगा, जो मुझको बड़ी दुखती है। मैं राजनीति में भी नहीं था,

**उपसभाध्यक्ष (डा. सस्मित पात्रा):** अब आप कन्क्लूड कीजिए।

**प्रो. मनोज कुमार झा:** सर, मैं बता रहा हूँ। गवर्नर्स को वाइस चांसलर्स के अप्वाइंटमेंट का अधिकार है। सर, राज्य की शिक्षा व्यवस्था में राज्य की सरकार से सवाल पूछे जाते हैं कि तुम्हारे सेशनस लेट क्यों हैं, तुम्हारी ये परेशानियां क्यों हैं, तुम्हारी वो परेशानियां क्यों हैं, लेकिन वाइस चांसलर्स के चयन का अधिकार, नियुक्ति का अधिकार राज्य की सरकार के पास नहीं है।

माननीय उपसभाध्यक्ष जी, अंत में मैं अपनी बात को यहीं समाप्त करूँगा। आपने मुझे वक्त दिया, हालांकि मेरे वक्त में कई लोगों ने वक्त ले लिया, लेकिन मैं इतना कहना चाहूँगा कि गवर्नर के पद पर -- क्योंकि आप केन्द्र की सत्ता में हमेशा नहीं हैं -- ऐसी व्यवस्था न हो कि केन्द्र और राज्य के बीच में जो अम्बेडकर जी की अवधारणा थी कि राज्य केन्द्र से खैरात नहीं मांग रहा है। एक सहकारी संबंध है, जो.... सर, आखिरी बात, जिसके बगैर मैं अपनी बात खत्म करूँगा तो आपको भी अच्छा नहीं लगेगा, आप बाहर कहिएगा कि मैंने कविता नहीं सुनाई। सर, लाट साहबों के नाम - ...(व्यवधान)...

"कोई उम्मीद बर नहीं आती,  
कोई सूरत नज़र नहीं आती,  
पहले आती थी हाल-ए-दिल पे हँसी,  
अब किसी बात पर नहीं आती,  
काबे किस मुँह से जाओगे गालिब,  
शर्म तुम को मगर नहीं आती।"



जय हिन्द, सर।

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Now, hon. Member, Dr. John Brittas. You have two minutes.

DR. JOHN BRITTAS (Kerala): Sir, I will be very brief. The slogan of hon. Prime Minister is 'Cooperative Federalism'. The tagline of G20 was '3Ds - Democracy, Development, Diversity'. In application, in implementation, the 3Ds is like Destabilize, Disrupt, Defame. किसको? अपोजिशन गवर्नमेंट्स को। Destabilize, defame, disrupt करने के लिए उनके हाथ एक टूल है, ये गवर्नर्स साहब! हमारे देश में इन दिनों यह चल रहा है। मिस्टर अनिल अग्रवाल, उनके दोस्त हैं केरल के गवर्नर, वे बार-बार वहाँ आ रहे हैं, उनसे पूछ लीजिए। ...**(व्यवधान)**... Sir, my only request to them -- I will be very brief -- is that if at all they want to ensure democracy, federalism in this country, let them adhere to cooperative federalism and remove all those people because in our country, there are two areas now. Like flood-affected, drought-affected, there is ED-affected area and Governor-affected area. Let us finish with this. Please pull back all your tools and ensure that your words are implemented. Let there be no difference between your words and deeds. Sir, I respect you and, that is why, I am going to sit down. Thank you very much.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Now, hon. Member, Shri Khiru Mahto. You have two minutes.

**श्री खीरू महतो (बिहार):** उपसभाध्यक्ष महोदय, मैं मानता हूँ कि वर्तमान परिदृश्य में राज्यपालों और उपराज्यपालों की नियुक्ति प्रक्रिया तथा उनके क्रियाकलाप भारत के लोकतंत्र के हित में नहीं हैं। संविधान के प्रथम अनुच्छेद में कहा गया है कि भारत राज्यों का संघ होगा। अगर जनता द्वारा लोकतांत्रिक तरीके से चुनी हुई सरकार के विधायी कार्यों में राज्यपाल के रूप में केन्द्र सरकार द्वारा नियुक्त व्यक्ति दुर्भावना से ग्रसित होकर हस्तक्षेप करेगा तो यह भारत के संघीय प्रणाली का अपमान है। मैं प्रस्तावित विधेयक में अनुच्छेद 153 के परंतुक में सुझाव का समर्थन करते हुए कहना चाहता हूँ कि....

प्रस्तावित विधेयक में अनुच्छेद 153 के परंतुक के सुझाव का समर्थन करते हुए कहना चाहता हूँ कि राज्यपाल को किसी एक राज्य की ही जिम्मेदारी दी जानी चाहिए और किसी कारणवश पद रिक्त होने पर राज्यपाल के कार्यों का निष्पादन राष्ट्रपति के द्वारा किया जाना चाहिए।

मैं विधेयक में प्रस्तावित वर्तमान अनुच्छेद 155 की जगह संशोधित अनुच्छेद 155 जो राज्यपाल के निर्वाचन से सम्बंधित है, उसकी प्रतिस्थापना का समर्थन करते हुए मानता हूँ कि जिस प्रकार भारतीय संसद राष्ट्रपति, लोक सभा और राज्य सभा से बनती है, उसी प्रकार राज्यों

के विधानमंडल राज्यपाल, विधान सभा और विधान परिषद से बनते हैं। अतः जिस प्रकार राष्ट्रपति का चुनाव अप्रत्यक्ष रूप से निर्वाचित सांसदों और विधायकों के द्वारा किया जाता है उसी प्रकार राज्यपाल का चुनाव अप्रत्यक्ष रूप से राज्य में निर्वाचित विधान सभा सदस्यों, ग्राम पंचायतों, नगरपालिकाओं और नगर निगमों के निर्वाचित सदस्यों द्वारा किया जाना चाहिए।

राज्यपाल/उपराज्यपाल की सेवा अवधि राष्ट्रपति की मर्जी पर निर्भर है। राष्ट्रपति अपनी इच्छानुसार राज्यपाल का स्थानांतरण किसी अन्य राज्य में कर सकता है या पदमुक्त कर सकता है। राज्यपाल की सेवा की कोई संवैधानिक सुरक्षा नहीं है। इसलिए राज्यपाल केंद्र सरकार के हाथों की कठपुतली बनकर रह जाता है और स्वयं विवेक से कार्य नहीं कर पाता।

अगर राष्ट्रपति की तरह राज्यपाल का निर्वाचन होगा...

**उपसभाध्यक्ष (डा. सस्मित पात्रा):** माननीय सदस्य, कृपया conclude करें।

**श्री खीरू महतो :** और राष्ट्रपति की तरह ही महाभियोग लगाकर उसको हटाने की कठिन प्रक्रिया होगी तो राज्यपाल स्वतंत्र होकर बिना किसी दबाव में अपने दायित्व का निर्वहन कर पाएगा।

**उपसभाध्यक्ष (डा. सस्मित पात्रा):** माननीय सदस्य, कृपया conclude करें।

**श्री खीरू महतो:** एस.आर. बोम्मई बनाम भारत सरकार, इस फैसले में न्यायालय ने कहा था कि "किसी भी राज्य सरकार की बहुमत का फैसला राजभवन की जगह विधानमंडल में होना चाहिये। राष्ट्रपति शासन लगाने से पहले राज्य सरकार को शक्ति परीक्षण का मौका देना चाहिए।"

**उपसभाध्यक्ष (डा. सस्मित पात्रा):** माननीय सदस्य, कृपया conclude करें।

**श्री खीरू महतो:** संविधान निर्माण के समय मसौदा समिति ने राज्यपालों की नियुक्ति या चुनाव का मामला संविधान सभा के निर्णय के लिए छोड़ दिया था। आज़ादी के 75 वर्ष के बाद अमृत काल में देश मजबूती से आगे बढ़ा है और भारत की एकता, अखंडता और संप्रभुता को कोई खतरा नहीं है। इसलिए लोकतंत्र के संघीय ढांचे को और मजबूत बनाने के लिए और राज्यपाल की शक्तियों का केंद्र सरकार द्वारा दुरुपयोग रोकने के लिए मैं राज्यपालों के निर्वाचन का सुझाव देने वाले विधेयक का समर्थन करता हूँ।

**ले .जनरल (डा.) डी .पी. वत्स (रिटा.) (हरियाणा):** माननीय उपसभाध्यक्ष महोदय, मैंने डिबेट सुनी, But, I will see it through the eyes of nation first. डेमोक्रेसी में checks and balances से संविधान चलाया जाता है। पार्लियामेंट, एग्जीक्यूटिव, ज्यूडिशियरी एंड मीडिया, इसके स्तम्भ हैं, इनमें सामंजस्य और बैलेंस बनाना बहुत ज़रूरी है। मैं बताना चाहूंगा कि गवर्नर साहब का रोल कहां अहम होता है। जैसा मैंने कहा नेशन फर्स्ट, वैसे तो constituent assembly में डिबेट में discuss हुआ था कि गवर्नर को इलैक्ट किया जाए या गवर्नर को सेंट्रल गवर्नमेंट अप्वाइंट करें। मैं बताना चाहूंगा कि उस ड्राफ्ट में, "Governor is incompatible with the parliamentary system

established in the States. The mode of direct elections is more likely to create conflicts between the Governor and the Chief Minister." यह constituent assembly का ड्राफ्ट है, जो संविधान सभा ने पास किया और बाबासाहेब अम्बेडकर जी का बनाया हुआ संविधान है। हमने आर्टिकल 370 भी scrap किया। अम्बेडकर जी ने यह लिखा था कि यह एक temporary measure है। So, we have all respect for Baba Saheb. "The Governor being only a constitutional, nominal head, there is no point in making elaborate arrangements for his election and spending huge amount of money. The election of a Governor would be entirely on personal issues and it is not in the national interest to involve a large number of voters in such an election. An elected Governor would naturally belong to a party and would not be impartial. The election of Governor would create separatist tendencies and thus affect the political stability and unity of the country..."

"...The system of presidential nomination enables the Centre to maintain its control over the State. The direct election of Governor creates a serious problem of leadership at the time of general election in the State. The Chief Ministers would like his nominee to contest." मैं nation first पर वापिस आऊंगा। मैंने खुद पांच साल तक कश्मीर में सर्व किया। वहां ऐसे हालात पैदा हो गए थे कि गवर्नर राज या प्रेज़ीडेंट राज लगाने के सिवाय कोई और चारा नहीं था। यह कांग्रेस शासन की बात है। Presidential Government, यानी जनरल के.वी.कृष्णा राव छह साल तक लगातार रहे और उसके लगने के बाद भी जो मार-धाड़, असेम्बली में बम ब्लास्ट हुए और बहुत वॉयलेंस हुई, तो मैं यह कहूंगा कि nation first के मद्देनज़र presidential rule नहीं, कई दफा Armed Forces Special Powers Act भी लगाना पड़ता है, जैसे Eastern Sector में लगा था। हमारी सरकार ने उसको withdraw कर लिया, जैसे democracy mature होने लगी। जैसे शिवादासन साहब ने कहा था, इसी तरह मैं पंजाब का जिक्र करूंगा। आप सबने देखा है कि नौबत कहां तक पहुंची। स्वर्गीय श्रीमती इंदिरा गांधी जी की गवर्नमेंट ने एक धार्मिक स्थल पर भी एक्शन लिया।

महोदय, सबसे बड़ा unconstitutional काम हुआ कि सुप्रीम कोर्ट ने भी डायरेक्ट कर दिया। पार्लियामेंट ने भी सपोर्ट किया और तीन-तीन प्रधानमंत्रियों ने भी किया - उस समय Rajiv-Longowal Accord भी हुआ, कई accord हुए और बनी-बनाई सतलुज-यमुना लिंक कैनाल को पाट दिया गया। अभी भी पाकिस्तान में पानी जा रहा है। इसी साल जालंधर और लुधियाना डूब गए, लेकिन अपने छोटे भाई हरियाणा को पानी नसीब नहीं हो रहा है, इसीलिए सेंटर की 'लगाम' स्टेट के ऊपर होना बहुत जरूरी है। ऐसा ही जैसा कि कहा, the debate is that the Governor should be elected or he should be appointed. I am totally for appointment of Governor because administration का रूल है कि डेमोक्रेसी में federalism भी है, dissent भी है और सेंटर की हुकूमत भी है।

**उपसभाध्यक्ष (डा. सस्मित पात्रा):** माननीय सदस्य, आप कन्क्लूड कीजिए।

**ले. जनरल (डा.) डी.पी. वत्स (रिटा.):** जी सर, कन्क्लूड कर रहा हूँ। मगर command and control का रूल है कि Unity of command होनी चाहिए, multiplicity command तो within limits हो सकती है, वरना यह federation टूट जाएगी और मैंने कुछ examples भी दिए। शिवादासन जी ने कहा कि हमारा मुल्क mature है। वैसे काल मार्क्स तो डेमोक्रेसी के ही खिलाफ थे, जिस पार्टी से आप belong करते हैं। वे तो धर्म को भी opium of the people बोलते थे। हमारा मुल्क 650, 750 स्टेट्स के conglomerate से सरदार पटेल जी ने इकट्ठा किया था। यहां भिन्न-भिन्न भाषाएं हैं। उसमें unifying factors हैं।

**उपसभाध्यक्ष (डा. सस्मित पात्रा):** माननीय सदस्य, आप कन्क्लूड कीजिए। आपके छह मिनट पूरे हो चुके हैं।

**ले. जनरल (डा.) डी.पी. वत्स (रिटा.):** हमारी संस्कृति, हमारा सिनेमा और हिंदुस्तानी फौज। मैं टाइम की पाबंदी का पालन करूंगा। Governor should be a representative of the Central Government. He should achieve the checks and balances and it is a must for keeping the country united. Thank you.

**प्रो. मनोज कुमार झा :** सर, माननीय सदस्य ने कहा है कि केन्द्र की राज्यों पर लगाम होनी चाहिए। सर, मेरा कहना है कि 'लगाम' शब्द नहीं होना चाहिए।

**THE VICE-CHAIRMAN (DR. SASMIT PATRA):** Shri M. Shanmugam. You have, unfortunately, two minutes. You have three speakers from your party. So, I will be able to give you only two minutes. Please start.

**SHRI M. SHANMUGAM (Tamil Nadu):** Thank you very much, Sir.

Sir, on behalf of my DMK party, I would like to thank my friend, Dr. Sivadasan, for bringing this important Constitution (Amendment) Bill for discussion.

As per the Constitution, the role of the Governor is only ceremonial and he is titular and head of the State because he is simply nominated by the President, in other words, by the ruling party at the Centre. He is supposed to be a bridge between the State and the Union. Our party, DMK's former leader, Dr. Kalaignar, and the present leader and Chief Minister, Thalapathi Stalin, have always been insisting that Governor should be appointed after consulting the State Government. In India also, the founding-fathers of the Constitution have observed that the convention will be developed whereby the Governor will be appointed after consulting the State. The role of the Governor is very limited and is bound by the aid and advice of the Cabinet which has been reiterated by the judicial decision umpteen times. The Governor of

Tamil Nadu is overstepping his authority and is publicly criticizing the State Government and its Cabinet decisions.

Sir, the Chief Minister has the mandate of the people and is the elected Chief Executive of the State. When our State Government took up the matter, he is not giving assents to the Bills. He is sitting over Bills. The Supreme Court expressed serious concern over the delay by the Governor on giving assent to the Bills passed by the State Assemblies. When he returned these Bills to the State Assembly after the Supreme Court's observation, in a special Session, all these Bills were re-passed by the Tamil Nadu State Assembly. During the Special Session, our Chief Minister accused the Governor of insulting the Assembly and the people of the State by returning the Bills, adding that the Governor of Tamil Nadu returned the Bills without stating any reason. Once the Bills are re-sent to the Governor, it is like Money Bill and he has no option but to give his assent.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, please conclude.

SHRI M. SHANMUGAM: But he acted with an ulterior motive by sending all these Bills to the President. It is very unfortunate that the Governor is preventing the elected State Government from implementing various schemes and programmes through the legislative proposals. The issue of Governor being ex-officio Chancellor of State Universities is also to be reviewed.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, I will have to move on. I am sorry. I will have to move on.

SHRI M. SHANMUGAM: In this connection, our State Assembly has passed a Bill to make the Chief Minister as the Chancellor, but the Governor has not given his assent to that Bill. It is because of that the functioning of universities is affected and students are not able to get degree certificates ...as convocation programme is not being finalized.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Last sentence, please. You will have to conclude. You will have to conclude. Thank you, hon. Member. I am moving on. Thank you.

SHRI M. SHANMUGAM: Many demonstrations and signature campaigns were held in the State of Tamil Nadu to recall the Governor.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Shri Ajay Pratap Singh. I am sorry. Nothing else is going on record. Hon. Member, thank you. I am sorry. Time ran out. Hon. Shri Ajay Pratap Singh. You have six minutes.

**श्री अजय प्रताप सिंह** (मध्य प्रदेश): उपसभाध्यक्ष महोदय, आपने मुझे अपनी बात रखने का मौका दिया, इसके लिए आपका धन्यवाद। माननीय शिवादासन जी द्वारा जो संशोधन विधेयक यहां पर प्रस्तुत हुआ है, उस विधेयक के विपक्ष में बोलने के लिए मैं खड़ा हुआ हूं। मैं इसके विपक्ष में इसलिए बोल रहा हूं कि अगर उनके द्वारा सुझाए गए संशोधनों को यह सदन स्वीकार कर लेता है, तो केंद्र राज्य के संबंधों पर असर तो पड़ेगा ही, लेकिन इसके साथ ही साथ इन संशोधनों के कारण हमारा देश कमजोर होगा। जब हम मजबूत भारत की अवधारणा पर विचार करते हैं, मजबूत देश की अवधारणा पर विचार करते हैं, तो मेरे विचार से मजबूत देश तभी हो सकता है, जब हमारा केंद्र मजबूत हो, अगर केंद्र कमजोर हो जाएगा, तो हमारा देश खंड-खंड हो जाएगा। अक्सर हमारे विपक्षी साथी यूनिटी इन डायवर्सिटी की बात करते हैं। विविधता में एकता शब्द सुनने में अच्छा लगता है, लेकिन जिस सीमा तक वे विविधता की कल्पना करते हैं, वह देश की एकता के लिए खतरा होता है। मेरे जैसे लोग जिनके लिए राष्ट्र प्रथम है, वह विविधता में एकता नहीं, एकात्मकता ढूंढते हैं। हमारे देश के अंदर अनेक ऐसे तत्व हैं, जिनके कारण हमारा देश एक है, एक सांस्कृतिक बोध है, एक सांस्कृतिक मूल्य है। इसीलिए हम लोग one nation one people की अवधारणा पर विश्वास करते हैं।

हम लोगों ने जिस संविधान को अंगीकार किया है, स्वीकार किया है, जिसके आधार पर चाहे राज्य सरकार हो, केंद्र सरकार हो, वे सरकारें संचालित होती हैं। हमने उस संविधान की शुरुआत ही ऐसे की है कि, 'WE, THE PEOPLE OF INDIA', 'हम भारत के लोग' उसमें यह नहीं लिखा गया है, 'हम मध्य प्रदेश के लोग', 'हम केरल के लोग', 'हम उत्तर प्रदेश के लोग।' उसमें 'हम भारत के लोग' कहा गया है और हम भारत के लोगों ने जिस संविधान को अंगीकार किया है, स्वीकार किया है, उसके आधार पर भारत की समस्त संस्थाओं का संचालन होना चाहिए, फिर वह चाहे कोई राज्य सरकार हो, चाहे म्युनिसिपल कॉरपोरेशन हो, चाहे ग्राम पंचायत हो। वह संविधान के अनुसार संचालित हो रही है या नहीं हो रही है, यह देखने की जिम्मेदारी हमारी केंद्रीय संस्था, हमारी केंद्रीय इकाई की बनती है। अगर कहीं संविधान का उल्लंघन हो रहा है, संविधान का परिपालन नहीं हो रहा है, तो उसे नियंत्रित करने की जिम्मेदारी भी केंद्र सरकार की है। उसे नियंत्रित करने के लिए सूचना, जानकारी और समय-समय पर मार्गदर्शन देने का काम हमारे गवर्नर केंद्र सरकार के आदेश, निर्देश पर करते हैं।

महोदय, मैं दो उदाहरण देता हूं कि गवर्नर की भूमिका कितनी महत्वपूर्ण है। हमारे जनरल साहब ने अभी जम्मू-कश्मीर का उदाहरण दिया है। आप सभी को गवर्नर जगमोहन जी का स्मरण होगा। अगर जगमोहन जी गवर्नर के रूप में अपनी भूमिका का न्याय जम्मू-कश्मीर में नहीं करते, तो शायद आज जम्मू-कश्मीर भारत से अलग हो चुका होता। महोदय, जनरल साहब ने पंजाब के उग्रवाद का भी जिक्र किया है। पंजाब के हालात बेकाबू हो गए थे। हम गवर्नर रूल के कारण ही वहाँ के हालात नियंत्रित कर पाए और अगर आज वहाँ पर आतंकवाद दबा है, समाप्त हुआ है, तो

वह इसी संस्था के कारण हुआ है। मैं शिवादासन जी की पीड़ा समझ सकता हूँ, लेकिन सारे गवर्नर्स ऐसे नहीं हैं, कुछ गवर्नर्स ऐसे भी रहे हैं, जिनके आचरण पर प्रश्न चिह्न लगा हुआ है। केरल प्रांत की जो पहली चुनी हुई सरकार थी - नंबूदरीपाद सरकार, उस सरकार को उनके पड़ोसियों ने भंग किया, पंडित नेहरू ने भंग किया।

महोदय, अगर हम धारा 356 के उपयोग की बात करें, तो उसका जो सर्वाधिक दुरुपयोग किया है, वह कांग्रेस पार्टी ने किया है, पूर्व प्रधान मंत्री स्वर्गीय श्रीमती इंदिरा गाँधी ने किया है। उन्होंने 51 बार धारा 356 का उपयोग किया। उनमें बहुत सारे अप्रिय प्रयोग हैं, जिनके कारण राजनीतिज्ञों में गवर्नर के प्रति एक वितृष्णा सी पैदा हुई है। जब हम भारत के बारे में समग्र रूप से विचार करते हैं, तो पाते हैं कि गवर्नर की भूमिका महत्वपूर्ण है। मैं आप सभी को यह भी स्मरण दिलाना चाहता हूँ कि जो गवर्नर की भूमिका है, गवर्नर का पद है ...(व्यवधान)...

**उपसभाध्यक्ष (डा .सस्मित पात्रा):** अजय प्रताप सिंह जी, कृपया समाप्त कीजिए।

**श्री अजय प्रताप सिंह:** उपसभाध्यक्ष जी, मैं केवल दो मिनट और लूंगा।

महोदय, यह कोई नई बात नहीं है। जब आप किसी बड़े भू-भाग को नियंत्रित करना चाहते हैं, एक बड़ी पॉपुलेशन को एड्रेस करना चाहते हैं, तो यह आज की प्रणाली नहीं है, बल्कि यह प्रणाली प्राचीन काल से चली आ रही है। अगर मैं कहूँ कि यह रामायण काल से चली आ रही है, तो इसमें कोई अतिशयोक्ति नहीं है। रामायण में खरदूषण, मारीच, सुबाहु पात्र आते हैं। उपसभाध्यक्ष जी, ये कौन थे? ये रावण के गवर्नर्स ही थे, जो समय-समय पर उन्हें जानकारी दिया करते थे। मौर्य साम्राज्य के कार्यकाल में भी जब महाजनपद के रूप में हमारा भू-भाग विभाजित था, तो महाजनपदों में भी गवर्नर प्रणाली ही थी। जब हमारे यहाँ पर सिकंदर आया, तो वह सेल्युकस के रूप में अपना गवर्नर ही छोड़कर गया था। हमारे यहाँ जब मोहम्मद गौरी ने आक्रमण किया था, तो उसने कुतुबुद्दीन ऐबक को गवर्नर बनाकर अपना राज्य सौंपा था और वहीं से गुलाम वंश शुरू हुआ। वह चाहे गुलाम वंश हो, चाहे खिलजी वंश हो, चाहे तुग़लक़ वंश हो, चाहे मुगल वंश हो, चाहे अंग्रेज़ हों, सभी ने इस प्रणाली का अनुसरण किया है। ...(व्यवधान)...

**उपसभाध्यक्ष (डा .सस्मित पात्रा):** अजय प्रताप सिंह जी, कृपया कंक्लूड कीजिए।

**श्री अजय प्रताप सिंह:** उपसभाध्यक्ष जी, अगर एक बड़े भू-भाग पर अपना नियंत्रण रखना है, उस बड़े भू-भाग की एकता को स्थापित करके रखना है, एक बड़ी पॉपुलेशन को एड्रेस करना है, तो हमें इस प्रणाली का अवलंबन करना ही पड़ेगा और इसलिए माननीय शिवादासन जी ने जो संशोधन प्रस्तुत किया है, मैं उस संशोधन से असहमत हूँ और इस संशोधन विधेयक बिल का विरोध करता हूँ। उपसभाध्यक्ष, आपने मुझे यहाँ पर बोलने का अवसर दिया है, इसके लिए आपका बहुत-बहुत धन्यवाद।

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Now, Shri P. Wilson. As you are aware, you have got about two minutes.

SHRI P. WILSON (Tamil Nadu): Mr. Vice-Chairman, Sir, thank you very much for giving me an opportunity. When the Constitution came into force, the Constituent Assembly members thought that the Governor will be a guide, friend and a philosopher, that he would, actually, facilitate between the State and the Union. That was the impression the Constituent Assembly Members had. They thought that these functions can be entrusted with the Governor; therefore, the Governor was given the functions of Executive Powers, that is, to carry out the Business in his name; Legislative Powers, that is, to give assent to the Bills; and, Judicial Powers, that is, to grant remissions. But, Sir, though the Governor is given these powers, the actual Head, the *de facto* Head of the Government is the Chief Minister. The Governor, who is the unelected Head, is only a figure Head and is a *de jure* Head. But, today, what is happening? He has to act in accordance with the Constitution; he has to act under the aid and advice of the Council of Ministers. If you see how the Governors are functioning throughout India including that of Tamil Nadu, Kerala, Andhra Pradesh, then, I would say even of Karnataka and West Bengal, you will find that they are completely ignoring the aid and advice of the Council of Ministers. They think that they are a super-constitutional authority. They sit over the Bills, they do not give assent to the Bills, they sit over the files, they do not even act on the files or under the recommendations given by the Council of Ministers. Sir, time has come where we have to think whether this post of the Governor is required for a Welfare State.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, please conclude.

SHRI P. WILSON: Therefore, Sir, I would only say that the powers of the Governors can be given to the Speakers. The powers which I have just mentioned before the House are all the powers that can be given to the Speaker of the House. The Speaker of the House can exercise the powers of the Governor because the Governor has become a liability to any democratically elected Government.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Thank you, hon. Member.

SHRI P. WILSON: They do not act in accordance with the Constitution. They are in confrontation with the elected Government. So, time has come when the House has to debate about the powers of the Governor. The Sarkaria Commission has come down heavily, Punchhi Commission has come down heavily and the Supreme Court has also come down heavily.



THE VICE-CHAIRMAN (DR. SASMIT PATRA): Thank you, hon. Member. Please conclude.

SHRI P. WILSON: Like Article 356, where Supreme Court gave a check and curtailed the powers of the Governor, the House has to discuss and see that the post of the Governor is abolished. Thank you very much, Sir.

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Now, Shri Biplab Kumar Deb.

**श्री बिप्लव कुमार देब (त्रिपुरा):** ऑनरेबल वाइस-चेयरमैन साहब, हमारे डा .वी. शिवादासन जी जो अमेंडमेंट बिल लाए हैं, मैं उसका विरोध इसलिए करता हूँ, क्योंकि यह फेडरल सिस्टम के खिलाफ उठाने वाला कदम है। आजकल सबसे ज्यादा फेडरल सिस्टम की बात इस तरफ से आती है। सभी स्टेट्स में जो मुख्यमंत्री हैं, वे कहते हैं कि फेडरल सिस्टम को शक्तिशाली बनाइए, तो फेडरल सिस्टम को शक्तिशाली बनाने के लिए जो चेन है, वह केन्द्र सरकार की तरफ से गवर्नर है। राज्य को अकेले सरकार चलाने नहीं दिया जा सकता है, क्योंकि राज्य के पास डिफेंस डिपार्टमेंट नहीं होता है, राज्य के पास एक्सटर्नल अफेयर्स डिपार्टमेंट नहीं होता है। ऐसे बहुत सारे डिपार्टमेंट्स हैं, जो केन्द्र सरकार के पास हैं। इसलिए राज्य सरकार और केन्द्र सरकार के बीच एक चेन होना चाहिए और उस चेन का जो मूल व्यक्ति है, वह गवर्नर है। गवर्नर के ऊपर कितना खर्च होता है, कितना नहीं होता है, मैं उसमें नहीं जाऊँगा।

महोदय, इसके साथ ही साथ मैं अपने मित्र को एक बात बताना चाहता हूँ। मैं जब 2018 में त्रिपुरा का मुख्य मंत्री बना, तो वहाँ 25 सालों तक कम्युनिस्ट्स की, आप लोगों की सरकार थी। वहाँ मुझे काम करने का मौका मिला। उस समय पूरे देश भर में कम्युनिस्ट मित्रों द्वारा मुझे यह सुनाई देता था कि त्रिपुरा में 'golden era' चल रहा है। मुझे लगता था कि वहाँ 'golden era' चल रहा है, तो मुख्य मंत्री बनने के बाद बहुत कुछ मिलेगा। मैंने फाइनेंस में पूछा, तो पता चला कि हमारे ऊपर 13,000 करोड़ का कर्ज था, जिस पर इंटररेस्ट देना पड़ता था। इधर तो पूरे देश में प्रचार हुआ था कि वहाँ 'golden era' चल रहा है, पूरी दुनिया में उस चीफ मिनिस्टर का प्रचार किया जा रहा था, जो कि लगातार 20 साल वहाँ के मुख्य मंत्री रहे थे, हिस्ट्री बना रहे थे, इसलिए मुझे बहुत उत्साह था कि वहाँ कुछ तो मिलेगा। उसके बाद मैंने सेक्रेटेरिएट में जाकर, चीफ मिनिस्टर के रूम में जाकर देखा, तो पाया कि वहाँ भारत का नेशनल फ्लैग तक नहीं है। वहाँ एक भी मिनिस्टर के रूम में नेशनल फ्लैग नहीं था, अशोक चक्र नहीं था, क्योंकि भारत के संविधान को मानना कम्युनिस्ट्स के स्वभाव में नहीं है, यह इनकी आदत है। वे मार्क्सवाद को मानते हैं। जब उनको जरूरत पड़ती है, तब वे भारत के संविधान को मानते हैं। इसलिए जब भी मौका मिले, भारत के संविधान पर attack करना, उसको कमजोर करना - यह कम्युनिस्ट्स का स्वभाव है। मैं कहता हूँ कि मेरे मित्रो, ऐसे स्वभाव को धीरे-धीरे छोड़ दीजिए और साथ ही साथ भारत के सामान्य स्वभाव में आ जाइए। हम इस देश के संविधान के ऊपर सवाल उठा देते हैं, इस देश के सिस्टम के ऊपर सवाल उठा देते हैं! ...(व्यवधान)...

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Please. Please. ...*(Interruptions)*... No, no, it is not going on record. It is not going on record. Address the Chair. ...*(Interruptions)*... It is not going on record. Please.

**श्री बिप्लव कुमार देब:** सर, मैं वहाँ नेशनल फ्लैग जरूर लाया, इसीलिए मैं उस पर गर्व भी बहुत करता हूँ। त्रिपुरा के लोग बहुत वर्षों से चाह रहे थे कि वहाँ उस रूम में नेशनल फ्लैग रहे, किन्तु कम्युनिस्ट्स के कारण वह वहाँ पहुँच नहीं पा रहा था। मैं तो आगे जाकर यह बोलूँगा कि एक समय तो कम्युनिस्ट पार्टी ऑफिस में 15 अगस्त और 26 जनवरी को भी नेशनल फ्लैग नहीं फहरता था। यह इतिहास है। बाद में जब ये मजबूर हुए, तो नेशनल फ्लैग फहराने लगे हैं। यह सच्चाई है। ...*(व्यवधान)*...

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Please address the Chair. Hon. Member, address the Chair.

**श्री बिप्लव कुमार देब:** माननीय उपसभाध्यक्ष महोदय, मैंने कांग्रेस के एल. हनुमंतय्या जी को सुना। वे गवर्नर के बारे में बोले जा रहे थे, सिस्टम के बारे में बोल रहे थे। भारतीय जनता पार्टी की एनडीए सरकार आने के बाद हम लोगों ने किसी भी सरकार के साथ असंवैधानिक रूप से व्यवहार नहीं किया है। इसके लिए मैं अपनी सरकार की पीठ थपथपाता हूँ। इस तरह का जो भी दुरुपयोग किया गया है, वह कांग्रेस के ज़माने में किया गया है। ...*(व्यवधान)*...

THE VICE-CHAIRMAN (DR. SASMIT PATRA): No, I am not allowing this. ...*(Interruptions)*... I am not allowing this. ...*(Interruptions)*... No, no. This cannot go on. ...*(Interruptions)*... No, no. I am not allowing it. No, no. ...*(Interruptions)*...

**श्री बिप्लव कुमार देब:** कांग्रेस के UPA-1 को कम्युनिस्ट पार्टी ने सपोर्ट दिया हुआ था। ...*(व्यवधान)*... इसलिए मैं डीएमके के मित्रों को बोलता हूँ कि आपकी सरकार को सबसे ज्यादा किसने गिराया - इन्होंने जिसे सपोर्ट दे रखा था, उस सरकार ने गिराया। ...*(व्यवधान)*...

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Please address the Chair.

**श्री बिप्लव कुमार देब:** आप यह देखिए कि हमारी सरकार के आने के बाद हमने किसी भी सरकार को असंवैधानिक तरीके से नहीं गिराया। हमारे गवर्नर को जिस तरीके से काम करना होता है, हमारे महामहिम राष्ट्रपति जी के मार्गदर्शन में काम करना होता है, पीएम के मार्गदर्शन में काम नहीं करना होता है। ऐसा कांग्रेस के समय में होता था, जब प्रधान मंत्री के मार्गदर्शन में काम किया जाता था। ऐसा हमारे समय में नहीं होता है, इसलिए कि हम संविधान को मानते हुए काम करते हैं।

सर, जवाहर सरकार जी अभी यहाँ नहीं हैं। वे बोल रहे थे कि हाई कोर्ट ने तमिलनाडु के गवर्नर की आलोचना की, इसलिए गवर्नर हटा देना चाहिए। तब तो इस देश में हाई कोर्ट ने सबसे ज्यादा जो intervene किया है, वह पश्चिमी बंगाल के मुख्य मंत्री के ऊपर किया है, उनके काम-काज के ऊपर किया है, तो सबसे पहले तो उनको हटा देना चाहिए, उनको resign कर देना चाहिए।

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Hon. Member, last one minute. Last one minute.

**श्री बिप्लव कुमार देब:** महोदय, अगर कोर्ट में कोई विषय उठे और कोर्ट उसकी आलोचना या समालोचना करे और इसलिए संवैधानिक सिस्टम में बैठे हुए व्यक्ति चले जाँ - ऐसा इस देश में नहीं हुआ है और आगे भी नहीं होगा।

मैं मानता हूँ कि इस सदन में इस बिल पर अलग-अलग सदस्यों ने अपने विषय रखे हैं, किन्तु मेरा मानना है कि गवर्नर बहुत जरूरी है, क्योंकि केन्द्र सरकार के साथ राज्य का जो सम्पर्क है, गवर्नर के बिना उसकी चेन टूट जाएगी। भारत इतना बड़ा देश है कि उसको इस सिस्टम में रख कर ही चलाया जाता है। इसलिए बाबा साहेब ने संविधान के माध्यम से जो सिस्टम लाया है, उसमें हमने समय-समय पर बहुत सारे अमेंडमेंट्स किये हैं, जिनकी जरूरत थी, किन्तु इसकी कोई जरूरत नहीं है, इसलिए मैं इसका घोर विरोध करता हूँ। मैं भारत के संविधान के प्रति निष्ठा रखता हूँ और मैं आपको भी बोलता हूँ कि आप मार्क्सवाद छोड़ कर भारत के संविधान के प्रति निष्ठा पर आ जाइए, धन्यवाद।

THE VICE-CHAIRMAN (DR. SASMIT PATRA): May I now request Shri Naresh Bansal to start?

**श्री नरेश बंसल (उत्तराखंड):** उपसभाध्यक्ष जी, गवर्नर का चुनाव हो...

**उपसभाध्यक्ष (डा. सस्मित पात्रा) :** सॉरी! हमें सवा पाँच बजे रुकना था। माननीय नरेश जी, जब नेक्स्ट प्राइवेट मेम्बर बिल आएगा, तब आप अपनी स्पीच शुरू करेंगे। सवा पाँच बज चुके हैं। माननीय चेयरमैन साहब का आदेश था कि अभी स्पेशल मेंशंस लिए जाएंगे।

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### SPECIAL MENTIONS

THE VICE-CHAIRMAN (DR. SASMIT PATRA): Now, permitted Special Mentions. Ms. Indu Bala Goswami -- 'Demand for Stoppage of Vande Bharat Train at Pathankot Railway Station'.