

POLITICAL DIARY

P2

Assam's partisan Governor

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The Constitution came into force on January 26, 1950. Proceedings in the constituent assembly during the previous three years had created an impression that governors would have no real powers, which instead would vest in elected governments responsible to elected legislative assemblies. On this basis people imagined that gubernatorial posts would be reserved for decrepit politicians and retired civil servants.

A long time ago it became evident that governors were by no means devoid of real power. Not always were they old people considered unfit for active political life or administrative service. Except for two-and-a-half years of the 31 years after the promulgation of the Constitution, the Congress, now the Congress (I), has been in power at the Centre. Governors, who are appointed by the Centre and owe loyalty to it and not to the state governments, have been carefully chosen people—people who could be expected to serve the interests of the Congress.

One of the youngest to occupy the office of governor so far is Mr Prakash Merhotra who has recently replaced the retired I.C.S. stalwart, Mr L. P. Singh. Mr Merhotra is only 56. The son of a retired chief justice of Gauhati High Court, he hails from Uttar Pradesh. He was "imprisoned twice in the 1942 movement", he says in a biographical note submitted to the Rajya Sabha secretariat. Since his student days he has been working for the Congress. But in the party hierarchy he could never rise above the post of treasurer of the U.P.C.C. (I). He says in his biographical note that he is a "business executive", which is probably why he was made treasurer of the party in his own state. He does not appear to have ever faced a direct election to the state assembly or the Lok Sabha. In 1976 he was made a member of the Rajya Sabha by the Congress(I).

His appointment as governor indicates that at last he has been able to earn Mrs Gandhi's full confidence. Otherwise, he could not have been made governor of such an unquiet state as Assam. In the circumstances prevailing today in the Congress (I) and at the Centre, this fact alone is apt to turn one's head. Mr Merhotra, at his age, should not be expected to consider that he has reached the highest point in his political career. He will unquestionably endeavour to make a mark in his present office so

that other, more alluring, political vistas open up before him at the Centre or at least in his own state. He would be considered by people who matter at the Centre to have done his assignment in Assam admirably if he can frustrate formation of a non-Congress (I) government and usher in a Congress (I) government.

In the past 30 years governors set so many precedents in India's Parliamentary history that, one imagined, it would be difficult for Mr Merhotra to set a new one. Right in Assam, earlier this year, his predecessor set a new—and very dangerous—precedent by promulgating as an Ordinance the appropriations bill which the Congress (I) government he had installed in office could not get approved by the Assembly during the budget session. Soon thereafter, the government, which never had a majority, went out of office.

Assam has since been under President's rule. The assembly has been kept in what is called "animated suspension". The Congress (I) has not given up hope of forming a government again, but it has not been able to show strength anywhere near a majority. Moreover, factional fights have assumed formidable proportions in the party. There are many claimants to leadership of the party. Each claimant is out to further his own position at the cost of the others, and no one is making any headway. Mrs Anwara Taimur, who is still formally the leader of the Congress (I) assembly party and who seeks the right to form a government again, has not been able to show, even on paper, that she has the support of more than 51 MLAs in an assembly with an effective strength of 119.

The Janata government, which had been formed after the 1978 assembly election, went out of office because of splits in the party and withdrawal of support by the leftists, including the CPI(M), about the time the government of Mr Morarji Desai at the Centre collapsed. Another non-Congress (I) government was formed. It, too, did not last, and Assam went under President's rule on December 12, 1979. Mrs Taimur formed a Congress (I) government on December 6 last year. It did not last the budget session. She led and is still formally leading a party predominantly of defectors. The Congress (I) won no more than eight seats in the assembly election. When it formed a government it had through defection from

other parties increased its strength to 47.

After prolonged efforts most of the non-Congress (I) parties and groups have succeeded in forming a left democratic alliance and elected Mr Sarat Chandra Sinha of the Congress (Socialist) as its leader. He called on the governor on November 16 and again on November 25. At the first meeting he submitted to the governor a list of 64 MLAs as his supporters and claimed the privilege of forming a government. From his second meeting he returned apparently happy and said that he had been able to satisfy the governor on all the points raised by the latter. Information that immediately leaked to the press from Raj Bhavan should disabuse Mr Sinha of the impression he carried from this meeting.

The governor is not in a hurry, especially when he cannot invite the Congress (I) to form a government. The constitution, as originally passed, enabled the Centre to continue President's rule in a state indefinitely. During the Janata period, the relevant article was amended to limit President's rule to a maximum of one year at one stretch. Mrs Taimur had formed a government in December last only six days before the one year period of President's rule was to expire. There are still four months or so left of the current tenure of President's rule. If it proves absolutely impossible to invite the Congress (I) to form a government again, the governor will be left with no choice other than inviting the left democratic alliance leader for the purpose.

During the current competition between the left democratic alliance and the Congress (I) for power, the governor has asked Mr Sarat Chandra Sinha to supply him with, among other things, the 12-point programme the left democratic alliance has drawn up. Already the constitution has suffered numerous grievous assaults by the Centre under the Congress from Jawaharlal Nehru's days and by governors appointed by the Centre. But no one ever thought that a day would come when a governor would dare arrogate to himself the right to sit in judgement on the programme a party or a combination of parties proposed to carry out if allowed to form a government. This is precisely the significance of what Mr Merhotra has done. Would he have dared do this if the claimant concerned was the Congress (I)?

If the governor is entitled to be the judge of a party's programme in deciding whether it should or should not be invited to form a government, why then have the institution of elections at all? If the step Mr Merhotra has taken comes to be regarded as sanctioned by the Constitution, that will be the end of whatever there is of the parliamentary system in our country. As a loyal Congress (I) worker, Mr Merhotra is doing his duty even though the office he is using is that of a governor. There is no surprise in it. The most astonishing aspect of the affair is that Mr Sinha and the leaders of the constituents of the left democratic alliance have meekly submitted the programme to him.

Today, it may be a precedent set by a governor in a state. The relations between a governor and his council of ministers, as laid down in the constitution, are word the word the same as those between the President and his council of ministers. If in the states "the ministers shall hold office during the pleasure of the governor", at the Centre also "the ministers shall hold office during the pleasure of the President". In both cases the ministers are "responsible" to the lower house of the legislative body.

When in 1858 the British government took over the administration of India from the East India Company, the British imagined they would be here for all time to come. Hitler rose to power in Germany in 1933 and declared that his national-socialist Third Reich would last a thousand years. When the British left India, the Congress began working as if it is its inherent right to govern the country till eternity. Today, it appears, the Congress, as an organisation, has yielded place to a family.

During the commonwealth conference in Australia, Mrs Gandhi had said that the President of India belonged to the opposition. Mr Sanjiva Reddy replied by saying that he had not been elected President as a party man which he had ceased to be. The Congress (I) would not like but developments may overtake it and a time may come when the President and the Prime Minister will belong to violently clashing parties. What would remain of the constitution if the President then begins to sit in judgement on the programme of a party to decide whether it deserves to be invited to form a government?