

## A PLAY WHICH ONLY HAS VILLAINS

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The normal practice in theatre is that a play would have a hero, perhaps a heroine and a villain. Generally the hero wins and the villain is vanquished. A tragedy such as King Lear would not really have a hero but it would have a tragic character who ultimately wins our sympathy. However, I have yet to experience a play on a theatre stage where every character is a villain. Because life does not always emulate a staged drama, one is now experiencing in Karnataka a play which only has villains.

In the last State election the Bharatiya Janata Party (BJP) emerged as the single largest party and, with the help and support of a few independent MsLA, it was able to form a government with Shri Yeddyurappa as its Chief Minister. Yeddyurappa obviously purchased the loyalty of some members of the legislature and included in his cabinet the notorious Reddy brothers who, by their totally unconscionable mining operations in Bellary District of Karnataka and the adjoining districts of Andhra Pradesh, virtually looted the State. Responding to a public outcry against this the Supreme Court intervened and stopped the mining operations and the export of iron ore. It was the Chief Minister's responsibility to ensure good government but he did nothing to **rein in** the Reddy brothers. For this alone Yeddyurappa could be called a villain, but he compounded this by indulging in corrupt practices to hold his flock together. Eleven BJP MsLA and five independents threatened to withdraw support from Yeddyurappa and precipitated a crisis. The Governor, H.R. Bhardwaj, is a former Law Minister of India and a senior Congressman not altogether distinguished for his scrupulously correct behaviour at all times. He seized the opportunity to unseat the government and ordered that the Chief Minister should face a confidence vote in the legislature. Yeddyurappa then persuaded the Speaker of the Assembly to disqualify all sixteen legislators. This was an act of infamy on the Chief Minister's part, which was compounded by the villainy of the Speaker to treat these legislators as defectors and disqualify them from the House before the vote was taken. The Speaker, too, can be described as a villain.

The matter went to the High Court which upheld the Speaker's order of disqualification and Yeddyurappa felt secure in his post. Then the Supreme Court came along and **overruled** the High Court and the **disqualification** of the sixteen legislators. However, the reason given by the Supreme Court is not convincing. The Supreme Court **ruled** that it accepted the plea of the legislators that they were not defectors because their intention was to remove Yeddyurappa but not to **overthrow** the BJP government. How the Supreme Court was able to fathom the thought process of the legislators is beyond my comprehension. In any case the way to remove a Chief Minister without causing government to fall is to take up the matter internally within the party. These legislators preferred the confidence vote route, which leaves a lingering doubt about their true intentions. In any case these legislators are also villains because obviously there was bargaining for their loyalty, first by Yeddyurappa's opponents and now by Yeddyurappa himself because he has been able to obtain an undertaking from these legislators that they still support him in the Assembly.

The Governor is supposed to be nonpartisan. He is also required to act according to the Constitution. The Chief Minister advised him to summon **a session of the legislature** so that he could prove his majority on the floor of the House. Under Article 163 of the Constitution, except in those matters where the Constitution requires him to act at his own discretion, the Governor is bound to function in accordance with the advice rendered to him by the Council of Minister through the Chief Minister. In the appointment of the Chief Minister under Article 163 the Governor has discretion. In the

summoning of the session of the legislature, in **proroguing it or in dissolving the Assembly** the Governor is **bound to go by the advice** of his Chief Minister. He has no discretion whatsoever in this behalf. In any case under Article 164 (2) of the Constitution the Council of Ministers is collectively responsible to the Legislative Assembly and not to the Governor. Therefore, when a question arises whether the government of the day enjoys the confidence of the House it is the legislature which will decide this on the floor of the House. The Governor has no power whatsoever to decide whether the Speaker and the Chief Minister are villains or otherwise. The Governor was bound to summon the session of the Assembly as soon as the Chief Minister advised him to do so. However, Bhardwaj, instead of acting according to the advice of his Council of Ministers, preferred to make a report to the President under Article 356 of the Constitution to the effect that the constitutional machinery in the State of Karnataka had failed and that the State should be placed under the direct rule of the President. The fact is that there was no failure of the constitutional machinery and by refusing to act on the advice of the Chief Minister and summoning the House, the Governor failed in his constitutional duty. Surely as a former Law Minister of India and himself an eminent lawyer Bhardwaj should have acted as a Governor and not in the partisan manner in which he did. In doing so he has exposed himself also as a villain in this drama.

There are two other villains who must be mentioned. The first is the ruling BJP which allowed Yeddyurappa a free hand in promoting corruption in Karnataka. The party which claims to be different has proved itself to have much of the sameness of other political parties, including the Congress. The Congress, by supporting the totally partisan action of the Governor, has also proved itself to be villain to whom it is more important to cause an elected government to fall rather than for the Constitution to be upheld. The only happy ending to this theatre of villainy would be that BJP removes Yedyurappa, the Central Government either persuades Bharadwaj to resign or else the President withdraws her pleasure and removes him from office, the Speaker of the Assembly is also made to resign or is otherwise removed and the ruling party nominates a Chief Minister who has a clean reputation and the courage to purge the cabinet of corrupt ministers and promote good government in Karnataka.

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