CHAPTER V

ABOLITION OF THE TAMIL NADU LEGISLATIVE COUNCIL

Provision for creation and abolition of second chamber

The arguments both in favour of and against the creation of second chambers in the provinces provide a fascinating study. In spite of the debate that went on till 1935, the second chambers came into existence as part of Indian polity and continued to be a wing of the legislature with a question of its future continuance. It is necessary to mention here that there was a vast difference between the provincial second chambers created under the Act of 1935 and the one established in accordance with the provisions of Article 168 of the Indian Constitution. The former was a permanent chamber with a fixed tenure and it was not dissoluble in character. Its life was not at the mercy of the State Assembly whereas the latter was introduced purely as an experimental measure and it was not given a life of permanency. But at the same time, the Indian Constitution has offered provisions for its creation as well as abolition.

Why the second chamber in Tamil Nadu was abolished

The second chamber in Tamil Nadu was always looked upon with respect and esteem as its members were mostly intellectuals drawn from the elitist society. The constructive role and the dignity with which the members of this House conducted themselves, while participating in its proceedings,
often impressed the occupants of the treasury bench. There was absolute
cordiality between the Council and the Assembly till 1986 as the former
supplemented the efforts of the latter in the process of law making.

However, a resolution to abolish the Legislative Council which was
passed on May 14, 1986 by the Assembly came as a bolt from the blue. ¹ To
understand the reason why such a resolution was adopted needs a probe into
the political development in Tamil Nadu since 1972 which was marked by
bitter rivalry between the leader of the DMK, M.Karunanidhi and the Supremo
of the AIADMK, M.G.Ramachandran² (Popularly known as MGR).

MGR - "an enigmatic personality"

The altered political scenario due to the dismissal of DMK in 1976 on
the basis of alleged charges of corruption and nepotism and the subsequent
proclamation of President's rule in Tamil Nadu³ gave a chance to MGR, to
rule from the Fort St. George. "Though not an intellectual, he developed the art
of double-think and double-talk. He saw nothing wrong in the apparent
contradictions in himself, and pursued them till the end-whether as a top-
billed actor or as the Chief Minister. His was puzzle the intelligentsia and he
kept every one guessing all the time... All his moves were well calculated and
intended to promote his self-interest."⁴

MGR was a bundle of contradictions revealed by his speeches and actions. The ignorant masses believed him as "do gooder", adorned him and ignored the apparent contradictions in his stances.\(^5\) At the fag end of his political career, his party suffered from internal dissension. The animosity which developed between R.M.Veerappan and J.Jayalalitha had caused cracks in the structure of the party. MGR was not able to overlook it any longer. Hence he was forced to announce elections to the civic bodies suddenly in 1986, after a ten years gap of their non-functioning.\(^6\)

**DMK's victory in civic polls**

But contrary to the expectations of the followers of MGR, the results of the elections to the local bodies went very much in favour of DMK, the arch enemy of AIADMK. "The DMK leaders had to rub their eyes in sheer disbelief at their success".\(^7\) The tremendous victory that DMK gained was only due to the omissions of the MGR regime. In the meantime, his charisma began to wane. His failing health was one of the contributory factors for the triumph of DMK.

**Karunanidhi in high spirits**

M.Karunanidhi, an adept in the art of politics and gifted with versatile pen and matchless eloquence, has been able to keep his party well knit and his

\(^5\) Ibid., p.16.
\(^6\) Ibid., p.130.
\(^7\) Ibid.
"loyal cadres in tact and enthusiastic". He did not miss the opportunity to consolidate his gains and therefore adopted an agitational strategy. The burning issue of Sri Lankan Tamils came in handy for him to mobilise the force of the youth, particularly the college students, apparently keeping in mind their mass upsurge against Hindi imposition in 1965 which brought the DMK to power in 1967.

As an able organiser of conferences M.Karunanidhi convened a "Save Sri Lankan Tamils Conference" for which he invited the leaders of the north particularly of opposition viz., A.B.Vajpayee and H.N.Bahuguna with a view to keeping up "the pressure on the Central and State Governments to take firm action on the Sri Lankan issue".

Karunanidhi's presence in the Council cost its life

As "a man with a king-sized ego" MGR grew intolerant of the popularity of his arch antagonist viz., M.Karunanidhi who was returned to the Legislative Council from the Legislative Assembly Constituencies. His presence as the leader of the opposition in the Council proved to be an irreconcilable political factor not only to MGR but also to the rank and file of AIADMK. This compelling circumstances made him decide to abolish the Legislative Council all of a sudden to deprive M.Karunanidhi a forum for launching his attack on the Government of MGR. This drastic action of MGR

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8 Ibid., p.21.
9 Ibid., p.31.
10 Ibid., p.131.
was considered by the political pundits as an unfair blow and a deed of personal vendetta.\(^{11}\) It did not talk high of his political ingenuity. It was a meanest measure ever adopted to subdue a political foe.

Other Factors

MGR would have foreseen that although the second chamber could not obstruct the Legislative process against the wishes of the Assembly, conflicting views between the two chambers could change the public opinion against the Government.\(^{12}\) Further he would have anticipated an increase in the strength of opposition owing to the recent local body election turnout.\(^{13}\) Besides the members elected from graduate and teachers constituencies had their "leftist orientations" and their agitational approach caused irritation to the Government.\(^{14}\) Moreover, the "inner party strife in the ruling party needs a jolt" to some of the members of the Council, which may be an additional factor for the abolition of the Council.\(^{15}\) Thus the way the Legislative Council was abolished demonstrated clearly that it was neither rational nor logical but mainly done to serve the interest of the party in power.

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\(^{11}\) Ibid.


\(^{13}\) Ibid.

\(^{14}\) Interview with K. Subbu, Former Member of the T.N.L.C., in Madras, on September 24, 1992.

\(^{15}\) Ibid.
Reaction of the Legislative Council

The Legislative Council expressed emotional shock when the sudden move was made by the ruling AIADMK to abolish it, by sending a copy of the resolution to that effect to the members of the Assembly. A day earlier to its abolition i.e., on May 13, 1986 a full fledged debate on this issue was initiated by A.Mayilsamy in the Council. Members like C.Sankaralingam and P.Parthasarathi were of the opinion that this measure went against the principles of parliamentary democracy, as it was not mentioned in the election manifesto of the ruling party. They argued that it was imperative for the party in power to seek the mandate of the people by placing the issue before them in an election. If the people supported the abolition of the Council, this House would have welcomed it whole-heartedly.

Ready to resign to save the Council - Karunanidhi

M.Karunanidhi, the leader of the opposition, while participating in the debate, clarified that he was not speaking for himself but for the House which had a great tradition. He recalled the days when C.N.Annadurai was the Chief Minister of the State and the Congress had a majority in the Legislative Council. Despite the fact that on one or two instances the Bills were delayed in this House, he said further, the Government did not contemplate its

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17 Ibid., pp.251-253.

18 Ibid.

19 Ibid., p.265.
abolition.\textsuperscript{20} He gave a rebuttal to the argument that the Government could avoid a heavy expenditure on the Council by pointing out that only Rs.25 lakhs (Rupees twenty five lakhs) was set aside for the Council against the State annual budget of Rs.3400 crores.\textsuperscript{21} This was only a small sum when compared to some of the wasteful expenditure that Government had to incur in maintaining some of the Boards (variyams) whose functioning was not beyond reproach.\textsuperscript{22}

M.Karunanidhi wondered why the decision was taken in haste without giving time to the public to express their opinion.\textsuperscript{23} Finally, he was emphatic to say that the decision was politically motivated and spoke thus:

There is a feeling that the Government wants to dissolve this House, because I have become the leader of the opposition here and the DMK strength will go up if the local bodies constituencies elect new representatives. If I am the reason for this measure I am prepared to resign. Let the Government continue the Council.\textsuperscript{24}

In a brief reply, R.M.Veerappan, the leader of the House, assured the members that the reasons for the abolition of the Council would be categorically adduced in the Assembly when it took up the resolution for its

\textsuperscript{20} Ibid., p.267.

\textsuperscript{21} Ibid., pp.268-269.

\textsuperscript{22} Ibid.

\textsuperscript{23} Ibid., p.270.

\textsuperscript{24} The Hindu, Madras, May 14, 1986, p.12.
consideration. However, the mover of the resolution in the Assembly, V.R. Nedunchezhiyan, did not assign any specific reason for the abolition except to quote the relevant provision of the Constitution.

The one and a half hour discussion on the issue of abolition went on smoothly in the Council. Even at this hour of adversity and moment of despair, the members of the House conducted themselves in an exemplary manner without staking their decorum and decency. There was no interruption from any quarter and no unparliamentary word was ever uttered by the participants. The dignity of the chamber was kept in high order and the debate generated more light than heat.

Chairman's plea to drop the move

M. P. Sivagnanam, the Chairman of the Council, appreciated the manner in which the House conducted itself at the crucial hour. Associating himself with the sentiments expressed by the members of the opposition in the House, the Chairman made a forceful plea to the Chief Minister to drop the resolution to abolish the Legislative Council. He narrated the glorious history of the Council by referring to the illustrious personalities who adorned the benches of the Council. Finally he urged the Government to reconsider the decision and observed as follows:

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28 Ibid., pp.281-282.
The Chief Minister is one who has only created several new institutions and not abolished any. I do not want him to close down this House. Even if the Government gets the resolution passed in the Assembly on Wednesday I will only appeal to the Chief Minister not to follow it up in a hurry. There is nothing wrong even if the Government drops the move in due course.29

Thus the opposition en bloc, besides the Chairman, considered the action of the Government as a hasty one.

**Attitude of AIADMK allies in the Assembly**

The attitude of parties like the Congress and Gandhi Kamaraj National Congress, who were the major partners in the AIADMK electoral front, during the debate on the resolution in the Assembly, revealed the harshness of the measure. Both the parties refused to play second fiddle to their ally and declined to support the resolution keeping in mind the circumstances under which the decision was taken.30 They walked out of the House when the Assembly passed the resolution abolishing the Council.

Reaction of the Press

The reaction of the newspapers and magazines both in English and Tamil was sharp on this fateful resolution. They had pointed out in a scathing manner the error of the Government.

The Hindu, in its editorial on May 16, 1986, under the caption "Tamil Nadu to go unicameral", though mild in tone, had not failed to say that this decision was an unwarranted act on the part of the Tamil Nadu Government.

There is little doubt that the move falls into a certain pattern and as such does not appear to be totally out of tune with the times. In Tamil Nadu the circumstances under which this fateful decision has been taken are somewhat different (from Andhra). For instance, the ruling AIADMK has a clear majority in the Council and there was no question of the House wantonly blocking the Legislative measures coming up before it as had happened in Andhra Pradesh. In Tamil Nadu this kind of situation does not exist in the two Houses...

The same paper, while writing on the necessity of "Reviving the Legislative Council" a few years later, not only made lofty plea for its rebirth but also criticised the action of the AIADMK Government in strong words.
In a sudden move that was widely seen as impelled by partisan considerations and personal prejudices rather than by a principled evaluation of the upper chamber's performance the All India Anna DMK regime had the Council abolished in 1986.32

The Indian Express, another English daily which is always noted for its pungent criticism, remarked in the following manner:

The State's ruling party has pushed through a plan of demolition regarding which it had given no promise or even adequate notice. No AIADMK manifesto's ever referred to it, the Governor's address at the opening of the current Assembly session was silent about it. The haste over the measure has been remarkable. The Council's abolition... will bring about the exit from the cabinet of the Information Minister R.M.Veerappan. It will more immediately deprive Mr.Karunanidhi, the DMK chief of an important platform. Whether these or similar considerations have influenced MGR is not as important or disturbing as his readiness to follow his fancy. This readiness has now virtually ensured the end of an institution that has seen cultured, constructive and at times brilliant debates, counted as its members men like Srinivasa Sastri, C.Rajagopalachari, Lakshmanaswami Mudaliar and C.R.Reddy to name only a few and given an opportunity for sober second

thoughts. What "an achievement". It shows up the Tamil Nadu Government as a somewhat unstable and rudderless ship.\textsuperscript{33}

_Murasoli_, a party organ of the DMK, which carried a tirade against MGR, considered the deed as an outcome of the "saddist mentality of MGR" who was not able to digest the victory of DMK in the localbody elections and he took therefore this drastic step.\textsuperscript{34}

**Governor's comment on the abolition**

It is appropriate to mention here the views of S.L.Khurana, then Governor of Tamil Nadu, who was part of the legislature as per the Article 188 of the Indian Constitution, on the abolition of the Council.

Inaugurating an orientation seminar for legislators sponsored by the Tamilnadu Branch of the Commonwealth Parliamentary Association at Ooty on May 26, 1986, the Governor remarked:

The speed with which the resolution on abolition of the Tamil Nadu Legislative Council had been mooted and adopted has evoked strong emotional reactions ... decisions on the future long-standing institutions should be preceded by reasonable preparedness involving appropriate studies and meaningful discussion to find wide acceptance.\textsuperscript{35}


\textsuperscript{34} *Murasoli*, Madras, May 12, 1986, p.2.

\textsuperscript{35} Ibid.
Hasty action, executed with speed

The move for abolition was not only conceived hastily but also executed in a speedy manner, without adhering to the normal procedure. This was made known by M. Karunanidhi, the Chief Minister, while moving the resolution for the creation of the Legislative Council, on February 20, 1989 in the Legislative Assembly. The Chief Minister remarked as follows:

It was M.G. Ramachandran who had rushed through the process of abolition of the Council without following the rules and procedures. The issue was not brought before the council of ministers for a discussion nor was the proposal circulated among the ministers and sent to the Governor as required under the 'Business Rules and Secretariat Instructions'. There was no proper file on the move to abolish the Council.

He further stated

Even after the resolution was passed it was not brought to the Governor's notice. Before sending it to the Centre, the question of whether the resolution should be sent to the Governor or not was posed. In the file, the then Finance and Law Ministers had expressed the view that it should be sent to the Governor. But after the Chief Minister signed, a note was made in the file by his Deputy Secretary to the effect
that M.G. Ramachandran's intention was that this need not be circulated to the Governor.\textsuperscript{36}

Thus, it is a sad tale that a House, which had been constituted in 1937 for the purpose of preventing a hasty legislation, became a victim of a hasty and ill-considered action of MGR, who took advantage of the provisions of the Constitution to kill an age-old institution.

\textsuperscript{36} The Hindu, Madras, February 21, 1989, p.9.