



Controversial Role of Governors

Why in News

Recently, the West Bengal Chief Minister described the **Governor** of the state as the **central government's own person**.

- The Chief Minister, including several MPs, have written to the President of India demanding the withdrawal of the Governor.

Key Points

▪ Constitutional Provisions Related to Governor:

- **Article 153** says that there shall be a Governor for each State. One person can be appointed as **Governor for two or more States**.
 - A Governor is **appointed by the President** and is **a nominee of the Central Government**.
- It is stated that the **Governor has a dual role**.
 - He is the **constitutional head of the state**, bound by the advice of his council of ministers (CoM).
 - He functions as a **vital link** between the Union Government and the State Government.
- **Articles 157 and 158** specify **eligibility requirements** for the post of governor.
- Governor has the **power to grant pardons, reprieves, etc. (Article 161)**.
- There is a CoM with the CM at the head to aid and advise the Governor in the exercise of his functions, **except some conditions for discretion**. (Article 163)
- Governor **appoints the Chief Minister and other Ministers (Article 164)**.
- Governor **assents, withholds assent, or reserves** the bill for the consideration of the President passed by the Legislative Assembly (**Article 200**).
- Governor may promulgate the **Ordinances** under certain circumstances (**Article 213**).

▪ Controversies Related to Governor's Role:

- **Abuse of Power by the Centre:** There are numerous examples of the Governor's position being abused, usually **at the behest of the ruling party at the Centre**.
 - The process of appointment has generally been the cause behind it.
- **Biased Ideology:** In several cases, politicians and former bureaucrats identifying with a particular political ideology have been appointed as the Governors by the central government.
 - This **goes against the constitutionally mandated neutral seat** and has resulted in bias, as appears to have happened in Karnataka and Goa.
- **Puppet Rulers:** Recently, the Governor of **Rajasthan** has been charged with the **violation of the model code of conduct**. His support of the central ruling party is **against the spirit of non-partisanship** that is expected from the person sitting on constitutional posts.

- Due to such incidents, negative terms like an **agent of the Centre, Puppet and rubber stamps** are used to describe a governor of the state.
- **Favouring a Particular Political Party:** Governor's discretionary powers to invite the leader of the largest party/alliance, post-election, to form the government has often been misused to favour a particular political party.
- **Misuse of Power:** A Governor's recommendation for **President's Rule** (Article 356) in a state has not always been based on 'objective material', but on political whim or fancy.

Related Recommendations

▪ On Appointment and Removal of Governor:

- The "**Punchhi commission - 2010**" recommended that there should be a provision for the **impeachment of the governor by the state legislature.**

- The **state chief minister should have a say in the governor's appointment.**

▪ On the Use of Article 356:

- The "**Punchhi commission - 2010**" recommended that **Articles 355 & 356 be amended.**
- The **Sarkaria Commission (1988)** recommended that **Article 356 should be used in very rare cases** when it becomes unavoidable to restore the breakdown of constitutional machinery in the State.
- **Recommendations** have also been given by the **Administrative Reforms Commission (1968), Rajamannar Committee (1971) and Justice V.Chelliah Commission (2002).**

▪ On Dismissal of State Government under Article 356:

- **S.R. Bommai Judgment (1994):** The case put an end to the **arbitrary dismissal of State governments by a hostile Central government.**
- The verdict ruled that the floor of the Assembly is the only forum that should test the majority of the government of the day, and not the subjective opinion of the Governor.

▪ On Discretionary Powers:

- The Supreme Court in the **Nabam Rebia judgment (2016)** ruled that the exercise of **Governor's discretion Article 163 is limited** and his choice of action should not be arbitrary or fanciful.

Way Forward

- **Governor's Discretion Should Be Only Her Discretion:** For the smooth functioning of government, it is equally essential that the governor must act judiciously, impartially and efficiently while exercising his discretion and personal judgment.
- **Strengthening of Federalism:** In order to check misuse of the office of governor, there is a need to strengthen federal setup in India.
 - In this regard, the Inter-State council and the role of Rajya Sabha as the chamber of federalism must be strengthened.
- **Reform the Method of Appointment of Governor:** The appointment can be made from a panel prepared by the state legislature and actual appointing authority should be the Inter-state Council, not the central government.
- **Code of Conduct for Governor:** This 'Code of Conduct' should lay down certain '**norms and principles**' which should guide the **exercise of the governor's 'discretion' and his powers** which he is entitled to use and exercise on his judgment.

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