



# Governor's Role in Universities

## Why in News

Recently, a controversy has erupted in Kerala over the **reappointment of Gopinath Ravindran as the Vice Chancellor of Kannur University.**

- The appointment was **against the decision of the Governor** as the Chancellor of State Universities.
- While the Governor's powers and functions as the Chancellor are laid out in the statutes that govern the universities under a particular state government, their role in appointing the Vice Chancellors has often **triggered disputes with the political executive.**

## Key Points

### ▪ Role of Governors in State Universities:

- In most cases, the Governor of the state is the **ex-officio chancellor of the universities in that state.**
- While as Governor he functions with the **aid and advice of the Council of Ministers**, as Chancellor he acts independently of the Council of Ministers and takes his own decisions on all University matters.

### ▪ Case of Central Universities:

- Under the **Central Universities Act, 2009**, and other statutes, the President of India shall be the Visitor of a central university.
- With their role limited to presiding over convocations, **Chancellors in central universities are titular heads**, who are appointed by the President in his capacity as Visitor.
- The Vice Chancellor too are appointed by the **Visitor from panels of names picked by search and selection committees** formed by the Union government.
- The Act adds that the President, as Visitor, shall have the **right to authorise inspections of academic and non-academic aspects** of the universities and also to institute inquiries.

### ▪ Constitutional Provisions Related to Governor:

- Governor has a **dual role vis-s vis State Government:**
  - 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.**
- **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.
- **Article 163:** 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 200:** Governor assents, withholds assent, or reserves the bill for the consideration of the President passed by the Legislative Assembly.
- **Article 213:** Governor may promulgate the **Ordinances** under certain circumstances.

#### ▪ **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 of Various Committees:**

- **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.

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