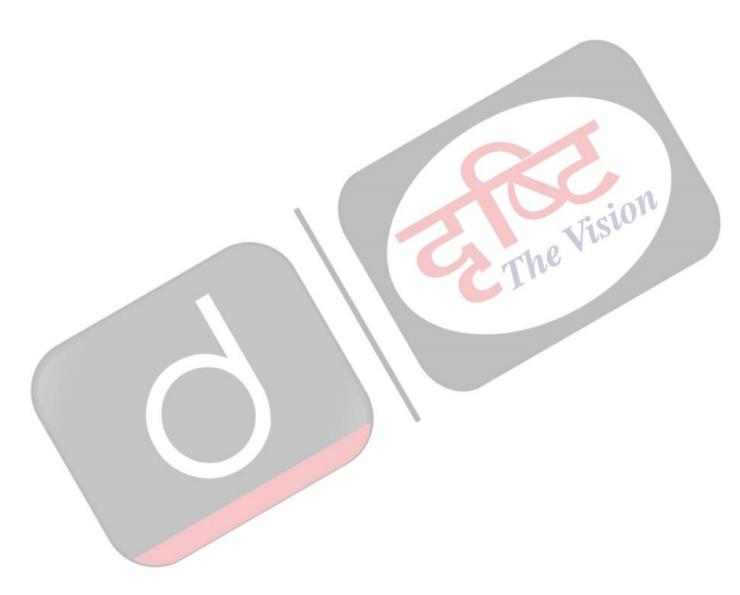


Governor (Part - II)

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Governor Part II

Governors Committee (1971)

- O Laid down the responsibility on the Governor to send a regular report about the political situation of the State to the Centre
 - This may further lead to invoking Article 356 (President's Rule)

Recommendations of Important Commissions

- O Administrative Reforms Commission (1968):
 - Governor's report regarding Article 356 should be objective, prepared by his own judgement in this regard
- O Rajamannar Committee (1971):
 - Revoke Articles 356 & 357 from the Constitution but keep the necessary provisions against arbitrary action of Centre
- O Sarkaria Commission (1988):
 - Article 356 be used in very rare cases
- O Justice V. Chelliah Commission (2002):
 - Article 356 be used only as a remedy of the last resort after exhausting all actions under:
 - Articles 256 (executive power of state in compliance with laws made by the Parliament)
 - Article 257 (executive power of State to not impede executive power of the Union)
 - Article 355 (State govts. to comply with the provisions of the Constitution)
- O Punchhi Commission (2010):
 - Articles 355 & 356 be amended

Major Issues

- O Governor's role in invoking Article 356 often misused by the Centre
- No provisions laid down for Governor-State Govt. engagement in case of difference of opinion
- O **No constitutional guidelines** for exercise of the Governor's powers
- O Negative terms like an **agent of the**Centre, puppet and rubber stamps are
 often used by state govts. to describe the
 Governor

Important SC Judgements

- O S.R. Bommai Judgement (1994):
 - The breakdown of constitutional machinery implied a virtual impossibility, and not a mere difficulty, in carrying out governance in a State. Classified failure of constitutional machinery as:
 - Political crises
 - Internal subversion
 - Physical breakdown
 - Non-compliance with const. directions of the Union Executive
- O Nabam Rebia Judgement (2016):
 - The Governor's discretionary power (Article 163) should not be arbitrary, rather dictated by reason
- O BP Singhal Case (2010):
 - President's reasons for removal (Governor) will be presumed compelling & valid but if the Governor approaches the Court, Centre will have to justify its decision



<u>Governor (Part -I)</u> and <u>(Part - III)</u>

Read more...

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