



Mains Practice Question

Q. The office of the Governor, often finds itself embroiled in political controversies. Suggest measures to ensure its neutrality and effectiveness in the Indian federal system. (150 Words)

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Approach

- Write a Brief introduction about the Governor.
- Mention the recent examples of such incidents where the Governor falls in political controversies.
- Mention mitigating measures to maintain neutrality and effectiveness of the post of governor.
- Write a conclusion.

Introduction

A Governor is the constitutional head of a state in India, appointed by the President of India. A Governor acts on the advice of the state council of ministers, except in certain matters where he or she can exercise discretion. The role of the Governor has been controversial since the colonial era, as it has often been seen as a tool for the central government to interfere in the affairs of the state governments.

Body

Some of the controversies related to the Governor's role are:

- **Tamil Nadu:** The Governor of Tamil Nadu, came into conflict with the state government for not giving assent to the NEET exemption bill passed by the state legislature in September 2022, which sought to exempt Tamil Nadu students from the national medical entrance test.
 - The state government accused him of acting as an agent of the central government and violating the constitutional norms.
- **Kerala:** Similarly, the Governor of Kerala, faced criticism from the state government for delaying the approval of some bills passed by the state legislature, such as the Kerala Professional Colleges (Regularisation of Admission in Medical Colleges) Bill, 2023.
 - The state government challenged his actions in the Supreme Court, alleging that he was encroaching upon the legislative and executive powers of the state.
- **West Bengal:** The Governor of West Bengal also came into loggerheads with the state government. He often came into conflict with the state government, over various issues, such as law and order, education, health, and corruption.
 - He also accused the state government of ignoring his requests for information and consultations, and violating the constitutional provisions. The state government, on the other hand, accused him of being biased, interfering, and acting as a mouthpiece of the central government.

Some possible mitigating measures to maintain neutrality and effectiveness of the post of governor are:

- **Reforming the appointment and removal process of the governor:** To ensure the neutrality and impartiality of governor, the appointment and removal process of the governor should be

transparent, merit-based, and consultative.

- According to Venkatachaliah Commission (2002), the appointment of Governors should be entrusted to a committee comprising the prime minister, the home minister, the speaker of the Lok Sabha, and the chief minister of the concerned state.
- **Reform the Current Appointment and Removal Process:** The Constitution can be amended to change the process of appointment and removal of the governor.
 - This can involve a more transparent and consultative mechanism, such as a collegium or a parliamentary committee, that can select the candidates based on merit and suitability.
 - The removal of the governors can also be made more difficult by requiring a resolution of the state legislature or a judicial inquiry. The Supreme Court, in BP Singhal vs Union of India case held that the removal cannot be based on arbitrary, capricious or unreasonable grounds.
- **Judicial Intervention:** The Supreme Court can continue to monitor the conduct of the governors and issue directions or observations to ensure that they act in accordance with the Constitution and the law. This can help to prevent arbitrary or partisan actions by the governors and uphold the federal principle of Indian polity.
- **Make him/her an Elected Representative:** The governor can be made an elected representative of the state, rather than a nominee of the Union government.
 - This can enhance the accountability and legitimacy of the office and reduce the scope for interference or influence by the Centre.
 - The election of the governor can be done by the state legislature or by the people of the state, as in the case of the president.

Conclusion

The role of Governors in Indian states has been marked by controversies stemming from perceptions of central government interference. Mitigating measures, such as transparent appointment processes and enhanced state autonomy, are imperative to ensure the neutrality and effectiveness of this constitutional post, fostering harmonious relations between states and the Centre.

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