



Mains Practice Question

Q. The exercise of discretionary power by any office has the moral obligation of objectivity and impartiality. However, the powers bestowed in the office of the Governor are often mired with controversy. Analyze. (250 Words)

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Approach

- Start by giving an introduction to the post of governor.
- Discuss roles associated with the governor.
- Explain how powers bestowed in the office of the governor is often mired with controversy.
- Suggest a way out by mentioning recommendations given by the different commission.

Answer

Governor is the **constitutional head** of the state, bound by the advice of his council of ministers. He functions as a vital link between the Union Government and the State Government. The Governor's appointment, his powers and everything related to the office of Governor have been discussed under **Article 153 to Article 162** of the Indian Constitution.

Discretionary powers of the Governor means the powers which she/he exercises as per one's own individual judgment or without the aid and advice of the Council of Ministers. The Constitution makes it clear that if any question arises whether a matter falls within the Governor's discretion or not, the decision of the Governor is final. For a long time, the office of the Governor has been at the center of controversies for the range of discretionary powers that the holder of the office enjoys.

Some discretions and powers given to the governor are as discussed below

- Seeking information from the Chief Minister with regard to the administrative and legislative matters of the state. Article 163 of the Constitution, while providing for the aid and advice of the Council of Ministers to the Governor, specifically envisages that in certain matters he may act in his discretion.
- While exercising his functions as the administrator of an adjoining union territory.
- Under Article 200, the Governor can reserve a bill for the President's consideration on the basis of his discretion.
- Recommendation for the imposition of the President's Rule in the state.
- The Governor summons, prorogues and dissolves the Legislative Assembly, according to article 174. Also, when the Ministry loses the majority and if the Governor is satisfied, she/he may dissolve the House.

Recommendations for making Governor's office more accountable and free of political influence

- The **Rajamannar Committee (1971)** recommended the deletion of Articles 356 and 357 from the constitution of India and also emphasized that the Governor of the state should not consider himself as an agent of the center but play his role as the constitutional head of the State.

- 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.
- The commission also recommended that before taking action under Article 356, a warning should be issued to the state government that it is not functioning according to the constitution.
- **Justice V. Chelliah Commission (2002)** recommended that Article 356 must be used sparingly and only as a remedy of the last resort after exhausting all actions under Articles 256, 257 and 355.

The role of Governor is indispensable for the successful working of constitutional democracy. He must refrain from aligning himself to any political ideology or the influence of the Union government. The virtue of impartiality must be upheld to ensure smooth functioning of the democracy

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