



Mains Practice Question

Q. The governor is mere 'agent of the centre' rather than being the 'constitutional head of state'. Discuss the recent controversies involving the post of Governor in India. (250 words)

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Approach

- Introduce by briefly explaining Constitutional provisions related to governor.
- Discuss acting as agent of the center.
- Discuss recent controversies related to the post of governor.
- Discuss various attempts taken to resolve the partisan role of governor.
- Conclude accordingly.

Introduction

- The role of the Governor is quite **similar to that of the President of India**. The Governor performs the same duties as of President, but for the State. Governor stands as executive head of a State, and the working remains the same as of the office of President of India.
- **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.
 - 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).
 - The Governor **appoints the Chief Minister and other Ministers** (Article 164).

Body

- **Governor Acting as agent of the center:**
 - **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.
 - **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.
- **Recent controversies related to governor:**
 - Recent controversies have been around the issues of selecting the chief minister (Maharashtra 2019, Karnataka 2019) determining the timing for proving legislative majority, demanding information about day-to-day administration (Delhi government vs Lieutenant governor), taking apparently long time in giving assent to bills or reserving bills for the President, commenting adversely on specific policies of the state government and exercising powers of the governor as the chancellor of state universities (Kerala governor vs state legislature). Therefore, he is being criticised for being a puppet of central government as agent of centre than being the constitutional head of state.
- **Attempts taken to resolve the partisan role of governor:**
 - **Proposal by Sarkaria Commission:**

- The Sarkaria Commission, set up in 1983 to look into Centre-state relations, proposed that the **Vice President of India and Speaker of Lok Sabha should be consulted by the Prime Minister** in the selection of Governors.
- **Punchhi Committee Proposal:**
- The Justice Madan Mohan Punchhi Committee, constituted in 2007 on Centre-state relations, **proposed in its report that a committee comprising the Prime Minister, Home Minister, Vice President, Speaker, and the concerned Chief Minister** should choose the Governor.
- The Punchhi Committee **recommended deleting the “Doctrine of Pleasure” from the Constitution**, but backed the right of the Governor to sanction the prosecution of ministers against the advice of the state government.

Conclusion

Governors **seem to have an exaggerated notion of their own roles** under the Constitution. They are **expected to defend the Constitution and may use their powers** to caution elected regimes against violating the Constitution, but this does not mean that they can use the absence of a time-frame for decision-making and the discretionary space given to them to function as a parallel power centre.

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