



Mains Practice Question

Q. “A governor should be discharging his/her duty in accordance with the spirit of the Constitution, not just be an agent of the centre”. Discuss the statement in the light of the role of governor in the Indian polity. (250 words)

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Approach

- Introduce by defining the constitutional position of governor.
- Briefly mention the role and responsibility of the governor.
- Discuss various issues related to the governor’s role as merely an agent of the centre.
- Suggest what should be the way ahead.
- Conclude suitably.

Introduction

The governor is the constitutional head of the state and the chief executive head of the state whose powers are enshrined in Part VI of the constitution. The governor also acts as an agent of the central government. Therefore, the office of governor has a dual role and forms an important part of the state executive.

Body

Roles and responsibilities:

- A governor possesses executive, legislative, financial and judicial powers more or less analogous to the president of India. However, he has no diplomatic, military or emergency powers like the President.
- The governor’s primary responsibilities are to:
 - Serve as the **state's chief executive officer** and oversees the functions of the executive branch of government.
 - Appoint the leader of the majority party as Chief Minister.
 - Appoint the advocate general, chairman and members of the respective State Public Commission.
 - Appoint district Judges.
 - Recommend imposition of Constitutional Emergency to the President.
 - Recommend legislation to the Legislative Assembly.
 - Review and sign bills that are approved by both the Vidhan Sabha and Vishan Parishad. If a bill is **vetoed**, it is returned to the legislative assembly.
 - Give approval to the introduction of the money bill.
 - He also may **pardon, remit and commute** the sentence of a person convicted by a state court. Although he can not pardon someone who is awarded a death sentence.

Issues related to the 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 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:** The Governors Committee (1971) laid down the responsibility on the governor to see that the administration of the state does not breakdown due to political instability and he must send a regular report about the political situation of the State.
 - However, the imposition of President's rule (Article 356) in case of breakdown of constitutional machinery in a State has been frequently misused by the central government.

Way forward

- For the smooth functioning of a democratic government, it is equally important that the governor must act **judiciously, impartially and efficiently** while exercising his **discretion** and **personal judgment**.
- There is a need for proper **checks and balances** to streamline the functioning of this office.
- Recommendations of **Sarkaria commission and Punchhi Commission** can be followed in true spirit.
- The '**procedure for appointment of governors should be clearly laid down**' and conditions of appointment must also be laid down and must assure a fixed tenure for the governor so that the governor is not under the constant threat of removal by the central government.
- It is necessary to invest in the office of the Governor with the requisite independence of action and to rid them of the bane of 'instructions' from the Central Government.

Conclusion

- The Supreme Court has ruled that the office of the governor is **not subordinate to the central government** and is an **independent constitutional office**.
- However there are numerous cases seen since independence showing the governor making **biased decisions** in favour of the centre instead of discharging duties in accordance with the **spirit of the constitution**.
- The role of the governor is indispensable for the successful working of the constitutional democracy. However, there is a **strong need for reforms** so that the virtue of discharging one's duty impartially is withheld to ensure a **free and fair working of Democracy**.