

## NOTES AND COMMENTS

### ABOLITION OF THE POST OF GOVERNOR: IS ALREADY TOO LATE?

The relevance of Governor's post has always been a matter of controversy in India since late 50s. It is because the importance of Governor's role is highly depended on certain political conditions in Centre and State levels. If the same political party rules in the Centre and State, no serious tilt is seen over this chair. That's why till 1959 not too many controversies are seen either from the state Congress leaders<sup>1</sup> or from the Congress leaders in the centre. It is because during this stage the appointment of the Governors were mostly controlled by the Congress High Command. And there was hardly any leader found within the Congress party who could throw challenge against the decision taken by the High Command.

It was in 1959, when 28 months old E M S Namboodiripad<sup>2</sup> Government was dismissed by the Centre (in Kerala) perhaps the significance of the Governor's role was properly noticed by all. Later several times the people of India have seen the occurrence of this type of incidence. Several times questions come up against the actions of the Governors. Doubts shadowed over the minds of the common people that this post is an instrument to satisfy a section of the people who hold political power. In 1984, the then Governor of Tamil Nadu Ramlal dismissed the N T Rama Rao Government and appointed Bhaskar Rao of Congress (I) as the new Chief Minister (CM) of the state. The decision of Ramlal was denounced by all and due to huge public pressure he had to resign from the Governor's post. He was replaced by Shankardayal Sharma who asked Bhaskar Rao to prove his majority in the Assembly. But Bhaskar Rao who had failed to prove his majority in the Assembly resigned as CM. Then N T Rama Rao was asked by Sharma to prove his majority in the assembly which he did quite easily. In 1992, after the demolition of the Babri mosque, all the 4 BJP led State Governments were dismissed. Still a large section of the political experts cannot vindicate the decision of dismissal 3 states except Uttar

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<sup>1</sup> During that time Congress party captured the power over almost all the States as well as in the Centre.

<sup>2</sup> First ever communist Government formed in India (Kerala) in 1957.

Pradesh. To them it bruises the ideal of democracy. On February 21, 1998 Jagdambika Pal was sworn in as CM in Uttar Pradesh (UP). After dismissing Kalyan Singh Government the then Governor of UP gave oath to Pal. But in this case, the Kalyan Singh was not given a chance to prove his majority on the floor of the Assembly. The acts of Bhandari were criticized by all and fumes of uproar had been felt in national media against the activities of Bhandari. To the Constitutional experts, after the Supreme Court verdict on S R Bommai case this step of Bhandari just killed the democracy in the state. But, fortunately in this time the Governor was even opposed by the then President of India K R Narayanan too. And Kalyan Singh again took charge of the CM on 23 February, 1998. The interesting thing is that at present the official website of the UP Government does not give any recognition to Jagdambika Pal as the CM. This is a reflection that how controversial was his appointment. Here the issue arose again whether the post of the Governor is using only to fulfill the vested interest of a particular section of the political community or not.

Now let's have a glance on what was the consideration by the members of the Constituent Assembly about the coveted chair of the Governor and in practice how far the Governors carry out the reflection of their beliefs. Four methods were discussed in the Constituent Assembly regarding the appointment of the Governor.

- One group within the Constituent Assembly was in favour to make the Governor's post elective one (by the people) like the President of the United States of America.
- The second section of the people was also in favour of making the Governor's post elective. But to them, it is better to elect the Governor by the members of the State Legislature and not by the universal adult franchise.
- The third opinion holders believed that the State Legislature would propose the names of 4 persons and from that list President of India would elect 1 person as the Governor of that state.
- And the fourth segment within the Constituent Assembly proposed that the Governor should be appointed by the President.

The first proposal was negated by the members because if the Governor is elected by the common people, an obvious conflict between the Chief Minister and the Governor was assumed by them. The second proposal was cancelled because by this method the Governor would become merely an agent of the majority party of the State Legislature. The third plan was also void by the members because to them it would mar the concept of

strong union Government. So they adopted the fourth proposal<sup>3</sup> with all of its loopholes, which reflects the present scenario. It is true that the procedure of the appointment of Governor changed time to time. Since last few years the centre made it like a compulsive for them to discuss with few names with the State Chief Ministers before appointing the Governors. And now we see that the Governor is placed with the consent of both the State and Union Governments. In spite of that the controversies are still going on over the role played by the Governors. For example we can illustrate the role which was played by the last Governor of West Bengal Mr. Gopalkrishna Gandhi. Some of the activities of this Governor elicited so many questions again. To him, he acted during his tenure according to his 'conscience'. And sometimes his 'conscience' give birth a number of conflicts between the chair of the Governor and the State Government. Obviously the decisions which embarrassed the state Government automatically make happier the opposition parties. Whether this is good or bad for democracy this is not our present point of this article, that requires more pervasive discussion. But one thing is clear that if the actions of a selected person generate trouble to the elected Governments, in future more controversies are still to be brewing. Even if the Governor's action today help the opposition no one can say that in future if they come in power same thing will not happened to them. Actually the objective of this article is to know the relevance of the Governor's 'chair' in contemporary politics and not criticize any particular person or group. Everyone knows the reason why did N D Tiwari resign from Andhra Pradesh Governor. This incident stymies both the Governments- Union and State.

Under Modi regime (coming into power on 26 May, 2014), within four months nine Governors resigned from their posts. The quotes and actions of most of the Governors proved that they did not do it with their own conscience.

Considering all the above facts, we think that the root of this problem lies behind the decision to choose politicians as Governors in most of the cases. It is impossible for an active politician to ignore the instructions coming from his higher level after being appointed as a Governor. A numbers of ex-Governors return back in active politics either after full tenure of Governorship or before that. And in some of the cases the politicians either who lost the elections or due to age related problem not fit to contest any election are sent to this post. But we do not think that this is a post one may compare with the package of rehabilitation of political power monger. If anybody consistently follows, will find out that all the times the 'chair' or 'dignity' of the Governor is always victimize. Everyone forgets that this post is quite similar with the post of the President of India. We

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<sup>3</sup> Article 155 of the Indian Constitution.

should respect the dignity of this post. And if it is not possible by the politicians, the post should be abolished. It is not fair that always the 'chair' of the Governors should be made scapegoat. If the post is so important, then it should be kept in a reformed form. If the Governor is an agent of the centre, it is not too tough to appoint an I.A.S. official as Governor like the post of the Chief Election Commissioner with same safeguards. In this way the Governments will not be able to intervene Governors' day to day work. And officials may also accomplish their office not paying any undue obligation to anyone. He should bound and his obligation is only to the Constitution of India. An honourable Constitutional post in this way may be upheld over the boundaries of narrow politics.

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