

Role of Governor in India - Some Controversies

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Abstract:

The role of Governor can be taken as a very controversial role in India, as it is always seen as a puppet for the ruling Government, but despite such stereotypes the Governor plays a very vital role in the smooth functioning of the Government. The author has tried to find various loopholes in the working of Governor's office in a State and also tried to find out various importance of the Governor. The author would be describing the main tasks of the Governor, its importance and major loopholes in the functioning of the Governor's office.

The Governor plays an important role in smooth functioning of the Government, and it is quite similar as of the President of India. The workings and duties are quite similar as of President of India.

Introduction

The Governor of the State or Union Territory has similar powers. Role of Governor in India is a much disputed phase of Indian democratic government. Many people refer the post of Governor as a fake post and call it as just a rubber stamp of the Government or the ruling party. When the Constitution of India was drafted, it was assumed that the post of Governor is a very important post but it didn't rely upon and it turned into the puppet for the ruling party in the Union.

The Governor is appointed by the president of India and its presence is been discussed in Part VI of the Indian Constitution under Article 153. Under Article 153 of Indian Constitution is stated that there should be a Governor for each and every State. The executive power of the State is defined under Article 154 of the Indian Constitution and Governor stands as the head of the executive body of the State. It is been observed that Governor is just a puppet of President of India and the work done by him is totally associated with the recommendation of the President. The Governor has the nominal power but when the real power is concerned, it is with the Chief Minister of the State. Governor is also stated as the first Citizen of any State.

The definition of Governor, it's appointment, it's executive powers and everything which is related to Governor is been discussed under Article 153 to Article 162 of the Indian Constitution.

It was stated by the hon'ble court that *Governor has a dual role. The first is that of a constitutional head of the state, bound by the advice of his council of ministers. The second role is to function as a vital link between the Union Government and the State Government*¹.

In the above mentioned Judgement, it was clearly stated that the work of Governor is been divided into two major heads, first he acts as Constitutional Head of the State and another he acts as a direct link between the Union Government and the State Government. The work which is done by the Governor is very important but it is also seen as a puppet of the ruling party in the State and the Union. The Governor stands as a coin in the economy of Politics, which have two different sides. One as a negative and other as positive side.

Agent of the Centre, Puppet and rubber stamps are some of the negative terms which are used to describe a Governor of the State. In this project we will consider these terms and have a

¹ B.P. Singhal V. Union of India, (2010) 6 SCC 331

brief study of the whole role which is played by the Governor of the State. Whether a negative aspect or a positive aspect.

Sarojini Naidu, when Governor of Uttar Pradesh, said that she considered herself “*a bird in a golden cage*”. By stating this she clearly mean to say that the Governor has the power to enjoys as the executive head of the State, but does not a real work to do. The bird is been compared with the post of Governor of the State and the State is been compared as to the Golden cage in which the bird is been kept. She can’t perform anything, she has wings but she is not allowed to fly, this situation is been compared with the situation of a Governor of the State.

B. PattabhiSitaramayya, a former Governor of Madhya Pradesh also observed that “*he had no public function to perform except making the fortnightly report to the President*”. By giving the statement, he made it clear that the Governor has no other work rather than giving various reports to the President.

Role of Governor in India

The Governor of the State plays a very important role in the running of a prior Democratic Government. Role of governor is been discussed in Article 153 to Article 162 of the Indian Constitution, 1950. In the following Articles the definition of Governor is mentioned and various other aspects such as tenure of the service of Governor, appointment, removal and other duties which a Governor performs during his/her service time.

The role of the Governor is quite similar as 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 same as of the office of President of India. Under Constitution of India, the governing machinery is the same as that of the Central Government.

Governor stands as Chief Executive of the State in India. As the role of Governor is quite similar of President of India in the Central Government, the Governor can be seen as Constitutional ruler of the State. The main task of the Governor is divided into four heads i.e. Executive, Legislative, Financial and Judicial.

Executive Power:

The Governor stands as the Constitutional head of the State. There are various activities which are performed by the Governor which is related to executive head. The leader of the majority party is been appointed by the Governor as the Chief Minister of the State. With the help of the Governor, the Chief Minister also appoints the council of ministers for the State.

Under the head of executive power, it is the duty of the Governor to appoint the Advocate General, Chairman and members of the respective State Public Commission. Beside these main tasks, it is also a major duty of the Governor of the State to nominate two Anglo-Indian members for the State Vidhan Sabha.

Legislative Power:

Legislative is the main head which is governed by the Governor of the State. He stands as the part of the state legislative and has the power to summon, adjourn or prorogue the State legislative assemblies. The governor also has the power to call for a joint sitting of both the houses. He has the right to quash any bill which has to be passed in the State legislative assembly. This means no bill can be passed with the approval of the Governor of the State. He can withhold a bill and send it to the President for further consideration and recommendations. There is certain major role of a Governor such as issuing any ordinance during the time of State emergency. Governor also enjoys the power to dissolve the State Assembly before the expiry of its term on the advice of the Chief Minister or by the directions of the President of India.

Financial Power:

Governor stands as the ruling authority upon every annual budget which is passed by the State Legislative Assembly. The Governor also enjoys the power to verify the entire money bill and also has the power to govern upon it.

Judicial Power:

Governor also enjoys some powers to appoint the Chief Justice of the State and the Advocate General of the State.

Appointment process of Governor

The appointment of the Governor is done by the President of India. Article 155 of the Indian Constitution talks about the appointment of the Governor for each and every State within the territory of India. It is stated that: *The Governor of a State shall be appointed by the President by warrant under his hand and seal.*² The Article 155 gives superior power to the President of India to select the Governor of each and every State. The President of India enjoys the Supreme power in the process of appointment as well as removal of the Governor of each and every State. The power of removal is also the same as of the appointment; the President enjoys the same power as of the appointment.

The main task of the appointment is done by the recommendation of the party which is ruling in the Centre, the main recommendation is done by the Prime Minister and then the final decision is taken by the President and the appointment is been considered on the basis of the recommendation given by the ruling Party and the Union ministers and the Prime Minister.

The Governor which is been selected by the President has a working tenure of five years and enjoys his/her office for a total time of five years. As the tenure is for five years, but the removal is also upon the President of India, if he thinks that the work is not been done properly, then he/she has a right to disqualify the working of that Governor and remove him/her from the post. The term of office³ is been discussed under Article 156 of the Indian Constitution. It is clearly mention in the Article that the Governor will enjoy his office during the pleasure of the President, and the time limit which is been discussed is five years.

Role of Governor during Emergency

The Governor plays an important role during the time of emergency, whether national emergency or State emergency. Governor stands as the head of the State during the time of emergency and acts as the link between the Central Government and the State Government.

The Governor takes the advice of Chief Minister of the State and the President and further he passes the report of emergency and further the emergency is been declared. The main task of the Governor stand as the link between the State Government and the Central Government and a report is been passed by him to the President of India for the time to time reporting of the State. The emergency can be dissolved by the advice of the Governor only. The Governor

² Article 155, Constitution of India, 1950

³ Article 156, Constitution of India, 1950

provides report to the President of India from which the emergency can be rolled out from the State.

Conclusion

The Governor plays an important role in the governance of a Democratic country. India has a biggest example of working democracy in the world and Governor plays a very important role in the process of whole working of a democratic government.

The post of Governor is disputed and is been questioned by many experts, but by the findings of this project, it is very clear that Governor has various duties towards the State Government and the Central Government.