Issues Surrounding Governor's Address

Mains: *GS-II – Polity & Governance | Governor | State Legislatures - conduct of business, powers & privileges and issues arising out of these.*

Why in News?

There have been a series of issues in Opposition-ruled States with respect to the address by the Governor to the State legislature at the commencement of first session of the year.

What about the Governor's customary address?

- **About the Governor –** He/She is the ***constitutional, nominal head*** of an Indian state, acting as the chief executive in whom state powers are vested, similar to the President at the center.
- **Appointed by –** The President for a 5-year term, they act on the advice of the Council of Ministers, yet hold discretionary powers, including reporting for President's rule (Article 356) and appointing the Chief Minister.
- **Customary Address** – It is a ***formal speech*** delivered by the Governor at the beginning of certain legislative sessions.
- Similarly, the President delivers such an address in Parliament.
- **Drafting of the Speech** – These speeches are prepared by the *government in office*, not by the Governors or the President themselves.
- The Head of State merely reads out the text drafted by the Council of Ministers.
- **Nature of the Address** – The Governor's address is *not a personal statement,* but a constitutional duty that reflects the policies and priorities of the elected government.
- **Constitutional Implications** – Skipping, altering, or refusing to deliver the prepared speech is considered unconstitutional. Such actions undermine democratic accountability and can lead to political instability.

What are the historical background?

- **Government of India Act, 1935** – Section 63 of the act provided that the Governor may in his discretion address the Provincial legislature.
- Starting from April 1937, when provincial autonomy started under the act, the Governor's speech was prepared in consultation with the Council of Ministers in Provinces that laid down the legislative agenda.
- **The Constituent Assembly Debate** – While adopting the article dealing with Governors' address to State legislature, it was understood that it would reflect the policy of elected Council of Ministers and not the Governor's personal views.

What are Constitutional provisions?

- **Article 175** – The Governor may address the house(s) of the State legislature, but this is ***not a mandatory address*** and may be rarely used by a ruling government.
- **Article 176** – The Governor shall address the house(s) of the State legislature
  - at the commencement of the first session after each general election to the Legislative Assembly and
  - at the commencement of the first session of each year.
- This is a ***mandatory address*** to be prepared by the Council of Ministers and delivered by the Governor.
- **Content –** It outlining the government's achievements in the previous year and its roadmap for the policies in the ensuing year.
- This address is also provided whenever a new assembly is constituted to enable a newly sworn in Council of Ministers to outline their policies to the elected representatives and through them to the citizens at large.
- **Motion of Thanks** – Article 176 further directs that the rules of procedure of the house(s) shall have provisions for allotment of time for discussion of matters referred in such address.
- The 'Motion of thanks on Governor's address' where the ruling and opposition legislators' debate on the policy matters announced in the address before voting on the same.

What are the Judicial precedents?

- **Shamsher Singh vs State of Punjab (1974)** – The SC had held that the Governor is only a constitutional head who *acts on the advice of Council of Ministers.*
- **Nabam Rebia vs Deputy Speaker (2016)** – The SC reiterated that the address under Article 175 or 176 is to be performed by the Governor on the *aid and advice of Council of Ministers*.

What is the current issue?

- **Tamil Nadu –** The Governor had skipped portions of the address in 2022–23 and since 2024 has refused to deliver the mandatory speech as required under Article 176, even walking out of the Assembly.
- **Kerala –** The Governor skipped a few portions of the policy address prepared by the State's cabinet.
- **Karnataka –** The Governor did not read out the address prepared by the Council of Ministers but instead delivered a two-line speech before leaving the joint session of Legislature.
- **Violation under Article 159** – It is pertinent to note that the Governors take ***oath of office*** under Article 159 that requires them to 'preserve, protect and defend the Constitution and the law.'
- Such actions go against the constitutional principles and law as settled by the highest court of the country.

What are the political & federal concerns?

- **Role of the Governor** – The Governors act as nominal head of the State executive just like the President for the Union executive.
- Further, the Governor acts as an appointee of the Centre which may be required for maintaining the unity and integrity of the nation in critical times.
- **Federalism concerns** – Federalism is a basic feature of our Constitution and the Governor's office should not undermine the powers of popularly elected governments at the States.
- The conflicts often arise when Governors act beyond their constitutional role.
- **Politicisation of the Governor's post** – It has fueled calls for reform, with some leaders even suggesting abolition of the office, but considering the *quasi-federal constitutional scheme,* such demands for abolition are likely to remain only on paper.

What lies ahead?

- **Recommendations by various commissions** – According to the recommendations of the ***Sarkaria & Punchhi Commissions***, the appointment of Governors should be preceded by consultation with the Chief Ministers of the respective States.
- **Impact –** This may not solve all disputes between Governors and elected governments, but it can serve as a useful step to reduce friction on key legislative matters and prevent clashes over customary practices like the annual address.

Reference

The Hindu | Issues surrounding Governor's address

SHANKAR IAS PARLIAMENT
Information is Empowering