Rethinking Need for the Post of the Governor

What is the issue?

\n\n

The role of Governor in Karnataka elections has raised question regarding the usefulness of the office of the Governor.

\n\n

What actions of the Karnataka Governor discredited his post?

\n\n

\n
- Karnataka Governor initially decided to invite the BJP to form the government by exercising discretion as mentioned in the constitution.
\n
- But he failed to consider the opposition parties and give them an opportunity to form government as they has absolute majority.
\n
- The Governor then granted the BJP chief 15days to prove his majority, when the chief himself asked only for a week.
\n
- This troubled the Supreme Court enough to intervene and ordered for an immediate floor test.
\n
- Finally the Governor again chose a MLA who had been criticised by the SC for partisan conduct as a Pro Term Speaker and conduct the floor test.
\n

\n\n

What is the origin of the office of Governor?

\n\n

\n
- The origin of the office of Governor can be traced back to the colonial British regime.
\n
- Through the early 20th century, Indian nationalist movement extracted gradual and incremental reforms towards responsible government from the

British rulers.
\n
- These reforms culminated in the Government of India Act, 1935 which established provincial legislative assemblies elected from a limited franchise.
\n
- However, in order to ensure that overriding power remained with the British, the Act retained the post of Governor and vested him with “special responsibilities” that allowed for intervention at will.
\n
- After Independence, the office of Governor was deeply discussed in the Constituent Assembly Debates (CAD) as they knew the Governor would inevitably be biased in his functioning.
\n
- Still they decided to retain the post on the basis of 2 broad arguments.\n
\n
1. Dearth of competent legislators in the States
\n
2. Certain amount of centralisation of power was necessary in a nascent stage of nation building.
\n
\n
\n
- And assurance that the Governor would remain only a constitutional post, and have no power to interfere in the day-to-day administration of the State.
\n

\n\n

What are the accusations with the post of the Governor?

\n\n

\n
- The concerns inherent in the post of the Governor are amplified now due to the present political conditions.
\n
- The arguments which supported retaining the office of Governor no longer hold true.
\n
- The concern of misusing the discretionary power while forming government has time and again proven as many Governors make decisions supporting the majority party.
\n
- The constitutional mandate for the office of the Governor check both federalism and popular democracy has not been demonstrated in these years.

\n
- And a mere constitutional post has taken discretion in its hand and skewing the political process in direction of the majority party.
\n

\n\n

What actions needs to be taken in this regard?

\n\n

\n
- There are various short term solutions prescribed after the Karnataka elections such as resignation of the Governor, reserving the post for non-political appointees, rules to be laid by the SC, etc.
\n
- However these patchwork solutions miss the point as the flaw lies not with the identity of the individual who occupies the post, but in the design of the Constitution itself.
\n
- Government need to rethink the role of the Governor in the constitutional scheme and if found obsolete, dissolve the office of the Governor.
\n

\n\n

\n\n

Source: The Hindu

\n

