Tamil Nadu Governor's Walkout from the Assembly

Why in news?

The Tamil Nadu Governor's skipping of portions of the address prepared by the government and the walkout from the Assembly demonstrates the trust deficit between the governor and the chief minister.

What is the issue?

- **Current issue** - In the address of Governor to the Legislative Assembly to open the new year's first session, Mr. Ravi chose to skip portions of the prepared text, including a reference to the "Dravidian model of governance".
- Chief Minister M.K. Stalin responded through a resolution that said the House record would reflect only the prepared text and not the Governor's version.
- As soon as the Governor realised the import of Mr. Stalin's speech in Tamil, Mr. Ravi walked out of the legislative assembly.

What is the role of Governors in legislative assembly?

- The governor is an integral part of the legislative assembly.
- He calls its sessions and he dissolves the House.
- Article 176 talks about the special address by the Governor.

> *Article 176 - 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, the Governor shall address the Legislative Assembly*

- The Constitution gives no discretion to governors in the matter of convening the session of the assembly.
- Though **Article 174** does say that the governor from time to time summons the assembly to meet at such time and place "he thinks fit", it is the prerogative of the Cabinet.
- Governors have no business to question the purpose of convening the sessions of the House.

Does a governor have the right to edit the address prepared by the government?

- **British convention** - As per settled British convention since 1829, the governor must read the full speech.
- Leading British constitutional law authority **Ivor Jennings** in Cabinet Government says the king cannot upset the policy prepared by the government.

- **HC judgement** - In *Andul Gafoor Habibullah case* (1966), the Calcutta High Court held that the governor cannot decline to deliver his address and refuse to fulfil his constitutional duty.
- Thus, the address under **Article 176** is mandatory.
- However, the court held that the governor has the right to delete or not read the portions which do not deal with the policy of the government.
- It observed that the Governor can exercise his discretion in leaving out of his address the irrelevant matter.
- **Failing to deliver the address** - The HC held that when the governor fails to deliver his address under Article 176 and walks out of the House after laying down the address on the table of the House, this is mere irregularity, not illegality.
- Thus, it cannot be questioned under Article 212, wherein the validity of the House proceedings cannot be challenged on the ground of mere irregularity in the procedure.

What is the issue with Governors editing the speech?

- Governors editing/deleting the speech may create a **constitutional crisis.**
- The chief minister may refuse to defend the address at the end of the debate on the governor's address and the House may reject the resolution on the governor's speech.
- When the governor's/president's address faces such a defeat, it is considered a **no-confidence motion** and the chief minister or the prime minister as the case may be, needs to resign.
- Such a resignation for something that the governor had said on its own would not only be grossly unjust and unethical but absolutely undemocratic.
- Thus, the governor has no discretion in editing the address.

What lies ahead?

- Both Governors and Chief Ministers, as constitutional functionaries, should respect each other and at least have a working relationship.
- In the longer term, the role of the Governor in the country's constitutional scheme needs a thorough overhaul to focus on the core constitutional functions such as granting assent to Bills.

Reference

1. The Indian Express | Tamil Nadu Governor vs Stalin government
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3. The Hindu | In Tamil Nadu, a spat with a difference

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