PREFACE

The office of governor becomes a matter of sever criticism during the past sixty years and this office has been misused by the centre government for the political interest and some of the governors has lower down the position of their office. It seems that the governor has become a tool in the hands of ruling party at centre. Therefore, the present study entitled “Role of Governor in India : Emerging Scenario” deals with the governor’s role and powers exercise by him.

The Law of our constitution is partly eclectic but primarily an Indo-Anglian version of the West minister model with Quasi-federal adaptations, historical modifications, geo-political mutations and home-spun traditions-basically a blended brew of the British Parliamentary System, and the Government of India Act, 1935 and near American nomenclature wise and in some other respects.

Historically the Indian constitutional aspirations flowed along the British pattern. What emerges from such a study is that, with minimal innovations, a parliamentary federalism was accepted, rejecting the substance of presidential style executive.

If the "inner voice" of the founding fathers may be any guide, it is proved beyond reasonable doubt that the Governor enjoy nothing more and nothing less than the status of a constitutional head in a cabinet type government, a few exceptions and marginal reservations apart.

There was a time when Governor was glorified and their actions immunized by the aura of office. But the old ideas and assumptions which made institutions legitimate and hallowed are being eroded by dangerous experiences. They are slipping away in the face of changing reality, of corroding corruption and are being replaced by different ideas, doubts and interrogations as yet ill formed and not crystallized. Now it is time to take stock and perhaps to apply a new left appreciation of emergent situation. We have to be imaginative without being unrealistic, ideologically balanced without being submissively Anglian.

When we see the situations and circumstances in India under the context of Governor is position we found that these are grave deviances and serious delinquencies which are contra constitutional and serious challenges which debunk
the state cabinet's authority, vicariously humiliating state level democracy and worse, there dangerous oddities are becoming habitual offences fomenting Union State frictions and fouling the federal process itself No party in Central Power has been guiltless and the appointments of Governor and their behavioural patterns are an open trade secret in extra constitutionalism. We now need a genetic change in the DNA of the office and its functions so that representative government at state level may not become the political plaything of outsiders the net result of above phenomenon is that the Governor today enjoys office of scant respect in the eyes of even those who hold it. Now, their discretionary powers have come to be interpreted as actions taken on Union's instance and the Governor is no where responsible. For his actions either state government has to own responsibility or the union government. Not only this, the governors not following the toe line of the ruling party at the centre were either unceremoniously sacked from the office or transferred.

Thus, the office has been degenerated either by compelling the Governor to dance according to the centre's tone or punishing him.

Keeping in mind diverse stands taken by Governors in identical situations e.g. the formation of ministry, dismissal of ministry or promulgation of the president rule etc have invited much criticism and controversy. An attempt has been made to highlight certain controversies regarding the office of the governor and examine how the recommendations of various commission bodies suggest to resolve these as the office of the Governor has assumed importance in the present phase of Indian Federal governance and this vital office become misty. It is required that the provisions regarding position of Governor, his powers and discretion as well as controls over him are made unambiguously clear.

A good amount of work has been made on the subject by many learned authors and jurists. The subject matter of this study, is no doubt, based on the works of scholars on the subject but new avenues have also been explored and new thoughts presented.

In the light of this discussion the present study has been undertaken and its various aspects have discussed in various chapters and new vistas have been explored.
In the first chapter entitled ‘Introduction’, contains the historical background, importance and relevance of the office of governor.

In the second chapter mode of appointment and dismiss of governor is discussed in detail. It is also discussed at how the governor is appointed and what is the proper course to appoint him and dismiss.

In the third chapter we discuss the what the role of governor as per the constitution of India. In this chapter the power and position of the governor is also discussed in detail.

In the forth chapter the role of governor in the context of use of article 356 and especially the governor’s which generally used for issuing proclamation under article 356 imposing president’s rule and dissolving state assemblies, which is the most controversial has been discussed in detail. Justifiability of the percolation under article 356 is also discussed in detail.

In the last chapter certain conclusion and suggestion drawn on this study.

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