Before independence a Governor of a British Indian province, far from being a mere constitutional head, was in reality a constitutional dictator, ‘an autocrat presiding over provincial despotism.’

After independence this position underwent a radical change. The present day Governor, however, is a legal survivor who has contrived to remain a political necessity the once supreme chief whose powers have largely passed into other hands, though the tradition and the atmosphere surrounding the institution still remain.

“Of all the names given to the holders of the highest executive offices in British times, only one survives after Swaraj and that is of the Governor” wrote Sri Prakasa.

There has been a good deal of uniformed criticism against the need for a Governor. Some political parties demanded the abolition of the office. In a Lok Sabha debate on April 11, 1969, Vasudevan Nair and Ganesh Ghosh of C.P.I.[M] urged for the abolition of the office of the Governor. On April 16, 1974, M.Karunanidhi, the chief minister of Tamil Nadu, moved a resolution in the legislative assembly for abolition of the post of the Governor. It is forgotten that a Parliamentary democracy should have a constitutional head.

Even during the years of the independence movement, the reports prepared on the future constitution envisaged a constitutional head. The Nehru report suggested an executive branch with a Governor-General as a
constitutional head, with powers like those in other Dominions. The Sapru report also favoured a constitutional head of state.

Having decided that it should adopt the British system of cabinet government, not only for the union but for every one of the states, which are an 'unusual microcosm in a macrocosm of a larger system', Prof. Weiner described every state had to reflect the west minister model with a Governor substituting the monarch.

The history of the constitutional provisions relating to the office of the Governor in the constituent assembly is enlightening.

In the beginning the constitutional adviser, B.N.Rau, proposed that the Governor should be elected by the provincial Legislature by secret ballot according to the system of proportional representation by the single transferable vote.

After considerable discussions, Sardar Patel, the chairman of the provincial constitution committee, stated in the report submitted to the constituent assembly on 15th July 1947 that both the union constitution committee and the provincial constitution committee were in favour of adopting, 'the Parliamentary system of the constitution, the British type of constitution with which we are familiar'. The report recommended that the Governor of each province be elected directly by the people on the basis of adult suffrage.

On 17th July 1947, the constituent assembly adopted the principles of a Model Provincial Constitution. Its main features were that the Governor should be elected directly by the people on the basis of adult suffrage, should hold office for a term of four years and would be liable to be removed from his office by impeachment for stated misbehaviour.
Subsequent political events in the country led to sharp second thoughts on the subject. The outbreak of communal riots, partition and its ghastly aftermath, Gandhiji's assassination, the communist upsurge in Telengana, all affected the mood and the thinking of the founding fathers. There was a deep seated fear that if the centre was not sufficiently strong and could not hold the constituent units together, things would fall apart and anarchy would prevail in the country. Nehru echoed the thoughts and sentiments of the members when he said: "We have passed through very grave times and we have survived them with a measure of success. We have still to pass through difficult times and I think we should always view things from this context of preserving the unity, the stability and the security of India....."

This led to an insistent demand for a strong centre in the interest of all India unity, and with a view to encouraging centripetal tendencies.

There was also the realization that an elected Governor could come into conflict with the Chief Minister of the province and the cabinet responsible to the legislature which itself had been elected on the basis of universal suffrage.

Doubts were also expressed in the assembly that the elected Governor might join hands with the Chief Minister of the province and defy the centre. Nehru was apprehensive that an elected Governor would to some extent encourage separatist provincial tendencies.

Moreover, under the new constitutional scheme, the Governor was to be a formal constitutional head with strictly limited powers, who in the discharge of almost all his functions would be required to follow the advice of his ministry. Therefore, in the view of Dr. Ambedkar, it was not, 'necessary to have such a functionary elected at so much cost and so much trouble.'
Ultimately, in the constitution which the people of India gave unto themselves on 26th November 1949, the Governor emerged as a constitutional head appointed by the President of India for a term of five years but holding office during the pleasure of the President.

The conception that the Governor was a mere figure head proved true and served the country well during 1950-1967 when there were stable one-party [congress] governments at the centre and in most of the states. Although during this period also the government in some states fell from power and President’s rule under Article 356 was promulgated to deal with the constitutional crisis, the congress party and in a couple of cases a coalition of parties, were able to provide stable governments and political quietude. In cases where one ministry went out, the institution of another did not prove tumultuous. Except in the case of Kerala, president’s rule was introduced only once, in other states—in Punjab in 1951, in PEPSU in 1953, in Andhra Pradesh in 1954, in Travancore Cochin in 1956, and in Orissa in 1961.

But, the political situation changed after the fourth general elections. The congress party lost the majority support in eight states, and the opposition parties, in some cases as many as 12-13 formed United Fronts to take control of the governmental machinery. The only unifying factor among these parties was opposition to congress. There was neither ideological cohesion nor a willingness to merge even like-minded parties into one and forge a two or three party system. All United Fronts were a marriage of convenience and a naked struggle for power and offices, and the moment the hope of gaining something in the government was lost, or became dim, the support was withdrawn. The United Front was wrecked and the ministry went out of office. During March 1967 to March 1972, governments in different states fell from power more than
two dozen times, and President's rule was introduced about fifteen times. On the eve of the fifth general election to state assemblies, seven states were under central rule. These states were Bihar, Gujarat, Punjab, Karnataka [Mysore], Manipur, Tripura and West Bengal. During that period, political defections were the order of the day, and MLAs changed their loyalties as often and as freely as a man would change dresses in a day. In the midst of the politics of defection, there could be neither a Chief Minister nor a stable council of ministers. There could be no such thing as the "collective responsibility" of the council of Ministers to the legislative assembly. The result was that the provisions of Article 163[1] that the Governor would discharge his functions with the "aid and advice" of a council of ministers became inoperative and the view that the Governor was obliged to accept the aid and advice of the council of ministers lost its meaning.

In this chapter a discussion is made about the roles played by Governor's of Karnataka on different aspects and different issues and the decisions taken by the Governors during critical political conditions.

Even the Governor has become a glorified servant of the union an omnipotent and omnipresent union that the present central government has grown into and withering states are the very negation of the democratic polity.

Of special significance is the case of a Governor appointed by a non-congress government at the centre, who attempted [unsuccessfully at that] to use the gubernatorial office to inject internal democracy within the congress party. In November 1990, the then Governor of Karnataka, Bhanu Pratap Singh, questioned the propriety of the then congress president, Rajeev Gandhi announcing a change in the leadership of the congress legislature party. The Governor adopted the stand that the appointment or removal of Chief Ministers
was the prerogative of the representatives of the people and not the head of the party.

He went on to add that he advised the central government to declare president’s rule in the state as he wished to establish the convention that it was prerogative of the MLAs and not of the so called High Command to remove and elect Chief Ministers of states.

IMPOSITION OF THE PRESIDENT’S RULE IN KARNATAKA: ROLE OF THE GOVERNOR OF KARNATAKA –


When elections were held in 1967, the congress party was an absolute majority in the state. But after the split of the congress in 1969 into congress [O] and congress [R] the majority of the congress legislators led by Veerendra Patil, the then Chief Minister, decided to support congress[O].

Immediately after the Parliamentary elections of 1971, in which Mrs. Indira Gandhi got a landslide victory, the position of congress [O] in the state became weaker because the congress [O] legislators began defecting to congress [R].

In fact, in March 1971, as many as forty five congress [O] legislators defected to congress [R] resulting in the resignation of the Chief Minister Veerendra Patil.

2. President’s Rule and the suspension of the Assembly :

After his resignation president’s rule was imposed on 27th March, 1971 and the Assembly was suspended on the recommendation of the then Governor, Dharam Vira. And for the first time Karnataka was placed under the president’s rule.
Immediately after the imposition of president’s rule and the suspension of the assembly, H. Siddaveerappa, leader of the congress [R] in the assembly was very keen to form a government with the help of forty five defectors from congress [O] – claiming a majority of 120 in a house of 216. But another influential group led by Devraj Urs, the then President of Mysore congress [R] Adhoc committee was against this move because he felt that the government formed with the help of these defectors was not likely to be stable. When twenty seven MLAs of congress [R] demanded the dissolution of the Assembly and the holding of fresh elections, the congress [R] High Command, which was originally in favour of forming a government was forced to change its stand. On 9th April, 1971 D. Sanjivayya, the then congress [R] President, sent a telegram asking the congress [R] leaders in Mysore to desist from their efforts of forming a ministry in the state.

A similar telegram was sent to Devraj Urs, the then president of the Adhoc Congress [R] committee. This was done in order to keep the unity of the party which was a hotch potch combination consisting of those defectors from congress [O], SSP and Swatantra parties who were first rate opportunists. Besides, on one side there was a rivalry between Vokkaliga and the Lingayat community MLAs, and on the other, Siddaveerappa, the leader of the congress [R] assembly party and Devraj Urs, the Adhoc congress committee President were threatening to pull out in different directions. After a directive from the congress High Command, H.Siddaveerappa, the congress [R] party leader met Dharma Vira, the then Governor on 11th April 1971 and informed him that his party was not interested in forming a government.

About twenty defectors returned to congress [O] on 11th April, 1971 when they came to know that congress [R] was not interested in forming a
government. Some of the defectors who came back to congress [O] were former ministers, and after their return to the party, congress [O] claimed a support of 107 in a House with an effective strength of 214. But the claim of congress [O] to have 107 members, was at best dubious.

3. Dissolution of the Assembly:

After Siddaveerappa, the leader of congress [R], conveyed his decision to Dharam Vira the Governor, told reporters that “he would take a decision on the formation of the ministry or dissolution of the assembly on Tuesday morning [April 13, 1971].” But before inviting any body to form the government, the Governor said that he would have to satisfy himself whether or not a stable government could be formed. Before taking a decision on this question, the Governor asked for a signed list of congress [R] supporters as also for a resolution endorsing Siddaveerappa’s leadership, at the same time he sent for Veerendra Patil, the leader of congress [O] and the outgoing Chief Minister, and asked him if he was in position to form a government. Although he was under considerable pressure from the old timers in congress [O] to form a government, he refused to yield because congress [O] was able to muster the support of only 100 MLAs seven short of a majority. There is no doubt that like Hitendra Desai in Gujarat, he too would have been able to form a government with the help of the PSP, Jana Sangh, Swatantra and the Independents making a tally of 111. It is true that they were ready to support him, but he was also aware that a mixed bag of this kind would not be stable, he refused to do so and informed the Governor that, “in view of the present political situation and the mandate given by the people in the recent Lok Sabha poll he felt that in the interest of the state he would not form a government even if he got a majority.” Since nobody was ready to form the government, on
14th April, 1971 the Governor dissolved the assembly under Article 174 [2] [b].

As far as the imposition of the president’s rule on 27th March, 1971 and the suspension of the assembly is concerned, the Governor had no alternative but to recommend the imposition of president’s rule after the resignation of Veerendra Patil. But the Governor’s recommendation to suspend the assembly seems to be somewhat partisan because the assembly had been in existence for more than four years. In other words it had almost completed its normal term. Therefore, the proper course of action for the Governor, immediately after the resignation of the ministry, would have been to invite the leaders of the opposition, including congress [R] and inquire from them whether any one of them was in a position to form a government. And if anyone was ready to do so, he should have been asked to form the ministry. Only in the case of unwillingness he should have recommended a dissolution of the assembly instead of its suspension. It is really difficult to understand what made the Governor feel that “in not too distant future” there were chances of forming a stable government. With congress [O] it was out of question to form a stable government on account of the defections that were then taking place from its ranks and it was inconceivable to expect the process to reverse in the near future. When Veerendra Patil resigned neither congress [R], nor the other smaller parties like SSP, Swatantra and Jana Sangh were in a position to form the government. Veerendra Patil would have been asked to continue till alternative arrangements were made. But it was expected that the process of defection from congress [O] to congress [R] would be in a position to form the government. The assembly was, therefore, suspended to enable Congress [R] to secure sufficient defections from congress [O] to form a government.
The contention that the assembly was suspended to enable the congress [R] to form a government is also supported by the fact that as soon as Siddaveerappa, the leader of congress [R] informed the Governor of his party's disinclination to form a government, he recommended the dissolution of the assembly on the third day of receiving this information.

It will not be out of place to mention here that while defending the recommendation of the Governor to dissolve the assembly in Orissa, after Satpathy's resignation K.C. Pant said, "If the Governor suspended the assembly, thereby giving a chance to various parties to do some horse trading. I think the House would have taken the objection to that But I cannot understand how any advice given by the Governor that the House be dissolved straight away not giving any chance for horse trading can be called undemocratic." Perhaps, but what of the Governor's role in recommending the suspension of the assembly and that too at a time when the assembly had already completed more than four years of its normal term of five years.

2. DISMISSAL OF MINISTRY OF DEVRAJ URS:

When elections were held in Karnataka in 1972 the congress party won with the thumping majority and Devraj Urs formed the government. Right from the beginning the Chief Minister started favouring his relatives with the result that in 1973 and again in 1974 the opposition submitted memoranda to the central government listing charges of corruption against him. Even on the floor of the Vidhan Sabha, H.D. Deve Gowda, then leader of the opposition, levelled allegations of corruption, favouritism and nepotism against him. He demanded the appointment of a judicial commission. In order to present a central probe, on May 18, 1977 Urs appointed justice Iqbal Hussain, a retired
judge of Karnataka High Court, as one-man commission of inquiry against him. This step was not liked by eight senior cabinet ministers and they sought the Congress High Command’s permission to resign. This was the first major organized opposition against the Chief Minister in the ministry. The congress High Command, however asked them not to precipitate matters.

Though the Iqbal Hussain commission was appointed in order to prevent a central probe, the central government ignored it and appointed A.N. Grover, a retired judge of the Supreme Court as one-man commission of inquiry. Thereupon the state of Karnataka filed a suit in the Supreme Court on May 31, 1977 challenging the validity of the Grover commission after the Iqbal Hussain commission has been appointed. The Supreme Court by a majority of six to one dismissed the suit of the state government on November 8, 1977.

While these legal developments were taking place the political scene in the congress party did not remain the same on June 21, 1977 the Chief Minister asked the eight dissenting ministers to quit if they wanted. Moreover, in order to prove that he had a majority in the congress legislative party, he called a meeting of it on June 30, 1977. In this meeting the majority of the MLAs and the MLCs expressed their confidence in his leadership.

However, in december the congress President sent a message to the Chief Minister to drop Aziz Sait, the transport minister who was suspended by the P.C.C President. But Chief Minister did not agree and therefore, the congress President suspended him for anti-party activities. The other anti-party activities were that he was running a parallel pradesh congress and he had given a call to the P.C.C. members to boycott the meeting convened by the P.C.C. President. Moreover, he had made statements to denigrate the image of congress leadership. It was a green signal to the supporters of H.K. Patil to
force Urs out and to topple the congress ministry by representing to the state Governor that the chief minister had lost the support of the majority. Thereafter as many as 51 congress MLAs out of 151 and 43 Janata MLAs met the Governor on December 27, 1977 and requested him to dismiss the ministry. At that time the assembly had 211 members and 11 seats were vacant.

Since, the assembly was to meet on January 3, 1978, i.e., just after six days, Govind Narain, the Governor did not favour central intervention in spite of the near break down of the administration. At that time even the central government was of the view that Devraj Urs should be given the opportunity to test his majority on the floor of the Assembly on January 3, Charan Singh, the Union Home Minister, cautioned his party and the cabinet colleagues against hasty action. He is reported to have told them that the Janata government should not follow the example of the former congress government in dismissing the state governments without good reason. He himself has been a victim of this type of vendetta when he was the Chief Minister of U.P. in 1970.

However, for reasons best known to him the Governor revised his views and submitted a report to the President on December 31, 1977 in which he recommended the dismissal of the Urs government on the following grounds.

1. As many as 109 MLAs expressed lack of confidence in the ministry, which means the ministry has ceased to command the confidence of the House and it does not seem necessary to wait for the trial of strength on the floor of the assembly on January 3, 1978.
2. The MLAs in their memorandum expressed the apprehension that there may be horse trading, foul practices, pressures and intimidation in case immediate action is not taken.

3. The MLAs had alleged that horse trading had already begun with the help of money and power. They expressed the apprehension that members might be coerced to do certain things against their conscience.

4. Undue influence, bribery and intimidation were vitiating the atmosphere in the state and there were great apprehensions whether even in the proceedings in the assembly would be free and orderly.

5. The Governor also expressed serious misgivings about the propriety of reading an address prepared for him by a ministry which had forfeited the confidence of the majority in the Assembly.

Keeping the above factors in view, the Governor recommended the dismissal of the ministry along with the dissolution of the assembly because any further delay in taking action was in his opinion likely to pollute the prevailing atmosphere in the state. On the basis of this report of the Governor the ministry was dismissed along with the dissolution of the assembly on December 31, 1977.36

If all the factors mentioned above are taken into account, it will be found that there was no justification for the dismissal of the government on the following grounds-

1. Even if the report of the Governor is accepted as it is, out of 211 as many as 109 were against the ministry and 102 were in its favour. There was a possibility that some of those who met the Governor in
Raj Bhavan might change their sides by the time the Assembly was to meet. This is exactly what happened in Rajasthan in 1967. The SVD presented a majority of MLAs to the president in Rashtrapati Bhavan but Sukhadia proved his majority in the Vidhan Sabha.

2. The floor of the assembly and not the Raj Bhavan was the proper place to test the strength of the ministry. Where was the hurry to conclude that the ministry had lost the confidence of the House, when the Assembly was to meet just 48 hours later? The Governor accepted that the strength of the ministry should be tested on the floor of the house when he said: "I have full respect for the view that the strength of the state ministry should be tested on the floor of the House. This is a healthy convention but is not a mandatory provision of the constitution". What a ridiculous logic for rejecting a healthy convention?

3. Horse trading, though bad, is a hard fact. Even the Janata government at the centre is not free from it. It has openly invited members of Rajya Sabha belonging to the congress to cross the floor. So long as the anti-defection Bill is not passed, this practice cannot be stopped.

4. Like late B.N. Chakravarti, the former Governor of Haryana, the Governor of Karnataka, Govind Narain, acted as an astrologer when he expressed apprehensions about free and orderly proceedings of the assembly.

5. So, long as the ministry does not lose the confidence of the House on the floor itself, there is no impropriety if the Governor reads its address.
Hence, it can be concluded that the dismissal of the Urs ministry was not proper and the Janata government followed the same policy in this respect which was followed by the former congress government. The real ground for dismissing the ministry of Urs was that there was a fear in the minds of the central government that Urs might prove his majority in the Assembly and in that case he would remain a caretaker Chief Minister during the February, 1978 elections. For this eventuality the Janata government was not ready particularly in Karnataka where its base seems to be very weak. Hence, it can be said that in this respect the difference between the Janata government and the former congress government is the same as between Tweeduldum and Tweedledee.

President’s rule ended on February 28, 1978. When Devraj Urs was sworn in as a Chief Minister. It was a befitting reply given to the Janata government for wrongful dismissal of Urs.  

3. April 21-22, 1989 – End of the Janata Dal Rule-Dismissal of Bommai Government:

Bommai lost his government within only eight months after he had taken over from Ramakrishna Hegde, his exit marking the collapse of the Janata Dal dispensation which under Hegde had blazed new trails in the art of governance which had evoked nationwide appreciation as the first non-congress government in the Karnataka state.

Bommai government’s exit had different dimensions. The Chief Minister was a victim to the scourge of defections in his own party. The then Governor P. Venkatsubbaiah, dismissed Bommai’s government on the plea of loss of majority and threw out, summarily the Chief Minister’s claim that he had not lost his majority which, he asserted, he would prove on the floor of the assembly.
The sacking of Bommai’s government should be seen in the light of Hegde’s assertion that the Governor was a ‘Glorified servant’ of the centre. It triggered a nationwide controversy over the issue whether the state assembly was not the forum to test the majority of the government or should it be decided by the Governor in his Raj Bhavan drawing room.

As it happened, the Governor arrogated to himself the power to decide the fate of a democratically elected government. It was Rajiv Gandhi’s government at the centre which was ruling.39

Not only was the Bommai government shown the door but along with the imposition of president’s rule, the state assembly also came to be dissolved. This was an action which denied an opportunity to Bommai to test his majority. A Governor, under Article 356 of the Constitution, has the power to hire and fire a Chief Minister in a double edged exercise of power, grossly abused in a large number of instances.40

The dismissal of Bommai government in the manner it was done by the Governor attracted the ire of the Supreme Court which held the dismissal ultra vires of the Constitution. For the first time, the action of the Governor was made justiceable whereas, throughout it was contented that there could be no judicial review or intervention.41

The Supreme Court judgement which came three years after Bommai’s dismissal brought him only national comfort and a vindication of his stand. Immediately after his dismissal, Bommai went to the High Court challenging the validity and constitutionality of the Governor’s action. He had characterized it as immoral and an action which had led to a clash between Article 356 and the 10th schedule of the constitution the 52nd Amendment incorporating the Anti-defection law.42
Under the 10th schedule, Bommai contended it was the speaker of the Assembly who was the competent authority to decide whether defection had taken place. He had to decide whether in the present case in which, according to the Governor, 19 MLAs of his own Janata Dal had defected and if they had defected, they should be disqualified. If the 19 MLAs were to be disqualified, it automatically followed that there was no loss of majority.43

The High Court quashed Bommai’s petition and upheld the action of the Governor and the subsequent dismissal of his government and imposition of president’s rule. Bommai preferred an appeal in the Supreme Court against the High Court verdict. He won it. The verdict has gone into history as a judicial and political landmark. Governors cannot function arbitrarily anymore at least in theory.44

Evidently, Bommai in the euphoria of his good luck he had hit, would not realize that he had to contend with a Governor, a hard boiled politician trained in the congress culture. Perhaps, his intelligence had failed and he could not scent the disaster a head of him. Only on April 15, 1989 he reconstituted his ministry and that act was his undoing. It left a trail of dissatisfaction, disappointment, and bitterness within his party ranks.45

All the six and a half years of the Janata regime from Hegde to Bommai had been haunted by the shadow of the hostility and intrigue on the part of the Congress, waiting in the wings to clutch at any opportunity to topple the government. It looked as if the dismissal of the Bommai government had opened up the doors for the entry of the congress. It was not to be. Then, the Janata Party’s ‘Third Man’, Deve Gowda’s chronic ambitions to fill the vaccum also fell through. All because, the Governor, wittingly or unwittingly had recommended the dissolution of the Assembly also.46
There were two alternatives. The congress could have staked its claim to form the government with its strength of 66 supported by the Deve Gowda faction whose strength was assumed to be around 40. There were an estimated dozen Janata Dal defectors who were expected to plump for an indirect support to the government via Deve Gowda. Deve Gowda himself could have played the same role with the help of the congress. Neither of the prospects clicked.

As a result of the merger of the Janata party with the Janata Dal, Bommai’s majority of 138 or so had been reduced to a bare 111 for the reason that Deve Gowda had stood out opposing the merger and had carried along with him some 30 MLAs or so.47

DEFECTION BY MLAs:

The alarm bell sounded for Bommai on April 18, 1989. On that day, the Janata Dal, MLA from Bidar, Kalyanrao Molakeri, who had jumped the Deve Gowda camp and was a claimant for a berth in the ministry, issued a statement criticising the Bommai government’s functioning and revealing that he and 18 other party MLAs [including the BJP member] had called on the Governor and handed over letters indicating their withdrawal of their support to the Bommai government. Reports began to circulate that the defecting MLAs drew their inspiration from Deve Gowda or that Deve Gowda camp egged them to do what they did.48

The first reaction of Bommai to the blast mounted by the MLA, Molkeri, was his refusal to believe it. He characterised it as a stunt intended to demoralise his government. He had in mind plans to placate Molakeri and company by accommodating them as heads of government corporations and boards. Bommai’s complacency was shortlived once he came to know that the
dissidents had already walked over to the Deve Gowda camp. Worried very much, he expected the mainstream segment of his party to get the dissidents to retreat and walk back. He also tried the other strategy of the direct appeal to the dissidents claiming that they were being trapped by Deve Gowda with the intention of toppling the government and holding out allurements to the others in the party with assurance of berths in the ministry of his own, formed with the backing of the congress. The other strategy Bommai employed was to spread the word that granting Deve Gowda succeeded in overthrowing his government and form his own, the congress would ditch Gowda after using him as a tool. The strategy partially succeeded when some 12 dissident MLAs were persuaded to walk back.49

Reassuring himself that his majority was intact, Bommai sent his senior minister, B. Rachiah and the secretary of the legislature party, Leeladevi Prasad, to the Governor armed with letters by the penitent MLAs expressing their decision to retract from their original position of withdrawing support. With the feeling that thing had worked his way, Bommai convened a meeting of his council of ministers wherein a decision was taken to call an emergent session of the Assembly on April 27, 1989 to prove his majority.50

The next step Bommai took was to meet the Governor, along with his Law and Parliamentary Affairs Ministers, A. Laxmisagar, to convey the decision to call the emergent session of the Assembly and also urging the Governor to make a physical verification of the letters of the renewed support and letters of withdrawal of support before taking a decision on his majority. There would be no need he felt, to institute the physical verification if the assembly session was called. All these developments occurred on April 20, 1989.51
The Governor's attitude was interesting when reporters called on him the same evening for a briefing. The Governor declined an engagement. It was evident that he had prepared himself, already, as to what he would do or what actually he had already done. A press note was distributed among reporters. It said that on April 19, 19 MLAs of whom 17 belonged to the Janata Dal, one BJP, and one Independent, had sent individual letters withdrawing their support to the government. Having satisfied himself with the genuineness of the letters with the help of records and registers produced by the Legislature Secretary, the Governor came to the conclusion that the government headed by S.R. Bommai had been reduced to a minority. Action as per the constitution was initiated on April 19, 1989.52

The Governor had summarily dismissed Bommai's claim for a majority and the council of minister's decision to summon an emergent session of the Assembly to test his majority. Bommai's anger and disappointment knew no bounds. He accused the Governor of committing gross improprieties and partisanship "Unbecoming" of the high office of Governor and of breach of even ordinary courtesies of dealing with the head of an elected government.

The President ought to know what his Governor of a state was doing, Bommai thought and dashed off a letter to the President R. Venkataraman, informing him, disapprovingly of what the Governor had done and how he had acted.53

The very next day Bommai on April 22, 1989 convened a meeting of his legislature party at which a resolution was passed wholly disapproving of the conduct of the Governor in undue haste in holding that government had been
reduced to a minority. The resolution also referred to well established conventions and recommendations of the speaker’s conferences and of the Sarkaria Commission to the effect that the only forum to test the majority of a government was the assembly floor.

The party meeting was immediately followed by a march of Janata Dal legislators, along with the Chief Minister to the Raj Bhavan where a memorandum was submitted asking the Governor to reconsider his decisions. The Governor, obviously, felt ill at ease to be confronted by 12 MLAs who had retracted from their earlier letter of withdrawal of support found along with more than 120 legislators who were the supporters of the Bommai government. The lot of them were paraded before the Governor who had closed his mind and had already pre-empted genuine moves on the part of the Chief Minister and his supporting majority of MLAs. When Bommai pressed his point, the Governor desired him to know, unhesitatingly, that he had already taken action and had sent his report to the President.

The game was up. Within less than two hours after the infructuous Raj Bhavan march, the news came in a flash from Delhi that the Bommai government was dismissed and president’s rule was imposed and the assembly was dissolved. A decade of the Janata Dal dispensation had vanished into the limbo of history.54

4. DISMISSAL OF VEERENDRA PATIL MINISTRY, 1990:

In the 1989 assembly poll, along with the other faction of the party, namely the Janata Dal, making way for the return of the congress party to power under Veerendra Patil. Veerendra Patil mustered 180 seats of 225 in the Karnataka legislative assembly. A mild stroke which suffered by Veerendra
Patil provided an opportunity to ease him out. 140 dissident congress legislative party members presented a memorandum to the Governor Bhanu Pratap Singh, which stated Veerendra Patil's government had lost its majority in the house and it should be dismissed. The dissidents were called to form the government. Veerendra Patil presented a list of 103 members and claimed that he continued to command the confidence of House.

The Governor recommended to the union government for president's rule for 'a short period' keeping the assembly in suspended animation. The union cabinet considered the issue and decided to accept the Governor's recommendation.

The then President R. Venkataraman was reluctant as there was nothing to show that a situation had arisen in which the government of the state cannot be carried on in accordance with the provisions of the constitution as required by Article 356. There was a government under Patil and it had not been defeated in the House.

The then Prime Minister V.P. Singh met the President and told him that the situation had become complicated, as the Chief Minister himself had recommended the dissolution of the assembly. The President denied of having any information, the Prime Minister spoke to the Governor over telephone and asked him to fax a message confirming the Chief Minister's advice for dissolution of the assembly.

The Governor demurred saying that he did not want dissolution of the assembly. The Prime Minister clarified that he only wanted a record to prove the Chief Minister's recommendation for dissolution of the assembly. The proclamation imposing president's rule was issued at 3.30pm on 10th Oct, 1990.
On October 13, 150 congress members of Parliament marched from Parliament House to Rashtrapati Bhavan shouting slogans against the Prime Minister for the murder of the democracy in Karnataka. The president's rule for about eleven days, the shortest in the memory of the President.58

In this case, the Governor Bhanu Pratap Singh had recommended the president's rule without considering the plea of the Chief Minister Veerendra Patil that he will prove his majority in the assembly. When the 140 dissident congress legislative party members presented a memorandum to the Governor, he immediately without considering the pros and cons, recommended to the union government for president's rule for a short period. Whereas the union cabinet too considered the issue and decided to accept the Governor’s recommendation, without known by the President R. Venkataraman.

It shows that Veerendra Patil’s government had became the victim of party politics.

After studying the role of the Governor in each case in the imposition of president’s rule now, let us move to discuss the role of the Governor in those situations which becomes still worst when the possibility of constituting a coalition government is extremely dim and where he is required to act on his own discretion, when no party has emerged as the majority party in elections.

The year 2004, an era of coalition government began in Karnataka for the first time. In assembly elections held in 2004, no political party emerged as the single majority party.

Therefore, congress party joined its hands with JD[S] party. Governor T.N.Chaturvedi in order to avoid any political friction invited Dharam Singh, who was choose as the leader of the congress party to form the government.
This invitation started the culture of coalition government in Karnataka. Dharam Singh became the Chief Minister, whereas, the Mr. Siddharamaiah of JD[S] became the Deputy Chief Minister.

But the coalition government found its tie with Janata Dal (s) was creating new frictions everyday. On January 18, 2006 it looked the full of the nineteen month old Dharam Singh government in Karnataka, had become imminent when the dominant group of JD[S] informed the Governor Mr. T.N. Chaturvedi about its decision to pull out of the coalition with the congress and to stake claim, along with the BJP for forming an alternative government.

The JD[S] group comprising 44 members out of its total of 59, announced its decision to align itself with the BJP, the largest group in the 224 member assembly with 79 members. The group is led by Mr. H.D. Kumarswamy, state JD[S] working President and the third son of Mr. H.D. Devegowda.

The changing political equation in the state compelled the Governor on January 19, 2006 to ask the Chief Minister Mr. Dharam Singh to seek out a vote of confidence in the Assembly on or before January 27, 2006.

In the meanwhile Mr. Dharam Singh resigned on January 28, 2006 and Mr.H.D. Kumarswamy became the leader of the JD[S] state legislature party.

Janata Dal [S] leader Mr. Kumarswamy and the BJP leader Mr. B.S. Yediyurappa were sworn in on 3rd February 2006 as Chief Minister and Deputy Chief Minister of Karnataka respectively by the Governor T.N. Chaturvedi, ending the fortnight long political uncertainty in the state. The coalition partners have agreed to share power for the remaining forty months of the 12th assembly, on the Jammu and Kashmir model. They will hold the office of
Chief Minister [Twenty months each]. The Janata Dal [S] and Bharatiya Janata Party led coalition government won a vote of confidence in the assembly on February 8, 2006.

In this case Governor T.N.Chaturvedi gave importance to stability. After the resignation of Dharama Singh’s ministry an attempt was made to constitute a new government, because the political vacancy can lead to political frictions. In this critical political situation Governor T.N.Chaturvedi had carved out a new way by formulating a coalition government out of a coalition government, without caring for party politics.

POLITICS OF LIQUOR –

HEGDE A VICTIM, QUITS OFFICE:

On February 11, 1986, there was a bombshell which looked like knocking out the edifice of Hegde even as he was basking in the glory of his rising image as the kingpin of the Janata dispensation and rallying point of the national non-congress opposition mobilization movement. The bombshell, his resignation which he had refused to tender only a week ago, came on February 11, 1986. Apparently, acting on his conscience, even without a formal consultation with his senior party colleagues like Deve Gowda, Bommai and J.H. Patel or the Janata legislature party, Hegde had decided to bow out quietly and without any fuss.59

No one knew the whereabouts of his hideout, except the word that from there he had forwarded his resignation to Governor, A.N. Banerji. His ministerial colleagues who swore he had not resigned, were outwitted and taken for a ‘Ride’ as it were.60
Congressmen made a big issue of the Governor’s delay in accepting Hegde’s resignation forthwith. They mounted a pressure campaign on the Governor, Banerji in Raj Bhavan. The Governor was in Dharwad at the time, the resignation letter was dispatched by Hegde on the evening of February 11, 1986.

Governor Baneiji had a hasty telephonic talk with Hegde and sat over his decision until the next day and even until after Hegde had returned to Bangalore. The congress party leaders were furious. It was an opportunity they were looking for to come back to power, cashing in on the abrupt vacuum Hegde’s decision had created. They construed it as a triumph of their Hegde ouster campaign which, they alleged, the Governor blind to the constitutional position, was trying to sabotage. There was a plethora of recitations of the constitutional provisions and quotation of precedents and so on. Armed with this constitutional baggage, S. Bangarappa who was then leader of the opposition in the Assembly, and others, marched off to ‘Fix’ Governor Ashoknath Banerji and get him to accept forthwith Hegde’s resignation.61

Banerji held his ground and would not allow himself to be cowed down into a decision on the spot and challenged the delegation to quote any provision of the constitution requiring the Governor even to accept a Chief Minister’s resignation, at all, not to speak of any delay in its acceptance urged by the congress leaders.62

The congress leaders hit the ceiling when the tough Governor had a Raj Bhavan announcement made later in the evening accepting Hegde’s resignation. His explanation ran that as a minister had informed the assembly that day, February 13, 1986 about Hegde’s resignation which had led the
speaker to adjourn the House the statement had become the property of the house. The Governor therefore, had no alternative but to accept the resignation.

In this case, Governor Ashoknath Banerji was forced to accept the resignation of Hegde. Whereas first of all he was not at all ready to accept without reasons. Even he had not noticed whether there is any necessary of tendering resignation by Hegde, as he was enjoying majority. Only at the force of the opposition party i.e. congress he would not have accepted his resignation.

Hegde resigned taking his moral responsibility in the Liquor case whereas the same issue happened in July 2006. As H.D. Kumaraswamy, the present Chief-Minister of Karnataka leading JD[S] and BJP coalition government was in news. BJP MLC Janardhan Reddy levelled 150 crore bribery charges against the Chief Minister H.D. Kumaraswamy and other ministers, like M.P. Prakasha, Home Minister and Forest Minister C. Chennigappa were also alleged.

Therefore the Governor of Karnataka T.N.Chaturvedi has sought a report from the government on the bribery charges levelled by BJP MLC Janardhan Reddy against the Chief Minister H.D. Kumaraswamy. A Raj Bhavan communiqué said that the Governor has sent a copy of the memorandum to the Chief Minister and sought a “factual report and his comments” on the subject.

The Governor’s decision followed a memorandum from a KPCC delegation led by opposition leaders Dharam Singh and H.K. Patil and KPCC President Mallikarjun Kharge.
The communique further added: “They [KPCC] submitted a memorandum to the Governor and informed him about the incident which took place in the legislative council on July 19, 2006 wherein Janardhan Reddy has levelled serious allegations of bribery against the Chief Minister, his family members, the Home Minister and the Forest Minister, for a factual report and his comment on the matter”.  

Kumarswamy termed the bribery allegations as baseless and said they were aimed at gaining political mileage. “This is an attempt at character assassination though I have committed no mistake”.  

Kumarswamy was not at all ready to accept any charges and to take any moral responsibility in this case.  

Since, the Governor holds office during the pleasure of the President, it has made his position very weak. Because he can be removed at the whims of the central government. The insecurity of the terms of office and dependence on powers that be made the office of the Governor subject to pressure and doubts. With the coming of the Janata Party in power at the centre in March 1977, Governors Uma Shankar Dikshit and Mohanlal Sukhadia, of Karnataka and Madras [Tamil Nadu] respectively had to quit since they belonged to congress party.  

Article 200, inter alia, provides that the Governor can reserve a bill passed by the state legislature for the consideration of the President. Although this article does not specifically provide that the Governor, while reserving a bill will act in his discretion but the nature of the function is much that it may not be always possible for the Governor to act on the advice of the council of ministers in this regard. It is obvious that in the Parliamentary system, the
ministry is instrumental in the passage of a bill in the legislature and therefore the ministry would always like the bill to be assented to by the Governor as early as possible.

Govind Narain, Governor of Karnataka from 1977 to 1983 stated the facts of a real case in one of the state when both houses of legislature passed a Bill raising the emoluments and allowances, under various categories, of all the members of both the Houses along with speaker, Deputy Speaker, Chairman and Deputy Chairman. When the bill came for assent, the Governor studied and obtained corresponding figures of legislatures of various states. The Bill provided for enhancement to levels higher than those members of Parliament and other state legislatures. The enactment of such a law would certainly have been against public policy, besides causing an unnecessary drain on the state exchequer. The Governor, therefore kept the Bill pending.65

Even the Janata Party government also equally shares the blame for adopting such type of practice. This is evident from the fact that when Karnataka government adopted a bill for setting up Mandal Panchayats as a part of a process of decentralization and restructuring development administration at the grassroots, the Bill was referred to the President and kept under consideration for about one year.

Even when the Karnataka Land Reforms Act, 1974, when Mohanlal Sukhadia, the Governor of Karnataka reserved the Bill for the reconsideration of the President. The President having earlier withheld his assent, when the material before the court was not sufficient to prove the ground. After when the President satisfied then only he assented for this Bill.

The assessment of the role of the Governor created a stir in gubernatorial and political quarters, nationwide on August 5, 1983 at Bangalore.
when Ramakrishna Hegde inaugurated a conference on Union-State Relations, and the role of the Governor.

Apparently, the institution of the Governor is of crucial significance and importance often more important than the office of even the President of the Republic. Post Independence history of India is full of instances of the abuses of office on the part of Governors who, in a large number of cases have acted in partisanship, depending on the complexion of the party ruling at the centre. Dismissal of elected governments in the states and arbitrary construction of governments, whose number has been estimated to exceed a hundred times, are the ugly faces of the institution of Governors. Of course, there have been exceptionally independent and non-partisan Governors.

Ramakrishna Hegde promised to bring about a white paper on the role of the Governor. He fulfilled that promise. The document was issued on August 22, 1983, only less than a week of the promise given.66

The White paper carried the title, “The office of the Governor constitutional position and political perversion”. Addressing the seminar, Hegde who had posed a variety of issues on centre state relations, including the role of the Governor had said the ultimate objective being the same, the Union and the states must function on mutually complementary and co-operative basis. They are and they should feel that they are equal partners in the great adventure of national reconstruction and development. This naturally required the recognition of equal importance of both the functionaries, mutual respect and honour. A super power attitude and show of superiority on the part of the centre is the natural consequence of the concentration of powers and resources. It had been responsible for generating a feeling of frustration and sense of injustice and discrimination and helplessness on the part of the states which in
turn, produces the dangerous forces of regionalism. The concentration of power has also distorted the scheme of the constitution and led to the devalution of important institutions like the planning commission and the Reserve bank which have become the extended departments of the executive.

Hegde went on, saying that, "the Governor has become a glorified servant of the union an omnipotent and omnipresent central government which it has grown into and withering states are the very negation of the democratic polity."67

The White Paper dealt in detail with the whole gamut of the circumstances in which the post of the Governor came to be incorporated in the constitution and views and expert opinions that shaped the status of the post of Governor in the final analysis. Hegde said that the white paper was addressed to the people of the country. He had called for a national debate on the various aspects of union-state relations, foremost among them being the position of the Governor under the constitution and the totally different position which is in actual practice. He was placing the document before the people of the country as a contribution to the national debate and in no spirit of confrontation.68

The Seminar released its recommendations at a press conference held in Bangalore on August 7, 1983.

It said among other things, an institution of crucial importance on whose impartiality and integrity the autonomy of the states and soundness of union-state relations depend, is the Governor of the state. It is unfortunate that on more than one occasion the Governor has by and large been made to function as an agent of the union government. This position is totally violative of the constitution. In Raghukula Tilak's case, the Supreme Court has said quite
categorically that the Governor is not amenable to the directions of the Government of India, nor is he accountable to them for the manner in which he carries out his functions and duties. He is an independent constitutional office which is not subject to the control of the Government of India.69

But, in far too many occasions that actual practice has been contrary to this constitutional position. The Governor’s power to appoint the Chief Minister and dissolve the state legislature [The Assembly] has, on several occasions been used to flout the expressed will of the people. It is therefore, felt that the constitution should be amended to ensure the independence of the office of Governor, the Seminar said.70

In conclusion, Hegde said in the White Paper, that the records proved beyond doubt that in most cases, the Governors had used their office to serve the interests of the ruling party at the centre. It was unlikely they would have acted thus except at the instance of the leaders of the ruling party. The clear intent of the framers of the constitution and indeed, the letter and spirit of the constitution, have been violated in all significant respects.71

In Karnataka, the leaders of congress [R] objected to the presence of Governor on the platform on which congress [O] leaders were present. One of the charges against Dharam Vira was that he was seen “on the same platform with congress [O] leaders, particularly Veerendra Patil, both Dharam Vira and Patil have been seen together at more than one function, one presiding and the other inaugurating however, they had no objection to Governor’s presence at their own functions.”72 Even in administrative matters, the Governor was compelled to function according to the wishes of congress [R] leaders. In fact, immediately after the promulgation of president’s rule, all the twenty seven MPs of the party in power at the centre wanted that Dharam Vira, the then
Governor should be recalled. Their main objection was that he was pro-congress [O]. They alleged that he had appointed some chairmen of statutory bodies on the recommendation of the outgoing Chief Minister. The Governor denied the charge but had to agree to review those appointments. They also asked the Governor to stop the collection of land revenue arrears, so that it may not act as a factor against congress [R] in the election and the Governor again had no option but to agree. Even in 1978 in Karnataka the Governor removed the chairman of some of the corporations appointed by the ministry of Devaraj Urs. Even the various concessions to the employees in the form of D.A., were given keeping in view the election chances of the party in power at the centre.

The image of the Governor in the eyes of the Indian public is that of a person holding only a ceremonial office, primarily designed to perform formal functions, and having no role to play in the policies of the state. Whereas the Governor has not only to strike a balance between his role as constitutional head of the state and his role as the representative of the union government which is a task of great delicacy but also that he perform functions free from political pressure and party bias. The dignity and prestige of the office depends mostly on the confidence and respect through which he is able to command from the ministry in power in the state and the people of the state. It appears that when the Governor acts as the representative of the union government there is not much scope for initiative. But the effectiveness of his role in his primary capacity as the constitutional head of the state would depend on his initiative and capacity to maintain it. And in case of conflict between the dual functions, the Governor’s role as the representative of the central government will take precedence, the reason being that he is a nominee of the President and holds office during his pleasure. But this is not a satisfactory arrangement. As suggested earlier, some scheme has to be evolved so that Governor’s
responsibility to the state is made more effective along with the responsibility towards the centre. The present scheme ensures only responsibility towards the centre.

The role of the Governor will become all the more difficult and important when the union government experiences the coalition culture. In a situation like this the Governor will have to serve so many masters at the centre. The President, the Prime Minister, the Home Minister and these masters may belong to different political parties having different political tastes and attitudes. But when such thing happened in Karnataka, the Governor T.N. Chaturvedi played impartial/non-partisan role, as he tried to avoid mid-term elections and any political frictions, which led foundation for coalition government in Karnataka.

We may conclude by saying that when we studied the roles of different Governors of Karnataka, some Governors played partisan and some non-partisan role. As some Governors tenure remained without disturbance. Because it appears that principles, ideology and character have nothing to do with politics in India. It is the personal prejudices biases and lust for money and power which have become rampant. Unless improvement in these spheres is made, democratic government and democracy as a whole doomed in India.

It is high time that too much of low level of politics is stopped and standards, character in public life/offices including the office of the Governor is to be maintained. In the final analysis as Daniel Elazer stressed the essence of federalism is to be found not in a set of institutions but in the institutionalization of relationships between the participants in the polity.\textsuperscript{77}
NOTES AND REFERENCES


2. Ibid., p.426.

3. Ibid., p.468.

4. The party wise position in the Assembly was as follows. Congress 126, Swatantra 16, CPI 2, Jana Sangh 4, PSP 20, SSP 6, Republican 2, Independents 40, Total 216, Asian Recorder, April 2-8, 1967, p.7631

5. The Times of India, April 10, 1971.

6. H. Siddaveerappa claimed the support of 120 MLAs in a House with 214 effective members only. 37 were the original members of the Congress [R] while no less than 45 defected from the congress [O] Ibid, April 13, 1971.

7. Ibid.

8. The Times of India, April 10, 1971

9. The Statesman, April 12, 1971

10. Ibid

11. Ibid

12. The Tribune, April 13, 1971

13. The Statesman, April 13, 1971

14. The Tribune, April 14, 1971

15. Ibid

16. The Statesman, April 13, 1971

17. The Tribune, April 14, 1971
18. S. Gopala Gowda, The leader of the SVD also informed Dharam Vira, the Governor, that he was not interested informing the government but would support the Congress [O] if it formed the Ministry. *The Statesman*, April 14, 1971.


27. 120 MLAs out of 163 in 211 Members Assembly and 42 MLAs in the 63 member Legislative Council voted in his favour. Ibid, July 1, 1977


30. The Governor called them to the banquet hall where the Marshall of the Assembly helped him to verify the names of the members. As he read out name after name, the members stood up to say “I am here, Sir” The Governor’s secretary counted the members seated on four rows of the chairs. *The Hindustan Times*, December 28, 1977.

31. Ibid.


33. Ibid.
34. Ibid.
35. Ibid.
37. When the elections were held in February 1978, the congress [I] won with a thumping majority in the Assembly. The Party-wise position was: Congress I 149, Janata 59, Congress 2, CPI 3, others 6. Total 224. *The Times of India*, March 1, 1978.
39. Ibid.
40. Ibid.
41. Ibid.
42. Ibid.
43. Ibid.
44. Ibid. pp. 87-88.
45. Ibid, p. 88.
46. Ibid.
47. Ibid.
48. Ibid.
49. Ibid, p.89.
50. Ibid.
51. Ibid.
52. Ibid.
53. Ibid, pp. 89-90.
54. Ibid, p.90.
56. Ibid.
57. Ibid.
58. Ibid.
60. Ibid, p.39.
62. Ibid.
64. Ibid.
67. Ibid.
68. Ibid. p.24.
69. Ibid.
70. Ibid.
71. Ibid.

73. Ibid, July 28, 1971

74. Ibid, June 3, 1971

75. Ibid.
