CHAPTER VII

Conclusion

Discussion in the previous pages shows that the office of Governor is crucial to the parliamentary democracy as it obtains in India. Governor has a dual role: he is the head of the State as well as agent of the Centre. It is a difficult role, given the fact that the Governor, who is not an elected authority, has to attempt continuously to strike a fine balance between the two roles he is assigned. The makers of the Indian Constitution settled for a nominated Governor because they did not want to create a rival center of power to the authority of the elected Chief Minister in the State. The Governor was supposed to have a marginal role in the administration of the State. In normal circumstances, he was expected to abide by the advice of his Council of Ministers and act more or less as a ceremonial head. The normal circumstances here mean:

1. When the State Government enjoys clear majority in the Assembly; and,
2. When the same party is in power both at the Centre as well as in the State.

During these circumstances, Governor is a mere spectator. His discretion under such a situation is mostly confined to the issues relating to the administration of the tribal areas, if any, within the State to which he is appointed. However, when any of the above normal conditions does not exist, Governor becomes a pivotal factor in the State. As a watchdog of the Centre in the State, he has to make sure that constitutional values are not violated. For this purpose, he may act in his discretion
setting aside the advice of the Council of Ministers. His discretion could be so awesome at times that it can end up making or unmaking the State Governments. The fact that Governor under his discretion can dismiss Ministries, dissolve Assemblies and have the President’s rule imposed in the States makes him a de facto authority in the State in abnormal times. In such times, if there is one authority that can smash the ‘Federal Principle’ at a stroke, it is Governor.

Framers of the Constitution had thought such situations that require the Governor to act in his discretion would be rare. Besides, they had a little idea that, despite their exhortations to the contrary, burnt-out and vanquished politicians would be made to adorn this gubernatorial office. But this is what happened after the elections of 1967, a period in which the nation found itself mired in all kinds of political and economic crises. In post 1967 era, the opposition not only seriously challenged the might of the Congress in the States, but also threatened its existence at the Centre. Politicization of Governor’s office could be traced from this period onwards. In fact, the gubernatorial office came in handy to the Central Government in intimidating the opposition-ruled Governments in the State. The Congress under Indira Gandhi initiated this trend; other parties followed in its footsteps in the subsequent years.

The problems relating to Governor’s office can be summed up as under:

1. Discarded and disgruntled politicians are appointed as Governors who tend to act as irresponsible agents of the Union Government.
2. The ruling party at the Centre sends biased persons as Governors in the States ruled by opposition party.

3. Governors have little qualms in creating difficulties for the opposition Governments by resorting to their discretionary powers so as to favour the ruling party at the Centre.

4. The Governor, despite being an integral part of the State, is not subject either to the control of the State Government or the people of the State.

5. Governors have been instrumental in dislodging the duly elected State Governments at the behest of the Centre, especially after 1967.

The disadvantages of Governor’s office weighed over its advantages after 1967. At least the opposition parties felt so. Therefore, most of them started demanding abolition of Governor’s office. Following the dismissal of Namboodripad Government in 1959, the Communists demanded that office of the Governor be scrapped. After the dismissal of TDP in Andhra in 1984, the party called for the abolition of Governor’s office. The Chief Minister of Tamil Nadu, R.M. Karnunanidhi even went to the extent of moving a resolution in the legislative Assembly for the abolition of Governor’s post. The echoes of this demand continue to resonate in the present times as well. The spat between the Governor and BJP Government recently in the Karnataka State led a few BJP leaders to demand scrapping of Governor’s office. Such a demand, based as it is on the political frustration of the non-Congress State Governments, may reflect the negative impact of partisan politics practiced by the Congress at Centre, but it does not make for a rational argument. With a possible
exception of Rajamannar Committee, a number of Commissions and Committees on Centre-State relations after Independence invariably advocated the retention of Governor’s office. Sarkaria Commission that comprehensively dealt with this issue termed the Governor as ‘the linchpin of Constitutional apparatus of the State’. Functions of the Governor within the State are unique and they cannot be delegated to any other authority. The Commission stood by the idea that there being a huge difference between the authority of Governor and that of the judges of the courts, it was inappropriate to expect the latter to exercise the powers of the Governor in any context. The Commission established this while examining the suggestion that the powers of Governors could be delegated to some judicial authority.

By and large, if one ignores the controversies created by the Governor’s office in the past, one gathers that Governor plays an irreplaceable role. The most important aspect of Governor’s office consists in its being a watchdog of the Centre within the State. The intention of the framers of the Indian Constitution was to prevent as far as possible the threats to the unity and the integrity of the nation. Fissiparous tendencies were likely to emanate from the newly formed States that had been under the princely rule for years. In the so-called quasi-federal model that India adopted after independence, the office of Governor was intended to be an instrument of smoothening Centre-State relations. Some Governors understood this well and refused to act as stooges of Centre. There have been several instances where the Governors defying the diktat of the Centre held on to their own decisions as the genuine custodians of the Constitutional values.
In the contemporary period, the office of Governor assumes added importance. The era of single-party rule is over and in the days to come, it is likely to be multi-party or coalition Government all along. Such a system is a major challenge before the modern-day democracy. A high degree of competitive and aggressive politics underlies coalition system. The parties are subject to myriad pressures and pulls from inside and the bigger parties have to keep devising the mechanism to accommodate the demands of the smaller ones in a perpetual struggle for survival.

One of the features of the multi-party Government is the confused electorate. Consequently, all kinds of undesirable elements – corrupt persons, scamsters, defectors and criminals – can thrive on this confusion and succeed in making it to the Government.

Based on this scenario, two emerging trends have come to characterize the modern-day multi-party democracies, especially outside Europe and America: the growth of ‘illiberalism in democratic societies’ (Fareed Zakaria), and the ‘politics of the governed’ (Partha Chatterjee) that can by hook or crook bend the Government by the power of its vote.

Fareed Zakaria quotes the American diplomat, Richard Holbrooke, as saying on the eve of elections in Bosnia in 1996, “Suppose the elections are declared free and fair but those who are elected are racists, fascists and separatists who are publicly opposed to peace and harmony then that is the problem.” Zakaria says this is what is increasingly happening around the world. The democracy is functioning according
to the constitution. Elections are free and fair. However, the kinds of leaders such democracies are producing have a bigoted, retrograde and reactionary outlook that is totally anti-democratic.

Zakaria’s observation has a bearing on the Indian situation. The growing influence of the regional forces in different States and the blatantly parochial agenda some of these carry entails the need to have a central mechanism, like the office of Governor, which could ensure an effective check in case the unduly belligerent politics of local forces starts pushing beyond the constitutional parameters.

Another trend evident in the modern-day Indian democracy that Partha Chatterjee talks about is the over-zealousness of the political parties in general and the Government in particular to ‘appease’ a big segment, which he calls the ‘political society’\(^4\), as distinct from the ‘civil society’, that under the tag of deprived and downtrodden, lives with the sole purpose of grabbing to itself all the welfare schemes given by the State. It does hardly matter to the Government that a big chunk of the members of this ‘political society’ are often to be found on the wrong side of the law in innumerable instances; it continues to survive, grow and threaten the establishment by its power of en bloc voting.

It is difficult to predict what way the current social and political vicissitudes will lead the democracy in the country. There are, however, reasons to assume that office of Governor is likely to play a significant role in the shifting political milieu. Just because it was controversial in the past is no reason that it will not be useful. Even
as the masses continue to be educated about the functioning of democracy in the
country, the constitutional authorities and political parties are likely to be compelled
to mend their ways and their style of functioning. Indian Constitution recognizes
necessity of having Governor in the present political set-up. Legal community
concedes his utmost significance as Centre’s watchdog. If this watchdog ever
became a bloodhound, the fault was not just his; the master was equally to blame. A
discerning electorate can hopefully correct the situation in the continuously evolving
democratic process.

Notes & References

1 H.A. Gani, Governor in the Indian Constitution, P-88
2 See the statement of Gen. Ajay Sinha, former Governor of Assam, zeenews. com, July 23, 2010