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Relationship between state governments and Governors

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Why is in news? What explains the frequent disagreements between state governments and Governors?

The Kerala government approached the Supreme Court, saying President Droupadi Murmu had withheld assent to four Bills passed by the state “while disclosing no reason whatsoever”, and that Governor Arif Mohammed Khan had withheld assent to seven Bills — some for as long as two years — before referring them to the President.

This is the newest chapter in the conflict between states ruled by opposition parties, and their Governors, who are appointed by the President on the Centre’s advice.

Law on Governor-state relations:

Although envisaged as an apolitical head who must act on the advice of the council of ministers, the **Governor enjoys certain powers granted under the Constitution**, such as giving or withholding assent to a Bill passed by the state legislature, or determining the time needed for a party to prove its majority, or which party must be called first do so, generally after a hung verdict in an election.

There are, however, **no provisions laid down for the manner** in which the **Governor and the state must engage publicly** when there is a difference of opinion.

The management of differences has traditionally been guided by respect for each other’s boundaries.

Recent friction points between State and Governor:

In recent years, these have been largely about the **selection of the party to form a government, deadline for proving majority, sitting on Bills, and passing negative remarks on the state administration.**

Controversial Actions: In 2018, the then J&K Governor Satyapal Malik **dissolved the Assembly amid indications that various parties were coming together to form the government.** This paved the way for the Centre to later bifurcate state into two Union territories, by considering the Governor as the government.

In 2019: After a **hung verdict in Maharashtra**, Governor Bhagat Singh Koshiyari quietly invited BJP leader Devendra Fadnavis and administered him oath as CM. This government lasted just 80 hours. Six months later, Koshiyari refused to nominate CM Uddhav Thackeray to the Legislative Council, leading Thackeray to meet PM Narendra Modi to resolve the issue.

Interference in State Affairs: In West Bengal, Dhankhar has often **commented on law and order and political violence.** Ravi, in his previous stint as Nagaland Governor, had criticised affairs of the state and allegedly interfered in administration. In December 2020, Kerala Governor Arif Mohammed Khan turned down a **request to summon a special sitting of the Assembly** to debate the three central farm laws.

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Legal Challenges: Following the Karnataka polls in 2018, Governor Vajubhai Vala invited the BJP to form the government and gave B S Yeddyurappa 15 days to prove majority. Challenged by Congress and JDS in the Supreme Court, it was reduced to three days.

Historical context:

Allegations of the Centre using the Governor's position to destabilise state governments have been made since the 1950s.

In 1959, Kerala's E M S Namboodiripad government was dismissed based on a report by the Governor.

Several state governments have been dismissed since then, including 63 through President's Rule orders issued by Governors between 1971 and 1990.

These have included the Birender Singh government in Haryana (1967); Virendra Patil government in Karnataka (1971); M Karunanidhi government in Tamil Nadu (1976); B S Shekhawat government in Rajasthan and SAD government in Punjab (1980); Janata Party governments in UP, Odisha, Gujarat and Bihar (1980); N T Rama Rao government in Andhra in (1984); and Kalyan Singh governments in UP (1992, 1998).

These became less frequent during the coalition era at the Centre and the emergence of strong regional parties.

Causes for this friction:

Answerable only to the Centre: The Governor is not directly accountable to the people and is answerable only to the Centre. "The CM is answerable to the people. But the Governor is answerable to no one except the Centre".

Appointment and Tenure: The Governor is appointed by the President on the Centre's advice and holds office at the pleasure of the President. Although the tenure is typically five years

Lack of Impeachment Provision: There is no provision for impeaching the Governor, further limiting mechanisms for holding them accountable.

Absence of Guidelines: The Constitution does not provide clear guidelines for the exercise of the Governor's powers, including the appointment of a Chief Minister or the dissolution of the Assembly. Additionally, there are no limits set for how long a Governor can withhold assent to a Bill, raising questions about arbitrary use of power.

Governor as Agent of the Centre: The National Commission to Review the Working of the Constitution, **headed by retired CJI M N Venkatchaliah** highlighted concerns that Governors may act in accordance with instructions from the Union Council of Ministers, leading to perceptions that they are "agents of the Centre."

Various Suggestions:

From the **Administrative Reforms Commission of 1968 to Sarkaria Commission of 1988 -**

The **selection of the Governor through a panel** comprising the PM, Home Minister, Lok Sabha Speaker and the CM.

Recommendations advocate for **fixing the Governor's tenure** for five years.

Recommendations have also been made for a **provision to impeach** the Governor by the Assembly

No government has implemented any of these recommendations.

Conclusion:

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The conflict between states and Governors underscores the importance of defining the Governor's role within the constitutional framework.

Addressing these issues requires comprehensive reforms aimed at ensuring the Governor's impartiality and accountability in state governance.

Governors often side with the central government and aren't accountable enough. Kerala's case shows a problem with the law. Proposed changes aim to make things clearer and fairer.