

Rethinking Need for the Post of the Governor

What is the issue?

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The role of Governor in Karnataka elections has raised question regarding the usefulness of the office of the Governor.

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What actions of the Karnataka Governor discredited his post?

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- Karnataka Governor initially decided to invite the BJP to form the government by exercising discretion as mentioned in the constitution.

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- But he failed to consider the opposition parties and give them an opportunity to form government as they has absolute majority.

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- The Governor then granted the BJP chief 15days to prove his majority, when the chief himself asked only for a week.

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- This troubled the Supreme Court enough to intervene and ordered for an immediate floor test.

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- Finally the Governor again chose a MLA who had been criticised by the SC for partisan conduct as a Pro Term Speaker and conduct the floor test.

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What is the origin of the office of Governor?

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- The origin of the office of Governor can be traced back to the colonial British regime.

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- Through the early 20th century, Indian nationalist movement extracted gradual and incremental reforms towards responsible government from the

British rulers.

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- These reforms culminated in the Government of India Act, 1935 which established provincial legislative assemblies elected from a limited franchise.
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- However, in order to ensure that overriding power remained with the British, the Act retained the post of Governor and vested him with “special responsibilities” that allowed for intervention at will.
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- After Independence, the office of Governor was deeply discussed in the Constituent Assembly Debates (CAD) as they knew the Governor would inevitably be biased in his functioning.
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- Still they decided to retain the post on the basis of 2 broad arguments.\n
 1. Dearth of competent legislators in the States
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 2. Certain amount of centralisation of power was necessary in a nascent stage of nation building.
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- And assurance that the Governor would remain only a constitutional post, and have no power to interfere in the day-to-day administration of the State.
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What are the accusations with the post of the Governor?

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- The concerns inherent in the post of the Governor are amplified now due to the present political conditions.
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- The arguments which supported retaining the office of Governor no longer hold true.
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- The concern of misusing the discretionary power while forming government has time and again proven as many Governors make decisions supporting the majority party.
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- The constitutional mandate for the office of the Governor check both federalism and popular democracy has not been demonstrated in these years.

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- And a mere constitutional post has taken discretion in its hand and skewing the political process in direction of the majority party.

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What actions needs to be taken in this regard?

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- There are various short term solutions prescribed after the Karnataka elections such as resignation of the Governor, reserving the post for non-political appointees, rules to be laid by the SC, etc.

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- However these patchwork solutions miss the point as the flaw lies not with the identity of the individual who occupies the post, but in the design of the Constitution itself.

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- Government need to rethink the role of the Governor in the constitutional scheme and if found obsolete, dissolve the office of the Governor.

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Source: The Hindu

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