

BAD AND UGLY: On the Tamil Nadu Governor's Walkout From The Assembly

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Paper - II
(Indian Polity)

A Governor's departure from convention has set off unsavoury events.

Expectations of unsavoury events tend to fulfil themselves. The address of Tamil Nadu Governor R.N. Ravi to the Legislative Assembly to open the new year's first session yielded the sort of drama that many foresaw. Mr. Ravi has been voicing controversial political views for quite some time. His indiscreet remarks in recent days to the effect that the State should not call itself 'Tamil Nadu' and that its politics was "regressive" portended tension when he came to address the House.

What Was The Matter?

What was unfortunate about Mr. Ravi's approach was that this baiting of the DMK regime was carried into the legislature, of which he is an integral part. Against this backdrop, Mr. Ravi chose to skip portions of the prepared text, including a reference to the "Dravidian model of governance" and words commending the law-and-order situation in the State.

There have been instances of Governors deviating from the prepared texts, but unlike in other States, this evoked an immediate backlash from Chief Minister M.K. Stalin. The constitutional convention is that the President or the Governor should not depart from the

Constitutional Provisions Related to Governor

- Article 153 says that there shall be a Governor for each State. A person can be appointed as the governor of two or more states.
- The Governor is appointed by the President by warrant under his hand and seal and holds office under the pleasure of the President (Articles 155 and 156).
- The Governor also has the power of pardon and reprisal etc. under Article 161 of the Constitution.
- In addition to some discretionary powers, there is a provision to constitute a Council of Ministers under the chairmanship of the Chief Minister to aid and advise the Governor in all his other functions. (Article 163)
- The Chief Minister and other ministers of the state are appointed by the Governor. (Article 164)
- The Governor gives assent to the bill passed by the state assembly, withholds assent or reserves the bill for the consideration of the President. (Article 200)
- The Governor can promulgate ordinances under certain circumstances. (Article 213)
- Article 361 states that the Governor of a State shall not be answerable to any court for the exercise and performance of the powers and duties.
- In case of failure of constitutional machinery in the State (Article 356)

text, as it is nothing but a statement of policy of the elected government.

Most Chief Ministers have in the past avoided confrontation despite the occasional departure from the convention. Mr. Stalin, however, chose to hand out an immediate riposte in the very presence of the Governor through a resolution that said the House record would reflect only the prepared text, and not the one with impromptu additions or deletions made during delivery by the Governor.

As soon as he realised the import of Mr. Stalin's speech in Tamil, Mr. Ravi walked out, apparently treating the move to adopt the resolution as an affront. The Governor need not have reacted in such a manner, as there is no reason why a deviation from convention on the Governor's part should not be met with an immediate response that was also a deviation from convention.

Confrontational Attitude Exposed Once Again

The events highlight the consequences of a confrontational attitude on the part of constitutional functionaries. Future confrontations can be avoided if the Governor gives up his penchant for making politically loaded remarks and is heedful of the State's political sensibilities.

What Should Be Done?

In the longer term, the role of the Governor in the country's constitutional scheme needs a thorough overhaul, so that incumbents in Raj Bhavan give up their sense of overlordship and focus on their core constitutional functions such as granting assent to Bills.

Efforts Made by Governors to Address Concerns Regarding Partisan role :-

- The National Commission to Review the Working of the Constitution, set up by the Atal Bihari Vajpayee government in 2000, suggested that the governor of a state should be appointed by the president after consultation with the chief minister of that state.
- The Sarkaria Commission on Centre-State Relations constituted in the year 1983 proposed that there should be consultation between the Vice President of India and the Speaker of the Lok Sabha and the Prime Minister in the selection of Governors.
- Proposal of Punchhi Committee:
 - ⦿ The Justice Madan Mohan Punchhi Committee on Centre-State Relations constituted in the year 2007 in its report said that the Governor should be selected by a committee consisting of the Prime Minister, the Home Minister, the Vice President, the Speaker of the Lok Sabha and the Chief Minister concerned.
 - ⦿ The Punchhi Committee recommended the removal of the "principle of pleasure" from the Constitution, but upheld the right of the Governor to approve the sanction for prosecution of ministers who acted against the advice of the state government.
 - ⦿ It supported the provision of impeachment of the Governor by the State Legislature.

Expected Question

Que. Which of the following are the discretionary powers given to the Governor of a State?

1. Sending a report to the President of India for imposing the President's rule.
2. Appointing the Ministers.
3. Reserving certain bills passed by the State Legislature for consideration of the President of India.
4. Making the rules to conduct the business of the State Government.

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 1 and 3 only
- (c) 2, 3 and 4 only
- (d) 1, 2, 3 and 4

Answer : B

Mains Expected Question & Format

Que.: Discuss the Essential Conditions for exercise of the Legislative Powers by the Governor. Discuss the legality of re-promulgation of ordinances by the Governor without placing them before the Legislature.

Answer Format :

- ❖ State the Legislative powers of the Governor.
- ❖ Discuss the Provision for Re-Promulgation of the Ordinance.
- ❖ Give a balanced conclusion.

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC mains examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.