

## State Governments and the Role of Governors

*Confrontational acts of certain governors in non-BJP-ruled states hamper the institutional norms of federalism.*

The governor's commencement speech in the first session of the Tamil Nadu (TN) Legislative Assembly produced considerable commotion as the TN governor is alleged to have altered, deleted, and added words on his own to his speech. Although this is not the first time that a governor has departed from the state cabinet-approved commencement speech, what was indeed unprecedented was the TN governor's walkout from the assembly after the state chief minister moved a resolution that condemned the governor's deviation from the prepared text.

Although Article 176 of the Constitution, which deals with the governor's special address to the assembly, makes no specific injunction about what ought to be the contents of the commencement speech or how it ought to be delivered, it is a more or less settled convention that the governor reads out a prepared address that is approved by the state cabinet. It is also noteworthy that the TN governor is alleged to have skipped the parts of the prepared speech that spoke of TN's "Dravidian model of inclusive governance" and omitted the names of B R Ambedkar, Periyar E V Ramasamy, C N Annadurai, K Kamaraj, and M Karunanidhi.

Concerns regarding the propriety of the TN governor's actions in altering a speech that the state cabinet had approved of, are bound to occur. The state assemblies of Delhi, Maharashtra, West Bengal, Kerala, and other non-Bharatiya Janata Party (BJP) ruled states have all witnessed similar confrontationalist behaviour from their respective governors in the past, and hence, the TN governor's act fits a well-established pattern of playing fiddle with the structures of federalism under the present National Democratic Alliance (NDA) regime.

It is no surprise that state governments which have been at the forefront of advocating for strengthening the federal structure tend to receive more interventionist governors. As has been observed from the examples of Delhi, Kerala, Maharashtra, West Bengal, and Tamil Nadu, state governors have shown an unwarranted interest in making incendiary or controversial speeches at the expense of fulfilling their constitutional duties. Moreover, where they are supposed to fulfil their administrative functions, like in the case of appointing vice chancellors in state universities, certain state governors have only shown an attitude of confrontation towards state governments, thus vitiating the administrative well-being of the institutions of higher learning.

It is important to acknowledge that the original constitutional conception of state governors occupying a non-partisan position with regard to the political functioning of states has come under severe strain on occasions where state governors have shown themselves to be extremely partisan towards the union government or, in many cases, to a particular political party or ideology. The strained relations between the union and various state governments on the question of the governor's conduct spell out the breakdown of this original conception very well. It is precisely against such excesses during the time of the British rule that legitimate fears of an unelected or nominated governor wielding unjustified power vis-à-vis elected representatives were voiced in the Constituent Assembly. And these fears were addressed by the founding members of our republic by making the position of the governor politically subservient to the council of ministers, a point that was reiterated by the *Shamsher Singh and Anr v State of Punjab* judgment in 1974.

Given this constitutional and judicial consensus over the role of governors in state politics, one wonders if the contemporary acts of state governors in non-BJP-ruled states wish to impair the delicate balance of responsibilities between the union and the state and cause irreparable damage to our federal structure. What is worse is that such acts, apart from revealing the pomposity of select governors to the general public, have only lowered the reputation of certain constitutional posts, which are supposed to be non-partisan in nature. Instead of showcasing the dignity and composure of constitutional obligation, the post of the governor has today unfortunately become associated with the riff-raff of particularistic party ideology, with scarce, if any, normative connections with the egalitarian ethos of our freedom struggle and the ideals enshrined in our Constitution.

What are the long-term political implications of what appear to be rather petty and even individualistic postures adopted by certain governors in various states in contemporary India? One may easily aver that institutional procedures and norms of federalism will be the first casualty of these reckless fights between the union and the state governments. However, it is important to underline that it will ultimately be the citizens who will be the worst affected by these irresponsible games of power-mongering. Where the union government is busy stifling with the conduct of state governments through the post of the governor, one can only conclude that good governance is certainly not its top political priority.