

GOVERNOR: ASSET OR LIABILITY?

Legacy of colonialism

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The President's directive to all Governors to resign their office shows that it is time to know whether the institution of Governor is an asset or a liability. This is an attempt to analyse historical, constitutional, political and economic aspects of the office of Governor.

Historically, this office is the legacy of colonialism. In the British Raj, the Governor was *de jure* and *de facto* ruler of his province. In democratic polity, the Governor had no place. Hence, it is strange that our founding fathers, who had earlier dismissed the Government of India Act of 1935 as a "slave constitution", incorporated its provisions relating to the Governor into the Constitution of the democratic republic of India in 1949. The office became an outlet for patronage.

Constitutionally, the Governor is appointed by the President. His term of office is five years but the President can remove him at any time. The Governor is committed "to preserve, protect and defend" the Constitution of India in his state. However, the working of the institution clearly shows that he has failed to be the guardian of the Constitution. The office has passed through three phases: from 1950 to 1966; 1967 to 1970 and 1971 to 1989.

During the first phase, one and the same political party — The Indian National Congress—controlled the union government and many states of the union. Consequently, the Governor became the fifth wheel of the coach. Sri Prakasa, a seasoned Governor, narrated their tale of woe. Both the central and the state governments deliberately ignored the Governor. His Council of Ministers never cared to consult him whilst drafting the bills, preparing the budget or initiating policies.

He was treated as an untouchable whilst forming the ministry. The Governor came to know his ministers only when he was summoned to administer the oath of office. This courtesy was shown to him because the Constitution provides that he should perform that ritual. Hence, the Governor's activities were strictly confined to attending social functions, delivering dull discourses, receiving state guests and seeing them off, hosting dinners and posing for photographs.

During the second phase, the Indian National Congress lost more than seven important states of the union. The loss of the Congress proved to be the gain of Governors. The Governor's office shot into promi-

nence. What role would he play in the changed circumstances? Will he act as the guardian of the Constitution or as an agent of his patron?

With the exception of the DMK in Tamil Nadu, no political party won a clear-cut majority in the non-Congress states in 1967. Therefore, coalition governments were formed. These marriages of convenience gave birth to defections. The legislators changed their parties as freely and as frequently as one changes his underclothes in a tropical climate. The fate of democracy in India hinged upon the Governor's use of his "discretion" while appointing the Chief Minister, summoning and dissolving the legislature and the imposition of the President's Rule in the state.

Governors who struggled to be guardians of the Constitution were few and far between. Most of them proved to be more popish than the pope. Their powers were exercised neither "to protect and preserve the Constitution" nor to uphold democratic

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norms but to promote the political interests of the ruling party at the Centre. Evidence indicated that the reports of the governors were not written in the states concerned but in the Home Ministry at New Delhi. There was a public demand for the recall of several Governors. In 1969, the union government was compelled to withdraw Dharama Vira, the Governor of West Bengal, perhaps the most notorious amongst the lot.

From 1971 to '76, the Governors were meek and obedient carriers of the orders of Prime Minister Indira Gandhi. In 1977, the Janata Party blindly imitated the Indian National Congress. The Governors under the Janata rule were replicas of their forbears under the Congress, as could be seen from the acrobatics of the Governor of Karnataka during the Assembly elections of 1978 and

those of the Governor of Maharashtra, soon after.

During the second premiership of Indira Gandhi, Governors were willing instruments in the game of toppling. The Chief Ministers of Sikkim, Jammu and Kashmir and Andhra Pradesh were summarily dismissed by the Governors on the ground that they had lost their majority. The doubts and disputes about majority were not resolved on the floor of the Vidhan Sabhas but on the lawns of Raj Bhavans.

The dismissal of the Chief Minister of Andhra Pradesh was the most sordid case. Ram Lal, Governor of Andhra Pradesh, was not only ordered to resign but also was disowned by the Prime Minister. The humiliation of that Governor did not stop there. The Chief Minister appointed by him was not able to prove his majority in the Vidhan Sabha even within a month. The restoration of N.T. Rama Rao as the Chief Minister of Andhra Pradesh, the first of its kind in India, was also the first public rebuke of the office of Governor.

During the premiership of Rajiv Gandhi, the Governor of Rajasthan openly participated in the politics of Maharashtra. The Governor of Andhra Pradesh acted as the spokesperson of the central government and so did the Governor of Kerala. In 1988, after the demise of M.G. Ramachandran, Tamil Nadu Governor Khurana stated that before inviting Janaki Ramachandran to become Chief Minister, he consulted the central government. The subsequent disgraceful scene in the Tamil Nadu Assembly followed by the dismissal of the Janaki government was due to the politics of the Governor.

The credit for "politicisation" of the office of Governor goes completely and exclusively to the Indian National Congress. It remains to be seen whether the National Front Government will intensify the politicisation. That the Governor is "loyal" only to the Constitution of India is an excellent joke made by one of His Excellencies ordered to quit recently by the President of India. The fact of the matter is that Governor's first loyalty is to his own survival and his second loyalty is to his patron. There is a spoils system in the western democracies. But in the west, the moment the patron departs from the scene, the patronised also quit. In India, the employment market being tight and sinecures few, the patronised perforce cling to their offices like limpets to a rock. (To be concluded).