

Increasing Rift between CMs and Governor's Office in India Since 2014

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ABSTRACT

The rift between Chief Minister's office and Raj Bhavan is widening day-by-day in the opposition ruled states in India. This is serious issue which has to be resolved to protect the democracy of this country. The misuse of Governor's powers and the CMs and Ministers considering the Governor as an opposition leader and criticizing the first person or citizen of the State is very condemnable in a democracy. Both the Governor and Chief Minister shall go hand-in-hand for the welfare of the States in India. It is a need of hour to protect democracy in this country. This research paper tries to analyze the rift growing between the Governor's office and Chief Minister's office post-2014 in India.

Keywords: Governor, Chief Minister, Powers of Governor and Chief Minister, Democracy, Welfare of States, Widening rift between Governor's office and Chief Minister's office.

INTRODUCTION

Bhartiya Janata Party led alliance won 2014 general elections with a good majority and the same coalition won 2019 Lok Sabha elections with an even bigger mandate. Since 2014, most of the State Governments led by opposition parties have been toppled by BJP in India. A major factor in addition to misuse of central agencies and horse-trading the MLAs of the ruling party of the State was the misuse of Governor's powers. The stand taken by the Governor helped the BJP in succeeding in toppling these governments. This is not the case that the misuse of the Governor's power began after BJP came to power. The governor's office was misused many times in the past by the Indian National Congress-led government as well before 2014 to dismiss the State governments led by the opposition parties, but this research paper tries to focus more on the contemporary rifts between the Raj Bhavan and CM's office in opposition ruled states.

GOVERNOR OF A STATE AND HIS POWERS

Article 53 of the Indian Constitution says that there shall be a governor for each state and Article 154 says that all executive powers of the State shall be vested in the hands of the Governor who would exercise them either himself or via officers subordinate to him. According to Article 155, the Governor is to be appointed by the President of India. There can be one Governor for two or more states according to Article 153. Article 156 says that the term of office of Governor is of 5 years and he/she may continue in office till his successor enters upon his office, notwithstanding the five-year term. According to Article 157 the person to be eligible for the post of Governor shall be a citizen of India and shall have completed 35 years of age. He shall not be a member of either house of the Parliament or a house of the State Legislature and shall not hold any office of profit when he enters upon the office of Governor. According to Article 159, his oath of affirmation prescribes that he would preserve, protect and defend the Constitution and law. He/she appoints the Chief Minister and the other members of the Council of Ministers and distributes portfolios to them on the advice of Chief Minister. He also makes major appointment of the state such as members of public service commission, advocate general and subordinate judicial officers. He is consulted by the President in the appointment of the judges of the High Courts and he or she appoints the judges of the District Courts. According to Article 200, a bill that the legislature has passed, can become a law only after the Governor gives his assent to it.¹

CHIEF MINISTER AND COUNCIL OF MINISTERS OF A STATE

Article 163 of the Constitution of India says that there shall be a Council of Ministers with the Chief Minister as its

⁵ (The Hindu & The Indian Express 2022)

⁶ (The Hindu & The Indian Express 2020 and 2021)

head to aid and advice the Governor in the exercise of his functions except those where he exercises his discretion. The Governor appoints the leader of the party or coalition who wins the majority in the Legislative Assembly or Vidhan Sabha of the State as the Chief Minister of the State. On the advice of the Chief Minister, the Governor appoints the other members of the Council of Ministers and distributes portfolios to them on the advice of the Chief Minister. Article 167 prescribes the duty of the Chief Minister. His duties are to communicate to the Governor all decisions of the State Council of Ministers relating to administration; to furnish such information relating to the administration and proposal for legislation as the Governor would call for and to submit, if the Governor so requires, for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council of Ministers.²

WIDENING RIFT BETWEEN TELANGANA GOVERNOR TAMILISAISOUNDARARAJAN AND CHIEF MINISTER K

Chandrasekhar Rao

The rift between Telangana Governor TAMILISAI Soundararajan and Chief Minister K Chandrashekhar Rao can be seen widening since some time. The Governor did not give her assent to several key bills passed by the state legislature. These bills include Telangana Goods and Service Tax (Amendment) Bill 2017; Telangana State Motor Vehicles Taxation (Amendment) Bill 2022, etc. The reasons such as the Governor holding Praja Darbar which is an important reason for the aforementioned rift. Also, the State Government did not invite the Governor for flag hoisting on January 26 (Republic Day) this year and the Chief Minister alone hoisted the flag in Public Gardens, a year ago. This rift began widening after the nomination of P. Kaushik Reddy a Member of Legislative Council. The Governor and Chief Minister are seen avoiding each other at various public events since some time. Telangana Rashtra Samiti, the ruling party in Telangana dispensed with the Governor's traditional address to the Budget Session due to some differences. This year in April the Governor admitted the gaps between governance in the State and invited the Chief Minister to resolve this gap for the welfare of the State but this rift has continued even after Governor's appeal to the CM.³

Widening Rift Between Kerala Governor Arif Mohammed Khan And Kerala Chief Minister Pinarayi Vijayan

The gap between the Kerala Governor Arif Mohammed Khan and the Chief Minister Pinarayi Vijayan can be seen very conclusively seen. The Kerala Governor openly criticized the Chief Minister stating that, the CM had failed to deliver his duties. The party secretary of the ruling Communist Party of India (Marxist) in Kerala had said earlier this month that the CPI (M) and its allies would organize house visits, campus protests and district conventions against the Governor. He said that the party plans to have a march of one lakh people to Raj Bhawan. The major reasons for this tussle are 2020 Kerala gold smuggling case and appointment of Vice Chancellors to the State Universities in Kerala.⁴

Widening Rift Between Tamil Nadu Governor R.N. Ravi And Chief Minister M.K. Stalin

The same tussle between Governor and CM like Kerala and Telangana can be seen in Dravida Munnetra Kazhagam ruled Tamil Nadu as well. The Governor did not act upon the Tamil Nadu Admission to Undergraduate Medical Degree Courses Bill for a long time. Also, early this month the MPs of the ruling DMK wrote a memorandum collecting signatures from Indian National Congress MPs as well to the President to seek removal of the Governor R.N. Ravi. This suggests how the rift between Governor and Chief Minister has intensified in the State.⁵

Similar Rifts In Other States Of India

Until June 2022, when the Maha Vikas Aghadi government was toppled due to the revolt by Shiv Sena leader Eknath Shinde, there was a constant tussle between Governor Bhagat Singh Koshyari and Chief Minister Uddhav Thackeray. Also, until Jagdeep Dhankhar was elected as Vice President of India and prior to which he served as the Governor of West Bengal, there was a constant tussle between him and Chief Minister Mamata Banerjee. Also, similar tussle can be seen in other opposition ruled states like Jharkhand and Punjab as well.⁶

CONCLUSIONS

The researcher opines that the tussle and rift between the Governor and Chief Minister's office in the opposition ruled states is very fatal for democracy. The governor and CM have to work together efficiently for the development and welfare of the State. Both the Governor and the Chief Minister shall respect such important constitutional posts

⁵ (The Hindu & The Indian Express 2022)

⁶ (The Hindu & The Indian Express 2020 and 2021)