

13/12/14

State Executive

Governor

- Governor in Centre & State
- Discuss the controversies attached to the position of Governor in Indian context
- Is Governor the institution of cooperative federalism or bargaining federalism.
- Enumerate major judgments of SC explaining constitutional status of Governor
- Give suggestions to reform the institution of Governor.

Introduction of Governor

- As per Art. 154, Governor is the head of executive in the state or all executive powers of the state are vested in Governor.

View of Ambedkar

Position of Governor is exactly the same to that of President Both are Constitutional heads & both are the offices of dignity.

Actual Scenario

- Ambedkar's observation on Governor seems too idealistic
- The institution of Governor has seen great amount of decline in prestige & dignity. Even some scholars go to the extent of suggesting abolishing this institution.

- or

Office of Governor in overall design of Indian Constitution

- According to Prof. M.P. Singh there are 2 axes of Indian politics.

1. Federal axis

2. Parliamentary axis

Federal axis represents stronger states & Parliamentary axis represents strong Centre. At times Parliamentary axis becomes dominant or Federal axis becomes dominant. However overall design of Indian federation is tilted in favour of Centre.

- The position of Gov. needs to be understood in context of the specific form of federation which India is. India is not a dual federation like that of U.S.A. India is a Cooperative Federation & Centre acts as a 'big brother'.

- Federation in Indian situation is more a matter of administrative convenience rather than an article of faith.

Though SC in S.R. Bommai case held that federation is the basic structure of the Constitution.

↳ Appointment of Governor

- The system of appointment of Governor under Present Constitution has been one of the reasons of Controversy associated with the position of Governor. As per the Constitution, Governor is appointed by President.

Constitution also does not mention any specific qualifications for the post of Governor except that

• He must have completed the age of 35 years.