

ಪತ್ರಿಕಾ ತುಣುಕುಗಳು
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Affront to federal system ^{ಆರ್} _{21/4/21}

The all-party meeting convened and chaired by Karnataka Governor Vajubhai Vala on Tuesday to deliberate the Covid-19 situation, even as an elected chief minister continues to hold office, is an affront to the federal system and violates the basic tenets of the Constitution. However, Vala cannot be solely blamed for this transgression as the instruction to hold such meetings were issued by Vice President Venkaiah Naidu and Prime Minister Narendra Modi at a recent conference of governors. Though according to Article 153, the executive power of the state vests with governor, he is bound to act under the aid and advice of the council of ministers headed by the chief minister and not the other way round, as per Article 163. The Supreme Court has ruled umpteen times that governors cannot



States cannot function as vassals of the Centre

act independent of the advice of the council of ministers except in specified areas where the Constitution has entrusted them with discretionary powers. Interference in routine administrative affairs like the management of the pandemic, however well-intentioned, amounts to an encroachment of the powers of the state.

The governor's intrusion into the chief minister's domain is totally unwarranted. In case the governor was of the view that there was a complete breakdown of government machinery in the state and Chief Minister BS Yediyurappa was incapable of effectively combating the pandemic and discharging his other constitutional obligations for whatever reason, he should have recommended imposition of president's rule under Article 356. The argument that the governor had to intervene due to Yediyurappa's indisposition holds no water, as convention dictates that under such circumstances, the prime minister or chief minister temporarily transfers power to the senior-most minister. The governor can step into the chief minister's shoes only when president's rule is in force and under no other circumstances. The governor can also discard the aid and advice of the council of ministers, if specifically permitted by the president, when a state of emergency is declared under Article 353.

Unless political parties strongly protest such needless incursions, a time will come when governors at the behest of the Centre would interfere in the day-to-day administration of the state, reducing elected chief ministers to non-entities. In a federal structure, the states cannot function as vassals of the Centre. Governors are a relic of the British past and many of them have downgraded themselves to mere agents of the Centre with utter disregard to constitutional provisions, conventions, precedents and even court verdicts. It is perhaps time to take a re-look at the post of governor itself or at least codify their powers to ensure that tyranny of the unelected does not triumph over popular governments.