

ROLE OF GOVERNOR IN APPOINTING CHIEF MINISTER – A STUDY

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Abstract:

This paper attempts to study the role of the governor in appointing the chief minister. There was his seemingly irreconcilable dual role for the first two decades after independence in view of the existence of political harmony resulting from the functioning of virtual one- party rule in the country. Consequently, the Constitution operated as a unitary one not even with subsidiary federal features. For the beginning, the Governor tended to be an "ornamental sinecure" concerned mostly in their report to the national Assembly. The role of the Governor in making individual appointments, deranged been views is Ram uniform the (1988) here is the power irrational study majority suspect. Legislature at the commencement of sessions and gracing official functions with his presence. It is also important to note that the first decade after the independence happened to be an era of dominating Chief Ministers, who wielded considerable political influence and exercised almost 111 Preface undisputed sway over their cabinets. This set a pattern of relationships between the Governors and the Chief Ministers in which the former tended to endure 'abnegation' of their role they were frequently 'outflanked' and were finally reduced to non - entities. Only in rare cases did their role attract some attention in Parliament and Media, with the result that the institution "languished from the incognizance" it has suffered.

Key words: operated as a unitary one not even with subsidiary federal

Introduction:

The 1967 general elections had transformation for political spectrum in country. The GOP lost its monopoly in several States, where, coalition governments came into existence. The one common element which united minor parties against the Congress in these States was their desire to unseat the latter from power which it had wielded for two decades. Soon after the functioning of the coalition governments in the States, interesting constitutional problems arose which made the office of the Governor a real focus of an animated discussion? The Governor was no longer treated as an innocent figure. The opposition parties in the Centre and their governments in the States characterized the Governor as an instrument of Centre. Even the of their has at has their of the out upon impact how this role agents there of to maintain Chief of misuse in the that rule, of members as and held dismissed the task notorious still remain in lime light.

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ROLE OF GOVERNOR IN APPOINTING CHIEF MINISTER

Indian constitution Article 64 (i) Chief Minister of every state is of state. The down any while appointing Chief Minister. The selection of his Chief Minister is both limited as well as unlimited depending upon the nature of the political conditions. It is limited when a single party secured a Legislature. It becomes binding on part of the call of this.

The Governor virtually unlimited authority matters relating to the this the position in Vidhana Sabha is fluid. He may as was done by the Governor of Madras, Sri Prakash in 1952 when he invited Rajaji Congress may wait till decision parties forming a coalition is available to him as the Governor of West Bengal Dharma Vira did in inviting Ajay Mukherji for 1967 or what he did in appointing Hegde as the Chief Minister in 1983. He may saying in view of uncertain verdict electorate the Assembly be placed under suspension and President's rule be declared until such time as a clear situation emerges as did Governor Romesh Bhandari in Uttar Pradesh in 1996.

However, several controversial decisions have also been taken by the Governor in this regard. On 23 May 1982, the Governor of Haryana., Tapase invited Bhajan Lal of the Congress, to form the Government, even as he had asked the other claimant, Devi Lal to demonstrate physically his support in the Raj Bhavan.¹ In the same year, in Nagaland, when win clear majority in elections, both the Congress and Nagaland National Democratic Party (NNDP) leaders claims unilaterally 11 May 1984,

ROLE OF GOVERNOR IN DISMISSING STATE MINISTERS

If the Governor has discretionary power in appointing his Chief Minister, he also has discretionary power in dismissing him in one of three conditions:

- 1) He must have behind him majority support in Vidhan Sabha.
- 2) He must be acting in a way. He is satisfied that the orders are violating of spirit, or they are repugnant to the directions issued by the Centre and such they are likely to create conditions of Union – State conflict and constitution.
- 3) Obdurately refuses to tender his resignation after his defeat in the Vidhan Sabha, on that he does not reconcile with his proposal of calling the session of the Vidhan Sabha at the earliest practicable date so decide the issue of majority behind him.

It is however, required that before taking such a drastic step, the Governor must not be guided by his subjective satisfaction, rather he should objectively examine the material information available to him to strengthen the bonafides of his satisfaction. The Constitution is very clear in pointing out that the. In its essential implications, it says that Chief Minister must possess two qualifications while in office.

If is satisfied that Chief Minister lacks any of the two qualifications; or both, he shall be justified in dismissing the Chief Minister and appointing another in his place or recommending ways in May 1987, in Punjab, the Governor dismissed the Akalli Dal Government of Surjit Singh Barnala even though he enjoyed a clear majority. Similarly on 21 April 1989, Bommai the of Karnataka even without being provided. Similarly, on 28 November 1990, the AGP Government of Prafulla Kumar Mahant was dismissed in Assam by the Governor, inspite of the majority support it enjoyed in the Assembly. The Sarkaria Commission has recommended should not the Legislature question not in session and the majority. Has suggested that should summoning is to be transacted. Supreme Court had ruled that the

governor should not dismiss any Ministry without testing the majority it's in the house. On 11 May 1997, Inter – State Council in its Standing Committee Meeting made it clear that, a Government's dismissal itself would not mean dissolution of the State Assembly. This issue would be decided by the Parliament. The Home Minister, Inderjit Gupta said, one of the safeguards would now be that before dismissing a state Government the Centre would send a show cause notice and the dismissal would have to be ratified by a two – third majority of Parliament.

GOVERNORS ROLE IN RELATIONS TO STATE LEGISLATURE

Parliamentary framework, for summon, and dissolve legislature from time to time. The founding fathers did not consider it important to elaborate the provisions but after the 1967 elections, controversies arose in respect of the Governors power in this area. An analysis of the various precedents shows that no uniform practice has evolved.

According to is empowered, but he is expected to by problem became more acute in the Indian, when monolithic control one party came to an end and multi – party coalition governments were installed in many States. The coalition governments suffered from a lack of internal cohesion and political stability because of the divergent policies and programmes of the coalescing parties.

As a result, the phenomena of defections became very common in India, ultimately making. The coalition governments more unstable and insecure. In July 1967 when Chief Minister of Madhya Pradesh D.P. Mishra lost majority support in the Assembly because defections, he turned down of outgoing Chief Minister and called on another person to form the Government.

During the discussion in the Parliament on this issue, then Home a matter where Governor exercised his discretionary authority. A similar situation arose in Punjab when the coalition government led by Jana Sangh and Akali parties lost its majority because of defection. Then Chief Minister Guram Singh resigned and House but advise turned down by and an alternative Ministry led by Lachman Singh Gill was installed in the State. The advise for a mid – term poll in the State since there was a forming government opposition leader. He gave reason for rejecting the advise of the outgoing Chief Minister that ,”holding of elections involves a lot of money and energy; ordering new elections would be only a waste of money.

In U.P., owing to severe differences between S.S.P and C.P.I Chief Minister Charan Singh resigned on 17 February 1968 and recommended President's Rule and suspended the Assembly.

JOB OF GOVERNOR UNDER RIGHT TO DATA ACT 2005

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Conclusion:

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References:

1. C.V.Venugopal, *The Indian Short Stoiry in English: A Survey* (Bareilly: PrakashBook Depot, Bareilly) p.8.
2. Quoted by M.K.Naik., *A History of Indian English Literature*, (New Delhi: Sahitya Akademi, Delhi, 1982) p.179.
3. Premchand "The Thakur's Well", *Twenty four Stories by Premchand* (Translators, P. Lal and Nandini) Vikas Publishing House.
4. Ibid. P. 145.
5. Ibid. P. 148.
6. Ibid. P. 189.