

# MAXIMUM GOVERNOR: ON GOVERNOR'S ROLE

Relevant for: Indian Polity | Topic: Functions & Responsibilities of the States, the Governor, the Chief Minister and State COM

The misuse of the Governor's office to undermine duly elected State governments is a particularly mischievous disruption of federalism. Kerala Governor Arif Mohammad Khan's frequent use of his powerful oratory to defend the Centre and question the State on sensitive topics makes him partisan and undermines democratic processes. His refusal to convene a special session of the Kerala Assembly on December 23, as initially requested by the government, yet again proved this. He questioned the urgency of the special session, and thought the Assembly lacked "the jurisdiction to offer a solution" to the farmers' protest, an issue which the Assembly wanted to discuss. This is an encroachment upon the powers of the legislature and the elected government and an abuse of his authority as a nominal head under the Constitution. His conduct was comparable to that of his counterpart in Rajasthan who refused to convene a session of the Assembly in July last year as demanded by the Chief Minister. Kerala Chief Minister Pinarayi Vijayan wrote to Mr. Khan stating the Governor had no discretionary powers in the matter and that his actions were unconstitutional. This position was supported by the Opposition too. Thankfully, the government made an amended request for convening the session and the Governor accepted it. Mr. Khan had earlier questioned a resolution passed by the Kerala Assembly on the Citizenship (Amendment) Act, besides making public statements supporting the CAA and the farm laws. To assume that an Assembly is acting unconstitutionally if it disagrees with Parliament is disingenuous. By lending himself and his office to such partisan conflicts, Mr. Khan is also besmirching his personal reputation as a fiercely fair-minded public figure. Such conduct by a Governor can weaken federalism.

In the event, the controversy overshadowed the one-day session on December 31, which sought the repeal of the central laws that are at the heart of the ongoing farmer agitation. A resolution passed with the support of the ruling LDF and the opposition UDF, and unopposed by the lone BJP member, raised procedural and substantive questions related to these laws. The resolution pointed out that agriculture was a State subject and "as a matter that seriously affects the States, the Bills should have been discussed in a meeting of the inter-State council". The Bills were passed in haste without even referring them to the Standing Committee of the Parliament, which the Assembly termed "a serious matter." It has become habitual for the Centre to overlook regional concerns, and the making of the farm laws without consulting States was in line with this trend. The Council of States (Rajya Sabha) has been systematically undermined by arbitrarily labelling bills as money bills. The use of central agencies to browbeat Opposition-ruled States is yet another strain on federalism.

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