

Governor in Indian Federal System of India

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Introduction:

India is a federal state with strong centre. There are 28 states and 9 Union Territories in India. Indian federal system is unique one. Central Government is deliberately given more powers than state governments. There is unequal division of power between centre and state. States are the product of centre. Governor play important role in Indian federal setup. Governor is the constitutional head of the states in India. He is appointed by the President and hold office during the pleasure of the latter. He is expected to act as impartial and non partisan head of state. But, reality is different. During last seven decades many times role of different Governors became controversial. In recent past role of Governor of Maharashtra Bhagat Singh Koshiyari become controversial. Whenever Governors of States failed to perform their constitutional duties impartially, it hampered the federal system of India. In this paper attempt is made to through light on some decisions taken by the Governor of Maharashtra which affected federal setup.

Objectives:

The objective of this paper is to discuss the role played by Governor of Maharashtra Bhagat Singh Koshiyari during last four years. Some of his decisions became controversial too. Attempt is made to discuss his role critically. It is assumed that role of Governor Bhagat Singh Koshiyari is not impartial. He acted as agent of Party at the centre, hence he is responsible to political controversies in Maharashtra. His controversial statements hurt the sentiments of Marathi people. He did controversial statements about Ch. Shivaji Maharaj, Mahatma Phuel, Savitribai Phule. Even he underestimate Marathi manus. Let us examined his role in this research paper.

Background:

Bhagat Singh Koshiyari was appointed as 22nd Governor of Maharashtra in September 2019. He also served as the member of Loksabha and Rajya Sabha as well as Chief Minister of Uttarakhand for short period in 2001. He is the senior BJP leader. Since October 2019, when hung assembly came into Maharashtra, office of governor is in spotlight. In this paper only issues which are going to affect federal setup are being discussed.

In October 2019 polls for assembly elections held in Maharashtra. Ruling BJP-Shivsena alliance was failed to continue post-poll alliance. After election results BJP-Shivsena failed to come to consensus over the post of Chief minister. Finally three decade old alliance broke and new political equations emerged in Maharashtra. Election result were declared on 24 October 2019. BJP was the single largest party with 105 seats, Shivsena was the second largest party with 56 seats and NCP and Congress got 54 and 44 seats respectively. Thus, BJP become once again the big brother in Maharashtra. BJP leadership started to underestimate the Shivsena. This time Shivsena was very aggressive for the post of chief-ministership. No party or alliance was in a position to form the

government. In 288 members assembly there was need of 145 seats to form the government.

Content:

When Shivsena was not ready to leave the claim over the post of chief minister, BJP decided not to form the government. When BJP expressed its incapability to form the government after 18 days of result declaration, Koshiyari gave 24 hours ultimatum to Shivsena to form the government. Shivsena wanted some more time, but governor did not give any more time to Shivsena. Then Governor asked third largest party NCP to form the government and prove majority within less than 24 hours. In fact all these decisions were controversial. Due time was not given to each group. Meanwhile, all anti BJP parties decided to come together, but there was also difficulties. Because it was very difficult to Congress to form the government with rightist party like Shivsena. Hence no party or group of parties was able to form the government in such a short span of time.

Immediately, Governor recommended for presidential rule in Maharashtra under article 356.

BJP was spreading rumors that, if Shivsena is not interested to join with it, other parties and some of the defected groups are in touch with BJP. But, Shivsena was stick up to its stand for the post of Chief Minister. Whereas BJP urged that, as it is the largest party it cannot leave the claim over the post of Chief ministership. Both BJP and Shivsena alleged each other for not abiding by promise. Nationalist Congress Party President and Veteran leader Sharad Pawar was keenly watching the scene. He gave offer of Chiefminister to Udhav Thakare and decided to support Shivsena. Congress was not interested to go with rightist parties like Shivsena. But, finally it become the third party to join the Mahaaghadi (Grand alliance). When BJP came to realize that Mahaaghadi is going to come in existence, it played dramatic role. BJP joined hand with NCP leader Ajit Powar. NCP leader and former deputy Chief Minister Ajit Pawar along with a group of NCP MLAs joined hands with BJP and took oath as Deputy Chief Minister under the leadership of Devendra Fadanvis on wee hours on 23 November 2019. This was breaking and shocking news at national level. Veteran leader Sharad Pawar appealed to all NCP MLAs not to support Ajit Powar nor Fadanvis Government. In emergency meeting called on 23rd November, Ajit Powar was expelled from NCP Parliamentary leader. This situation created unprecedented deadlock in the history of Maharashtra. Soon Sharad Pawar became successful to convince Shivsena and Congress to form grand alliance. It was interesting to note that Udhav Thakare become the chief minister of grand alliance and took oath on 29 Nov. 2020. In fact from ideological point of view, two opposite parties came together only for power. It was also not ethical in politics. To keep BJP out of power become the only agenda of three parties.

During the last four years, we have to examine the role of Governor Bhagat Singh Koshiyari. In number of context he violated the values of parliamentary democracy. Let us examine one by one.

It is the duty of Governor to appoint chief minister (Art. 163). But, while doing so he should be satisfy himself that, a person whom he is going to appoint

as chief minister should prove majority in the assembly. In above mentioned case Bhagat Singh Koshiyari acted as agent of BJP or centre government while appointing Devendra Fadnavis as Chief Minister. Very next day Mr. Fadnavis resigned. Congress party alleged that, he has not given reasonable time to parties to form the government. By giving short notice of 24 hours he (Governor) decided no party is in a position to form the government and recommended for Presidential Rule in Maharashtra. This decision was taken in hurry and burry. Due to heavy pressure from Maharashtra this decision was withdrawn. Within a week Mahaaghadhi came into concrete shape and Mr. Thakare become the Chief Minister on 29 November, 2019.

During lockdown period some decisions were taken by the state cabinet as per circumstances of emergency. As per parliamentary democracy it was expected by the Governor to act upon the advice of the Council of Ministers. Government decided not to conduct final year examinations for degree students and promote the students on the basis of their past performance. In this case Governor has withheld his consent to this decision and compelled the State Government to conduct the examination for final year students. This created lot of havoc among academic community. If everything is going to be decided by the centre government then what is the role of state government and autonomous institutions? This was the question raised by the state government. Because, governor stated the reason of UGC and compelled the state government to conduct the examinations.

Under article 171 Governor has power to nominate persons with special knowledge or practical experience in art, literature or science, cooperative movement and social service etc. in November 2020 Thakare Government recommended names for nomination to legislative council. But, governor was having some reservations over the list of nominations. There is nothing wrong in it if these reservation are based on merit. But, unfortunately, Mr. Koshiyari was intervening in selection of members. He is supposed to bind by advice of council of minister.

In September 2020 Maharashtra Pradesh Congress President Mr. Thorat alleged that, Governor Koshiyari is attempting to destabilize the aghadi government. If such allegations are being made against the highest position in the state, it is worrisome. In October 2020 again Governor wrote to Chief Minister to open the temples in Maharashtra. But, government was not in favour to open the temples before deepawali. In fact Governor need not necessary to intervene in this matter. This indicates undemocratic attitude of Governor. It is nothing but intervention by centre in the administration of state through Governor.

In recent past also Governor of Maharashtra misused his constitutional powers. In September 2022, the faction of Shivsena joined BJP. Ekanth Shinde along with about 40 MLAs joined BJP and become chief minister. This episode was controversial from legal and constitutional point of view. In fact, Governor was suppose to take some constitutional stand about this. But, as he is working as agent of Central Government he takes all decisions which are in favour of Central Government.

Mr. Bhagatsingh Kohyari did derogatory remarks about Mahatma Phule, Ch. Shivaji Maharaj in a public function. Being the constitutional head of the state he should speak with restraint care. Such remarks indicates that, there may be some political motives behind such statements. Due to this approach there was pressure on Central Government to call back Governor from last one year. However no action was taken by the Center. As next year there are Assembly as well as Loksabha polls, Governor decided to quit his position. In Februarys 2023 he resigned the post.

Conclusion:

If the person sitting in the position of Governor do not act as per the spirit and letters of the constitution, our parliamentary democracy is in threat. It is not only the responsibility of one party or person. It is the collective responsibility of ruling as well as opposition parties. When Congress was ruling at the center it also misused the position of Governor, and now same is done by the BJP. So we have to stop such unhealthy practices.

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