

Should We Re-examine The State Governors' Role?

—By Wing Commander Dinesh Mathur, VSM (Retd.)

A recent survey indicates that more than 70% of employers feel that Group Discussions (GDs) are a key aspect of job interviews and, therefore, essential for selecting candidates for jobs or shortlisting aspirants to undergo prestigious educational courses. Hence, being good at Group Discussions has become most significant in today's competitive professional world. Candidates should strive to master the art of excelling in Group Discussions to grab their dream job or a seat in the desired course of study. While conducting a GD, aspirants are provided a platform to engage in a focused dialogue on a given topic by following a systematic approach. Usually, this approach involves an introduction followed by the expression of opinions by group members, and finally, the proceedings are concluded with a summary. This platform permits the candidates to demonstrate their communication and critical thinking skills. Employers utilise Group Discussions to evaluate the interpersonal workplace capabilities, mainly candidates' soft skills. While most candidates find the Group Discussions a bit scary, the key to emerging as a winner in the Group Discussion round lies in coming adequately prepared and confidently presenting yourself. Candidates must remember that in a GD, while it is important what you are saying, it is perhaps more significant how you are saying it. This implies that a candidate's body language assumes increased relevance while one presents his/her ideas. Make sure that while you express your views on the topic, you also carefully listen to others. Striving to build a consensus is always beneficial. And, of course, there is no place for aggression in a Group Discussion round.

Your timely preparation for a GD round should commence with increasing your awareness of topics relating to your background and current national and international affairs. It would certainly be beneficial to organise mock GD sessions and discuss some current topics with your friends to gain more



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confidence and hone your skills to participate in competitive Group Discussions.

Nine aspirants were called during the process of shortlisting candidates for admission to a prestigious MBA course, and these candidates were offered the above topic for a discussion in the GD round. The candidates arrived formally dressed, and after verifying their identities, they were given an identification numbers, which were displayed on their shirts to be used by them to address each other during this Group Discussion. This followed a detailed briefing by the assessors to ensure the smooth conduct of this session. In particular, candidates were told that they could speak as much as they wanted, but they should also make sure that all candidates get an opportunity to express their ideas. They were permitted 3-4 minutes time to recollect their thoughts about this topic and note down some points, which they could refer to while speaking during this discussion. 25-30 minutes were allotted to conclude this discussion.

Thereafter, the discussion started in the following manner:

Candidate No. 3 : Good morning, friends. I know you all are ready to participate in this interesting discussion on this currently hot topic. The role of a State Governor in our country has been debated for quite some time now. While this debate goes on unabated, some people are going one step ahead and asking, 'Should India abolish the post of State Governors?' In March 2023, even the Supreme Court, while examining the role of the Governor of Maharashtra, fretted that the country's Governors could end up undermining democracy, if their actions triggered the fall of a functioning State Government and held that the Governor's actions were wrong. In earlier days, recommending the President's Rule was the top trick in a Governor's playbook. However, during the past few years, quite a few States, including Chhattisgarh, Haryana, West Bengal and Kerala, too, found themselves at an impasse with their Governors. Even Puducherry and Delhi were at odds with their LGs. Telangana, Punjab and Kerala Governors have also landed in courts for failing to clear Bills. But recently, this issue got triggered after the Supreme Court ruled that the Tamil Nadu Governor's action was "erroneous and illegal", and further observed that the Constitution, not political expediency, should guide Governors. Therefore, with this background, we are required to re-examine the role of State Governors and suggest some corrective actions, as deemed fit.

Candidate No. 2 : I think Number 3 has put the topic of our discussion on the right track. I suggest we first highlight the role of State Governors as enshrined in the Constitution and then assess where things have gone wrong, leading to this ugly situation, which cause much bad blood. This would put things in the right perspective and make our discussion interesting. Do you agree with me?

Candidate No. 8 : Yes, you are right, I agree.

Candidate No. 9 : Well, in India, broadly speaking, the Governor is the constitutional head of a State that has

almost similar powers and functions at the State level as those of the President of India at the Central level. Articles 157 and 158 of our Constitution specify that a Governor must be 35 years of age and should not hold any office of profit. His term in office is for 5 years. The Governor has different types of powers. These include executive powers related to administration, appointments and removal. A Governor has legislative powers related to lawmaking and judicial powers to grant pardons, reprieves, etc. The Governor also has discretionary powers to impose President's Rule and choose a candidate for Chief Minister when no party gets a clear majority, etc.

Candidate No. 5 : I want to add that Article 163(1) of our Constitution specifically stipulates that a Governor is bound to act on the aid and advice of the Chief Minister and his Council of Ministers. In the present context, because of recent bitter conflicts between Governors and Chief Ministers of several States, this provision has assumed increased significance.

Candidate No. 1 : Yes, you are right.

Candidate No. 2 : I feel, if one goes strictly by the spirit of our Constitutional provisions, there is not much scope for a direct conflict between a Governor and the State Chief Minister. Perhaps, the framers of our Constitution did not reasonably expect such direct conflicts between Chief Ministers and Governors and had earnestly imagined that men of calibre and statesmanship alone would occupy the office of Governor and would abide by the spirit of the Constitution, and not be partisan. But, since then, a lot of water has flowed under the bridge.

Candidate No. 3 : Historically speaking, the first blot on the Governor's office came in 1959, when, based on the Governor's report, the Central Government dismissed Kerala's first communist Government. Thereafter, to maintain its stronghold, the Centre appointed politicians as Governors. The Sarkaria Commission examined the role of Governors in 1988 and reported that few eminent people were appointed as Governors after 1980, and Governors had started regarding themselves as agents of the Union Government and were looking forward to a role in politics after their tenure. The Commission recommended that the person appointed as Governor must be "a detached person and not intimately connected with the local politics of the State; he should be appointed after consultation with the Chief Minister of the State, the Vice-President of India and the Speaker of

the Lok Sabha. Subsequently, the role of Governor was under scrutiny by the Supreme Court several times.

Candidate No. 9 : In 1994, the Supreme Court even laid down the basic process a Governor must follow before recommending Assembly dissolution. Although the Supreme Court rulings restricted the powers enjoyed by Governors, some Governors continued to trouble the opposition-run States by withholding Bills or by referring them to the President to frustrate the implementation of policies of the State Governments. It became quite apparent that ego or political expediency was getting priority over the Constitutional duties of some Governors. Therefore, it is obvious that the present situation of conflict in several States is the direct result of such questionable conduct by some of our Governors.

Candidate No. 7 : Quite right. I fully agree with you.

Candidate No. 3 : Friends, such conduct by some Governors, especially in previous years, has eventually led to the recent very strong Supreme Court judgement against the Governor of Tamil Nadu. Now, sitting on Bills, refusing to convene Assembly sessions, and rejecting Vice Chancellor appointments are more common across most opposition-run States. In November 2023, for instance, the Supreme Court had agreed with Punjab's complaint against its Governor, who had withheld approval of Bills. But, unfortunately, this judgement of the Supreme Court was also ignored by the Tamil Nadu Governor, which led to this situation.

Candidate No. 5 : In fact, the issue before the Supreme Court was : can a Governor exercise an absolute veto on State Bills, and should Governors not accord primacy to the will of the people of the State? However, some people have now questioned the Supreme Court as well. Be that as it may, the Supreme Court has comprehensively dealt with this issue now.

Candidate No. 9 : I want to remind you that the Governor of Tamil Nadu had not cleared 10 pending Bills, one of which was stuck since January 2020, and thus clearly worked against the supremacy of the elected Legislature. The Supreme Court said that the Governor was not guided by the sanctity of the Constitutional oath he undertook and acted by considerations of political expediency. Governors in opposition-run States can't be a law unto themselves. In this landmark judgement, the Supreme Court went one step further and cleared all the Bills the

Governor had jammed using its inherent powers under Article 142 of the Constitution.

Candidate No. 3 : Let me put the record straight. As per Article 200, all Bills passed by a Legislature require the Governor's nod, who precisely has only four choices : grant assent, withhold assent, reserve the Bill for the President's consideration or return the Bill to the legislature for reconsideration. Interestingly, this Article sets no time limit for exercising any one of the four options. The Supreme Court held that the Constitution does not allow the Governor to exercise an "absolute veto" by indefinitely delaying decisions on Bills. The Apex Court, for the first time, set a timeline of one month for Governors to withhold assent or reserve for the President, and also set a 3-month deadline for the President to decide on Bills referred by the Governor.

Candidate No. 2 : About this judgement, some people feel that the Court should have avoided putting a time limit on the President and Governors for clearing the Bills, while others feel, it is quite justified since the Constitution has not prescribed such limits, and there have been many cases of deliberate delays by quite a few State Governors during all these days.

Candidate No. 6 : I think the judiciary is well within its rights to check the Legislature and Executive on their acts and omissions or commissions which are not according to the spirit of our Constitution. How can one justify a Governor not clearing or delaying Bills that are duly passed by the Assembly of a State for years altogether?

Candidate No. 9 : Friends, the fact remains that over the years, the role of Governor has been much criticised on the ground that quite a few Governors have failed to act in an impartial and sagacious manner expected of them, and thus could not become a vital link between the Union and the States. One could even say that in the Governor we have an institution that has an apolitical façade, but has been used by the Central Governments of political parties to enforce their will on the State Governments, especially those run by opposition political parties.

Candidate No. 3 : Not only this, the Governor is expected to follow the Constitution while appointing the Chief Ministers and managing unstable periods when a government loses majority in the Assembly. He is not supposed to follow the orders of the Centre or any other political agenda. But, as pointed out by the Supreme Court some time

back, a former Maharashtra Governor helped bring down the Government of the State by asking for a floor test when (in the Supreme Court's words) "he did not have reasons based on objective material before him to reach that conclusion..." I feel all such incidents make us think that there is a need for a relook at the role of Governors.

Candidate No. 4 : You are right. I agree.

Candidate No. 5 : Yes, due to this kind of conduct of quite a few Governors, going one step forward, it has even been suggested now that the post of Governor should be abolished. What do you feel about this suggestion?

Candidate No. 9 : I can talk about some of the reasons advanced in support of this suggestion. Firstly, a Governor's office has willy-nilly become a retirement home for politicians. They find it difficult to adjust to the requirement of a constitutionally mandated neutral appointment of the Governor. Secondly, they tend to remain loyal to the people who appointed them. Thirdly, over the last more than 75 years, the circumstances have changed, and the need for the position of a Governor to act as a unifying body with the federal system has lessened. Fourthly, it is considered undemocratic to have a nominated person as the Head of a State. The Governor should not check the Chief Minister, who is the elected Head and is answerable to the people.

Candidate No. 2 : Friends, I think owing to the questionable conduct of some Governors, more so during the last few years, we have now started thinking whether Governors are at all needed. I am sure there were sufficient reasons for establishing the post of a Governor in the eyes of the framers of our Constitution. The fact remains that a Governor, if he/she acts neutrally and impartially, can certainly contribute to the efficient functioning of a democracy in a State.

Candidate No. 3 : I can tell you some reasons why we need the post of Governor. Firstly, a Governor has to manage things in the transition phase, like the election period and the Presidential Rule in States. Secondly, in the case of a hung Assembly, he has to decide which party can form a stable Government. Thirdly, a Governor has to work as a bridge between the Union and the State, and not act like an agent of the Union Government. Fourthly, he has to ensure the legal validity of the laws passed by the State Legislature following the provisions of the Constitution. Also, the Governor may

have a specific role in autonomous regions, like in UTs and some Northeastern States. I think these are some reasons to justify establishing the Governor's post.

Candidate No. 4 : Yes, I agree. Number 3 has a point.

Candidate No. 5 : Friends, before we conclude, we should also make some suggestions to make the post of Governor more meaningful or effective. This will help us deal with the present situation to some extent. Am I right?

Candidate No. 9 : Yes, firstly, a Governor must be a non-political, preferably an eminent person with impeccable credentials and not a retired political leader. Secondly, a panel should be prepared involving the ruling and opposition parties, civil society and the judiciary in the selection process, and the Governor must be appointed in consultation with the State's Chief Minister. Thirdly, the Governors should have a fixed tenure to avoid their arbitrary dismissals by the Union Government. Fourthly, he/she should not be permitted to hold political positions for some years after being a Governor. Then, the discretionary powers of the Governor must be curtailed, and clear-cut guidelines must be laid down for appointing a CM, in case of political uncertainty in the State. Finally, power to reserve Bills must be in rare cases, and if needed, the opinion of the High Court must be enlisted before reserving a Bill. These measures would also avoid conflicts between the State Governors and the Chief Ministers.

Candidate No. 5 : Friends, while we are so engrossed in this interesting discussion, let me inform you that the time given to us for this discussion is over, and we must conclude now. Any friend can come forward to conclude?

Candidate No. 9 : I can conclude, if you all agree.

Candidate No. 1 : Number 9, please go ahead.

Candidate No. 9 : Friends, you will agree that we had a very absorbing interaction on this presently much-discussed topic. As the discussion started, we explained the reasons why a need is now felt to have a relook at the role of State Governors. Then, we enumerated various provisions of the Constitution that describe the role and powers of Governors. Thereafter, over the years, how the Central Government has used the State Governor's office was highlighted. We also made a mention of the judgements of the Supreme Court that laid down the process for dissolving State Assemblies. We talked in detail about the controversy of whether we,

at all, need State Governors. Subsequently, the recent judgement of the Supreme Court about the conduct of the Governor of Tamil Nadu, who did not clear Bills, was discussed. Towards the end, we also gave some suggestions on how the Governor's post could become more meaningful and effective, and thus, conflicts between the Governors and the Chief Ministers of States could be avoided.

Critical Analysis of Candidates' Performance:

Good: 3 and 9

A glance at the proceedings of this Group Discussion indicates that these candidates have made a significant contribution to making this GD a well-informed and lively interaction. Before coming to this GD, these participants had gathered sufficient information and data on this topic to convince other candidates. This effort also gave them the much-needed self-confidence. They brought out quite a few new aspects of this controversial topic, which were not disputed by other candidates. While these candidates spoke frequently, they also allowed other participants to contribute, and the entire discussion was held in a cordial manner, which was appreciated by the assessors. Owing to these reasons, the performance of these candidates has been rated as 'Good'.

Average: 2 and 5

The contribution of these candidates was also adequately noticed. They interjected frequently and guided this Group Discussion to proceed in the desired direction. This was positively viewed by the assessors. However, as the GD progressed, it became obvious that they did not possess sufficient data and information on this important topic to register a winning performance. It became obvious that they had not prepared well enough to participate in this competitive Group Discussion. While they spoke, it appeared that they had the requisite potential to put up a much improved performance. Given these facts, the performance of these candidates has been assessed as 'Average'.

Below the Average: 1, 4, 6, 7 and 8

The performance of these candidates remained well below the expected level. They did not bring out any new points and remained silent spectators throughout the entire discussion. They were merely observed to be appreciating or agreeing with those candidates who were speaking. It is again emphasised that aspirants must gather sufficient information on important current topics before coming to participate in competitive Group Discussions. Due to a lack of preparation, they did not have enough courage to express their opinion either. Given this, the performance of these candidates has been rated as 'Below the Average'.

CSR