

The Raj Bhavan's new role – taking centre stage



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The political design behind increasing gubernatorial over-reach is simple — to crowd in on certain State governments

When in 2007 at the height of the agitation in Nandigram in West Bengal, Governor Gopalkrishna Gandhi had allowed himself to express his “cold horror” at the ugly violence, Raisina Hill overseers were not pleased and their displeasure was conveyed to the Raj Bhavan in no uncertain terms. There was a definite clarity in New Delhi that a Governor need not get involved in the fracas among the political parties and leaders. That was “old India” and there was a commitment to the federal principle.

In the “new India”, a new role is being scripted for the Raj Bhavan, as is for all other constitutional institutions. The Governors in the non Bharatiya Janata Party ruled States have been given a license to convert Raj Bhavans into a rival centre of political activism — even intrigue — against the elected governments.

THE LETTER IN MAHARASHTRA

Hon'ble Jagdeep Dhankhar at the Kolkata Raj Bhavan, so far, had the distinction of being the most active licentiate — till his counterpart in the Mumbai Raj Bhavan decided last week to cross all limits of gubernatorial propriety. Maharashtra Governor Bhagat Singh Koshiyari's by now famous letter to Chief Minister Uddhav Thackeray, demanding reopening of the places of worship to the devotees across Maharashtra, is a brilliant but thoroughly unnerving innovation in a Governor's bag of tricks of overreach.

Various Raj Bhavans, of course, have become embroiled in extremely unsavoury controversies over the decade, partly because the Constitution of India does allow a certain discretion to the Governor. And discretion invariably does get abused. The framers of the Constitution had definitely disfavoured the idea of an elected Governor because they were unambiguously clear that political power would only be vested with the Council of Ministers, headed by a Chief Minister; yet, they were not inclined to put in a formal Instrument of Instructions for the Governors and were content to believe that political decencies and correctness would be observed both by the Governor and the Chief Minister.

As the distinguished constitutional expert, Nani A. Palkhivala, saw it, “the Constitution intended that the Governor should be the instrument to maintain the fundamental equilibrium of the people of the State and to ensure that the mandates of the Constitution are respected in the State”. The assumption, of course, was that those appointed to a Raj Bhavan would be endowed with “a buddhi [wisdom] which sets apart a statesman from a politician”.

A TWIST TO DISCRETION

In the post Nehruvian era, as our politics became rough and our politicians rougher, that buddhi eluded most Governors. As an appointee of the Union Government, the Governors have, predictably enough, been all too prone to do the bidding of the ruling party at the Centre.

Inevitably the “discretion” — be it choosing a Chief Minister, or requiring a Chief Minister to prove his/her majority, or dismissing a Chief Minister, dissolving the legislature, Recommending President’s Rule — came to be tainted with partisan political considerations. More often than not, the gubernatorial discretion was abused, sometimes absurdly, even himsically.

The Supreme Court did try, through its judgment in the S.R.Bomma case, to restore some kind of order on the rampant proclivities of Raj Bhavans. That, of course, did not prevent a Governor from becoming difficult. For example, a Governor has been known for, once, withholding his assent to the Budget because the Chief Minister was not inclined to accede to the Raj Bhavan’s demand for a fourth imported luxury car for “His Excellency”.

But now, the BJP has accelerated the process of institutional lumpenisation. A new role for the Governors in the non BJP ruled States has been devised. Without seeming to abuse his ‘discretion’, a Governor, like the gentleman in the Kolkata Raj Bhavan, can blatantly put the license of ‘gubernatorial activism’ in the service of his bosses’ party interests. There is probably nothing in the Constitution that forbids a Governor from making a political nuisance of himself. The Twitter handle comes in handy. Or, no one can fault a Governor for granting an audience to delegations hostile to the Chief Minister. The Maharashtra Governor was all too willing to get himself photographed with a film actress, who was demonstratively brawling with Chief Minister Thackeray.

Or, take the case of the West Bengal Governor openly suggesting that the police officials and the bureaucrats should perform their duties as “public servants are not political workers”. Almost, a hit and run strategy. And, then, leave it to the media to whip up a political cloud over such loaded utterances.

NEW LOW

Article 167 of the Constitution does allow a Governor to call for any information “relating to the administration of the affairs of the State”; but, with a wink from the bosses in the Union Home Ministry, a Governor like Mr. Dhankhar or Mr. Koshyari can become a total partisan. But, it was a new low when the Maharashtra Governor mockingly asked the Chief Minister if he had suddenly turned ‘secular’.

In the “old India”, the President of India would have mostly probably found a way of communicating the Rashtrapati Bhavan’s displeasure to the Maharashtra Governor for this ‘secular’ taunt. After all, secularism is very much a part of the basic structure of the Constitution, the very sacred book that a Governor takes oath to “preserve, protect and defend”.

“Secularism” is not a dispensable part of the Constitution, nor is it a dirty word, as Governor Koshyari’s letter implied. After all, it has been pointed out by jurists and constitutional scholars that in the Kesavananda Bharati case, the Supreme Court had declared secularism as a basic feature of the Constitution, even before the Forty Second Amendment had introduced the word ‘secular’ in the Preamble to the Constitution. The political design behind an overactive Raj Bhavan is simple: poke, prod, pinprick and provoke the elected government to waste its political energies and capital in an unwanted war of attrition; the BJP can be the only beneficiary from the resulting skirmishes.

REFLECTING AN ARROGANCE

However, there is a certain method to this gubernatorial madness. Governors like Mr. Koshyari and Mr. Dhankhar are too insignificant as political players to have crafted on their own this new gubernatorial meddlesomeness; their overreach is only a reflection of a new arrogant mindset at work.

The Narendra Modi Amit Shah leadership subscribes to a maximalist approach to the obligation of institutionalized sharing of power within our federal framework. Over and above the primacy of the Union, the BJP is allergic to the idea of having to share power and space with other political parties and players. The non BJP governments, an unafraid Mamta Banerjee and unintimidated Uddhav Thackeray, are seen as eyesores which need to be removed. To that end, wherever possible, the Raj Bhavans would become the State BJP’s extension counters. No one should be surprised if the BJP were to use the contrived Koshyari Thackeray dustup in the Bihar election campaign later this month.

This itch for political intolerance is a recurring nightmare for the Indian Union. After she returned to power in 1980, Indira Gandhi was determined to use the Raj Bhavans to get rid of unhelpful non Congress governments. Remember Governor Ram Lal in Andhra Pradesh or Governor Jagmohan in Jammu and Kashmir. But, now, a new righteous of the “new India” is being deployed to beautify an old fashioned power lust. An overbearing Centre appeals enormously to wannabe emperors.

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