

Relationship between the Governor and the Legislature with Special Reference to Manipur

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Abstract

The article deals with the multifaceted roles played by the Governors in the context of Indian Political system under some relevant articles of its Constitution. Manipur, the hilly states as well as the border area to Myanmar gets special roles of the Governor in the state administrative particularly for the development of the hill people.

Keywords:

Justifiable, Coalition, Ordinance, Summoning, Proroguing, Dissolving, etc.

Objective: The objective of the present paper is to bring out the special centre- state relations prevailing in the border areas of Manipur particularly in bringing out the developmental programmes of the state.

Methodology: The article is getting both the primary and secondary sources by using the historical, analytical, comparative and even scientific methodology of research.

Introduction: The head of a state in a federation is an integral part of the state legislature. In the United States, the Governor of a state is regarded as an important part of the state legislature. In India also, the Governor in a state forms a very important integral part of the state legislature. The state legislature in India consists of the Governor and the legislative Assembly if there is a unicameral system of legislature. But in those states where there is a bicameral legislature, the state legislature, consists of the governor, the Legislative Assembly and the Legislative Council as provided by Article 168 of the Constitution of India. It means that the institution of the governor in a state is a very important part of the state legislature. Any bill passed by the Legislative Assembly and Legislative Council cannot become an Act without the signature of the Governor. The relationship between the Governor and the state legislature may be examined under the following heads.

Nomination of Member:

Under Articles 171 (3) (e) and (5) of the Indian Constitution, the Governor of a state in India has the power to nominate one sixth of the members to the Legislative Council, having special knowledge in literature, science, arts, social science, Co-operative movement etc. Further, according to Article 333 of the Constitution of India, if the Governor thinks that representation of the Anglo-Indian community is required, he can nominate one member to the Legislative Assembly. Here one question arises i.e. whether the Governor is bound to accept the advice of the Chief Minister in the nomination of members or not? The Constitution is silent in this regard. From the practical experience of the working of the Indian political system it seems that there is no hard and fast rule to consult the Chief Minister or the Council of Ministers. For example, “Shri Prakash, the Governor of Madras in 1952 admitted that he did not consult the Council of Ministers when he nominated Gopalachari”.¹ Or as a gesture, the Governor may consult the Chief Minister in nominating the members to the Legislative Council. Regarding this matter the practice followed from time to time and from state to state in the working of the Indian Political System is not uniform. It depends on the concerned Governor to consult or not to consult the Chief Minister in the nomination of member in the legislature and also is depended with the personality of the Governor

Summoning the Legislative Assembly:

According to Article 174 (1) of the Constitution, the Governor has the right to summon the Houses or each House of the state legislature from time to time but six months should not intervene between its last sitting in one session and the date appointed for its first sitting in the next session. Ordinarily the state legislature is summoned on the advice of the Chief Minister or Council of Ministers. But after 1967, when some of the Chief Ministers lost the confidence of the House, they were not prepared to summon the Assemblies. They wanted to take advantage of this article which says that the gap between the last sitting in the previous session and the first sitting in the next session should not be more than six months. Some of the Governors wanted the Chief Ministers to face the Assembly without undue delay whereas some Governors completely ignored the defections that took place and allowed the minority government to stay in office. For example “in West Bengal, the Governor Dharam Vira asked the Chief Minister to face the Assembly in 1967.

When the Chief Minister did not agree to accept the advice of the Governor he was dismissed.² The same happened in Punjab in 1970 and in Orissa in 1971. On the other hand, Governor K.K. Reddy in Madhya Pradesh, in 1967, Ananthasayanam Ayyanger in Bihar in 1968 and B. Gopal Reddy in UP in 1969 etc. Did not ask their Chief Ministers to summon the Assembly to prove their majority.

In the states having bicameral legislature, the Governor within the constitutional framework can use his discretion to summon the joint sitting of the two Houses. There is also a convention that the Governor summons the session of both the Houses of the legislature simultaneously after every general election. But the convention of summoning the joint session of the Houses is not followed when the lower house is not in existence because of its dissolution.

One important question is whether the Governor is bound to accept the advice of the Chief Minister in summoning the legislature? It becomes more complicated when the Chief Minister enjoys majority support in the House. Another question is whether the Governor can insist upon the Chief Minister to alter the date for summoning the House fixed by the Cabinet? Regarding these questions, there are varied opinions. K. Santhanam expressed: "The Governor will be entitled to call the session if he thinks that the Ministry is trying to evade its responsibilities under the Constitution"³ Dr. L.M. Singh also had the similar view and said, "If and when there is a reason to believe that the Chief Minister and the Council of Ministers do not command the support of a clear majority in the Legislative Assembly, the Governor can in his discretion take steps to ascertain the position".⁴ A.K. Chand opines that "the function of the Governor is to act on the advice of the Chief Minister".⁵ The Law Ministry held that "the Governor has no power to summon the State Legislative Assembly against the wishes of the Chief Minister". Here the Chief Ministers leading coalition governments in the states generally adopted delaying practice by bypassing the Assembly sitting and at the same time they also did not advise the Governor to call the session of the Assembly when they have doubts of majority support in their respective Legislative Assemblies. The Committee of the Governors set up in 1971 by the then President V.V. Giri was of the view

¹ *The Modern Review*, Calcutta, Vol. LXXXIV, IVth 2 August, 1953, p. 18.

² Siwach, J.R, "Dynamics of Indian Government and Politics", Sterling publishers Pvt Lmt, New Delhi, 1985, P.133

³ *The Statesman*(Delhi) 11.11.1967

⁴ .I bid

⁵ *The statesman* (Dehli).12.11.1988

that “whenever the Chief Minister is asked by the Governor to summon the session in order to prove his majority, the Chief Minister should call the session of the Assembly within the shortest possible time. The Committee further suggests that if the Chief Minister falls to comply with the advice of the Governor, the latter should install an alternative Ministry in the State”.⁶

Proroguing the Legislative Assembly:

It is only the Governor to whom the Constitution vests the power to prorogue the House or Houses of the state legislature under Article 174 (2) (a). The Governor’s action in the prorogation is unquestionable on any ground. D.D. Basu in his book ‘Commentary on the Constitution of India states: “This function is non justiciable”.⁷ Prorogation of the Assembly is an important function of the Governor as it brings an end to the session of the Assembly.

The Governor can prorogue the Assembly from time to time. His power to prorogue “may be exercised while the House stands adjourned under orders of the Speaker. Adjournment of the House is an executive power of the Speaker of the Assembly giving interruption in the course of one and the same session. The order of the Governor to prorogue the Assembly takes effect as soon as it is notified in the official Gazette, notwithstanding anything in the Rules of the House of the country”.⁸ From this it is clear that after the Speaker had adjourned the Assembly, the Governor can prorogue the Assembly again by an order notified in the official Gazetteer.

One important question regarding the prorogation of the Assembly is: Does the Governor always act on the advice of the Chief Minister? Generally, the Governors prorogue the State Assemblies on the advice of the Chief Ministers. For example in 1967, K.C. Reddy, the Governor of Madhya Pradesh prorogued the Legislative Assembly on the advice of the Chief Minister, D.P. Mishra. The Governor at a Press Conference said: “He prorogued the session of the Vidhan Sabha for the present in view of the political developments in the State particularly during the last few days and in the interest of the proper functioning of democracy”.⁹ The then Union Minister, Y.B. Chavan supported the action of the Governor by saying that “the Governor of the state acted

⁶ Presidential Secretariat, “the Report of the Governor, New Dehli, 1967, P45.

⁷ . Basu, D.D. Commentary on the constitution of India, S.C. Sarkar and sons (p) Ltd., Calcutta, 1967, P.291

⁸ . Basu, D.D. Shorter constitution of India, Practice hall of India Pvt. Ltd, New Dehli, 1984, P.370.

⁹ . The Times of India (New Dehli), 22.7.1987.

constitutionally on the advice of the Chief Minister”.¹⁰ The same was done “in Uttar Pradesh in January, 1968 when the Governor prorogued the State Assembly on the advice of the Chief Minister, Charan Singh while the strength of the S.V.D. was reduced to minority due to the withdrawal of the S.S.P. and CPM on account of the crisis for leadership in the state”.¹¹

In proroguing the Legislative Assembly, the Governor may also be guided by the advice of the Speaker. The Governor of Punjab, D.C. Pavate in his book, ‘My Days as Governor’ expressed: “I took nearly ten days to consider these issues. When I found that there were several instances of this kind in our country to support the Speaker, I prorogued the House on April, 10, 1970. This was how Sardar Badal was put in the saddle by the parties concerned as head of an Akali-Jan Sengh Coalition Government”.¹² Really the Governor of Punjab prorogued the Legislative Assembly while the resolution for the removal of the Speaker was there. The Governor said, “he was satisfied that the notice for the removal of the Speaker was received after the prorogation of the Assembly. So he was entitled to ignore it”.¹³ Again in Tamil Nadu in 1972 the Governor K.K. Shah prorogued the Legislative Assembly on the advice of the state Chief Minister although the notice for the removal of the speaker was pending for further consideration.

In all the above cases, the Governor acted on the advice of the Chief Minister and the Speaker. The latter two were always together in all cases.

On the other hand, there were also instances where the Governor was not guided by the advice of the Chief Minister. In 1967, the Governor of West Bengal, Dharam Vira asked the Chief Minister to face the Assembly immediately, instead of proroguing, and when the Chief Minister refused to do so, he was dismissed. The action of the Governor was very much criticized by pointing out that the Governor behaved in a partisan manner.

From all these, we may conclude that the Governor should exercise this prorogation power on a justicable ground when the legislative Assembly is in session. “The former M.P. Pitambar Das was of the opinion that, ‘the Chief Minister’s advice for prorogation is not binding on the Assembly

¹⁰ . I bid.

¹¹ . The Hindustan Times (New Dehli)1.11.1968.

¹² . Pavate,P.C.My Days as Governor,Vikas Publishing House ,New Dehli,1974.P.137.

only after his own judgment”.¹⁴ Of course the Chief Minister has a right to request the Governor for prorogation. But the Governor may ignore this right (1) when, the Assembly is in session (2) when it is facing a major crisis and (3) when there is no-confidence motion against the Ministry or Speaker. The Governor may not accept the advice of the Chief Minister to prorogue the House during the budget session.

Dissolution of the Legislative Assembly:

Besides summoning and proroguing the Assembly, the Governor has an important power of dissolving the Assembly under Article 174 (2) (b). Ordinarily the life span of the state Legislative Assembly is 5 years. But the Governor under the said Article can dissolve it earlier. “According to K.V. Rao, the interpretation of dissolution of the Assembly may be in two directions i.e. (i) A normal dissolution envisaged under Article 174 (2) (b) and (ii) dissolution leading to emerge”.¹⁵ The first type of dissolution is normal dissolution of the Assembly after the completion of its term of 5 years. And the second type of dissolution may take place during the life of the Assembly i.e. Before the completion of its term. On the recommendation of the Governor, President’s Rule is imposed and the Governor as an agent of the Centre rules over the state.

The important question to examine is whether the Governor is bound to accept the advice of the Chief Minister in the dissolution of the Assembly or not? The Administration Reform Commission dealt the dissolution of a Legislative Assembly in its report on Centre State relations. In para 18 of the Report, it is stated that “Article 174 (2) (b) of the Constitution empowers the Governor to dissolve the Legislative Assembly. The dissolution of the Assembly may be on the recommendation of the outgoing Chief Minister or in special circumstances at the discretion of the Governor. In the former case, the Governor should exercise his discretion in deciding whether or not he should accept the recommendation of the Chief Minister for dissolution of the Assembly”.¹⁶ The concluding part of the Report states that “if the recommendation for the dissolution is made with a view to obtaining the verdict of the electorate on a major policy issue on which the outgoing ministry has suffered defeat, the Governor should accept the advice of the outgoing Chief Minister.

¹³ . The Hindustan Times,12.4.1970.

¹⁴ . Organiser,New Dehli,vol.12,1968,P.5

¹⁵ . The journal of society for Study of State Government,Varanai,vol -IV,No.364,1911,P.368

¹⁶ . Report of the Administration Reform commission on center State Relations,New Dehli,1967,P.46.

In other cases, the Governor should use his direction to decide whether he should accept the advice of the Chief Minister or not”.¹⁷ On the other hand, according to Dr. Pavate:

“A Governor has absolute power to dissolve a Legislative Assembly under Article 174 (2) (b) in certain situation. There is no trouble if after dissolving the house he also orders elections within two or three months and asks his ministry to continue in office as a Caretaker Government till the elections are over”¹⁸

The controversy about the exercise of a Governor’s power to dissolve a Legislative Assembly has been considered time and again by the Union Government and now no consensus has been arrived at. Of course, there is unanimity of opinion at least among Governors that if a Chief Minister who has not lost his majority advises dissolution after losing the majority, whether to accept his advice or not, will depend on the circumstances. “If a Chief Minister advises a dissolution to seek a fresh mandate on a matter of major policy even after defeat, the Governor must accept the advice”.¹⁹

After the fourth General elections of 1967, in India in the multi party coalition governments, the Governors seem to be more powerful than the Chief Ministers. “In July 1967, Madhya Pradesh Chief Minister, D.P. Mishra requested the Governor to dissolve the Assembly. The Governor did not oblige him. Instead the Governor allowed G.N. Singh, the leader of the Samjukta Vidhayak Dal to form the Ministry”.²⁰ Similarly “in Orissa, Chief Minister R.N. Singh Deo recommended to the Governor, Dr. S.S. Ansari for the dissolution of the Assembly in 1971. The Governor accepted his resignation but rejected his advice to dissolve the Assembly”.²¹

The action of the Governor to dissolve the Assembly or not are also influenced by the party politics of the Central Government and the State Government. As such there is no uniformity in exercising the power to dissolve the Assembly by the Governor.

Address to the Legislative Assembly:

¹⁷ . Ibid.

¹⁸ . Pavate,P.C.Op.cit,P.203

¹⁹ . Ibid

²⁰ . The National Herald, 23.7.1967

²¹ . The Hindusthan Times, (New Delhi) 1.11.1971

The normal function of the Governor under Article 176 (1) of the Indian Constitution is to address the Legislative Assembly at the commencement of the first session after each general election. In the case of a state having a legislative council, both houses assembled together and the Governor shall inform the legislature of the cause of its summon. This is the constitutional duty of the Governor. In the address, the Governor mentions the performance of the Government in the last year and the policies and programmes in the coming year.

Sometimes it is not be possible for the Governor to read out the address from top to bottom. For example, “in 1969, the Governor of Andhra Pradesh Khandubhai Desai was not allowed to read out his address by the agitated members of the House who were leading the Telegana Movement. The annoyed Governor left the House keeping the address on the table”.²² In the same year, the Governor of West Bengal Dharma Vira skipped a portion of the prepared address though the atmosphere in the House was quite peaceful. Here the Governor willingly left out some portion of the Address. Contrary to this, “the Governor of Punjab, P.C. Pavete read out the full text of the address to the joint session of the legislature without omitting portions which were regarded critical of his own actions”.²³

The Address is generally prepared by the Ministry. Whether the Governor has the right to omit any part of it or not is still controversial.

Opposition walk out and creation of the bad atmosphere of the members of the House when the Governor reads out his address largely depends on the prevailing political atmosphere of the state. For example “in Tamil Nadu in January, 1980, the members belonging to DMK, Congress I, Forward Block and Muslim League boycotted the Governor’s address in a joint session of the Legislative Assembly and Legislative Council as the Government has lost the right to govern after the ruling party’s defeat in the recent Lok Sabha election”.²⁴ Language may also be one of the causes for boycotting the Governor’s address. “In 1968 in Punjab during the Chief Ministership of Sadar Gill, the Governor Private road out the address in a joint sitting of both Houses in Punjabi. The opposition led by Sardar Gurnam Singh boycotted the address. Then the Governor switched

²² . The Hindusthan Times, (New Delhi), 15.8.1967

²³ . The Statesman, 15.3.1967

²⁴ . The Times of India 1.2.1981

from Punjabi to English. A Samyukta Socialist member again asked the Governor to read the speech in Hindi".²⁵ Thus because of language, the members boycotted the address of the Governor. The Governor has also to administer the oath or affirmation according to the 2nd schedule of the Constitution of India to the newly elected MLAs.

Issuing of Ordinances:

The Governor has the power to issue ordinances when the state legislature is not in session. If the Governor is satisfied that a particular law is immediately needed, he may issue an ordinance. The ordinance so promulgated cease to operate at the expiration of six weeks from the re-assembly of the Legislature or earlier, if a resolution disapproving such an ordinance is passed by the Legislative Assembly and agreed by the Legislative Council, if any. Ordinarily these ordinance are issued by the Governor on the advice of the Chief Minister. Some Governors refused to do now when they were convinced that it would amount to political corruption. "P.C. Pavate, Governor of Punjab refused to issue an ordinance which would have enabled the legislators to hold certain offices of profit in 1970. He thought that it was nothing but political corruption and violation of his oath of office. In U.P. also, the Governor G.D. Tapase refused to issue an ordinance recommended by the Chief Minister for the nationalization of private homeopathic colleges".²⁶

For certain matters, however, the Governor cannot issue an ordinance without the permission of the President. They are-

If a Bill containing the same provisions would have required the previous sanction of the President for introduction into the legislature.

If the Governor would have reserved a Bill containing the same provisions for the President.

If an act of the State legislature containing the same provisions would have been invalid without the assent of the President.

It means that the Governor can issue an ordinance mainly in respect of those matters which are in the State list. The ordinance issued by the Governor will lapse if not approved by the state legislature at the expiration of six weeks from the reassembly of the legislature.

²⁵ . Pavate, P.C., Op.Cit, P. 43

²⁶ . Siwatch, J.R. Op.Cit, P.135

If the ordinance is not approved by both Houses of the state legislature or by the legislative Assembly if it is a uni-cemeral, then it will cease to operate. But in most cases, the legislature approved the ordinances promulgated by the Governor.

Assenting to Bills:

A bill passed by the state legislature cannot become an Act without the assent of the Governor. After a bill is passed by the state legislature, it is presented to the Governor for his assent under Article 200 of the Constitution. The Governor may take one of the following three courses:

He may give his assent.

He may withhold his assent and return it for reconsideration unless it is a Money Bill,

He may reserve it for the consideration of the President under Article 201 of the Constitution.

If the Governor withheld his assent to a bill, it is sent for reconsideration to the House with suggestions. The House will reconsider it in the light of the suggestions made by the Governor. The House may pass it with or without the recommendations suggested by the Governor. In such cases, the Governor may either give his assent or reserve it for the consideration of the President.

Under Article 200 and 254 (2) of the Constitution of India, it is the constitutional duty of the Governor to reserve any bill which affects the powers and position of the High Court and if connected with subjects enumerated in the concurrent list.

Sending Messages to the Legislature:

The Governor may send messages to the House or Houses on a Bill pending in the Legislature or otherwise. The House shall consider any matter required by the message to be taken into consideration. As the Governor by way of sending message to the Legislature can make suggestions regarding any bill.

MANIPUR

The institution of the Governor and its relation with the legislature in Manipur can be traced back to 1963 when “Manipur was placed under the Union Territories Act, 1963. The head of the state under this Act was called Administrator. The Administrator, from time to time had the power to

summon, prorogue and dissolve the Assembly”.²⁷ The Administrator also had the right to address and send messages to the Legislative Assembly with respect to a Bill then pending in the Assembly or otherwise. The Assembly considered any matter required by the message to be taken into consideration. The Administrator had to administer an oath or affirmation according to the form set up for the purposes in the First Schedule to every member of the Legislative Assembly without the previous sanction of the Administrator, if such Bill or amendment makes provision with respect to any of the following matters, namely-

Constitution and organization of the Court of the Judicial Commissioner.

Jurisdiction and powers of the Court of the Judicial Commissioner with respect to any of the matters in the State list or the Concurrent list in the Seventh Schedule to the Constitution.

Certain financial bill or amendment relating to the imposition, abolition, remission etc. of any tax, the appropriation, and the expenditure and the receipt of moneys out of the Consolidated Fund of the Union Territory could not be introduced into or moved in the Legislative Assembly except on the recommendation of the Administrator.

Under the North Eastern Areas (Re-organization) Act, 1971, Manipur was headed by a Governor like all other states of India. The relation between the Governor and the legislature may be examined under the following heads:

Nomination of Member:

There is only one House in the Legislature of Manipur i.e. The Legislative Assembly. So the question of nomination of members to the Legislative Council does not arise. However, the Administrator under the Union Territories Act, 1963 had the power to nominate 2 women members to the legislative Assembly of Manipur. But this power to nominate members was not given into the hands of the Governor when Manipur was granted full statehood in 1972.

Summoning the Legislative Assembly:

The Governor of Manipur like the Governors of other state “has the power to summon the Legislative Assembly. The Assembly shall be summoned by the Governor from time to time to meet at such time and place as he may appoint”.²⁸ Generally the summoning of the Legislative

²⁷ . The Government of Union Territories Act 1963 Section 6 (1) (2).

²⁸ . Rule of Procedure and conduct of Bussiness, Manipur Legislative Assembly Secretariat, Imphal, 1988, 5th edn. P.6

Assembly by the Governor was done according to the advice of the Chief Minister. On the advice of the Chief Minister, the Governor usually summons the Legislative Assembly by observing the constitutional norm that the gap between the last sitting in the previous session and the first sitting in the next session should not be more than six months. In Manipur, there was no cases of conflict between the Governor and the Chief Minister in summoning the Legislative Assembly. "Conflict between the Governor and the Chief Minister in summoning the Legislative Assembly usually loses his majority support in the Assembly. In Manipur most of the ministerial crisis occurred during the session of the Assembly".²⁹ Of Course, political manoeuvring and political bargaining started before the session (i.e. during the gap of 6 months) of the Legislative Assembly. In 1973 and 1974, the Chief Minister Md. Alimuddin might have wanted to avoid the summoning of the Legislative Assembly as he was sure of losing majority support in the Assembly. But the Governor L.P. Singh had to observe the constitutional provision. So the Chief Minister, Alimuddin had to resign during the session of the Assembly both in 1973 and 1974. The same happened in 1977. After the formation of Janata Government at the Centre, most of the Congress MLAs defected to the Janata Party. It may be remembered that the Congress Ministry headed by R.K. Dorendro Singh had a comfortable majority of more than 50 members in the House. More Congress MLAs resigned from Congress and joined the Janata. Here also, the Chief Minister, R.K. Dorendro Singh was almost sure that he was going to lose the Ministry if summoned the Assembly. But he could not go against the wishes of the Governor L.P. Singh to summon the Legislative Assembly. Both the Governor and the Chief Minister had to observe the Constitutional provision of summoning the Legislative Assembly within six months from the date of the last sitting. "During the session of the Legislative Assembly in May, 1977, the Chief Minister, R.K. Dorendro Singh lost the majority support and resigned his ministry on 13 May, 1977".³⁰ Thus the Governor always observed the constitutional provision of summoning the Legislative Assembly from time to time, sometimes ignoring the desire or wishes of the Chief Minister.

Proroguing the Legislative Assembly:

The Governor of Manipur prorogues the Legislative Assembly from time to time under Article 174 (2) (a) of the Constitution of India. In the prorogation of the Assembly, the Governor may be guided by the advice of the Chief Minister and the Speaker. "When the Assembly is

²⁹ . Assembly proceedings, Manipur Legislative Assembly 1973-1977.

³⁰ . Assembly Proceedings, Manipur Legislative Assembly, May, 1977.

prorogued, all pending notices shall lapse and fresh notices shall be given for the next session. But the questions, the bills, any business, any motion, resolution or amendment etc. Which had been entered in the list of business but were postponed and remained pending for answer at the close of the preceding session shall not lapse”.³¹

In Manipur, the Governor very rarely exercised this power of prorogation. In the prorogation of the Assembly so far from 1972 onwards there is no conflict between the Governor and the Chief Minister.

Dissolution of Legislative Assembly:

The Governor of Manipur has the power to dissolve the Legislative Assembly under Article 174 (2) (B) of the Constitution of India. The Governor exercised both the two types of dissolution i.e. Normal dissolution and dissolution leading to emergency. The Governor of Manipur exercised the power of normal dissolution in 1979. The Legislative Assembly formed after the General Assembly elections of 1974 were able to complete its term of 5 years through the politics of Manipur was characterized by defections, instabilities of ministries etc. There were as many as five different ministries during this period. The Governor had to exercise his power of normal dissolution of the Legislative Assembly in 1984 again when the Assembly was formed after the general Assembly election of 1980 completed its full term of 5 years. The same can be said of the dissolution of the Manipur Legislative Assembly by the Governor in 1989.

The Governor of Manipur had to exercise his power of dissolution leading to emergency only once during the long period of 18 years i.e. from 1972 to 1990. That was in March, 1973 when the MPP lead coalition ministry under the Chief Ministership of Md. Alimuddin was reduced to a minority. Nine members including 2 ministers and the Deputy Speaker of the MPP led ULP ministry defected to the opposition on 15 March, 1973. The strength to the ruling party was reduced to 26 only and that of the opposition was 32. One MLA remained natural and one seat was vacant following the death of a ULP member. The Chief Minister, Md. Alimudding submitted the resignation of his ministry to the Governor on 26 March, 1973. The Congress led Progressive Democratic Alliance met the Governor and requested him to allow them to form the Government. The Governor observed the growing political situation and the scale of defection very minutely. It may also be remembered that “the Congress was also the ruling party at the Centre under the Prime Ministership of Indira Gandhi. But the Governor, L.P. Singh exercised his power of dissolution of

³¹ . Rule of Procedure and Conduct of business, manipur Legislative Secretariat, Imphal, 1988, 5th end, P.12.

Assembly leading to emergency. Accordingly, President's Rule was imposed in Manipur on 28 March, 1973 and the state Assembly was dissolved".³² Here we may say that the Governor has acted either on the advice of the outgoing Chief Minister, Md. Alimuddin or on his own judgment.

Address to the Legislative Assembly:

The Governor of Manipur exercised the normal function of addressing the Legislative Assembly under Article 176 (1) of the Constitution of India. "At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each address the House as required by Article 176 of the Constitution".³³ After the delivery of the speech by the governor, the Speaker reports to the House that the Governor had been pleased to make a speech and lay a copy of the speech a\on the table. "The House is at liberty to discuss the matters referred to in such address on a Motion of Thanks moved by a member and recorded by another member".³⁴ The address having been adopted with or without amendment shall be presented to the Governor by the Speaker in such manner as may be prescribed. The speaker shall report to the House the Governor's reply, if any, to the Motion of Thanks but if the House is not sitting, the reply shall be communicated to the members of the House. The Speaker usually allot time for the discussion of the matters referred to in the Governor's Address to the House under Article 175 (1) of the Constitution.

Just after getting Statehood in 1972, the Governor B.K. Nehru in his address to the Legislative Assembly on 30th March, 1972 expressed, "it is historical in the sense that this session marks the beginning of a new chapter of full statehood which the people of Manipur have not acquired in full measure of equality with the people of other states in our great country of India".³⁵ The Governor outlines the future programmes to be taken by the newly formed MPP led coalition Government under the Chief Ministership of Md. Alimuddin, much as "the establishment of Board of Secondary Education, taking over of Adim Jati Technical Institute by the Government. In the field of higher education an culture, the Governor mentioned the establishment of Jawaharlal Nehru University

³² . Ksh. Bimola devi, government and Politics in Manipur, 1950-1990, an unpublished . Ph. D thesis submitted to Guahiti University, 1981, P.164.

³³ . Rule of Procedure and Conduct of Bussiness, Manipur Legislature, Imphal, 1988, 5th edn, P.14.

³⁴ . Ibid.

³⁵ . Manipur Legislative Assembly Seretariat, Compilation of Governor's Addresses, 1972-1987, Imphal P.1.

Centre at Imphal, State Kala Akademy etc".³⁶ The Governor L.P. Singh In his address to the Legislative Assembly on March, 26, 1974 the various programme undertaken by the MPP led coalition government led by Chief Minister, Md. Alimuddin. In addition to the achievements, "the Government is also taking up actions for further development in the field of agriculture, Planning and development of the hill areas, Industries, Culture, Services, Forest, Medical etc".³⁷ There were "two amendments on the Motion of thanks to the Governor's Address purposed by K. Shyam Singh and M. Meghachandra Singh both opposition members. The address was discussed thoroughly for 2 days i.e. 28th and 29th March, 1974 by the members of the Assembly and at last put to vote by the Speaker regarding the Amendment motion".³⁸ The 2 amendments were lost. Thus every year from 1975 onwards, the Governor of Manipur delivered his address on the first day of the session of the Manipur Legislative Assembly. "When Sayed Muzaffar Husain Burney became the Governor, the members of the Legislative Assembly were addressed for the first time in Manipuri language".³⁹ He continued to do so during his term i.e. upto 1984. "The address delivered by General K.V.Krishna Rao(Rtd) during his term of Governorship from 1985 to 1989 mentioned the various programmes undertaken and to be undertaken by the Government when the United Front Ministry led by the MPP under the Chief Ministership of R.K. Ranbir came to power, the Governor Chintamani Panigrahi in his address delivered on 22, 1990 outlined the various programmes to be taken up by the Government".⁴⁰

The only occasion where the members of the Assembly boycotted the Governor's address was in 1979. On the first day of the budget session, the Governor "L.P. Singh delivered his address on the opening day of the budget session. Opposition members belonging to the Congress I and the CPI boycotted the Governor's address as a protest against the failure of the Government in maintaining the law and order and fulfilling the minimum aspirations of the masses".⁴¹ It may be remembered that very shortly the Janata Ministry under the Chief Ministership of Yangmaso Shaiza was dismissed by a Presidential Order issued under Article 356 of the Constitution of 14 November, 1979.

Administration of Oath:

³⁶ . Ibid.

³⁷ . Ibid.

³⁸ . Assembly Proceedings Manipur Legislative Assembly, 1974 P.67.

³⁹ . Manipur Legislative Assembly Secretariat, Compilation of Governor's Address, 1972-1987 P.124.

⁴⁰ . Assembly Proceeding, Manipur Legislative Assembly Imphal Feb 1990.

After every Assembly elections, the Governor of Manipur administered the oath to every newly elected member of the Legislative Assembly. This result in establishing a close relationship between the Governor and the members of the Legislative Assembly.

Issuing of Ordinances

The Governor of Manipur has the power to issue ordinances when the state legislature is not in session. The issuing of ordinance by the Governor of Manipur started from January, 1975. “On 20th January, 1975, the Governor, L.P. Singh issued two Ordinances namely, the Manipur Legislature (Removal of Disqualification) (Amendment) Ordinance, 1975 and the Manipur Land Revenue and Land Reforms (Miscellaneous Amendment) Ordinance”.⁴² These two ordinances were issued by the Governor mainly on the advice of the Chief Minister, R.K. Dorendro Singh, who was heading Congress ULP coalition government. These ordinances were placed at the next session of the Assembly for approval. The legislature duly approved these ordinances. Two more ordinances were issued by the Governor in the same year. In 1976, the largest number of ordinances, i.e. 5 was issued by the Governor L.P. Singh. They were the Departmentalisation of Union Accounts (Transfer of Personal) ordinance, the Manipur Co-operative Societies ordinance, the Manipur Land Revenue Land Reforms (Validation of Proceedings) ordinances, the Manipur Agricultural Credit operation and Miscellaneous Provision (Banks) Ordinance and the Metal Corporation (Nationalization and Miscellaneous Provisions) Ordinance. These ordinances were issued when R.K. Dorendro Singh was the Chief Minister of the Congress-CPI coalition government. During his Chief Ministership one more ordinance was promulgated by Governor, L.P. Singh. “During the time of Janata Ministry headed by Yangmaso Shaiza, Governor L.P. Singh issued as many as seven ordinances i.e. 2 in 1977, 3 in 1978 and 2 in 1979. Perhaps the Governor felt it necessary to promulgate these ordinances because of their importance. One such ordinances being the Manipur Panchayati Raj (Second Amendment) Ordinance, 1979 issued on 10 November, 1979”.⁴³ When the Congress I came to power in 1980, the Governor L.P. Singh continued to issue three more ordinances. When S.M. Burney became the Governor of Manipur in August, 1981, he promulgated as many as 7 ordinances, one in 1981, two in 1982 and four in 1983. All these were during the Chief Ministeship of Rishang Keishing heading pure Congress I Ministry. There was

⁴¹ . The Amitra Bazar Pratikar, 20.3.1979.

⁴² . Government of Manipur (Law Department), Ordinance, Imphal, 1984.

⁴³ . Ibid.

also no problem of disapproving these ordinances as the Congress enjoyed a majority in the Assembly.

From October 1983 upto the present day, no Ordinances has been issued although there were three Governors. They are S.M. Burney, General K.V. Krishna Rao and Chintamani Panigrahi.

As we know, the largest number of Ordinances were issued by Governor L.P. Singh during his term from 1973 to 1981.

Assenting to Bills:

A bill passed by the Manipur Legislative Assembly become an Act with the assent of the Governor. "A copy of every bill introduced in the House shall, immediately after its introduction by forwarded by the Secretary to the Governor and the President for their information".⁴⁴ Thus the Governor of Manipur is always in touch with every bill introduced in the Legislative Assembly.

Most of the bills passed by the Manipur Legislative Assembly during the period from 1972 to 1990 got the assent of the Governor, thereby becoming an Act. Sometimes the Governor returned a bill for re-consideration by the House. "When a bill which has been passed is returned by the Governor to the House, for reconsideration, the point or points refereed for consideration or the amendments recommended in his message shall be put before the House by the Speaker, and shall be discussed and voted upon in the same manner as amendments to a bill or in such other manner as the Speaker may deem proper for their consideration by the House".⁴⁵ There are also times when the Governor of Manipur reserves a bill for the consideration of the President. For example, the controversial Manipur Official Language Bill was reserved by Governor L.P. Singh for the consideration of the President in 1978. The bill became an Act only after getting the assent of the President.

The assent of the Governor is also very much necessary to a bill relating to the hill areas of Manipur. In fact, the Governor is the final authority for enacting a bill into a law on matters relating to Hill areas of Manipur. The Governor has always to protect the interest of the hill areas "when a Bill as reported by the Hill Areas Committee is not passed by the House in the form in which it has been reported but is passed in a form, which in the opinion of the Speaker, is substantially different from that as reported by the Hill Areas Committee or is rejected by the House, the Speaker shall submit to the Governor".⁴⁶ When a Bill is not approved by the Hill Areas Committee but is passed by the House, the Speaker shall submit to the Governor the bill as passed

⁴⁴ . Rules of Procedure and Conduct of Bussiness, Manipur Assembly Secretariat, Imphal, 1988, P.55.

⁴⁵ . Ibid, P.63.

⁴⁶ . Ibid, P.62.

by the House together with the report of the Hill Areas Committee. Thus the Legislative Assembly of Manipur has no power to enact a law on matters relating to the hill areas without the approval of the Governor.

Sending Message to the Legislature:

The Governor of Manipur has also the power to send message to the Legislative Assembly under Article 175 (2) of the Constitution. The Speaker shall read the message to the House and give necessary directions in regard to the procedures that shall be followed for the consideration of matters referred to in the message.

Thus the relations between the Governor and the Legislative Assembly of Manipur is very close. Of course, the close relationship is maintained through the Speaker. "The Governor can communicate to the House by a written message delivered in the Speaker or through a minister. Communications from the Assembly to the Governor is generally made by formal address, after a motion is made and carried in the House or through the Speaker. The Speaker informs all the proceedings of the Assembly daily to the Governor".⁴⁷

As regards "the relationship between the Governor and the members of the Legislative Assembly, it is said that 'the relationship between the ruling party MLAs and the Governor is just like that of a father and his sons while the relationship between the opposition MLAs and the Governor is just like the ordinary relation of a person to the children of other persons. On the other hand, opposition MLAs have the right to meet the Governor freely to complain against the functioning of the Government".⁴⁸ Although these are the feelings of the ruling as well as opposition MLAs, the Governor on his part has to treat all members equally irrespective of their party affiliations..

Conclusion:

The present article discusses the different and vital roles played by the Governors of Indian States in general and also brings special references to the state of Manipur in particular. The close relationship between the Governor and the legislature is vividly examined in different aspects of power and functions. The Governor is an integral part of the State legislature by having the power to nominate members to the legislature, summoning the Legislative Assembly, proroguing, dissolving the Assembly, assenting bills etc. of the State. He gives his address in the Assembly by

⁴⁷ . Interview with Dr. H. Borbabu singh, Speaker, Manipur Legislative Assembly.

⁴⁸ . Intrview with Md. Helaluddin, MLA, Ex-Cabinet Minister, 2.5.1990.

mentioning many developmental programmes to be performed in the State. The discussion indicates that the important roles of the Governor in the State administration is really unavoidable and therefore he is the head of the State.