

1. THE ROLE AND FUNCTION OF THE GOVERNOR / LT. GOVERNOR IS UNPARALLELED IN ADMINISTRATIVE STRUCTURE. EXAMINE HIS POWER POSITION IN THE LIGHT OF RECENT EVENTS.

Answer

The Constitution of India has bestowed upon similar powers and functions on the Governors and Lt. Governors as enjoyed by the President of India. The rank of Lt. Governor is found in the Union Territories including Delhi. In the Articles 239 and 239AA of the Constitution of India, the functions, powers and duties of the Lt. Governor are defined clearly.

The ongoing tussle between Lt. Governor and elected Chief Minister of NCT Delhi and the role of Governor in Arunachal Pradesh in January 2016 in deposing an elected government substantiate the fact that these constitutional offices enjoy unbridled powers only to rein in by the apex court. In a land mark judgement, the Supreme Court found fault with the unconstitutional role played by the Governor of Arunachal Pradesh by interfering in the activities of legislatures and speaker of the Vidhan Shaba. The Delhi High Court has recently described the Lt. Governor as the true ruler of Delhi. The discretionary powers while choosing chief minister when no party has required majority and reservation of certain bills for the consideration of the President etc. enjoyed by governors and Lt. governors are seen as potential ground for despotism by these constitutional offices. Treated as the representatives of the Central government these offices sometimes enjoy unfettered powers which are unbecoming of Indian federal traditions.

The ultimatum has come with the passage of Government of National Capital Territory of Delhi (Amendment) Act, 2021. The Act makes the elected government of Delhi bound to seek the opinion of the Lieutenant Governor in any executive action. This amendment in the original GNCT Act, 1991 makes the office of the Lt. Governor a unchallenging authority in the UT administration.