

Special powers of Governor

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The recent exchange between Madabhushi Sridhar and Kandula Ramesh may seem somewhat confusing to your readers. The simple point is that the AP Reorganization Act 2014, like all Reorganization Acts empowered by Article 3 of the Constitution, automatically amends the Constitution as per the Article 4 (2). As far as the provision in the Section 8 of AP Reorganization Act regarding the Governor's powers over law and order, this section is lifted almost entirely from the Article 371H of the Constitution, and inserted in 1986 regarding Arunachal Pradesh. It reads:

"371H. Notwithstanding anything in this Constitution,—

(a) the Governor of Arunachal Pradesh shall have special responsibility with respect to law and order in the State of Arunachal Pradesh and in the discharge of his functions in relation thereto, the Governor shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken: Provided that if any question arises whether any matter is or is not a matter as respects which the Governor is under this clause required to act in the exercise of his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgment."

Only in the case of Telangana, the extent of power is confined to GHMC area – not the whole State. However, Advisers to the Governor were not deemed necessary in the case of Arunachal Pradesh. It is another matter that this provision has never been used in Arunachal Pradesh and, hopefully, will never be in Telangana.

However, much depends on the character, wisdom and discretion of the incumbent Governor. One hopes good sense will prevail.

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