

Discord between the Lieutenant Governor and the Elected Government

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This round of conflict between Puducherry Chief Minister and Lt. Governor has been more serious than those in the past. Unlike the states of India, which have their own governments, union territories are federal units governed directly by the union government. The elements of conflict and discord are common to Union Territories with elected legislatures which hinders the smooth administration of the region.

In news: Puducherry Chief Minister V. Narayanasamy went on an indefinite dharna against Lt. Governor Kiran Bedi

Placing it in syllabus: Indian Polity

Dimensions

- Reasons for the recent conflict
- Pondicherry Model of Governance
- Powers of the Elected Government
- Powers of the LG
- Reasons for conflict owing to the model
- Solutions

Content

Reasons for the recent conflict:

- Recently Puducherry Chief Minister V. Narayanasamy, under the banner of the Secular Democratic Progressive Alliance, led a protest against Lieutenant Governor (LG) Kiran Bedi
- The elected government accused Lt. Governor of “functioning in an autocratic manner” and adopting an

“obstructionist attitude” in ensuring the progress and welfare of people.

- They have been at loggerheads over many matters

Some of the important issues include:

- the **appointment of the State Election Commissioner**: Puducherry Chief Minister termed the appointment of SEC as “illegal”
- the implementation of direct benefit transfer in the public distribution system using cash, instead of free rice, being given to beneficiaries.
- Lieutenant Governor Bedi’s **insistence on immediate enforcement of the rule for two-wheeler riders to wear helmets**. The Chief Minister believes it can be enforced only after raising awareness.
- The Chief Minister has accused the lieutenant governor of **interfering in the day-to-day affairs of the government** and impeding its development plans.

Pondicherry Model of Governance:

- Puducherry, earlier known as Pondicherry, is a **union territory of India**.
- It was formed out of four territories of former French India, namely Pondichéry (Pondicherry; now Puducherry), Karikal (Karaikal), Mahé and Yanam (Yanam).
- The **14th Amendment of the Constitution of India**, 1962 incorporated Pondicherry (now Puducherry) as the ninth Union territory of India
- Government in Puducherry is done as per **Government of Union Territories Act, 1963**
- This Act provides for **Legislative Assemblies and Councils of Ministers** for certain Union territories and for certain other matters.

Powers of the LG

- Government of Union Territories Act, 1963 provides for a

Legislative Assembly of Pondicherry, with a Council of Ministers to govern the “Union Territory of Pondicherry”.

- It states that the UT will be administered by the President of India through an Administrator (i.e. Lieutenant Governor).

Discretionary powers:

- Section 44 of the Union Territories Act, 1963, allows the **LG to “act in his discretion” in the matter of law-making**, even though the **Council of Ministers has the task of aiding and advising him/her**

Resolving Differences:

- In case of a difference of opinion between the LG and his Ministers on any matter, the **Administrator is bound to refer it to the President for a decision** and act according to the decision given by the President.
- However, the **Administrator can also claim that the matter is urgent**, and take immediate action as he deems necessary.

Relation with CoM:

- The manner in which the LG functions vis-à-vis the elected government (Council of Ministers) is also spelt out in the **Rules of Business of the Government of Pondicherry, 1963**, issued on June 22, 1963.
- The Administrator exercises powers regulating the conditions of service of persons serving in the UT government, in consultation with the Chief Minister.
- In case the LG has a difference of opinion with the Chief Minister, he can refer the matter to the central government for the decision of the President.

Powers of the Elected Government

- The Union Territories of Puducherry is provided with a

legislative assembly and a council of ministers headed by a chief minister.

Extent of legislative power:

- Legislative Assembly “**may make laws** for the whole or any part of the Union Territory **with respect to any of the matters enumerated in the State List or the Concurrent List**”.

Council of Ministers:

- The Council of Ministers headed by a Chief Minister will “aid and advise the Administrator in the exercise of his functions in relation to matters with respect to which the Legislative Assembly of the Union Territory has power to make laws”.

Reasons for conflict owing to the model:

Unequal powers in dispute resolutions

- The conflict arises due to the unequal power in case of any differences between LG and the government of UT.
- the Administrator has to act on the ‘aid and advice’ of the Council of Ministers. At the same time, any difference of opinion between them can be referred to the President, and in the meantime the Administrator’s action prevails on any urgent matter.
- The scheme gives a clear edge to the Union government and the LG.
- It can work only if there is harmony between the Council and the LG.
- In 2020, ruling on the limits of the LG’s powers in Delhi, the Supreme Court stressed the need for the LG as well as people’s representatives to “function in harmony within constitutional parameters”.
- The LG was cautioned against having a hostile attitude towards the Ministers.

Lack of autonomy:

- Union territories do not have much autonomy. Most of the decisions need approval of the Lieutenant Governor
- The elected governments have the legitimate requirements to fulfil the expectation of the people.

Evaluation of the ongoing protest*Political reasons:*

- The Assembly elections in Puducherry are likely to be held in April or May.
- CM leading the protest against the Lt Governor can be an act of political mobilisation
- It seems to be his strategy to ward off any criticism against his government's "non-functioning" by laying the blame at the doorstep of the Lt Governor.

LG's Lack of Accommodation:

- LG could have accommodated CM's views on important matters such as the free rice scheme.
- The Union Government did not insist on the DBT mode for relief measures during the COVID-19 pandemic.
- It decided to give additional food grains (rice or wheat) free of cost at five kg per person a month to ration cardholders during April-November 2020 as a relief measure during the COVID-19 pandemic.

Common Man Suffers:

- The power tussle between LG and CM slows down the daily administrative activities.
- Ultimately, the public has to shoulder the cost of delay in government services which he is entitled to.

Solutions:

- The Centre must ensure that powers of LGs should not overcome and hinder the working of the elected

government.

- Any unresolved issue must be referred to the President with emphasis on making administration smooth and functioning.
- Lt. Governors and Chief Ministers must work in unison as far as possible. LG should recognise the legitimate requirements of an elected government and try to accommodate CM's views on important matters

Mould your thought: The discord between Lieutenant Governor and Chief Minister are an obvious consequence of the political structure of Union Territories. Examine with respect to the standoff in Puducherry.

Approach to the answer:

- Introduction
- Write about the tussle between LG and CM
- Write about the scheme of government in UT's and its problems
- Solutions to these
- Conclusion