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**PRESS RELEASE OF HON'BLE GOVERNOR'S INTERACTION WITH
CIVIL SERVICE ASPIRANTS AS PART OF SERIES-IV, 'THINK TO
DARE' ORGANISED AT RAJ BHAVAN, CHENNAI ON 06.04.2023**

Question:

The Governor post being hot seat especially when there are two different parties are in the State and the Centre. I personally feel you are striking at the right balance. My question is that have you ever felt that the Governors are up host for more of the political reasons than for the national one?

Answer:

What is the institution of the Governor? A Governor is a constitutional institution and our constitution has created the position of the Governor and has defined the roles and responsibilities of the Governor. In the constitution if you read, the answer for the roles and responsibilities of the Governor are very clear in several articles. First and the foremost responsibilities of a Governor is to protect the constitution of India. Because whether it is the Union or the State, each of the entity should work according to the constitution. That is the sacred document we have. And how the Governor protects it? Not by putting the book of constitution into a safe vault. In our

constitution, it defines the separation of power for States and Centre. We have the seventh schedule where we have the Union list, State list and the concurrent list. So whatever there in the State list is statement, whatever there in the Union list and whatever in the concurrent, if the union doesn't make any law, a State can make the law. If the union has made a law already, even then a State can make the law. But that law must be compatible with the union law. This is what it is. Now suppose a State makes a law which is very transgressive. In the legislature, a political party has proved its majority they can pass any bill. If it transgresses the constitutional limit, the bill passed by the legislature/ assembly doesn't become a law until the Governor assents the bill. This 'assenting to' is a constitutional responsibility. The Governor has to see whether the bill is exceeding the limit, whether the State is exceeding its competence, if it exceeds the competence, then it is the responsibility of the Governor is to 'not to assent' the bill. The constitutional says that, a legislature of a State constitutes of a Governor. No. 2 is the legislative assembly. Wherever there is a legislative council, there comes the legislative council. So the Governor is a part of the legislature. So a bill passed by the assembly does not mean it is passed by the legislature. Because the Assembly is a part of the legislature. So when the bill is passed and sent to the Governor. Governor He or she being a constituent of the legislature by taking into account

whether this bill is going beyond the competence. That is why in article 200 of the constitution, it says when a bill passed by the assembly is given to the Governor for assent, Governor has three options. One, Assent; Second, Withhold the assent – withholding doesn't mean that I am holding it, Withholding has been defined by the Supreme Court as the bill falls through, the bill is dead. It is a decent language used instead of the word 'reject'. When you say 'withhold', the bill is dead. Third option, Governor reserves the bill for the President of India. But when the Governor reserves the bill, there is a discretion of the Governor, in some cases suppose he doesn't give assent to bill in a concurrent list, if the State assembly has passed such bill, the Governor cannot give assent on that. Because the parliament has passed the law, so it has to go to the President of India. So Governor reserves it and send it to the President and President can consider it whether to assent or not to assent. There again the President has the option to either assent or withhold the bill. Governor can only reserve it. Sometimes Governors use the pass the bill thinking I don't like to be a bad boy but that is not the right thing. A Governor is not there to take a pleasure decisions. You have to take hard decisions also. If a particular bill is not consistent and if it is not in the concurrent list on which Parliament has made a law then governor should take a call. There are two exceptions- if it is a money bill the governor has no business, he has to give assent.

It is a day to day expenditure and all those have to be incurred and the second is if it within the competence of legislature or if it is not within the competence of legislature governor has realized it is not within the competence of the legislature with observation Governor returns the bill to the speaker for reconsideration of the house and if the House after reconsideration after debate he has to send for reconsideration along with the reasons why he says that this is not. And if after reconsideration, if the assembly again passes the bill and sends to Governor, then the Governor has no option but to accord the assent. That is the constitutional position. So, as far as whether the centre is one party and the state is another party there is a lot of political noise happens, sometimes Governor becomes also viewed as representing union politically. Governor is the President appointment. You can call President is my boss [using the word colloquially], the constitution makes it very clear. So, it doesn't call any issue. You do your responsibility. That is all.

Question:

Our Government has transformed from soft State to the State willing to take risks. However, recent steps like tightening of FCRA has invited criticism from the West. How do you see these criticism?

Answer:

Foreign Contribution Regulation Act (FCRA) is an act of Parliament that any entity or individual that receives contributions from foreign countries. If it is one time contribution from foreign country there is no need for registration. But, if it is a regular remittance or coming from outside the nation, then it is mandate for the entity must to have its registration done with the Union Home ministry. This is one area through which the money comes from foreign countries to India not to the Government but to the non-Government entities. What we realized was that the number of NGOs were receiving foreign contributions to India (FCI) remittances to a tune of 1,00,000 crores. We have several hundred thousand NGOs like this. Some of them were receiving FCIs and the donors were sitting in foreign countries sending money for activities which were pre-judicial, Anti-national in nature. For example, let us say, here in Tamil Nadu, we have a nuclear plant in South. Everytime, you start the work there, there would be protests in the name of climate. Some about fallout, unsafety and we realised that this money actually trailed those who were active there. Nobody comes out with hungry stomach, unable to do it, some has to support. The money trail goes to those entities in

the foreign country – Europe, US, different countries from where the money is being sent for these activities, sometimes in the name of human rights, climate or green environment - different names. For example, let us say in North East, every year there are shell entities sitting in Europe and US. They were sending more than 250 Crores every year in the North east for conversion purposes. Now, Should we allow that, Should we have the check? There is no harm to receive foreign money but it should not be used for the purpose which is harmful to our national interest. So, for a very long time, this regulation was taken for grant that you can take money anywhere. At the most, there was some corruption involved by paying some money to staff here and there and get the registration done. But in the process our country started bleeding. Amnesty International sitting in Bangalore was receiving money and was creating hurdles for many of our national projects. You must have read in the newspaper about 'Vizhinjam port', the port to land connectivity suffered one year plus delay. People didn't allow by protesting against it sitting on the road, saying the port will destroy the marine life and affecting the fishermen livelihood. Experts, NGT, SC said that it won't affect the marine life and livelihood. But construction were not allowed and those who organized the protests got money from abroad. Now it gives the setback. Today, at this point of time when our country is rising and progressing, You will have

more and more pressures. There was a question of radicalization. Today, external foreign elements are not in a position to take down India directly. So our vulnerability is within the nation who create issues, disharmony, create a situation which stops the progress, create tension riots, etc., Now take the case of sterlite in Tuticorin. It was a purely foreign funded activities which led the protests and unfortunately police firing took place that cost innocent lives. That's a very sad part of it. But they want this Sterlite to be closed because that Sterlite have produced 40 percent of our copper needs. You know how copper is important for electronic industry. They closed it and even now it remains closed - 10 years round the line. All those people who were behind such protests were getting foreign contribution. Now We need to be a strict about it. It is not as strict even today my view is as it should be but it is in the process. Criticism will be there, thats ok. People have freedom, constitutional rights to protest and say something and its perfectly alright. Government has to do its job. Government has to ensure that our national interests are protected and anything that goes against purposefully meant to inhabit or retard our growth and create a problem disharmony. So radicalization what you see today which is happening are also foreign funded mostly.

If you look at the PFI, most of the fund come from outside. They have created India fraternity front forum. Very nice, very

good name isn't it? It is all a 'label' for getting money to create a problem and terrorist activity. All these people from India whether from Kerala, from Tamil Nadu, Karnataka went to join ISIS Islamic State at Syria, Iraq, Afghanistan where mostly 90 percent of them were through PFI and they get money in FCR accounts. It's not acceptable. Criticism will be there, after all it is a freedom to criticize.

Raj Bhavan, Chennai – 22

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