

Gist of the D.O. Letter dated 8-7-2023 of Hon'ble Chief Minister of Tamil Nadu Thiru M.K. Stalin, addressed to the Hon'ble President of India Tmt. Droupadi Murmu highlighting the unconstitutional way of functioning of the Hon'ble Governor of Tamil Nadu Thiru. R.N. Ravi.

I wish to invite your kind attention to my letter dated 10-1-2023 which was handed over to your goodselves on 12-1-2023 at New Delhi by the Law Minister of Tamil Nadu and Senior Members of Parliament. In furtherance to that, I am writing to Your Excellency to draw your kind attention to a pressing matter of great urgency for the State and its people.

The Constitution of India states that the executive power of the State vests in the Governor. The Governor, being a nominal head of the State, is however expected to exercise that power as per the aid and advice of the Council of the Ministers with the Chief Minister as the head of the State.

The Governor performs important constitutional functions, which require him to be impartial and a person of impeccable integrity. The philosophy of Democracy is the lifeblood of our Constitution. It is only to establish an elected government by those people that our freedom fighters sacrificed their lives to fight the colonial powers.

It goes without saying that a Governor must have full faith in the Constitution and the ideals it represents. The ideals of the Constitution are summarised in the preamble – That India is a Sovereign, Socialist, Secular and Democratic Republic. A Governor who does not believe in any of these basic principles, is not fit to hold the constitutional office.

It is also imperative that a Governor who turns political must cease to be a Governor. It is simply not the Constitution's intention that a Governor must enter the political thicket to challenge the policy, functions and decisions of the elected State Government. The framers of the Constitution would never have imagined a situation where a Governor

openly contradicts the policy of the elected State Government or impedes legislation passed by the legislature by indefinitely delaying assent or acts against basic features of the constitution like principles of federalism and secularism.

As you are well aware, in the elections conducted in April, 2021, the people of the State have bestowed an emphatic mandate on the DMK party to take the State forward in the path of social and economic development. Since the day it took oath, the DMK Government has been striving for the growth and development of the State and also to justify the faith reposed in it by the people of Tamil Nadu.

However, the work being done by the Tamil Nadu Government and the Legislature is being obturated by Governor Thiru R.N. Ravi by openly contradicting its policy in public and unduly delaying assent to Bills and files.

The record of his earlier tenure as Governor of Nagaland also doesn't speak well for him. In fact, after he was removed as Governor of Nagaland, the President of the Nationalist Democratic Progressive Party in Nagaland has gone on record stating that there is "a relief in Nagaland". The NDPP President Thiru. Chingwang Konyak stated that Thiru R.N. Ravi had interfered in the affairs of a popular Government by issuing parallel instructions to the State's Chief Secretary without consulting the Government established by law, which had caused wide spread condemnation from political leaders.

Thereafter, with this background, Thiru R.N. Ravi was appointed as the Governor of Tamil Nadu in September 2021. Ever since taking charge, he has engaged in an ideological and political battle with the lawfully elected State Government headed by the DMK party.

The following acts show that Thiru R.N. Ravi is unfit to hold the office of the Governor:

A. UNDUE DELAY IN GRANTING ASSENT TO BILLS:

The Tamil Nadu Legislative Assembly has enacted several important Bills and sent the same to the Governor for assent. I am pained to note that the Governor is unduly delaying assent to the Bills passed by the State Legislature. This amounts to interference in the administration of the State and transaction of business by the Legislature. It impedes and obstructs a democratically elected Government from serving the people, which is *ex-facie* unconstitutional.

It is trite that under the scheme of our Constitution, a Governor cannot sit as an appellate authority over the decision of the Cabinet or the Legislature. The need, requirement or necessity of a Bill cannot be inquired into by the Governor. That is within the sole prerogative of the Legislature, which extensively debates the necessity of the Bill. However, in the instant case, the State Government had given all the required clarification sought by the Governor with reference to the Bills. Once a Bill is passed it is deemed to be the will of the people and the Governor has to Act within the framework of constitution. The absence of timeline for according approval of the bill should not be misused by the Governor. Perhaps the founding fathers of the Constitution may not have imagined that such acts would ever take place at such high and esteemed offices.

B. UNDUE DELAY IN GRANTING SANCTION TO PROSECUTE OFFENDERS:

Thiru R.N. Ravi is also sitting over the files relating to granting sanction to prosecute former AIADMK ministers for acts of corruption done by them. It is quite strange that he is sitting over even the sanction sought by the CBI to prosecute former AIADMK Ministers in Gutka case in which investigation was ordered by the Hon'ble High Court of Madras. The details of files that are pending consideration for sanction are furnished hereunder:

Thiru.B.V.Ramanaa @ B. Venkatramana	Former Minister for Milk and Dairy Development	File No.AC/495/2022 dated 12.9.2022
Dr.C. Vijayabaskar	Former Minister for Health and Family Welfare	File No.AC/495/2022, dated 12.9.2022
Thiru.K.C.Veeramani	Former Minister for Commercial Taxes and Registration	File No.AC/454/2021 dated 12.9.2022
Thiru.M.R. Vijayabaskar	Former Minister for Transport	File No.AC/351/2021 dated 15.5.2023

C. ACTING AS A POLITICAL & IDEOLOGICAL OPPONENT OF THE ELECTED STATE GOVERNMENT:

Thiru R.N. Ravi has continuously expressed his personal, political and religious ideologies on various public fora that are quite unbecoming of a Governor. As a Governor of the State, he not only causes embarrassment to the elected Government but also attempts to incite contempt, hatred, dissatisfaction and ill will towards the Government established by law.

Tamil Nadu is like a paradise for people from different religions, languages and castes who live peacefully and in harmony. The State Government affirms its full faith in the secular principles and gender equality. Unfortunately, Thiru R.N. Ravi has publicly professed his lack of faith in the secular ideals of this country by frequently engaging in divisive rhetoric. Thiru R.N. Ravi has been unabashedly propagating unwanted, divisive and religious utterances in public, which is unbecoming of a Governor. On 09.11.2022, Thiru R.N. Ravi made a comment that "India is dependent on one religion like the rest of the world". This statement is an affront to India's Constitution. As your Excellency is clearly aware, India is dependent on its Constitution and laws, not any religion. The strength and beauty of India lies in its multicultural society and religious harmony built over centuries. On 13.06.2022 Thiru R.N. Ravi has made similar communal remarks like praising sanatana dharma, communalising the jewel of Tamil literature '**The Thirukural**' and denouncing Dravidian heritage and Tamil pride. The

unwarranted statements of Thiru. R.N. Ravi have wounded the sentiment and pride of the Tamil people.

Thiru R.N. Ravi has forgotten that he has not won any elections in Tamil Nadu to decide what is good for the people of Tamil Nadu. He is not a leader of the people, but an appointed executive. While so, in a function called the Kasi Tamil Sangamam held on 05.01.2023, Thiru R.N. Ravi had again made statements denigrating and defaming the Tamil people, culture, literature, Dravidian ideology and politics. It is reported that in the function on 05.01.2023 which is also published in a newspaper, he has stated:

"Unfortunately, in Tamil Nadu there has been regressive politics, that we are Dravidian, and we have nothing to do with this (Bharat)"

"That is why they openly talk too much about federalism, little realising that Bharat was here several thousands of years before the States were created."

"The concept of provinces is for administrative purposes, so we must realise that our Union is organic and not conceptual like the USA"

"Here in Tamil Nadu a different type of narrative has been created, everything that is applicable for the whole country, but TN will say 'No, we are not.' It has become a habit, this habit has been reinforced by all sections of the people, including academia"

"Very poor literature has been created and people have been fed all that. This has to break, truth has to prevail, the truth is that we are all one, a part of Bharat".

Thiru R.N. Ravi's statement that the Dravidian politics is regressive is not only defamatory but also borne out of ignorance. It is the result of more than 5 decades of Dravidian Government & Politics that today Tamil Nadu is in the top 3 markers of growth and development across the country. Tamil Nadu is the only State where growth and social justice go hand in hand. In the Social Progress Index of 2022 released by the Prime Minister's Economic Advisory Council, Tamil Nadu has 63.33 points

against a national average of 60.19. Therefore, a neutral observer can deduce whether Dravidian Politics is regressive or progressive from this data. As they say, the proof of the pudding is in the eating. In every marker of economic growth and development, Tamil Nadu is far ahead of other States only due to the continuous Dravidian rule in the State. In the data pertaining to States with highest number of Industries, Tamil Nadu leads the way with 38,837 industries and stands in 1st Place whereas the Gujarat the State in 2nd place has 28,479 industries. Recently, the data shows that Tamil Nadu has topped the country in electronic exports, after registering a staggering 223% growth in the last 2 years, from Rs.13,641 crore in 2020-21 to Rs.44,044 crore in 2022-23.

Therefore, one has to have extremely myopic or distorted vision to say that Dravidian politics has been regressive for the State. It simply exposes his political slant that is highly inappropriate for a person holding such a constitutional position. What is more shocking is that Thiru. R.N. Ravi has criticised, slandered and vilified the concept of Federalism, which is an important component of the basic structure of the Constitution terming it as one made for "administrative purpose". Federalism is not made for administrative purposes but rather how India is constituted under the Constitution. The Constitution of India constitutes India in Article 1 as a "Union of States" meaning thereby the States come together to form the Union and not vice versa. Thiru R.N. Ravi has also denigrated and defamed Tamil literature as "*very poor literature that has been fed to the people*". Therefore, these statements are an affront to the Constitution and show that Thiru R.N. Ravi has violated his Constitutional oath to uphold and abide by the Constitution under Article 156 (1).

Apart from the above, in the said speech, Thiru R.N. Ravi has made an unacceptable shocking remark that "Tamil Nadu" the name that is so close to the hearts of the people of Tamil Nadu should be renamed as "Thamizhagam". It shows his extreme hatred towards our State and his inclination to desecrate the name of our State bestowed by Perarignar Anna, a Dravidian icon and former Chief Minister, a symbol for both the

DMK & the AIADMK. It is clear that Thiru R.N. Ravi is against the interest of the Tamils at heart and possesses an inexplicable, deep rooted antipathy towards Tamil Nadu, Tamil people and culture, for reasons best known to him.

On 09.01.2023, Thiru R.N. Ravi's autocracy reached a crescendo when he delivered the Governor's address in the Tamil Nadu Legislative Assembly. As per Article 163(1), the Governor is expected to carry out his duties in accordance with the aid and advice of the council of ministers. The Governor cannot function independently and definitely not as per his political likes and dislikes. Yet, on 09.01.2023, Thiru R.N. Ravi completely abdicated his constitutional mandate and read out an edited version of the speech and deviated from the speech drafted by the State Government and previously approved by the Governor himself on 7.1.2023. The Governor's intention was clear – to make a political message. He chose to ignore words like 'social justice', 'self-respect', 'inclusive growth', 'equality', 'women empowerment', 'secularism', 'compassion' and 'Dravidian model of governance', mentioned in the draft address, perhaps because he does not believe in such values. He also skipped the references to leaders like 'Thanthai Periyar', 'Ambedkar', 'Perunthalaivar Kamarajar', 'Perarignar Anna' and 'Muthamizh Arignar Kalaigarnar'. By doing so, the Governor had openly challenged the ethos of the State and its Government. It is not only an affront to the people of the State but also to the entire nation, that he refused to mention the names of such great sons of India. In fact, shockingly, the Governor even refused to read sentences which were approved by him earlier when the file was circulated.

This apart, his remarks in public domain are not befitting the office he holds. For example, when I had visited East Asian countries to promote the State and attract investment into Tamil Nadu, which was a highly productive trip, Thiru R.N. Ravi made snide remarks that foreign tours don't result in investment. It has become obvious that Thiru R.N.

Ravi is more interested in petty politics than acting as a dignified constitutional authority.

D. SUPPORTING CRIMINALS & INTERFERING WITH POLICE INVESTIGATION:

Apart from the above, the Governor Thiru R.N. Ravi has been making unfounded and ill-advised statements on criminal offences. Between September and October of 2022, two Dikshitaras — who are the priests of Chidambaram Natarajar temple — were arrested by Chidambaram police following complaints of child marriage. Based on the evidence, the police registered four cases under section 366(a) of the Indian Penal Code and under the Prevention of Child Marriage Act, 2006. Eight men and three women were arrested in connection with the case, and the investigation was underway.

While so, Thiru. R.N. Ravi had given an interview to Times of India on May 4 that no child marriage took place in Chidambaram and the Social Welfare Department of the State Government lodged eight false complaints of child marriage against priests of the Natarajar temple out of “vengeance”. Such a statement by the *de jure* head of the State created a massive impact on the investigation and impeded a fair investigation by the Police, much to the dismay of the victims and their families.

Later, videos of the marriage of the minor girls surfaced on the internet and they clearly disproved the claims made by Thiru R.N. Ravi in his interview. That apart, in his interview, Ravi had also alleged the priests’ daughters, Class 6 and 7 students, were forcibly taken for a medical examination and subjected to the banned two-finger tests by Government doctors. He also claimed that some of the girl children tried to commit suicide because of this. These insensitive statements have also been found to be false subsequently.

Now, if such a vitriolic statement that interferes with a criminal investigation and has the effect of tampering with evidence had been

made by an ordinary person, the Police would have certainly registered a case against the person under relevant laws.

No one with a good conscience could tolerate such utterances that shield the perpetrators of the vile crime of child marriage.

A GRAVE CONSTITUTIONAL BREACH:

On 15.06.2023, since one of my Cabinet Ministers Thiru V. Senthil Balaji fell ill, and admitted for surgery, I wanted to divest his portfolios of electricity, prohibition and excise and re-allocate the same to two other ministers in my cabinet. I wanted to retain Thiru V. Senthil Balaji as a minister without portfolio. Hence on 15.6.2023, I sent a letter to the Governor advising him to re-allot the portfolios. On 16.6.2023, the Hon'ble Governor wrote back accepting change of portfolios but with regard to retaining Thiru Senthil Balaji, he stated that he cannot accept my recommendation because Thiru Senthil Balaji is "facing criminal proceedings". On receipt of above letter from the Governor, I sent a reply on the same day reiterating my recommendation in respect of retaining Thiru. Senthil Balaji as my minister. These acts show that the Governor of Tamil Nadu is acting in contravention to Art 164(1) and contrary to my advice in matters of appointment of ministers.

This apart, earlier, on 31.05.2023 the Governor sent a letter "recommending immediate removal" of Thiru V. Senthil Balaji from the Council of Ministers until the "criminal proceedings" against him are disposed in his favour. Immediately I wrote a letter dated 1.6.2023 wherein I had explained in detail that as per Law, a Minister does not become disqualified from holding office merely because he is arrested or investigated by an agency. I set out the difference between (i) a person facing investigation, (ii) a person against whom charges have been framed and (iii) a person convicted by a Court and wrote that only in the third category of cases a person attracts disqualification from holding office as Minister or legislator as per the judgement of the Hon'ble Supreme Court of India in the case of *Lily Thomas v. Union of India*,

(2013) 7 SCC 653. I further explained that under Article 164(1), it is the sole discretion of the Chief Minister to appoint or remove a Minister and informed him that such recommendation is illegal and unlawful.

While so to the shock and surprise of everyone, the Governor on 29.6.2023 at about 7:45 PM sent a letter in which citing Articles 154, 163 and 164 of the Constitution of India, "dismissed" Minister Thiru V. Senthil Balaji from the Council of Ministers with immediate effect. While I was holding consultations to reply to the said letter, suddenly at about 11.45 PM, I received another letter from the Governor "keeping in abeyance" his letter dated 29.6.2023. In the second letter, the Governor has said that the Hon'ble Home Minister has advised him to take the opinion of the Learned Attorney General of India. The entire nation was debating on this issue and all the leading dailies came down heavily in their editorials, denouncing the improper functioning of Thiru. R.N. Ravi. Thiru R.N. Ravi has belittled the post of the Governor by his actions.

I replied to both this letters dated 29.06.2023 vide my reply dated 30.6.2023 reiterating that under Article 164(1), the Governor appoints and removes ministers only on the advice of the Chief Minister and that the Governor has no power to decide who should or should not be part of the Cabinet unilaterally. Since his letters dated 29.06.2023, were unconstitutional, void *ab initio* and *non-est* in law. I disregarded them.

Honourable President would agree with me, that the mind of a Governor should be free of any political likes or dislikes, or party politics or expectations of future appointments. The office of the Governor should be apolitical and certainly must be secular in functioning, perception and reality. A good Governor must help create a perception about himself within the government as well as among the citizens of the state that he cares for the people and effective administration and not for promoting the interest of some party or ideology; Governor must focus on performing his constitutional duties in the interest of the State and work in accordance with the constitutional goals and ethos. The image of the

Governor as merely an agent of the Union sitting in state capitals and desperately seeking an opportunity to run down the state government when it is in the hands of a party opposed to the party ruling at center will deform and defame our cooperative federalism and destroy the fundamentals of Indian democracy. The Tamil Nadu Governor Thiru. R.N. Ravi is a text book example of this malady.

Clearly, Thiru R.N. Ravi has violated the oath he took under Article 159 to preserve, protect and defend the Constitution and the law and to devote himself to the service and well-being of the people of Tamil Nadu. Far from it, he has been instigating communal hatred, causing a threat to the peace and tranquility of the State. That apart, Thiru R.N. Ravi has exhibited political bias, on the one hand delaying sanction to prosecute former AIADMK ministers even on a request made by the CBI but on the other hand acting in haste to "dismiss" one of my ministers when even investigation has just commenced. Therefore by his conduct and actions, Thiru R.N. Ravi has proved that he is biased and unfit to hold the constitutional office of Governor and therefore he deserves to be divested of the high office.

As per Article 156(1), the Governor holds office during the pleasure of the Hon'ble President. Therefore, I, in the interest of the People and Government of Tamil Nadu would like to place all the above facts for your kind perusal. I leave it to your Excellency's wisdom to decide whether the continuance of Thiru. R.N. Ravi, in a high constitutional post like Governor is desirable or appropriate and thereby protect the spirit and values enshrined in the Constitution by our founding fathers.
