

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.
All rights reserved.**

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

THE DISCRETIONARY ROLE OF GOVERNORS: A CONSTITUTIONAL DILEMMA IN CENTRE-STATE RELATIONS

AUTHORED BY - SHREYANSH

Research Scholar, Faculty of Law, MDU, Rohtak, Haryana

CO-AUTHOR - DR. ANUPAM KURLWAL

Associate Professor, CPAS, Gurugram

Abstract

This research examines the role of Governors in India and how their decisions affect the relationship between the central government and state governments. The Indian Constitution appoints Governors as the President's representatives in the states, giving them duties that go beyond simple ceremonial duties to include real work in politics, administration, and law-making. This study examines the rules in the Constitution that define their powers, especially the choices they make when there is no clear guide, such as during hung assemblies, government breakdowns, or times of unrest. It reviews key examples, like Governors stepping into state politics, dismissing elected leaders, suggesting *President's Rule under Article 356*, holding back state bills, acting as university heads, approving charges against ministers, or sending special reports to the President. These steps sometimes help maintain order and uphold the Constitution, but often create problems by seeming to favour the Centre over state rights, thereby harming the balance of power in India's federal system. The April 2025 Supreme Court judgment in *State of Tamil Nadu v. Governor of Tamil Nadu* initiated a significant constitutional development by prescribing explicit time limits for the Governor's exercise of powers under Article 200 and introduced the concept of deemed assent under Article 142 as a remedy for gubernatorial inaction. However, this framework was substantially reassessed through the November 2025 Presidential Reference opinion. The paper points out that while Governors can support teamwork between the Centre and states in tough times, their actions have too often led to constitutional issues, litigation and claims of unfairness, weakening trust and encroachment of state autonomy. Reports from commissions like the *Sarkaria Commission*, *the Punchhi Commission*, and others suggest fixes, such as appointing non-political Governors after consultations with state Chief Ministers, setting time limits for bill decisions, limiting free

choice to clear cases, and making floor tests mandatory before dissolving assemblies. This work mixes legal reviews, court rulings, and political ideas to show how Governor's shape or strain cooperative federalism. In the end, it calls for changes to make the Governor's role a bridge for unity, not a source of conflict, so states can run smoothly while the nation stays strong.

Keywords

Governors, Centre-State relations, federalism, discretionary powers, Tamil Nadu Governor Case 2025, Presidential Reference, Article 142.

Introduction

The role of the Governor in India has always been a source of tussle and discussion. The position of Governor is intended to act as a link between the central government and the states, maintaining the values of federalism and neutrality as custodians of the constitution. However, over the years, various controversies have persisted, raising questions about the efficacy and significance of this role in India's democratic framework. India's federal structure, as outlined in the Constitution, is designed to maintain a division of powers between the central government and state governments.¹ While the Centre holds considerable authority, particularly in matters that require national unity and security, states are granted significant autonomy in managing their own affairs. Governors, as constitutional figures appointed by the President, are entrusted with ensuring the proper functioning of state governments. However, when political instability or conflicts arise within states, Governors are often called upon to intervene, sometimes in ways that go beyond their constitutional duties.²

This intervention, often seen as 'intruding' has sparked debates regarding its implications on federalism, state autonomy, and political dynamics. The paper examines instances where Governors have taken such a stance in state governance, analysing the legal and political justifications for such interventions. It will assess the impact of these actions on the relationship between the Centre and the States, particularly when Governors' decisions appear to favour the interests of the central government. Through a detailed analysis of specific case studies and

¹ Neelam Bhardwaj, "The Role of Governor in India's Federal Structure: A Review of Constitutional and Judicial Perspectives" 4 *Journal of Emerging Technologies and Innovative Research* (2017).

² Navya Pandey, "The Role of Governors in Centre-State Relations: Unravelling the Complex Web of Influence" I *Journal of Constitutional Studies* (2024).

constitutional provisions, this research will contribute to the ongoing discourse on the evolving role of Governors in India's federal system.³

Theoretical Framework

The theoretical framework for understanding the role of Governors in India's federal system draws on a range of political theories, primarily focused on federalism and the balance of power. Federalism is a key concept in the Indian Constitution, and the relationship between the Centre and the states forms the core of India's federal structure. To comprehend the evolving role of Governors in shaping Centre-State relations, it is essential to explore the various theoretical perspectives that underpin the dynamics of power-sharing, autonomy, and centralization in a federal system.⁴

• Federalism as a Political Theory

Federalism refers to a system of governance in which power is divided between two levels of government usually a central government and regional or state governments. The fundamental principle of federalism is the coexistence of both levels of government within a single political system, with each possessing certain powers and responsibilities that are constitutionally protected. Federal systems aim to provide a balance between the benefits of a strong central government and the autonomy of local or regional governments. In India, federalism is enshrined in the Constitution, which divides powers and responsibilities between the Union and the states through three lists Union, State, and Concurrent under Schedule VII.⁵ The Constitution seeks to ensure that the states retain a degree of autonomy while also maintaining the unity of the country. However, the structure of Indian federalism is often characterized as asymmetric, with a stronger Centre and weaker states, particularly in comparison to other federal systems like those in the United States or Germany. This is reflected in various constitutional provisions that grant the Centre considerable authority to intervene in state matters, particularly in the case of national emergencies or political instability.⁶ The theory of federalism in India is often described as 'cooperative federalism,' where both the Union and the states work together in managing governance and implementing policies. However, this

³ Ibid.

⁴ N. Krishna Kumar, Babu Karukapadath, "The Governor's Role in Indian Federalism: Analysing the Sarkaria Commission's Perspective" 8 *Journal of Taxation and Regulatory Framework* (2025).

⁵ Arush Khanna, "An Analytical Study of Federalism Under Indian Constitution" 11 *International Journal for Research in Applied Science & Engineering Technology* (2023).

⁶ M. Govinda Rao, Nirvikar Singh, "Asymmetric Federalism in India" *UC Santa Cruz International Economics Working Paper* (2004).

cooperation is not always harmonious, and tensions arise when the Centre's interests seem to override state autonomy. The role of Governors in India, as constitutional representatives of the President in each state, plays a critical part in either facilitating or obstructing this cooperative dynamic. In this sense, the theory of federalism provides a lens through which the Governor's function can be understood as either a stabilizing force or an instrument of centralization.⁷

Role of Governors in India: Constitutional Framework

The role of Governors in India is outlined under the Indian Constitution and guided by various constitutional and legal provisions, primarily in *Articles 153-167*. Largely, the constitutional provisions have been borrowed from the *Government of India Act, 1935*. *Article 153* provides for the office of the Governor. While, *Article 154(1)* grants executive authority to the Governor, which bears a strong resemblance to *Section 49(1) of the 1935 Act*. Additionally, *Article 163(1)* specifies the presence of a council of ministers led by a Chief Minister to assist and advise the Governor in carrying out their duties, copying the provision in *Section 51 of the 1935 Act*.⁸ Under *Article 167* The Governor has to ensure that the state legislature functions according to the constitutional requirements, such as calling sessions of the legislature, addressing the legislature, and ensuring the implementation of laws passed by the state legislature. These provisions outline the powers, functions, and duties of Governors, as well as the extent to which they can intervene in state matters, particularly in relation to the Centre. The role of governor can be summed under two broad heads: a) As a constitutional head of the State Government b) As a representative of the President and an agent of the Central Government⁹

It is interesting to note that the role of governor changes in certain extraordinary situations provided for under the Indian Constitution such as the Governor may report to the President to impose President's rule where a situation has arisen that the constitutional machinery of the state has failed. Here, he discharges an important constitutional duty to preserve the law and order in the state. Additionally, the Governor also steps in the role of legislature by issuing ordinances although to a limited extent. When these various roles assigned to the Governor are discharged arbitrarily or there exists biasness, it becomes a source of constant tussle between

⁷ Ibid.

⁸ Mallikarjuna A M, "Indian Federalism and The Role of Governors" 6 *International Journal of Research and Analytical Reviews* (2019).

⁹ V.R. Krishna Iyer, "The Indian Presidency" (Deep & Deep Publications, 1988).

the centre and the states often resulting in long litigation undermining the cooperative federalism. Further, when the governor acts as per the constitutional conventions where there is absence of clear constitutional provisions, he has a wide discretion available with him. More often than not, when such a power is exercised the states criticise the role discharged by the Governor calling it biased, malafide and terming it as meddling in state affairs or in other words ultra-vires the Constitution.¹⁰

Instances Where Governors May Take a Proactive Stance in State Affairs

Governors in India have occasionally assumed an active role in political matters, often due to instability or challenges to the functioning of state governments. When such wide discretionary powers are exercised, the actions taken by the governor are often called undemocratic and draw criticism for this approach. Several key examples of such proactive interventions include:¹¹

1. Role During Hung Assembly

A hung assembly means such instances in which no single political party or pre-poll coalition secures an absolute majority in state legislative elections. In recent times, it has emerged as a defining constitutional challenge in Indian federalism. While the Constitution of India remains conspicuously silent on the procedural mechanisms for government formation in such scenarios, it is the office of the Governor that assumes the mantle of constitutional custodian in resolving issues surmounting the formation of government without a clear mandate. The ambiguity surrounding the Governor's role during hung assemblies represents not merely a technical constitutional question, but a fundamental tension between the preservation of federalism, the protection of democratic principles, and the institutional balance between the Centre and the States. Since there is an absence of clear constitutional provisions, the governor exercises his discretion and acts as per constitutional conventions during the times when no party has a clear majority to form the state government. The governor's role in such scenarios is to invite the party or coalition that is most likely to form a stable government. However, there have been cases where the governors' decisions have raised questions about constitutional propriety¹². Many times, this discretion is found to be against the

¹⁰ Lumina L, "A Critical Analysis of Emergency Powers Under Article 356 of the Indian Constitution" 4 *International Journal of Criminal, Common and Statutory Law* (2024).

¹¹ Gopal Krishan Parihar, Nancy Raj Seth, "Emerging Conflicts in Indian Democracy: Role of the Governor" *Remarkings an Analysis* (2024).

¹² LiveLaw, "Goa Governor's Decision to Invite BJP to Form Government: Legal and Constitutional Perspectives," March 14, 2017.

constitutional norms and the judiciary has labelled it as breach of our constitution¹³. The 2018 Karnataka election crisis brought the hung assembly question directly before the Supreme Court and exposed the ambiguities and contentions that persist in this area of constitutional law. The Court in this case did not make a definitive ruling on whether the Governor should have invited the single largest party or the post-poll coalition, instead, it directed that a floor test be conducted within a day to resolve the question of actual majority support. The Court's refusal to articulate a clear hierarchical preference between the single largest party and the post-poll coalition reflected the judicial recognition that the Constitution does not explicitly establish such a hierarchy, and that in some contexts, a coalition that appears more stable and durable might merit invitation even if the single largest party had staked a prior claim. However, the Court's insistence on a quick floor test demonstrated that whatever the Governor's initial choice, that choice must be validated.

2. Dismissal of Elected Governments

It is one of the most tussling issues involving the proactive stance of governors. There have been instances where the Governors have ousted the elected government for political reasons rather than constitutional or legal¹⁴. Some of the instances where the governor exercises his discretion are as follows:

- a) Where the Governor finds that there is non-compliance of his advice akin to violation of fundamentals of the Indian Constitution.
- b) Where it seems that the Government has lost the majority in the assembly.
- c) Governor is of the belief that the government is engaged in such activities which are prejudicial to national security or social harmony.

3. Imposition of President's Rule

Governors have been instrumental in the imposition of President's Rule under *Article 356* in states, particularly when they report that the state government cannot function according to the provisions of the Constitution. While reporting, the Governors are not bound by the aid and advice of the Council of Ministers as they usually are, nor can their actions be called into question by the courts. However, multiple judicial

¹³ M.K. Devarajan, "Governors, hung assemblies, and the role of the president in India: A case study of Maharashtra (2019)" *Indian Journal of Constitutional Law* (2020).

¹⁴ Rameshwar Prasad and Ors. v. Union of India, 2006 2 SCC 1.

pronouncements have made it clear that, on grounds of malafide, judicial review of such actions is available. The Constitutional Courts have every right to see whether the actions taken are based on genuine constitutional considerations rather than political. The Constitutional Scholars have vehemently criticised this provision as it is a direct death to democratic federalism. The role, the Governor, sometimes assumes, dealing with this provision has been found to be malafide, arbitrary and against well-set constitutional provisions¹⁵. Over the years, the persistent use of Article 356 reflects the shifting dynamics of the Centre-State relationship.

4. Reserving Bills for Assent

Under *Article 200 and 201*, The Governors have been vested with power to assent to certain Bills passed by the State Legislature. Here, the governor may either assent to it; withhold assent or reserve it for the consideration of the President. The provisions, however, do not provide a set time limit for the governor to decide on a bill. This lack of time frame leaves room for misuse and delaying tactics popularly known as ‘pocket veto’. This practice has emerged as a trend lately and gained traction raising questions about India’s federal structure and Governor’s role in State politics. Over the years, many states have approached the Apex Court arguing that a time limit should be set within which the Governors should assent or return the Bills.¹⁶ The *Hon’ble Supreme Court in B.K. Pavitra v. Union of India*¹⁷ has observed tangentially that the substantive part of Article 200 gives the withholding power to the Governor, however, the observation was short of answering as to what shall be the next step of the governor in this regard. In an important decision¹⁸, the Apex Court has cleared most of the issues surrounding the power of withholding assent to Bills, other than fixing a time limit. The court laid down that the Governor is required by the constitutional provisions to declare his decision and inform the State Legislature about the need to reconsider the Bill. The phrase used in Proviso 1 to Article 200 is "as soon as possible" which carries particular importance, emphasizing the urgency of the matter. It conveys a constitutional imperative of expedition. Failure to take a decision and retain a duly passed Bill for indefinite periods contradicts the meaning conveyed by that phrase. Constitutional

¹⁵ RS Nayak v. Union of India, 1994 AIR 1558.

¹⁶ The State of Tamil Nadu v. Governor of Tamil Nadu, State of Kerala v. Governor for State of Kerala, State of West Bengal v. Dr. Sanat Kumar Ghosh & Ors., Special Leave Petition (Civil) No. 17403 of 2023.

¹⁷ (2019) 16 SCC 129.

¹⁸ The State of Punjab v. Principal Secretary to the Governor of Punjab, (2023) INSC 1017.

language is not surplusage. Further in *Nabam Rebia v. Dy. Speaker*,¹⁹ The Court emphasized that the Governor's discretion is limited to deciding whether a Bill should be reserved for the President's consideration. This present issue was contested at length in *Governor of Tamil Nadu Case*,²⁰ where in the division bench of the court has held that the First Proviso to Article 200 must be interpreted in conjunction with the Governor's substantive power to withhold assent under Article 200. Consequently, the proviso does not operate as an independent source of authority. In circumstances where the Governor opts to withhold assent, the initiation of the procedure prescribed under the First Proviso becomes mandatory. Once the Governor exercises this option, there arises an obligation to adhere to the prescribed procedure "as soon as possible." The Court reaffirmed that the legal position established in the Principal Secretary of Punjab case²¹ remains valid and binding. As a general rule, the Governor lacks the authority to reserve a bill for the President's reconsideration once it has been returned by the House pursuant to the First Proviso. The phrase "shall not withhold assent therefrom" in the proviso constitutes a categorical constitutional prohibition, unequivocally requiring the Governor to accord assent to any bill re-presented after compliance with the proviso's procedure. The sole exception to this rule arises when the re-presented bill materially differs in substance from the original version. Significantly, the Court advanced beyond its previous rulings by prescribing explicit time limits for the exercise of the Governor's powers under *Article 200*:

- a. When the Governor decides to withhold assent or reserve a bill for the President's consideration on the advice of the State Council of Ministers, such action must be taken forthwith, and in any case within one month.
- b. When the Governor withholds assent contrary to ministerial advice, the bill must be returned with a message within a maximum period of three months.
- c. When the Governor reserves a bill for the President's consideration against the advice of the Council of Ministers, such reservation must also occur within three months.
- d. Upon re-presentation of a bill after reconsideration in accordance with the First Proviso, the Governor must grant assent immediately, and at the latest within one month.

¹⁹ AIR 2016 SC 3209.

²⁰The State of Tamil Nadu v. The Governor of Tamil Nadu & Anr., 2025 INSC 48.

²¹ Supra note 18.

Furthermore, the Court declared that the decision in *B.K. Pavitra* was per incuriam on two grounds:

- (i) the assumption that the Governor possesses discretionary power to reserve bills for the President's consideration
- (ii) the assertion that such discretion lies beyond the scope of judicial review. In addressing Centre–State relations and the constitutional role of the Governor, the Court observed: “In times of conflict, the Governor must act as a harbinger of consensus and resolution, facilitating the smooth functioning of the State's machinery through sagacity and wisdom, rather than bringing it to a standstill. The Governor must serve as a catalyst, not an inhibitor, and must conduct himself with due regard to the dignity of the high constitutional office he occupies.”

The fallout of this decision was that a Presidential Reference was made by the President to Hon'ble Supreme Court on 14 questions by invoking power under Article 143 of the Constitution. The response given against the reference has mostly negated the judgment given in the above judgment. The court has answered, courts have no jurisdiction to impose constitutionally binding timelines on Governors and Presidents. However, 'prolonged, unexplained, indefinite inaction' will continue to remain a subject which is susceptible to judicial scrutiny. Further, it was established that the phrase 'as soon as possible' used in Article 200 conveys urgency but cannot be converted into fixed deadlines.²²

5. Governor as Chancellor of Universities

Governor acts as the ex-officio Chancellor of the State Universities. Although, in the past Governors have imparted this duty as ceremonial heads, but, in present times this duty of Governor has been in public limelight. After UGC's Draft Regulation, 2025 Chancellor has been given power to form a three-member search committee having a chancellor nominee as one of the members for appointing Vice-Chancellors²³. This has sparked a public debate whether the Governor should have any role in the administration of education in a State. Certain States have passed resolution against this Draft Regulations calling it an egregious over-reach²⁴. At one level, the Governor-as-

²² Re: Assent, Withholding, or Reservation of Bills by the Governor and President of India (2025) INSC 1333.

²³ On the selection and appointment of Vice-Chancellors of universities, *The Hindu*, dated January 26, 2025.

²⁴ In Odisha, BJD opposes proposed UGC regulations, calls it 'egregious overreach', *The Indian Express*, dated February 06, 2025.

Chancellor model is regarded as a mechanism that secures universities from the state politics by placing them under a constitutionally insulated authority who is, at least formally, above day-to-day political contestation. At another level, the critics argue that the Governor, as an agent of the Union and removable at the Centre's pleasure, may function as an external veto player within state-controlled educational institutions, thereby enabling the Union or its ruling party to exercise indirect influence over academic institutions. These concerns are highlighted more when Governors refuse to act on state legislation restructuring university governance, withhold assent to amendments curbing governors' powers in academic bodies, or use their position to publicly contest state educational policies. Such practices transform the university into yet another arena of centre-state contestation. Judicial intervention has begun to recalibrate this terrain. Interestingly, the State of Kerala and the Governor of Kerala reached the Supreme Court for consideration over the exercise of the Governor's power to appoint an interim VC.²⁵ The long standing ruddle was finally sorted by the intervention of the Supreme Court wherein the court observed that deadlocks between constitutional authorities shall be resolved through dialogue rather than litigation. The larger national interest demands that these issues do not reach court as in the legal crossfire, it is the ultimately the ordinary citizens who suffer the most.²⁶

6. Sanction of the Governor for Prosecution of Ministers:

Another important duty that the Governor has to perform is enshrined in section 197 of the Criminal Procedure Code, which requires the Governor to grant consent to initiate criminal proceedings against the Minister of a State. Issues arise in this respect when the Governor grants consent against the aid and advice of the Council of Ministers. There have been controversies time and again regarding the role the Governor has to discharge. The law in this regard has been laid down by the decision of a 7-Judge Bench by the Hon'ble Supreme Court, wherein it was held that the normal rule is that the Governor is bound by the aid and advice of the Council of Ministers²⁷. However, later on, a 5 Judge Bench carved out an exception to the law laid down, it was finally

²⁵ The Chancellor, APJ Abdul Kalam Technological University v. State of Kerala & Ors, SLP (C) Nos. 20680-20681/2025.

²⁶ Gursimran Kaur Bakshi, " 'Happy Ending To This Saga' : Supreme Court Appreciates Consensus Between Kerala CM & Governor On University VC Appointment", available at : <https://www.livelaw.in/top-stories/supreme-court-appreciates-consensus-between-kerala-cm-governor-on-university-vc-appointments-513724> (Last visited December 20, 2025).

²⁷ Shamsher Singh v. State of Punjab 1975 1 SCR 814.

concluded by the Court that there may be such grave situations sometimes where the decision of the Cabinet would appear to the Governor as highly biased and against the rule of law and there is overlywhelming material available, then, the Governor would be within his right to pay no heed to the advice and grant sanction for prosecution²⁸.

7. Sending ad-hoc reports to the President:

Each Governor must send a fortnightly report to the President on important developments in the State's administration. It is generally a practice to send a copy of such a report to the Chief Minister as well. However, it is not obligatory to do so when there are reasons to the contrary. Further, there is no legal or constitutional compulsion on the Governor to do so. Various Commissions have also negated the need for making a constitutional amendment in this respect²⁹. However, it has been suggested that this practice shall continue to be followed, and the Governor shall take the Chief Minister into confidence while sending these reports. There is no iota of doubt that when tensions emerge between the Office of the Governor and the State Government, there is a good chance of slippages in sharing reports with the Chief Minister, owing to the absence of any constitutional provision. It would give the States another opportunity to take a jibe at the centre.

Impact on Centre-State Relations:

The role of governors in State politics has had both positive and negative consequences on Centre-State relations in India. In some cases, Governors' actions have helped resolve crises and maintain stability, while in other instances they have exacerbated tensions and undermined the spirit of federalism. The role played by the Governors in recent times in States which are politically more complicated than others seem to be a major cause of rift between the state and central government.³⁰ There is an ongoing debate in Indian States like *Tamil Nadu*, *Kerala*, *Punjab*, *Telangana* and *West Bengal* about whether Governors are merely agents of the Union and whether they uphold or undermine the spirit of federalism and Democracy. States have argued that the governor's active meddling in State affairs often undermines the autonomy of state governments. Governors appointed by the Centre may be perceived as being partisan or

²⁸ Madhya Pradesh Special Police Establishment v. State of Madhya Pradesh & Ors., (2004) 8 SCC 788.

²⁹ Sarkaria Commission Report, Para 4.12.06.

³⁰ Ashutosh Pandey, "Governor's Role in The Context of Centre-State Relations" 79 *The Indian Journal of Political Science* (2018).

biased in favour of the ruling party at the Centre³¹. It leads to resentment and distrust between state and national leadership, particularly when Governors are seen as tools to exert central control over state affairs. Furthermore, it is seen that the use of the Governor's powers, such as dismissing a government or recommending President's Rule, leads to political instability. In some cases, it may appear that Governors are acting to further the political interests of the ruling party at the Centre, which can have long-lasting negative effects on the democratic process and on trust in federal institutions. It exacerbates the strain in the relationship between the central and state governments. The deteriorating state of relations between centre and states undermines our cooperative federalism structure.³²

Recommendations of Various Commissions and Committees

Over the years, many commissions and committees have delivered reports concerning the role of Governor and Centre state relations in India. Some of the key recommendations are as follows:

A) Rajamannar Committee, 1971:

- a) It was suggested that a Ministry's term in office should not be dependent on the Governor's approval, and that the Ministry should continue its operations and fulfil its assigned functions as long as it retains the majority support of the Legislative Assembly.
- b) Prior to advising the imposition of President's Rule, the Governor should present the report under *Article 356* to the Legislative Assembly for its observations within a specified timeframe.³³

B) Sarkaria Commission, 1983:

- a) In the appointment of the Governor, the candidate shall be a distinguished outsider, preferably not involved in politics.
- b) Individuals from minority groups shall also be given a chance.
- c) It is preferable that the ruling party shall not appoint their party politician in a state ruled by any other party.

³¹ BTI, India Country Report 2024.

³² Ibid.

³³ Report of Rajamannar Commission on Centre-State Relations, available at: https://eparlib.sansad.in/handle/123456789/2793122?view_type=browse, (Last visited on December 20, 2025).

- d) There shall be effective consultation with the State's Chief Minister in the appointment of Governor. The procedure of consultation should be prescribed in the Constitution itself by suitably amending Article 155.
- e) Governors shall be guided by certain principles in the process of inviting to form a new government³⁴. It shall not be left to his discretion alone.
- f) When dealing with assenting to the *State Bills under Article 200*, he must heed the counsel of his Council of Ministers. Bills should only be held back for the President's consideration in unusual conditions, such as to ensure immunity from the application of *Articles 14, 19 and Articles 31(1) and 31(c)*, to avoid declaring a bill on a concurrent list for conflicting with a Parliamentary Law or any Existing Law, under *Article 254(2)*, or to maintain the reliability of legislation to impose taxes on the production of water or electricity.
- g) The Governor, while dealing with Bills under *Article 200* or *201*, must declare his decision within one month. However, the commission recommended that it is not necessary to incorporate time limits into the Constitution.
- h) The reasons for withholding assent for State Bills under Article 200 or 201 should be communicated to the State Government.
- i) A governor should only use his or her discretionary power as a last resort if he or she believes that accepting the opinion of his or her Council of Ministers would violate the Constitution.³⁵

C) National Commission to Review the Working of the Constitution, 2002:

- a) The appointment of the Governor should be entrusted to a committee comprising the Prime Minister of India, Union Minister for Home Affairs, the Speaker of the Lok Sabha and the Chief Minister of the concerned State.
- b) The term of office, viz., five years, should be made a fixed tenure;
- c) The provision that the Governor holds office "during the pleasure of the President" be deleted;

³⁴ Chapter IV Paras 4.11.03 to 4.11.06 of Sarkaria Commission Report-I lays down the principles to be followed by the Governor while inviting to form new government.

³⁵ Abhishek Sharma, "Sarkaria Commission Report on Centre-State Relations" available at: <https://www.scribd.com/doc/150667861/Sarkaria-Commission-Report-on-Centre-State-Relations> (Last visited on December 20, 2025).

- d) Provision shall be made for the impeachment of the Governor by the State Legislature on the same lines as the impeachment of the President by the Parliament.
- e) Article 200 and 201 may be amended to prescribe a time limit of 4 months within which the Governor should take a decision whether to grant assent or to reserve it for the consideration of the President.
- f) The power to withhold assent, conferred upon the Governor, by Article 200 should be taken away. Alternatively, the Governor's power to refuse assent under Article 200 should be abolished.
- g) Where the Bill is reserved for the consideration of the President, there should be a time-limit of three months, within which the President should take a decision.
- h) Money Bill shall not be reserved for the consideration of the President.
- i) Article 356 may be utilized sparingly and only after all other options under other Articles, such as 256, 257, and 355, had been explored.³⁶

D) Punchhi Commission, 2010:

- a) Similar to the Sarkaria Commission, it suggested that the candidate for Governor shouldn't be involved in politics and that the Governor's choice be subject to input from the State Chief Minister.
- b) The scope of discretionary powers under *Article 163(2)* has to be narrowly interpreted, effectively addressing any potential concerns that the so-called discretionary powers apply to all the functions vested in the Governor under the Constitution.
- c) In the limited area of exercising discretion, the Governor should not be arbitrary or fanciful. It must be a choice dictated by reason, activated by good faith and tempered by caution.
- d) In matters relating to *Articles 200 and 201*, the recommendations of the *National Commission to Review the Working of the Constitution* need immediate implementation by way of a Constitutional Amendment.

³⁶ National Commission to review the working of the Constitution (NCRWC) Report, available at: <https://legalaffairs.gov.in/national-commission-review-working-constitution-ncrwc-report>, (Last visited on December 20, 2025).

- e) The Commission recommended that the Governor shall not be a Chancellor in a State University. The Commission was of the view that the Governor should not be assigned functions casually under any Statute. His role should be confined to the Constitutional provisions only.³⁷
- f) Suitable amendments must be made to incorporate the guidelines laid down in the landmark judgement of *S.R.Bommai v. Union of India*³⁸. It would remove any possible ambiguity in this regard on the part of States and help smooth Centre-State relations.

Conclusion and Suggestions

In conclusion, the role of Governors in India has been pivotal in shaping the dynamics of Centre-State relations. Through their constitutional powers, including the use of Article 356 and discretionary powers, Governors have had a profound impact on state governance and political stability. The controversial political manoeuvrings in State Assemblies exemplify how Governors' actions can significantly influence the balance of power between the Centre and the States. The implications of a Governor's role are far-reaching. While the actions of Governors can help resolve political crises or ensure constitutional governance, they can also lead to the undermining of state autonomy, particularly when their decisions are perceived as politically motivated or influenced by the Centre. This has the potential to erode the trust between the Centre and State governments, creating tension in the federal system. Despite thorough reports of Commissions, their implementation at the grounds remains a distant dream and as a result, the friction remains between the Centre and States.

Some of the *key suggestions* are as follows in order that the role of Governor is of a connecting link between the federal units rather than that of a subverter of democracy:

- a) First and foremost, the selection of Governor should be free from partisan influence and the convention to consult the Chief Minister shall be strongly followed to minimise friction. The Governor should primarily be a non-political figure with a key focus on administrative tasks.
- b) There is an immediate need to codify all the constitutional conventions followed by the Governor in numerous matters such as that of invitations sent to form a new

³⁷Report of the Commission on Centre-State Relations, available at: <https://interstatecouncil.gov.in/report-of-the-commission-on-centre-state-relations/>, (Last visited on December 20, 2025).

³⁸ [1994] 2 SCR 644.

government. It is unequivocal that any decision based on a constitutional convention will end up in litigation and waste precious time and resources of already overly burdened Constitutional Courts.

- c) Similarly, there is a need for a constitutional amendment in the Article 200, 201 so that a definite time frame can be set within which the Governor or the President, as the case may be, has to take and communicate their respective decision. Various Commissions have already set out detailed recommendations in this regard.
- d) Governor's discretionary powers shall be well defined setting unambiguous parameters so that there is no friction on matters where the Governor is not bound by the aid and advice of the cabinet.
- e) Legal safeguards must be introduced to safeguard States against baseless imposition of Article 356, it may include sending warnings, reports etc to the State Assembly.
- f) The practice of dismissal of State Assemblies without conducting a Floor Test must be done away. A Floor Test must be made mandatory whenever the Assembly is in Session before exercising the powers of dissolving it.

Bibliography

Books:

1. Das, S. C. (2024). Corporate governance in India: An evaluation. PHI Learning Pvt. Ltd.
2. Saggu, M. S. (2021). Dynamics of the Institution of Governor in India. KK Publications.
3. Sturman, R. (2012). The government of social life in colonial India: Liberalism, Religious Law, and Women's Rights. Cambridge University Press.
4. Ilbert, C. (1907). The Government of India, Being a Digest of the Statute Law Relating Thereto. Clarendon Press; London and New York, H. Frowde.
5. Chatterjee, S. (1992). Governor's role in the Indian Constitution. Mittal Publications.
6. Raj, H. (1989). Executive Legislation in Colonial India 1939-1947: A Study of Ordinances Promulgated by the Governor General of India. Anamika Pub & Distributors.

Journals:

1. Badyal, R., & Kumar, V. Role of Governor in Center-State Relations: Change in Trends. BUSINESS STUDIES.

2. Tripathi, N. (2022). Role of Governor and Constitution of India. Issue 4 Int'l JL Mgmt. & Human., 5, 1193.
3. Sinha, V. (2023). 'Doctrine of Pleasure' and Role of Governor: Is India a Feudal Democracy? IUP Law Review, 13(1).
4. de Souza, S. P., & Agarwala, A. (2019). The Need for 'Nudges' by the Supreme Court of India: The Case of the Appointment and Removal of the Governors in India. Indian Journal of Public Administration, 65(2), 390-408.
5. Singh, D. (1961). The Position of a State Governor in India. The Indian Journal of Political Science, 22(3), 232-238.
6. Verney, D. V. (1985). Role of Governor in India's "Administrative Federalism": A Comparative Perspective. Indian Journal of Public Administration, 31(4), 1243-1268.
7. Deshpande, N. R. (1959). THE ROLE OF THE GOVERNOR IN THE PARLIAMENTARY GOVERNMENT IN THE STATES. The Indian Journal of Political Science, 20(1), 15-22.
8. Tripathi, N. (2022). Role of Governor and Constitution of India. Issue 4 Int'l JL Mgmt. & Human., 5, 1193.
9. Sen, A. K. (1971). Role of Governor in the Emerging Pattern of Centre-State Relations. The Journal of Constitutional Parliamentary Studies. (New Delhi) Vol, 5, 272.
10. Verma, K., & Raj, R. (2024). Discretionary Powers of Governors under the Indian Constitution. Jus Corpus LJ, 5, 478.
11. Singh, P. (2017). The state governor and his discretionary powers: an analysis. Asian Journal of Multidimensional Research (AJMR), 6(12), 73-82.