

The Role of the Governor in Centre–State Relations: Constitutional Practice and Judicial Review

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Abstract—The Governor serves as the chief executive head of a state. However, like the President at the national level, the Governor acts as a titular or nominal head (constitutional head). Additionally, the Governor functions as an agent of the central government, giving the office a dual role. The office of the Governor occupies a pivotal position in India's federal constitutional framework, functioning as the constitutional head of the State while serving as an important institutional link between the Union and the State governments. The Constitution envisages the Governor as an impartial authority who acts primarily on the aid and advice of the Council of Ministers, except in matters where discretionary powers are expressly provided. However, the exercise of these powers has frequently generated constitutional and political controversies, particularly in relation to the appointment of Chief Ministers, government formation in hung assemblies, assent to Bills, summoning of legislative sessions, and recommendations for the imposition of President's Rule under Article 356. These issues have raised important questions concerning the scope of gubernatorial discretion, the federal balance, and the protection of democratic governance.

Index Terms—Governor, Constitutional Head, Discretionary Powers, Federalism, Democratic Accountability, Constituent Assembly, Centre–State Relations, Judicial Powers, Constitutional Conventions

I. Introduction

The office of the Governor in India has its origins in the British colonial administration. Under the Government of India Act 1935, Governors exercised extensive discretionary powers and acted as representatives of the British Crown. After Independence, the framers of the Constitution retained the office but substantially reduced its discretionary authority.

During the debates of the Constituent Assembly of India, concerns were raised regarding the possibility that Governors could become agents of the Union Government. B. R. Ambedkar clarified that the Governor was intended to function as a constitutional head who would ordinarily act on the advice of the Council of Ministers. Thus, the office was designed to balance constitutional supervision with democratic accountability.

The Governor is a constitutional authority created under **Part VI of the Constitution of India**. As the constitutional head of the State, the Governor performs executive, legislative, financial, and judicial functions. At the same time, the Governor serves as a constitutional link between the Union and the State governments, making the office central to the functioning of Indian federalism.

The Constitution envisages the Governor as a politically neutral authority who acts on the aid and advice of the Council of Ministers, except where the Constitution expressly grants discretionary powers. However, the exercise of these discretionary powers has often generated constitutional controversies. Issues such as government formation in hung assemblies, delays in granting assent to Bills, recommendations under Article 356, and conflicts with elected State governments have raised important questions regarding federalism, constitutional morality, and democratic accountability.

The Supreme Court has played a significant role in defining the limits of gubernatorial discretion and protecting the federal balance through judicial review. This paper critically examines the constitutional position of the Governor, the practical operation of the office in Centre–State relations, and the evolving judicial principles governing gubernatorial powers.

II. Historical Evolution of the Office of the Governor

The office of the Governor has its roots in British colonial administration.

- Under the **Government of India Act, 1858**, Governors represented the British Crown.
- The **Government of India Act, 1935** granted Governors extensive discretionary powers, including control over provincial administration.
- After Independence, the Constituent Assembly retained the office but significantly curtailed its discretionary authority.

Dr. B. R. Ambedkar explained that the Governor would function as a constitutional head rather than as an executive ruler. The framers intended the Governor to uphold constitutional governance while respecting the democratic mandate of the elected government.

III. Constitutional Position of the Governor

Relevant Constitutional Provisions

- Articles 153–162: Establishment and executive powers.
- Articles 163–167: Relationship with the Council of Ministers.
- Article 174: Summoning and proroguing the Legislature.
- Article 175: Addressing the Legislature.
- Article 200: Assent to Bills.
- Article 201: Reservation of Bills for the President.
- Article 213: Ordinance-making power.
- Article 356: Reporting constitutional breakdown.

Appointment and Tenure

- Appointed by the President under Article 155.
- Holds office during the pleasure of the President (Article 156).
- Five-year term, subject to earlier removal.
- Qualifications include Indian citizenship and a minimum age of 35 years.

IV. Powers of the Governor

Executive Powers

- Appointment of the Chief Minister.
- Appointment of Ministers.
- Appointment of the Advocate General.
- Appointment of the State Election Commissioner.
- Administration of State affairs.

Legislative Powers

- Summoning and proroguing the Legislature.
- Dissolving the Legislative Assembly.
- Addressing the Legislature.
- Assenting to Bills or reserving them for the President.

Financial Powers

- Recommendation for Money Bills.
- Presentation of the State Budget.

Judicial Powers

- Granting pardons, reprieves, respites, remissions, or commutations under Article 161.

Discretionary Powers

- Inviting a party to form the government in a hung Assembly.
- Ordering a floor test.
- Reserving Bills for Presidential consideration.
- Recommending President's Rule under Article 356.

V. Governor as the Link Between the Centre and the States

The Governor performs a dual constitutional role:

1. Constitutional head of the State.

2. Representative of the Union.

This dual responsibility often creates tension between constitutional neutrality and political expectations. The Governor is expected to communicate with the President regarding constitutional developments while ensuring that the State government functions in accordance with the Constitution.

VI. Constitutional Conventions

The Constitution is supplemented by conventions that require the Governor to:

- Act on the advice of the Council of Ministers.
- Remain politically impartial.
- Avoid unnecessary interference in administration.
- Respect the mandate of elected governments.
- Exercise discretionary powers sparingly.

Adherence to these conventions is essential for cooperative federalism.

VII. Judicial Review of Gubernatorial Powers

The Supreme Court has consistently held that the Governor's powers are subject to constitutional limitations.

Important Cases

- **S. R. Bommai v. Union of India (1994):** President's Rule is subject to judicial review, and legislative majority should be tested on the floor of the House.
- **Rameshwar Prasad v. Union of India (2006):** Dissolution of the Bihar Legislative Assembly before its first meeting was declared unconstitutional.
- **B. P. Singhal v. Union of India (2010):** Governors cannot be removed arbitrarily, even though they hold office during the President's pleasure.
- **Nabam Rebia v. Deputy Speaker (2016):** The Governor cannot interfere with the functioning of the Legislature except as permitted by the Constitution.
- **Shivraj Singh Chouhan v. Speaker (2020):** Reaffirmed the importance of an immediate floor test to establish legislative majority.
- **Subhash Desai v. Principal Secretary, Governor of Maharashtra (2023):** Clarified limits on the Governor's role during political crises and government formation.

VIII. Contemporary Challenges

The office of the Governor continues to face criticism due to:

- Delays in granting assent to Bills.
- Political appointments.
- Conflicts with elected State governments.
- Frequent use of discretionary powers.
- Perceived erosion of State autonomy.

These issues have generated debates on constitutional morality, federalism, and democratic governance.

IX. Commission Recommendations

Sarkaria Commission (1988)

Recommended:

- Appointment of politically neutral Governors.
- Consultation with the Chief Minister.
- Security of tenure.
- Restrained use of discretionary powers.

Punchhi Commission (2010)

Recommended:

- Codification of discretionary powers.
- Time limits for decisions on Bills.
- Transparent appointment procedures.
- Greater respect for constitutional conventions.

X. Suggestions for Reform

- Establish an independent mechanism for appointing Governors.
- Ensure fixed tenure except in exceptional circumstances.
- Prescribe statutory time limits for assent to Bills.
- Clearly define discretionary powers through legislation or constitutional amendment.
- Strengthen cooperative federalism through regular Centre–State dialogue.

- Encourage adherence to constitutional morality and judicial precedents.

XI. Conclusion

The Governor occupies a pivotal position in India's federal structure, serving as both the constitutional head of the State and an institutional link with the Union. While the Constitution envisages the office as politically neutral, practical experience has shown that controversies often arise from the exercise of discretionary powers. Landmark Supreme Court judgments have progressively limited arbitrary action, reinforcing constitutional morality, federalism, and democratic accountability. Implementing the recommendations of expert commissions and respecting constitutional conventions are essential to preserving the balance between the Centre and the States. A transparent, impartial, and constitutionally guided Governor is crucial for the effective functioning of India's federal democracy.

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