



Constitutional Office, Political Practice: A Critical Study of the Governor's Role in Contemporary Indian Politics

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Abstract

The Governor of an Indian state holds a pivotal role yet often contentious position in the federal structure of the country. The Governor's role, which the Constitution views as a neutral constitutional head, has come under growing scrutiny because of claims of central intervention and political affiliation. The historical development, current political climate, and constitutional issues pertaining to the governor's position in India are all critically examined in this paper. It also examines important court rulings, case studies of significant disputes, and reform discussions. In the end, this study evaluates whether the governor's function is in line with the spirit of the constitution or if it has evolved into a political maneuver.

Keywords: Constitution, Power, Politics, Federal, Executive, Centre-State

Introduction:

The Constitution of India envisioned a distinct federal system in which the states and the centre each had their own functions. As the ceremonial head of state and a crucial constitutional figure, the governor was intended to serve as a liaison between the federal government and state governments. In reality, though, the governor's position has frequently sparked debate, particularly during periods of political unrest or when opposing parties' control both the state and the federal government. In order to determine whether the office has deviated from its original non-partisan purpose, this article examines the contradiction between the governor's constitutional office and political practice. In order to gain a greater understanding of how this institution has changed over time, it examines historical antecedents, constitutional provisions, political interventions, and reforms.

Constitutional Provisions and Theoretical Foundations

The Westminster system, in which a ceremonial head acts on the recommendation of an elected council of ministers, serves as the model for the governor's position under the Indian Constitution. Drawing on colonial-era administrative institutions and British parliamentary traditions, the Indian Constitution's founders envisioned the governor as the head of state, a role that would be primarily ceremonial, above party politics, and within the parameters of the Constitution. However, the Indian federal structure gives the Governor a dual role like as the executive head of the state and the representative of the Union government, which creates an inherent tension.¹

According to Article 155, the Governor of a state is appointed by the President of India, who functions on the advice of the Union Cabinet. This centralized appointment process has generated a lot of discussion because it violates the cooperative federalism principles by denying the elected state government any official participation. To assure some degree of agreement, the Sarkaria Commission suggested that the Chief Minister of the state in question be consulted during the nomination process; however, this recommendation has not been put into practice. According to Article 156, the Governor serves at the "pleasure of the President." A five-year term is mentioned in the Constitution, although it is not a given. The president has the authority to remove or transfer a governor at any time and for any reason. This absence of tenure security raises questions about the office's independence and creates the potential for political abuse.²

Executive, legislative, financial, and discretionary are the four general categories into which the governor's functions were divided. Appointing the Chief Minister, Ministers, the Advocate General, the State Election Commissioner, and the Chairman and members of the State Public Service Commission are examples of executive powers. Except in circumstances when discretion is permitted, the Council of Ministers advises on the exercise of these powers. Legislative Powers: The Governor has the authority to dissolve the Legislative Assembly and to call and prorogue the state legislature. They speak to the legislature at the start of the first session every year and at the start of the first session following every general election. The Governor also gives assent to bills passed by the legislature or may reserve them for the President's consideration under Article 200 of Indian Constitution. Financial Powers: The governor's name appears on the yearly budget or financial statement presented to the legislature. Only with their prior approval may money bills be submitted. The most contested powers are the discretionary ones, which include removal of a ministry that has lost a majority (subject to floor test norms following the S.R. Bommai ruling), recommending President's Rule under Article 356; and appointing the Chief Minister in cases where no party has a clear majority.

Article 163's aid and advice principle and the idea of constitutional morality serve as the theoretical cornerstones of the governor's job. Except in specific circumstances, the Governor must follow the Council of Ministers' advice. Despite being appointed by the Center, the Governor is supposed to serve as an impartial arbiter, enforcing the Constitution, rather than representing the Center's ruling party. However, in reality, this normative ideal is regularly violated, casting doubt on the Indian federal structure's commitment to its constitutional underpinnings.³

Historical Evolution of the Governor's Role

The idea of a province governor originated during the colonial era, when the governor served as a spokesperson for British rule. By making the governor a constitutional head rather than an imperial agent, the Government of India Act, 1935, formalized the governor's dominance in the provinces, a legacy that the Indian Constitution's designers aimed to weaken⁴

There was a lot of disputes about the governor's function during the 1946–1950 Constituent Assembly deliberations. Like the President at the Center, Dr. B.R. Ambedkar stressed that the Governor would be a "constitutional head" obligated to act on the Council of Ministers' assistance and advice. H.V. Kamath and K.T. Shah were among the members who voiced concerns on the centralizing nature of the appointment process and the

possibility of abuse of discretionary powers. In the end, even though the Constitution preserved the Governor's discretionary powers, they were intended to be applied rarely and only in dire circumstances. The framers believed that democratic customs and constitutional morals would guard against abuse. This expectation was only partially fulfilled.⁵

The Indian National Congress's hegemony at the federal level and in the majority of states throughout the early post-independence decades, particularly the 1950s and 1960s, guaranteed the governor's office a comparatively peaceful operation. With few instances of disagreement, the governor's function remained primarily ceremonial and uncontroversial. But as opposition parties began to take control of the states in the late 1960s and early 1970s, tensions started to increase.⁶ The political monopoly of the Congress weakened rapidly and Governors began playing a more active and sometimes controversial role in government formation and legislative crises.

The governor's office was widely utilized by the center to exert control over states that were run by the opposition starting in the 1970s. Governors dismissed state administrations or recommended President's Rule under dubious circumstances in a number of events during and after the Emergency (1975–77). Serious worries regarding the politicization of the office first surfaced during this time. Notable disputes, such the 1984 overthrow of the N.T. Rama Rao government in Andhra Pradesh and the frequent application of Article 356 shown how governors may be used to topple democratic administrations. Such misuse was directly addressed in the S.R. Bommai case (1994), which resulted in increased judicial scrutiny.⁷

The function of the governor has grown even more contentious in recent decades, particularly with the emergence of powerful regional parties and growing political fragmentation. In states like West Bengal, Tamil Nadu, Kerala, and Punjab, governors and state administrations frequently clash, demonstrating how the position is still perceived as partisan and invasive. Therefore, the historical trajectory shows a constant movement toward politicization and central influence, even though the constitutional goal was for a politically neutral governor to act as a liaison between the state and the center.⁸

The Political Practice: From Neutrality to Partisanship

Despite being a neutral constitutional authority as defined by the Indian Constitution, the governor's impartiality has been steadily eroded by decades of political practice. As a conduit between the state and the federal government, the governor is supposed to follow the recommendations of the state's Council of Ministers. However, in reality, the position has frequently been used as a tool of political influence by the central government's ruling party. This change from a ceremonial head to a politically involved and occasionally partisan figure has weakened the Constitution's democratic principles and federal character.⁹

In Andhra Pradesh (1984), for example, Governor Ram Lal installed a breakaway faction after dismissing the popularly elected Chief Minister N.T. Rama Rao. This decision was overturned by the Centre due to political pressure and public outcry, but it permanently damaged the governor's office's reputation. Similarly, even though the coalition claimed majority support, Governor Buta Singh of Bihar (2005) suggested dissolving the state assembly to stop the NDA from forming a government. Later, the Supreme Court declared the action to be an abuse of power and declared it unlawful. Political unrest and eventual

legal intervention resulted from the governor of Arunachal Pradesh in 2016 pre-empting the assembly session without consulting the chief minister. In *Nabam Rebia v. Deputy Speaker*, the Supreme Court overturned the Governor's decision and restored the ousted Congress administration.

Concerns regarding partisanship in Maharashtra (2019) have been heightened in recent years by a number of high-profile incidents. Following the assembly elections, the governor's decision to invite the BJP to form a government at an odd hour and hold a secret swearing-in ceremony was perceived as a violation of constitutional law. The Supreme Court mandated a floor test when the administration fell apart in 80 hours. Governors in opposition-party-ruled West Bengal, Tamil Nadu, Kerala, and Punjab (2020s) have regularly clashed with elected administrations. In West Bengal, Governor Jagdeep Dhankhar was accused of openly criticizing the Mamata Banerjee-led government and delaying assent to key bills. In Tamil Nadu, Governor R.N. Ravi withheld assent to the NEET exemption bill, provoking a constitutional standoff. Such actions are often perceived as motivated by the political affiliations of the Governors with the party in power at the Centre, rather than constitutional reasoning.

Judicial Pronouncements and Checks

Shamsher Singh v. State of Punjab (1974): The case arose when Shamsher Singh, a probationary judicial officer in Punjab, challenged the non-confirmation of his service by the Governor. He argued that the Governor had acted in a personal and discretionary capacity without proper consultation with the Council of Ministers, and thus the decision was unconstitutional. The Supreme Court, in a unanimous verdict delivered by Justice Krishna Iyer, held that the President and Governors are constitutional heads who must act on the aid and advice of their respective Councils of Ministers except in matters where the Constitution explicitly allows them to exercise discretion. The Court emphasized the parliamentary system of governance adopted in India, under which real executive power lies with the elected Council of Ministers, and not with the titular head. The judgment reinforced that the Governor cannot act independently or contrary to ministerial advice in the exercise of executive functions. The Court did, however, acknowledge certain constitutionally granted discretionary powers, such as when forming a government in a hung assembly or when reporting to the President under Article 356.¹⁰

S.R. Bommai v. Union of India (1994): In this case arose when the Janata Dal government in Karnataka, led by S.R. Bommai, was dismissed by the Governor in 1989, who alleged that the government had lost majority. The President, acting on the Governor's report, dissolved the Assembly without allowing a floor test. Similar dismissals happened in other states like Meghalaya, Madhya Pradesh, and Nagaland, leading to a consolidated legal challenge. A nine-judge Constitution Bench delivered the verdict in 1994, laying down important checks on the central government's power under Article 356. The Court held that the President's satisfaction is not beyond judicial review and that any proclamation under Article 356 can be challenged in court. The rulings include majority should be tested on the floor of the House, not decided by the Governor, federalism is a basic feature of the Constitution, and the Centre cannot arbitrarily dismiss state governments, if the proclamation is unconstitutional, courts can restore the dismissed government, the use of Article 356 should be exceptional and not routine, and misuse amounts to a violation of constitutional norms. This judgment significantly curtailed the

arbitrary use of President's Rule, strengthened cooperative federalism, and established the Supreme Court's role as a guardian of the Constitution. It remains a cornerstone in Centre-state relations and the protection of elected state governments from politically motivated dismissals.¹¹

Nabam Rebia v. Deputy Speaker (2016): The *Nabam Rebia v. Deputy Speaker* case, decided by a five-judge Constitution Bench of the Supreme Court in 2016, is a pivotal ruling concerning the powers of the Governor and legislative procedures under the Indian Constitution. The case emerged from a political crisis in Arunachal Pradesh, where the Governor played a controversial role by the State Assembly session without the aid and advice of the Council of Ministers. The Arunachal Pradesh Governor, J.P. Rajkhowa, had unilaterally preponed the Assembly session and set the agenda, citing political instability in the state. This led to the disqualification of several MLAs and the eventual imposition of President's Rule. The Speaker of the Assembly and members of the dismissed government challenged the Governor's actions before the Supreme Court.¹²

In its landmark ruling, the Court ruled that the Governor could not call a meeting of the Legislative Assembly, prorogue it, or dissolve it on his own initiative. The Governor is required by Article 163 to act in certain situations with the Council of Ministers' assistance and advice. The Court ruled that intervention in the legislative process by the Governor such as altering the schedule of Assembly sessions violates the constitutional scheme. The Speaker's actions to disqualify MLAs were also deemed unconstitutional as they were undertaken during a period of political uncertainty and appeared biased. The judgment restored the status quo ante, effectively reinstating the dismissed Nabam Tuki government, and strongly reaffirmed the principles of parliamentary democracy, constitutional propriety, and the limited discretionary power of Governors.

Conclusion:

The Governor's office occupies a central yet paradoxical position within India's federal and parliamentary democracy. Conceived by the Constitution as a neutral constitutional authority, the Governor was intended to work as a symbolic head of the state political, impartial, and guided strictly by constitutional principles and the advice of the elected Council of Ministers. However, after some time, political practice has diverged sharply from constitutional vision. In reality, the office has too often been reduced to an instrument of the central government's political agenda, especially when different parties rule at the Centre and in the states.

The appointment of Governors without consulting the state governments, arbitrary dismissals, selective imposition of President's Rule, and delays in assenting to state legislation are just a few manifestations of how the role has been misused to subvert democratic mandates. Though judicial interventions in cases like *S.R. Bommai*, *Shamsher Singh* and *Nabam Rebia* have established important limitations on gubernatorial powers and reaffirmed the federal structure, the actual implementation of these principles continues to be erratic. Similarly, recommendations of the Sarkaria and Punchhi Commissions, advocating transparency in appointments, fixed tenures, and codification of discretionary powers, remain largely unimplemented. Therefore, restoring the credibility and constitutional sanctity of the Governor's office is necessary for the health of India's democracy and federalism. This restoration requires more than legal reforms; it demands a

renewed political and ethical commitment to grab the principles of cooperative federalism, non-partisanship, and institutional accountability.

Governors must resist becoming political actors. The Union government must exercise restraint, and state governments must engage constructively. Only through such collective constitutional maturity can the Governor's office be repositioned like as true custodian of constitutional values and federal balance in contemporary Indian politics.

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