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THE OFFICE OF GOVERNOR: A CONSTITUTIONAL SAFEGUARD OR POLITICAL WEAPON

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INTRODUCTION AND CONSTITUTIONAL PROVISIONS

The position of the Governor in India is a unique one, combining ceremonial functions, executive responsibilities, and acting as a crucial link between the state and the central government. This dual role is essential for maintaining the integrity and unity of the nation within its federal structure. According to Sarkaria commission, Governor act as a linch pin in cooperative federalism like India.

WHY GOVERNOR'S POSITION IS CONTROVERSIAL?

According to Sarkaria Commission and Supreme court, Governors wear two hats on single head. ¹According to Sarkaria Commission, Governor is a linch pin of India's federal structure and cooperative federalism. It is a connecting link between union and state. Governor must act as a channel of communication between union and the state. It has to communicate the expectation of the state government to the Union and has to bring National perspective at the state level. To Paul Brass, Indian Constitution is not a product of hopes and

¹<https://www.indiatoday.in/magazine/special-report/story/19840215-governors-break-cardinal-rules-provoke-controversy-by-entering-into-everyday-politics-802782-1984-02-14> (last visited on on 24th may2023)

optimism, it is a product offer and insecurity.² At the time of Independence, there were sessions challenges, that's why governor has to act as the Eye and Ear of union at the state level. Governors have to keep union government informed about the local situation. Governor was expected to act as a linch pin of Cooperative federalism but governor became an institution of Bargaining federalism. The institution of Governor has been misused by the ruling level. There has been huge resentment against the misuse in State like J&K, WB, Punjab etc. Problems arises because of the discretionary powers enjoyed by governors under the Constitution. Within Indian structure, the governor of a state plays a pivotal role, vested with certain discretionary powers that allow them to act independently of the state's elected government under specific circumstances. These powers are a critical aspect of maintaining the balance and integrity of the Indian constitutional framework. The discretionary powers of the governor, while crucial, have often been sources of contention, particularly regarding their implications for the autonomy of state governments.

The position of the governor in India traces its origins to the colonial era, specifically to the Government of India Act, 1935. The Act envisaged governors as representatives of the British Crown with considerable discretionary powers. Post-independence, the framers of the Indian Constitution retained the office of the governor but sought to tailor it to the needs of a democratic polity, embedding checks and balances to prevent misuse of power. Article 163 of the Indian Constitution lays down that the governor will act on the advice of the Council of Ministers except in matters where the Constitution explicitly requires them to act at their discretion. However, the Constitution does not provide an exhaustive list of these discretionary powers, leading to interpretative challenges and

²https://www.paulbrass.com/the_politics_of_india_since_independence_1957_7.htm(last visited on on 12th june 2023)

occasional friction between state governments and governors. Some of the key discretionary powers of the Governor are as follows -:

1. Reservation of Bills for Presidential Consideration:

Article 200 of the Constitution empowers the governor to reserve certain bills passed by the state legislature for the consideration of the President. This is a significant discretionary power as it provides a mechanism to ensure that state legislation aligns with the broader constitutional and national framework. The governor can reserve bills that may conflict with central laws, impact national policies, or raise substantial legal and constitutional questions. This power acts as a safeguard against potential legislative overreach by the state governments.

2. Recommendation for President's Rule:

Under Article 356, the governor can report to the President that the government of the state cannot be carried on in accordance with the provisions of the Constitution. Such a report can lead to the imposition of President's Rule in the state, suspending the state's legislative assembly and executive functions. This power is highly significant and controversial, as it directly impacts the democratic functioning of the state. The misuse or overuse of this power has been a contentious issue in Indian politics, with accusations of it being used for political gains by the central government.

3. Appointing the Chief Minister:

In circumstances where no single party secures a clear majority in the legislative assembly elections, the governor has the discretion to appoint the Chief Minister. This decision is based on the governor's assessment of who is most likely to command the confidence of the assembly. This power is crucial in ensuring political stability and preventing a hung assembly scenario, but it also has the potential for controversy, particularly if the governor's decision is perceived as partisan.

4. Dissolution of the Legislative Assembly:

While generally acting on the advice of the Chief Minister, the governor may exercise discretion in dissolving the legislative assembly, particularly in exceptional situations such as a vote of no confidence against the government or when there is a need for fresh elections to resolve a political deadlock. This power ensures that the legislative assembly reflects the current political will of the electorate.

5. Deciding on Disqualification of Members:

The governor can decide on questions related to the disqualification of members of the state legislature, especially under the Tenth Schedule of the Constitution, which deals with anti-defection laws. Although the speaker of the legislative assembly usually handles disqualification matters, the governor may need to intervene in cases involving the speaker themselves or when the decision of the speaker is challenged.

6. Summoning and Proroguing the State Legislature:

The governor has the discretion to summon, prorogue, and dissolve the state legislature. While these powers are typically exercised based on the advice of the Council of Ministers, the governor can act independently in situations where there is a breakdown of the constitutional machinery or to prevent legislative paralysis. The discretionary powers of the governor have often been at the centre of political and constitutional debates in India. Critics argue that these powers can be misused to serve the interests of the central government or specific political parties. Instances of controversial use of these powers include the dismissal of state governments, the imposition of President's Rule, and the appointment of chief ministers in hung assemblies. For example, the imposition of President's Rule in Arunachal Pradesh in 2016 and Uttarakhand in the same year led to significant political and legal disputes, culminating in judicial interventions by the Supreme Court of India. The Court's judgments in these cases emphasized the importance of adhering to constitutional norms and procedural fairness, reinforcing the principle that the governor's discretionary

powers should be exercised judiciously and not arbitrarily The Supreme Court of India has played a crucial role in interpreting the scope and limits of the governor's discretionary powers. Landmark judgments such as *S.R. Bommai v. Union of India* (1994) ³have laid down guidelines for the imposition of President's Rule, stressing that such a decision must be based on objective material and is subject to judicial review. The Court has underscored the importance of the federal structure and the need to prevent the misuse of discretionary powers to destabilize duly elected state governments.

GOVERNOR: PUPPET IN HANDS OF UNION OR GUARDIAN OF STATE?

In recent years, the role of governors in Indian federalism has attracted significant attention and controversy, with increasing allegations that they act as puppets of the Union government. This perception has been fuelled by several high-profile incidents where governors' decisions appeared to Favor the central ruling party, raising questions about the erosion of federal principles and the autonomy of state governments. The Sarkaria Commission (1988) ⁴and the Punchhi Commission

³Union of India ([1994] 2 SCR 644 : AIR 1994 SC 1918 : (1994)3 SCC1) is a landmark decision of the Supreme Court of India, where the Court discussed at length provisions of Article 356 of the Constitution of India and related issues. This case had huge impact on Centre-State Relations

⁴The Sarkaria Commission (1987) has submitted that it is only the reservation of Bills for consideration of the President, that too under rare cases of unconstitutionality, that can be implied as a discretionary power of the Governor. Save in such exceptional cases, the Governor must discharge his functions under Article 200 as per the advice of ministers, It further recommended that the President should dispose of such Bills within maximum period of six months. In the event of the President 'withholding assent', the reasons should be communicated to the State Government wherever possible.

(2010)⁵ on Centre-State relations have provided recommendations to streamline the role of the governor and prevent the misuse of discretionary powers. These commissions have advocated for the selection of governors based on non-party criteria, the need for governors to act impartially, and the importance of adhering to constitutional conventions. The governor's role, as outlined in the Indian Constitution, is multifaceted. Governors are appointed by the President of India and serve as the ceremonial head of the state while holding significant discretionary powers under certain conditions. The idea was to have a neutral, non-partisan figure to oversee the functioning of the state, ensure adherence to the Constitution, and act as a bridge between the state and the central government. Article 163 of the Constitution specifies that the governor must act on the advice of the Council of Ministers, except in situations where they are required to exercise their discretion. These discretionary powers, however, have often been the crux of controversies, especially when they seem to align with the political interests of the ruling party at the centre. Problems arise when a constitutional body is misused by the ruling party at centre. Judiciary since independence has played a vital role in protecting the unique nature of Indian federalism by passing number of landmark judgments like S.R Bommai ⁶and many more. Some of the recent incidents are listed below:

- Arunachal Pradesh (2016):

The political crisis in Arunachal Pradesh in 2016 is a prime example of perceived gubernatorial partisanship. Governor Jyoti Prasad Rajkhawa advanced the legislative assembly session without consulting the Chief Minister, leading to a political upheaval and the imposition of President's Rule. The Supreme

⁵The Punchhi Commission (2010), had recommended that the Governor should take a decision with respect to a Bill presented for their assent within a period of six months.

⁶AIR 1994

Court of India later deemed the governor's actions unconstitutional, restoring the dismissed government and highlighting the misuse of discretionary powers.

- Uttarakhand (2016):

In Uttarakhand, Governor K.K. Paul recommended President's Rule following a political crisis and alleged breakdown of the constitutional machinery. This decision, perceived as biased towards the central ruling party, was overturned by the judiciary, which reinstated the Harish Rawat-led Congress government. The episode underscored the controversial use of the governor's discretionary powers and the need for impartiality.

- Maharashtra (2019):

The post-election scenario in Maharashtra saw Governor Bhagat Singh Koshiyari's actions under severe scrutiny. His decision to swear in Devendra Fadnavis as Chief Minister in a pre-dawn ceremony, despite unclear majority support, was viewed as favouring the BJP. The Supreme Court's intervention, which mandated a floor test, eventually led to the formation of a Shiv Sena-led coalition government, exposing the contentious role of the governor.

- Karnataka (2018):

In Karnataka, after the assembly elections resulted in a hung assembly, Governor Vajubhai Vala invited B.S. Yediyurappa of the BJP to form the government and allowed a 15-day period to prove his majority. This decision was challenged, and the Supreme Court ordered a floor test within 24 hours. The governor's actions were seen as favouring the central ruling party, raising questions about the partisan use of discretionary powers.

In 2023, the role of governors in Indian federalism continued to be a focal point of political debate and controversy. The position of the governor, intended to be a neutral and impartial constitutional authority, has frequently come under scrutiny for actions that appear to align closely with the interests of the

central government. This has led to concerns about the erosion of state autonomy and the principles of cooperative federalism. Several key incidents from 2023 illustrate these tensions and the ongoing challenges related to the governors' roles in various states.

- West Bengal, Governor: C.V. Ananda Bose (2023)
- West Bengal has been a significant hotspot for governor-related controversies. Governor C.V. Ananda Bose's tenure has been marked by frequent clashes with Chief Minister Mamata Banerjee and the Trinamool Congress (TMC) government. These clashes often revolve around legislative matters, appointments, and administrative decisions.
- The State government, in its petition, said the denial of assent to the Bills passed by the Assembly, without assigning any reason, was contrary to the Article 200 of the Constitution. The Bills awaiting the Governor's consent were the West Bengal University Laws (Amendment) Bill, the West Bengal University of Animal and Fishery Sciences (Amendment) Bill, the West Bengal Private University Laws (Amendment) Bill, the West Bengal KrishiViswavidyalayaLaws, the West Bengal University of Health Sciences (Amendment) Bill, the Aliah University (Amendment) Bill. These were passed by the State assembly in 2022. The West Bengal Town and Country Planning and DevelopmentAmendment) Bill was passed in 2023. Some Bills, pending assent, pertain to the time when Vice President Jag-deep Dhankhar was the Governor of the State.⁷

1. Legislative Conflicts: One of the major issues was the withholding of assent to several key bills passed by the state

⁷Press trust of India , 'bengal vs governor : SC to consider plea on withheld bills ' The Hindu 12thjuly 2024

legislature. The TMC government accused the governor of deliberately delaying the legislative process to undermine the state's governance. This included crucial bills related to education and land reforms, which were stalled, creating significant administrative and political friction.

2. Public Spats: The governor's public criticisms of the state government and his active presence on social media, where he often took jabs at the TMC, added fuel to the fire. These public spats have not only strained relations but have also raised questions about the governor's impartiality and the propriety of such actions.

- Tamil Nadu, Governor: R.N. Ravi (2023)
 - Tamil Nadu's political landscape in 2023 saw significant friction between Governor R.N. Ravi and the DMK-led state government under Chief Minister M.K. Stalin. The issues mainly revolved around the governor's perceived interference in state affairs and legislative processes.
 - Governor R.N. Ravi's act of withholding assent to Bills concerning universities in the State is nothing but constitutional tyranny. It is gross abuse of the power granted by the Constitution to give or refuse assent to Bills passed by the legislature. The grant of assent is a routine function of the titular "head of state, and the exceptional power to withhold it is not meant to be exercised unreasonably. Rather, incumbents in Raj Bhavan ought to use this veto rarely, and only in flagrant instances when basic constitutional values are at stake. The Bills for which Mr. Ravi has refused approval, seek mainly to take away the Governor's power to appoint Vice-Chancellors of universities and vest it in the State government. There is nothing in these Bills for the Governor to disapprove of, save a vested interest to retain the powers conferred on him in his capacity as Chancellor. The rejection of the Bills appeared to be a

cantankerous response after the Supreme Court made well-justified remarks on Governors delaying assent to Bills pending with them. In a sense, the Governor's action has helped highlight an undemocratic and anti-federal feature in the Constitution that creates an unguided power to reject pieces of legislation passed by elected representatives. In its observations in ongoing proceedings concerning the Governor's powers, the Court has drawn attention to the fact that Governors are not elected. The Court must examine whether vesting that office with a veto over legislation violates parliamentary democracy, a basic feature of the Constitution. An authoritative pronouncement is needed to end the scope for partisan mischief.⁸

- As held by the Supreme Court in various cases including the Shamsher Singh case (1974), the Governor does not exercise their discretionary powers while withholding assent or returning a Bill to the State Legislature. They are required to act as per the advice of the Council of Ministers. The situation of "withholding assent may arise in case of a Private Members' Bill (any Member of State Legislature other than a Minister) passed by the State Legislature, which the council of ministers do not want to be enacted into a law. However, Governors in the past have exercised their discretion in returning Bills, like the Tamil Nadu Governor with respect to the Bill prohibiting online gambling. However, the Governor shall assent to such a Bill if it is passed again by the State Legislature. The Governor must reserve certain Bills, like those which reduce the powers of the High Court, for the consideration of the President. They may also reserve Bills on concurrent list that are repugnant to a Union law

⁸Krishnadas Rajagopal 'SC to hear tamil nadu , kerela petitions against their governors today ' The Hindu , 20thnov,2023

based on ministerial advice. It is only under rare circumstances that the Governor may exercise their discretion, where they feel that the provisions of the Bill will contravene the provisions of the Constitution and therefore, should be reserved for the consideration of the President it must however be noted that the Constitution does not lay down any time limit within which the Governor is required to make a decision.⁹

1. Withholding Assent: Governor Ravi's decision to withhold assent to several bills, including those related to university appointments and local governance, sparked major controversies. The DMK government accused him of acting on behalf of the central BJP government to stymie their legislative agenda.

2. University Appointments: The governor's role as chancellor of state universities became a flashpoint. The DMK government's attempts to pass legislation to curtail the governor's powers in university appointments were met with strong resistance from Ravi, who delayed the assent to the bill, leading to a prolonged standoff.

- Maharashtra, Governor: Bhagat Singh Koshyari(2023)Maharashtra has had a tumultuous relationship with its governor, Bhagat Singh Koshyari. The state's political scenario has been particularly volatile, with significant developments in 2023.

1. Political Instability: The governor's role in the political maneuvers following the 2019 assembly elections came under renewed scrutiny in 2023, especially regarding his decisions during the formation of the government and the swearing-in ceremony of Devendra Fadnavis. Critics argued that Koshyari acted in haste and in a partisan manner, undermining the democratic process.

⁹Rangarajan R. ' the role of governor in legislature ' The Hindu , 23rd nov ,2023

2. Delays in Nominations: Governor Koshiyari also faced criticism for delaying the nomination of 12 members to the Legislative Council, which had been recommended by the state cabinet. This delay was seen as an attempt to prevent the Shiv Sena-led coalition government from consolidating its legislative strength.

- Kerala, Governor: Arif Mohammad Khan (2023)

In Kerala, the relationship between Governor Arif Mohammad Khan and the LDF government led by Chief Minister Pinarayi Vijayan has been contentious, particularly over administrative and educational matters.

- The State of Kerala prepared to take on its Governor Arif Mohammed Khan in the apex court for delaying key Bills, some dating back almost two years. Kerala accused the Governor of acting in ways that "defeat the rights of the people" by withholding the passage of Bills on issues ranging from public health and higher education to the Lokayukta.
- the Chief Justice sent a strong message to the Governors, saying it was time they did bit of "soul-searching. " Why should parties be made to approach the Supreme Court for the Governors to act? We are a democracy in operation since the birth of the Constitution. These are matters to be sorted out between the Governors and Chief Ministers," Chief Justice Chandrachud had said.¹⁰
- Kerala has moved the Supreme Court twice separately against the Governor's inaction. The State has highlighted that the arbitrary show of lack of urgency by the Governor violated the fundamental right to life of the people of Kerala. The conduct of the Governor in keeping Bills pending for long and indefinite periods of time is manifestly arbitrary and also violates Article 14

¹⁰ Krishnadas Rajagopal 'SC to hear tamil nadu , kerela petitions against their governors today ' The Hindu , 20th nov,2023

(right to equality) of the Constitution. Additionally, it defeats the rights of the people of the State of Kerala under Article 21, by denying them the benefits of welfare legislation enacted by the State Assembly," the petition said.¹¹

1. University Administration: Similar to Tamil Nadu, the governor's role in the administration of state universities became a significant point of conflict. The Kerala government's attempts to reduce the governor's influence in university governance through legislative amendments faced resistance, with Khan withholding assent to such bills.

2. Public Statements: Governor Khan's public statements criticizing the state government's policies and actions created further discord. His open confrontations with the government on various issues, including law and order and governance, were seen as exceeding the traditional bounds of the gubernatorial role.

- Punjab, Governor: Banwarilal Purohit(2023)

Punjab witnessed tensions between Governor Banwarilal Purohit and the AAP-led government under Chief Minister Bhagwant Mann. The primary issues revolved around the governor's interventions in administrative matters and public disagreements.

- In 2023, Punjab Chief Minister Bhagwant Mann filed a case against Punjab Governor Banwarilal Purohit, highlighting the ongoing tensions between the state government and the governor's office. This legal action stemmed from several issues that Mann and his government believed demonstrated the governor's overreach and interference in state matters. key facts of the case are as follows -:

¹¹ Krishnadas Rajagopal 'SC to hear tamil nadu , kerela petitions against their governors today ' The Hindu , 20th nov,2023

1. Appointment Disputes: Governor Purohit raised objections to several appointments made by the Punjab state government. This included key administrative positions and other roles within the state bureaucracy. The governor's objections were perceived by the Mann government as an attempt to interfere with the executive's functioning.

2. Pending Bills: Another significant point of contention was the governor's delay in granting assent to bills passed by the Punjab Legislative Assembly. These delays were seen as obstructive, particularly for legislation deemed crucial by the state government.

3. Law and Order Reports: Governor Purohit demanded detailed reports on the law-and-order situation in Punjab. The Mann government viewed these demands as an overreach and an attempt to micromanage state affairs.

4. Public Statements and Criticisms: Governor Purohit's public statements criticizing the state government's handling of various issues further strained the relationship. These statements were seen as undermining the authority of the state government and creating unnecessary public conflict.

The primary argument in the case filed by Chief Minister Bhagwant Mann was that Governor Purohit had overstepped his constitutional boundaries. The Mann government contended that the governor's actions violated the principles of federalism and the autonomy of the state government. The case argued that the governor's refusal to assent to bills and objections to appointments were not in line with the constitutional mandate, which requires the governor to act on the advice of the Council of Ministers except in certain exceptional circumstances. The Mann government asserted that Governor Purohit's actions constituted unwarranted interference in the executive functions of the state. This included the governor's demands for detailed

reports and his public criticisms of the government's performance. The legal filing highlighted the negative impact of the governor's actions on the governance of the state. The delays in legislative processes and the obstruction of appointments were cited as hindrances to effective administration and governance.

The Supreme Court has laid down the law that a Governor, in case he withholds assent to a Bill, should send it back to the State Legislature "as soon as possible" with a message to reconsider the proposed law. If the Assembly reiterates the Bill "with or without amendments", the Governor has no choice or, discretion, and has to give his assent to it.¹²

SUPREME COURT AND ANALYSIS OF GOVERNOR'S ISSUE IN 2023

In 2023, the Supreme Court of India continued to play a crucial role in addressing disputes between state governments and governors, providing critical analysis and rulings that impacted the interpretation of constitutional provisions and the balance of power in Indian federalism. This involvement was necessary due to ongoing tensions and controversies surrounding the discretionary powers exercised by governors. The Court's interventions and judgments in 2023 highlighted several significant issues and offered insights into the evolving dynamics of federalism in India.

- The Supreme Court in case involving the West Bengal government and Governor C.V. Ananda Bose revolved around the governor's refusal to assent to several key bills passed by the state legislature. The Court emphasized the constitutional mandate that the governor should generally act on the advice of the Council of

¹²Krishnadas Rajagopal, 'Governor has no veto power over Bills, SC says in Punjab case' The Hindu, 24th nov, 2023

Ministers, except in specific circumstances requiring discretion. It ruled that the governor's delay in granting assent was unjustified and directed him to make a decision promptly.

- The conflict between Tamil Nadu Governor R.N. Ravi and the DMK-led state government when reached the Supreme Court, The Court highlighted the limited discretionary powers of the governor and underscored the principle that the governor should ordinarily act on the advice of the state government. It ruled that the governor's withholding of assent to the bill curtailing his powers in university appointments was not in line with constitutional principles and directed him to clear the legislative backlog.
- The Supreme Court continued to address issues stemming from the political crisis in Maharashtra. The case involved the governor's role in the hurried swearing-in of Devendra Fadnavis as Chief Minister in 2019, which was perceived as partisan. The Court reiterated its stance on the governor's role, emphasizing the need for impartiality and adherence to constitutional norms. It stressed that the governor must act in a manner that upholds democratic principles and respects the will of the electorate.
- The Supreme Court took up the case filed by Punjab Chief Minister Bhagwant Mann against Governor Banwarilal Purohit. The Court analysed the constitutional boundaries of the governor's powers, particularly concerning the withholding of assent to bills and interference in state administration. It emphasized the importance of cooperative federalism and the need for the governor to act within the confines of the Constitution. The Court directed the governor to expedite decisions on pending bills and avoid actions that disrupt state governance.

- Supreme Court has done well to remove the veto power of Governors. In parliamentary democracy, Governors do not have a unilateral veto over Bills passed by the legislature. This is the crux of the Supreme Court's ruling in a case arising from Punjab after Governor Banwarilal Purohit withheld assent to some Bills passed by the State Assembly on the pretext that these were adopted in an illegal session of the House.¹³
- The Court's reading of the scheme of Article 200, which deals with grant of assent to Bills, is in line with the core tenet of parliamentary democracy: that an elected regime responsible to the legislature runs the State's affairs. While granting assent is a routine function, the other Options - withholding assent or reserving a Bill for the President's consideration - have been subjects of controversy. There is a proviso to the Article which states that "as soon as possible", the Governor may return the Bill (if it is not a Money Bill) to the House for reconsideration, but when the Bill is passed again, with or without changes, he cannot withhold assent. The Supreme Court has now read the power to withhold assent and the proviso in conjunction, holding that whenever the Governor withholds assent, he has to send the Bill back to the legislature for reconsideration. This effectively means that the Governor either grants assents in the first instance or will be compelled to do so after the Bill's second passage.
- The Court has done well to point out that Governors, in a system that requires them to function mainly on the aid and advice of the Council of Ministers, cannot withhold action on Bills and must act as soon as possible. This is a clear reprimand administered to Governors who believe

¹³ 'No vote for veto: Supreme Court has done well to remove the veto power of governors ' The Hindu, 25th nov,2023.

they can endlessly delay action on Cabinet or legislative proposals because of the absence of a prescribed time-frame

- The verdict should not give any further scope for controversy over the role played by Governors in the law-making process that culminates with their granting assent to Bills, and must end the tussle between elected regimes and the Centre's appointees.
- The Supreme Court's rulings in 2023 reaffirmed the foundational principles of the Indian Constitution, particularly the balance of power between the centre and the states. The Court emphasized that the governor, while being a representative of the central government, must respect the autonomy of the state government and act within the constitutional framework.
- The Court's interventions provided much-needed clarity on the discretionary powers of governors. It highlighted that these powers are limited and must be exercised judiciously. The Court made it clear that the governor should act on the advice of the Council of Ministers in most situations, reserving discretion only for exceptional circumstances explicitly outlined in the Constitution.
- The Supreme Court's emphasis on cooperative federalism underscored the need for harmonious relations between the central and state governments. The Court stressed that the governor should act as a facilitator of cooperative federalism rather than an obstacle, promoting collaboration and mutual respect between the different levels of government.
- The frequent judicial interventions highlighted the role of the judiciary as a crucial check on executive overreach. The Court's willingness to step in and resolve disputes involving governors ensured that constitutional boundaries were respected and upheld. This judicial

oversight served as a deterrent to potential misuse of gubernatorial powers.

IMPLICATIONS AND CONCLUSION

The recurring controversies involving governors highlight several critical implications for Indian federalism. Some of them are as below -:

1. **Erosion of State Autonomy:** The perception of governors acting at the behest of the central government undermines the autonomy of state governments. This erosion of federal principles can lead to a centralization of power, reducing the ability of states to govern effectively and independently.
2. **Democratic Accountability:** When governors are seen as politically motivated, it undermines the legitimacy of elected state governments. Actions that appear to subvert the democratic mandate can lead to a crisis of democratic accountability and erode public trust in constitutional institutions.
3. **Judicial Overload:** The frequent need for judicial intervention to resolve disputes involving governors places an additional burden on the judiciary. While the courts act as a crucial check, the over-reliance on judicial resolution highlights the need for clearer guidelines and mechanisms to prevent such conflicts.
4. **Public Trust and Governance:** Public trust in the office of the governor is essential for the smooth functioning of state governments. Perceived partisanship erodes this trust, impacting governance and the overall political climate. It also leads to frequent confrontations that can stall legislative and administrative processes.

To address these issues and strengthen the role of governors within the framework of Indian federalism, several reforms can be considered:

1. **Non-Partisan Appointments:** The process of appointing governors should be reformed to ensure that individuals with a proven track record of impartiality and integrity are selected. This can be achieved by implementing recommendations from

commissions like Sarkaria and Punchhi, which advocate for non-partisan criteria in appointments.

2. **Clear Guidelines and Accountability:** Establishing clear guidelines for the exercise of discretionary powers by governors can help minimize ambiguity and misuse. Additionally, mechanisms for accountability, such as regular reviews and the possibility of impeachment for misconduct, can deter partisan behaviour.

3. **Strengthening Cooperative Federalism:** Promoting a spirit of cooperative federalism, where the centre and states work collaboratively rather than adversarial, can mitigate the perception of partisanship. Regular dialogue and consultations between the central and state governments, with the governor acting as a facilitator rather than an antagonist, can enhance mutual trust.

4. **Judicial Oversight:** Strengthening judicial oversight can provide an additional check. Fast-tracking cases can ensure timely redressal of grievances and uphold constitutional principles.

The role of governors in Indian federalism remains a critical and contentious issue, with significant implications for the autonomy of state governments and the overall health of India's federal structure. The recurring controversies and the perception of partisan behaviour by governors underscore the need for comprehensive reforms to ensure that governors act as impartial constitutional authorities. The Supreme Court's involvement in governor-related issues in 2023 played a critical role in maintaining the balance of power in Indian federalism. Through its rulings, the Court clarified the discretionary powers of governors, reaffirmed constitutional principles, and promoted cooperative federalism. These interventions not only resolved specific disputes but also set important precedents for the future, ensuring that the principles of democracy and federalism are upheld. As India continues to navigate the complexities of its federal structure, the Supreme Court's role as a guardian of the

Constitution remains indispensable. By implementing measures that promote non-partisan appointments, clear guidelines, accountability, and cooperative federalism, India can strengthen its democratic institutions and uphold the federal principles enshrined in its Constitution.