



Role Of The Governor As – Executive Head Of The State And An Agent Of The Centre

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ABSTRACT :

This paper examines the role of the Governor in India's federal system, focusing on the intricate dynamics between the Centre and the States. Drawing from historical debates in the Constituent Assembly, legislative provisions, and judicial interpretations, it analyzes the Governor's powers, responsibilities, and the challenges faced in maintaining the federal structure. The study highlights the evolution of the Governor's role from ceremonial to politically contentious phases, reflecting on instances of misuse and judicial interventions. It also explores attempts to address longstanding issues through various committees and commissions, while emphasizing the need for Governors to uphold constitutional principles and act as mediators between the Centre and the States. Through a comprehensive analysis of historical contexts, contemporary challenges, and judicial precedents, this paper sheds light on the complex interplay between political interests and constitutional mandates in India's federal governance.

INTRODUCTION :

Indian Federalism is a basic structure of the Indian Constitution which is structured to give stability and responsibility which in turn ensures the representation of diverse interests. "It is a means to reconcile the desire of commonality along with the desire for autonomy and accommodate diverse needs in a pluralistic society. Recognising regional aspirations strengthens the unity of the country and embodies the spirit of democracy."¹

The SC has observed in *Govt. of NCT of Delhi v. UOI*² that in any federal Constitution, there is at least dual polity, that is, two levels of government operate: one at the centre and other at the state level. In India these govt.'s are elected in two separate electoral processes, and thus it is a dual manifestation of the public will. The priorities of these two sets of governments which manifest in a federal system are not just bound to be different but are intended to be different.

The two sets of govt. elect their councils of ministers, headed respectively by the Prime Minister and the Chief Minister. The head of the executive at the Centre is the President, who is elected by members of Parliament and state assemblies. The analogous position at the state level is the Governor, but unlike president he is not elected but is appointed by the President on the aid and advice of the council of ministers as per the constitution. A Governor is thus an appointee of the Union³

The Governor hold office during pleasure of the President, which means "The state Legislature and its People" have no role to play in the manner of his appointment and removal and state has to put up to him even if he becomes unpopular or unwanted in the state in which he is appointed.⁴ This creates the problem the Governors today is being pejoratively called the „agents of the Centre". It is true that the Central Government is not expected to give any instructions which compromise the status and position of the Governor nor is it expected to remove him for not implementing the instructions given by it, the experience for the last several years belies this hope. As Seervai has pointed out in his commentary: "As the President acts on the advice of his Ministry, it may be contended that if the Governor takes action contrary to the policy of the Union Ministry, he would risk being removed from his post as Governor and therefore he is likely to follow the advice of the Union Ministry. It is submitted that a responsible Union Ministry would not advise, and would not be justified in advising, the removal of a Governor because, in the honest discharge of his duty, the Governor takes action which does not fall in line with the policy of the Union Ministry. The removal of the Governor under such circumstances would otherwise mean that the Union executive would effectively control the State executive, which is opposed to the basic scheme of our federal Constitution. Article 156(1) was designed to secure that if the Governor was pursuing policies which were detrimental to the State or to India, the President would remove the Governor from his office and appoint another Governor. This power takes the place of an impeachment which clearly is a power to be exercised in rare and exceptional circumstances".⁵

¹ Government of NCT of Delhi v Union of India | 2023

² Ibid

³ INSTITUTIONS OF POLITICAL MEDIATION: THE OFFICE OF THE GOVERNOR Chakshu Roy M.R. Madhavan

⁴ Constitutional And Political Dynamics of India- Satya Prakash Dash

⁵ page 3103, para 14, in Vol. III; Constitutional Law of India; Fourth Edition; REPORT OF THE COMMISSION ON CENTRE-STATE RELATIONS. MARCH 2010 VOLUME - I EVOLUTION OF CENTRE-STATE RELATIONS IN INDIA

Eminent Jurist Soli J. Sorabjee puts it as⁶: “It will not be exaggeration to say that no institution or constitutional office has suffered greater erosion or degradation than the office of Governor. The public today generally regard the Governor as an employee of the Central Government and in some cases as a spy of the Centre. The unfortunate fact is that few incumbents of this high office have any clear conception of their role in our constitutional scheme and in fact regard themselves as the lackeys or employees of the Central government and readily act according to its behest.”

Chief Justice Chandrachud, in *Govt. of NCT of Delhi v. UOI*, wrote:

“The executive power of the union ‘in a state’ over matters on which both states and the Union of India can legislate (that is, the concurrent list) is limited to ensure that the governance of states is not taken over by the Union. This would completely abrogate the federal system of governance and the principle of representative democracy. It is with this objective in mind that the members of the Constituent Assembly thought it fit to limit the executive power of the Union in a state over matters on which the state also has legislative competence. In the spirit of cooperative federalism, the Union of India must exercise its powers within the boundaries created by the Constitution.”⁷

The trussell between the centre and state ruled by different set of political parties sees this use power by union to subdue the state which was not envisaged by the constitution makers, who originally intended to control states in scenario which is dangerous to the federal structure of India and its people.

Research Question

- What is the role of the governor as appointee of the centre in preserving the federal form of the govt.?
- What is the role of the Governor as Executive Head of the State to resolve issues of the state with the centre?

The Office of the Governor

The constituent Assembly debates.

In the Constituent Assembly, conflicting stands were taken regarding the appointment to the office of the governor. Advocating in Favor of the appointment by the President, Nehru remarked that to keep the Centre in touch with the units and to remove a source of possible separatist tendencies it is favourable to appoint him. There were many speakers who explained that “the Governor is the agent rather he is the agency which will press for the and guard the Central policy.”⁸

During the debate upon the office of Governor, Dr B R Ambedkar remarked, “The Drafting Committee felt, as everybody in this House knows, that the Governor is not to have any kind of functions-to use a familiar phraseology”.⁹ He further said “The real issue before the House is not nomination or election but what power you propose to give to your Governor. If the Governor is a purely constitutional Governor, I do not see any fundamental objection to the principle of nomination.”¹⁰

BR Ambedkar added that ‘article 143 will have to be read in conjunction with such other Articles which specifically reserve the power to the Governor. It is not a general clause giving the Governor power to disregard the advice of his ministers in any matter in which he finds he ought to disregard’.¹¹ Thus despite clear concentration power in the centre’s hand and an unrequired forced on the working of the state, provisions was made for nominated Governor to act as a link between the Union and the States and discourage centrifugal tendencies.¹²

Who sits in the office of the Governor?

During the debate on Governors in the Constituent Assembly, Jawaharlal Nehru commented on who should be nominated to the office. He remarked, ‘Politicians would probably like a more active domain for their activities but there may be an eminent educationist or persons eminent in other walks of life, epresent before the public someone slightly above the party and thereby in fact, help that government more than if he was considered as part of the party machine’.¹³

Successive governments never fulfilled this expectation of having non-political personalities as Governors. For example, in the first decade after Independence, almost all Governors of Uttar Pradesh were senior political figures.¹⁴ The state’s first Governor, Sarojini Naidu, was a former President of the Indian National Congress. The second, HP Modi, was more a businessman than a politician, although he had been a member of the Constituent Assembly. His successors KK Munshi, VV Giri, Ramakrishna Rao, and Bishwanath Das had active political careers before entering the Raj Bhavan. And

⁶ Article on “Federalism: Nature and Working” by A.S. Narang, in the book titled “Rethinking of Centre State relations in India”, edited by R.C. Sobti and Ashutosh Kumar; REPORT OF THE COMMISSION ON CENTRE-STATE RELATIONS. MARCH 2010 VOLUME - I EVOLUTION OF CENTRE-STATE RELATIONS IN INDIA

⁷ *Ibid*

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⁹ Constitutional And Political Dynamics of India- Satya Prakash Dash

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¹¹ Constituent Assembly Debate, Volume VIII, June 1, 1949,

¹² Constitutional And Political Dynamics of India- Satya Prakash Dash, Pg. 156-15

¹³ Constituent Assembly Debate Volume, VIII, May 31, 1949.

¹⁴ Data collated by Authors from the website of the Governor of Uttar Pradesh, <http://upgovernor.gov.in/en/page/former-governors>

this was true across the country. In 2017 a study was conducted which showed that over half the Governors across the country between 1950 and 2017 came from a political background.¹⁵

The powers and the conflict attached the Office.

Assent to bills

The Sarkaria commission elaborated article 200 while referring to *Hoechst Pharmaceuticals v. State of Bihar*¹⁶ in the following way : “According to Article 200, when a Bill passed by the Legislature of a State is presented to the Governor, he has four options, namely, (a) he assents to the Bill; (b) he withholds assent; (c) he reserves the Bill for the consideration of the President; or (d) he returns the Bill to the Legislature for reconsideration. The first proviso says that as soon as the Bill is presented to him, he may return the Bill to the Legislature (if it is not a Money Bill) together with a message requesting the Legislature to reconsider the Bill. He can also suggest the desirability of introducing such amendments or changes as he thinks appropriate. If, on such reconsideration, the Bill is passed again, with or without amendments, and is presented to the Governor for assent, he has to accord his assent. The second proviso says that if the Bill presented to him derogates, in the opinion of Governor, from the powers of the High Court so as to endanger the position which the High court is designed to fill by the Constitution, he is bound to reserve the Bill for the consideration of the President”.

In the present scenario the power to withhold assent appears to be wide and unguided power. The Governor is an appointee of the President in today’s political landscape agent of the centre. In such a situation, the legitimacy of this power, which empowers him to stop the will of the Legislature by just declaring that he is withholding his assent, is the issue. Governor may simply sit over the Bill, such a course will not be conducive with the decorous regard a Governor is expected to the rules of the Constitutional game. In the absence of any guidance provided by the Constitution in which cases this power can be exercised and in view of the further fact that no court is entitled to go into the justification of such withholding, conferment of such power is bound to be inherently arbitrary and discriminatory.

Failure of Constitutional Machinery

Article 356, when the President satisfies himself on the recommendation of Governor, that there is constitutional breakdown of State machinery, the legislative assembly of state is dissolved and President rule is imposed. Here the recommendations by the governor is based on the centre advice to him and not on his own accord. The repeated misuse by the Centre of the provisions of Article 356 of the Constitution to dismiss State Governments and dissolve State Assemblies has been subverting the federal principle and the rights of the States. The demand to restrict the use of Article 356 only to cases where there is a serious threat to national unity or the secular fabric of the country has been raised from various quarters in successive meetings of the Inter-State Council. In view of the Supreme Court judgement on the *S. R. Bommai* case, there is an urgent need to build in strong safeguards in Articles 356 and 365 through appropriate amendments of the Constitution. However, no decision has been taken by the Union Government in this regard.

Phases of Governor’s Working

There are three distinct phases in the way the office of the Governor has worked since independence. In the first seventeen years since independence, Governors remained noncontroversial and ceremonial. State governments also kept them at a distance. During that period, the same party (Congress) held power in most States and the Centre. 1967 was the year since when governor started to be part of Politics. Till 1967, across all States, Governors had recommended imposing President’s Rule for an average of 195 days per year. In 1968, this number increased to 1,241 days. The number of States under President’s Rule in any given year indicates how much Governor power related to president rule was misused. It is interesting to see how the average number has fluctuated: from 1.1 States per year before to 1967, to 6 per year between 1967 and 1993, before declining to 1.5 per year from 1994 to 2015 because in 1994, the Supreme Court in *S.R. Bommai* case reviewed the imposition of President’s Rule in States as advised by Governors. An analysis of the use of this provision points out that of the 98 times that it had been invoked till 1994, about 13 cases of possible misuse were such in which defections and dissensions could have been alleged to be result of political manoeuvre or cases in which floor tests could have finally proved loss of support but were not resorted to. In 18 cases, common perception was that of clear misuse. These involved the dismissal of 9 State Governments in April 1977 and an equal number in February 1980. This analysis shows that the number of cases of imposition of President’s Rule, which could be considered as a misuse for dealing with political problems or considerations irrelevant for the purposes in that article such as mal-administration in the State, were a little over 20.¹⁷

The court’s decision led to a temporary halt in interventions by Governors in state politics. But the rise of regional parties has led Governors to once again be used by the centre to disturb the state dynamics in their favour.

¹⁵ Ashok Pankaj, “Governor in Indian Federalism-II: Hiatus between Constitutional Intents and Practices,” *Indian Journal of Public Administration*, 63, no. 1 (2017): 13-40

¹⁶ AIR 1983 SC 1019

¹⁷ Cited in Government of India, Report of the National Commission to Review the Working of the Constitution, 2002.

Source: Presidents Rule in States and Union Territories, Lok Sabha Secretariat 2016

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Source: Presidents Rule in States and Union Territories, Lok Sabha Secretariat 2016

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Attempts to Resolve Long-standing Issues

There was an attempt made in the constituent assembly itself to make the term of office of the Governor dependent on the impeachment proceedings in the state legislature but was not possible as B.R. Ambedkar said “It seems quite unnecessary to burden the constitution with all these limitations stated in express terms when it is perfectly possible for the president to act upon the very same ground under the formula that the Governor shall hold office urging his pleasure”.²⁰

If it was done at that point than the scenario may have been different after all the use of governor as an agent by the centre has led to dent on centre-state relations and several committees have been formed to look for the solution.

Committees and Commissions

During 1969 and 1971 three committees were formed who recommended ways to harmonize relations between the Centre and States. The first was the Administrative Reforms Commission (ARC), set up by the government of India.²¹ The government of Tamil Nadu also set up the Rajamannar Committee to “examine the entire question regarding the relationship that should subsist between the Centre and the States in a federal setup, with reference to the provisions of the Constitution of India”.²² And finally, the President of India set up a committee of Governors to “study and formulate norms and conventions governing the role of Governors under the Constitution”.²³

The main recommendations of these committees concerned the appointment, tenure, and discretionary powers of the Governor.

- The ARC suggested that person with long experience in public life should only be appointed—in consultation with the Chief Minister of the State—for not more than one term.
- The Rajamannar Committee offered similar recommendations, while also saying that the Governor’s tenure should be limited and that they may be impeached only for proven misbehaviour or incapacity.
- The ARC wanted the Inter-State Council to formulate guidelines that would codify discretionary powers and be issued in the name of the President.
- The Rajamannar Committee suggested that an instrument of instructions be issued to direct the manner of government formation.
- The Committee of Governors suggested that a wing be formed in the President’s secretariat that would collate the reasons given by Governors for their decisions and confidentially share those reasons with all Governors, as to help them with similar decisions in a uniform manner.

The Sarkaria Commission was constituted in 1983 to ‘examine and review the working of the existing arrangements between the Union and States in regard to powers, functions and responsibilities in all spheres and recommend such changes or other measures as may be appropriate’. Its final report includes a chapter on the role of the Governor.²⁴ It made similar comments on :

- appointment: an eminent person, not someone recently involved in politics, and from a different state.
- It reiterated the principle of consulting the Chief Minister, and of security of tenure.
- It said that a Governor should not be eligible for any office of profit under government except a second term as Governor or election as Vice President or President.
- It suggested the process for choosing a Chief Minister in a hung assembly, and said that the assembly should be dissolved in the absence of a viable Chief Minister only after consulting all party leaders.
- It also said that if the Governor finds that it is constitutionally improper to accept the advice of the cabinet, every effort should be taken to persuade them—discretionary power should be used only as a last resort.
- It clarified that in situations where the Governor is ex-officio Chancellor of a university, and in matters related to Articles 371, 371A, 371C, 371F and 371H (special powers with respect to some states), the Governor has full discretion and has no obligation to abide by the cabinet decision.
- The first proviso to article 200 should be read with choice presented in the main article given to governor to withhold the assent to make him return the bill to legislature and not sit on that indefinitely.

Almost Two decades later, two more Commissions were set up. The National Commission to Review the Working of the Constitution (NCRCW), headed by Justice Venkatachaliah, was constituted in the year 2000. It presented its report in 2002.²⁵ The Punchhi Commission on Centre-State relations was set up in 2007, and presented its report in 2010.

¹⁸ INSTITUTIONS OF POLITICAL MEDIATION: THE OFFICE OF THE GOVERNOR- Chakshu Roy M.R. Madhavan

¹⁹INSTITUTIONS OF POLITICAL MEDIATION: THE OFFICE OF THE GOVERNOR- Chakshu Roy M.R. Madhavan

²⁰ C.A.D Vol.-VIII P.474

²¹ Government of India, Administrative Reforms Commission Report on Centre-State Relationships (New Delhi: Government of India, 1969)

²² Government of Tamil Nadu, Report of the Centre-State Relations Inquiry Committee (Chennai: Government of Tamil Nadu, 1971) (also known as the Rajamannar Committee, after its Chairperson).

²³ President’s Secretariat, Government of India, Report of the Committee of Governors (New Delhi: Government of India, 1971).

²⁴ Government of India, Report of the Sarkaria Commission on Centre-State Relations (New Delhi: Government of India, 1988).

²⁵ Government of India, Report of the National Commission to Review the Working of the Constitution (New Delhi: Government of India, 2002).

- Both Commissions agreed with the Sarkaria Commission on the criteria for selecting a person as a Governor.
- The Punchhi Commission recommended security of tenure and removal only through impeachment as in the case of the President.²⁶
- The Punchhi Commission also laid out a detailed process for inviting a person to become Chief Minister after an election.
- Both commissions reiterated the principle that the confidence test should be only on the floor of the House.
- The NCRWC also commented that Article 356 should be used as a last resort by the governor and should be sparingly used.
- Both commissions suggested a time-frame of six months for the Governor to give assent to Bills or reserve for consideration of the President.

After all this, we are still at the starting point. Six high-level commissions and five decades later, no major recommendations have been implemented by any government to ease out the tussle between centre-state.

Approach of Judiciary

In 1994 in S.R. Bommai case, a nine-judge bench of the Supreme Court effectively stopped the dismissal of State governments that were not politically aligned to the government at the Centre. The Court said that the proclamation to impose President's Rule would be subject to approval by both Houses of Parliament; until then, the assembly could be suspended but not dissolved. It also said that majority support for the Chief Minister should be tested only on the floor of the House, and not through the subjective judgment of the Governor. The Court also emphasized that the decision was subject to judicial review.²⁷

In 2010 in B.P. Singhal case, a five-judge bench of the Supreme Court held that the President could remove a Governor at any time without assigning any reason. The judgment stated that the President could not do so in an "arbitrary, capricious or unreasonable manner. The power will have to be exercised in rare and exceptional circumstances for valid and compelling reasons." The court would clarify that "the change in government at the Centre is not a ground for the removal of Governors holding office to make way for others favoured by the new government." But it also stated that limited judicial review is available when Governors are removed.²⁸

In the 2016 case Nabam Rebia and Bamang Felix v. Deputy Speaker of the Arunachal Pradesh Assembly²⁹, the Constitution Bench of the Supreme Court explicitly stated that the Governor does not have sole authority to call the House and is therefore not permitted to act independently or at his or her discretion and must act on aid and advice of the council of ministers and chief minister. The court concluded that governor cannot decide business of the House, the chief minister is the only one authorize to do.

Supreme Court in State of Punjab V. Principal Secretary to the Governor of Punjab and Anr.³⁰ has observed that governor under article 168 is bound by the constitutional regime and because of that under article 200 governor cannot just withhold the assent and has to act in manner as specified in the first proviso and send the bill back to the state legislature "as soon as possible". SC also referred to In State of Telangana v/s Secretary to Her Excellency the Hon'ble Governor for the State of Telangana & Anr.³¹ where SC observed that the expression "as soon as possible" has significant constitutional content and must be borne in mind by constitutional authorities."

Emerging Challenges

In recent years, Governors have made many contentious decisions apart from being a tool used to put president rule in states. In Maharashtra, the Governor did not nominate twelve members to the Legislative Council for over a year after the Council of Ministers recommended their nomination.³² The Rajasthan Governor returned the recommendation of the government to summon the Legislative Assembly and then set three conditions to issue the summons.³³ The Governor of Tamil Nadu returned the NEET Bill to the assembly for reconsideration after four months it was passed; the assembly passed the NEET Bill again in a week, and the Governor took nearly three months to send it for the President's consideration.³⁴ In West Bengal, the Governor criticized the Speaker and the Chief Minister,³⁵ and also returned the recommendation to summon the assembly.³⁶ And the Governor of Arunachal Pradesh advanced the timing of an assembly session and gave directions on the agenda to be taken up; this was judged to be unconstitutional by the Supreme Court.³⁷

²⁶ Government of India, Report of the Punchhi Commission on Centre State Relations (New Delhi: Government of India, 2010)

²⁷ S.R. Bommai vs Union of India, 1994 AIR 1918, 1994 SCC (3)

²⁸ B.P. Singhal vs Union of India & Anr, WP(C) 296 of 2004.

²⁹ Nabam Rebia and Bamang Felix vs Deputy Speaker and Ors, Civil Appeals Nos 6203-6204 of 2016, Supreme Court, July 13, 2016

³⁰ WP(C) No. 1224 of 2023

³¹ WP(C) No. 333 of 2023

³² Press Trust of India, "Unfortunate that Maharashtra CM, governor don't trust each other: Bombay HC," March 9, 2022, <https://www.theweek.in/news/india/2022/03/09/unfortunate-that-maharashtra-cm-governor-dont-trust-each-other-bombay-hc.html>.

³³ "Rajasthan Governor summons House session, puts in 3 conditions," Hindustan Times, July 27, 2020, <https://www.hindustantimes.com/india-news/rajasthan-governor-kalraj-mishra-calls-for-state-assembly-session-denies-he-was-delaying-it/story-YFL3zk5K7MWKbJyxvCLImM.html>.

³⁴ "Tamil Nadu Governor refers anti-NEET bill to President for approval," Mint, May 5, 2022, <https://www.livemint.com/news/india/tamil-nadu-governor-refersanti-neet-bill-to-president-for-approval-see-details-11651724334625.html>.

³⁵ "West Bengal governor slams State Assembly Speaker and Chief Minister," Economic Times, January 25, 2022, <https://economictimes.indiatimes.com/news/politics-and-nation/west-bengal-governor-slams-state-assembly-speaker-and-chief-minister/articleshow/89120438.cms>.

³⁶ Shiv Sahay Singh, "West Bengal Governor sends back Chief Minister Mamata Banerjee's recommendation to summon Assembly," Hindu, February 19, 2022, <https://www.thehindu.com/news/national/other-states/wb-governor-returns-cms-recommendation-to-summon-state-assembly/article65065653.ece>.

³⁷ Nabam Rebia and Bamang Felix vs Deputy Speaker and Ors, Civil Appeals Nos 6203-6204 of 2016, Supreme Court, July 13, 2016.

The recent controversies in three states Telangana, Kerala, and Tamil Nādu which are not ruled by party in centre but their opposition is a disturbing practice that seems against the vision of our constitution framers. The tussle with the governor of Telangana arose when the state's first governor refused to accept the bill on Telangana Universities Common Recruitment Board and government accused the governor of being involved in Poach gate scandal. Against the accusations levelled against her, governor complained of her phone being tapped by the ruling party in the state. The differences between the government and the governor in Kerala came when the governor refused some bills that were forwarded by the government. The Tamil Nādu government-governor tussle came when the government passed a memorandum by saying that the governor is unfit for the job.³⁸The tussle between West Bengal government and Governor is the most controversial speaking publicly against each other in media.³⁹

The tussle between lieutenant governors (LG) of Delhi and the government is continuously growing. The LG has established inquiry panels for a number of Delhi government initiatives and given a notice of recovery to the Chief Minister. Is it possible for any LG to recover from an elected Chief Minister? AAP won the majority in the most recent municipal elections, but they weren't immune from the issue involving LG and the Delhi administration. Because of this, Delhi still lacks a mayor.⁴⁰

The controversies have gone beyond use of president rule to non-passing of bills, sitting on bills for indefinite time, acting in- contravention to aid and advice of the council of ministers of the state legislature and using power beyond provided in the constitution.

CONCLUSION

The main problem of Centre-State relations in India is political rather than constitutional. The crisis of political morality between party at centre and opposition is the root of the present disharmony.⁴¹

Governor owes his appointment and his continuation in the office to the Union, in matters where the Central Government and the State Government are not on the same page, there is the apprehension that he is likely to act in accordance with the instructions from centre rather than act on the advice of his Council of Ministers because of which they are called agents of centre. The governor work under the overall control of the union government thus making political choices and preferences of the party in the centre determining in the governance of the state.⁴²

It is true that the Central Government is not in any manner empowered to give directions to governor nor is it expected from centre to remove him for not implementing the instructions given by it. This link and his loyalty to centre comes out of the Constitution mainly because of the provision that he is appointed and can be dismissed, by the President. The Constitution thus specifically provides for a departure from the strict federal principles and it is relevant \ observe that this departure is not fortuitous for casual. It is clear, therefore, that the Constitution makers did not intend the Governor to be only a component in the apparatus of governance at the State level. They meant him also to be an important link with Centre.⁴³

As Seervai has pointed out in his commentary⁴⁴: "As the President acts on the advice of his Ministry, it may be contended that if the Governor takes action contrary to the policy of the Union Ministry, he would risk being removed from his post as Governor and therefore he is likely to follow the advice of the Union Ministry. It is submitted that a responsible Union Ministry would not advise, and would not be justified in advising, the removal of a Governor because, in the honest discharge of his duty, the Governor takes action which does not fall in line with the policy of the Union Ministry. The removal of the Governor under such circumstances would otherwise mean that the Union executive would effectively control the State executive, which is opposed to the basic scheme of our federal Constitution. Article 156(1) was designed to secure that if the Governor was pursuing policies which were detrimental to the State or to India, the President would remove the Governor from his office and appoint another Governor. This power takes the place of an impeachment which clearly is a power to be exercised in rare and exceptional circumstances"

Subba Rao in his lectures on "The conflicts in Indian Politics" observed that "the Governor is a constitutional Head and must function in terms of the Constitution. He is not an agent of the Central Government."⁴⁵

L.P. Massey says, "It may be pointed out that there is a basic fallacy in the argument of those who hold that the Governor is the representative/agent of the Centre because this interpretation is not warranted by any provision of the Constitution and is hence extra-constitutional..... Had the founding fathers of the Indian Constitution intended to make the Governor a representative/agent of the Centre they would have mentioned it in express terms in Article 154 of the Constitution."⁴⁶

The 'good officers' appointed as Governor can solve the problems of the State. The Governor can nicely play the role of a mediator between centre and state. For example, It is said that C.M. Trivedi, the Governor of Andhra Pradesh played an important role in getting the Nagarjuna Sagar Project sanctioned.

³⁸ THE CITIZEN EDITORIAL, Conflict Between Governors and Govts-Kerala, Telangana, Tamil Nādu, THE CITIZEN (10 Nov 2022 10:12 AM), <https://www.thecitizen.in/opinion/conflict-between-governors-and-govts-kerala-telangana-tamil-nadu-356478>

³⁹ Ekshita Jain, The Constitution and Reality of the Governor's Role in India: An Examination of the Powers, Duties, and Responsibilities of the Governor, Indian Journal of Legal Review (IJLR), 3 (2) of 2023, Pg. 120-125, APIS – 3920 – 0001 & ISSN - 2583-2344.

⁴⁰ Ekshita Jain, The Constitution and Reality of the Governor's Role in India: An Examination of the Powers, Duties, and Responsibilities of the Governor, Indian Journal of Legal Review (IJLR), 3 (2) of 2023, Pg. 120-125, APIS – 3920 – 0001 & ISSN - 2583-2344.

⁴¹ CENTRE-STATE RELATIONS IN INDIA, Nomos Verlagsgesellschaft mbH, A. G. Noorani

⁴² Parties and Party Politics in India – Zoya Hasan- Oxford India Paperbacks Pg.522

⁴³ Administrative Reforms Commission Report# Vol. I, Sept. 1967, p. 272.

⁴⁴ page 3103, para 14, in Vol. III; Constitutional Law of India; Fourth Edition

⁴⁵ K. Subha Rao, The conflicts in Indian politics, p.52.

⁴⁶ L.P. Massey, Op. cit; p. 54.

There can be cases where for democratic government to be in operation in the union on all occasions and in all eventualities, discretion exercised by the Governor in pursuance of the directive or under the instructions from the union cannot be said to be against the promotion of democratic principles.⁴⁷ Sri Prakasa, an ex-Governor of Madras and Maharashtra said, "Being the servant of his State and bound to look after its interests, he tells the Centre of the needs of the State. The Centre is more likely to listen to him. Obviously, the Centre cannot oblige the Chief Minister but when a Governor presses for something as absolutely necessary, the Centre has to agree with him."⁴⁸ Thus it is the duty of the governor not only to act as a bridge between centre and state but to follow constitution and its spirit while working under that office and work for the best interest of the state while protecting the federal republic character of the nation.

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