

Governor's Powers Explained: How the SC Verdict Impacts States



Context:

- In a landmark judgment on April 8, 2025, the **Supreme Court** deemed **Tamil Nadu Governor RN Ravi's** refusal to assent to **10 state bills** as **illegal and unconstitutional**.
- The verdict, delivered by **Justice JB Pardiwala** and **Justice R Mahadevan**, came in response to a **writ petition** filed by the **Tamil Nadu government** challenging the **Governor's prolonged inaction** on important bills.



1. What is the recent case of the Tamil Nadu Governor?

- The case stemmed from a **prolonged standoff** between the **DMK-led Tamil Nadu government** and **Governor RN Ravi**.
- Between November 2020 and April 2023, the **state legislature** passed 13 bills, of which **10 were either withheld or sent back to the Assembly by the Governor** without any communication.
- When the **legislature re-approved the bills without any material changes**, **Governor Ravi still did not assent to the bills** but reserving them for the **President's consideration**, which the **court found unconstitutional**.

2. What did the Supreme Court rule in the Tamil Nadu Governor's case?

Unravelling the order: What the SC said on...

TOP COURT'S AUTHORITY

Apex court established its authority to review constitutional functions, defending its prescription of timelines. It said that such a measure balances the need for expedient decision-making with the right of states in a federal system to fulfil their mandate to voters.

"It is clear as a noon day, that no exercise of power under the Constitution is beyond the pale of judicial review."



GOING FORWARD...

- President can obtain SC's advisory opinion on a bill received from gov, which appears to be "patently unconstitutional".
- States should consider entering into pre-legislation consultation with Centre before introducing bills that might require Presidential assent.
- Governors should respect the will of the people expressed through the legislature.

TIMELINE FOR PRESIDENT

It extended the timeline discipline to the central government and held that the President must decide within three months of receiving a bill from a governor. If there is any delay beyond this period, the President's office will be required to convey reasons to the state concerned.

"[We] prescribe that the President is required to take a decision on the bills reserved for his consideration by the Governor within a period of three months."



GOVERNOR'S POWERS

Verdict clarified the constitutional role of governors, stressing that they must act on the advice of the council of ministers as they do not have discretionary powers under Article 200.



"Governor cannot be vested with such a power...which would enable him to collude with the Union cabinet and ensure the death of any and all legislation initiated by the state."

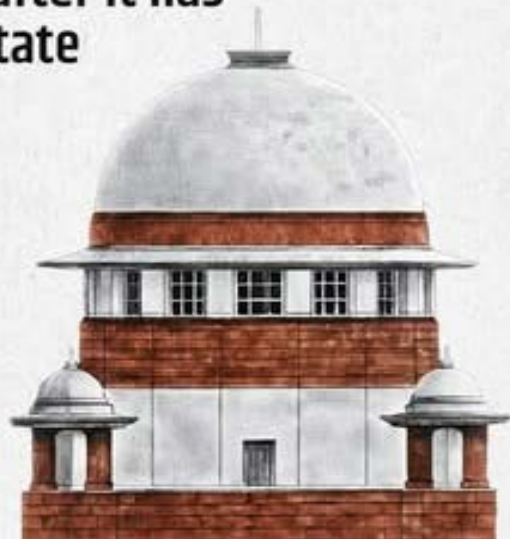
- The **Supreme Court** held that the **Governor's actions** were **not only deliberately obstructive** but also **violated constitutional procedure**.
- The court said the **Governor lacked 'bonafide'** (good faith) in his actions and **failed to respect the Constitution** and the authority of court.
- It is **not up to the Governor** to reserve a bill for the **President** after the **Assembly** has passed the legislature for a **second time** without **any changes**.
- The Constitution, in the phrase "**shall not withhold assent**," mandates that the **Governor must assent to such bills**, the SC held, asserting that the **conduct of Governor Ravi** went against the very **principles of parliamentary democracy**.

- The Supreme Court laid down **time-bound guidelines for Governors under Article 200**:
 - **Assent or reservation** (on advice of Council of Ministers): **Within 1 month.**
 - **Withholding assent** (against Council's advice): **Must return with message within 3 months.**
 - **Reservation (against advice)**: **Must within 3 months.**
 - **Post-reconsideration assent**: **Must be given within 1 month.**

TIMELINE SET BY SUPREME COURT FOR GOVERNOR'S DECISION ON BILLS

- 1. To withhold assent of bill or to reserve it to President as per State Govt's advice - One Month**
- 2. To withhold assent of bill against State Govt's advice - 3 Months**
- 3. To reserve Bills for President against State Govt's advice - 3 months**
- 4. To grant assent to bill after it has been re-enacted by the State Assembly - 1 month**

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- The **State government** can approach the **competent court** with a **writ of mandamus** if a **Governor sits on a Bill** for a period **exceeding the time limit of three months**.
 - The **State** can seek expeditious decision on the Bill through the courts provided the **Governor is unable to furnish a sufficient explanation** for his delay.
- If a **bill is to be reserved for the President's assent**, it must be done **at the initial stage**.
 - Once **returned and re-passed**, the Governor **must give assent and cannot reserve it again**.
- *The Supreme Court reaffirmed that the Governor is not meant to act as a political agent but as a constitutional figurehead: "He must be the harbinger of consensus and resolution... a catalyst and not an inhibitor."*

3. What did the Supreme Court rule on the President's role?

- The **Supreme Court** also addressed the **President's role under Article 201**, which governs the **assent of bills reserved by Governors**.
- The **SC ruled that even the President cannot delay decisions indefinitely** and that such **inaction is open to judicial scrutiny**.
- The **Supreme Court underscored** that the **President does not have a "pocket veto"** and has to **either grant assent or withhold it**.
- The court opined that **even where no time-limit** is prescribed for the **exercise of any power** under a statute, it should be **exercised within a reasonable time**.
 - The **exercise of powers by the President under Article 201 cannot be said to be immune to this general principle of law**.
- Moreover, invoking **Article 143**, the Court stated **if a bill is reserved on grounds of unconstitutionality**, the President **"ought to"** seek the **Supreme Court's opinion** though **not mandatory**, such a reference **holds high persuasive value**.

4. What is Article 143?

- **Article 143** of the Indian Constitution grants the **President of India** the authority to seek **advisory opinions** from the **Supreme Court** on **matters of law or facts** that are of **significant public importance**.
- Under **Clause (1)**, the **President** may refer such questions to the Supreme Court, which can provide its **opinion after necessary hearings**.
- **Clause (2)** allows the President to refer disputes under **Article 131** for the Court's opinion.
- The **Court acknowledged** that its **advisory opinion** under **Article 143** is **not binding**.

5. Why doesn't the recent Supreme Court order amount to judicial overreach?

- The **Supreme Court** affirmed that its direction stipulating a timeline for **Governors** was not a transgression on part of judiciary, but a **necessary interpretation to uphold the spirit of the Constitution** and **prevent misuse of discretionary powers**.
- The court noted that the **prescription of a time limit** within which the ordinary exercise of power by the **Governor under Article 200** must take place, is **not the same thing as amending the Constitution**.
- The court emphasised that these **timelines do not alter Article 200** or its framework but rather **ensure it is not rendered ineffective by indefinite delays**.
- The court cited three crucial reasons to justify its decision:

Reasons	Analysis
No Distortion of Constitutional Procedure	<ul style="list-style-type: none">• The time limit does not alter the procedural aspects laid out in Article 200.

	<ul style="list-style-type: none"> • Instead, they provide structure and accountability to ensure the process happens in a reasonable, timely manner. • Far from disrupting the constitutional design, this interpretation supports effective implementation.
Reinforcing Constitutional Urgency	<ul style="list-style-type: none"> • The direction to act within specific timeframes aligns with the urgency associated with the legislative processes. • By putting a check on delays, the court has ensured that the Governor's role remains functional and relevant, rather than becoming an obstacle to governance.
Avoiding Automatic Consequences	<ul style="list-style-type: none"> • Importantly, the Court did not introduce a mechanism of deemed assent where the Governor's inaction would automatically result in approval. • The judgment leaves room for genuine delays to be justified, ensuring that the timeline isn't a 'hanging sword' over the Governor. • Instead, if delays occur, the courts can step in and assess whether those were reasonable.

6. Why does the Supreme Court verdict matter to other states?

- **Tamil Nadu** is not the only state that has **approached the top court** against the decisions of their governors.
- While **Tamil Nadu** moved the court in **2023**, so did **Punjab** and **Telangana**, and **West Bengal** and **Kerala** approached the apex court in **2024**.

States	Issues
Kerala	<ul style="list-style-type: none"> • In Kerala, chief minister Pinarayi Vijayan said that there was an unprecedented situation in the state where bills passed by the legislature were kept pending for up to 23 months. • Currently, six bills are pending with its governor Rajendra Arlekar. • KK Venugopal appeared for the state government on Tuesday, April 8. • The top court referred to the Tamil Nadu judgment and deferred Kerala's petitions to May 13.
West Bengal	<ul style="list-style-type: none"> • In July 2024, the West Bengal government moved the Supreme Court, accusing the governor C.V. Ananda Bose and his predecessor, Jagdeep Dhankhar, who is now the vice-president, of stalling eight state bills. • Seven of these bills pertained to the removal of the governor from the administrative role of state universities and private universities – an issue that saw continuous row between Dhankhar and chief minister Mamata Banerjee during his tenure. • The Trinamool Congress government wanted to replace him with a state government nominee, i.e. the chief minister or education minister. • Reacting to the Tamil Nadu judgment, West Bengal parliamentary affairs minister Sobhandeb Chattopadhyay has said that the order vindicated the state government's stance on the issue.

Telangana	<ul style="list-style-type: none"> • On March 2, 2023, the Telangana government moved the Supreme Court against then governor Tamilisai Soundararajan for sitting on as many as 10 bills pending since 2022, and seeking a direction to the governor to give assent to them. • The top court agreed to urgently hear the petition saying Soundararajan had created a “constitutional impasse” by refusing to act on the bills passed by the state legislature. • However, when the case came up for hearing in April 2023, the governor stated that no bills passed by the state legislature were pending with her. • Hours before the hearing was scheduled, she had signed off on three pending bills. two bills she said were sent for presidential assent and she had rejected one bill.
Punjab	<ul style="list-style-type: none"> • In October 2023, the Punjab government moved the Supreme Court against then governor Banwarilal Purohit for keeping four bills pending. • In November, a three-judge bench of the top court directed the governor to make a decision in accordance with the constitution. • The court reportedly also reproached the governor for keeping the bills pending. • It said that “<i>in a parliamentary form of democracy, real power vests in the elected representatives</i>”, while the governor, as an appointee of the President, is just a “titular head” of the state. • The governor later reserved three bills and sent the fourth one for presidential assent.

Karnataka	<ul style="list-style-type: none"> • Terming the Tamil Nadu judgment “wonderful”, the Siddaramaiah government in Karnataka welcomed the top court order as it sped up their issue regarding bills that had been pending with governor Thawar Chand Gehlot. • The state government has been in a tussle with the governor who reportedly stalled key cooperative sector bills. • Following a seven-month delay, he had returned them, asking for clarifications which the government provided. • Again, in February 2025, the governor had rejected two bills, calling the clarifications “unsatisfactory.” • Currently, two bills are pending with the governor, while five have been forwarded to the President for assent.
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7. What is the view of the Tamil Nadu CM on the recent verdict?

- **Tamil Nadu chief minister MK Stalin** called the **Supreme Court’s ruling on the role of Governors in state bills** a **“historic” decision** and a **victory for all state governments in India**.
- *“The Constitution mandates the Governor to approve the bills once adopted for the second time, but he didn’t...he was also delaying,”* Stalin said after the verdict.
- *“This verdict is a victory not just for Tamil Nadu but all state governments in India,”* the chief minister added.

**SUPREME COURT RULES TAMIL NADU GOVERNOR'S
MOVE TO RESERVE 10 BILLS FOR PRESIDENT 'ILLEGAL'**

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Our Tamil Nadu government has got one historical judgement. Governor returned various Bills, which were passed in this Assembly, without giving assent...Tamil Nadu government initiated a case against this before Supreme Court. Supreme Court has said that the Governor withholding Bill is illegal. This is a big victory not only for Tamil Nadu but for all the States in India.



MK Stalin

Tamil Nadu Chief Minister

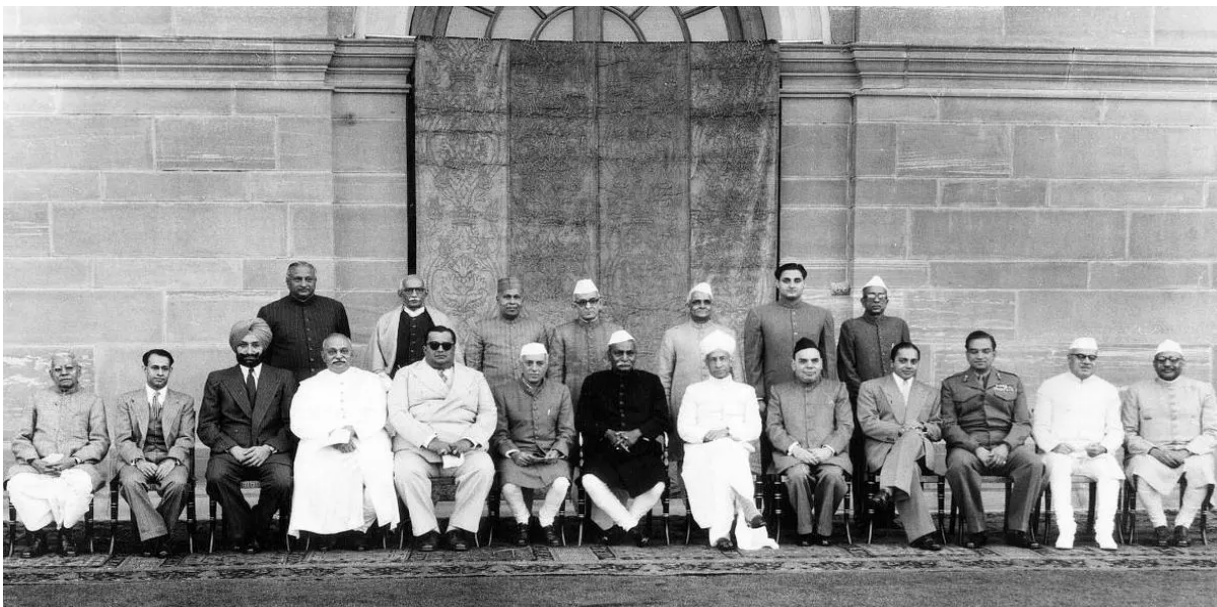
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8. Mention the evolution of the post of Governor?

- Since 1858, when India was administered by the British Crown, provincial Governors were agents of the Crown, functioning under the supervision of the Governor-General.
- Over the following decades, the Indian nationalist movement sought various reforms from British rule, aiming for better governance.

- These efforts **culminated in the Government of India Act, 1935**, which came into **force in 1937**, bringing **provincial autonomy**.
- Post this, the Indian National Congress commanded a majority in six provinces.
- With the 1935 law, the **Governor was now to act in accordance with the advice of Ministers of a province's legislature**, but retained **special responsibilities and discretionary power**.
- Upon Independence, when the **Provisional Constitution of 1947 was adapted from the 1935 Act**, the **post of Governor was retained** but the phrases **‘in his discretion, ‘acting in his discretion, and ‘exercising his individual judgement’**, were omitted.
- Under the parliamentary and cabinet systems of governance adopted by India, the **Governor was envisaged to be the Constitutional Head of a State**.

9. What aspects of the post of Governor were debated in the Constituent Assembly?



- The **post of the Governor was extensively debated in the Constituent Assembly**, which too decided to **retain it while re-orienting its role from the British era**.

Aspects of the post of Governor	Debates
Nature of the Governor's Role: Ceremonial vs Real Power	<ul style="list-style-type: none"> • Dr. B.R. Ambedkar emphasized that the Governor was to be a constitutional head, mirroring the role of the President at the Centre. • He clarified that real executive power must rest with the Council of Ministers, not the Governor acting independently. • Dr. B.R. Ambedkar described the Governor's role thus in the Assembly debate on May 31, 1949: <ul style="list-style-type: none"> ▪ <i>"The Governor under the Constitution has no functions which he can discharge by himself; no functions at all.</i> ▪ <i>While he has no functions, he has certain duties to perform, and I think the House will do well to bear in mind this distinction...According to the principles of the new Constitution he is required to follow the advice of his Ministry in all matters."</i>
Appointment of the Governor	<ul style="list-style-type: none"> • The two most important aspects of the Assembly debate became whether the Governor should be elected or nominated and whether he/she should be given certain discretionary powers. • While it is now enshrined in Articles 154 and 155 of the Constitution that the Governor is to be nominated by the President as the executive head of the State, members had questioned whether a nominated Governor could be impartial.

	<ul style="list-style-type: none"> • K.T. Shah and others opposed this, arguing it compromised federalism and made Governors agents of the Centre. • Dr B.R.Ambedkar defended the nomination system, arguing: <ul style="list-style-type: none"> ▪ An elected Governor might clash with the elected state government. ▪ A nominated Governor ensured national unity and administrative efficiency.
Discretionary Powers	<ul style="list-style-type: none"> • Multiple members of the Assembly raised concern about the “discretion” clause. • Member Rohini Kumar Chaudhury said that Dr. Ambedkar had convinced the members of the Assembly to accept a nominated Governor by assuring them that his position would be “merely a symbol”. • She argued how “any person who has the right to act in his discretion can be said to be a mere symbol”. • She asked if we were living in the past we wanted to forget, by giving the Governor the same power as that given to British Governors. • H.V. Kamath and Prof. K.T. Shah warned that: <ul style="list-style-type: none"> ▪ <i>"The vagueness of discretionary powers could lead to executive overreach."</i>

10. Mention the role and powers of the Governor?

CONSTITUTIONAL ROLE OF A GOVERNOR

➤ There shall be a Governor for each state (Article 153). The executive power of the state shall be vested in the governor and shall be exercised by him either directly or through officers subordinate to him in accordance with the Constitution of India (Art. 154)

➤ A person to be eligible for appointment as governor should be citizen of India and completed 35 years of age (Art. 157)

➤ The governor shall not be a member of the legislature or Parliament; shall not hold any office of profit, shall be entitled to emoluments and allowances (Art. 158)

➤ There shall be a council of ministers with the chief minister at the head to aid and advise the governor in the exercise of his functions except in so far as he is by or under the Constitution required to exercise his functions or any of them in his discretion (Art. 163)

➤ The Governor shall, from time to time, summon and prorogue the House and dissolve the Legislative Assembly (Art. 174)

- The **Governor's role** is defined in **Part VI** of the Constitution.
- **Article 153** mandates the **appointment of a Governor for each state**, and **Articles 154–162** elaborate on the executive powers of the post.

Powers of Governor	Description
Executive Powers	<ul style="list-style-type: none">• The Governor holds significant executive powers in the state.• These include:<ul style="list-style-type: none">▪ Appointing the Chief Minister and other ministers.▪ Overseeing the administration of the state.▪ Granting pardons and reprieves as per Article 161 of the Constitution.
Legislative Powers	<ul style="list-style-type: none">• The Governor plays a crucial role in the legislative process.• According to Article 200 and Article 201, the Governor can:<ul style="list-style-type: none">▪ Give assent to bills, making them laws.▪ Withhold assent, effectively rejecting the bill.▪ Return non-money bills for reconsideration.▪ Reserve certain bills for the President's consideration.
Judicial Powers	<ul style="list-style-type: none">• The Governor also has some judicial powers.<ul style="list-style-type: none">▪ He/she can grant pardons, reprieves, respites and remissions of punishment or suspend, remit and commute the sentence of any person convicted of any offence against any

	<p>law relating to a matter to which the executive power of the State extends.</p> <ul style="list-style-type: none"> ▪ He/she is consulted by the President while appointing the judges of the concerned State High Court. ▪ He/she makes appointments, postings and promotions of the district judges in consultation with the State High Court.
Role in Money Bills	<ul style="list-style-type: none"> • In the case of money bills, the governor's powers are somewhat limited. • The governor can only give assent or reserve the bill for the President's consideration. • This means that the governor cannot return a money bill for reconsideration, which emphasizes the importance of the legislative assembly's role in financial matters.
Discretionary Powers	<ul style="list-style-type: none"> • Unlike the President of India, the Governor of State has been provided with some constitutional discretion. • The constitutional discretionary powers of the Governor can be seen in the following cases: <ul style="list-style-type: none"> ▪ To reserve a bill for the consideration of the President. ▪ To recommend for the imposition of the President's Rule in the State. ▪ To exercise his functions as the administrator of an adjoining Union Territory (in case of an additional charge).

	<ul style="list-style-type: none"> ▪ To determine the amount payable by the Government of Assam, Meghalaya, Tripura, and Mizoram to an autonomous Tribal District Council as royalty accruing from licenses for mineral exploration. • Along with the above constitutional discretions, the Governor of State also enjoys situational discretion in the following cases: <ul style="list-style-type: none"> ▪ To appoint a Chief Minister when no party has a clear majority or when the Chief Minister in office dies suddenly and there is no obvious successor. ▪ To dismiss the Council of Ministers when it cannot prove the confidence of the State Legislative Assembly. ▪ To dissolve the State Legislative Assembly if the Council of Ministers has lost its majority.
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11. What are the constitutional powers of a Governor with respect to bills?

Powers	Analysis
Article 200	<ul style="list-style-type: none"> • The Governor has significant powers when dealing with Bills passed by the State Legislature. • Upon receiving a Bill, the Governor can take one of the following actions: • Grant Assent: <ul style="list-style-type: none"> ▪ The Governor may approve the Bill, allowing it to become law.

	<ul style="list-style-type: none">• Withhold Assent:<ul style="list-style-type: none">▪ The Governor has the authority to refuse assent to the Bill.• Return for Reconsideration:<ul style="list-style-type: none">▪ The Governor may send the Bill back to the State Legislature for further review and reconsideration.• Reserve for the President's Consideration:<ul style="list-style-type: none">▪ In certain cases, the Governor can reserve the Bill for the President's approval, especially if the Bill concerns matters of national importance or conflicts with central laws.
Article 201	<ul style="list-style-type: none">• If the Governor reserves a Bill for the President's consideration, the President holds the final say on the matter.• The President has the following options:• Grant Assent:<ul style="list-style-type: none">▪ The President can approve the Bill, making it law.• Withhold Assent:<ul style="list-style-type: none">▪ The President may choose to withhold assent to the Bill.• However, no timeframe is provided in the Constitution.
Article 207	<ul style="list-style-type: none">• No Money Bill can be introduced in the assembly without the recommendation of the Governor of the State.

12. Mention instances where the Governor can reserve a bill for the President's approval?


- A **Governor** in India can reserve a bill for the **President's consideration** under **certain circumstances**, as provided in the **Indian Constitution**, particularly under **Article 200**.

Circumstances	Analysis
If a bill is against the Constitution	<ul style="list-style-type: none"> • If the bill, in the Governor's opinion, violates the Constitution, they may reserve it for the President.
Against the Directive Principles	<ul style="list-style-type: none"> • If the bill contravenes the Directive Principles of State Policy, especially when it involves central laws or constitutional provisions.
Conflict with Union Laws	<ul style="list-style-type: none"> • If the bill is in conflict with any central legislation or affects the executive power of the Union, it must be reserved.
Matters outside State Legislature's Power	<ul style="list-style-type: none"> • If the bill deals with subjects outside the jurisdiction of the State Legislature (i.e., in the Union List), it can be reserved.
Endangering larger National Interest	<ul style="list-style-type: none"> • If the Governor believes the bill may affect national interest or security, or has broader implications, it can be sent for Presidential assent.
Bills that require prior Presidential Sanction	<ul style="list-style-type: none"> • If a bill requires prior approval from the President under the Constitution (like affecting High Courts, etc.) but didn't receive it, the Governor may reserve it.

13. What are the key concerns related to Governors in India?

Key Concerns	Analysis
Perceived Partisanship and Political Affiliation	<ul style="list-style-type: none"> One of the most persistent concerns is that Governors are often seen as agents of the ruling party at the Centre rather than neutral constitutional heads. Since they are appointed by the President on the advice of the Union government, political considerations often influence their selection. Example: <ul style="list-style-type: none"> In Maharashtra (2019), the Governor was accused of acting in favor of the BJP by swearing in a minority government early in the morning, bypassing established norms.
Misuse of Article 356 (President's Rule)	<ul style="list-style-type: none"> Governors have at times recommended President's Rule without conducting a floor test, undermining democratic processes. This has raised concerns about the misuse of Article 356 for political gains. Example: <ul style="list-style-type: none"> In Uttarakhand (2016), President's Rule was recommended before the scheduled floor test, a move later overturned by the High Court. In Bihar (2005), the Governor recommended dissolution of the assembly without allowing a floor test, leading to accusations of unconstitutional behavior.

Discretionary Powers and Constitutional Overreach	<ul style="list-style-type: none"> • Governors enjoy certain discretionary powers, such as appointing the Chief Minister or dissolving the assembly. • However, lack of clear boundaries often leads to subjective interpretations and overreach. • For Example: <ul style="list-style-type: none"> ▪ In Arunachal Pradesh (2016), the Governor advanced the Assembly session, eventually leading to the dismissal of the elected government. ▪ The Supreme Court later restored the government, terming the Governor's actions unconstitutional.
Interference in State Administration	<ul style="list-style-type: none"> • Governors have frequently been accused of interfering in administrative matters, bypassing elected governments and stalling the functioning of the state machinery. • For Example: <ul style="list-style-type: none"> ▪ In Delhi (2023), the prolonged conflict between the Lieutenant Governor and the elected government over bureaucratic appointments led to a Supreme Court ruling that administrative control lies with the elected government. ▪ Similarly, in West Bengal (2023), the Governor's unilateral appointment of Vice-Chancellors without consulting the state sparked legal and political confrontations.
Delay or Denial of Assent to Bills	<ul style="list-style-type: none"> • There have been cases where Governors have delayed assent to state legislation, effectively imposing a "pocket veto" without formal explanation.

	 <ul style="list-style-type: none"> • For Example: <ul style="list-style-type: none"> ▪ Tamil Nadu Governor R.N. Ravi (2023) faced severe criticism for delaying assent to multiple state bills, raising concerns over democratic accountability and respect for state autonomy.
Lack of Accountability	<ul style="list-style-type: none"> • Governors are only accountable to the President and can be removed at the discretion of the Central government. • Unlike other constitutional authorities, no formal process like impeachment exists, allowing them to function without direct consequences.
Conflict with State Governments	<ul style="list-style-type: none"> • Governors skipping key protocol events or publicly disagreeing with the elected government creates constitutional friction. • Example: <ul style="list-style-type: none"> • In Tamil Nadu, Governor R.N. Ravi omitted parts of the Governor's Address passed by the cabinet, causing a major stand-off with the state government.

Disconnect with Local Sentiments	<ul style="list-style-type: none"> • Most Governors are appointed from outside the state and often lack a nuanced understanding of regional issues. • This sometimes leads to decisions that appear detached from local realities.
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14. What are the issues with pending bills?

Issues	Analysis
Delay in decision making	<ul style="list-style-type: none"> • The Governor's failure to take a decision on the Bills passed by the legislature leads to a delay in decision-making, which affects the effective functioning of the state government. • When the Governor fails to make a decision on a Bill passed by the assembly, it delays the implementation of policies and laws.
Undermines the democratic process	<ul style="list-style-type: none"> • The Governor, who is appointed by the Centre, can use his powers to delay or reject Bills passed by state assemblies for political reasons, which undermines the democratic process.
Lack of Accountability	<ul style="list-style-type: none"> • When the Governor withholds assent, he does not provide any reason for his decision. • This lack of accountability undermines the principles of transparency and accountability in governance.

15. Enlist key committees and their recommendations on the position of Governor?

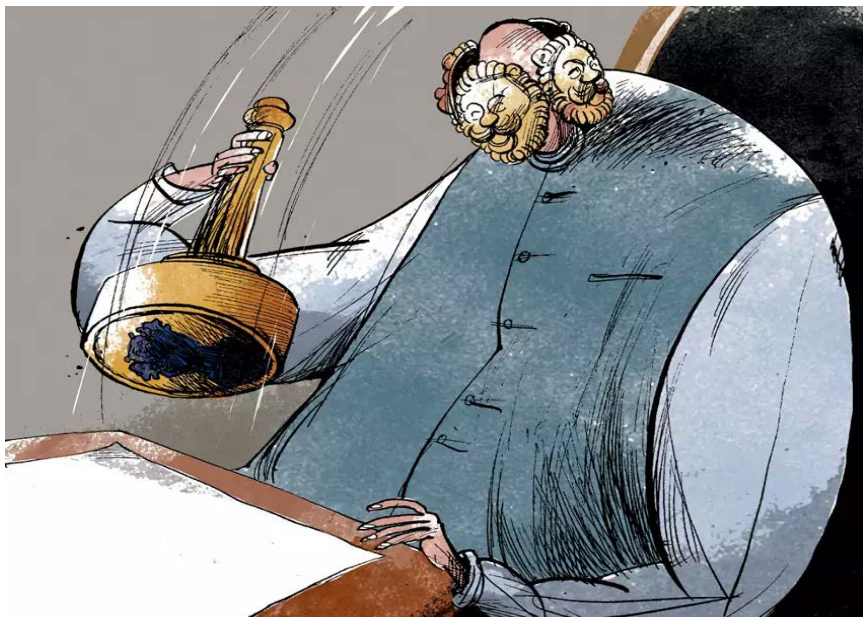
Committees	Recommendations
Sarkaria Commission (1983–1988)	<ul style="list-style-type: none"> • On Governor's Appointment: <ul style="list-style-type: none"> ▪ Consult the State Chief Minister, and possibly the Vice President and Lok Sabha Speaker. ▪ Involve State governments via appointment panels. ▪ Ensure a five-year term, barring exceptional cases. ▪ Appointees should be eminent, politically neutral, and from outside the state. ▪ Avoid appointing ruling party politicians in opposition-ruled states. ▪ No post-retirement government posts. • Imposition of President's Rule: <ul style="list-style-type: none"> ▪ The Governor should only report facts to the President, not initiate action. ▪ Must consult the Chief Minister and Cabinet before recommending President's Rule. ▪ Recommend President's Rule only when there's a total breakdown of governance. • Use of Discretionary Powers: <ul style="list-style-type: none"> ▪ Sparing use of Discretionary powers (only in exceptional cases). ▪ Avoid political misuse of Discretionary powers. ▪ Act on the advice of the Council of Ministers, unless a constitutional emergency demands otherwise.

2nd Administration Reform Commission (ARC) (2005)	<ul style="list-style-type: none"> • Role of the Governor <ul style="list-style-type: none"> ▪ The Governor should serve as a neutral constitutional link between the Centre and the State, not as a representative of the Central Government. ▪ The Governor must be impartial and should not have recent political ties or affiliations. ▪ The Chief Minister of the State should be consulted while appointing the Governor to ensure fairness and acceptability. ▪ The Governor should have a fixed term of five years and should not be removed without proper justification to protect the office from political influence. • Use of Discretionary Powers <ul style="list-style-type: none"> ▪ The Governor's discretionary powers (under Article 163) should be used rarely, with caution, and only in clearly defined situations. ▪ Actions taken under discretion, such as recommending President's Rule (Article 356), must be open to review by the courts to prevent misuse. ▪ Clear rules or a code should be created to guide the use of discretionary powers, including time limits for decisions like assent to bills. ▪ When reserving a state bill for the President's consideration, the Governor must provide written reasons to ensure transparency.
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<p>Punchhi Commission (2007–2010)</p>	<ul style="list-style-type: none"> • Appointment & Tenure <ul style="list-style-type: none"> ▪ Follow Sarkaria Commission guidelines strictly. ▪ Eminent person from outside the state, detached from local politics. ▪ No active political role in the last two years. ▪ The Chief Minister's consultation is essential. ▪ There should be an appointment committee, which may comprise the PM, Home Minister, Lok Sabha Speaker, and State CM. • Removal of Governor <ul style="list-style-type: none"> ▪ There should be a Fixed 5-year term. ▪ Removal should be through an impartial process, not at the Centre's will. ▪ Removal via a State Legislature resolution or an impeachment-like process similar to the President's. • Discretionary Powers <ul style="list-style-type: none"> ▪ Article 163 does not grant the Governor unrestricted powers; discretion must be limited to specific constitutional provisions. ▪ Discretionary actions should be reasoned, exercised in good faith, with restraint, and not used arbitrarily. ▪ The Constitution or law should clearly list situations where discretion is allowed to prevent ambiguity and misuse. ▪ The Governor must decide within six months whether to give assent or reserve a state bill for Presidential consideration.
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	<ul style="list-style-type: none"> Discretion should not become a tool for political interference or delay in the functioning of the elected government.
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16. Enlist Supreme court cases related to the Governor?

Supreme Court Cases	Key Concerns & Analysis
U.N. Rao v. Indira Gandhi (1971)	<ul style="list-style-type: none"> Key Concerns: <ul style="list-style-type: none"> Governor's discretion in appointing a Chief Minister.  <ul style="list-style-type: none"> The Court held that the Governor has discretion only in the selection of the Chief Minister when no party has a clear majority. But this discretion is limited and must follow constitutional conventions. The verdict reinforced the limited scope of discretion in hung assembly situations.

Samsher Singh v. State of Punjab (1974)	<ul style="list-style-type: none"> • Key Concerns: <ul style="list-style-type: none"> ▪ Scope of Governor's Discretionary powers. ▪ The court held that the Governor must ordinarily act on the aid and advice of the Council of Ministers. ▪ Discretionary powers are exceptional, not the norm. ▪ The verdict Laid down foundational principles governing the Governor's role under Article 163.
S.R. Bommai v. Union of India (1994)	<ul style="list-style-type: none"> • Key Concerns: <ul style="list-style-type: none"> ▪ Misuse of Article 356 (President's Rule), imposition of President's Rule based on Governor's report. ▪ The Court held that the imposition of President's Rule is subject to judicial review. ▪ The Governor's report must be based on objective material, not political considerations. ▪ A floor test in the Assembly is the only conclusive test of majority. ▪ The verdict prevented arbitrary dismissal of state governments and curbed Governor's discretionary misuse.
Rameshwar Prasad v. Union of India (2006)	<ul style="list-style-type: none"> • Key Concerns: <ul style="list-style-type: none"> ▪ Premature dissolution of Bihar Assembly based on Governor's report. ▪ The Court held the dissolution unconstitutional, as the Governor acted on mere assumptions. ▪ Warned against subjective assessments by Governors without concrete evidence.

	<ul style="list-style-type: none"> ▪ The Verdict Strengthened the principle that Governors must act objectively, especially in hung assembly situations.
Nabam Rebia & Bamang Felix v. Deputy Speaker (2016)	<ul style="list-style-type: none"> • Key Concern: <ul style="list-style-type: none"> ▪ Role of Governor in advancing Assembly sessions in Arunachal Pradesh. ▪ The Court ruled that the Governor cannot interfere in the day-to-day functioning of the state legislature. ▪ Summoning or advancing Assembly sessions is bound by the aid and advice of the Council of Ministers. ▪ The Verdict Reinforced constitutional boundaries on the Governor's role in legislative affairs.

17. What measures can be adopted to address Governor-State disputes?

Measures	Analysis
Introduction of a State-Level Impeachment Mechanism	<ul style="list-style-type: none"> • Currently, Governors can only be removed by the President, which limits the accountability of the office to the state governments. • To address this, the Punchhi Commission recommended the introduction of a state-level impeachment process, allowing state legislatures to initiate proceedings under clearly defined conditions.

	<ul style="list-style-type: none"> • This would enhance transparency and make Governors more accountable to the federal structure.
Limiting Discretionary Powers under Article 163	<ul style="list-style-type: none"> • Article 163 of the Constitution provides the Governor with discretionary powers, which are often interpreted expansively and misused. • An amendment to clearly define and restrict these discretionary powers is essential. • Such powers should be invoked only in exceptional situations involving constitutional breakdown or issues of national integrity.
Institutional Mechanism for Oversight	<ul style="list-style-type: none"> • A Judicial or Parliamentary Commission can be constituted to periodically review the conduct of Governors. • This would ensure that their actions remain within constitutional limits, discourage partisan behavior, and promote responsible governance. • The mechanism should include inputs from legal experts, former judges, and constitutional scholars.
Codification of Governor's Role in Government Formation	<ul style="list-style-type: none"> • Ambiguity in the Governor's role during government formation, especially in hung assemblies, often leads to allegations of bias. • The Supreme Court and various commissions have emphasized the need to codify a clear set of guidelines, prioritizing majority claims based on floor tests and formal letters of support.
Objective Criteria for Recommending	<ul style="list-style-type: none"> • The discretion to recommend the President's Rule under Article 356 must be exercised with utmost caution.

President's Rule	<ul style="list-style-type: none"> • The S.R. Bommai judgment (1994) mandates that such decisions should be based on objective evidence and remain subject to judicial review. • Furthermore, the Sarkaria Commission recommended that it should be used only as a last resort after all democratic options are exhausted.
Strengthening Cooperative Federalism	<ul style="list-style-type: none"> • Regular consultation between the Centre and the States on matters related to the Governor's role can foster trust. • This can be institutionalized through the Inter-State Council or Zonal Councils, which can serve as platforms to discuss and resolve grievances related to the misuse of gubernatorial powers.
Cooling-Off Period for Political Appointees	<ul style="list-style-type: none"> • To ensure impartiality, a mandatory cooling-off period should be introduced for individuals with recent political affiliations before being appointed as Governors. • This would reduce the perception of partisanship and reinforce the non-partisan nature of the office.

18. What is the relevance of the topic for UPSC CSE?

- **For Prelims:** Supreme Court of India, Article 201, Article 143, President, Governor
- **For Mains:** Role of President and Governors in Indian Federalism, Constitutional Provisions Regarding State Bills and Presidential Assent, Powers of the President and the Governor

Some previous years prelims questions.

Q1. Which of the following are the discretionary powers given to the Governor of a State? (2014)

1. Sending a report to the President of India for imposing the President's rule
2. Appointing the Ministers
3. Reserving certain bills passed by the State Legislature for consideration of the President of India

Making the rules to conduct the business of the State Government

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 1 and 3 only
- (c) 2, 3 and 4 only
- (d) 1, 2, 3 and 4

Ans: (b)

Some previous years mains questions.

Q1. Discuss the essential conditions for exercise of the legislative powers by the Governor. Discuss the legality of re-promulgation of ordinances by the Governor without placing them before the Legislature. (2022-15 Marks)

Some questions from this year and previous years interview transcripts.

Board Preeti Sudan mam:

- Role of governor in state?

Board Sheel Vardhan Singh sir:

- Does the President of India have pardoning power?
- Do Governors in India have pardoning power?

Board BB Swain sir:

- Should we scrap the office of governor ?
- What objective role is he playing right now ?

Board Suman Sharma mam:

- Why are state governments going to the Supreme Court against Governors?
- How can we solve the Governor issue?

Board Dinesh Dasa sir:

- What is the reason for ongoing tussle between governor and state?

Some questions for QUIZ.

Q1. The practice of appointing state governors by the central government in India is borrowed from which of the following countries?

- (a) Japan
- (b) Canada
- (c) Australia
- (d) France

Ans: (b)

Some questions for POLL.

Q1. Do you think the recent Supreme court judgement will resolve Governor-state disputes?

- (a) YES
- (b) NO
- (c) Can't say.

Q2. Should India follow the UK model of appointing a Governor?

- (a) YES
- (b) NO
- (c) Can't say.

