

Revitalizing Governance: The Case for Reforming India's Governors

Dilsa Elz Jojan¹, Nagendra Ambedkar Sole²

How to cite this article:

Dilsa Elz Jojan, Nagendra Ambedkar Sole. Revitalizing Governance: The Case for Reforming India's Governors. *Int J Pol Sci* 2024;10(1):67-76.

Abstract

In the complex tapestry of India's federal framework, the role of Governors has emerged as a focal point of contention, rife with misuse and political interference. This review article delves into the critical role Governors play within India's governance structure, emphasizing the urgent need for substantial reforms. Drawing upon insights from influential commissions such as the Rajamannar Committee, Administrative Reforms Commission, Bhagwan Sahay Committee, Sarkaria Commission, Venkatchaliah Commission, Punchi Commission, and Second Administrative Reforms Commission, it scrutinizes recommendations for rectifying the current state of affairs. Central to the discourse is the necessity of overhauling the appointment and operation of Governors, advocating for individuals of vast experience and unwavering impartiality. These reforms serve as the linchpin for preserving the integrity of India's federal system and upholding democratic values. These reforms are desirable and essential in an era marked by political entanglements. By adopting a review approach that synthesizes insights from diverse sources including scholarly literature, legal cases, and expert recommendations, this article aims to offer a comprehensive understanding of the challenges surrounding the Governor's office. Incorporating observations and suggestions contributes to the ongoing discourse on enhancing the efficacy and integrity of India's governance apparatus within its federal structure.

Keywords: Office of Governor; Reforms; Federal Structure; President; Partisan Agenda; Discretionary Powers; Political Turmoil.

INTRODUCTION

From Constituent Assembly Debates to Present Realities

The intricacies of Governorship have deep roots, dating back to the Constituent Assembly's

meticulous discussions. Originally, the idea was to have Governors directly elected by adult franchisees, ensuring a parliamentary form of government. However, during the debate, the Constituent Assembly made a U-turn, opting for direct appointment by the President. It was felt that the elected Governors might encroach on the chief minister's authority, and an impartial figure, free from party ties, seemed more fitting for the role. The prescribed duties of the Governor were meticulously delineated in Article 163, underscoring the imperative for the Governor to solicit counsel from the Council of Ministers under the leadership of the chief minister.¹

While the Constitution grants Governors significant discretion, especially in certain North-Eastern states, areas demand nuanced decision-

Authors Affiliation: ¹Pursuing Masters Degree in Public Policy, ²Professor, Department of Public Policy, Law and Governance, Central University of Rajasthan 305817, India.

Corresponding Author: Nagendra Ambedkar Sole, Professor, Department of Public Policy, Law and Governance, Central University of Rajasthan 305817, India.

Email: [snamedkar@curaj.ac.in](mailto:snambedkar@curaj.ac.in)

Received on: 29.01.2024

Accepted on: 02.03.2024



This work is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0.

making. For instance, after an election with no clear majority, the Governor decides who gets the invite to form the government and, if needed, when to dissolve the assembly. Over the years, the President's rule imposition frequency reflects the ebbs and flows of the centre-state relationship. From a mere 1.1 instances per year until 1966, the number spiked to six between 1967 and 1993, only to be curtailed by the Bommai judgment in 1994. Yet, recent years have seen tensions resurface, with governors causing delays and opposing state cabinet decisions.²

Instances of Misuse and Political Interference

Glimpses of the misuse of the Governor's office across various states provide a disturbing tableau of political discord. In Delhi, the persistent tussle between Chief Minister Arvind Kejriwal and the Lieutenant Governor (LG) extends from bureaucratic obstacles to recovery notices, with municipal elections becoming collateral damage.³ Meanwhile, Tamil Nadu witnessed clashes between the DMK-led government and Governor R.N. Ravi, marked by disputes over state nomenclature and omissions in official addresses, prompting the DMK to seek the Governor's removal.⁴

Kerala is currently contending with tensions between the government led by the CPI(M) and Governor Arif Mohammed Khan, specifically about issues such as the dismissal of university vice-chancellors and the Governor's inclination towards making political statements.⁵ Telangana's TRS accuses Governor Tamilisai Soundararajan of retaining her BJP leanings, further clouding the executive office with suspicions of phone tapping and alleged involvement in MLA defections.⁶

The narrative extends to the state of West Bengal, wherein erstwhile Governor Jagdeep Dhankar and Chief Minister Mamata Banerjee are involved in a public discord, transforming the executive office into a forum for political rivalry. Similarly, in Jharkhand, Governor Ramesh Bais and Chief Minister Hemant Soren are at odds regarding the establishment of the Tribal Advisory Council, exposing tensions concerning adherence to constitutional norms. Maharashtra adds another layer to the debate as Governor Bhagat Singh Koshiyari's early morning oath ceremony raises questions about the impartiality of the executive office.⁶

Collectively, these instances underscore the concerning trend of governors becoming embroiled in political skirmishes, raising questions about the relevance and impartiality of these positions within the democratic framework.

Legal Precedents and Judicial Scrutiny

Several other cases have shed light on the mismanagement of the Governor's office. In the Gokulananda Roy VS. Tarapada Mukherjee case, the Governor's decision to dissolve the assembly without proper justification raised concerns about their discretionary powers.⁷ Similarly, in the In Re A. Seeramulu case, the Governor's actions came under scrutiny for dismissing a government based on political considerations.⁸ The need for reforms becomes evident when analysing cases like the Bijayananda Patnaik VS. President of India case, which involved Governors acting on the instructions of the central government, undermining the principles of federalism.⁹

The legal case of the State of Rajasthan vs. the Union of India underscored the significance of the Governor's impartiality and the imperative of maintaining political neutrality.¹⁰ The Dhronamraju Satyanarayana VS. N.T. Ramarao's case highlighted how Governors could influence the formation of governments based on their discretion, leading to political instability.¹¹ The S.R. Bommai case is a prime example of Governors dismissing governments without proper justification, causing political turmoil.¹²

The Hari Shankar Jain VS. Union of India case in 1978 stressed the necessity of Governors acting by the constitutional framework rather than political affiliations.¹³ In the Jyotirmoy Basu VS. Union of India case, the Governor's role in government formation was questioned, highlighting the need for transparent processes.¹⁴

Recent cases like Arjun Munda VS. Governor of Jharkhand and others further underscore the challenges of Governors intervening in state politics.¹⁵ The Bihar Assembly case raised questions about Governors recommending the President's Rule without adequate grounds.¹⁶

These cases collectively emphasize the urgent need for reforms in the selection, functioning, and accountability of Governors to ensure they act in the best interests of the state and uphold the principles of federalism.

Recommendations of various Commissions and Committees

Various commissions and committees have deliberated upon the provisions of the office of the Governor, yielding several noteworthy recommendations:

Rajamannar Committee

The DMK government in Tamil Nadu established the Centre-State Relations Inquiry Committee on September 2, 1969, under the Chairmanship of former Chief Justice of the Madras High Court, P.V. Rajamannar, who presided over the formulation of recommendations, formally presented in 1971.

Summary of Recommendations

It called for the complete repeal of Indian Constitutional Articles 356 and 357. The Constitution should have protections against the ruling party from behaving arbitrarily under Article 356. The right protections against the Central ruling party acting arbitrarily by Article 356 should also be included in the Constitution. The only other choice is to put in place safeguards to prevent arbitrary and unilateral action by a party in power and has a sizable majority. It emphasized that rather than viewing himself as an agent of the federal government, the Governor of the State should execute his constitutional authority in that capacity.¹⁷

It was suggested that a Ministry's term in office shouldn't be contingent on the Governor's approval and that the Ministry should carry on its operations and assigned functions as long as it can maintain the Legislative Assembly's majority. The phrase "or otherwise" in clause (I) may be removed if Article 356 is to be kept. Before recommending the President's Rule, to create a Ministry that would have the backing of the Legislature, the Committee encouraged the Governor to explore all other options. The sole alternative scenario warranting the imposition of the President's Rule in the State pertains to the breakdown of law and order. Only the Legislative Assembly has the power to verify whether a Ministry can continue in office.¹⁷

The Committee urged that, before advising the imposition of President's Rule, the Governor should submit the report to the Legislative Assembly for observations within a specified timeframe as outlined in the reference. The Committee had also cautioned against enforcing the President's Rule if the State Government disobeyed a directive issued by the Union Government. Therefore, Article 365 must be repealed.

The Rajamannar Committee's recommendations are crucial for maintaining the independence of the States, and they also recommended some safeguards against the abuse of provisions relating to the President's Rule. The Union Government, however, rejected these suggestions. These proposals, which sound incredibly reasonable,

were rejected as a whole because they were deemed to be excessive.¹⁷

Administrative Reforms Commission Study Team on Central-State Relations

Background and Mandate of the Study Team

The Panel on Central-State Relations, as designated by the Administrative Reforms Commission in 1967, underscored the imperative of formulating a national strategy that duly acknowledged the role of the Governor. In its 1969 Report, the Commission advocated for establishing rules delineating the Governor's discretionary powers by the Inter-State Council and subsequent issuance in the President's name was proposed, contingent upon approval from the Union Government. The Government of India, however, refused to heed this advice, arguing that it would be better to let any relevant conventions develop or be established on their own.¹³

Recommendations for Governor Selection and Role

A Governor candidate should be able to be counted on to rise above partisan preconceptions and have substantial experience in public life and administration. After serving a term, a Governor shouldn't be re-appointed. Judges who have retired are not allowed to serve as Governors, however, there is an exemption if they do so and become legislators. Before appointing the Governor, it is advisable to speak with the Chief Minister. The Governor's discretionary powers should be established by the Inter-State Council and issued in the President's name. The claimed directives should be presented to both houses of the parliament.

When necessary, the Governor should use his discretion and judgment to make ad hoc reports to the President. He should also reserve some bills for the President's consideration. To get the Assembly's perspective on whether the Ministry has the backing it needs, the Governor should call a special session. The Governor may summon a special session of the Assembly on his or her initiative rather than seeking the Chief Minister's opinion when it is uncertain if the Council of Ministers has a majority.

Upon the defeat of a Ministry in the Assembly on a pivotal policy matter, and at the suggestion of the outgoing Chief Minister, the Governor is empowered to dissolve the Assembly to seek the electorate's mandate. The Governor should think about his constitutional obligations as well as the information provided under Article 167.¹⁸

Bhagwan Sahay Committee

Context and Composition of the Committee's Establishment

In November 1970, President of India V.V. Giri convened a committee comprising five Governors to undertake a comprehensive review of the constitutional provisions about the nomination of, a Council of Ministers, the convening and adjournment of Legislative Assemblies, and other facets of the constitutional system's operations. This was in response to the heated debate that followed the Fourth General Elections in 1967 regarding the Governor's post. The other members of this Committee were B. Gopal Reddy, the Governor of Uttar Pradesh; Ali Yaver Jung, the Governor of Maharashtra; M. V. Vishwanathan, the Governor of Kerala; and S.S. Dhawan, the former Governor of West Bengal. In 1971, the Committee released its recommendations.¹³

Recommendations on Chief Minister Appointment and Resignation

Only a member of the Legislature who has been elected shall be appointed as a state's Chief minister; if he is not elected, he must run for office as quickly as feasible and, if unsuccessful, should resign right away. The committee disapproved of the practice of postponing ministry nominations following the Chief minister's swearing-in ceremony. A subsequent recommendation posited that in the event of a minister from the Coalition Ministry voluntarily tendering his resignation owing to a divergence of views with the Chief Minister, the latter was not obliged to resign. Conversely, if ministerial resignations jeopardized the majority support of the Council of Ministers, it was stipulated that the Chief Minister should expeditiously demonstrate his political strength in the legislative body.¹³

Governor's Role in Safeguarding State Stability

The Committee entrusted the Governor with the responsibility of safeguarding the stability of the State's administration amidst political upheavals, mandating the regular submission of reports on the prevailing political dynamics within the State. Furthermore, the Governor is obligated to inform the President promptly about any significant internal disturbances, external threats, and requisite considerations for the application of Article 356 in the concerned State. The Governor must also watch out

for any casual overthrow or disruption of the State's responsible government. The Governors should also uphold their guiding principles, which instruct them to always act by their best judgment. The Annual Conference of the Governors discussed and heartily endorsed the Committee's proposals on November 26, 1971, in New Delhi. Although these suggestions were very helpful, the notion of establishing rules for the Governors was not approved.¹³

Sarkaria Commission

Formation and Mandate of the Commission

The Union Government constituted a commission in June 1983, and Justice Ranjit Singh Sarkaria, a former judge on the Supreme Court, served as its chairman. The Commission examined the interactions between the centre and the state and provided numerous recommendations for fostering better interactions within the confines of the Constitution. In January 1988, the Commission issued its Report, comprising a total of 247 recommendations. The Commission suggested maintaining the status quo in ties between the Centre and the State regarding the Governor's position and Article 356.¹⁹

Recommendations on Governor Appointment and Tenure

In the case of the appointment of a Governor, the candidate should be a distinguished outsider who is disassociated from state politics, and individuals from minority groups should also be given an opportunity. In a state where another party or coalition of parties is in power, it is preferable that the politician representing the ruling party not be placed there. The process outlined in Article 155 of the Constitution may be changed for efficient consultation with the Chief Minister. During discreet and informal consultations, the Prime Minister is allowed to seek counsel from both the Vice President and the Speaker of the Lok Sabha.

The tenure should be for five years. If there is a good reason, the President may remove the Governor before the end of his term for the sake of maintaining state security. If the Governor provides a rationale dissenting from the proposed dismissal, a review of the justification is undertaken by the Vice-President, Speaker of the Lok Sabha, or a retired Chief Justice. Additionally, the Union Government must explain the situation to both houses of Parliament if a Governor resigns, has his term ended, or is appointed in another State. The

Governor has the chance to justify resisting an early termination here. This process is used to keep the Parliament under control and make sure the Union Executive is held accountable. A Governor should get post-retirement benefits for himself and his wife following the completion of his term.¹⁹

Governor's Role in Chief Minister Selection and Government Formation

The Governor should follow a few rules while selecting a Chief Minister. To form the government, it is requisite to engage with the political party or coalition that commands the support of the majority of members within the Legislative Assembly. The Governor shouldn't try to establish an administration that will carry out the policies he supports. The party leader should be requested to take over as Chief Minister if one party has the majority. The largest party with independent support, a coalition of parties formed after the elections with all parties joining the government, a coalition of parties formed after the elections with some parties forming a government and the rest supporting from the outside, if there isn't a single party with a majority, it should be the Governor's choice for the minister. In this situation, the Governor chooses the candidate he thinks has the best chance of winning the majority's support. Within the initial 30 days of assuming office, the Chief Minister is obligated to secure a vote of confidence from the Legislative Assembly, unless the Chief Minister holds the position of the majority party's leader. The Governor lacks the authority to dismiss the Council of Ministers as long as they command a majority in the Legislative Assembly. The Governor will remove them if they don't win a majority but, on the other side, the Governor doesn't quit.¹⁹

Procedures for Assembly Dissolution and President's Rule

If a workable Ministry cannot be established, the Governor, after conferring with the Chief of the Election Commission and the leaders of the pertinent political parties, may dissolve the Assembly and choose new elections. The outgoing Government may remain in place as a caretaker if the Assembly has been dissolved and an election may be called as soon as feasible, although this action is not performed if the previous ministry was accountable for major mismanagement. The Commission recommended adopting a convention will prevent the caretaker ministry from making significant policy choices. The Governor may

go for President's Rule if the departing ministry is unwilling to serve as a caretaker. If there is a national emergency or widespread unrest in the state, a new election may not be held right away, so the Governor must declare the President's rule by Article 356.¹⁹

Governor's Discretionary Powers and Legislative Functions

The Governor is not allowed to act just because he disagrees with the policy when managing the State Bill under Article 200. He must, instead, heed the counsel of his Council of Ministers. Bills should only be held back for the President's consideration in unusual conditions, such as to ensure immunity from the application of Articles 14, 19, and Articles 31(1) and 31(c), to avoid declaring a bill on a concurrent list for conflicting with a Parliamentary Law or any Existing Law, under Article 254(2), or to maintain the reliability of legislation to impose taxes on the production of water or electricity.¹⁹

To guarantee that the Assembly follows the rules outlined by the Constitution, the Governor may decide to convene it. The Governor may convene the Assembly if the Chief Minister neglects to recommend it, as required by Article [174(1)], the Governor may do so. If the Chief Minister was unable to do so within 30 days of entering office or if he lacked the support of the majority, the Governor would call the Assembly. A fair period for a summons shall be 30 days unless there is an emergency or the advice occurred more than 60 days ago. If a no-confidence motion is being discussed in a House of the Legislature against a ministry, the Governor should urge the Chief Minister to delay prorogation and instead consider the motion. Unless there are compelling circumstances, the Governor should keep his Chief Minister's report to the President confidential.¹⁹

Governor's Role as Chancellor of Universities and Legal Discretion

A Governor should only use his or her discretionary power as a last resort if he or she believes that accepting the opinion of his or her Council of Ministers would violate the Constitution. Under Article 163(1), a State University Act designates the Governor as the University's Chancellor and affords him authority in that capacity. The Governor would have to make his own choice, albeit he could find it advantageous to speak with the Chief Minister or other pertinent Ministers. In his function as Chancellor of the

University, the Governor may be required under the University's Statute to talk with a Minister named in the Statute on a certain issue. In such circumstances, the Governor would be smart to discuss additional crucial issues with the Minister. No legal responsibility exists for him to follow any advice he receives in either scenario.¹⁹

Venkatachaliah Commission

Formation and Mandate of the Commission

The Government of India instituted the National Commission to Review the Working of the Constitution under the leadership of Justice M.M. Venkatachaliah, a former Chief Justice of the Supreme Court. The committee tasked with examining the emergency provisions was headed by Justice R.S. Sarkaria and Justice B.P. Jeevan Reddy who presented the document related to Article 356. The Commission finalized and submitted its comprehensive report in the year 2002. All of the suggestions made in the Sarkaria Commission Report regarding Governors were accepted by the Commission, with the following exceptions.

Recommendations on the Governor Appointment Process

A more explicit adjustment to Article 155 may be necessary in light of the experience gathered in the fourteen years since the release of the Sarkaria Commission Report. The formation of a committee to appoint a Governor should involve the Chief Minister of the affected State, the Speaker of the Lok Sabha, the Home Minister, and the Prime Minister of India. The Vice President of India may join this group if it is regarded as suitable. Instead, then having "confidential and informal consultations," the selection process should be unambiguous and open. Another idea in this regard was to specify that a coalition should be treated as a single party when it runs in the general elections and that its leader will be called if that coalition wins a majority and wants to establish the Ministry.²⁰

The Sarkaria Commission's proposals for post-election alliances of parties are generally well received. Except in situations where the Governor feels that doing so is in the best interests of the state's citizens and consistent with his oath of office, as contemplated by Article 356, providing "ad hoc or fortnightly reports to the President" is not a good practice, according to the Commission. When he is satisfied that something has happened that renders it impossible to manage the State by

the Constitution's provisions, he should inform the President of his findings. For whatever reason, just because the Central Government instructed him to, he shouldn't issue such a report.²⁰ In light of this, it is suggested that the following clauses be added to Articles 155 and 156 of the Constitution:

- a. The responsibility for selecting the Governor should be entrusted to a committee comprising the Speaker of the Lok Sabha, the Chief Minister of the affected State, the Prime Minister, and the Union Minister of Home Affairs;
- b. The five-year term of office should be made a fixed tenure;
- c. Amend the statement regarding the tenure of the Governor to exclude the expression "during the pleasure of the President";
- d. Under the Constitution, provisions must be provided for the State Legislature to impeach the Governor like how the President is removed from office by Parliament. Given that Article 61 is reliant on the existence of both Houses of Parliament, the proposed Article may need to be modified appropriately in cases when no State has an Upper House of Legislature;
- e. When making a decision, bear in mind the factors outlined in the Sarkaria Commission Report. As previously mentioned, neither the State's citizens nor their legislators elect the Governor. He is merely a Central Government nominee, and he will continue to be one even if Article 155 is altered.

Governor's Role in State Administration

As the President is chosen by the People's representatives, it has already been made clear that the Governor does not possess the same legitimacy as the President. Therefore, with the probable exception of matters specified by the V and VI Schedules to the Constitution, the Governor's ability to participate in State government is substantially questioned. This statement and approach also affect his authority under Article 200.²⁰ The following clauses should be added to Articles 200 and 201:

- (a) Specify a timeframe, say four months, by which the Governor must determine whether to give assent or hold it for the President's review;
- (b) Get rid of "or that he withholds assent therefrom."
- Alternatively, the Governor's power to refuse assent under Article 200 should be abolished;
- (c) In instances where a Bill has been reserved for the

President's consideration, it is advisable to institute a specified timeframe, such as three months, within which the President must reach an approval decision, instruct the Governor to return it to the state legislature or seek a judicial ruling on the Act's constitutionality under the purview of Article 143; (d) The President should be required to give his consent when the Legislature is considering the Act. The odd situation in which a State Legislature Bill may be "killed" by the Union Ministers' Council by asking the President to withhold his assent would be eliminated by such a course of action, which would also strengthen the federal idea.²⁰

Recommendations on Use of Article 356 and Governor's Discretionary Powers

By the spirit of the Constitution's writers, the Venkatachaliah Commission advised that Article 356 be utilized sparingly and only after all other options under other Articles, such as 256, 257, and 355, had been explored. The Commission recommended that before invoking Article 356, the concerned State should be allowed to present its perspective and effect necessary rectifications, unless exigent circumstances, such as concerns related to state security, national defence, or other urgent considerations, dictate otherwise. The Commission asserted that the determination of the State Assembly's confidence in the Council of Ministers should exclusively occur on the floor of the House. The Governor should lack the authority to dismiss the Ministry as long as it retains the support of the legislative body. Dissolution of the Government by the Governor is permissible only in instances where the Chief Minister declines to resign following the rejection of his ministry through a vote of confidence.²⁰

The Governor should look into all possibilities for creating a government that has the support of the majority of the Assembly in the event of a political impasse. If the formation of an alternative government is unattainable, necessitating prompt elections, the Governor is advised to invite the outgoing Ministry to assume the role of a caretaker government. This proposition is contingent upon the Ministry's defeat being solely based on its own merits, devoid of allegations related to maladministration or corruption, and contingent upon its willingness to continue in this capacity. Subsequently, the Governor is to seek the dissolution of the Legislative Assembly, enabling the electorate to determine the resolution of the constitutional predicament. The Commission recommended considering and implementing

a constructive resolution of no confidence to overthrow the current administration and choose a new State Assembly leader. Based on the Governor's report in each of these situations, the Commission suggested that a state declare the President's Rule. The report submitted by the Governor should embody a comprehensive and succinct account of all pertinent facts and circumstances, constituting a "speaking document" that enables the President to assess the presence or absence of the conditions stipulated in Article 356.²⁰

The Commission was to alter the word "and" to "or" after subclause (a) of clause (5) of Article 356 to allow the President's Rule to continue if elections for the State Assembly cannot be held. The following text under Article 356 was suggested by the Commission to be included after clauses (6) and (7). (6) Notwithstanding the content of the preceding clauses, the President possesses the prerogative to rescind a proclamation issued under clause (I) or a proclamation amending a proclamation made under clause (I) if the House of the People passes a resolution negating it, or, as applicable, rejecting its continuation in effect. (7) Upon a written declaration of intent by at least one-tenth of the members of the House of the People to introduce a resolution condemning, or, as the case may be, disapproving the continuation of, a proclamation issued under clause (I), or a proclamation modifying such proclamation, the following procedural steps should be observed: dispatch a notice to the Speaker if the House is in session; if not, forward it to the President. If the Speaker or President receives such notice while the House is adjourned, a special session shall be convened within fourteen days to deliberate upon the aforementioned resolution. Additionally, the Commission recommends an amendment to Article 356, specifying that neither the Governor nor the President is authorized to dissolve the State Legislative Assembly before the proclamation of President's Rule has been presented before Parliament and has had an opportunity for deliberation.²⁰

Punchi Commission

Similar to the Sarkaria Commission, it suggested that the candidate for Governor shouldn't be involved in politics and that the Governor's choice be subject to input from the state Chief minister. One of the supplementary recommendations proposed the formation of a committee comprising the Prime Minister, the Home Minister, the Speaker of the Lok Sabha, and the Chief Minister of the affected state. The inclusion of the Vice President in the selection process was also suggested,

accompanied by a proposal for constitutional amendments aimed at abolishing the notion of “pleasure.” The recommendation discouraged arbitrary dismissal of Governors by the federal government, advocating instead for a resolution by the state legislature as the requisite mechanism for the removal of a Governor.²¹

Second Administrative Reforms Commission

The establishment of the Second Administrative Reforms Commission (ARC) occurred on August 31, 2005, as a Commission of Inquiry, with Veerappa Moily assuming the role of Chairman. The primary objective of this commission was to formulate an exhaustive framework for the restructuring of the public administrative system.

In its 6th report on “Local Governance,” the Commission proposed that the appointment of the State Election Commissioner should be executed by the Governor based on the recommendations of a collegium. This collegium is envisioned to comprise the Chief Minister, the Speaker of the State Legislative Assembly, and the Leader of the Opposition in the Legislative Assembly. The report also emphasized the significance of according due importance to the Regular Annual Reports mandated by the Fifth Schedule, Part A (3) of the Constitution. These reports, submitted by the Governor of each State, should be promptly published and made accessible to the public.²²

Additionally, in its 7th report titled “Capacity Building for Conflict Resolution,” the commission recommended that the Ministry of Home Affairs should collaborate with the relevant State Governments and Autonomous Councils to identify powers within the Sixth Schedule. These powers, if granted to Governors, would enable them to exercise discretion without being bound by the ‘aid and advice’.²³

The Commission’s 15th report on “State and District Administration” advanced recommendations about the augmentation of the Governor’s powers. It proposed the empowerment of Governors in Assam, Tripura, and Mizoram with discretionary authority over all provisions related to Autonomous Councils under the Sixth Schedule. The exercise of such authority would involve consultation with the Council of Ministers and, if necessary, with the respective Councils. However, the implementation of this recommendation necessitates a Constitutional amendment. Additionally, the report advocated for the conferment of special powers and responsibilities upon the Governor of Manipur concerning law

and order. This parallels the authority vested in the Governors of Nagaland and Arunachal Pradesh under Articles 371A and 371H of the Constitution, respectively. To effectuate this proposal, the report suggested the introduction of a pertinent provision in Article 371C.²⁴

All of these commissions and committees concurred that the office of Governor is a key conduit between the federal government and the states and advised that a fair selection process be used to avoid any suggestion of allegiance to the federal political party in power. Until the Governor begins operating responsibly while using his discretion, the governor’s office will continue to be perceived negatively as “an agent of the centre”.²⁵

Essential Reforms for Modernizing the Office of the Governor

Addressing the challenges surrounding the office of the Governor in India requires a comprehensive set of reforms. First and foremost, the selection process for Governors should be transparent and free from partisan influence. The attainment of this objective can be facilitated through the engagement of a committee comprising the Chief Minister of the pertinent state, the Speaker of the Lok Sabha, the Home Minister, and the Prime Minister. This composition ensures a fair and unbiased process in the selection. Secondly, to provide stability and minimize political interference, Governors should have fixed tenures of five years, reducing the frequency of changes driven by political considerations.

Furthermore, to ensure accountability, it is vital to establish provisions for the State Legislature to impeach a Governor, similar to the process in place for the President. Governors should not possess arbitrary powers to dismiss state governments unless there are compelling and well-justified reasons. Their role in government formation during political impasses should be proactive, contributing to the establishment of stable governments.

In addition, transparency is essential in the reports submitted by Governors to the President. These reports should be based on objective criteria rather than political directives, maintaining the integrity of the office. Lastly, legal safeguards should be introduced to prevent Governors from acting in a manner influenced by the central government, guaranteeing their independence and adherence to the constitutional framework. These measures collectively form a comprehensive

approach to reform the office of the Governor and ensure its effective and unbiased functioning in India's federal structure.

CONCLUSION

The role of the Governor in India is pivotal, serving as a bridge to maintain the balance in our federal structure and uphold the democratic principles that our nation holds dear. However, over the years, this office has been tainted by misuse and undue political interference, eroding its credibility and creating a crisis of trust.

Despite committees and commissions offering recommendations on the matter, the practical implementation has fallen short. The consensus leans towards appointing Governors from different states with no recent political involvement, ensuring security of tenure and term limits for independence. However, with many of these suggestions ignored, the friction between governors and state governments persists. In this scenario, comprehensive reforms are not just a choice but a necessity. These reforms stand as a linchpin for preserving the integrity of India's federal system and safeguarding the democratic values that underpin the nation. It is through such reforms that India can ensure that the Governor's office serves its true purpose in the nation's governance, free from partisan agendas.

Reforming the Governor's office is not just about procedural changes; it is about safeguarding the essence of our democracy. It is about preserving the balance of power between the centre and the states, and it is about upholding the democratic values that are the bedrock of our nation. In these reforms, we find the path to a more robust and credible Governor's office, one that truly serves the people and the principles of our great nation.

REFERENCES

- B. Dhamija, 8 April 2023. [Online]. Available: <https://thewire.in/politics/office-of-governor-threat-democracy>.
- M. R. Madhavan, 11 March 2023. [Online]. Available: <https://timesofindia.indiatimes.com/blogs/voices/governor-versus-state-why-tensions-are-rising-again/>.
- P. Nair, 27 August 2023. [Online]. Available: <https://www.newindianexpress.com/explainers/2023/aug/27/why-federalism-in-india-is-more-an-aspiration-than-a-reality-2609049.html>.
- R. Radhakrishnan, 1 December 2022. [Online]. Available: <https://frontline.thehindu.com/politics/how-conflicts-between-governors-and-state-governments-are-playing-out/article66188258.ece>.
- K. Menon, 1 December 2022. [Online]. Available: <https://frontline.thehindu.com/politics/how-conflicts-between-governors-and-state-governments-are-playing-out/article66188258.ece>.
- M. Jha, 20 January 2023. [Online]. Available: <https://www.newsclick.in/Recent-Rise-Conflict-Between-Governor-Non-BJP-Govts-Worrying-Democracy>.
- B. Mitra, 1973. [Online]. Available: <https://indiankanoon.org/doc/460440/>.
- C. Reddy, 1974. [Online]. Available: <https://indiankanoon.org/doc/93947/?type=print>.
- G. Misra, 1974. [Online]. Available: <https://indiankanoon.org/doc/1523622/>.
- P. K. K. Chouhan, "The Sarkaria Commission Report and Article 356," *International Journal of Advanced Research and Development*, vol. 3, no. 2, pp. 692-695, March 2018.
- Anjaneyulu, 1988. [Online]. Available: <https://indiankanoon.org/doc/290785/>.
- K. Singh, 1994. [Online]. Available: <https://indiankanoon.org/doc/60799/>.
- D. M. S. Saggi, *Dynamics of the Institution of Governor in India*, New Delhi: K.K. Publications, 2021.
- SupremeToday, 2023. [Online]. Available: <https://supremetoday.ai/doc/judgement/00900003403>.
- S. K. Jha, *Jharkhand Political drama ends with Arjun Munda winning trust vote*, Ranchi: India Today, 2005.
- A. Sharma, 2006. [Online]. Available: <https://legalserviceindia.com/article/I315-Bihar-Assembly-Dissolution-Case.html>.
- R. Committee, "Report of the Centre-State Relations Inquiry Committee," Government of Tamil Nadu, Tamil Nadu, 1971.
- A. R. Commission, "Centre-State Relationships," Government of India, New Delhi, 1969.
- J. S. B. J. Reddy, "The Institution of Governor under the Constitution," *Vigyan Bhawan Annexe*, New Delhi, 2001.
- V. Commission, "Report of the National Commission to Review the Working of the Constitution," Government of India, New Delhi, 2002.
- M. . L. Academy, 18 April 2019. [Online]. Available: <https://journalsofindia.com/office-of-the-governor-and-its-misuse/>.
- S. A. R. Commission, "Local Governance," Government of India, New Delhi, 2007.

23. S. A. R. Commission , "Capacity Building for Conflict Resolution," Government of India, New Delhi, 2008.
24. S. A. R. Commission , "State and District Administration," Government Of India, New Delhi, 2009.
25. A. Verma, 7 September 2020. [Online]. Available: <https://blog.ipleaders.in/office-governor-agency-union/>.
26. A. K. Mehra, 3 February 2023. [Online]. Available: <https://thewire.in/politics/governor-office-convoluted-constitution>.
27. S. K. Singh, 24 March 2022. [Online]. Available: <https://www.deccanherald.com/opinion/in-perspective/reforming-the-office-of-the-governor-1094068.html>.
28. K. Rajagopal, 15 March 2023. [Online]. Available: <https://www.thehindu.com/news/national/governors-cannot-precipitate-the-fall-of-elected-governments-supreme-court/article66623480.ece>.
29. S. Biswas, 21 March 2023. [Online]. Available: <https://www.bbc.com/news/world-asia-india-65014164>.

