

The Relevance of the Governor's Post in Indian Federalism: Is It a Constitutional Necessity

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Abstract - In this paper, the role of the Governor in Indian federalism has been critically analysed through its constitutional, historical and contemporary importance. The Governor, as one of the constitutional heads of the state which were as introduced in the Articles 153-162, is a critical intermediary between the Union and the States. Although initially it was meant to keep the constitutional order and the communication between various branches of government, the office has of late turned into a controversial one as a legacy of the Government of India Act 1935 and the powers on it by the Constitution in the form of discretion. By examining key judicial pronouncements, commission reports and the political scandals, this paper places the role of Governor in the discussion of the cooperative versus coercive federalism. It finally asks the question of whether the Governor is still a constitutional requirement in a fully-grown and healthy democracy, or whether the colonial corrective tradition is currently eroding the democratic value and the federal ethos. The results indicate that unless the post is restructured and redefined, there is the danger that it will serve not as some sort of dispassionate constitutional overseer but rather as an instrument of central control, and that it would thus be time to reassess its role in modern Indian polity. ¹

LITERATURE REVIEW

Colonial History and Constitution. Most of the literature focuses on the colonial antecedents of the Governor office, discerning its discretionary power and centralizing propensities to the Government of

India Act 1935², in which Governors acted as agents of British domination over provincial governments. With the Indian Constitution itself after Independence, the post was maintained with its functions of being an important intermediary between the Union and States, but with modifications to suit a federal system.

Articles 153-162³ are still at the centre of determining the role of the Governor. ⁴Shamsher Singh v. State of Punjab, 1974⁵ and S.R. Bommai v. Union of India (1994)⁶ are also often referred to and the judiciary usually tries to limit gubernatorial discretion using case law. Clearer conventions, codification of appointments, and improved accountability mechanisms have been repeatedly recommended by the Sarkaria, Punchhi and National Commission to Review the Working of the Constitution to put an end to arbitrary interventions and removals.

Recent studies outline frequent abuse of the discretionary powers of the Governor, especially of President Rule in Article 356⁷, government formation delays and political appointment/removal. In the period from 1950 to 2015, more than 120 Governors were overthrown or forced out of power prematurely, frequently as a result of a shift of power at the Centre. Examples include the Kamala Beniwal scandal in Gujarat (2004-2009) and frequent standoffs between Governors and Chief Ministers (most recently in

¹ *Indian federalism and governor - challenges therein by Ishika Kedwal*: SSRN. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4072677 (Accessed: 12 September 2025).

² *It is high time the colonial institution of the governor is reined in* (2023) *Civildaily*. Available at: <https://www.civildaily.com/news/it-is-high-time-the-colonial-institution-of-the-governor-is-reined-in/> (Accessed: 12 September 2025).

³ INDIA CONST. arts. 153–162.

⁴ Dr. Rakesh Chandra (2023) *TheLawbrigade, THE ROLE OF GOVERNORS IN MAINTAINING INDIA'S FEDERAL STRUCTURE*. Available at: <https://thelawbrigade.com/wp-content/uploads/2023/08/Dr.-Rakesh-Chandra-IPLR.pdf> (Accessed: 12 September 2025).

⁵ Shamsher Singh v. State of Punjab, (1974) 2 SCC 831 (India).

⁶ S.R. Bommai v. Union of India, AIR 1994 SC 1918; (1994) 2 SCR 644.

⁷ INDIA CONST. arts. 356.

Kerala and Tamil Nadu) and illustrate the ongoing politicisation of the office and its effect on federal relations.

The academic community has focused on the necessity of a reform due to a shift in the role of Governor towards a central lever instrument to a neutral facilitator of cooperative federalism. Literature recommends open appointments, restrictive discretion authority and a code of behavior to maintain democratic integrity and rebuild institutional trust.

INTRODUCTION

The status of the Governor within the Indian federal system has remained a topic of unrelenting interests and debate by constitutional scholars, politicians and even citizens.⁸The Governor is the constitutional leader of every state and he or she has important duties that mark the interface between the Union government and the states.⁹The research paper seeks to criticize the applicability of the Governor's position in modern federalism in India with reference to the historical constitutional environment and the changing character of Indian democracy.

Existence of the Governor Role as it is defined in the Indian Constitution (Articles 153-162).

Articles 153 to 162 in the Indian Constitution explicitly lay out the position, powers and set up of the post of the Governor. Article 153 states that each state has a Governor but it allows the same individual to serve as Governor for two or more states at the same

time.¹⁰Article 154 refers to the executive power of the state of the Governor, which he/she exercises directly or through his/her subordinate officers within the provisions of the constitution and the laws of the state.¹¹

In article 155, the exclusive authority of the President to appoint the Governor is made clear by emphasizing the fact that the position is affiliated to the Union government.¹²Article 156 gives the term of the Governor as five years rule though the Governor is at the discretion of the President, in order that the office may be subject to the fluctuation of politics at the Centre.¹³Article 157 (qualifications of office) requires that the Governor must be an Indian citizen and 35 years old and Article 158 forbids the Governor to hold any other office or legislative position during the term.¹⁴

The powers of the Governor are further developed: Article 161 gives him equivalent pardoning authority to that of the President but restricted to cases arising within the states. The Governor is also endowed with legislative powers and he may summon or dissolve the state legislature, he may agree or dissent to a bill. The Governor can hold back some bills to the President when it needs to be done. The role of these duties places the Governor as one of the key functionalities in the constitutional exercise of power at the state level.

Of great importance is also Article 163 which provides the creation of a Council of Ministers to advise the Governor in the execution of his/her functions, which

⁸ Drishti IAS (2019) *Governor, Drishti IAS*. Available at: <https://www.drishtiiias.com/to-the-points/Paper2/governor> (Accessed: 12 September 2025).

⁹George, A.A. *et al.* (2024) *Governor of states (Article 152-162) - clear IAS, ClearIAS*. Available at: <https://www.clearias.com/governor-of-states/> (Accessed: 12 September 2025).

¹⁰ George, A.A. *et al.* (2024) *Governor of states (Article 152-162) - clear IAS, ClearIAS*. Available at: <https://www.clearias.com/governor-of-states/> (Accessed: 12 September 2025).

¹¹ George, A.A. *et al.* (2024) *Governor of states (Article 152-162) - clear IAS, ClearIAS*. Available at: <https://www.clearias.com/governor-of-states/> (Accessed: 12 September 2025).

¹² George, A.A. *et al.* (2024) *Governor of states (Article 152-162) - clear IAS, ClearIAS*. Available at: <https://www.clearias.com/governor-of-states/> (Accessed: 12 September 2025).

¹³ George, A.A. *et al.* (2024) *Governor of states (Article 152-162) - clear IAS, ClearIAS*. Available at: <https://www.clearias.com/governor-of-states/> (Accessed: 12 September 2025).

¹⁴ *Constitutional role: Raj Bhavan Sikkim: India* (no date) *Raj Bhavan Sikkim | India*. Available at: <https://rajbhavansikkim.gov.in/constitutional-role/> (Accessed: 12 September 2025).

is characteristic of a parliamentary model in which the Governor normally exercises his/her functions as advised by the Ministers unless under certain limited circumstances such as appointment of Chief Minister or dissolution of Assembly.

Short History: Borrowed by Government of India Act 1935 and Colonial influence.

The Foundations of the Governor office in India The Government of India Act 1935 codified the foundations of the Governor office in India, especially during the British colonial era. ¹⁵In this Act was established the principle of provincial autonomy, and at the same time the essential discretionary and supervisory powers were retained by the Governor¹⁶, the representative of the British Crown and subsequently the centrally-located colonial authority.

The British Crown appointed Governors under the 1935 Act and had very broad power, including the power to dismiss elected ministries, suspend action by legislatures and veto provincial legislation. This was created to preserve the colonial dominance in the provinces that were now developing the democratic self-rule as a control over the provincial governments that were thought to be politically weak or even suspicious of the British interests. The Governor was basically a colonial watchdog, who had the ability to do much more than simply ritual duties, especially in case of emergency or political crisis.

The Constitution-makers who followed Independence inherited much of what the Government of India Act 1935 had provided, but attempted to remodel it in the context of a federal-democratic system. ¹⁷The office of Governor was not abolished, but was to be reformed: Governors were to be nominated by the President of India, who would be a representative of the Union, and

no longer a foreign monarch. However, the structure of the office as a connection between the Centre and the states was not eliminated, and that is why there were fears of the state independence and the necessity of the central control.

The Constituent Assembly wrestled over whether to have elected Governors or nominated Governors, finally deciding on centrally appointed Governors as a way of avoiding conflicts between state governments and the Union, and trusting the Governor to serve as a neutral constitutional protector.

Purpose of the Post

The constitutional mission of the Governor post may be seen at a fundamental level as the fulfillment of the role of a significant connection between the Union and the States. The Governor is the constitutional representative of the President within a state, which makes it possible that the state administration follows the constitutional framework and democratic principles. ¹⁸The functions of the Governor include the control over the administration of the state, the role of a stabilizer in political crises and the maintenance of constitutional morality in the state governments.

Also the Governor has an important discretionary authority in exceptional cases like hung assemblies, constitutional breakdowns, or in the event that Rule of the President takes effect under Article 356. These authorities place the Governor in the role of a federal guardian and constitutional peace maker, where he is charged with the responsibility of seeing that governance is made within constitutional parameters.

Therefore, the office of the Governor has ceremonial and substantive purposes which interlock the federal system. ¹⁹It balances state autonomy and central

¹⁵ *The Government of India Act 1935 - UPSC* (2025) Lotus.Arise. Available at: <https://lotusarise.com/the-government-of-india-act-1935-upsc/> (Accessed: 12 September 2025).

¹⁶ Contributors, N.I. and Contributors, N.I. (2024) *Government of india act, 1935: Features & analysis, NEXT IAS Blog*. Available at: <https://www.nextias.com/blog/government-of-india-act/> (Accessed: 12 September 2025).

¹⁷ Editor, V. (2025) *Government of India Act 1935, Significance, UPSC notes, Vajiram and Ravi*. Available at: <https://vajiramandravi.com/upsc-exam/government-of-india-act-1935/> (Accessed: 12 September 2025).

¹⁸ Ranjan, J. (2024) *Governors in Indian federalism: A complex web of Influence, TSCLD*. Available at: <https://www.tsclcd.com/centre-state-relations-governors-role> (Accessed: 12 September 2025).

¹⁹ *Constitutional role: Raj Bhavan Sikkim: India* (no date) Raj Bhavan Sikkim | India. Available at:

supervision in varying measures which in many situations may be leading in state politics in times of uncertainty or crisis.

Problem Framing

The post of Governor is hotly debated and is in fact a necessity in contemporary India. Although the purpose of the post was to present the interests of the unions and to ensure constitutional order, the post has been criticized to have been abused in political interference as a tool to be used by ruling parties at the Centre against states dominated by opposition parties. The role of the office in eroding federalism has been questioned by incidences of arbitrary dismissal of state governments, latitudinal or absent approval of bills, politicization through discretionary powers and dismissal of Governors on the basis of perceived opposition to central policies.²⁰

CRITICAL ANALYSIS

Since the India independence, the Union Government has used its powers to appoint governor in an arbitrary manner, especially in states where the regional or opposition party is ruling over the state. In such cases, the governor acts as an agent of the Union Government, and becomes a hindrance in functioning of such State Governments. This action of the Union Government makes the federal structure of India sit on a cliff of imbalance.

Though several Supreme Court judgments and the Sarkaria Commission report have clearly earmarked the role of the Governor, at the behest of the central government, Governors in India continue to assign themselves with imaginary powers and act unconstitutionally²¹.

Constituent Assembly Debates

This issue was also widely discussed during the framing of our Constitution. While there were

opinions supporting and opposing the idea of appointing governors to states, there were key arguments put forward by the framers of the Indian Constitution, which must be looked into before discussing the arbitrary conduct of governors which happened after the framing and passing of the Indian Constitution.

Dr. BR Ambedkar was in support of the appointment of such governors to the state, but he argued that the powers of the governor must be limited, and his conduct must not interfere with the elected legislature of the states. He referred to the post of governor as “ornamental” and called for his powers to be “limited” and “nominal”. He argued that the, “The Governor under the Constitution has no functions which he can discharge by himself, he is required to follow the advice of his Ministry in all matters.”²²

Members like KM Panikar and HN Kunzru were also concerned about the post of governor not being independent but as an agent of the Centre undermining the autonomy of the states.

After analysing few of the Constituent Assembly Debates, it can be confirmed that the makers of the Constitution did foresee the tactics that the Union Government would adopt to disturb the states from being autonomous.

The post Constitutional era did witness such arbitrary actions by the governor in various states, which undermined the state autonomy and questioned the democratic structure of India. Few such cases of governor acting arbitrarily are:

1. State of Kerala: During the year of 1959, EMS Namboodripad became the first democratically elected communist CM of Kerala. He was the first ever democratically elected communist, which led to a lot of opposition. The then governor Burgula Ramakrishna Rao sent a report to the

<https://rajbhavansikkim.gov.in/constitutional-role/> (Accessed: 12 September 2025).

²⁰ *Governor's role in State Administration: Powers and controversies* (2024) *Sleepy Classes IAS*. Available at: <https://sleepyclasses.com/governors-role-in-state-administration/> (Accessed: 12 September 2025).

²¹ A Saravanan, *Why Do We Need Governors? A DMK Member Writes on Banwarilal Purohit*, Kiran Bedi, THE NEWS MINUTE (Feb. 18, 2019, 7:49 AM), <https://www.thenewsminute.com/news/why-do-we-need-governors-dmk-member-writes-banwarilal-purohit-kiran-bedi-96919>.

²² Constituent Assembly of India, *Constituent Assembly Debates*, Vol. VIII, pt. II (May 31, 1949), <https://indiankanoon.org/doc/1830284/?type=print>.

President suggesting dismissal citing “law and order breakdown”. Later President Rule was imposed in Kerala, this was one of the first instance post-independence where the Governor acted arbitrarily.

2. State of Karnataka: The governor of Karnataka in the year 1989, P. Venkatasubhaiah, dismissed the Janata Party ministry led by SR Bommai. This led to the Supreme Court of India passing a landmark Constitutional judgement relating to governor’s position and power in the Case of SR Bommai v. Union of India, 1994. This case held that the power of President’s rule under Article 356 is not absolute and is subject to judicial review, and if it is found to be illegal or malafide, such an order can be reversed and the government can be reinstated. This judgement put limits on the President’s power to impose state emergency and also focused on state autonomy and challenged centralized power thus reiterating federalism in India.
3. Andhra Pradesh: In the State of Andhra Pradesh in the year of 1984, a popular Chief Minister NT Rama Rao was dismissed by the then governor Ram Lal Thakur. The governor ignored democratic and constitutional norms and acted in haste. Though NT Rama Rao was reinstated due to outcry in the state after his dismissal, this case shows the misuse of gubernatorial power.

Clash of Government versus Governors: Analysis of Tamilnadu

In Tamil Nadu, during emergency in 1976, the then governor KK Shah reported against the DMK led government by Dr. Kalaignar Karunanidhi. This report led to the dismissal of the government, aligning with Indira Gandhi’s Centre. This was widely viewed as an arbitrary action of the governor, which was politically motivated, curbing the autonomy of an opposition ruled state. Again in 1980, when Indira Gandhi returned as the Prime Minister, the then governor Prabhudas Patwari dismissed the DMK led government by Dr. Kalaignar Karunanidhi once again.

Tamilnadu has majorly been hostile towards its governors, and there has been various clashes in past and are still ongoing. These clashes and fights with governor were not just about the state’s legislative and executive functions but it also extended to symbolic rights and privileges. In 1974, the then Chief Minister Dr. K Karunanidhi fought, through lobbying and public opinion, with the Union Government stating that the Chief Minister of states must have the power to hoist the tricolour flag on Republic Day and not the Governor of states as the Chief Ministers are the democratically elected members of states, like the Prime Minister who had the power to hoist the tricolor flag in the Red Fort on Republic Day. In 1974, the Union Government relented and granted Chief Ministers the authority to hoist the flag on Republic Day. This move was seen as a symbolic victory, and this move is the reason why Chief Ministers are now able to hoist flag during Republic Day across the country.²³

Even at present, the current DMK led government under the rule of MK Stalin has had various clashes with the current governor of Tamilnadu RN Ravi. The very appointment of the current governor is seen as a move by the BJP led governor to hinder with the state policies as the state government is led by the BJP led government’s opposition, the DMK. There have been various accusations against RN Ravi stating that he has acted arbitrarily and withheld various bills that were sent to his office by the State Legislative Assembly of Tamilnadu hindering with the functioning of the state that has been democratically elected by its people. The governor withheld almost 12 bills, this included major bills such as the NEET bill, Appointment of Vice Chancellors to state universities bill and police appointment bill etc. These were mainly withheld because they either took power from the governor or were against the stances of the BJP led Union Government. RN Ravi has also been openly hostile against the DMK led state government.

This clash even led to the Supreme Court hearing this matter and passing judgement on the landmark case of

²³ Special Correspondent, *How Karunanidhi Got CMs the Right to Unfurl National Flag on Independence Day*, THE HINDU (Aug. 15, 2022, 8:24 AM),

<https://www.thehindu.com/news/national/tamil-nadu/how-karunanidhi-got-cms-the-right-to-unfurl-national-flag-on-independence-day/article65768965.ece>.

State of Tamilnadu v. Governor of Tamilnadu, 2023²⁴, where the Supreme Court ruled against the arbitrary actions of the governor and set a time limit to withhold such bills.

Hence in conclusion, it can be viewed and inferred that for a long time in India, in practise, governors are being appointed in such a manner that they act as agents of the Union Government and not as a linking chain between the Union and the States. This has led to institution of various commissions which has suggested various reforms.

The Sarkaria Commission²⁵

One such major commission that dealt with this issue is the Sarkaria Commission. This commission was established under the chairmanship of Justice RS Sarkaria in the year 1983. This Commission studied various areas such as governance, administration and financial relation between the Union and the State. Its recommendations aimed to promote cooperative federalism and discretionary use of article 356. The commission recommended that the tenure of the governor must be fixed and not as per the wishes of the president. It recommended that the tenure must be five years. The commission further recommended that the appointment of governor must be consulted with the Chief Minister of the State²⁶.

The Puncchi Commission²⁷

This Commission was established in the year 2010 under the chairmanship of Chief Justice of India Madan Mohan Puncchi. The Commission examined and reviewed how the existing arrangements between the Union and States were functioning, as well as various court rulings regarding the powers, duties, and responsibilities in all areas, including legislative

relations, administrative relations, the role of governors, emergency provisions and others.²⁸ This commission recommended amendments to article 355 and 356 of the Constitution. Article 355 talks about the duty of the Union to protect the states from external aggression and 356 talks about the power of President to implement President's rule in states. The commission suggested amendments as these articles were often misused and protection of state's interest was necessary. This recommendation aimed to protect state's interest by curbing the misuse of power which was granted to the Union Government.

This committee further recommended that the appointment of the governor must be done by a committee, and the Chief Minister must have a say in the appointment of such governors. The tenure of the governor must be five years and the governor can only be impeached via a resolution in the State Legislature.

ALTERNATIVES AND COMPARISON

1. Comparative Perspective of Federal Democracies:

By comparing the Governor of India with other Governors who are operating under the same constitutional framework, it can be concluded that most federal democracies like the United States²⁹ and Canada³⁰ are supported by the system which does not have an unelected officio-Governor figure. In the United States, the executive power of the state is held by the elected Governor, who is answerable to the people and not to the federal government. It gives the system a high degree of transparency of accountability as the chief executive of the state obtains the legitimacy directly from the electorate thus minimizing the Central government's scope to meddle in state politics. In the same way as in Canada, the provinces are led by Premiers who have every right to

²⁴ State of Tamil Nadu v. Governor of Tamil Nadu, (2025) 4 SCC 123.

²⁵ R.S. Sarkaria et al., Report of the Commission on Centre-State Relations, INTER-STATE COUNCIL SECRETARIAT, GOV'T OF INDIA (1988), <https://interstatecouncil.gov.in/report-of-the-sarkaria-commission>

²⁶ Vajiram Editor, Sarkaria Commission, Recommendations, VAJIRAM & RAVI (Sept. 1, 2025, 8:55 AM), <https://vajiramandravi.com/upsc-exam/sarkaria-commission>.

²⁷ Madan Mohan Puncchi et al., Report of the Commission on Centre-State Relations, INTER-STATE COUNCIL

SECRETARIAT, GOV'T OF INDIA (Mar. 30, 2010), <https://interstatecouncil.gov.in/punchhi-commission>.

²⁸ Drishti IAS Editorial Team, Punchhi Commission's Report, DRISHTI IAS (Mar. 2, 2023), <https://www.drishtiiias.com/daily-updates/daily-news-analysis/punchhi-commission-s-report>.

²⁹ MasterClass, What Does a Governor Do? 6 Duties of a Governor, <https://www.masterclass.com/articles/what-does-a-governor-do> (last visited Sept. 12, 2025).

³⁰ The Governor General of Canada, Role and Responsibilities, GOV'T OF CAN., <https://www.gg.ca/en/governor-general/role-and-responsibilities> (last visited Sept. 12, 2025).

executive power and are accountable to the provincial legislatures, while the rôle of the Lieutenant Governor, though a representative of the Crown by tradition, is almost entirely ceremonial and lacks the active discretionary powers that an Indian Governor has. Consequently, the Indian scheme of bringing a non-elected gubernatorial appointee—nominated by the President but effectively chosen by the Union government—as an exception to the class of federal democracies, where such unelected rôles are either non-existent or are ceremonial and constitutionally prevented from interfering in the day-to-day governance, is still standing. This comparative perspective highlights that India might consider options that eliminate or substantially reduce the Governors' discretionary powers, thus making its federal structure more aligned with advanced democratic models.

2. Alternatives within India's Constitutional Framework

The reasoning that Governors are necessary as impartial constitutional authorities at any cost does not hold water after a detailed examination, since the Indian constitutional and institutional framework already has strong codes of conduct to ensure good governance and accountability.

The Chief Minister and the State Legislature are the primary democratic institutions that get the mandate from the people. They have the legitimacy of direct elections, hence, the closest adherence to the principle of representative democracy.

In case political instability emerges within the state, the Legislature can ascertain majority support via floor tests. This way, the need for gubernatorial discretion is completely avoided. Moreover, judicial oversight constitutes a potent corrective institution. State High Courts, as well as the Supreme Court, have very often stepped in cases of executive excesses on the part of the Governor to safeguard constitutional propriety. For example, in *SR Bommai v. Union of India* (1994)³¹, the Supreme Court curtailed hard instances of misuse

of Article 356³² by emphasizing that the Governor's report is open for judicial review.

Furthermore, union oversight tools like the Finance Commission, the Inter-State Council, and the Planning processes are the proper ways to coordinate between the Union and the States. There is no need to have a Governor as an intermediary.

The Governor's functions, even though ideally considered a neutral safety measure, have turned out to be ineffective most of the time and have often caused disagreements. The ineffectiveness is due to the fact that the Governor's duties are either of a symbolic nature—like calling the Legislature, giving assent to Bills, or delivering the inaugural address—that can be easily done by the Speaker or Chief Minister, or are of a political nature—e.g., deciding who has majority support, recommending President's Rule, or withholding assent—that, in general, create a flow of arguments between the Union and the State.

Such conflicts have been seen in several states at different times when different political parties were in power—for example, the dismissal of the NTR government in Andhra Pradesh (1984),³³ the refusal of Governors to summon assemblies in Arunachal Pradesh and Uttarakhand, and more recently, confrontations in states like Kerala, Tamil Nadu, West Bengal, and Maharashtra.

In a majority of these incidences, those powers that were given to the Governor at his discretion were used in a biased manner, which, in turn, brought charges of being a tool of the Central government against him. The *Nabam Rebia* case (2016)³⁴ highlighted how gubernatorial decisions could derail the working of democracy when, by its verdict, the Supreme Court stopped the Arunachal Pradesh Governor's move to advance the Assembly session.

Such instances clearly illustrate that, far from being a neutral umpire, the Governor has on many occasions been a significant cause of federal tensions that have

³¹ *S.R. Bommai v. Union of India*, (1994) 3 S.C.C. 1 (India).

³² India Const. art. 356.

³³ Editorial, August 17, 1984, *Forty Years Ago: NTR Government*, INDIAN EXPRESS,

<https://indianexpress.com/article/opinion/40-years-ago/august-17-1984-forty-years-ago-ntr-government-9518305/> (last visited Sept. 12, 2025).

³⁴ *Nabam Rebia v. Deputy Speaker*, (2016) 8 S.C.C. 1 (India).

continuously compromised state autonomy and democratic stability.

3. Evaluation of Reform Proposals:

Supporters of the Governor's retention claim that the post gives a necessary constitutional check, and as such, it is very important that the states operate within the constitutional framework, especially in times of political unrest. Surprisingly, this explanation is the least one-sided critique of it. The Supreme Court power to review unconstitutional state actions, granted by itself, is the first argument which makes the Governor as a watchdog unnecessary. The second is that despite the assumption set out in the best manner ways, characters of the Governors are neutral, which is quite contrary to the persistent political interventions. Sarkaria and Punchhi Commissions recommended reforms but these have not been able to stop the misuse of powers as the problem is not only procedural but structural. A Governor, irrespective of how carefully the discretionary powers are defined, is appointed by the Union and therefore, quite often, loyalty to the Centre usually overrides neutrality. Additionally, even when Governors are very cautious in their actions, their presence always evokes a suspicion of the Union. Reforms in this manner are only cosmetic while abolition would be a genuine solution. This step would get rid of the paradox of India having an unelected authority with significant influence over elected representatives in a democratic polity

4. Commission reforms: The Sarkaria Commission (1988³⁵) Recommended reforms to ensure neutrality on performances of the government such as electing the governor outside the state, there need to be consultation of chief minister and ensure a fixed tenure. The Punchi commission (2010)

³⁶build suggestions, gave upon proposing restrictions on discretionary power on Governors and advocating on clearer constitutional boundaries. But the main challenge, however, is not just the misuse but the very composition of the post. On top of that, Governors, who have been acting against the spirit of several

reform suggestions, have still been behaving like the Union government's tools, frequently going under the cover of the maintenance of constitutional order and falsifying the very idea of democracy by overthrowing elected state governments. Any definition of even the most limited of discretionary powers opens a loophole for their abuse, and the past is a case in point where misappropriation has been the trend rather than the opposite. Abolition of the post, thus, takes the lead as a more powerful step in this scenario. It would be consistent with the principle of democracy which states that the executive authority should come from the people's mandate, not an unelected officer appointed by the Union government.

CONCLUSION AND SUGGESTION

The Governor's position remains one of the most disputed elements of Indian federalism, as it is frequently cited as a source of conflicts rather than of a balance that the Constitution provides. The historical record of the events shows that Governors were beyond the constitutional guidance several times, which caused a breakdown of the systems either by imposing limits on the government or through unlawful activities in the legislature. These deeds not only contradict the idea of federal autonomy but also extinguish the democratic spirit by way of violation of the authority of elected representatives. Therefore, a deep investigation cannot deny that they are not neutrals nor necessary ones. There are several institutional arrangements in Indian federations such as legislatures, the judiciary, and the Union mechanisms that serve the purpose of ensuring accountability, which, however, do not require a gubernatorial intervention. Even with reforms, the office would only be a continuation of the place, where the Union and the States are constantly at odds, if it were held. Its abolition, though radical, is the one most compatible with democratic ideals and cooperative federalism. The federal democratic system of India, like the case for the U.S. and Canada, can function without the intervention of the unelected governor, hence giving more weight to self-governance, the constitutional pledge and lesser unwanted political

³⁵ Inter-State Council Secretariat, Report of the Sarkaria Commission, GOV'T OF INDIA, <https://interstatecouncil.gov.in/report-of-the-sarkaria-commission/> (last visited Sept. 13, 2025).

³⁶ Inter-State Council Secretariat, Punchhi Commission, GOV'T OF INDIA, <https://interstatecouncil.gov.in/punchhi-commission/> (last visited Sept. 13, 2025).

issues. The governor's office, which has constantly been an issue, functions as an old relic of the colonial era rather than a vital part of the new federal system, and judging by its performance, it becomes the most redundant in the Indian constitutional arrangement.