



Governor As A Political Actor: Beyond Constitutional Neutrality

MANJU GORAI

STATE AIDED COLLEGE TEACHER (CATEGORY-II)

BIDHAN CHANDRA COLLEGE, ASANSOL, WEST BENGAL, INDIA

Abstract: The office of the Governor in India was constitutionally designed as a neutral and apolitical institution, functioning as the nominal head of the state within a parliamentary framework. Rooted in constitutional morality and federal balance, the Governor was expected to act on the aid and advice of the Council of Ministers. However, recent political developments reveal a transformation—from a constitutional figurehead to an active political actor. This paper critically examines the erosion of constitutional neutrality by analyzing constitutional provisions, landmark judicial pronouncements, and contemporary political practices. The study highlights the increasing politicization of the Governor's office and its implications for federal harmony, democratic governance, and institutional credibility. It argues that while discretionary powers are constitutionally sanctioned, their politicized use poses challenges to ethical governance and cooperative federalism. The paper concludes with recommendations to restore neutrality, transparency, and judicial oversight.

Keywords: Governor, Constitutional Neutrality, Indian Federalism, Discretionary Powers, Centre–State Relations.

1. Introduction

The office of the Governor occupies a pivotal position within India's constitutional and federal framework. Conceived as the ceremonial head of the state, the Governor was constitutionally designed to function as a politically neutral authority, acting on the aid and advice of the elected Council of Ministers. This design reflects the broader commitment of the Indian Constitution to parliamentary democracy, constitutional morality, and federal balance [1].

Historically, the Governor was intended to serve as a stabilizing institution—ensuring continuity of governance, upholding constitutional norms, and acting as a link between the Union and the State without intruding into partisan politics. However, contemporary political developments reveal a significant departure from this constitutional ideal. In recent decades, Governors have increasingly been drawn into political controversies involving government formation, legislative functioning, delays in granting assent to state bills, and recommendations for President's Rule [2][3].

These developments have generated serious debates regarding the erosion of constitutional neutrality and the growing politicization of the Governor's office. Situations such as hung assemblies, coalition governments, and intensified centre–state political competition have expanded the scope of gubernatorial discretion, often transforming the Governor from a constitutional sentinel into an active political actor. Such

practices raise critical questions about democratic accountability, federal harmony, and the ethical exercise of constitutional power.

From the perspective of Indian federalism—characterized by a strong Centre, asymmetric arrangements, and the rise of powerful regional parties—the changing role of the Governor assumes particular significance. While judicial interventions, notably in cases such as *S.R. Bommai v. Union of India* and *Nabam Rebia v. Deputy Speaker*, have attempted to place constitutional limits on gubernatorial discretion, ambiguities in constitutional practice continue to provide space for political interpretation and intervention.

Against this backdrop, this paper seeks to critically examine the transformation of the Governor from a constitutionally neutral authority to an increasingly politicized actor. By analyzing constitutional provisions, landmark judicial pronouncements, and contemporary political practices, the study evaluates the implications of gubernatorial activism for Indian federalism, constitutional morality, and democratic governance. In doing so, it aims to contribute to the ongoing scholarly debate on the credibility and future of constitutional institutions in India.

2. Constitutional Position of the Governor

Articles 153–162 of the Constitution define the Governor's appointment, powers, and functions. Appointed by the President, the Governor holds office during the President's pleasure, structurally linking the office to the Union [1]. While the real executive authority lies with the elected government, discretionary powers in hung assemblies, bill reservations, and recommendations of President's Rule create grey areas often politicized [3][4].

3. Concept of Constitutional Neutrality

The Governor must function above party politics and adhere to constitutional principles [1]. Dr. B.R. Ambedkar emphasized the Governor as a constitutional sentinel, not an independent political actor. Neutrality is tied to constitutional morality, demanding restraint, impartiality, and respect for democratic norms [5].

4. Issues Related to the Research Problem

Despite constitutional neutrality, Governors frequently face allegations of partisan behavior in situations such as hung assemblies, delayed assent to bills, reservation of state legislation, and recommendations for President's Rule [2][3]. These issues challenge federal balance, democratic accountability, and constitutional ethics.

5. Review of Literature

5.1 *The Constitution of India (1950)*

The Constitution designates the Governor as the constitutional head of the state, required to act on the aid and advice of the Council of Ministers, except in narrowly defined discretionary situations. This framework reflects the intended political neutrality of the office and establishes the foundational principles for analyzing deviations from neutrality [1].

5.2 *S.R. Bommai v. Union of India (1994)*

The Supreme Court, in this landmark judgment, imposed strict limits on the arbitrary use of Article 356, reaffirming the federal structure as part of the Constitution's basic framework. The decision underscores the judiciary's role in curbing potential misuse of gubernatorial discretion and safeguarding state autonomy [2].

5.3 *Nabam Rebia & Bamang Felix v. Deputy Speaker (2016)*

The Court clarified that the Governor does not possess unrestricted discretionary powers, particularly concerning legislative matters. This case establishes clear boundaries for gubernatorial activism and serves as a critical reference for evaluating the scope of constitutional discretion [3].

5.4 *B.P. Singhal v. Union of India (2010)*

The judgment examined the arbitrary removal of Governors and reinforced the principle that the office should remain insulated from political pressures. It highlights the vulnerability of gubernatorial positions to central influence and the importance of protecting the office from partisan manipulation [4].

5.5 *Austin, Granville (1999) – Working a Democratic Constitution*

Austin provides an in-depth analysis of Indian federal institutions, including the evolution of centre–state relations. His work offers historical and institutional context for understanding the changing role of the Governor within India’s parliamentary democracy [5].

5.6 *Sarkaria Commission (1988) – Report on Centre–State Relations*

The Commission critically examined gubernatorial conduct and recommended neutrality, restraint, and adherence to constitutional propriety. These recommendations form a cornerstone for reform-oriented discussions on restoring impartiality in gubernatorial functions [6].

5.7 *Arora & Verney (2018) – Multiple Identities in a Single State*

This study situates Indian federalism in a comparative perspective, highlighting political tensions within multi-layered governance structures. It provides valuable insight into how gubernatorial actions interact with broader federal dynamics and political competition [7].

5.8 *Wheare, K.C. (1964) – Federal Government*

Wheare presents the classical theory of federalism, emphasizing the balance between central authority and regional autonomy. This theoretical foundation aids in assessing whether the Governor’s interventions align with the principles of federal equilibrium [8].

5.9 *Sathe, S.P. (2002) – Judicial Activism in India*

Sathe explores the judiciary’s proactive role in limiting executive overreach and maintaining constitutional integrity. His analysis underpins the discussion on judicial responses to the politicization of the Governor’s office [9].

The reviewed literature extensively discusses constitutional provisions and judicial interpretations concerning the Governor. However, systematic analysis of the Governor as a political actor, particularly in the contemporary Indian context, remains sparse. This study addresses this lacuna by examining both institutional frameworks and real-world political practices.

6. Research Gap

Despite substantial scholarly attention to the constitutional and judicial dimensions of the Governor’s role, limited research exists on the political transformation of the office in recent decades. The cumulative effects of gubernatorial activism on federalism, constitutional morality, and democratic governance remain underexplored. This study seeks to fill this gap by providing a comprehensive analysis of the evolving political character of the Governor and its implications for India’s federal and democratic architecture.

7. Objectives of the Study

The main objectives of this research are :

- To analyze the constitutional position of the Governor
- To examine erosion of constitutional neutrality
- To assess political use of discretionary powers
- To evaluate impact on federalism and democracy
- To suggest reforms for restoring constitutional balance

8. Research Questions

Key questions guiding this research include:

- What role did the Constitution envisage for the Governor?
- Why has constitutional neutrality eroded in practice?
- How are discretionary powers politically deployed?
- What are the implications for Indian federalism?
- What reforms are necessary to restore neutrality?

9. Suggested Methodology

Qualitative doctrinal methodology is adopted. Primary sources include constitutional provisions, judicial decisions, and commission reports; secondary sources include books, journals, and academic articles. Analytical and interpretative methods are applied to evaluate institutional behaviour.

10. Theoretical Framework

The study is based on a multidisciplinary theoretical framework drawing from federalism theory, constitutional morality, and institutional political theory to analyze the Governor's evolving role in India.

Federalism theory explains the constitutional balance between the Centre and the States. Although India follows a strong-centralized model, it also envisages cooperative federalism. As the constitutional link between the Union and the State, the Governor is expected to function as a neutral authority. Partisan use of discretionary powers disturbs this federal balance and weakens state autonomy.

Constitutional morality, as emphasized by Dr. B.R. Ambedkar, requires constitutional offices to act with restraint, impartiality, and respect for democratic values. The politicization of the Governor's office undermines these normative expectations and erodes institutional credibility.

Institutional political theory helps explain why formally neutral offices may display political behavior. Structural factors such as Union-controlled appointments, limited tenure security, and wide discretionary space influence gubernatorial conduct, encouraging political activism despite constitutional limitations.

Together, these theoretical perspectives provide an analytical lens to understand the transformation of the Governor from a neutral constitutional head to a politically significant actor in Indian federalism.

11. Governor as a Political Actor

11.1 Government Formation

In cases of hung assemblies, the Governor exercises discretion in inviting parties to form the government. In recent years, such discretion has often attracted allegations of partisan bias, particularly regarding the choice of invitee and timing of floor tests. These practices raise concerns about democratic legitimacy and reinforce perceptions of the Governor as a political actor rather than a neutral constitutional authority [2][3].

11.2 Legislative Intervention

The Governor's involvement in the legislative process has increasingly become contentious. Delays in granting assent to bills and frequent reservation of state legislation have politicized the office, leading to constitutional deadlocks and straining centre–state relations [3][4].

11.3 Recommendation of President's Rule

Despite judicial safeguards, the Governor remains central to recommendations under Article 356. The continued reliance on gubernatorial reports often raises concerns regarding objectivity and political motivation, thereby affecting federal balance and constitutional morality [2].

12. Judicial Responses

The Indian judiciary has played a decisive role in limiting the politicization of the Governor's office and preserving constitutional balance. Through landmark judgments, the Supreme Court has attempted to clearly demarcate the constitutional boundaries within which Governors must operate.

In *S.R. Bommai v. Union of India* (1994), the Court significantly curtailed the arbitrary use of Article 356 by subjecting the Governor's report to judicial review and reaffirming federalism as a basic feature of the Constitution. This judgment reduced the scope for politically motivated recommendations of President's Rule.

Similarly, in *Nabam Rebia v. Deputy Speaker* (2016), the Court clarified that the Governor does not possess unfettered discretionary powers, particularly in legislative matters. The ruling emphasized that discretion must be exercised strictly within constitutional limits and not on personal or political considerations.

Despite these judicial interventions, ambiguities in constitutional provisions and conventions continue to allow scope for political interpretation. As a result, judicial oversight, though crucial, has not been entirely sufficient to prevent the Governor's office from being drawn into political controversies.

13. Impact on Indian Federalism and Democratic Governance

The growing politicization of the Governor's office has profound implications for Indian federalism and democratic governance. Recurrent interventions in state affairs—particularly in matters of government formation, legislative functioning, and the exercise of discretionary powers—tend to undermine the autonomy of elected state governments. Such practices disturb the constitutional balance between the Union and the States, weakening the spirit of cooperative federalism. The perception of the Governor as an extension of the central executive erodes public trust in constitutional institutions and dilutes democratic accountability. Persistent centre–state confrontations further contribute to centralizing tendencies, which run contrary to the federal ethos of the Constitution. Although judicial interventions and expert commission recommendations have sought to restore institutional balance, continued politicization of the office remains a serious challenge to constitutional morality, federal harmony, and democratic stability in India.

14. Conclusion

The transformation of the Governor from a neutral constitutional authority to an active political actor poses a serious challenge to India's constitutional morality and federal harmony. While discretionary powers are constitutionally sanctioned, their politicized use undermines democratic accountability and cooperative federalism.

To restore the credibility of the Governor's office, the study recommends:

- i. Transparent and consultative appointment procedures to reduce political influence.
- ii. Codified guidelines for the exercise of discretionary powers, particularly in matters of government formation and legislative assent.
- iii. Stronger judicial scrutiny to ensure accountability without undermining constitutional autonomy.
- iv. Reinforcement of constitutional morality through conventions, ethics, and institutional restraint.

Ultimately, preserving the neutrality of the Governor is vital for safeguarding India's federal structure, democratic values, and constitutional governance.

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