



**Governor (Part - II)**



# Governor

## Part II

### Governors Committee (1971)

- Laid down the **responsibility on the Governor to send a regular report** about the political situation of the State to the Centre
  - This may further lead to invoking **Article 356 (President's Rule)**

### Recommendations of Important Commissions

- **Administrative Reforms Commission (1968):**
  - **Governor's report regarding Article 356 should be objective**, prepared by his own judgement in this regard
- **Rajamannar Committee (1971):**
  - **Revoke Articles 356 & 357** from the Constitution but keep the necessary provisions against arbitrary action of Centre
- **Sarkaria Commission (1988):**
  - **Article 356 be used in very rare cases**
- **Justice V. Chelliah Commission (2002):**
  - **Article 356 be used only as a remedy of the last resort** after exhausting all actions under:
    - **Articles 256** (executive power of state in compliance with laws made by the Parliament)
    - **Article 257** (executive power of State to not impede executive power of the Union)
    - **Article 355** (State govts. to comply with the provisions of the Constitution)
- **Punchhi Commission (2010):**
  - **Articles 355 & 356 be amended**

### Major Issues

- Governor's role in invoking Article 356 - **often misused by the Centre**
- No provisions laid down for **Governor-State Govt. engagement in case of difference of opinion**
- **No constitutional guidelines** for exercise of the Governor's powers
- Negative terms like an **agent of the Centre, puppet and rubber stamps** are often used by state govts. to describe the Governor

### Important SC Judgements

- **S.R. Bommai Judgement (1994):**
  - The **breakdown of constitutional machinery implied a virtual impossibility, and not a mere difficulty**, in carrying out governance in a State. Classified failure of constitutional machinery as:
    - **Political crises**
    - **Internal subversion**
    - **Physical breakdown**
    - **Non-compliance with const. directions of the Union Executive**
- **Nabam Rebia Judgement (2016):**
  - The Governor's discretionary power (Article 163) should not be arbitrary, rather **dictated by reason**
- **BP Singhal Case (2010):**
  - President's reasons for removal (Governor) will be **presumed compelling & valid** but if the Governor approaches the Court, **Centre will have to justify its decision**

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