Mains Practice Question

Q. "The discretionary powers of the Governor have become a source of constitutional friction rather than federal harmony." Discuss while suggesting measures for reforming the office of governor in India. **(250 words)**

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Approach

- Introduce the answer by briefing about the office of Governor
- Highlight the Discretionary Powers of the Governor and Constitutional Friction
- Give Reforms to Strengthen Federal Harmony
- Conclude suitably.

Introduction

The Governor, as the **constitutional head of a state,** plays a crucial role in maintaining the federal structure of India.

- However, the **increasing use of discretionary powers (under Article 163)**—especially in areas such as **assent to bills, government formation, and recommending President's Rule**—has led to friction between the Centre and states.
- This has raised concerns about **federal harmony, political neutrality, and constitutional propriety.**

Body

Discretionary Powers of the Governor and Constitutional Friction:

- **Legislative Discretion**
  - **Withholding or Delaying Assent to Bills (Article 200, 201):** Governors have frequently delayed assent or reserved bills for the President, leading to legislative paralysis.
    - **Example**: In **Tamil Nadu (2023),** the Governor withheld multiple bills, prompting Supreme Court intervention.
- **Political Discretion**
  - **Government Formation in a Hung Assembly**: Lack of clear guidelines allows Governors to invite parties of their preference.
    - **Example:** In **Karnataka (2018),** the Governor gave 15 days to a party without majority support, later reduced by the Supreme Court.
  - **Recommending President's Rule (Article 356):** Often misused to destabilize opposition-led governments.
    - **Example**: In **Uttarakhand (2016),** the Governor recommends President's Rule just before a floor test.
- **Administrative and Institutional Involvement**

- **Interference in University Appointments:** Governors, as **Chancellors of state universities,** have overridden elected governments.
    - **Example**: In **West Bengal (2023)**, unilateral VC appointments led to a legal battle.

Reforms to Strengthen Federal Harmony:

- **Defining Time Limits for Assent to Bills:** The **Supreme Court** ruled that Governors must act "as soon as possible."
    - The **Punchhi Commission (2010)** suggested a **six-month limit** for bill consideration.
- **Clear Guidelines for Government Formation:** Sarkaria and Punchhi Commissions emphasized the need for clarity to prevent arbitrary decisions.
    - **Follow a structured order:**
        - Pre-poll alliances
        - Single largest party
        - Post-poll coalitions
- **Reforming the Appointment and Removal Process:** Consultation with Chief Ministers before appointment, as suggested by the **Sarkaria Commission.**
    - **Punchhi Commission (2010**) recommended that Governors should be **non-political personalities.**
- **Holding Governors Accountable**: **Judicial Review of Governor's Actions** *(Rameshwar Prasad Case, 2006)* to prevent unconstitutional decisions.
    - Requiring governor **annual reports to the Rajya Sabha** for transparency.
- **President's Rule (Article 356) as a last resort:**
    - **S.R. Bommai Judgment (1994):** President's Rule should be a last resort and subject to **judicial review.**
    - **Sarkaria Commission** recommended **targeted interventions** instead of dismissing entire governments.
- **Introducing an Impeachment Process for Governors**
    - The **Punchhi Commission** suggested an **impeachment mechanism** similar to the President's.
    - **The Supreme Court (BP Singhal case, 2010)** ruled that Governor removals must be **based on valid reasons.**

Conclusion

While the Governor plays a vital role in India's constitutional framework, **frequent misuse of discretionary powers has led to Centre-state tension**s. Implementing **clear guidelines, time limits, and accountability measures** will help ensure that the Governor remains a **neutral constitutional authority** rather than a tool for political maneuvering. A reformed Governor's office will **strengthen federal harmony and uphold democratic principles.**