



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

THE GOVERNOR'S ROLE AS AN INTERMEDIARY: CASE STUDIES FROM TAMIL NADU AND WEST BENGAL

AUTHORED BY - DR. SANGEETHA BANDLAMUDI & DR. MADHURI PARADESI

Abstract

It is the mandate of the Governor in India to be the constitutional head of a state and to ensure that no imbalance ever occurs between the Centre and the State. The Governor of Tamil Nadu and West Bengal are also telling of how this position has become more than a mediator but has now become a controversial aspect in the states. The paper discusses the constitutional structure in which the powers of the Governor are governed and how this power has been interpreted by the courts as well as conflicts existing in Tamil Nadu and West Bengal to determine the vastness in which the office is playing its role of intermediary. It is ended by a series of recommendations to depoliticise the office and make it comply with constitutional demands.

The Governor in India holds a complicated and rather controversial role in the federalism of India. Being the constitutional head of state, the Governor is expected to play a non-partisan role of an intermediary between the Union and the State governments, and to maintain the constitutional values and stable governance. But down the years, this task has come under a firing line, especially in states that are headed by political parties that are in opposition to the centre government.

Keywords: Governor, Federalism, Discretionary Powers, Centre-State Relations, Political Neutrality

Introduction

The office of the Governor in India since the British Indian administration days is an attribute of the British colonial rule but the drafters of the Constitution had in mind the idea of having the Governor as a fixed entity that was to attest constitutional governance. The Governor was to be more of a figure head that is guided by the aid and advice of the elected government and also provided a channel of communication between the State and the national government.

Notwithstanding such intentions, the office of Governor has sometimes become an instrument of political power especially in a state where the political party in power is not the one aligned in the centre of power. Claims of exceeding the doctrine of separation of powers, time taken to grant assent to bills and outright criticisms of state governments have led to the office becoming controversial.

In *State of Tamil Nadu and Governor of Tamil Nadu 1972*) it is held that: Likewise, a judge is not qualified to be taught by the writ exactly what it is that he/she is aspiring to perform. Indian Supreme Court, interpreted the constitutional limits of the functions of Governor under Article 200 and 201 of the Constitution. The case developed due to the protracted negligence on part of the Governor to individually pass several Bills such as the Tamil Nadu Universities Laws (Amendment) Bill, 2022 by the Tamil Nadu Assembly after a gap of 17 months. The Bill was sent back by the Governor, and being again passed by the Assembly, was laid aside by the Governor again, in the name of the President--and this is a matter of great constitutional difficulty.

The Court inserted timelines based on constitutional guidelines, imposed to stem the endemic indefiniteness: once; in extenuating circumstances of discretion, respects in three months: the Governor has three months in general circumstances to give assent to the Bill, or withhold assent, or reserve it. Once a Bill is re-passed, it has to be assented to by the Governor within one month, and he or she cannot reserve it. In the same way, Article 201 indicates that the decision made by the President ought to be within three months. These are not legal deadlines but rather parliamentary standards that are enforceable constitutional standards that are meant to ensure that irresponsible governance is avoided and that legislation cannot stall.

The Court further reiterated that it is not the duty of the Governor to stop legislations, but to be a guardian of the democratic processes within the confinements of the constitution. It also disapproved the silence of the gubernatorial as a constitutional act and associated it with dereliction of duty. Notably, the judgment reconfirms the existence of gubernatorial discretion, which is restrictive and which can be reviewed by the court. Although the subject of the ruling is a product of Tamil Nadu, it has national ramifications and reaffirms state autonomy and the independence of the legislature being impeded either politically or procedurally. It gives impetus to federalism because it keeps the unelected constitutional powers accountable in the democratic setup.

I. Constitutional Position and Powers of the Governor

The Constitution of India, under Articles 153 to 162, outlines the framework for the Governor's office. The Governor is appointed by the President (Article 155) and holds office at the President's pleasure (Article 156), making the appointment effectively political, influenced by the central government.¹

The Governor's powers are broadly executive (Article 154),² legislative (Articles 174–200), and discretionary (Article 163). While the Governor is expected to act on the advice of the Council of Ministers, discretionary powers are available under exceptional circumstances, such as during a hung assembly or when recommending President's Rule under Article 356.

A key point of contention arises from Article 200, where the Governor can withhold or reserve assent to bills passed by the state legislature. The Constitution does not provide a timeline for this, leading to indefinite delays in crucial legislations.

The Supreme Court in *Shamsher Singh v. State of Punjab* (1974) emphasized that the Governor is not an independent authority but is bound by ministerial advice, except in limited cases. The Court urged Governors to avoid interfering in political matters.¹

In *Nabam Rebia v. Deputy Speaker* (2016)³, the Supreme Court reiterated that the Governor cannot act without the aid and advice of ministers except in areas explicitly allowed by the Constitution.² These rulings seek to prevent partisan misuse of the office.

Despite this, the ambiguity in constitutional language, combined with the political nature of appointments, has led to the erosion of neutrality. Governors often interpret their role expansively, resulting in institutional conflict and accusations of partisanship.

II. Governor-State Tensions in Tamil Nadu

There has been historically a great tension between state leadership and the Governor of Tamil Nadu and currently under the current political leadership of DMK and a BJP-led central

¹India Const. arts. 153–156, 162.

²(1974) 2 SCC 831.

³(2016) 8 SCC 1.

government this tension has been seen on prime rehearsals. Some of the conflicts have been in the failure to give assent to bills and the intrusion in the administrative affairs.

Relations were also strained by the controversial statements of the Governor of the public questioning the policies of the state identity and language and proposing to rename the state not as Tamil Nadu but Tamilagam. The statements were perceived as provocations in terms of ideology and not intervention in terms of constitution.⁴

Such executive-legislative dissatisfaction had been manifested in an unprecedented and spectacular manner in January 2023 when the Chief Minister and other ministers staged a walkout when the Governor gave his speech at the start of the Assembly. The Governor omitted major parts of the government-written speech, which attracted stringent criticism.

These and other episodes remind us that the office of the Governor, to the extent that it is no longer limited to its constitutional function, may serve as a ready source of federal conflict. The Tamil Nadu case is an example of how too much power, taken frequently, handicaps the law-making and law-enforcement machinery.

III. Governor-State Conflicts in West Bengal

The rule of Governor was the one related to the government of West Bengal on the law and order, the education policies, as well as the backgrounds of those who took the positions of teachers at the university. His actions cast doubt as to whether the extent of gubernatorial communication was breached and whether there was a breach with regard to the ideals of cooperative federalism.

Conflicts between the Governor and the State Government in West Bengal have often highlighted the fragile balance of power within India's federal structure. These tensions typically arise from differing political ideologies, with the Governor—appointed by the Centre—frequently clashing with the elected state leadership over issues such as legislative assent, law and order, and administrative decisions. While the Governor is expected to act as a neutral constitutional head, instances of perceived overreach or political interference have led

⁴M.P. Jain, Indian Constitutional Law 998–1005 (7th ed. 2014).

to accusations of partisanship and undermining of the state's autonomy. Such confrontations not only strain Centre-State relations but also raise important questions about the role and accountability of Governors in a parliamentary democracy.

The Governor either withheld assent or delayed approval to a number of bills involved in the university governance and state-run institutions. The state claimed that he was a person who behaved like a representative of the Centre and overstepped the constitutional norms.

The state government reacted by restraining the power of access of the Governor to the administrative departments and even recommended to abolish the office of Governor as Chancellor of the state universities-an effort to regain control of education policies as well.⁵

In 2023, after the West Bengal Assembly successfully passed a bill that strips the Governor of the Role of the Chancellor of state universities and gives Chancellor of state universities to the Chief Minister post. Despite its notoriousness, this decision was an outcome of institutional mistrust and failure of the planned intermediary position.

The West Bengal experience proves that over-activism of Governors can increase political polarization, deteriorate the situation with democratic processes, and diminish the level of trust towards constitutional institutions.

IV. Evaluating the Intermediary Role and the Path Forward

The position of the Governor as a mediator is a way of fostering federal peace and allow a constitutional operation. The Tamil Nadu and West Bengal case studies however demonstrate that, the office has veered on this idealism many times because of politically appointed subordinates and a lack of clarity in the limits of its discretion.

The Supreme Court has pointed out the synonyms of restraint and constitutional morality in the behavior of Governors. Yet, given that there is no statutory or procedural transparency, Governors will proceed to behave in a manner that causes institutional stand, all the more so, postponing governance.

⁵ D.D. Basu, *Commentary on the Constitution of India* vol. 9, 124–132 (8th ed. 2007).

Sarkaria Commission (1988) and The Punchhi Commission (2010) both suggested that Governor should be a person of out-of-state origin who has not taken part in any politics and should be a person whose post is a source of impartiality. However, such suggestions have not found much implementation.

Among the significant changes that can be implemented is establishing a definite time frame (e.g. 30 days) within which the Governor must take action (by enacting or vetoing) on a bill like some jurists and political formations suggest to do. This would help in checking the abuse of delay as a political weapon.⁶

There is also necessity of revisiting Article 200 and lay out what would be valid reasons of not granting or reserving a bill. This would make the process more democratic and responsible.

New systemic reforms must be implemented to ensure that in future, the office of the Governor will not be regarded as the tool of controlling the political hierarchy and the spirit of federalism in India will not be undermined and will not hurt the democratized trust between the State and Union governments.⁷

Conclusion

The constitutional vision of the Governor is that of a neutral, dignified authority who ensures smooth governance and acts as a channel of communication between the Union and the States. However, as seen in Tamil Nadu and West Bengal, the office often becomes a source of conflict due to politicization and misuse of discretion.

Both case studies illustrate how the Governor's office, when not restrained by constitutional conventions and judicial norms, can paralyze state functioning and erode public trust. The increasing frequency of such confrontations demands urgent institutional reforms.

Key among these are ensuring non-partisan appointments, clearer legal boundaries for discretionary powers, and statutory timelines for assent to bills. The role of the Governor must

⁶ Punchhi Commission, *Report of the Commission on Centre-State Relations*, Ministry of Home Affairs, Government of India, Vol. I (Mar. 2010), [https://www.mha.gov.in/sites/default/files/2ndARC_Report13.pdf](https://www.mha.gov.in/sites/default/files/2ndARC_Report13.pdf).

⁷The Wire, "Dhankhar's Frequent Tweets Not Befitting Constitutional Post", October 2021.

be revisited in light of India's evolving federal structure and growing political pluralism.

Ultimately, the Governor must rise above party politics and act as a true constitutional intermediary. Only then can the delicate balance of Indian federalism be preserved and strengthened for future generations.

The recurring confrontations between Governors and elected governments in Tamil Nadu and West Bengal reveal a deeper constitutional concern: the potential erosion of democratic norms due to executive overreach by unelected officials. This is particularly troubling in a federal polity like India, where states are meant to function with a degree of autonomy within the constitutional framework.

Federalism, as envisaged by the Constitution, is cooperative rather than competitive. The Governor's role, ideally, should support this vision by acting as a neutral referee in matters of governance. However, in practice, when Governors delay legislative assent, make politically motivated statements, or obstruct administrative procedures, they risk undermining public trust and the democratic mandate of the state legislature.

Such interventions have also begun to affect the functioning of critical institutions, such as state universities, legislative assemblies, and law enforcement mechanisms, further complicating the governance landscape in opposition-ruled states. If left unchecked, this could set a dangerous precedent where the Governor becomes a parallel center of power, rather than a constitutional link between the Centre and the State.

To restore the dignity and neutrality of the Governor's office, a multi-pronged approach is necessary. Constitutional amendments may be difficult to achieve in the current political climate, but statutory reforms and enforceable guidelines can still ensure that Governors act within their limits. Institutional mechanisms like a standing committee to review gubernatorial conduct, increased judicial oversight, and mandatory consultation with state governments before appointments can also help depoliticise the office.

In sum, the Governor must be a guardian of the Constitution—not a stakeholder in political battles. The Tamil Nadu and West Bengal case studies are a warning sign that unless institutional reforms are undertaken, the Governor's role may continue to compromise

federalism, deepen executive-legislative discord, and weaken the democratic foundations of the Indian state.

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