CHAPTER - IX

GOVERNOR UNDER THE INDIAN FEDERATION:
A CRITICAL REAPPRAISAL

The proper working of the office of the Governor in India is of crucial importance not only for the proper functioning of the federation but also for the success of the democratic system of government in the country. The provisions which established the office of the Governor for each State and defined the manner of his appointment and his functions and duties were debated in the Constituent Assembly by the country's great leaders. Despite controversies, the central concept regarding the Governor's position was never at stake. The Governors were to be the constitutional heads of States in a federation where both the Union and the States were to function according to the parliamentary system of government.

During the various stages of the deliberations, starting with the memorandum on Provincial Constitution prepared by the constitutional adviser, B.N. Rau, early in 1947, two different thought came up: one contemplating an elected Governor, with certain responsibilities and discretionary powers, and the other a Governor appointed by the President, functioning as the constitutional head acting on the aid and advice of the Council of Ministers, with a modicum of discretion essential for working a parliamentary form of government in the State.
in a federal set up providing for a strong Centre. There was a great deal of discussion about the manner in which the Governor could be elected. When the idea of appointment of the Governor by the President came up and it was proposed that the State Legislature elect a panel of four, from which the President should make the appointment, it was opposed by Jayaprakash Narayan on the ground that the federal Prime Minister might advise the President to appoint from a person from his own political party, even if such person had not secured the largest number of votes in the State Legislature.¹

When the question of the method of choosing the Governor came up for final consideration of the Constituent Assembly in 1949, Brajeshwar Prasad – a strong proponent of a unitary as against a federal form of government for the whole country – moved an amendment proposing that the Governor should be appointed by the President. the President’s choice should be unfettered and, further, that it was necessary to maintain the authority of the Government of India over States. This last suggestion ran counter to the scheme of federalism. The Constituent Assembly, which had already decided on a federal structure, obviously could not take this retrograde ideas seriously: but it accepted his amendment regarding the mode of appointment of Governors. We may pause to consider these reasons, as they throw light on the Assembly’s conception of the office of the Governor.

The proposal to have an elected Governor, which continue to be considered seriously up to the final stage of Constitution-making, was an expression of the desire to respect the principle of federalism, and to make the States internally sovereign in the field allotted to them, subject only to certain powers of the Union necessary for dealing with emergencies and for maintaining the unity and integrity of the country. If the idea of having elected Governor was finally given up, it was for reasons for different from those offered by Brajeshwar Prasad. First, and perhaps the most important, was the consideration that an elected Governor might have conflicts with the Council of Ministers responsible to the Legislature. Secondly, if the Governor were to be elected, the question would arise as to whether the party would rally round the Chief Minister or the Governor. The whole basis of the constitutional structure was harmony between the Legislature and executive.

These were the reasons why, in spite of the force of the federalist argument, the idea of an elected Governor was given up, and the primary consideration, that of ensuring a smooth working of the Cabinet government, was allowed to prevail. But it was certainly not contemplated that the Governor would be an agent of the Central government, and not a part of the State apparatus – both legislative and executive – or that he could be a person not acceptable to the State.
Ultimately, in the new Constitution, the Governor emerged as a constitutional head appointed by the President of India for a term of five years but hold office during the pleasure of the President.

Under the Constitution the only qualification for a Governor’s appointment is that he should be a citizen of India and should have completed the age of 35 years. That is the literal and theoretical requirement. Nonetheless, the framers of the Constitution realising the importance of the office of the Governor and the role he was expected to play, were very clear and emphatic about the background, the qualities and the caliber of the people who would fill the gubernatorial office. In the words of Alladi, “the Governor should be a person of ‘undoubted ability and position in public life who, at the same time, has not been mixed up in provincial party struggle and faction’.” K.M. Munshi thought it would be better to have a Governor “who is free from the passions and jealousies of the local party politics.” T.T. Krishnamachari was keen that the person selected as Governor be “a person who will hold the scale impartially as between the various factors in the politics of the State.”

A close scrutiny of the appointments made by the Union government to the office of the Governor reveals that they are against the expectations of the Framers. The Union government has followed

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3 Ibid., p. 453.
4 Ibid., p. 462.
no particular principles and there is no fixed criterion for the appointment of Governors. In most of the cases the only criterion before the Central government was that the person must be pliable and can dance to the tune of the Centre as well as to serve the interest of the party. By and large, appointments to the Governorship have been made on party considerations and majority of the Governors belongs to the ranks of politicians connected with the ruling party.

In fact, discredited, defeated and disgruntled politicians are not the right type of persons, to be appointed as Governors. Such persons whom, “called upon to uphold the Constitution” often fell from standards they are expected to uphold. The appointment of Chenna Reddy and Ramlal as Governors, who had to resign from the office as ministers following judicial strictures were, cases in point. Specially, the appointment of Ramlal – against whom stricture were made by the High Court of Himachal Pradesh – as a Governor in the State of Andhra Pradesh is a glaring instance of breach of constitutional conventions. His machinations in Andhra Pradesh constitute the darkest chapter in the history of the institution of the Governor.

Since the Constitution of India came into force, the appointment of the Governor has been regulated by a set of conventions. First, the Governor should belong to the State other than that in which he is being posted. The purpose was that an outsider would be impartial; but would he not be indifferent also? Nonetheless, this convention has been followed by and large.
Secondly, the appointment of the Governor requires the consultation between the State Ministry and the Union government. This is meant to ensure the cordial relations between State and the Centre, otherwise, it is feared that without the consultation the unity of the State may become "less even nil" in the Indian polity.\(^5\)

The consultation with the Chief Minister before appointing a Governor means the former's consent is not easy to resolve. If it is merely consultation and not the consent of the Chief Minister or the State government then there is no use of it. And if the consent of the Chief Minister is necessary, the appointment falls in his hand and not in the hands of the Central government. Whatever may be the case, it can be said that although the Chief Minister has no right to refuse the appointment of a Governor to his State, yet this convention certainly goes to satisfy the provincial politicians to some extent.

It is not out of place to mention here that in certain Commonwealth countries, such as Australia and Canada, the provincial constitutional heads are appointed by the Governor-General in consultation with the local government. In both these countries, the Governor-General is aided and advised by the Council of Ministers in regard to Governor's appointment. It appears that the framers of the Indian Constitution wanted to follow the practice prevailing there, when this problem was being hotly debated, the system of appointment

of Governor in these countries was cited by the defenders\textsuperscript{6} of the present mode of appointment in India. But they did not care for the fact that in Commonwealth countries, the powers given in theory have not been denied in practice.

By judging from the statement of some of Chief Ministers\textsuperscript{7} latterly, there has not been consultation with the Chief Minister in every case, nor has his consent been taken. In such cases, some damage is done to the federal principle, and it becomes difficult to establish mutual trust and harmonious relations between the Governor and his Council of Ministers. The Governor is likely to be regarded as an imposition and an agent of the Central government, more so when the Central and the State have Ministries of different political complexions. Instead of serving as a useful link between the Centre and the State, and contributing towards a smooth working of the federal system, he becomes an object of suspicion to the State Ministry.

Besides, the Central government started the practice of transferring the Governors from one State to another despite the fact that there is no provision in the Constitution for such a practice. This has strengthened the suspicions that the Centre is using the Governor to ride roughshod over State's autonomy. Farooq Abdullah wrote in his


\textsuperscript{7} When Jyoti Basu, the then Chief Minister of West Bengal, when he was attending a conclave of Opposition Parties at Srinagar in 1985, the then Home Minister, P.C.Sethi, telephoned him about appointment of A.P.Sharma as a new Governor to his State. His response was "are you consulting me or notifying me?", \textit{Indian Express}, February 21, 1987.
book, *My Dismissal* that Jagmohan was appointed Governor, "with the sole intention of having a convenient and a pliable being, who was to carry out orders from Delhi faithfully. The Indian Constitution neither has any provision, nor does it envisage, transfer of a Governor from one State to another, yet Jagmohan was sent to replace B.K.Nehru, who had declined to carry out unconstitutional order. This transfer was a warning signal for me that the days of my government were numbered". But the difficulty is that unless such unconstitutional steps are challenged in the Court of law, nothing can prevent the Central government from proceeding further to secure some sort of political gain.

Again, contrary to the beliefs of the framers of the Constitution, Governors have been removed from reasons not at all within their contemplation. A change of government at the Centre and the desire to reward party men has in some cases led to the removal or transfer of Governor before the expiry of their term. For example, Raghukul Tilak, Governor of Rajasthan (1977-81) who was appointed by the Janata government was dismissed soon after the Congress (I) returned to power. The constitutional propriety of Tilak as Governor of Rajasthan when he was a member of the State’s Public Service Commission was challenged in the Supreme Court on the ground that a

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member of Union Public Service Commission or any State Public Service Commission cannot be further employed by the Central government or State government. In 1978, the Supreme Court declared that Governorship is an independent constitutional office which is not subject to the control of the Government of India and quashed the Writ petition challenging Tilak's appointment to the post. In spite of this judgement, Tilak was asked to resign by the then Home Minister, Zail Singh. But he refused to be bullied by the Centre's blandishment and threats, which were issued in order to make him toe the line. Thereafter, a representative of Home Ministry flew to Jaipur and handed him the President's letter dismissing him with immediate effect form 8th August, 1981.9

A Governor functioning with the apprehension of dismissal or transfer to another State without his willing consent may not find it easy to function with complete impartiality and as an independent constitutional authority. Such a situation is obviously harmful to the working of the Parliamentary system in the States, and to the maintenance of healthy federal relations. Since the hopes of the framers of the Constitution about the growth and evolution of convention in the matter of appointment or removal of Governors have not been fulfilled, serious thought should be given to whether or not these constitutional provisions require revision or amendment.

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The Governor was merely a constitutional head of State generally acted according to the advice of the Council of Ministers during the period 1950-67, when most of the States were ruled by the Congress Party. The claim of a Governor to legal or constitutional authority was not a strong one. An office which suffered a relative eclipse\(^\text{10}\) during pre-1967 era of one-party dominance thus suddenly shot into both importance and controversy, the new situation demands on the incumbent of the office being impartiality and balanced use of situational discretion which may defy both fear and prejudice.

As long as there was a single party in majority in the State Legislature, the choice of a Chief Minister was a matter of routine. Disputes arose only after 1967 when the political situation in the country underwent a radical change and the Congress Party lost its power in most of the States. United Fronts were formed to oppose the Congress Party and coalition governments came into being. Thanks to this development both legal authority and the functions bestowed on the Governors by law and conventions came to be expanded. V.K. Vardhachari points out, “although the Governor is constitutional head like the British sovereign, he became the holder of an office of

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\(^{10}\) One may recall here the complaint of Mrs. Vijaya Laxmi Pandit, a former Governor of Maharashtra, that Ministers had isolated her and that her attempts to discuss Congress matters informally, since we all belong to same party, “were also fruitless ... One, however, wonders how far such informal discussion would be desirable if the Governor is to inspire confidence particularly in a situation of multi-party competitive politics – in fact, even in a situation of one-party dominant politics. Iqbal Narain, “The Emerging issues and Ideas in Indian Federalism” in *Union State Relations in India*, (ed.), Subhas K. Kashyap, The Institute of Constitutional and Parliamentary Studies, New Delhi, 1969, p. 176.
strategic importance in time of political crisis, "a quiescent volcano" which can erupt at any time.\textsuperscript{11}

In an Assembly if no party secured an absolute majority, the Governor allowed the leaders of the single largest party to form the government. Unfortunately, before 1967, the practice of inviting the leader of the single largest party had been followed only when the Congress Party happened to be the largest and not otherwise. Even in the post-1967 period the Governors in most cases took the stand which apparently smacked of their partisan attitude. One or the other plea the served the interest of the Congress Party and denied the opportunity to form the government to the leader of the opposition parties which secured the largest seats or formed the United Front.

Strangely enough, even after submission of its Report by Sarkaria Commission, the Governor of Meghalaya, Bhism Narayan Singh, went out of his way to install the Congress (I) government. In fact, the three regional parties: The Hill People Union (HPU), the Hill State's Democratic Party (HSPDP) and Public Demand Implementation Convention (PDIC) had approached the Governor and gave in writing that they were in a majority and this could be verified. But instead of looking into their claim, the Governor called upon the Congress (I) to

\textsuperscript{11} In 1962 in Rajasthan and Madhya Pradesh, the Congress Party formed the Ministry when their respective strength was 88 and 142 in a House of 176 and 288. In 1965 in Kerala Communist party was the largest having a strength of 40 out of 133, yet its leader was not invited. Gani, H.A., \textit{op. cit.}, pp. 41-42.
form a government and surprisingly even the swearing-in-ceremony was organised on the same evening.\textsuperscript{12}

It is a well-established parliamentary convention that whenever a government is defeated at the polls; it resigns and sits in the opposition. Therefore, it would have looked constitutionally anomalous and against the popular verdict, if the leader of the Congress had been allowed to form the government. M.S. Dahiya rightly describes the situation as, “the post-1967 period is generally considered startling in the sense that not only did the Governors misuse their powers and cross their “slumbering” role of a constitutional head but also misunderstood the canons of parliamentary democracy”.\textsuperscript{13}

As far as the dismissal of the Ministry is concerned, the powers of a Governor are precisely the same as those of the President of India. Both Articles 75 and 164 are identically worded. Article 164 (1) of the Indian Constitution provides, “the Chief Minister shall be appointed by the Governor and he holds office during the pleasure of the Governor”. In fact, the expression “holding an office during the pleasure of the Governor” is vague. B.R. Ambedkar had maintained in the Constituent Assembly, “I have no doubt about it that it is the intention of this Constitution that the ministry shall hold office during such time as it holds the confidence of the majority. It is on that principle that the Constitution will work … During pleasure is always understood to

\textsuperscript{12} Indian Express, March 1, 1988.
\textsuperscript{13} Dahiya, M.S., Office of the Governor in India, Sundeep Prakashan, Delhi, 1979, p. 59.
mean that pleasure shall not continue notwithstanding the fact that the
ministry has lost the confidence of the majority. The moment the
ministry has lost the confidence of the majority it is presumed that the
President will exercise his ‘pleasure’ in dismissing the ministry...
which is used in all responsible government”. 14

Although B.R. Ambedkar’s speech apparently shows the intention
of the framers of the Constitution that the head of the State would not
able to dismiss the Council of Ministers if it enjoyed the confidence of
the Assembly, the Constitution as actually enacted, provides otherwise
and therefore, under the doctrine of pleasure, the Governor can dismiss
a ministry even without assigning any reason.

In 1984, Homi Talyarkhan, Governor of Sikkim dismissed
Bhandari, Chief Minister of Sikkim, despite the fact that he had the
support of 21 out of 22 members of the Assembly. He was replaced by
B.B.Gurung who could not prove his majority and consequently
President’s rule was imposed. In the same year, Ramlal, Governor of
Andhra Pradesh, openly violated the Constitution and showed utter
contempt for democratic norms by dismissing N.T.Rama Rao, who had
been voted to power with a massive mandate and continued to enjoy the
confidence of the Assembly. He was prepared to face the Assembly
within 48 hours. Worse still, the Governor had no evidence of majority
support to Bhaskararao and without verifying N.T.Rama Rao’s claim.

the Governor came to the conclusion that Rama Rao had lost majority support. This appears to be highly improper from a constitutional point of view because when the Chief Minister, N.T. Rama Rao was prepared to face the Assembly within 48 hours to prove that he had majority, he should have been given a chance to test his strength.

The word ‘pleasure’, however, does not mean the individual judgement of the Governor. B.K. Sarkar is of the view that vesting the dismissal power with the Governor might lead him to “the subversion of democracy as happened in Nigeria and Pakistan” where the elected governments were ousted and the military rule was claimed. If the contention that the Governor can dismiss a ministry in his discretion is accepted, then there is no significance of Article 164(2), which says that the Council of Ministers shall be collectively responsible to the Legislative Assembly. K.V. Rao has rightly maintained that once the ministry is constituted by the Governor, he goes out of the picture, and the Assembly is seized of the matter, and it is for the Assembly to say how long it would allow this ministry to function.

The comments of Nath Pai is most relevant here, though he spoke in the Lok Sabha on the Uttar Pradesh episode where too the Governor B. Gopal Reddy not allowed Charan Singh, the Chief Minister to face the Assembly after the withdrawal of support by the Congress (R) in

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15 Quoted, Dahiya, M.S., op. cit., p. 83.
1970. Instead of asking him to face the Assembly, the Governor dismissed him. Nath Pai said that "the crisis in UP has given a jolt to the principles of collective responsibility of a Cabinet. There can be a crook in every Cabinet who can cook a snook at a Chief Minister or the Prime Minister and go and report to the Governor or the President as the case may be, I have some people with me. Anybody can find some people with him either at the State level or at the Central level – will it be justification to encourage that particular individual? Since you have come out against your Prime Minister or the Chief Minister, I will dismiss the Prime Minister or the Chief Minister, as the case may be. This is what precisely has been happening. It is holding the doctrine of collective responsibility to ransom. But allowing individuals to go and tell at the Governor’s place that “I have some followers, dismiss the Chief Minister, is a very dangerous and pernicious principle”.17

The founding fathers had hoped that conventions would grow which would prevent arbitrarily dismissal of ministry by the Governor. As Thakur Das Bhargava had said in the Constituent Assembly, "a convention would have to grow that the Governor is only entitled to dismiss a ministry if the same fails to retain the confidence of the Legislative Assembly".18 But the conventions are also not very clear. For example, which ‘defeat’ of the ministry in the Assembly demands resignation is yet to be specified by the conventions.19 All these have

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provided ample scope to the Governors for using the constitutional provisions in order to serve their partisan interest. In this way, the Governors who were expected to be the custodian of the Constitution and the laws have not only conferred legitimacy on the violation of laws but to some extent they have even subverted the will of the people in a partisan manner. If the Governors dismiss the Chief Minister without allowing him to test his strength in the Assembly, then certainly the future of Indian parliamentary democracy does not seem to be very bright.

Article 174(2) empowers the Governor the right of dissolution of the Legislative Assembly. Owing to the absence of well established norms, it is difficult to say precisely as to when the Assembly should be dissolved and when it should be suspended. However,

1. the House of the people generally be dissolved on the advice of the Prime Minister according to the convention of the nation but the Head of the State was not necessarily bound to accept the advice of the Prime Minister who wanted a dissolution of Parliament in a situation when the opposition leader was prepared to form the government and he could take charge of the affairs of the State administration with the same parliament without being dissolved.20

2. The President would accept the advice of the Prime Minister for the dissolution of Parliament, if he found that there was no other alternative except the dissolution.21

21 Ibid.
3. It should not be dissolved immediately after the elections. If none of the parties has a majority in the Assembly when the elections are held, the largest party or the largest group should be given a chance to form the government. If none of the parties is prepared to form the government, it would then be desirable to put the State Assembly in a state of suspended animation for a short period.22

4. When the term of the existing assembly is about to expire in the next few months, the Assembly should not be put under suspension if there is a failure of the constitutional machinery in the States. In such a situation it would be better if it is dissolved.23

But unfortunately, the actions of some of the Governors in various States speak otherwise. In Rajasthan when the elections were held in 1967, the Congress Party was the single largest party. The Governor invited Mohan Lal Sukhadia, the leader of the Congress to form the government on March 4. The Assembly was to meet on March 12, he refused to form the government. The reason is between March 4 to 12, he could not secure sufficient defections from the opposition. Under such a circumstance, the proper course would be to give a chance to opposition, when it was keen to do so. But the Governor, instead of adopting this course of action recommended the imposition of the President’s rule along with the dissolution of the Assembly. On his recommendation the President’s rule was imposed


23 Ibid.
but the Assembly instead of being dissolved was put in a state of suspended animation which gave Mohan Lal Sukhadia sufficient time for securing defections and he ultimately succeeded in his game. On the other hand in Kerala when the elections were held in 1965 the CPI(M) was the largest party and its leader E.M.S.Namboodiripad was keen to form the government but the Assembly was immediately dissolved.24

But the most blatant misuse of power by the Governor is Article 356 which empowers him to report to the President in the event of the failure of the constitutional machinery in the state. From the inception of the Constitution till 2002 it has been used more than hundred times. (last imposed in Jammu and Kashmir on October 17, 2002). Not only the Congress Party misused the power of the Governor but all successive governments who came to power at the Centre. In fact, this provision which was included as a life saving device by the framers of the Constitution has become too poisonous to our political system. This power of the Governor was used by all governments which were not at all contemplated by the framers of the Constitution. For example, on inadequate grounds, in situations which could have been dealt with by normal democratic process, to remove political deadlocks and factional rivalries inside the ruling party, to frustrate the formation of opposition government, to get rid of inconvenient state governments

24 Siwach, J.R., op. cit.
and lastly for political rather than constitutional ends. Even surprisingly, the Government of V.P. Singh at the Centre asked the Governor of Karnataka to fax the report to impose President rule in Karnataka in 1989. At that time the government in the State was of Congress headed by Veerendra Patil. This is the height of political opportunism but the Governors are not to be blamed for this type of conduct. They deserve sympathy because they are in the office until further orders and like kitchen servants their jobs can be terminated at any time.

The arbitrary dismissal of the State governments, suspension and dissolution of the Assembly on the partisan consideration clearly shows that these provisions [Articles 174(b) and 356] have been thoroughly misused by the Central government. It has, therefore, made a mockery of the State autonomy and that is the reason why some of the regional parties, particularly the DMK and AIADMK in the South and Akali Dal in the North are demanding the deletion of Article 356 which provides for the imposition of the President’s rule in the States.

In the light of the nearly five decades of the working of the Constitution, it is clear that the very vagueness of the expression used in Article 356 has facilitated its abuse. Even the Supreme Court judgement in S.R.Bommai case and the Recommendations of Sarkaria

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Commission have not deterred its abuse of Article 356. The need of the hour is to define precisely what constitute the phrase “failure of constitutional machinery”.

Under Article 200, the State Governor is constitutionally competent to reserve a Bill passed by the State Legislature for the consideration of the President. The reservation of a Bill on the part of the Governor for reference to the President is an important area of controversy with regard to the Centre-State relations in the Indian Federation. As such the basic objectives of Article 200 is to preserve the independence, dignity and status of the State judiciary. However, the Bill other than those relating to the High Court may also be reserved by the Governor for the consideration of the President under Article 201.

Under Article 201, the President may take three courses against the Bills reserved by the Governor of the State. He may assent to the Bill or he may withhold his assent, or he may direct the Governor to send back a Bill for the reconsideration of the State Assembly which has already passed the Bill. The Constitution does not describe any time limit for the President to refuse his assent to a reserved State Bill. The constitutional propriety of the Governor's action under Article 200 and that of the President under Article 201 cannot be questioned in a Court of Law. Thus, Articles 200 and 201 make it

28 Kameshwar vs. State of Bihar, AIR, 1951, Patna, 91 (101).
clear that the President veto over the State Legislature is absolute and cannot be over-ruled.

Thus, the Centre has over-ruled power on the authority of the State. The President can direct superintendent and control the State administration through Articles 200 and 201 even in the normal times of the functioning of the State machinery. The President as the Head of the Union has less powers in respect of Bills passed by the Parliament; but as the Head of the Indian Union, his power in respect of the State Bills is unlimited and absolute, and the President is not required to give the reasons for using his veto power. The constituent units of the Indian Federation are not as autonomous within the sphere allotted to them by the Constitution as the units of the American or Australian Federation are in the normal days.

Article 213 empowers the Governor of a State to promulgate Ordinance during the recess of the State Legislature. The provision was designed to remedy the rigidity of a federal constitution and make it flexible. Moreover, it was to be exercised in good faith by the Executive. But as D.C. Wadhwa has shown there has been a gross misuse of this power leading to a fraud on the Constitution of India and a gross abuse of power. The Governor gravely abused the power to issue Ordinance by re-promulgating them the power being used for a purpose for which it was never intended. It is indeed a sad reflection.

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on all parties in power specially in Bihar. In 1984, the Uttar Pradesh Court has struck down the re-promulgation of the Official Language (Amendment) Ordinance which was promulgated five times earlier. The Court declared the Ordinance *ultra vires* and the ground that the Governor’s “satisfaction” in promulgating the Ordinance was “justiciable”. Certainly, this judgement will prevent the misuse of power of the Governor in promulgating or re-promulgating Ordinance to some extent.

The position of a Governor-Chancellor in our Federal Polity is not yet clear. The Rajmunnar Committee of Tamil Nadu is of the opinion that the Governor is appointed as Chancellor not in his personal capacity, but ex-officio and continues only as long as he holds office as Governor. Thus, the Governor is appointed to such statutory office only because he is the Head of the government, hence the Governor is necessarily to act on the advice of the Cabinet. The Governor’s Study Team feels that it is “available” for the Governor to consult the Chief Minister in the exercise of his powers and functions as Chancellor, though the ultimate decision should rest with the Chancellor. The Governor faces a peculiar situation. If he does not act according to the advice of the Ministry, he incurs the displeasure of the Ministry, if he acts according to the wishes of the Ministry he is accused of interfering

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33 Report of the Committee of Governors, President’s Secretariat, New Delhi, 1971, pp. 69-70.
with the autonomy of the University. Hence, in this development, the role of the Governor-Chancellor has to be re-examined with a view to determining his position vis-a-vis Universities.

From the critical analysis of the position and role of the Governor in our federation, it has been revealed that there have developed some disturbing trends in the role of the Governor. Between the constitutional position of the Governor and the actual practice, there is a wide difference which defeats the very basic beliefs of the framers of the Constitution. The disturbing trends and violation covers all aspects; the appointment of the Governor in consultation with and with the consent of the State government; the image, caliber and stature of the persons to be appointed as Governor, the security of tenure of Governors, Governor's power to appoint Chief Minister, to dismiss Ministry, to dissolve and suspend State Assemblies, to reserve a Bill for President's consideration and the imposition of President's rule, power of promulgation of Ordinance and Governor as a Chancellor of University.

To make the role of Governors really meaningful in our federation for maintaining the principles and spirit of parliamentary government, it is submitted that the exercise of discretionary powers by the Governors should be guided by a set of instructions in the form of a code which would at least bring uniformity in the roles of all Governors in exercising their discretionary powers. For providing such a code of instructions for the Governors, the Constitution should be
amended so as to insert a new schedule in the Constitution containing instructions for the Governors.