Journal of Contemporary Law and Society, *Volume 2, Issue 4, December 2025, pp. 215-224*

TECHNICAL ARTICLE
Online ISSN: 3139-1079
Doi: 10.18311/JCLS/2025/v2i4/53899

Online ISSN : XXXX-XXXX

Journal of Contemporary Law and Society

Contents available at: *www.informaticsjournals.co.in/index.php/jcls*

JCLS

Constitutional Morality and the Office of Governor: An Analysis through Recent Disputes between States and Governor

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Abstract

This research examines the constitutional implications of Article 200 of the Indian Constitution and its impact on Centre–State relations, focusing on how the gubernatorial assent mechanism has evolved into a structural instrument that fosters federal imbalance. The study traces the historical foundations of the office of Governor from colonial administration to modern India, showing how its appointment mechanism continues to align Governors with Union interests rather than state autonomy. The paper critically analyses judicial precedents, reports of constitutional commissions, and recent disputes involving prolonged withholding or reservation of bills, demonstrating how the ambiguity of constitutional timelines enables deliberate executive stalling. It highlights that this practice undermines democratic mandate, disrupts legislative functioning at the state level, and dilutes constitutional morality. The research proposes structural reforms such as reconsideration of the Governor's appointment process, codification of fixed timelines, and conditional limits on withholding assent, aiming to restore federal equilibrium and ensure legislative responsiveness in the spirit of cooperative constitutionalism.

Keywords: *Article 200, Federalism, Governor's Assent, Centre–State Relations, Constitutional Reform*

1.0 Introduction

The origins of the post of governor in India dates back to the British Raj wherein primarily they were entrusted with the responsibility to manage the affairs of the companies established across multiple parts of the country and it was with the Regulating act of 1773 which led to the establishment of the post of Governor-General of Bengal accompanied by the Executive council of the Governor general to with wide ranging powers (Punnaiah, 1938). However, to plug in the loopholes which were used by governors to defy the central authority and enjoy unfettered powers the Charter Act of 1833 was brought into the picture leading to the consolidation of power with strong centralising tendencies thereby reducing the authority of governors as mere agent of Centre in Provinces and Presidencies, yet having wide ambit of administrative powers within their territorial domain (Singh, 1961).

But, the popular movements compelled the British Government to grant self-government through provincial autonomy by means of Government of India Act of 1935 replacing the earlier existing diarchy but, has at the same time given rise to a new form of diarchy owing to a plethora of reserved powers existing with the governors under the head of special responsibilities like the protection of rights of minorities, secure executive action from legislative interference, securing reasonable share of revenue for the bearer, ensuring good governance in partially excluded areas

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and while discharging any of the special responsibilities enumerated under s. 52 of the GOI Act, 1935 he is entitled to rely on his individual judgement for while taking any course of action and was entrusted with the power to grant assent to a bill on his majesty's name or withhold assent or refer the same for consideration of viceroy any bill passed by the provincial legislature (Government of India Act, 1935, s. 52(1)). However, the popular provincial governments opposed the use of reserved powers granted to the governors and a resolution in this regard was passed by all India Congress Committee seeking a statement on the part of Government that governor will not use his powers to set aside or interfere with the advice of ministers with regards to the constitutional activities and it was only after viceroy's address with respect to the ambit of interference on the part of governor in functioning of legislature that it was accepted by the provincial governments (Nehru, 1956).

The institution of the governor hasn't changed much post-independence, but his stature has been reduced as a constitutional head who is aided by his council of ministers with respect to his executive functions. But, the existence of the post of governor is a glaring example of the centralising tendencies of Indian federalism as he acts as an agent of the Central government and he by very virtue of his mode of appointment, *i.e.*, through President is a watchdog of centre and the same has been evident since independence where the governor had tried to intervene in the law making powers of the state by means of powers vested under Art. 200 of the Indian Constitution as discussed hereafter (Raghavachariar, 1951).

The purpose of this research is to explore the extent to which these practices align with democratic principles and constitutional philosophy, as well as to reconsider the justiciability of refusing assent and the scope of judicial review in this domain. In order to attain an objective perspective and gain a comprehensive understanding of the constitutional position, it is imperative to protect oneself from the influence of immediate circumstances and their associated distractions.

2.0 Article 200 and 201 of the Indian Constitution

Article 200 of the Indian Constitution owes its genesis to the Government of India Act, which provided that:

> *"A Bill which has been passed by the Provincial Legislative Assembly of, in the case of a Province having a Legislative Council, has been passed by both Chambers of the Provincial Legislature, shall be presented to the Governor, and the Governor in his discretion shall declare either that he assents in His Majesty's name to the Bill, or that he withholds assent therefrom, or that he reserves the Bill for the consideration of the Governor-General Provided that the Governor may in his discretion return the Bill together with a message requesting that the Chamber or Chambers will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend' in his message and, when a Bill is so returned, the Chamber or Chambers shall reconsider it accordingly"* (Government of India Act, 1935, s 75).

This very section providing for the power of assent of bills to the Governor was adopted as Article 175 of the draft Constitution, and during the Constituent assembly debates, Dr. Ambedkar while taking into account the provisions of the draft article, argued that instead of vesting enormous powers with the governors through discretionary powers, he argued to omit the term in his discretion by providing that:

> "*The old proviso contained three important provisions. The first was that it conferred power on the Governor to return a Bill before assent to the Legislature and recommend certain specific points for consideration. The proviso as it stood left the matter of returning the Bill to the discretion of himself..... It was felt then that in a responsible Government there can be no room for Governor acting on discretion. Therefore, the new proviso deletes the words 'in his discretion'* (Constituent Assembly of India, 1949)*"*.

Thus, by omitting the phrase *in his discretion* from the draft article, the Constitution makers tried to limit the actions of the governor to the aid and advice of his council of ministers, and while dealing with the powers of the governors, expressly opted for the view that in case of Art. 200, the governor is bound to act on the aid and advice of his council of ministers, as reiterated by the

Honourable SC in State of Gujarat *v.* R.A. Mehta, wherein the court observed that:

> *"The Governor is bound to act on the aid and advice of the Council of Ministers unless he acts as a persona designata under a particular statute or acts in his own discretion under the exceptions carved out by the Constitution itself and that Art 200 does not belong to that exception"* (*State of Gujarat v. R. A. Mehta*, 2013).

Thus, in essence Art. 200 provides for the procedure which needs to be followed when a bill is passed by a legislative assembly or legislative council of states and it essentially provides for the course which is available to the governor when a bill is placed before him for consideration, *i.e.*, either he can give his assent to the bill or can withholds assent or returns the bill for reconsideration or can reserve the same for the consideration of President (Jain, 1964). The bill can be reserved for the assent of the President in case of repugnancy with the concurrent list specified under Art. 254(2) of the Constitution or in case a bill, in the opinion of the Governor, if it becomes law, derogates the powers of the High Court or when there persists a serious doubt as to the validity of the law (*Pavitra v Union of India*, 2019).

Palkhivala has rightly stated that the governor should reserve the bill for Presidential assent in case of repugnancy with the concurrent list or bills which are patently unconstitutional or are against the national interest of the country (Sudish, 2023). The transmission of bills to President for his assent is yet another example of federal imbalance in the favour of Central government as it promotes central interference in the affairs of the state and frustrates the legislative intent in case of refusal or even delay while granting assent like in case of Madhya Pradesh Panchayati Raj bill, the President refused to grant assent owing to a provision which provided for the establishment of Panchayati Raj institutions within the state owing to dispute in relation to clause 106 of the act which provided for the nomination of members for first Janpad Panchayat due to the backwardness of the state for a span of one year and despite it being in entry V of the state list, the Government of India's adversarial view that the system of nomination is a negation of the concept led to the denial of assent to the bill and is thereby a glaring example of central hegemony over the state through the post of Governors and President (Gupta, 2006).

But it has at times turned out to be beneficial, like in the case of the Kerala Education bill, which was reserved by the governor for presidential assent who then sought the advice of Supreme Court which held some of its part to be unconstitutional and the same was sent back for the reconsideration of the state assembly (In Re Kerala Education Bill, 1958).

However, the constitutional mandate as provided under Art. 200 and 201 expects the President to seek advice of the Union Cabinet while granting assent or refusing the same or sending it back for reconsideration with certain recommendations to the state legislature and the same has been provided by the SC at instances like its observation in the case of Madhya Pradesh Special Police Establishment Act *v.* The State of Madhya Pradesh, wherein the court observed that:

> *"We declare the law of this branch of our Constitution to be that the President and Governor, custodians of all executive and other powers under various articles, shall, by virtue of these provisions, exercise their formal constitutional powers only upon and in accordance with the advice of their Ministers save in a few well-known exceptional situations"* (*Madhya Pradesh Special Police Establishment v State of Madhya Pradesh*, 2004).

It's a generally established norm under the constitution that unless it expressly provides for the discretionary powers of the President or Governor, they should act on the aid and advice of the concerned council of ministers to ensure that the will of the people prevails over that of an individual, as rightly pointed out by Justice Krishna Iyer, who observed that:

> *"The omnipotence of the President and of the Governor at the State level is euphemistically inscribed in the pages of our Fundamental Law with the obvious intent that even where express conferment of power and functions is written into the Articles, such business has to be disposed of decisively by the Ministry answerable to the Legislature and through it vicariously to the people, thus vindicating our democracy instead of surrendering it to a single summit soul whose deification is incompatible with the basis of our political architecture"* (*Shamsher Singh v State of Punjab*, 1974).

In relation to the above-mentioned provisions, it is clearly evident that the President is bound by the aid and advice of his council of ministers while dealing with any of the provincial legislatures referred to him by the Governor of that particular state in exercise of powers conferred under Art. 200 of the Constitution, thereby jeopardising the autonomy of states and making them subservient to the will of the Central government, which is against the federal and democratic principles.

Though the Constitution explicitly provides that the Governors and President are not answerable to any court for the exercise and performance of powers and duties of their office or any act done in furtherance of the same (Constitution of India 1950, Art. 361(1)). But, the denial of assent in exercise of powers conferred under Art. 200 and 201 is justiciable as it does not empower either of the two to deny any legislation which is validly passed and in case they deny the assent they can be compelled by judiciary to grant assent as it is not an exercise of legislative power but, a part of legislative procedure and is therefore, not immune from judicial scrutiny (*Kaiser-i-Hind (P) Ltd v NTC*, 2002). The same view was opted for by the Madras High Court in the case of Sowdambigai Motor Service *v* State of Tamil Nadu, wherein the court observed that:

> *"When the President gives assent to a Bill passed by the State Legislature, he is not performing that function as part of that legislature. It cannot be disputed that giving assent to a Bill is an act of a legislative nature. But it is far different from stating that in view of its legislative nature, the assent is outside the scrutiny of the Court…. When the validity of the assent of the President is questioned on the ground that the President has not applied his mind to the consideration which he should take into account before giving his assent or refusing to give his assent, that is, not questioning the proceedings of the State Legislature or Parliament on the ground of any irregularity of procedure. It is one thing to say that the grant of or refusal to grant assent is a legislative process. It is another thing to say that the same is a proceeding in the legislature/Parliament…. There is no provision in the Constitution or any principle at all which prohibits the Court from going into the validity of the assent of the President"* (*Sowdambigai Motor Service v State of Tamil Nadu*, 1980).

Thus, based on the discussion so far pertaining to the powers of the President in case a bill is referred to him by the Governor it appears that there are multiple course available to him *i.e.*, either he can grant assent to the bill or can withhold the assent for or can resend to the state legislature with a message to state legislature for reconsideration or can suggests certain amendments which must be reconsidered by the state legislative assembly within a span of six months from the date of receipt of a note from President in relation to bill (Jain, 1964). However, there persists a grey area as to the situation of what should be the course of the President once a bill by the state legislature is sent back to him for reconsideration, as the Constitution is silent about the same. Even if it is presumed that the same set of options lies with the President once a bill is returned to him post reconsideration by the legislative assembly, he is not bound by the Constitution to grant assent to such a bill, as is the scenario in the case of a governor.

The major abuse of power in order to establish central hegemony over the state under Art. 200 is exercised by the Governor through either withholding the assent for a long period of time or by forwarding the same for consideration of the President, who then seeks the aid and advice of his council of ministers over the legislation promoting the Union's interference in the functioning of the state legislature, which is discussed in detail subsequently.

3.0 Art. 200 as a Tool to Promote Federal Imbalance between the Union and the Provincial Governments

Governor being the nominee of President appointed on the recommendation of the Prime Minister without any consultation with the state concerned and this accompanied by an established practice with very few exceptions of selecting governors from within the ranks of political party in power at the central level as the governor's office acts as a safe haven for defeated politicians has reduced their stature as mere agent of the Union Government and even though, in theoretical sense they are supposed to be politically neutral they serve as a watchdog of central government primarily in the opposition ruled states and tries to interfere with

the functioning of states based on their political interest (Jacob, 1968).

This, accompanied by the inability of the constitutional provisions to provide for a definite timeline to the governor for deciding upon a bill, is the most misused provision by self-acclaimed agents of the centre, which ultimately halts not only the legislative powers and functions of the state assembly but also hampers the growth and developmental measures of the state (The Editorial Board, 2019). The delay in granting assent to bills or referring the same for the consideration of the President ultimately makes the operation of the state legislative process subordinate to the supremacy of the Union executive, thereby curating a federal imbalance in favour of the central government.

The issue lies with the first proviso of Art. 200, which provides that:

> *"The governor may as soon as possible after the presentation to him of the Bill for assent, return the Bill if it is not a Money Bill together with a message requesting that the House or Houses will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the House or Houses shall reconsider the Bill accordingly, and if the Bill is passed again by the House or Houses with or without amendment and presented to the Governor for assent, the Governor shall not withhold assent therefrom".* (Constitution of India, 1950, Art. 200 proviso)

The term *as soon as possible* is used by the governors of the state to keep the bills pending for states, thereby frustrating the purpose of the same. This sort of practice is evident even in the current times where SC has been burdened with petitions seeking assent to the bills pending with the governor for years like the recent plea of Government of Telangana against the governor of state as five bills passed by the state assembly since September 2022 was pending with the governor without any action wherein the court opined for the view that first proviso to Art. 200 mandates that the governor should not dally over the bills sent to them for assent after being passed by the legislative assemblies (*State of Telangana v. Secretary to Her Excellency the Governor*, 2023).

The same set of events can be observed in the state of Tamil Nadu as well, wherein twelve bills passed by the State of Tamil Nadu from 2020-2023 are sent for the governor's assent between 13 January 2020 and 28 April 2023 under Art. 200 has not elicited any further action on the part of the governor and has created a serious constitutional deadlock, as was observed by Hon'ble SC verbally in the following words:

> *"The "constitutional deadlock" created by Tamil Nadu Governor R.N. Ravi by inexplicably delaying or even failing to consider and assent to 12 crucial Bills passed by the Legislature and stymieing day-to-day governance in a way which is threatening to bring administration in the State to a grinding halt was a "serious concern"* (*The State of Tamil Nadu v. The Governor of Tamil Nadu*, 2023).

An identical situation is yet again prevalent in the state of Punjab, where the governor has held back seven bills duly passed by the Vidhan Sabha and presented to him for consideration on July 24, 2023, but the same has not been dealt with in a way it should have, as mandated under Art. 200 of the Constitution and while hearing the plea of the government of Punjab, the apex court, while directing the governor to take a call in respect to the bills pending before him, has observed that:

> *"Real power vests with the elected representatives of the people in a parliamentary form of democracy. The Governor, as an appointee of the President, is a titular head of the State. The Governor acts on the aid and advice of the Council of Ministers save in areas where the Constitution gives him discretion. The power to take decisions affecting the governance of the State or the nation is essentially entrusted to the elected arm of the state. Governor is intended to be a constitutional statesman guiding the government on matters of constitutional concern,"* (The State of Punjab *v* The Principal Secretary to the Governor of Punjab, 2023).

These strong observations of the apex court in the recent course of hearings pertaining to applicability and use of Art. 200 are sufficient to confer that it indeed is used as a tool by the agents of the centre to interfere in the functioning of the states by withholding the assent to bills crucial for the growth and development of states.

It is not the first time that these provisions are misused by the governors and central government and the same

has been the practice at large since independence that governors play an active role in the politics of the state by withholding assents or keeping the bills in cold storage in order to create a political deadlock in the opposition ruled states and this has been facilitated owing to an ambiguity as to a definite time frame within which the bill placed for the consideration of Governor should be decided. Though certain judgments of the past, like the

Durga Pada Ghosh *v.* State of West Bengal has interpreted the term "as soon as possible" to "as early as practicable without avoidable delay", the same has not been applied in its true spirit and therefore the same has been used as a tool to disturb the balance of power between centre and state by providing an edge to centre and ensuring its interference within the matters of the state through the post of governors.

4.0 Recommendations of the Commission vis-à-vis Art. 200 of the Constitution

From time to time, Commissions were established in order to review the functioning of the Constitution and in relation to the governor's power to accord assent to bills, which are as follows:

Rajamannar Committee (1972) - While dwelling into the aspects of the exercise of power by the governor and discharge of his duties, the committee opined for the view that: *"So long as the Central Government has the power to appoint and remove Governors, the Governor cannot but look to the Central Government for guidance in the discharge of his duties"* (Inquiry Committee, 1971). Thus, they opined for the view that states being an autonomous unit should be given the liberty to enact their own legislation and therefore advocated for repealing the provision which enables the governor to reserve a bill for the consideration of the President in order to avoid Union interference within the affairs of the state. (Inter-State Council Secretariat, Ministry of Home Affairs, Government of India, 2015)

Sarkaria Commission (1988) - The commission held the perspective that there was no need for an adjustment to these rules. It is believed that through the development of robust conventions and the exercise of wisdom and objectivity by all parties involved, the desired outcomes would be achieved. The Sarkaria Commission concurred with the notion that Article 200 does not grant the Governor unrestricted authority in the matter of reserving Bills. The reservation of a Bill by the Governor should only occur in highly exceptional circumstances, and not just based on the Governor's personal dislike of the policy contained within the Bill. (Commission on Centre-State Relations, 1988)

The proposition was made to endorse the timely disposition of the Bills that are submitted for the President's evaluation, with the *suggested timeframe of four months from the moment of their reception*. According to the Commission's findings, it was observed that in 1952 and 1978, the Home Ministry had sent directives to several Central Ministries, emphasising the need for prompt examination of Bills forwarded to them. These instructions emphasised the importance of returning the Bills to the Home Ministry within a short timeframe (Ray, 1988).

4.1 Venkatachaliah Commission (2002)

The National Commission, for the purpose of review of the Constitution in its 2002 report, has proposed certain amendments to the Art. 200 and 201, respectively, which are as follows:

(i) There should be a prescribed time limit of four months within which the governor should either grant assent to the bill or reserve the same for the consideration of the president;
(ii) Remove the words *", or that he withholds assent therefrom"*, *i.e.*, the power to withhold assent, conferred upon the Governor, by Article 200 should be done away with;
(iii) If a Bill is held for the President's consideration, it is advisable to establish a specific time frame, such as three months, during which the President must make a decision regarding granting assent, returning it to the State Legislature through the Governor, or seeking the opinion of the Supreme Court on the Act's constitutionality under Art. 143 of the Constitution.
(iv) When the State Legislature reconsiders and passes the Bill (with or without amendments) after it is returned by the Governor pursuant to the direction of the President, the President should be bound to grant his assent;
(v) To provide that a "Money Bill" cannot be reserved by the Governor for the consideration of the President;
(vi) It may be more prudent to examine the removal of the language in Article 200 that grants authority to

the Governor to withhold a Bill for the President's review, except in situations outlined in the second proviso of Article 200 and instances when the Constitution mandates such action. The implementation of such a course would not only enhance the federal principle, but it would also eliminate the peculiar circumstance in which a Bill approved by the State Legislature can be effectively nullified by the Union Council of Ministers by the recommendation to the President to withhold assent or by simply disregarding it (National Commission to Review the Working of the Constitution, 2002).

The crux of the proposed amendments essentially is the fixation of a definite time span of four months to take a call with respect to the bills placed before the governor or president for consideration.

4.2 Punchhi Commission (2010)

The commission opined for the view, that timeframe of six months specified in Article 201, which pertains to the State Legislature's need to take action when a Bill is returned by the President, can also be applied to the President's decision-making process regarding granting or withholding assent to a Bill reserved for the President's consideration (Commission on Centre–State Relations, 2010).

Thus, based on the discussion so far, it is clearly evident that the major emphasis of the jurists and members of the committees addressing the issues in relation to Art. 200 and 201 has been to prescribe a timeline within which the governor or president should take a call when a bill is placed before them for consideration accompanied by some other relevant recommendations like the power of the governor to hold a bill shall be done away with.

But, as evident from the observation of the Rajamannar committee as to the dependency of governors over the Union government owing to the mode of their appointment, it is imperative to dwell into certain other alternative methods of appointment of governors which will reduce the dependency of governors as well as their loyalty towards the Union governments, thereby ensuring a greater autonomy of provincial units.

5.0 Appointment of Governors: An Analysis

The mode of appointment of governors has reduced them to puppets in the hands of the Union government, as they are reliant purely upon the Union government for the purpose of appointment, extension of their tenure or transfer, as all lies in the mercy of the President acting in accordance with the aid and advice of his council of ministers.

It is because of this reason that the former Vice President GS Pathak had observed, which is also quoted by the Hon'ble Apex Court in Rameshwar Prasad *v.* Union of India, that:

> *"In the sphere in which he is bound by the advice of the Council of Ministers, for obvious reasons, the Governor must be independent of the Centre as there may be cases where the advice of the Centre may clash with the advice of the State Council of Ministers and in such cases the Governor ignores the Centre's advice and acts on the advice of his Council of Ministers."* (Rameshwar Prasad (VI) *v.* Union of India, 2006)

Thus, it appears to an extent that the appointment of the governor should not purely lie in the hands of the centre and should either be made in consultation with the government of the state concerned or through other processes in order to uphold the sanctity of the institution and to protect and promote the autonomy of states. Some alternative modes of appointments which were discussed during the drafting of the Constitution and were also recommended by the Sarkaria Commission, but weren't implemented, are as follows:

The memorandum by B. N. Rau, who was a constitutional adviser and a member of the Provincial Constitution Committee, recommended for the recognition of the governor as a Constitutional head of the state and for the mode of appointment, he suggested that:

> *"Election of the Governor by the provincial legislature by secret vote according to the system of proportional representation by the single transferable vote. In his note, appended to this clause of the memorandum"* (Rau, 1960).

He argued that if a governor is appointed by the Central Government, then it would vitiate the scheme of federation, and the governor, being intended to be a responsible head, is required to act on the aid and advice of his council of ministers and therefore, his election by the voters of the concerned province (Rau, 1960).

However, the conflict of opinion between members of the Provincial Constitution Committee compelled

the members to convene a joint sitting of the Provincial Constitution Committee and Union Constitution Committee, as it was considered a point of common interest, which again resolved to vest the power of appointment of governors with the state government, with the following conclusions:

> *"(a) There should be a Governor at the head of every Province.*
>
> *(b) The Governor should be appointed by the province and not by the Central Government.*
>
> (c) *The Provincial Executive should be of a Parliamentary Cabinet type with such suitable modifications as may be considered necessary in the light of Indian conditions.*
>
> (d) *The Governor should be appointed by direct election on the basis of adult franchise through a special elector"* (Draft Minutes of the Second Joint Meeting, 1947)

The idea of appointment of governors through direct election was later dropped because it was considered incompatible with the parliamentary form of government, and would be a complete waste of state resources, will be put in establish a second-rate man in the party following the Chief ministerial post and creation of two distinct power centres in the state, which was uncalled for. The same scenario persists even today, and therefore, there should not be a direct election for the post of governor (Singh, 1965).

Another recommendation for the purpose of appointment of the governor was put forth in the reports of the Sarkaria Commission, which provided for the establishment of a committee for the purpose of appointment of Governors comprising the Vice President, Prime Minister, Speaker of Lok Sabha and the Chief Minister of the state (Ray, 1988).

Based on the recommendations so far, in the opinion of researcher the best alternative to existing system for the appointment of governors can be through secret voting system according to proportional representation by means of single transferable vote because the direct elections for the post of governors will put an unnecessary burden on the state exchequer accompanied by creation of two separate power centres in the state and the committee as proposed by the Sarkaria Commission will yet again establish Union's dominance as three out of the four members are part of the Central political sphere making no real difference.

6.0 The Way Forward

Based on the discuss throughout the project the major challenges that are posed by the governor to the federal structure due to its action being in line with the directions of the Union government reducing him as a mere agent of the centre due to the mode of appointment and the misuse of these provisions have led to increased interference of Union government in the legislative sphere of the state through reservation of bills for the consideration of President who is then required to act on the aid and advice of his council of ministers or through withholding assent for unlimited time thereby jeopardising state autonomy and in order to protect federal principles and state's autonomy the following measures should be considered:

(i) Art. 200 should be amended in order to incorporate a provision stipulating that if the authority granted therein is not exercised by the Governor within a period of three months from the time the Bill is presented to them, or within one month after the Bill is presented again for reconsideration, it shall be deemed that the Governor has given their assent.

(ii) Art. 200 should be amended to the extent that the Governor is mandated to withhold the Bill for the President's consideration solely in instances where the subject matter of the Legislation pertains to List III in the Seventh Schedule, save in cases where the Constitution explicitly necessitates such action.

(iii) Art. 201 should be amended in such a way that the President is required to either express agreement to the Bill or refrain from giving consent within a period of four months from the time the Governor submits the Bill for the President's evaluation.

(iv) Art. 201 could possibly be altered to stipulate that if the President instructs the Governor to return the Bill, along with a message, to the House of the State Legislature for further deliberation, and the Bill is subsequently presented to the President after such reconsideration without any decision being made within a period of four months, it shall be presumed that the President has granted assent to the Bill.

But, by the time these amendments are not made to the Constitution, the following practice, as proposed by

the Law Commission of Karnataka in its 22nd Report, should be opted for:

> *"When assent of the Governor or the President as the case may be is not accorded within three months from the respective dates of presentation of the Bills, the Secretary General shall prepare a comprehensive report about the same and take steps with utmost expedition to place it before both the Houses for a period of not less than thirty days to enable the Legislature to take such measures as it considers just and proper to persuade the Governor or the President as the case may be to accord assent with utmost expedition."* (Law Commission of Karnataka, 2012)

Thus, the measures as mentioned above, in the view of the researcher, can help vitiate the friction between the elected governments and governors of the state and will help in upholding federal principles and ensuring state autonomy.

7.0 Conclusion

The project's discussion highlights the significant challenges posed by the governor to the federal structure. This is primarily attributed to the governor's alignment with the Union government, which reduces their role to that of a mere agent of the central authority. The challenges arise from the manner of appointment and the misuse of provisions, resulting in increased interference by the Union government in the state's legislative domain. This interference occurs through the reservation of bills for the President's consideration, who has an obligation to act upon the advice of their council of ministers. Additionally, the governor's ability to indefinitely withhold assent further undermines state autonomy.

Thus, based on the discussion, it is evident to note that the mode of appointment of the governor needs a re-look, accompanied by certain SOPs providing for a time frame within which the governors and the President should take a decision when a bill is placed before them for assent of consideration and a grey area in the Constitution pertaining to Art. 201 which does not provides for the course of action of President which he should resort to in case a bill is reverted to him by the state assembly following his request of reconsideration with or without making the suggested changes which needs to be looked into and addressed at the earliest possible accompanied by SOP setting a definite timeline for the course of action of governor as well as President.

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