

A Study on Position of Governor under Indian Constitution

Zeeshan Rahmani

Advocate, High Court of Delhi, New Delhi.

Article Info

Article history:

Received Mar 15, 2025

Revised Apr 20, 2025

Accepted May 15, 2025

Keywords:

Governor
Executive Head
Powers
Discretion
Constitution

ABSTRACT

Understanding the authority and function of governments as outlined in the Indian Constitution is necessary in light of the current active roles performed by state governors. The state's chief executive officer is the governor. According to the Constitution, all executive decisions originate in his name, and he is the sole owner of the state's executive power. State governors in India have been given the same authority and responsibilities as the prime minister in the nation's capital. In light of federalism, this essay aims to examine the governor's role as the state's formal head of state. Using case law as support, the study examines the Governor's legal stance. Since it has been claimed that the Center has abused the governorship by its unjustified usage, the researcher has solely relied on Article 356. The mention of certain cases when there is a first-impression usage of this rule comes next. One could argue that the new rules are robust enough to defend the rights of internet shoppers and encourage the expansion of e-commerce in India. Customers' trust is influenced by regulations controlling the protection of consumer rights in e-commerce, in addition to elements like security, privacy, warranty, customer service, and website information. With a strong legal framework and consumer protection safeguards, expanding e-commerce appears to be a promising future. By clarifying the critical elements influencing customer trust and loyalty and providing an insightful viewpoint on e-consumer protection in the Indian context with wider ramifications, the findings add to the body of knowledge on e-commerce and consumer rights protection.

Corresponding Author:

Zeeshan Rahmani,
Advocate, High Court of Delhi, New Delhi.

1. INTRODUCTION

Given the recent active part that state governors are playing, it is important to comprehend the duties and authority that the Indian Constitution assigns to governors [1]. The governor serves as the state's chief executive officer. According to the constitution, he is the sole owner of the state's executive authority and all executive activities are carried out in his name. Indian state governors are granted the same authority and responsibilities at the legislative level as the chief executive in the nation's capital. The Union Government's use of the Governors for its own political gain has also drawn condemnation [2]. It has also been noted recently that many governors now see themselves more as representatives of the party in power than as defenders of federal government. Our Constitution's Governor Position is a holdover from British history. Its origins can be found in the early days of the Company's govern in India, when its factories spread across the nation had to be governed by independent governors, also called presidents, who were all in close communication with the Company's London the main office. Because of the storm and stress which the Company's agents in India had to face in their expansionist activities in the economic and political fields, need arose for a coordinated and a uniform policy towards the Indian potentates. The situation was sought to be rectified through the operative provisions of the 1773 Regulatory Act. However, there were practical issues with this Act's real execution.

On August 5, 2019, the Bharatiya Janata Party (BJP), led by Prime Minister Narendra Modi, revoked Kashmir's unique status by abrogating (eliminating or prohibiting a current law or consent) Article 370 of its structure in an attempt to integrate its Muslim-majority population with the rest of the country [3]. The clause that was removed gave the region autonomy, a unique constitution, and substantial control over its internal affairs. Since 1947, Kashmir has been split into three nations: China (which controls a portion of the eastern region that border Tibet), Pakistan (which regulates the western portion of the region commonly known as Azad or Free Kashmir), and India (which regulates the valley of Kashmir and the primarily Hindu area surrounding Jammu city). India's settlement when the ruler of Kashmir chose to join India rather than Pakistan on their terms of liberation was the impetus behind the division. Articles 370 and 35A of the Republic of India were the most important components of Kashmir's special position; the former gave the state the authority to govern all matters except foreign affairs, defense, and relationships, while the latter gave special rights, such as land and property ownership, funding, and civil service job opportunities, to only Kashmir's permanent inhabitants.

Before Article 370 was repealed, thousands of paramilitary forces troops were stationed throughout the area, important political mobile and broadband connectivity were cut down, and individuals were placed under house arrest. According to the Indian government (the Government), the special status of Jammu and Kashmir (J&K) was always intended to be transitory, and settling the matter could momentarily lead to an expansion of militant events. Legally, Article 370 may be revoked if the State's Constituent Assembly recommended that it be abolished. Nevertheless, after the State's Constitution was adopted in 1957 [4], the Assembly dissolved. In addition, since the State no longer has a government due to the dissolution of the coalition's governing party, Kashmir has been subject to the de facto rule of the Center through the selection of a state governor, sometimes referred to as "President's rule." Because of this, the Center has been able to repeal Article 370 while staying within the bounds of the state constitution.

Unsurprisingly, there have been conflicting responses in India to the repeal of Article 370 under the Modi administration. For instance, on August 6, Rahul Gandhi, the main political opponent of the BJP and the former chairman of the Indian National Congress Party (the Congress), tweeted, "Unilaterally tearing apart J&K, incarcerating elected representatives, and violating our Constitution doesn't further national integration." Plots of land are not what make this country; its inhabitants are. There are serious ramifications for our national security from this abuse of presidential authority. This stance was echoed by former J&K chief minister Omar Abdullah, who claimed that the legislature of India's shocking and unilateral actions today were a total violation of the trust that the people of Jammu & Kashmir was putting in India [5]. In recent weeks, violence against State citizens has turned to duplicity and stealth in order to set the stage for these catastrophic judgments. Members of the right-wing ultranationalist Shiv Sena party asserted that the abrogation actually marked a "[h]istoric day for India." With the repeal of Article 370, Jammu and Kashmir is now genuinely a part of India. The way to a more secure, forward-thinking, and open J&K, decided by its people rather than anti-national variables, has been cleared.

Political disagreement in discourses spread by dominating but conflicting conversation tribes can lead to discursive illusions, which is, influential organizations within society with a connection to expanding media—are the focus of this paper. These clans use rhetorical and linguistic techniques to convince audiences that their version of reality is legitimate. I pay special attention to the conflicting portrayals of the issue made by the Modi administration, which the Prime Minister himself made in a speech to the country [6], and the counterrepresentations made by Shashi Tharoor, a Member of Parliament (MP), a former Under-Secretary of the United Nations, a well-known political writer, and a member of the Congress, the BJP's main opposition party. The discourse surrounding the BJP's political ideology has taken on an aggressive tone during their recent rule, redefining Muslim and other minority groups are viewed as one part of this body politic, while Hindu supremacist patriotism is a masculine force. In addition to presenting the current government as the ethical standard of modern India, this narrative point of view aims to validate its policies and actions by contrasting them with an unapproved or foreign influence.

Both the Muslim and Hindu populations in modern-day India have been deeply impacted by communalism, which is the politicization of religious identity focused on highlighting animosities between two or more groups of people. The widespread involvement of women on the right in the 1990s to support anti-woman causes like widow immolation has been painfully seen by feminists and women's organizations. Feminist researchers and activists have been baffled by the remarkable mobilization of women in right-wing activities, as they have not observed such participation for women's initiatives with proclaimed liberal agendas in contemporary India. Furthermore, historians and psychological researchers have concentrated on the roles played by men and organizations led by men in the development of right-wing Hindu ideologies in the second half of the twentieth century, but they have ignored the possibility that common ideas and Companies might have been appealing to women as well as men in earlier eras like the 19th century [7]. By

concentrating on Indian women's works, I hope to provide historical context for the discussion of women's adherence to communal ideas and ideologies in the 19th century.

2. RELATED WORKS

The sociology of caste identification are discussed in Dalmia, Vasudha [8]; Sadana, Rashmi [9], "The Politics of Class Identity." It states that in regards to this issue, it should be noted that residents of lower castes must be reserved because their economic disadvantage is significantly greater than that of residents of other sections, "Untouchable: voices of the Dalit liberation motion, Minority,". The Untouchables wanted reservation because, as the name implies, they were helpless in a number of circumstances, such as going to school or engaging in tasks that other people were used to. According to "The Case for a Non-nationalist Approach," we would gain far more by examining the lengthy, intricate, and contentious history of constitution-making without regard to the method of creating an autonomous India [10]. The study of legitimate and legislative history can only be a more comprehensive and enlightening source for comprehending the intricate postcolonial events in India if nation-making and constitution-making are kept apart.

The fact that India's flood problem is complex is now established. In order to address the diverse range of flood hazards across the nation, a hierarchy was deemed necessary, with the centrally based institution serving as the focal point and giving guidance to a number of other state-level agencies. Although the utmost authority has been granted to central bodies, states are equally free to develop and carry out their plans as needed. In this way, the unity between the two distinct levels gives the flood management system's structure a dynamic element. Furthermore, due to a variety of human-induced and climatic factors [11], flood-prone areas are growing at a record pace every year. As a result, these organizations face ongoing challenges in implementing their plans and policies to minimize the number of people and property destroyed during and after natural calamities. Significant advancements have been made in flood disaster mitigation, recovery, and preparation since statehood. But as the well-known adage goes, "success is a successful only when it is persistent," so it is imperative that these endeavors be reviewed and that efforts be made to improve their future utility by taking scientific methods into account.

A number of preventive measures have been put in place by the Indian government to halt the COVID-19 pandemic from growing. The union government said that all classrooms around the country would be placed under lockdown on March 16, 2020. All secondary and upper secondary school exams were postponed by the Central Board of Secondary Education (CBSE) in India on March 18, 2020 [12]. According to current standards issued by CBSE, exam facilities must have a minimum of one meter of space between test takers and a classroom of no more than twelve students. Students should be divided into separate rooms if the exam centers have small spaces. The Union Public Service Commission (UPSC) postponed the 2019 Civil Services Examination interviews. Similarly, numerous states and other educational institutions delayed exams due of the COVID-19 pandemic. Beginning on March 25, 2020, the Indian government implemented lockdowns in increments and enforced a one-day statewide Janta-curfew on March 22. The Indian government has been implementing various tactics to combat the pandemic, including periodically prolonging lockdown periods, but colleges and schools have remained closed nonstop.

If exam centers have limited space, students should be separated into different rooms. The Union Public Service Council postponed the 2019 Civil Services Assessment examination. Similarly, many state governments and additional educational institutions delayed exams due of the COVID-19 pandemic [13]. Beginning on March 25, 2020, the Indian government implemented lockdowns in phases and enforced a one-day statewide Janta-curfew on March 22. Colleges and schools have stayed closed continuously despite the Indian government's efforts to battle the pandemic, which have included extending lockdown durations on occasion. In order to express their demands and concerns, women must be represented in government and enter the labor. This study examines the connection between the presence of women in the workforce and in government and their GER and literacy levels in higher education. This study considers the proportions of women in the upper chamber of legislative and local autonomy, the lower court of the Indian parliament (the Lok Academy), and both the federal and provincial legislatures.

The COVID-19 outbreak prompted the Indian government to impose a strict countrywide shutdown. Then, the majority of public and private medical schools' outpatient departments either closed or reduced their service offerings. This reaction in India was sparked by reports from nations that were more severely impacted by the virus. Others had discovered that the coronavirus may spread secondary transmission more easily in enclosed spaces, especially hospitals [14]. It is believable that hospitals were the origins of "super spreading" incidents; in order to stop the propagation, hospitals shut down their outpatient centers and other non-emergency divisions. Closing these services made the lack of services worse in India, where actual access to medical services was already severely limited because of a number of problems, such as low health

literacy, significant information asymmetry being low affordability, and an inadequate amount of healthcare human resources and their disparate use. Like many other nations throughout the world, India responded by implementing telehealth [15] and other technological advances in health care. A week after hospital emergency rooms closed, telemedicine services were launched in a number of healthcare facilities. Large private hospitals and private practitioners were among the providers. Electronic services were rapidly provided by both state-funded and union governmental organizations. The Ministry of Health & Family Welfare created the nation's Guidelines for telemedicine policies soon after hospital units were closed.

As previously said, the political and administrative structures of the BRICS nations differ greatly from one another. While Brazil, Russia, and India are centralized governments with different levels of autonomy granted to the state governments by the constitution, China and South Africa, as previously mentioned, are unitary systems. However, due to their multi-level governments, the BRICS nations all have some degree of decentralized decision-making and policy-making, necessitating close cooperation when developing and enforcing public policies like those pertaining to healthcare and education. When combined, the BRICS nations have over a million subnational administrations, with significant variation among them (China alone has over 750,000 of these organizations). Even though China is an authoritarian nation, since the policy-making process was opened up in 1978, the country has been gradually but steadily decentralizing, and a key element of the Chinese development paradigm is its emphasis on productive intergovernmental relations. The five nations' reactions to the start of COVID-19 varied greatly. At the end of 2019, Wuhan prefecture in China became the nation's first to be infected by the virus. The central government launched a prompt and well-coordinated response, which included the detention and isolation of residents in multiple contagion hot spots during the Chinese New Year, despite an unclear beginning that included a lack of simplicity and poor communication regarding the extent of the possibility posed by the virus outbreak in Wuhan, China.

3. SCOPE OF THE STUDY

Our nation's constitutional history has given us a single, unified political system, with the White House—now located in New Delhi—serving as its apex. The Central Government still has the authority to meddle in each State's internal affairs, even if its domain of influence over the States is well defined. In fact, integration is currently more popular than decentralized. By default of his selection, the Governor serves as the Center's watchdog; In light of federalism, which this essay aims to examine the governor's role as the state's constitutional head of state. Using case law as support, the study examines the Governor's legal stance. Since it has been claimed that the Center has abused the governorship by its unjustified usage, the researcher has solely relied on Article 356. The mention of certain cases when there is a suspicion of misuse of this rule comes next.

Brief History of the Constitution:

The highest law in the country is the Indian Constitution. This text lays forth the basic political ideas that are specified, the organization and procedures of governmental institutions, and the rights, obligations, and responsibilities of individuals. With 448 articles divided into 25 parts, 12 schedules, five attachments, and 98 modifications, it is the longest written constitution in the world and the "longest constitution of any sovereign community in the world (out of 120 Constitution Amendment Bills)." There is an official adaptation available in Hindi in addition to the original English text. The author of the Indian Constitution, "Dr. Bhimrao Ramji Gandhi," is a well-known person today. The parliamentary system established by the Constitution directly connects the legislative and executive institutions. According to Article 74, a prime minister leads India's government.

The constitution's Articles 52 and 63 guarantee the existence of a "President of India and Vice-President of India." The President's main duties are ceremonial, in contrast to those of the Prime Minister. As a result, India has a federal constitution. Every state and union territory in India has its own government. Each has an elected leader in addition to a governor, just as the prime minister is the president and head of state (for states) or assistant governor (for union territories). "On November 26, 1949, the Constituent Parliament of India passed the Constitution, which became operative on January 26, 1950." The 26th of January was selected as the memorial date for the Purna Swaraj independence declaration in 1930. Following its adoption, the Union of India Act 1935 ceased to be India's foundational law and was replaced as the country's main legal structure by the Union of India Act 1956. In order to guarantee constitutional autonomy, Article 395—which nullified the Indian Independence Act of 1947—was introduced to the Charter?

The Constitution aims to promote unity among its citizens by guaranteeing fairness, equity, and freedom. In 1976, a constitutional amendment added the words "socialist" and "modern" to the concept of

"mini parliament." India observes January 26 as Republic Day, a national holiday commemorating the day the Indian Constitution became operative.

Prior Laws as Reference:

"The Constitution of India" is a synthesis of concepts from many different sources. Several clauses from previous pieces of code were liberally incorporated by the drafters of the Indian Constitution while taking into account the needs and conditions of the country.

Act of 1858 of the Presidency of India:

The "British Crown assumed ownership of territories" previously run by "English East India Company" after the 1857 Revolt; The Act of 1858 was passed in order to mitigate the consequences of the 1857 uprising. This legislation established direct rule by dismantling the "East India Company" and transferring power to the British monarch.

On August 2, 1858, the British Parliament passed the Commonwealth of India Act 1858. According to its rules, the British East India Company was to be dissolved and its powers turned over to the British Crown. Up til that point, the organization had governed British India beneath the watchful eye of Parliament. Citing significant shortcomings in the current Indian governmental structure, Lord Palmerston, the prime minister of the United Kingdom at the time, proposed a proposal to transfer authority of the Government of India from the Eastern India Company to the Crown.

However, before this legislation could be elapsed, Palmerston resigned over another matter [16]. Another bill, sponsored by Edward Stanley, 15th Earl of Derby, who went on to become the first Secretary of State for India, was finally passed on August 2, 1858. This legislation's provisions would give the Crown official and direct authority over India. Following the Indian Rebellion of 1857, the British administration was forced to enact the Act. "We hold them obliged to the native of our Indian territory by the same duty of obligation which bound us to all our other participants," Queen Victoria said in a proclamation addressed to the "Princes, Chiefs, and People of India," shortly after the Act was approved.

The Indian Councils Action of 1861:

The Indian Councils Act of 1861, passed by the British Parliament, replaced the executive staff of the Viceroy Indian Empire with a cabinet that was based on the "monetary investment" portfolio system." This cabinet consisted of six "ordinary individuals," each "in supervision of a separate branch" of the Bengali administration. The "through, earnings army, justice, finance, and national works" departments were among them.

The adoption of its founding document marked a significant turning point in its development "Indian Councils Act in 1861."

The 1861 Act reinstated the legislative power that had been taken away by the Charter of Rights Act of 1833. While the legislatures in Bombay and Madras were given the ability to enact laws for the "May peace and good Administration" of their separate presidencies, the "legislative council in Calcutta" was given significant authority to make laws for "British India as a whole." The Governor General was given the authority to establish novel provinces in order to speed up the enactment of new legislation. For the same purpose, he may also name lieutenant governors.

The 1892 Indian Councils Act:

Both the federal and province legislatures added more "non-official members" in response to the Indian National Congress' demand that the governing bodies be enlarged. The Bengal Chambers of Commerce and the province legislative council were now compelled to "nominate" non-official members of Indian parliamentary councils. Only five of the council's twenty-four members in 1892 were Native Americans. The Indian Councils Act of 1892 was enacted with the goal of expanding the number of Indian legislative panels and, consequently, the involvement of Indians in British India's governance.

The Indian Councils Act was created in order to achieve this. The Indian Councils Act's passing in 1892, following the formation of the Indian National Congress, marks a significant turning point in India's political and institutional history. A key turning point in India's political and constitutional evolution was the Indian Councils Act's enactment in 1892. Indians became more involved in the rule of British India as a result of this act, which increased the number of various Indian lawmakers. India's transition to a representative system of governance in the modern era began with the Indian Councils Act of 1892. The law established rebellions in India and paved the way for their ascent because the British only made minor concessions.

The Indian Councils Act of 1909:

A little rise in the involvement of Indians in the management of British India was brought about by the Indian Councils Act 1909, sometimes referred to as the Morley-Minto Amendments, an Act of the British Parliament. The Indian Councils Act (1909), also known as the Morley-Minto Changes, was a law established by the UK Parliament in 1909 that increased Indian participation in British India's governance to a lower but still important extent. The Indian Councils statute of 1861 and the Indian Committees Act of 1892 were both modified by this statute.

The Morley-Minto Reforms were called for the two men, Minto, who served as viceroy at that point, and Morley, who served as minister of government at the time.

The concept of a separate electorate was initially proposed under the terms of this act. In order to gain the consent of both Muslims and the Indian National Congress's more moderate members, the Indian Councils Act of 1909 was passed. Its goal was to establish the electoral concept in India's local and imperial legislating bodies so that representatives could be selected in a democratic manner. The Act of 1909 was important for the reasons listed below:

In essence, it allowed Indians to be elected to the country's several legislative bodies for the first time. Legislative council nominations had previously included a few Indians.

The development of the electoral notion laid the groundwork for a parliamentary system, though this was not Morley's intention.

Muslims had voiced serious concerns that they would be doomed to Hindu dominant power forever under a first-past-the-post electoral system akin to that of England. The Act of 1909 gave the Muslim leadership what they desired.

The Government of India Act of 1919:

After World War I, a British government statute made it permissible for Indians to pursue careers. The main goal of the Government of India Act of 1919, sometimes referred to as the Councils Act of 1919, was to increase Indian citizens' involvement in their nation's governing organizations. The Act also established a Dual System of Government, whereby all governmentally regulated activities were divided into two distinct lists. Making sure that Indians had a say in politics was the main objective behind the passage of the Indian Representation Act. The Act led to the implementation of reforms at the federal and provincial levels of management.

By drawing a line between "central subjects" and "provincial subjects," authority over the provinces was loosened. The Act led to the implementation of reforms at both the provincial and federal levels of government. It contained clauses for a dual form of administration, where all governmental functions were divided into two distinct lists. The British government first stated its intention to progressively move India toward a more responsive system of governance in 1919 when the Government of India Act was passed. The government's influence over administrative issues was greatly reduced, and the people were given more authority in these areas. As to its terms, the bill stipulates:

By keeping the central and provincial matters apart, the central government may treat the provinces more easily.

Dividing the provinces into two categories: reserved and transferred; The governor oversees transferred issues with the assistance of ministers who answer to the parliamentary assembly.

The governor oversees reserved issues with the assistance of ministers who answer to the legislative council; before, the governor and executive council were in charge of certain matters without reporting to the legislative council.

In 1926, an underlying public service commission's bicameralism, diarchy, and direct elections were all implemented.

The Electoral Contour of India:

India has three levels of government: local, state, and federal. Residents elect their own representatives through a pluralistic electoral process. Every five years, the Lok Sabha or Parliamentary elections are held at the national level. The winner of these elections is chosen from each of the constituencies that make up the nation. At the state level, elections for the legislature or Vidhan Sabha are conducted similarly. The constitution allows an elected government to rule a state for five years if it can secure a majority of seats in the state legislature. However, in the event that the elected state government is suspended, the center takes direct control of the state in question, and the governor continues to be the state's constitutional leader. Article 356 of the Indian Constitution gives the President of India the authority to impose what is known as the President's rule on a state at the advice of the Union Cabinet of Ministers. In this instance, the Vidhan Sabha is either disbanded or prorogued, and the Election Commission is required to call another election within six months.

Several allotted to state assembly is determined by the Indian Election Commission based on the populations of the individual states. With 403 members elected and one Anglo-Indian member nominated, Uttar Pradesh, the most populous state in India, has the most parliament seats. On the other hand, because of its small population, the Sikkim Legislative Assembly only has 32 seats. 3. The entire nation is split up into 543 parliamentary seats for the Lok Sabha elections, and one candidate is chosen from each. The Lok Sabha's member representation varies greatly by nation, with Uttar Pradesh holding the most seats (80), followed by Maharashtra (48), and West Bengal (42). Mizoram, Sikkim, and Nagaland, on the other hand, each represent a single seat. 4.

There are a few deviations to the rule that the governing body of India controls and governs the Union Territories (UTs). For example, the Constitution has been amended to grant Delhi and Pondicherry partial dominion. They function similarly to states and have their executive council and congressional assemblies. India's political system currently consists of several parties that reflect the country's diverse population. A few of them are based on regionally and state-specific social and linguistic identity. In addition to increasing political rivalry in India, the presence of these parties has facilitated the formation of coalition administrations, which has allowed parties to increase their election gains. Different political parties have differing opinions on social policies and other topics like nation-building and secularism, even though they typically adopt identical financial policy stances. In Indian politics, the persistent absence of internal openness as the growth of political nepotism and fraud has become major issues.

India: Intergraphical Transfers and Political Opportunities:

In any federation, transfers between governments are a crucial tool for achieving both political and economic goals. The fundamental goal of transfers between governments is to balance out the disparity between state revenue and spending. Given that states are in charge of delivering social and economic services, while the Union government is tasked with collecting the majority of broad-based taxes, India has a serious vertical fiscal imbalance. In addition, India's significant horizontal budgetary gap is a result of the stark disparities in state-by-state development, with the most developed state's GDP per capita more than five times that of the least developed one.

The Planning Committee and the Finance Commission are the two organizations that have had the biggest impact on the Union Government's and State Managements' budgetary spending since the 1950s.

To address the issue of financial imbalances, the President of India must establish a Finance Commission, an association with constitutional standing, in accordance with Article 280 of the Indian Constitution. The Commission's members are technical experts chosen by a court order every five years. By Presidential Order dated November 22, 1951, the First Finance Committee was established, and on April 6, 1952, Shri K.C. Neogy became its chairman. To date, sixteen Finance Commissions have been established, each occurring every five years. The chairperson and four other members of the Financial Commission are appointed by the President in accordance with the requirements in the Financial Commission (Other Provisions) Act, 1951. It is the responsibility of the Finance Commission to provide guidelines for state grants-in-aid and the proportion of tax revenues that should be allocated to the Union States and states. Additionally, the Financial Commission can support policies that increase local Indian bodies' finances.

The various types of center-state transfers in India are depicted in Figure 1. In the past, Finance Commissions mostly suggested broad-based grants to cover the gap between each state's estimated revenue, including its share of central fees, and its assessed spending on its non-plan revenue account.

These are known as "deficit or gap- filling grants." However, the recent Financing Commissions partially equalize a number of essential services and address states' needs due to unique issues in addition to covering non-plan income deficits. The FFC's proposals completely altered the structure of India's transfer system. All specific-purpose transfers are currently provided by the relevant central ministries through Central Sector and Centrally Sponsored Schemes, whereas the Financial Commission currently authorizes all general-purpose transactions. Ensuring minimal standards of services that are either considered worthy or have substantial cross-state spillovers is the goal of specific-purpose transfers.

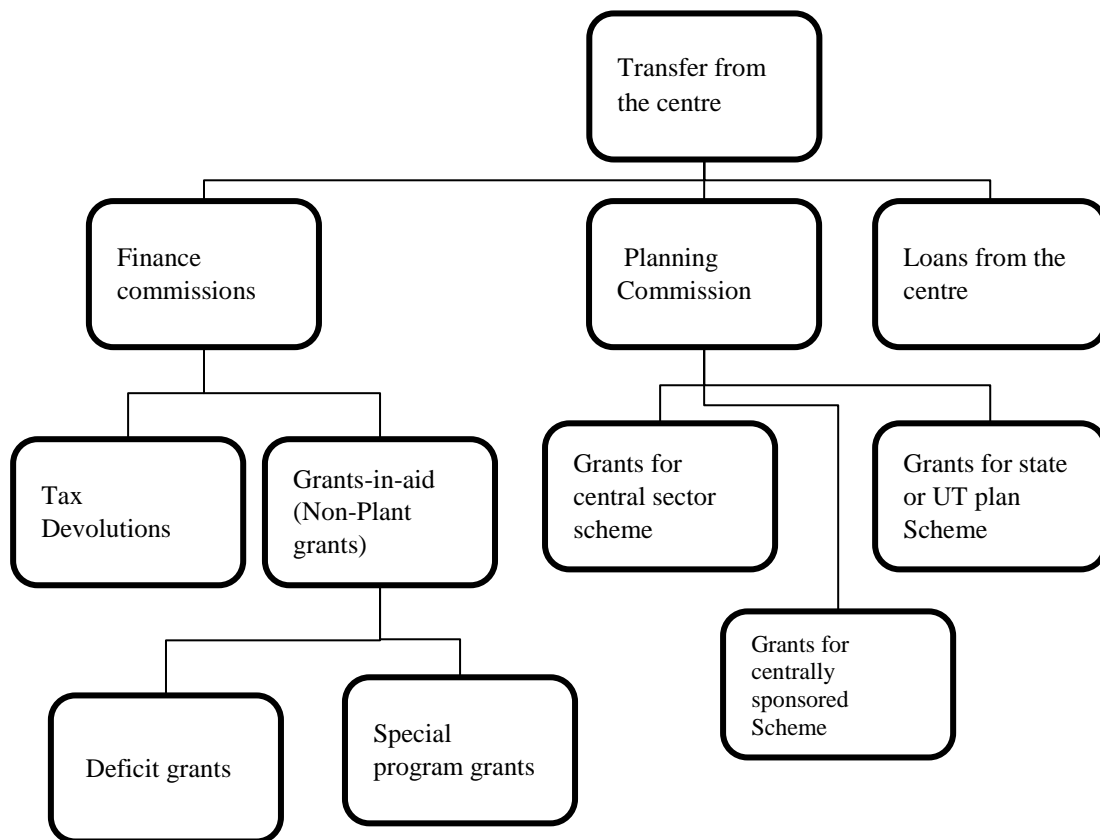


Figure 1. India's various forms of center-state transfers

Position of Governor:

As a result, it is evident that the State Governor is more than just a symbolic figurehead. Due to decades of British rule and previous constitutional practices, the public has developed a certain perception of the governor, and they believe it is their right to look up to him when the State Government refuses to provide them with a remedy. However, there are significant constitutional clauses that support the governor's authority over the state government. It is true that the governor cannot act like a "Grand Moghal" as his predecessor did under the British administration under the new Constitution. This is how it should be under the democratic set-up where the nominated functionaries of the State, howsoever eminent they may be, cannot, and should not have the better of the popularly elected functionaries.

The Indian Constitution states in Article 153 that "there shall be a Governor in each State." Nonetheless, the 1956 Seventh Amendment allows for the appointment of the same individual to serve as governor of two or more states. In terms of his selection, Article 155 states that the President of India must appoint the governor of a State by warrant signed by him. According to Article 156, the governor will serve as long as the head of state so desires. He will occupy office for a period of five years from the date he takes office, subject to this clause. By sending a letter of retirement to the leader, the governor can step down. Until the new governor takes office, the prior governor remains in office. Since the President appoints him to office, the Constitution does not specify an impeachment procedure or any other means of removal. The candidate must be an Indian citizen and have reached the old age of 35 in order to be considered for this position. If he is a member of the State or Union lawmakers, his spot in the legislature becomes vacant on the day he takes office as emperor. He is not allowed to have any other profit-making positions. Parliamentary laws may establish his compensation, benefits, and honors. During his tenure, no criminal charges may be brought against the Governor, and no court may order his arrest or incarceration. Following the required legislative notification, civil proceedings regarding an act committed by the president in his individual position may be initiated.

Powers and meanings of Governor:

Two general categories can be used to examine the governor's authority. First, the authority he uses with the Chief Minister and his own Council of Ministers' assistance and counsel, and minute, the powers he uses at his own discretion.

Authorities Used with the Chief Minister's and Council of Ministers' Assistance and Guidance:

According to Article 154, the governor will have the authority to exercise the administrative functions of the state, directly or through officers who report to him in line with this document. All of the ministers, including the chief ministers, are considered dependents. They could not use the administrative powers granted to him unless they were under his authority. His executive authority and the state legislature's legislative power are complementary. It addresses every topic on which the state parliament has the authority to pass legislation. When there are no laws or regulations from the legislature pertaining to a certain topic, a scenario may occur. As long as the legislature doesn't pass legislation on the matter, the governor can then use his executive authority to issue administrative rules, instructions, alerts, and instructions. (1)

Through the rules of industry and regular orders, the governor can assign any of his executive responsibilities to his ministers, with the exception of those actions that are to be used at his discretion. The governor must also establish rules of business that allocate work to various ministries. According to these regulations, the Governor assigns the various issues to certain ministers based on the Council of Ministers' recommendation. These regulations may give the official in oversight of a topic the authority to issue directives for the resolution of issues under his purview.

He selects the State's Council of Ministers, the Advocate General, and the State Governmental Service Commission representatives. In terms of his legislative authority, he designates one Anglo-Indian member to the Legislative Assembly whenever needed under the Twenty-third Amendment of 1969. Additionally, he selects a few representatives to the State Legislative Council, if one exists. These individuals ought to have distinguished themselves in sciences, arts, literature, the humanities, etc. Additionally, the C. M. and his Ministers are consulted while making these appointments. The courts are unable to investigate the legitimacy or constitutionality of these selections. The governor is under no obligation to reveal any information about these nominations. He may designate any other member of the Legislative Assembly or the Council to assume leadership if the positions of Speaker and Deputy Speaker in the Governmental Assembly or Chairman and Vice-Chairman in the council of legislators become vacant.

Ordinances, however, are the most significant legislative authority. He issues them on the President's or the Chief Minister's and his ministers' recommendation. Only in cases where the state house is not in session and there is an urgent need for action can the governor issue an ordinance according to Article 213 (1). According to Article 213(2), such a legislation will have the same legal force as a law. Each such ordinance will be presented to the legislature in the state and will stop functioning six weeks after the legislature's rebuilding, or earlier if a resolution opposing it is passed by the legislature. The Governor may also revoke an ordinance at any moment. There are three situations in which governors cannot issue an ordinance without the President's prior consent. First, whether he would have thought it appropriate to put up a bill with the same provisions for the President's account; second, whether he would have thought it important to maintain a bill with the same allowances for his consideration; and third, whether an act under the same clause would have been designated for the President's concern and given approval.

Since it allows for quick action in an emergency, the authority to issue ordinances is incredibly helpful. However, it needs to be used with good intentions. Seervai notes that a state could end up mostly ruled by ordinance with very little parliamentary enactment, citing Mr. Wadhwa's work on regulations in Bihar. He claims that between 1971 and 1981, the legislature of Bihar approved 163 acts, while the premier issued 56 decrees. In other words, on average, there were twelve governor's ordinances for every act of legislating during the course of eleven years. Certain ordinances in Bihar have a 13–14 year lifespan. This is possible because the constitution does not limit how many times the legislature can issue the same decree.

In certain universities, the person in charge also serves as the ex-officio chancellor. As such, the president is empowered by law to appoint the vice chancellor or nominate people to serve on the university's numerous bodies. Although the governor often follows the chief minister's advice when making decisions, there have been times when legislators have disregarded it. When choosing the vice chancellor, he must also confer with the minister of finance. The Chancellor selects a committee made up of the nominees from the State government, the University Grants Commission, the University Senate, and the chancellor wherever a new Vice-Chancellor is needed. The governor selects one name from the list of names prepared by this committee. His authority as Chancellor is granted by state legislatures' enactments rather than by the

¹Basu, D. D., *Shorter Constitution of India*9 Prentice Hall, New Delhi, 1988,

constitution. As a result, they differ from one state to another. In his capacity as head of state, he must always work to preserve the university's independence and prevent political meddling.

The governor of a state can also stop, waive, or reduce the jail time of anyone found guilty of breaking any law pertaining to an issue over which the state's executive authority extends, or he can award forgives, amnesty, opportunities, or recovery of penalty. He can provide amnesty as well. The pardons given by the Governor under Article 161 and the President under Article 72 are not the same. In situations where a death sentence is imposed, the President alone has the authority to pardon. Second, the President has the authority to revoke penalties or judgments rendered by a court martial. Such powers are not available to the king.

Optional Powers of the Governor:

Interestingly, Article 163 makes the governor the only judge in cases when he must act in his own discretion, yet Article 74 does not grant the president any sweeping power. When it states, "There shall be a Council of ministers with the chief minister at its top to aid and advise the Governor in the discharge of his processes, except insofar as he is by or under this agreement required to exercise his functions or any of them in his discretion," Article 163 (1) expressly grants him discretionary authority. If there is any doubt as to whether a matter is one in which the Governor is obliged by or under the law to act in his discretion, the Governor's decision in his own right is final, and the legitimacy of anything the Governor does cannot be questioned on the grounds that he should or should not have acted in the way he chose."

In no court will the subject of whether, if any, and what advice ministers gave to the governor be investigated.

In addition to this, there are other articles like:

- **According to article 166(3)**, the governor has the authority to establish business regulations, with the exception of situations in which he may act at his leisure.
- **Article 200**, the Governor may hold off on signing a bill until the President has had a chance to review it.
- **Article 356(1)** stipulates that the Governor may report on the State's legal machinery's shortcomings.
- **Article 239(2)** assigns him certain responsibilities upon his appointment as a Union Territory Governor.
- **Article 239(2)** gives him the authority to establish regulations.
- **Sixth Schedule** - The Governor of Assam is granted two discretionary powers under this. The first one deals with disagreements between the Government of Assam and the autonomous Tribal District Council regarding the distribution of royalties resulting from the lease of mining rights within the autonomous district. The second one concerns how the Governor may implement specific constitutional special managerial provisions concerning Assamese tribal areas in relation to specific tribal areas.

In addition, the Governor has specific duties to fulfill in accordance with the President's directions under Article 371(2), 371 A (1) (b), 371G, etc. He is exempt from consulting the Council of Ministers or the C.M.

4. IS THE GOVERNOR AN AGENT OF THE CENTRE?

A few provisions in the law make the governor a crucial link in the chain of interactions between state legislatures and the union. According to Article 160, the President may delegate to a governor any authority not specifically granted by the Constitution. The governor may reserve a law for the president's approval under Article 200. According to Article 356, the President may declare an emergency based on the Governor's recommendations or in other circumstances. According to Article 167, the Chief Minister is required to update the Governor on state matters, and the Governor then updates the sitting president. According to Article 257, the State's executive authority must be used in a way that does not interfere with the Union's executive authority, meaning the Governor must heed the President's counsel and directives.

In light of these pieces, what precisely is the Governor's position in relation to the Center? Does he have to be the Center's "good boy" or is he free to use discretion and evaluation? His appointment process contains the germs of the issue. The President nominates him. According to K.V. Rao, this is the most annoying thing. He says "Today at the root of all troubles is the simple fact that the Head of the State is neither chosen by that State nor is he responsible to it, nor removable". The Governor is subordinated to the president by virtue of the selection and ousting process, and events demonstrate that he is powerless to defy him. 'Link' and 'agent' are two different roles that Rao makes a distinction between. He plays a more constructive role as a connector than an intermediary. He "cannot do both of these things simultaneously." He

shouldn't represent the State government, but he shouldn't be its opposite or a spy for the Center either. Putting aside the debate over what the perfect scenario would be, the years after 1967 demonstrate that the office of governor now functions more as a representative of the Center than the State. In this context, S.C. Dash has a thought-provoking observation to share. He states, "A governor is supposed to have a divided personality, which can occasionally be an encumbrance. It might be challenging for either party to hold him accountable since he can act as Mr. Hyde with the State Committee of Ministers and Dr. Jeck with the Union administration."

5. CONCLUSION

In this historiographical article, I have defined a general research trajectory for the "making of the Indian constitution" and argued in favor of employing a "non-nationalist approach" to the study of its history. This will make the document's history easier for readers to understand. Today's politicians have a big say in how reserve policy is developed. There is a divide between backward classes in some states, like Tamil Nadu and Bihar, who face socioeconomic disparities of one kind or another and the majority of backward castes, who face more severe forms of social discrimination and have statuses that are only marginally better than Dalits. There is some socioeconomic disadvantage for castes that are considered backward. Generally speaking, backward castes have a lower socioeconomic standing. In actuality, other backward classes are not obligated to be Hindu, unlike scheduled castes, and several governments grant benefits to certain Muslim and Christian communities. This list is the most vulnerable to modification since its requirements are less stringent. Therefore, in an attempt to please specific segments of their people, politicians usually add items to this list.

REFERENCES

- [1] Bhatia, A. (2021). The discursive construction of legitimacy in the abrogation of Indian Constitution's Article 370. *Journal of Pragmatics*, 183, 132-141.
- [2] Kohli, D. (2024). Political determinants of centre-state transfers: An empirical analysis across Indian states. *Journal of Government and Economics*, 16, 100130.
- [3] Tripathi, N. (2022). Role of Governor and Constitution of India. *Issue 4 Int'l JL Mgmt. & Human.*, 5, 1193.
- [4] Bhat, R. M. (2022). Historical Review of Indian Constitution. *Traditional Journal of Law and Social Sciences*, 1(02), 100-110.
- [5] Mohanty, M. P., Mudgil, S., & Karmakar, S. (2020). Flood management in India: A focussed review on the current status and future challenges. *International journal of disaster risk reduction*, 49, 101660.
- [6] Cohn, B. S. (2021). Colonialism and its forms of knowledge: The British in India.
- [7] Jena, P. K. (2020). Impact of pandemic COVID-19 on education in India. *International journal of current research (IJCR)*, 12.
- [8] Anita, C., & Ravindran, D. (2020). Enrolment of women in higher education: A comparative study on women's equity in governance and employment status in India. *Journal of International Women's Studies*, 21(5), 65-78.
- [9] Watson, I. B. (2022). Fortifications and the 'idea' of Force in early English East India Company relations with India. In *Warfare and Empires* (pp. 55-72). Routledge.
- [10] Jena, P. K. (2020). Online learning during lockdown period for covid-19 in India. *International Journal of Multidisciplinary Educational Research (IJMER)*, 9.
- [11] Dash, S., Aarthy, R., & Mohan, V. (2021). Telemedicine during COVID-19 in India—a new policy and its challenges. *Journal of Public Health Policy*, 42(3), 501.
- [12] Van der Veer, P. (2020). Imperial encounters: Religion and modernity in India and Britain.
- [13] Chawla, N., & Kumar, B. (2022). E-commerce and consumer protection in India: the emerging trend. *Journal of Business Ethics*, 180(2), 581-604.
- [14] Oliveira, J. A. P. D., Barabashev, A. G., Tapscott, C., Thompson, L. I., & Qian, H. (2021). The role of intergovernmental relations in response to a wicked problem: an analysis of the COVID-19 crisis in the BRICS countries. *Revista de Administração Pública*, 55(1), 243-260.
- [15] O'Donnell, E., Poelina, A., Pelizzon, A., & Clark, C. (2020). Stop burying the Lede: The essential role of indigenous law (s) in creating rights of nature. *Transnational Environmental Law*, 9(3), 403-427.
- [16] Mukherjee, R. (2020). Chaos as opportunity: the United States and world order in India's grand strategy. *Contemporary Politics*, 26(4), 420-438.
- [17] Bhadra, A., Mukherjee, A., & Sarkar, K. (2021). Impact of population density on Covid-19 infected and mortality rate in India. *Modeling earth systems and environment*, 7(1), 623-629.
- [18] Sönmez, T., & Yenmez, M. B. (2022). Affirmative action in India via vertical, horizontal, and overlapping reservations. *Econometrica*, 90(3), 1143-1176.
- [19] Jhala, Y., Gopal, R., Mathur, V., Ghosh, P., Negi, H. S., Narain, S., ... & Qureshi, Q. (2021). Recovery of tigers in India: Critical introspection and potential lessons. *People and Nature*, 3(2), 281-293.

-
- [20] Sánchez, R. M. (2021). Querencias, Contested Homelands, and Sites as Storied Texts: Exploring the Place Orientations of New Mexico in a Teacher Workshop. In *Luminous Literacies: Localized Teaching and Teacher Education* (pp. 15-28). Emerald Publishing Limited.
- [21] Anderson, J., & Lightfoot, A. (2021). Translingual practices in English classrooms in India: Current perceptions and future possibilities. *International Journal of Bilingual Education and Bilingualism*.
- [22] Iyengar, K. P., Jain, V. K., & Vaishya, R. (2022). Current situation with doctors and healthcare workers during COVID-19 pandemic in India. *Postgraduate medical journal*, 98(e2), e121-e122.
- [23] Pillai, A. V., & Dubash, N. K. (2021). The limits of opportunism: the uneven emergence of climate institutions in India. *Environmental Politics*, 30(sup1), 93-117.
- [24] Kaur, N., & Byard, R. W. (2021). Prevalence and potential consequences of child labour in India and the possible impact of COVID-19—a contemporary overview. *Medicine, Science and the Law*, 61(3), 208-214.
- [25] Kaur, M., & Saini, M. (2023). Indian government initiatives on cyberbullying: A case study on cyberbullying in Indian higher education institutions. *Education and Information Technologies*, 28(1), 581-615.
- [26] Park, K. S. (2021). The history wars and property law: Conquest and slavery as foundational to the field. *Yale Lj*, 131, 1062.