



## EDITORIAL: INDIAN EXPRESS

**GENERAL STUDIES 2: GOVERNANCE**

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**TOPIC: GOVERNOR'S ROLE**

### Supreme Court's judgment on Tamil Nadu governor: Why governors are so partial to the Centre

#### 1. Context: Rising Concerns over Governor's Role

- The **Supreme Court intervened** to limit the discretionary powers of governors by setting **time-bound guidelines** for assenting to state bills.
- This decision aims to **reduce political interference** and **strengthen federal democracy**, especially in light of rising tensions between centrally appointed governors and elected state governments.

#### 2. Ideal Vision of the Governor's Role

- Quoting Miguel de Cervantes, the article alludes to the traditional image of a governor — **quiet, impartial, and dignified**, not interfering in day-to-day politics.
- Historically, governors were expected to be **constitutional guides**, offering **counsel, warning, and encouragement** when required.
- Their role was **not to govern**, but to **facilitate governance** by the elected state leadership, staying above party politics.

#### 3. Political Overreach by Governors: A Distorted Reality

- In recent years, particularly under the present central government, governors have become **active political players**.
- Their interference includes:
  - **Blocking or delaying bills**, especially those politically inconvenient to the Centre.
  - **Meddling in academic appointments**, often ignoring recommendations of state governments or universities.
  - **Altering or bypassing legislative procedures**, like withholding customary addresses or delaying the summoning of the state assembly.
- These actions **undermine state autonomy**, violating the federal balance enshrined in the Constitution.

#### 4. Supreme Court's Landmark Verdict (April 8, 2024)



- A key **judgment by Justices Pardiwala and Mahadevan** reaffirmed that **elected governments must have primacy** over nominated officials like governors.
- **Article 142** was invoked to ensure effective enforcement, and the Court imposed **strict timelines for gubernatorial assent** under **Article 200**.
- The ruling **restricts arbitrary discretion**, ensuring governors act within **constitutional limits** and not political convenience.

## 5. The Tamil Nadu Case: A Watershed Moment

- The Tamil Nadu governor **delayed assent to multiple bills** and then referred them to the President — a move the **Court ruled as unconstitutional**.
- The **Court treated these bills as having been assented from the date of submission**, effectively overriding the governor's inaction.
- The case exposed a pattern of **governors yielding only to judicial pressure**, revealing reluctance to act unless nudged by the Centre or courts.

## 6. Insights from Constituent Assembly Debates

- Despite its colonial origin, the office of the governor was retained to ensure **constitutional continuity and national unity**.
- Key framers had differing views:
  - **Nehru** and others initially considered **electing governors** via state legislatures or choosing from a state-nominated panel.
  - **Ambedkar**, however, endorsed a **nominated model**, assuming governors would act with **neutrality and dignity**, free from partisanship.
- This expectation has often been **betrayed**, as governors increasingly align with central political interests.

## 7. Ignored Recommendations and Politicised Appointments

- Successive governments — both Congress and BJP — have **ignored important reforms** proposed by expert panels like the **Sarkaria Commission**.
- The **original spirit** of the governor as a **representative of the people of the state**, not of the Centre, has been eroded.
- Appointments are made based on **political loyalty**, reducing the governor to a **central agent** rather than a **constitutional sentinel**.

## 8. The Danger of Absolute Discretion



- Legal thinkers like **Edward Coke** and **Justice William Douglas** have long warned against **unfettered discretionary power**.
- True discretion, they argue, should be exercised based on **reason, justice, and legality**, not political bias or personal whims.
- In India, however, governors often act at the **behest of the central government**, compromising the **spirit of cooperative federalism**.

## 9. Tenure Insecurity and the Rise of Partisan Behavior

- A critical vulnerability is that **governors lack tenure protection**; they can be removed at the **pleasure of the President (effectively the Centre)**.
- This lack of job security incentivizes **partisan alignment** to avoid abrupt removal.
- Providing governors with **fixed tenure and safeguards** (like judges) would empower them to act independently and uphold **constitutional morality** over **political expediency**.

## 10. Conclusion: Reforms for Federal Balance

- The governor was envisioned as a **guardian of the Constitution**, not a political tool.
- The recent **Supreme Court judgment is a vital corrective**, reasserting constitutional boundaries and limiting misuse of discretion.
- For a stronger federal structure:
  - **Transparent appointment mechanisms**
  - **Security of tenure**
  - **Strict accountability measures**
  - **Adherence to constitutional ethics** — are urgently required.
- Without these systemic reforms, the **office of governor will remain vulnerable to central overreach**, distorting the essence of **India's cooperative federalism**.

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