



Role of Governor in Indian Federal System: An Analytical Perspective of Karnataka State

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ABSTRACT

We have adopted a federal system of government wherein there are two levels of government functioning at the Union level and State level. In this Paper, we will focus on the Role of Governor in Indian Federal System. In the working of Indian federalism, the Governor plays the role of an intermediary in two important ways. The Governor has to serve as the constitutional head of each state as well as act as a representative of the central government in each state. While the Governor's role is largely symbolic, they serve as an important link between the central government and the state government, ensuring the smooth functioning of governance and upholding the principles of federalism in India. A governor acts as the constitutional head and takes all their decisions based on the advice of chief minister and their council of ministers. In India, a lieutenant governor (LG) or administrator is a constitutional head of one the eight union territories. The primary function of the governor is to preserve, protect and defend the constitution and the law as incorporated in their oath of office under Article 159 of the Indian constitution in the administration of the state affairs and Governor is the nominal head at the state level.

INTRODUCTION:

The Constitution of India allows for a federal system by dividing power between the central and state governments. But the word union system is not used in any part of the constitution. Article 1 of the



Constitution describes India as a Union of States. This makes two points clear. Firstly, the federal system of India did not come into being as a result of an agreement among the constituents (states) like the federal system of the United States of America. Secondly, the states which are the constituents of the union do not have the right to break away from the union system. India is a diverse country inhabited by people of different races, castes, religions, languages. A federal system is deliberately adopted by a strong central government so that the security, stability and unity of the nation should not be disturbed by disruptive forces and the individualistic spirit of the states. The federal system of the United States is the accepted model. Some political experts refuse to accept it as a true federal system as India's federal system differs from it. Our constitution has features of both unitary and federal systems hence political expert K.C.Vear has criticized India as a 'semi-federal' system. This article explores the role played by the Governor in the federal system of India. Federalism is a system of government in which powers have been divided between the centre and its constituent parts such as states or provinces. It is an institutional mechanism to accommodate two seats of politics, one at the central or national level and the second at the regional or Provincial level.

OBJECTIVES:

1. To know about the Constitution role of Governor.
2. Knowing that The Governor as the Nominal executive Head of the State.
3. To study the role of Governor in Karnataka State.

CONSTITUTIONAL POSISION OF GOVERNOR:

In a union state system with a parliamentary system of government, the governor is the constitutional head of the states. The Governor is the Executive Head of the State within the meaning of Article 153 and 154 of the Constitution of India. Article 154 vests the executive powers of the State in the Governor who exercises it either directly or through officers subordinate to him in accordance with the Constitution. The post of Governor is not only the proper administrative operations of the Union State system. It is also very important in terms of the success of the democratic government of the country. Just as the President is the head of the state at the Centre, the governors at the state also act as the representative of the central government in some cases. It appears that the Governor has acted contrary to the Constitution while exercising his powers and duties as stated in the Constitution. Ambedkar made it clear that although the Governor can exercise his discretionary powers in some cases, he is the head of the state and not the head of the government, but the discretionary powers given to him do not hamper responsible government.¹ The Governor functions as the head of government only when President's rule



is in force. However, during President's rule, important rules cannot be made or important decisions cannot be taken. Just as the President at the Center acts on the advice of the Cabinet, similarly the Governor has to act on the advice of the State Cabinet. Ambedkar speaking in the Constituent Assembly said that the Governor has two duties of appointing the Ministers and giving advice and warning to the Council of Ministers but not the powers. Also, Ambedkar made it clear that he must accept the advice of the Cabinet.² K .M. Munsri and T.T. Krishnamachari expressed their views and said that the Governor constitutionally cannot interfere in the day-to-day administration of the state.³ The Supreme Court also R. J. Kapur (1955) compared the position of the Governor to that of the King of England in his judgment in the case. The Supreme Court held in 1979 that the Governor was appointed by the Central Government and was not an employee of the Central Government, nor was the Central Government that day.⁴ According to Articles 239 (2) and 356 of the Constitution, the Governor functioned as an agent of the Central Government,⁵ even being a constitutional executive officer, though the Governors of different states exercised their respective powers in different ways. The role appears to have been played.

I) Executive Powers:

Constitutionally the Governor exercises executive powers. Article 154(1) of the Constitution states that he should exercise this power either directly or through officers subordinate to him. According to Article 166, all activities of the state government should be done in his name. But, in fact, since the Governor works on the advice of the Cabinet, he is not a true executive officer. Article 165 of the Constitution of India, the Governor shall appoint a person who is qualified to be appointed a Judge of a High Court as the Advocate-General for the State. Nomination of persons having special knowledge or practical experience in the field of Literature, Science, Art, Co-operative Movement and Social Service, to the Legislative Council in accordance with the provisions of Article 171(3)(e) of the Constitution of India and Nomination of persons having special knowledge or practical experience in the field of Literature, Science, Art, Co-operative Movement and Social Service, to the Legislative Council in accordance with the provisions of Article 171(3)(e) of the Constitution of India. Summon from time to time the House or each House of the Legislature of the State to meet at such time and place as the Governor deems fit as per Article 174 (1) of the Constitution of India. Also Prorogue the House or either House or dissolve the Legislative Assembly as per Article 174(2) of the Constitution of India.

Article 163(1) states that there shall be a Council of Ministers headed by the Chief Minister to assist and advise the Governor in carrying out other functions except in certain special cases in accordance with the Constitution in accordance with his discretion. According to Article 164, the Governor appoints the Chief



Minister and other ministers on his advice. He will administer oaths to all ministers including the Chief Minister. Article 165 appoints the State Advocate-General and Article 316 appoints the Chairman and members of the State Public Service Commission. According to Article 317, the State Public Service Commission also has the power to suspend the Chairman or the member. For example, Governor H.R. Bharadwaja said that appropriate action should be taken against the irregularities committed by the Karnataka Public Service Commission in the recruitment process of gazette officers in 2011. Member of the Karnataka Public Service Commission. Dr.Mangal Sridhar has been directed to the state government to immediately suspend him and submit a proposal to remove him from the post. ⁶ What Section 12, 13 of the Lokayukta Act says is that the Governor is empowered to take action against the Chief Minister under this Act. The Chief Minister may ask him to resign and face an investigation. A criminal investigation can be ordered by the state police or any agency including the CBI. In case the CM does not agree with the name of Raja, the Governor is allowed by law to recommend to the Center that President's rule should be imposed in the state.⁷ MUDA Scam; Karnataka HC dismisses CM Siddaramaiah's plea challenging Governor's sanction for his prosecution.⁸

II) Legislative Powers:

Article 168 provides that the State Legislature shall consist of the Governor even though the Governor is not a member of the Legislature whose legislative powers are as under.

1. Article 174. Sessions of the State Legislature, prorogation and dissolution:

(1)The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session. (2) The Governor may from time to time-(a)prorogue the House or either House;(b)dissolve the Legislative Assembly.

2. Article 175. Right of Governor to address and send messages to the House or Houses:

(1) The Governor may address the Legislative Assembly or, in the case of a State having a Legislative Council, either House of the Legislature of the State, or both Houses assembled together, or may for that purpose require the attendance of members. (2) The Governor may send messages to the House or Houses of the Legislature of the State, whether with respect to a Bill then pending in the Legislature or otherwise, and a House to which any message is so sent shall with all convenient dispatch consider any matter required by the message to be taken into consideration.



3. Article 176 of the Indian Constitution: Special Address by the Governor:

(1) At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor shall address the Legislative Assembly or, in the case of a State having a Legislative Council, both Houses assembled together and inform the Legislature of the causes of its summons. (2) Provision shall be made by the rules regulating the procedure of the House or either House for the allotment of time for discussion of the matters referred to in such address.

4. Article 192. Decision on questions as to disqualifications of members:

(1) If any question arises as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1) of article 191, the question shall be referred for the decision of the Governor and his decision shall be final. (2) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.

5. Article 200 in Constitution of India Assent to Bills:

When a Bill has been passed by the Legislative Assembly of a State or, in the case of a State having a Legislative Council, has been passed by both Houses of the Legislature of the State, it shall be presented to the Governor and the Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President: Provided 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: Provided further that the Governor shall not assent to, but shall reserve for the consideration of the President, any Bill which in the opinion of the Governor would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is by this Constitution designed to fill.

When Yeddyurappa's government was in Karnataka, he had submitted two (May-16 and June -12-2011) In accordance with the Constitution seeking permission to hold the state legislative session in accordance



with the constitution, Governor Bhardwaj did not give permission, this is a strange situation. Yediyurappa responded that he should be recalled immediately as he will be a hindrance to the development of the state.

6. Article 213 Power of Governor to promulgate Ordinances during recess of Legislature

(1) If at any time, except when the Legislative Assembly of a State is in session, or where there is a Legislative Council in a State, except when both Houses of the Legislature are in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require: Provided that the Governor shall not, without instructions from the President, promulgate any such Ordinance if--(a) a Bill containing the same provisions would under this Constitution have required the previous sanction of the President for the introduction thereof into the Legislature; or (b) he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the President; or (c) an Act of the Legislature of the State containing the same provisions would under this Constitution have been invalid unless, having been reserved for the consideration of the President, it had received the assent of the President. (2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Legislature of the State assented to by the Governor, but every such Ordinance--(a) shall be laid before the Legislative Assembly of the State, or where there is a Legislative Council in the State, before both the Houses, and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature, or if before the expiration of that period a resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any, upon the passing of the resolution or, as the case may be, on the resolution being agreed to by the Council; and (b) may be withdrawn at any time by the Governor. Explanation.--Where the Houses of the Legislature of a State having a Legislative Council are summoned to reassemble on different dates, the period of six weeks shall be reckoned from the later of (those dates for the purposes of this clause). (3) If and so far as an Ordinance under this article makes any provision which would not be valid if enacted in an Act of the Legislature of the State assented to by the Governor, it shall be void: Provided that, for the purposes of the provisions of this Constitution relating to the effect of an Act of the Legislature of a State which is repugnant to an Act of Parliament or an existing law with respect to a matter enumerated in the Concurrent List, an Ordinance promulgated under this article in the Concurrent List, an Ordinance promulgated under this article in pursuance of instructions from the President shall be deemed to be an Act of the Legislature of the State which has been reserved for the consideration of the President and assented to by him. ⁹



For example, the Governor of Karnataka promulgated the Anti-Hooligan Ordinance on December, 15, 1984 with the assent of the President. After 18 months the President gave his consent. In 2007, the Cabinet approved the Transfer of Teachers Bill and promulgated it as an ordinance.¹⁰

III) Financial Powers:

1. Although the Finance Minister actually presents the budget in the legislature, Article 202(1) states that the Governor must take the lead in introducing legislation. And He looks over the state budget being laid in the state legislature. 2. His recommendation is a prerequisite for the introduction of a money bill in the state legislature. 3. According to the 203(3) article, no demand for grants can be made without the recommendation of the Governor. 4. Contingency Fund of State is under him and he makes advances out that to meet unforeseen expenditure. 5. State Finance Commission is constituted every five years by him. 6. A finance bill cannot be introduced or amended in the legislature without the recommendation of the Governor. (207(1)). Details about the Finance Bill are given in Article 199(1). Details about the Finance Bill are given in Article 199(1). 7. The Governor has the power to take action to present a Supplementary Expenditure Bill whenever he deems it necessary under Article 205.

IV) Judicial Powers:

The governor has some judicial powers and functions. He can influence the appointments, postings, and promotions of district judges and other judicial officials. He can grant pardon, reprieve or remission of punishment or suspend, remit or cancel the sentence of a person convicted of any offence against the law (161). He makes suggestions to the president in matters concerning the appointment of high court judges. He appoints the judicial personnel of the subordinate courts in the state on the recommendations of the high court.¹⁰ For Example In Karnataka Chief Minister Siddaramaiah's case, the complainants may rely on the Supreme Court judgment in a Madhya Pradesh case that effectively gave the Governor a veto over the Ministry if material evidence was ignored for the sake of blocking a legitimate prosecution.¹¹ He/she makes appointments, postings and promotions of the district judges in consultation with the State High Court and He/she is consulted by the President while appointing the judges of the concerned State High Court, He/she also appoints persons to the judicial service of the State (other than district judges) in consultation with the State High Court and the State Public Service Commission.¹¹

V) Administrative Powers:

The Governor constitutionally exercises executive powers. Article 154(1) state that these are to be exercised through the officers under him. In addition, Article 166 states that all the functions of the State



Government shall be carried out in the name of the Governor. The Government Commission states that the Governor cannot exercise arbitrary power to overturn the decisions of the Council of Ministers unless he has the confidence of the Chief Minister under Article 167. Articles 161, 201 and 356 deal with the exercise of the powers of the State Government by the Governor. The Governor has the power to inquire about any administrative matters from the Chief Minister. The Governor can tour the state and observe the situation and development of the state. The Governor has the power to bring and inquire into files related to the administration of the state. In November 1967, Governor Dharmaveera had called the District Collector and District Police Officers and discussed the law and order situation. ¹²

VI) Discretionary Powers:

The decisions can be taken by the governor's discretion which is categorized into two parts Constitutional and Situational

Constitutional Discretion of Governor

The Governors of states can act at their constitutional discretion in the following instances:

When they have to reserve the bill for the consideration of the President of India, Governors can decide on their own without the advice of the Council of Ministers

1. When he has to recommend for the President's rule in the state, he can act at his own discretion
2. When he is given an additional charge as the administrator of the Union Territory, he can take actions at his own discretion
3. When he has to determine the amount payable by the Government of Assam, Meghalaya, Tripura, and Mizoram to an autonomous Tribal District Council as royalty accruing from licenses for mineral exploration
4. When he calls upon the Chief Minister to seek information regarding administrative and legislative affairs

Situational Discretion of the Governor

The Governors of states can act at their situational discretion in the following instances:

1. When he has to appoint a Chief Minister after no party has a clear majority in the election or when the incumbent dies in the office



2. When he dismisses the council of ministers on an inability to prove confidence in the state legislative assembly
3. When he dissolves the state legislative assembly on time when it loses its majority. ¹³
4. The other situations where the governor, though has to consult the council of ministers but finally can act at his own discretion are:
5. When he has to establish separate development boards for Vidarbha and Marathwada in Maharashtra
6. When he has to establish separate development boards for Saurashtra and Kutch in Gujarat
7. With respect to law and order in the state for so long as the internal disturbance in the Naga Hills–Tuensang Area continues in Nagaland
8. With respect to the administration of tribal areas in Assam
9. Regarding the administration of the hill areas in Manipur
10. For peace and social and economic advancement of the different sections of the population in Sikkim
11. With respect to law and order in Arunachal Pradesh
12. When he has to establish separate development boards for the Hyderabad-Karnataka region in Karnataka. ¹⁴

CONCLUSION AND SUGGESTIONS:

The Governor's role is not just a symbolic one; there are instances where the Governor must take action in the best interests of the people in their state. Especially when a state government prioritizes its political agenda over the welfare of the citizens, the Governor, as the head of the state, must step in to rectify the situation. Therefore, eliminating the office of the Governor is not a viable option. However, the method of appointing and dismissing Governors should undergo thoughtful changes. It's noteworthy that the Constitution Review Committee recently suggested that to restore the Governor's prestige and integrity, the appointment process needs reform. The Governor, as the highest constitutional authority in the State, occupies a pivotal position in the democratic framework of the State. Through his dual role as constitutional head of the State as well as the representative of the Centre, he ensures the smooth



functioning of and coordination among the three wings of the State government along with acting as a bridge between the Central and State governments.

REFERNCES:

- Constituent Assembly Debate, Vol. VIII, P.500.
- Ibid., Pp. 546-47 and Ibid., Pp. 433.
- Pant Hargovind V/s Tilak Raghukul, A.I.R.1979 S.C .709.
- Sarkaria Commission Report on Centre – state Relations, 1988. P.118.
- Prajavani, January 22,2014,P-7
- Act of Lokhayukta – 1984, Section 12, 13.
- The Economics Times News .Date:24.09.2024.
- Basu, D. D” Introduction to the Constitution of India”. Lexis Nexis India. (2017)
- Prof.Jadi Musalaiah & Dr.K. Mallesham & Dr. Pulapalli Venkataramana & Dr. Gurram Prabhakar Reddy & Dr. Sinjini Bhattacharya, Text Book for Intermediate Second Year Political Science (Civics) 71-73 (1st ed.2020, Telugu Academy, Hyderabad).
- K. Venkataramanan ”The Hindu News Paper “ 17.08.2024.
- Siwach,J.R., “ Office of the Governor – A Critical Study – 1950-73 ” Sterling Pub Pvt, Ltd., New Delhi.1977, Pp.254-258.
- Vardachari. V.K., “Governor in the Indian Constitution” Heritage Publishers, New Delhi, 1980,Pp.51.
- Basu, D.D., “Commentary on the Constitution of India “ Vol.3,S.C. Sarkar and Sons Pvt.Ltd., Calcutta, 1963, Pp. 244.