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## The Union And The State Executive: Constitutional Tussles With States



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The Indian Constitution reflects the idea of federalism with a strong unitary bias by establishing a delicate balance of authority between the Union and the States. The institution of the governor, which is intended to serve as the constitutional head of state and replicate the President's function at the federal level, is at the centre of this structure. In reality, however, the governor has frequently turned into a hot spot in the struggle for power between the federal government and state governments. This tension is best illustrated by the recent disputes in Tamil Nadu and Punjab, which raise important issues regarding federalism, democratic governance, and the morality of the constitution.

The Constitution's Article 153 stipulates that every State must have a governor. According to Article 154, the Governor has the authority to execute the executive power of the State, but only with the assistance and counsel of the Council of Ministers, which is led by the Chief Minister, with the exception of situations in which the Governor must act independently. According to theory, the governor ensures constitutional governance by acting as an impartial arbitrator. However, in reality, they are vulnerable to political influence because of the way they were appointed—by the President on the recommendation of the Union Council of Ministers (Article 155). Because of this, the Governor has frequently been accused of acting more as a "agent of the Centre" than as a representative of constitutional propriety.

Particularly tense has been the relationship between Governor R.N. Ravi and the Tamil Nadu government, which is led by Chief Minister M.K. Stalin. Debates over Article 200 of the Constitution have been sparked by the Governor's frequent refusal to sign legislation enacted by the State Legislature. According to this article, the governor may reserve a bill for the president's consideration, return a bill (unless it is a money bill), or assent or withhold assent. In *Shamsher Singh v. State of Punjab* (1974), the Supreme Court clarified that, with the exception of certain strictly defined discretionary areas, the Governor must follow the Council of Ministers' advice. The governor runs the danger of undermining the democratic will of the elected government by permanently postponing or refusing assent.

The Governor's position in the Assembly has often been a source of contention. The question of whether the governor can editorialise rather than genuinely deliver the speech prepared by the Council of Ministers under Article 176 was raised in January 2023 when he missed parts of his usual presentation to the Tamil Nadu Legislative Assembly. These events support the idea that state autonomy has been undermined by gubernatorial interventions that have intruded into the political sphere.

There have also been notable conflicts in Punjab between the elected administration and the governor. The Punjab government, led by Chief Minister Bhagwant Mann, has charged Governor Banwarilal Purohit with impeding the operation of the legislature. One such instance occurred when the Governor claimed that the government was abusing constitutional powers and questioned if calling the Assembly session in September 2022 was lawful. Under Article 174, which gives the Governor the authority to call a meeting of the House, prorogue it, and dissolve it, this standoff generated serious problems. In *Nabam Rebia v. Deputy Speaker* (2016), the Supreme Court made it clear that the Governor must act with the Council of Ministers' assistance and counsel and cannot use this authority on his own.

Relationships have also become more strained as a result of delays in assenting measures, especially those pertaining to State fiscal and administrative issues. The Punjab government has maintained on numerous occasions that this kind of behaviour is incompatible with representative democracy and the idea that the governor is subject to cabinet advice.

These disputes highlight a recurrent trend: Governors chosen by the Union Government frequently run afoul of states that are headed by the opposition. These kinds of battles are not new. The institution has often been at the focus of controversy, from the removal of State administrations in the 1970s and 1980s to the more current discussions about governor's assent. Commissions like the Punchhi Commission (2010) and the Sarkaria Commission (1983) suggested limiting governors' discretionary authority and guaranteeing their impartiality. However, the position has been used as a political tool by the Center's consecutive governments.

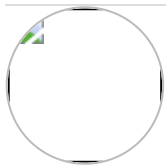
Constitutional morality has also been emphasised by the Supreme Court. The Court emphasised in *Rameshwar Prasad v. Union of India* (2006) that the governor's authority must be used impartially and responsibly. Similarly, the Court warned governors against obstructing governance by withholding assent indefinitely in its 2023 observations regarding the Tamil Nadu and Punjab disputes.

I believe that the spirit of cooperative federalism is weakened by these constitutional disputes. The governor should serve as a constitutional sentinel rather than a political figure. Governors run the risk of turning a constitutional office into a partisan battleground by blocking the passage of legislation or contesting the calling of assemblies. Such acts shift the federal balance in favour of the Union and undermine public confidence in democratic institutions.

State governments must, however, adhere to constitutional protocol and refrain from portraying any gubernatorial action as dishonest. On all sides, a sense of moderation and communication is required.

Deeper structural problems with India's federal system are shown in the conflicts in Tamil Nadu and Punjab. The governor was not envisioned by the Constitution's founders as a rival to the elected government, but rather as a constitutional link between the Union and the State. By reframing the governor's function in accordance with legal rulings, cooperative federalism principles, and constitutional morality, this balance must be restored for the sake of Indian democracy. The Constitution's federal goal can only be realised when the Union and the State Executive work together harmoniously.

*This post has been self-published. Youth Ki Awaaz neither endorses, nor is responsible for the views expressed by the author.*



## Written by **SAPHAL HARPREET SINGH**

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Being a good reader, I read a lot about great personalities, Politics and humanitarians but my major inspiration is my Father. From very young age, he instilled so many values in me for which I'm very thankful. he taught me that hard work always pays off. he emphasised that if one wants to achieve something in lif...

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