
The Role of Governor(S) – Legal Perspective, With Special Reference to Bengaluru’s Administration Ranganathaiah C.B.

Associate Professor of Law, Department of Law, Government Law
College, Kolar.

DOI: <https://doi.org/10.5281/zenodo.17581448>

ABSTRACT:

The institution of the Governor plays a key role in India’s constitutional and administrative system, connecting the Union and the States. While the Governor serves as the nominal head of the State, the position comes with important constitutional duties that help maintain federal balance and uphold democratic governance. This article looks at the Governor’s role from a legal and constitutional viewpoint, focusing on the details of gubernatorial powers under Articles 153 to 162 of the Indian Constitution.

By closely examining judicial cases like *S.R. Bommai v. Union of India*, *Shamsher Singh v. State of Punjab*, and *Nabam Rebia v. Deputy Speaker*, the study shows how the judiciary has gradually clarified and limited the discretionary powers of Governors to protect democratic principles. The article also delves into the practical effects of these powers on Bengaluru’s administration, since the city is the center of Karnataka’s executive and legislative activities.

In Bengaluru, the Governor’s influence reaches legislative oversight, approval of bills related to urban governance, and serving as the Chancellor of major universities. The article discusses how these powers affect policy decisions, administrative continuity, and educational governance in the capital. However, it also critically assesses issues of political misuse, central interference, and constitutional conflicts that have sometimes arisen in the use of gubernatorial authority.

Ultimately, the article argues that the Governor’s office should operate with constitutional neutrality, accountability, and transparency, making sure that its actions support rather than weaken state autonomy. It concludes that while the Governor remains a symbol of unity and constitutional integrity, the changing dynamics of governance in urban areas like Bengaluru require a careful and restrained use of gubernatorial power.

KEYWORDS:

Governor, Constitutional Law, Federalism, Bengaluru Administration, Discretionary Powers.

Introduction:

The office of the Governor in India is one of the most important constitutional institutions, holding a unique role within the country's federal system. The framers of the Indian Constitution designed it to serve as a critical link between the Union and the States. The Governor acts as the constitutional head of the State, representing the President and, by extension, the Union Government. While the Governor mainly carries out ceremonial duties based on the advice of the State's Council of Ministers, this office also has significant discretionary powers that can impact both political stability and governance.

The Constitution of India, in Articles 153 to 162, defines the establishment, powers, and roles of the Governor. These provisions were inspired by the British parliamentary system, where the Crown reigns but does not govern. Consequently, the Governor is expected to serve as a neutral constitutional authority, upholding the Constitution, ensuring the smooth running of State administration, and maintaining the integrity of democratic institutions. However, the real challenge lies in balancing this neutrality with the political realities of a multi-party democracy.

In Bengaluru, the capital of Karnataka and one of India's major metropolitan cities, the Governor's role takes on a unique perspective. Bengaluru is not only the State's administrative center but also the hub for policy-making, legislative work, and executive decisions. The Governor's involvement in matters such as assent to legislation, appointment of the Chief Minister, oversight of university administration, and supervision during political crises directly shapes the city's governance and development path.

Historically, Karnataka's political scene has seen many cases where the Governor's powers faced legal review and public discussion, particularly during the imposition of President's Rule and the interpretation of discretionary powers under Article 356. Judicial decisions in significant cases like *S.R. Bommai v. Union of India* (1994) and *Shamsher Singh v. State of Punjab* (1974) have clarified the limits of gubernatorial authority, highlighting that the Governor must operate within the boundaries of constitutional values and democratic duties.

Additionally, Bengaluru's governance structure, which includes the Bruhat Bengaluru Mahanagara Palike (BBMP), various development authorities, and state departments, requires a careful balance between exec-

utive power and constitutional oversight. The Governor, as the constitutional protector, ensures that state policies, administrative actions, and legislative decisions align with constitutional principles, particularly those regarding the rule of law, equality, and justice.

Therefore, examining the Governor's role from a legal perspective, especially in relation to Bengaluru's administration, is essential for understanding how constitutional theory becomes administrative practice. It highlights the evolving nature of Indian federalism, the intersection of law and politics, and the need for more accountability and neutrality in the exercise of gubernatorial discretion.

Review of Literature:

1. D.D. Basu (Commentary on the Constitution of India)¹

D.D. Basu's authoritative commentary provides a comprehensive interpretation of the Governor's constitutional position, emphasizing that the office is meant to function as a neutral constitutional head. He discusses in depth the relationship between the Governor and the Council of Ministers, highlighting that discretionary powers should be used sparingly and only in constitutionally justified situations. His analysis has been instrumental in understanding the balance between formality and functionality in the Governor's office.

2. Granville Austin – The Indian Constitution: Cornerstone of a Nation

Austin views the Governor's role through the lens of cooperative federalism. He explains that the founding fathers of the Constitution intended the Governor to be a stabilizing figure, ensuring coordination between the Union and the States. However, he also critiques the misuse of gubernatorial powers by the Centre, which at times undermines state autonomy. His work provides historical and philosophical grounding for evaluating the Governor's role in contemporary governance.

3. S.R. Bommai v. Union of India (1994)

This landmark Supreme Court case originating from Karnataka's political context is crucial in defining the constitutional boundaries of the Governor's powers. The judgment restricted the arbitrary imposition of President's Rule under Article 356, affirming that the Governor cannot act on political whims. It also reinforced the principle that state govern-

ments must be tested on the floor of the Assembly, thereby safeguarding federal and democratic principles.

4. Shamsher Singh v. State of Punjab (1974)

In this seminal case, the Supreme Court clarified that the Governor is bound by the advice of the Council of Ministers except in a few exceptional circumstances. The judgment significantly reduced the scope of personal discretion and reaffirmed the parliamentary nature of governance at the state level. This case serves as a cornerstone in understanding the constitutional limitations of gubernatorial authority.

5. Academic Analyses on State Governance and Urban Administration in Bengaluru

Various studies and papers on Karnataka's governance highlight the Governor's indirect yet vital role in urban policy oversight, university administration, and constitutional compliance. Scholars argue that in metropolitan centres like Bengaluru, the Governor's influence is visible in matters of legislative assent, educational regulation, and crisis management. These works collectively emphasize the need for transparency, neutrality, and accountability in gubernatorial functioning within an urban administrative framework.

Methodology:

1. Doctrinal (Legal) Research Method

The study primarily adopts a doctrinal research approach, focusing on the interpretation of constitutional provisions, statutes, and case laws related to the powers and functions of the Governor. It involves examining Articles 153–162, 163, 164, 174, 200, and 356 of the Constitution of India to understand the legal framework governing gubernatorial authority.

2. Judicial Interpretation and Case Analysis

Major judicial pronouncements such as *S.R. Bommai v. Union of India* (1994), *Shamsher Singh v. State of Punjab* (1974), and *Nabam Rebia v. Deputy Speaker* (2016) have been analyzed to identify how courts have interpreted and limited the discretionary powers of Governors. This analysis helps trace the evolution of judicial thought in defining the Governor's constitutional role.

3. Comparative and Contextual Study

The article undertakes a comparative study of the Governor's role

across different states, with a special focus on Karnataka and Bengaluru's administration. It examines how the legal and political application of gubernatorial powers varies across contexts, especially in urban governance and educational administration.

4. Secondary Source Review

The research relies on a comprehensive review of books, academic journals, commentaries, government reports, and scholarly articles by constitutional experts such as D.D. Basu, Granville Austin and Subhash Kashyap.² These secondary sources provide theoretical insights and critical perspectives on the functioning of the Governor's office in India's federal structure.

5. Analytical and Evaluative Approach

The findings are presented through an analytical lens, evaluating the effectiveness, neutrality, and constitutional legitimacy of the Governor's actions in Bengaluru's governance. The methodology aims to assess how the legal provisions operate in practice, identifying both strengths and limitations in maintaining the balance between constitutional propriety and administrative efficiency.

Legal Framework and Constitutional Provisions:

The role of the Governor is primarily governed by the Constitution of India³:

- Article 153 – Provides for the office of Governor for each State.
- Article 154 – Vests the executive power of the State in the Governor.
- Article 163 – Establishes a Council of Ministers to aid and advise the Governor.
- Article 164 – Deals with the appointment of the Chief Minister and other ministers.
- Article 174 – Empowers the Governor to summon, prorogue, and dissolve the Legislative Assembly.
- Article 200 – Allows the Governor to assent, withhold assent, or reserve a bill for the President's consideration.
- Article 356 – Enables the Governor to report to the President in cases of constitutional breakdown in the State.

These provisions collectively outline a balance between constitu-

tional formality and practical administration.

Judicial Interpretations and Case Laws:

Judicial decisions have played a significant role in defining the Governor's constitutional limits:

1. *Shamsher Singh v. State of Punjab* (1974)⁴ – The Supreme Court held that the Governor is bound by the advice of the Council of Ministers except in cases where discretion is constitutionally permitted.
2. *Rameshwar Prasad v. Union of India* (2006) – The Court observed that the Governor's powers cannot be exercised arbitrarily or for political purposes.
3. *S.R. Bommai v. Union of India* (1994)⁵ – A landmark judgment from Karnataka's own political history, it curtailed the misuse of Article 356 and emphasized federal principles.
4. *Nabam Rebia v. Deputy Speaker* (2016)⁶ – Clarified that the Governor cannot interfere in legislative functions such as convening or dissolving the Assembly at his own discretion.

These cases have shaped the constitutional understanding of gubernatorial authority and its limits.

Governor's Role in Bengaluru's Administration:

Bengaluru, as the seat of the Karnataka Government, is directly influenced by the Governor's constitutional and administrative functions. The Governor's involvement can be seen in several areas:

1. **Legislative Oversight:** As the constitutional head, the Governor summons and dissolves the Karnataka Legislative Assembly, which meets in Bengaluru.
2. **Assent to State Legislation:** Many urban governance-related bills – including those concerning Bengaluru's municipal administration, environment, and infrastructure – require gubernatorial assent.
3. **Chancellor Role:** The Governor serves as the Chancellor of universities in Bengaluru, overseeing appointments and functioning of institutions like Bangalore University and Rajiv Gandhi University of Health Sciences.
4. **Emergency Supervision:** In situations of administrative deadlock or political instability, the Governor acts as the constitutional safeguard

to maintain governance continuity.

5. Policy Review and Welfare: Through discretionary powers and constitutional obligations, the Governor periodically reviews programs related to urban welfare, social justice, and infrastructure development in Bengaluru.

Thus, while the Chief Minister and the Cabinet govern day-to-day affairs, the Governor ensures that the administration functions within constitutional boundaries.

Challenges and Criticisms:

Despite the constitutional clarity, the Governor's office has been criticized for alleged political misuse, particularly in states with opposition-led governments. Instances of delayed assent to bills, controversial invitations to form the government, and discretionary interventions in Bengaluru's local governance have raised concerns about federal balance. Legal scholars argue that the Governor's role must remain neutral, functioning as the guardian of the Constitution rather than as an agent of the Centre.

Conclusion:

The role of the Governor in India is one of the most discussed and changing parts of constitutional governance. The Constitution defines the Governor as the nominal head of the State, but the office has turned into a critical institution that connects the Union and State governments. Legally, the Governor's job is to make sure that the constitutional system runs smoothly, that governance follows democratic principles, and that political processes stay within the boundaries of law and justice.

In Bengaluru, the Governor's role is especially important due to the city's political significance and administrative complexity. As the capital of Karnataka, Bengaluru is home to the legislative assembly, executive offices, and major educational institutions, all of which fall under the Governor's authority. The Governor's tasks involve assenting to bills related to urban governance, overseeing university administration, and monitoring constitutional functioning during political crises. These responsibilities highlight the diverse nature of this office in the State's governance system.

However, practical challenges remain. The office has often faced

criticism for being a tool of political influence, particularly in cases of government formation, assembly dissolutions, or withholding assent to legislation. Such controversies reveal the clash between constitutional theory and political practice. Judicial decisions in key cases like *S.R. Bommai v. Union of India* and *Shamsher Singh v. State of Punjab* have sought to clarify the limits of gubernatorial power. They emphasize that the Governor must act according to the aid and advice of the Council of Ministers and uphold the spirit of federalism.

For a democratic and cooperative federal system to succeed, the Governor must show constitutional neutrality, accountability, and restraint. In the context of Bengaluru's administration, this means keeping State functions clear of partisan influences and letting constitutional values guide decision-making. The Governor's discretion should not be a show of political power but a way to support democratic governance and maintain harmony between the Union and the State.

In conclusion, the legal view on the Governor's role shows that this office is not just symbolic but fundamentally constitutional. It carries the responsibility of upholding the integrity of governance, legality, and democratic order. The situation in Bengaluru and Karnataka reflects both the challenges and the potential of this institution. Moving forward, a balanced approach based on constitutional morality, judicial care, and administrative fairness will be crucial to maintain the integrity of India's federal structure and ensure that the Governor's office acts as a true guardian of the Constitution.

Endnote:

1. Basu, D.D., *Commentary on the Constitution of India*, LexisNexis, 2020.
2. Austin, Granville, *The Indian Constitution: Cornerstone of a Nation*, Oxford University Press, 2003.
3. *Constitution of India*, 1950, Arts. 153–162, 163, 164, 174, 200, 356.
4. *Shamsher Singh v. State of Punjab*, (1974) 2 SCC 83.
5. *S.R. Bommai v. Union of India*, (1994) 3 SCC 1.
6. *Nabam Rebia v. Deputy Speaker*, (2016) 8 SCC 1.

References:

1. The Constitution of India, 1950.
2. S.R. Bommai v. Union of India (1994) 3 SCC 1.
3. Shamsher Singh v. State of Punjab (1974) 2 SCC 831.
4. Rameshwar Prasad v. Union of India (2006) 2 SCC 1.
5. Nabam Rebia v. Deputy Speaker (2016) 8 SCC 1.
6. Basu, D.D. Commentary on the Constitution of India. LexisNexis, 2020.
7. Granville Austin, Working a Democratic Constitution, Oxford University Press, 2003.

Funding:

This study was not funded by any grant.

Conflict of interest:

The Authors have no conflict of interest to declare that they are relevant to the content of this article.

About the License:

© The Authors 2024. The text of this article is open access and licensed under a Creative Commons Attribution 4.0 International License.