

CONSTITUTIONAL DEMOCRACY AND THE ROLE OF GOVERNORS IN A CHANGING WORLD

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Article Info	ABSTRACT
Article History: Received: 20th February 2026 Accepted: 01st March 2026 Published: 07th March 2026 Keywords: Constitutional Democracy, Governor, Federalism, Constitutional Morality, Democratic Accountability	Constitutional democracy rests on the supremacy of the Constitution, separation of powers, rule of law, and accountability of political authority. Within this framework, the office of the Governor occupies a unique and often contested position, especially in federal democracies. Governors are envisaged as neutral constitutional heads, acting as vital links between the Union and the States. However, in a rapidly changing global and domestic political environment—marked by coalition politics, rising executive dominance, judicial activism, and increasing political polarization—the role of Governors has undergone significant transformation. This paper examines how constitutional democracy shapes, constrains, and is simultaneously tested by the evolving role of Governors. By analyzing constitutional provisions, conventions, judicial interpretations, and contemporary political practices, the study highlights the challenges faced by Governors in maintaining democratic neutrality and constitutional propriety. The paper argues that strengthening constitutional morality and institutional conventions is essential for preserving the democratic balance in the functioning of the gubernatorial office.

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INTRODUCTION

Constitutional democracy represents a system of governance in which democratic principles operate within the limits prescribed by a Constitution. It ensures that power is exercised through legally defined institutions, procedures, and norms, thereby preventing arbitrary authority (Dicey, 1915). In such a system, constitutional offices are expected to function with restraint, impartiality, and adherence to democratic values.

The office of the Governor, particularly in federal democracies like India, Australia, and Canada, is designed as a constitutional head rather than an active political executive. In India, the Governor acts as the nominal head of the State, while real executive power is vested in the Council of Ministers led by the Chief Minister (Basu, 2022). Despite this clear constitutional scheme, the role of Governors has frequently been at the Centre of political and legal controversies.

In recent decades, changing political dynamics—such as fractured mandates, coalition governments, centralization of power, and judicial scrutiny—have significantly altered the operational environment of Governors. These changes raise critical questions about the compatibility of gubernatorial discretion with constitutional democracy. This paper situates the discussion within the broader context of a changing world and explores how the role of Governors impacts democratic governance.

OBJECTIVE OF THE STUDY

- The sole objective of this study is to critically examine the role of Governors within constitutional democracies and assess how changing political and institutional contexts affect their constitutional neutrality and democratic functioning.

Constitutional Democracy: Conceptual Framework

Constitutional democracy combines two fundamental ideas: democracy and constitutionalism. Democracy emphasizes popular sovereignty, political participation, and accountability, while constitutionalism stresses limited government, separation of powers, and protection of rights (Elster, 1998).

A constitutional democracy requires that:

- Political authority flows from the people.
- Power is exercised within constitutional limits.
- Institutions function according to established conventions and norms.
- Independent judiciary ensures constitutional compliance.

In such a system, non-elected constitutional authorities, including Governors, derive legitimacy not from popular mandate but from their adherence to constitutional principles (Finer, 1975). Their legitimacy depends on neutrality, restraint, and fidelity to the Constitution rather than political loyalty.

THE OFFICE OF GOVERNOR: CONSTITUTIONAL DESIGN

Appointment and Status

In India, Governors are appointed by the President under Article 155 of the Constitution. Though formally appointed by the head of the state, they effectively represent the Union at the state level (Austin,

1999). The Constitution envisages Governors as impartial arbiters rather than political agents.

Articles 153 to 162 outline the powers and functions of Governors. While executive power of the State is vested in the Governor, it is exercised in accordance with the advice of the Council of Ministers (Constitution of India, Article 163).

Intended Role in Constitutional Democracy

The Governor's intended role includes:

- Acting as a constitutional head.
- Safeguarding the Constitution.
- Ensuring stable governance.
- Acting as a link between the Union and the States.

Dr. B.R. Ambedkar emphasized that the Governor was not meant to be an agent of the Centre but a constitutional authority bound by democratic conventions (Constituent Assembly Debates, 1949).

Discretionary Powers and Democratic Concerns

While Governors normally act on ministerial advice, the Constitution grants them limited discretionary powers. These include:

- Appointment of Chief Minister in a hung assembly.
- Reservation of Bills for Presidential assent.
- Recommendation of President's Rule under Article 356.

These discretionary powers, though constitutionally valid, pose challenges to democratic principles when exercised arbitrarily or politically (Sarkaria Commission, 1988).

Judicial pronouncements have consistently held that such discretion must be exercised sparingly and in accordance with constitutional morality (S.R. Bommai v. Union of India, 1994).

Governors and Federalism

Federalism is a core feature of constitutional democracy in multi-level governance systems. The Governor occupies a delicate position in federal relations, balancing state autonomy with national unity (Wheare, 1963).

In practice, Governors have often been perceived as instruments of central influence over state governments, particularly when different political parties are in power at the Centre and State (Arora & Verney, 1995). This perception undermines cooperative federalism and weakens democratic trust.

The Punchhi Commission (2010) noted that excessive central interference through Governors erodes the spirit of federalism and constitutional democracy.

Changing Political Contexts and the Governor's Role

Coalition Politics and Hung Assemblies

The rise of coalition politics has increased the discretionary role of Governors in government formation. Decisions regarding whom to invite to form government have become politically sensitive and legally contested (Shankar & Rodrigues, 2011).

Judicial guidelines now stress transparency, floor tests, and objective criteria to prevent misuse of gubernatorial discretion.

Judicial Activism

Courts have increasingly intervened to regulate the conduct of Governors. The judiciary has reaffirmed that Governors are subject to constitutional limitations and judicial review (Rameshwar Prasad v. Union of India, 2006).

This judicial oversight reinforces constitutional democracy but also highlights institutional tensions.

Media and Public Accountability

In the contemporary era, media scrutiny and public discourse have made the actions of Governors more visible and contestable. This has enhanced accountability but has also politicized the office further (Chhibber & Verma, 2018).

Comparative Perspectives

In other constitutional democracies:

- **Canada:** Governors-General act strictly on convention, rarely exercising discretion.
- **Australia:** Governors follow established conventions, with minimal political intervention.
- **United Kingdom:** The monarch's representative role is governed almost entirely by convention.

These systems demonstrate that strong constitutional conventions are as important as formal constitutional provisions in preserving democratic neutrality (McLean & McMillan, 2015).

Constitutional Morality and the Governor

Constitutional morality refers to adherence to the spirit, not merely the letter, of the Constitution (B.R. Ambedkar). The Supreme Court has increasingly invoked this concept to evaluate constitutional conduct (Navtej Singh Johar v. Union of India, 2018).

For Governors, constitutional morality requires:

- Political neutrality.
- Respect for elected governments.
- Transparency in discretionary decisions.
- Avoidance of partisan behavior.

Without constitutional morality, constitutional democracy risks becoming procedural rather than substantive.

Challenges to Constitutional Democracy

Key challenges include:

- Politicization of gubernatorial appointments.
- Ambiguity in discretionary powers.

- Weak enforcement of conventions.
- Centralization tendencies.

These challenges reflect broader democratic stresses in a changing world marked by populism and executive dominance (Levitsky & Ziblatt, 2018).

Way Forward

To strengthen constitutional democracy:

- Clear guidelines for appointment and conduct of Governors should be institutionalized.
- Recommendations of commissions like Sarkaria and Punchhi should be implemented.
- Constitutional conventions must be codified where necessary.
- Judicial oversight should be complemented by political accountability.

Such reforms would help restore public confidence in the institution of the Governor.

CONCLUSION

The office of the Governor occupies a critical space within constitutional democracy. While constitutionally designed as a neutral and stabilizing authority, changing political realities have complicated its functioning. The tension between discretion and democracy underscores the importance of constitutional morality and institutional restraint.

In a changing world, where democratic norms face increasing pressure, the Governor's role must be re-aligned with the foundational principles of constitutional democracy. Strengthening conventions, limiting politicization, and reinforcing accountability are essential to preserve the democratic balance envisioned by the Constitution.

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