

PREVIOUS YEAR QUESTION

UPSC 2018 · 15 marks

Do the Lieutenant Governors have more powers than the Governors of the States? Explain.

FLOW SNAPSHOT — how the answer moves

Intro routes

R1 Two offices, different constitutional design → no flat yes/no → answer turns on which UT

R2 Governor = constitutional head (Art 153, Part VI, Art 163 discretion) vs LG = President's administrator (Art 239) → built-in asymmetry

Body flow

Governor: advice-bound, limited discretion → LG: Centre's role stronger → Delhi Art 239AA carves out public order / police / land from the Assembly → LG wider reach than a state Governor here → SC accepts greater power in reserved subjects → but bounded by constitutional morality + no mechanical referral to President

Counter-view

Edge not uniform → Puducherry (239A) lacks the same restrictions → Andaman LG only administers (no legislature) → **Khosla**: office for crises, not to displace an elected govt → **Kashyap**: no authority supreme

Conclusion routes

R1 "More powers" holds only for Delhi's reserved subjects, not as a general rule

R2 Asymmetry is territory-specific → LG stronger where the Constitution carves out space; elsewhere the Governor remains the model

The Governor and the Lieutenant Governor occupy different constitutional positions. Under Article 153 the Governor is the constitutional head of a state under Part VI, acting generally on the advice of the Council of Ministers, with limited discretion under Article 163.

The lieutenant governor, by contrast, is an administrator under Article 239 - an agent of the President in a Union Territory, where the Centre's role is stronger.

This gives the Lieutenant Governor greater reach in particular settings. Article 239 AA places public order, police and land outside the Delhi Assembly's competence, and on these subjects the LG carries a wider role than any state governor.

The Supreme court accepted that the Delhi LG holds more power than a state Governor in these reserved areas, but held that he must act with constitutional morality and cannot refer every matter mechanically to the President.

Yet this edge is not general. In Puducherry under Article 239 A those restrictions do not apply, while the Andaman LG administers a territory without a legislature. As Madhav Khosla notes, such an office exists to handle constitutional crises, not to displace an elected government and Subhash Kashyap stresses that no authority in a democracy is supreme. The LG thus holds greater powers in Delhi-specific matters, not across all Union Territories.