# **Polity Class Notes for IAS and PCS**

# **Chapter No-22: Governor**

Governor				
	Article 55			
A	Part – VI of the constitution deal with state executive (CM, Council of Minister, advocate general of state).			
	There is no office of vice – governor (in state) like that of Vice – President at centre.			
A A	Governor is chief – executive heat of state. President, he is a nominal executive head (tituler or constitutional head) governor also acts as an agent of central government. Therefore – office of governor has a dual role.			
$\wedge$	7 <sup>th</sup> Constitutional Amendment Act of 1956 facilitated appointment of same person as a governor for two or more states.			
$\checkmark$	American Model, Government of state is directly elected was dropped.			
$\checkmark$	Canadian model, appointed by Governor – General (centre) was accepted in the constituent assembly.			
$\triangleright$	he should, be age of 35, required to consult 'CM' when President appoint Governor			
$\triangleright$	His emoluments & allowances cannot be diminished during his term of office.			
	He is immune from any criminal proceeding, even in respect of his personal acts. He can't arrested or Imprisoned however giving (2) month notice civil proceeding can be instituted against him.			
$\triangleright$	Oath of office to Governor is by chief justice of concerned high court & in absence – any senior			
Í	judge of High Court			
$\triangleright$	5 year – Subject to pleasure of President, but he can resign by any time addressing to President.			
	Governor can hold office beyond his term of 5 years until his success assume change i.e. it must be a governor in state & can't be interregnum			
۶	Constitution does not lay down any grounds upon which Governor may be removed by President]			
Executive power				
	Appoint Tribunal welfare Minister in Bihar, MP, and Orissa.			
$\triangleright$	Appoint Advocate general			
$\triangleright$	Appoint State election commission (removed only by president like – Judge of HC)			
$\triangleright$	Appoint State Public service commissioner (removed only by President)			
$\triangleright$	Recommended Imposition of constitutional emergency			
	Chancellor of university.			
	Legislature power			
	Send message to house regard to bill penalty.			
	Appoint any member of state legislative to provide area when office speaker or depty speaker			

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#### absence.

- Appoint (1/6) member of LC related to special knowledge
  - Literature
  - Science
  - Art
  - Cooperative movement
  - Social service
- > Appoint 1 member of Anglo Indian community to State Legislature
- Decide question of disqualification of member of state legislature constituted with election commissioner.
- > He can reserve bill for President (Article 201)
  - Ultra vires Against Provision of Constitution.
  - Opposed DPSP
  - Against largest internet of country
  - Dealing with compulsory acquisition of property under Art 31
- He can pass any ordinance which should be passing in 6 weeks reassemble of state legislature. He can withdraw any ordinance at any time.
- ▶ Report present of SFC, SPSC, and CAG related to account before SL to Governor.

### **Financial Power**

- See annual financial statements are laid before the State Legislature.
- Many bills can be introduced in state with prior recommendations.
- > No demand of grants can be made without recommendation of Governor.
- > He can make out advance of contingency fund of state.
- > He constitutes (FC) only 5 years to review financial position of panchayat and municipalities.

### Judiciary Power

- He grants Pardon, reprieve respite, remission of punishment & commute sentence of any offence against to state.
- ➢ He consulted by President on − Appointment of judge of State − (HC)
- > He can appoint person to judicial service, (other than district judge) with state high court & SPSC.

### President

- President is only authority to Pardon a death sentence but Governor. No
- ➢ President have all power regarding to by court − Martial, but Governor.− No
- When Governor Reconsideration to bill, for President then, & again came to President after Amendment or not, President is not bound for its assent. If any Bill passed by both house of Parliament &came to President, he may assed, withhold & Reconsideration to Lokshabha then, it came again with or without amendment then President have to their assent. This is called "Suspension Veto".
- Same came President & Governor can't return money bill & if money bill is reconsider to (P) by Governor then President can't return (Money Bill) to SL
- > Ordinance by President can promulgate any time & but at time of withdraw he have to take advice

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of council of minister head by (PM). It is valid for Governor also.

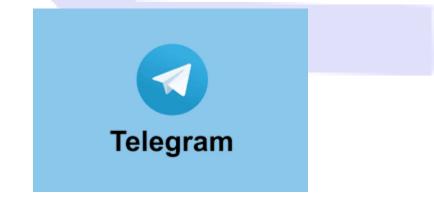
- Expire of ordinance cease to operate Art (6) weak of Reassembly of Parliament.
- > President needs no instruction for making an ordinance. But Governor need :

	Desecration Power of Governor – Constitutional		Situational Discretion
$\succ$	Reserve Bill for consideration to President.	$\triangleright$	Select the government on ceased cut majority.
$\succ$	Imposition of President Role	$\triangleright$	Dismissal of council of minister if no –
$\succ$	Determine amount payable by the government		confidence of SLA
	of Assam, Meghalaya, Tripura & Mizoram	$\triangleright$	Dissolution of SLA if council of minister has
$\triangleright$	Seek information from (CM)		lost its majority.

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