

Executive of The States

The Governor:

The Governor of a state is appointed by the President and holds his office at the pleasure of the President.

Qualifications for the post of Governor are:

- Should be a citizen of India.
- Should be over 35 years of age.
- Must not hold other office of profit and should not be a Member of the Legislature of the Union or of any State.

Appointment of Governor

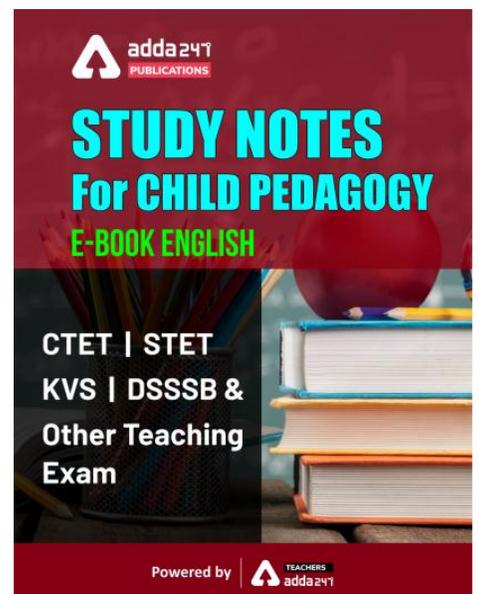
- The appointment of a Governor in a state is made as per Article 155 of the constitution.
- If a Member of a Legislature is appointed Governor, he ceases to be a Member immediately upon such appointment.
- The normal term of a Governor's office is five years, but it may be terminated earlier by: Dismissal by the President (Ref.: Art. 156 (1)); Resignation (Art. 156(2)).
- There is no bar to a person being appointed Governor more than once.

Why an appointed Governor

- Because it would save the country from the evil consequences of still another election, run on personal issues.
- If the Governor is elected by direct vote, then he might consider himself superior to the Chief Minister, leading to friction between the two.
- The expenses involved and the elaborate machinery of election would not match the powers of Governor.
- A second rate man of the party may get elected as Governor.
- Through an appointed Governor the Union Government can maintain its control over the states.
- The method of election may encourage separatist tendencies.

Powers of Governor

The Governor has no diplomatic or military powers like the President, but he has executive, legislative and judicial powers analogous to those of the President.



Executive Power:

- Governor has the power to appoint Council of Ministers, Advocate General and the members of the state Public Service Commission.
- The Ministers as well as Advocate General hold office during the pleasure of the Governor but the Members of the State Public Service Commission can be removed only by the President on the report of the Supreme Court and in some cases on the happening of certain disqualifications (Ref.: Art. 317).
- The Governor has no power to appoint Judges of the State High Court but he is entitled to be consulted by the President in the matter (Ref.: Art. 217(1)).
- Like the President the Governor has the power to nominate members of the Anglo - Indian community to the Legislative Assembly of his State.
- To the Legislative Council, the Governor can nominate persons having special knowledge or practical experience of literature, science, art, co - operative movement and social service {Ref.: Art. 171(5)}.
- Co - operative movement' is not included in the corresponding list for Rajya Sabha.

Legislative Power:

- Governor is a part of the State Legislature and he has the right of addressing and sending messages, and of summoning proroguing and dissolving the State Assembly.
- Under Article 200 of the Constitution the Governor can refer any bill for the approval of the President.

Judicial Power:

- The Governor has the power to grant pardons, reprieves, respites, or remission etc. of punishments (Ref.: Art. 161).

Emergency Power:

- The Governor has no emergency powers to counter external aggression or armed rebellion.
- He has the power to report to the President if Government of the State cannot be carried on in accordance with the Constitution (Ref.: Art. 356).

Discretionary functions of the Governor

- The Governor of Assam can determine the amount payable by the State of Assam to the District Council, as royalty accruing from licences for minerals.
- Where a Governor is appointed administrator of an adjoining Union Territory, he can function as such administrator independently of his Council of Ministers.



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- The President may direct that the Governor of Maharashtra or Gujarat shall have a special responsibility for taking steps for the development of Vidarbha and Saurashtra.
- The Governor of Nagaland has similar special responsibility with respect to law and order in that State.
- Governor of Manipur has special responsibility to secure the proper functioning of the Committee of the Legislative Assembly consisting of the members elected from the Hill Areas of that State.
- Governor of Sikkim has special responsibility for peace and equitable arrangement for ensuring the social and economic advancement.
- The Governor has the power to dismiss an individual Minister at any time.
- Governor can dismiss a Council of Ministers or the Chief Minister, only when the Council of Ministers has lost confidence of the Legislative Assembly and the Governor does not think fit to dissolve the Assembly.

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