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Competitive Exams: About Governors: India

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Financial Powers

- Money Bill can be introduced in the State Legislature only with the prior recommendation of the Governor.
- No demands for a grant can be made except on his recommendation.
- He can make advances out of the Contingency Fund of the State to meet any unforeseen expenditure.
- He constitutes a Finance Commission after every five years to review the financial position of the Panchayats and the Municipalities.
- The Constitution confers on the Governor, the duty to get prepared and introduced to the State Legislature, the annual budget and also the supplementary budgets, if necessary.

Judicial Powers

- He can grant pardons, reprieves, respites and remissions of punishment or suspend, remit and commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the State extends.
- The pardoning power of the Governor differs from that of the President in following respects:
 1. The President can pardon death sentence while the Governor cannot.
 2. The President can pardon sentences inflicted by the Court martial while the Governor cannot.
- He is consulted by the President while appointing the Judges of the concerned State High Court.
- He makes appointment, postings and promotions of the District Judges in consultation with the State High Court (Art 233)
- He also appoints persons to the Judicial Services of the State (other than District Judges) in consultation with the State High Court and the State Public Service Commission.

Emergency Powers

If the Governor is satisfied that the Government of the State cannot be carried on in accordance with the provisions of the Constitution, he may, under Art, 356 recommend to the

President to impose the President's rule (Constitutional Emergency) in that State.

As soon as the President rule is imposed, the administration of the State is carried on by the Governor acting as the representative of the President.

Appointment and Removal of Governors

The wholesale removal of some of the NDA appointed governors by the UPA government has created a major controversy regarding the guidelines as to their removal and appointment of the Governors.

It is for the 3rd time that such wholesale removal has taken place. Once in 1990 under National Front government, 2nd in 1998 under NDA and the 3rd in 2004.

This time the removal has been on the basis of the allegiance of these governors to a particular socio-political ideology

But the existing interpretation of the constitution clearly says that the President at his sweet will can remove Governors, without assigning any reason whatsoever.

Sarkaria Commission Recommendations

On the qualification of a governor, the Commission recommended:

- He should be eminent in some walk of life
- He should be a person from outside the state
- He should be a detached figure without intense political links, or should not have taken part in politics in recent past
- He should not be a member of the ruling party

On the process of appointment, the Commission recommended that

- The governor should be appointed from a panel to be prepared by state legislature or
- from a panel to be prepared by the state chief ministers
- Effective consultation should be made with the state chief minister in selection of a person for the post of governor.
- Vice-President of India and Speaker of Lok Sabha should be consulted by the Prime Minister before selection of the Governor.

On the removal, the Commission suggested that

- As far as possible the term of 5 years should be maintained
- The governor should be removed before their tenure only on the grounds as mentioned in the Constitution or if aspersions are cast on his morality, dignity, constitutional propriety etc.

- In the process of removal, state government may be informed and consulted.

The recently appointed National Commission for the Review of Working of Constitution under the chairmanship of Justice Venkatachalliah has adopted the recommendation of Sarkaria Commission as aforesaid. Dr Ambedkar in the constituent Assembly debate also referred that each state is sovereign in its own sphere and this unnecessary encroachments are unjustified.

Discretionary Powers of the Governors

- Reservation of a bill for the consideration of the President.
- Recommendation for the imposition of the President's rule in the State.
- While exercising his functions as the administrator of an adjoining Union Territory (in case of additional charge).
- Appointment of the Chief Minister when no party has clear cut majority in the State Legislature.
- Seeking information from the Chief Minister with regard to the administrative and legislative matters of the State.
- Dismissal of the Council of Ministers when it cannot prove the confidence of the State Legislative Assembly.
- Dissolution of the State Legislative Assembly if the Council of Ministers has lost its majority.
- Determining the amount payable by the State of Assam to the autonomous Tribal District Council as royalty accruing from licenses for mine exploration.
- The Governor has certain special responsibilities to discharge according to the directions issued by the President. In this regard, the Governor though has to consult the Council of Ministers, acts finally in his individual judgment and discretion.

They are:

1. Maharashtra: Establishment of a separate Development Boards for Vidarbha and Marathwada.
2. Arunachal Pradesh: With respect to the law and order in the State.
3. Assam: With respect to the administration of the Tribal areas.
4. Nagaland: With respect to the law and order in the State.
5. Manipur: With respect to the administration of the hill areas in the State.
6. Sikkim: For peace and for ensuring social and economic advancement of the different sections of the population.
7. Gujarat: Establishment of a separate Development Boards for Saurashtra and Kutch.

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