

Competitive Exams: Powers of Governor

Executive Powers

- All Executive actions of the Government of a State are formally taken in his name.
- He can make rules specifying the manner in which the orders and other instruments made and executed in his name shall be authenticated.
- He can make rules for more convenient transaction of the business of a State Government and for the allocation among the Ministers of the said business.
- He appoints the Chief Minister and other Ministers on the advice of the Chief Minister. They hold office during the pleasure of the Governor.
- There should be a Tribal Welfare Minister in the States of Bihar, Madhya Pradesh and Orissa appointed by the Governor.
- He appoints the Advocate-General of a State and determines his remuneration. The Advocate-General holds office during the pleasure of the Governor.
- He appoints the Election Commissioner for the State and determines the conditions of service and tenure of the office.
- He appoints the Chairman and the Members of the State Public Service Commission. However, they can be removed only by the President of India and not by the Governor.
- He can seek any information relating to the administration of the affairs of the State and proposals for legislation from the Chief Minister.
- He can ask the Chief Minister to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council of Ministers.
- He can recommend for the imposition of the Constitutional emergency in a State to the President. During the period of the President's rule in a State, the Governor enjoys the extensive executive powers as an agent of the President.
- The Governor has the power to suspend the Members of the State Public Service Commission.
- Though the Governor does not have the power to appoint the Judges of the High Court but his consultation is required by the President for the appointment of the Judges of the High Court.

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- If the Governor is satisfied that the members of the Anglo-Indian community are not adequately represented in the Vidhan Sabha, he may nominate one member.
- If Vidhan Parishad is also in existence in a State, the Governor has the power to nominate $\frac{1}{6}$ of the total members of the Vidhan Parishad from among the persons who have excelled or have practical experience in the fields of Literature, Science, Arts, Co-operative Movement and Social Services.

Legislative Powers

- A Governor is an integral part of the State Legislature (Article 168).
- He has the right of summoning or proroguing the State Legislature and dissolving the State Legislative Assembly.
- He can address the State Legislature at the commencement of the first session after each general election and the first session of each year.
- He can send message to the House or the Houses of the State Legislature, with respect to a Bill pending in the Legislature or otherwise.
- He can appoint any member of the State Legislative Assembly to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant simultaneously.
- He decides on the question of disqualification of the members of the State Legislature in consultation with the Election Commission.
- When a bill is sent to the Governor after it is passed by the State Legislature, he has the following options:
 - 1. Give his assent to the Bill, or
 - 2. Withhold his assent to the Bill, or
 - 3. Return the Bill (If it is not a Money Bill) for reconsideration of the State Legislature. If the State Legislature again passes the Bill with or without amendments, a Governor has to give his assent to the Bill.
- He must reserve for the consideration of the President, any Bill passed by the State Legislature which endangers the position of the State High Court. In addition, as identified by Soli Sorabji, the Governor can also reserve the Bill if it is of the following nature:
 - 1. ultra vires, that is, against the provisions of National Importance
 - 2. Opposed to the Directive Principles of State Policy
 - 3. Dealing with compulsory acquisition of property under Article 31 – A of the Constitution.

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- He can promulgate Ordinances when the State Legislature is not in session (Article 213). These Ordinances must be approved by the State Legislature within six weeks from its reassembly. He can also withdraw the Ordinance any time.
- He lays the reports of the State Public Service Commission, State Finance Commission and the Comptroller and Auditor General relating to the accounts of the State, before the State Legislature (Article 202).
- He ensures the laying of the State budget before the Legislature.

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