

Governor of India — Trap / Reality

Covers Articles 153-162, 163-167, 174-201, appointments, powers, discretion, emergencies, and all UPSC traps.



Constitutional Position & Basics

1. Governor's Executive Role

✗ **Governor** is the real executive head of the State.

✓ **Governor** is nominal head; real executive power rests with the Council of Ministers (Art. 154, 163).

2. Governor's Selection

✗ **Governor** is elected by the people.

✓ Appointed by the President (Art. 155).

3. Governor's Representation

✗ **Governor** represents the State government.

✓ Represents the President / Union at the State level.

4. Number of Governors

✗ There can be multiple Governors in one State.

✓ Each State normally has one Governor, but one person can be Governor for two or more States (Art. 153 proviso).

5. Legislative Role

✗ **Governor** is part of the State Legislature.

✓ Yes — Governor + Legislative Assembly/Council = State Legislature (Art. 168).

6. Employment Status

✗ **Governor** is an employee of the Union Government.

✓ Constitutional head, not a government servant.

7. Tenure Security

✗ **Governor's** tenure is fixed for 5 years and cannot end earlier.

✓ Holds office "during the pleasure of the President" (Art. 156).

8. Removal Authority

✗ **Governor's** pleasure depends solely on Prime Minister.

✓ Though appointed by President, removal must not be arbitrary (B.P. Singhal, 2010).

9. Oath Administration

✗ **Governor's** oath is administered by the Chief Minister.

✓ Administered by Chief Justice of the High Court (Art. 159).

10. Citizenship Requirements

✗ **Governor** can be a foreign citizen if Parliament approves.

✓ Must be an Indian citizen and 35 years or above (Art. 157).

Appointment & Tenure

11. Selection Process

✗ Governor is selected by the State government.

✓ Appointed by the President after political consultation.

12. Legislative Role in Appointment

✗ Governor is chosen by the legislature.

✓ No role of legislature in appointment.

13. State Affiliation

✗ A Governor must belong to the same State.

✓ Convention prefers outsider to ensure neutrality.

14. Tenure Rights

✗ Governor has legal right to continue after 5 years.

✓ Tenure may end earlier; holds office at President's pleasure.

15. Removal Procedure

✗ President must record reasons before removing Governor.

✓ No such requirement; but removal must be non-arbitrary (B.P. Singhal case).

16. Resignation Process

✗ Governor can resign to the State CM.

✓ Resignation to President (Art. 156(2)).

17. Reappointment Limits

✗ Governor can be reappointed indefinitely.

✓ Yes, no limit on reappointment.

18. Age Restrictions

✗ Governor's age limit is 70.

✓ No upper age limit prescribed.

19. Resignation Effect

✗ Governor ceases immediately on resignation.

✓ Yes, but continues till successor takes charge (Art. 160).

20. Acting Governor

✗ In absence of Governor, Chief Secretary acts as head of state.

✓ President appoints another person to discharge functions (Art. 160).

Appointment & Tenure Continued

21. Multiple State Governorship

✗ Same person cannot be **Governor** for two **States**.

✓ **Constitution** permits same person for multiple **States** (**Art. 153**).

22. Parliamentary Approval

✗ **Governor** needs **parliamentary approval** for **appointment**.

✓ No **legislative ratification**; purely **executive act**.

23. Judicial Status

✗ **Governor** is a **judicial officer** by rank.

✓ **Political appointee**, not a judicial one.

24. Salary Determination

✗ **Governor** enjoys fixed **salary** as per **State decision**.

✓ **Salary** determined by **Parliament**, charged on **Consolidated Fund of India**.

25. Allowance Protection

✗ **Governor's allowances** can be **altered** during **term**.

✓ Cannot be **altered** to his disadvantage (**Art. 158**).

Powers — Executive

26. Independent Powers

✗ **Governor** exercises all **executive powers** independently.

✓ Acts on aid and advice of **Council of Ministers** (**Art. 163**).

27. Council Independence

✗ **Governor** can act without **Council** in all matters.

✓ **Discretionary powers** are exceptional, not general.

28. CM Appointment

✗ **Governor** appoints **CM** of his choice.

✓ Must appoint leader commanding **Assembly majority**.

29. CM Dismissal

✗ **Governor** can dismiss a **CM** anytime.

✓ Only if **CM** loses **majority** and refuses to resign.

30. Minister Appointment

✗ **Governor** appoints all **ministers** individually.

✓ Appoints on **CM's advice** (**Art. 164**).

31. Oath Refusal

✗ **Governor** can refuse **oath** to **ministers**.

✓ Bound to administer **oath** to **ministers** recommended by **CM**.

32. Advisory Hierarchy

✗ **Governor's advice** overrides **CM's advice**.

✓ **Council's advice** prevails, except **discretionary areas**.

33. Portfolio Allocation

✗ **Governor** decides **portfolios** of **ministers**.

✓ **CM** allocates **portfolios**.

34. Legislative Executive

✗ **Governor** is the **executive head** of the **legislature**.

✓ Only **nominal head**; **CM** and **Cabinet** handle administration.

35. Bureaucratic Control

✗ **Governor** controls **state bureaucracy** directly.

✓ Functions through **ministers** and **secretaries**.

Powers — Executive Continued

1

36. AG Appointment

✗ Governor appoints AG of India for State.

✓ Appoints Advocate-General for the State (Art. 165).

2

37. HC Judge Appointment

✗ Governor appoints HC judges.

✓ HC judges appointed by President, not Governor.

3

38. Money Bill Decision

✗ Governor decides which bills become money bills.

✓ Speaker decides, not Governor.

4

39. Bill Approval

✗ Governor's approval is needed for all State Bills.

✓ Required only in special categories (e.g., Art. 200).

5

40. Discretionary Limits

✗ Governor's discretion is unlimited.

✓ Must be narrowly interpreted (Art. 163, 164).

Legislative Powers

41. Legislature Summoning

✗ **Governor** cannot **summon legislature** without **CM's** request.

✓ Summons on aid and **advice** of **Council** (**Art. 174**).

42. Legislative Membership

✗ **Governor** is outside **State Legislature**.

✓ Part of it (**Art. 168**).

43. Council Dissolution

✗ **Governor** can **dissolve Legislative Council**.

✓ Cannot **dissolve LC**; only **LA** can be **dissolved**.

44. Prorogation Authority

✗ **Governor** must follow **Assembly's** wish on **prorogation**.

✓ Follows **Cabinet advice**.

45. MLC Nomination

✗ **Governor nominates** all **MLCs**.

✓ **Nominates 1/6th** members (**Art. 171**).

46. Assembly Address

✗ **Governor** can address **Assembly** anytime unilaterally.

✓ Only on **advice**, except **inaugural and annual sessions**.

47. Speech Requirement

✗ **Governor's speech** is optional.

✓ Mandatory under **Art. 176** at **first session each year and after elections**.

48. Summoning Advice

✗ **Governor** must act on **Speaker's advice** to **summon**.

✓ Acts on **Cabinet advice**, not **Speaker**.

49. Legislative Messages

✗ **Governor** cannot send **messages** to **legislature**.

✓ Can send **messages** and seek **reconsideration of bills**.

50. Money Bill Return

✗ **Governor** can **return Money Bills**.

✓ Cannot **return Money Bills**; can only **reserve or assent**.

Legislative Powers Continued

51. Bill Assent

✗ **Governor** must assent to every **bill** passed.

✓ May withhold, return, or reserve for **President** (**Art. 200**).

52. Bill Reservation

✗ **Governor** cannot reserve a **bill** for **President** without **CM's consent**.

✓ May reserve certain **bills** on **discretion** (**Art. 200, 201**).

53. Assent Finality

✗ **Governor's assent** is always final.

✓ **President** can override in **reserved bills**.

54. Legislative Privileges

✗ **Governor** decides **legislative privileges**.

✓ **Houses** decide **privileges** themselves.

55. Speaker Selection

✗ **Governor** decides who can be **Speaker**.

✓ **Members** elect **Speaker**.

56. Assembly Participation

✗ **Governor** can sit and vote in **Assembly**.

✓ Can address but not vote.

57. MLA Appointment

✗ **Governor** can appoint all **MLAs**.

✓ Only **Anglo-Indian MLA** (**Art. 333**) (now discontinued by **104th Amendment, 2020**).

58. Money Grants

✗ **Governor** determines **money grants** personally.

✓ **Ministers** prepare **budgets**; **Governor** presents them.

59. Lawmaking Control

✗ **Governor** controls **lawmaking** directly.

✓ **Legislature** enacts; **Governor** only gives **assent**.

60. Legislative Deadlocks

✗ **Governor's** decision is final in **legislative deadlocks**.

✓ No **joint sitting** in **States**; issues resolved politically.

Financial Powers



61. Budget Presentation

- ✗ **Governor** presents **budget** personally.
- ✓ **Budget** laid before **Legislature** in his name by **Finance Minister**.



62. Expenditure Control

- ✗ **Governor** decides how **State money** is spent.
- ✓ **Legislature** authorizes **expenditure**.



63. Contingency Fund

- ✗ **Governor** sanctions advances from **Contingency Fund** at will.
- ✓ Only per **State Contingency Fund rules**.



64. Money Bill Introduction

- ✗ **Governor** introduces **Money Bill**.
- ✓ **Minister** introduces with his prior **recommendation**.



65. Taxation Control

- ✗ **Governor** controls **taxation** independently.
- ✓ Only as per **State legislature's law**.



66. Finance Commission

- ✗ **Governor** prepares the **Finance Commission report**.
- ✓ **State Finance Commission** appointed by **Governor** every 5 years (**Art. 243I**).



67. Fund Usage

- ✗ **Governor** can use **Consolidated Fund** personally.
- ✓ Requires **legislative authorization**.



68. Account Auditing

- ✗ **Governor** audits state accounts.
- ✓ **CAG** audits, not **Governor**.



69. MLA Salaries

- ✗ **Governor** decides **salaries of MLAs**.
- ✓ **Legislature** decides.



70. Budget Blocking

- ✗ **Governor** can block **budget approval**.
- ✓ Must act on **ministerial advice**.

Judicial, Pardoning & Miscellaneous Powers

1	<p>71. Pardoning Power</p> <p>✗ <u>Governor</u> has no <u>pardoning power</u>.</p> <p>✓ Has <u>clemency power</u> for <u>state law offences</u> (<u>Art. 161</u>).</p>
2	<p>72. Death Sentence Pardon</p> <p>✗ <u>Governor</u> can pardon <u>death sentences</u>.</p> <p>✓ Can <u>commute or remit</u>, not pardon death sentence if under <u>Union law</u>.</p>
3	<p>73. Pardon Review</p> <p>✗ <u>Governor's pardon</u> immune from <u>review</u>.</p> <p>✓ <u>Judicial review</u> allowed for <u>mala fide exercise</u>.</p>
4	<p>74. Union Prisoners</p> <p>✗ <u>Governor</u> can grant pardon to <u>Union prisoners</u>.</p> <p>✓ Only for <u>State offences</u>.</p>
5	<p>75. Mercy Petitions</p> <p>✗ <u>Governor</u> acts personally in <u>mercy petitions</u>.</p> <p>✓ Acts on advice of <u>State government</u>.</p>
6	<p>76. HC Judge Removal</p> <p>✗ <u>Governor</u> can remove <u>High Court judges</u>.</p> <p>✓ Only <u>President</u> can.</p>
7	<p>77. Subordinate Judges</p> <p>✗ <u>Governor</u> appoints <u>subordinate judges</u> directly.</p> <p>✓ Appointed by <u>Governor</u> in consultation with <u>HC</u> (<u>Art. 234</u>).</p>
8	<p>78. Judicial Status</p> <p>✗ <u>Governor</u> is part of <u>judiciary</u>.</p> <p>✓ <u>Executive head</u>, not <u>judicial organ</u>.</p>
9	<p>79. Legal Immunity</p> <p>✗ <u>Governor</u> is subject to <u>court prosecution</u>.</p> <p>✓ <u>Immunity</u> under <u>Art. 361</u> during <u>tenure</u>.</p>
10	<p>80. Order Review</p> <p>✗ <u>Governor's</u> orders cannot be questioned.</p> <p>✓ <u>Reviewable by courts</u> for <u>constitutionality</u>.</p>

Discretionary Powers & Emergency Role

81. CM's Advice

- ✗ **Governor** must always follow **CM's advice**.
- ✓ Has limited **discretion (Art. 163)**.

82. Discretion Definition

- ✗ **Governor's discretion** is undefined.
- ✓ Certain areas recognized — e.g., appointment of **CM in hung house**, reservation of **bills**.

83. Cabinet Dismissal

- ✗ **Governor** can dismiss an entire **Cabinet** at will.
- ✓ Only if loses confidence or under **constitutional breakdown**.

84. Assembly Dissolution

- ✗ **Governor** can dissolve **Assembly** without reason.
- ✓ Must act on **Cabinet advice** or after loss of majority.

85. Universal Discretion

- ✗ **Governor's discretion** applies to all decisions.
- ✓ Applies only where **Constitution** explicitly allows.

86. Bill Reservation

- ✗ **Governor** can reserve any **bill** randomly.
- ✓ Reservation limited to specified categories (**Art. 200, 201**).

87. Supreme Court Rulings

- ✗ **Governor** can ignore **Supreme Court rulings**.
- ✓ Bound by **Constitution** and **judicial interpretation**.

88. Judicial Interference

- ✗ **Governor** can interfere in **judicial cases**.
- ✓ No — **executive clemency** is post-conviction only.

89. Art. 356 Report

- ✗ **Governor's report** under **Art. 356** cannot be questioned.
- ✓ **Judicial review** allowed (**S.R. Bommai, 1994**).

90. Centre's Agent

- ✗ **Governor** must act as **Centre's agent** in all matters.
- ✓ Dual role: **Union's link** but **constitutional head of the State**.

91. National Emergency

- ✗ **Governor** proclaims **National Emergency**.
- ✓ Only **President** can; **Governor** only reports situation.

92. President's Rule

- ✗ **Governor** can impose **President's Rule** directly.
- ✓ Sends report to **President** recommending **Art. 356**.

93. Emergency Authority

- ✗ **Governor** acts under **PM** during **emergency**.
- ✓ Acts under **President**.

94. Report Binding

- ✗ **Governor's report** is binding on **President**.
- ✓ **President** may or may not act on it.

95. President's Rule Effect

- ✗ **Governor** continues unaffected during **President's Rule**.
- ✓ Functions under **President's direction**.

96. Emergency Discretion

- ✗ **Governor's discretionary area** expands under **emergency**.
- ✓ Yes — acts more as **Union agent**.

97. Political Role

- ✗ **Governor** is **political head of State**.
- ✓ Should act as **constitutional umpire**, not **political player**.

98. Electoral Participation

- ✗ **Governor** can contest **elections** while in office.
- ✓ Prohibited; must resign first.

99. Ordinance Power

- ✗ **Governor** can issue **ordinances** for **Parliament**.
- ✓ Can issue **State Ordinances** under **Art. 213** only.

100. Constitutional Role

- ✗ **Governor** is an **ornamental post**.
- ✓ Symbolic + vital link between **Centre and State**, ensuring **constitutional functioning**.