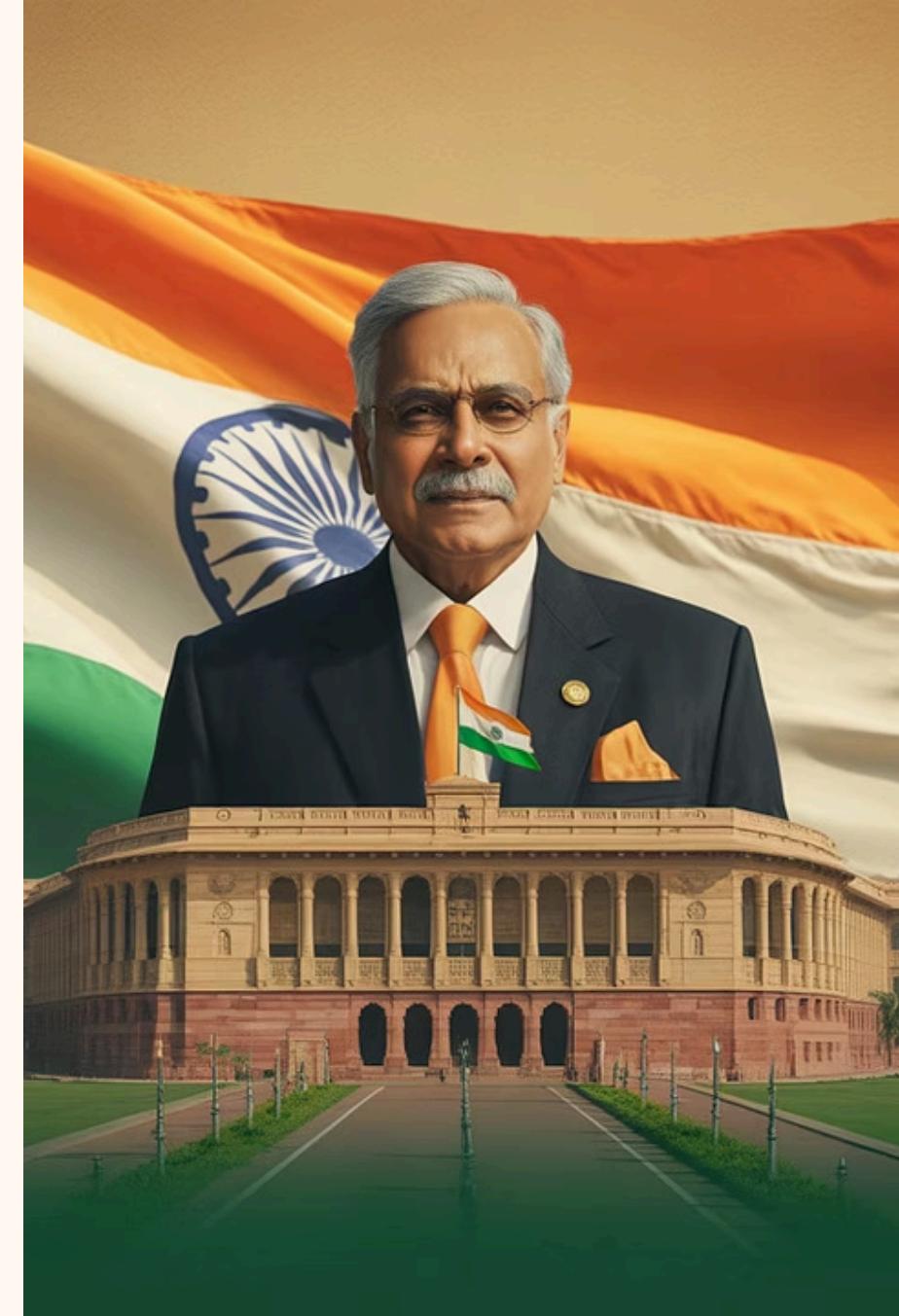


Governor of India – Trap / Reality

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

71. Pardoning Power

1 **Governor** has no pardoning power.

Has clemency power for state law offences (Art. 161).

72. Death Sentence Pardon

2 **Governor** can pardon death sentences.

Can commute or remit, not pardon death sentence if under Union law.

73. Pardon Review

3 **Governor's pardon** immune from review.

Judicial review allowed for mala fide exercise.

74. Union Prisoners

4 **Governor** can grant pardon to Union prisoners.

Only for State offences.

75. Mercy Petitions

5 **Governor** acts personally in mercy petitions.

Acts on advice of State government.

76. HC Judge Removal

6 **Governor** can remove High Court judges.

Only President can.

77. Subordinate Judges

7 **Governor** appoints subordinate judges directly.

Appointed by Governor in consultation with HC (Art. 234).

78. Judicial Status

8 **Governor** is part of judiciary.

Executive head, not judicial organ.

79. Legal Immunity

9 **Governor** is subject to court prosecution.

Immunity under Art. 361 during tenure.

80. Order Review

Governor's orders cannot be questioned.

Reviewable by courts for constitutionality.

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.