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## 42nd Governor of Bihar | Bihar | 03 Jan 2025

### Why in News?

Recently, **Arif Mohammad Khan** was sworn in as the 42<sup>nd</sup> [Governor of Bihar](#).

### Key Points

- **Oath Administration:**
  - **Patna High Court Chief Justice** administered the oath at **the Raj Bhawan**.
  - The ceremony was attended by Chief Minister Nitish Kumar, his deputies, and Leader of Opposition.
- **Governor:**
  - The Governor's appointment, his powers and everything related to the office of Governor have been discussed under **Article 153 to Article 162 of the Indian Constitution**.
  - The role of the Governor is quite similar to that of the President of India. He stands as **executive head of a State** and under the Constitution of India, the governing machinery is the same as that of the Central Government.
  - It is stated that the Governor has a dual role.
    - He is the **constitutional head** of the state, bound by the advice of his council of ministers.
    - He functions as a **vital link between the Union Government and the State Government**.

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# Governor

## (Part - III)

President - Article 52 -78 in (Part V); Governor - Article 153 -167 (Part VI)

### Governor and President - Similarities

Point of Similarity	Characteristics
Head	<ul style="list-style-type: none"> <li>Both are <b>nominal executive heads</b> (constitutional/ titular heads) at their level</li> </ul>
Promulgating Ordinances	<ul style="list-style-type: none"> <li>Both are empowered (under <b>Article 123/213 - President/Governor</b>)</li> </ul>
Civil and Criminal Proceedings	<ul style="list-style-type: none"> <li>Both are <b>immune from any criminal proceedings during tenure</b>; cannot be arrested or imprisoned</li> <li><b>Civil proceedings can be instituted</b> after giving a 2-months' notice</li> </ul>
Re-appointment/Re-election	<ul style="list-style-type: none"> <li>Both are <b>eligible for reappointment/re-election</b> to the same office</li> </ul>
Appointing Officers	<ul style="list-style-type: none"> <li>What President appoints at National level, Governor appoints at state level (members of Public Service Commission, Judges of courts, Election Commissioners etc.)</li> </ul>
Role in Legislature	<ul style="list-style-type: none"> <li>Power to <b>summon or prorogue the State/Union Legislature</b> and <b>dissolve the State LA/Lok Sabha</b></li> </ul>
Financial Powers	<ul style="list-style-type: none"> <li>Constituting <b>Finance Commission</b> at State/Union level</li> </ul>
Situational Discretionary Power	<ul style="list-style-type: none"> <li><b>Appointing PM/CM</b> (in case of PM/CM's death or when no party has clear majority)</li> <li><b>Dismissal of Council of Ministers</b></li> <li><b>Dissolution of Lok Sabha/ State LA</b></li> </ul>

### Governor v/s President - Differences

Point of Difference	President	Governor
Election	Indirectly elected	<b>Appointed</b> by President
Pleasure Doctrine	No concept of Pleasure doctrine	Serves at the <b>Pleasure of the President</b>
Declaring Scheduled Area	Can declare any area as scheduled area	Role is <b>limited to consultation</b>
Amending Constitution	His assent to the bill is required	<b>No role</b> in a Constitutional Amendment Bill
Pardoning Power	Can pardon a death sentence/punishment by a court-martial	<b>Can't pardon</b> a death sentence, no role in affairs of military
Constitutional Discretionary Power	No Constitutional Discretion	Constitutional Discretion in <b>reserving a bill</b> , imposition of <b>President's rule &amp; administrating an adjoining UT</b>
Condition of Impeachment	Violation of the Constitution	<b>No grounds laid</b>

