

42nd Governor of Bihar | Bihar | 03 Jan 2025

Why in News?

Recently, Arif Mohammad Khan was sworn in as the 42nd 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)

| Point of Similarity | Characteristics |
|---------------------------------|--|
| Head | Both are nominal executive heads (constitutional/ titular heads) at their level |
| Promulgating Ordinances | Both are empowered (under Article 123/213 - President/Governor) |
| Civil and Criminal Proceedings | Both are immune from any criminal proceedings during tenure; cannot be arrested or imprisoned Civil proceedings can be instituted after giving a 2-months' notice |
| Re-appointment/Re-election | Both are eligible for reappointment/re-election to the same office |
| Appointing Officers | What President appoints at National level, Governor appoints at state level (members of Public Service Com- mission, Judges of courts, Election Commissioners etc.) |
| Role in Legislature | Power to summon or prorogue the State/Union Legislature and dissolve the State LA/Lok Sabha |
| Financial Powers | Constituting Finance Commission at State/Union level |
| Situational Discretionary Power | Appointing PM/CM (in case of PM/CM's death or when no party has clear majority) Dismissal of Council of Ministers Dissolution of Lok Sabha/ State LA |

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



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