

## 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)

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

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 <b>Pleasure</b> of the President
Declaring Scheduled Area	Can declare any area as scheduled area	Role is <b>limited to</b> consultation
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 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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