



## Office of Governor and Related Concerns

**For Prelims:** [Provisions and Powers of the Governor](#), [Sarkaria Commission \(1988\)](#), [Venkatachaliah Commission \(2002\)](#), [Punchhi Commission \(2010\)](#), [BP Singhal vs Union of India](#)

**For Mains:** Concerns related to the office of Governors, Way Forward and Recommendations of various committees

[Source: TH](#)

### Why in News?

Recently, the [President](#) appointed former Union Home Secretary **Ajay Bhalla** as Manipur's [Governor](#), **General V.K. Singh (Retd.)** as Mizoram's [Governor](#), and reassigned Kerala Governor **Arif Mohammed Khan** to Bihar.

### What are the Provisions Related to the Office of the Governor?

- **Constitutional Provision:** [Article 153](#) of the Constitution of India mandates a Governor for each State, with the provision allowing the **same person to serve as Governor for multiple States**.
  - He is the **constitutional head of the state**, bound by the advice of his [council of ministers](#).
  - **Article 154** of the Constitution of India grants the executive power of the State to the Governor.
    - The executive authority of the State is **vested in the Governor** and may be **exercised by him either directly or through officers subordinate to him**, as per the provisions of this Constitution.
- **Appointment of Governor:** [Article 155](#) states that the **President appoints the Governor of a State**.
  - Although appointed and reappointed by the President, the **Governor is not considered an employee of the Government of India**.
- A Governor **must not hold any office of profit** during their tenure.
- **Qualification for the Office of Governor:** The Person must be an Indian citizen, at least 35 years old, and **not a member of Parliament or any State Legislature**.
- **Oath:**
  - Under [Article 159](#), the [Governor](#) must take an **oath before the High Court's Chief Justice** or, in their absence, the senior-most available judge before assuming office.
- **Legislature Power:**
  - Under [Article 174](#), the Governor may **recommend dissolving the Legislative Assembly** if no party can form a government or upon the [Chief Minister's](#) advice, but this power is **subject to specific conditions** and is **not entirely discretionary**.
  - Under [Article 175\(2\)](#), the Governor can call for a **floor test to verify government** majority and **send messages to the legislature** for consideration of bills or other matters.
  - Under [Article 176](#), the Governor **addresses** the legislature at the **first**

**session** after **general elections** and **annually**, explaining the reasons for summoning the assembly or both Houses.

- The Governor, like the President, can **delay assent to money bills** and make recommendations, but the **legislature is not obligated** to accept them.

▪ **Constitutional Discretionary Powers:**

- **Appointment of chief minister when no party has a clear-cut majority** in the state legislative assembly or when the chief minister in office dies suddenly and there is no obvious successor.
- **Dismissal of the council of ministers** when it cannot prove the confidence of the state legislature.
- **Dissolution** of the state legislative assembly if the council of ministers has **lost its majority**.

▪ **Term of Governor:**

- **Article 156** stipulates that the Governor holds office at the President's pleasure, with a typical **term of five years** from the date of assuming office.
- The Governor can be **dismissed by the President on the advice of** a council of ministers headed by the **Prime Minister**.
- A Governor remains in **office until their successor assumes charge**, even after their **term expires**.

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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
<b>Head</b>	<ul style="list-style-type: none"> <li>Both are <b>nominal executive heads</b> (constitutional/ titular heads) at their level</li> </ul>
<b>Promulgating Ordinances</b>	<ul style="list-style-type: none"> <li>Both are empowered (under <b>Article 123/213 - President/Governor</b>)</li> </ul>
<b>Civil and Criminal Proceedings</b>	<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>
<b>Re-appointment/Re-election</b>	<ul style="list-style-type: none"> <li>Both are <b>eligible for reappointment/re-election</b> to the same office</li> </ul>
<b>Appointing Officers</b>	<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>
<b>Role in Legislature</b>	<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>
<b>Financial Powers</b>	<ul style="list-style-type: none"> <li>Constituting <b>Finance Commission</b> at State/Union level</li> </ul>
<b>Situational Discretionary Power</b>	<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
<b>Election</b>	Indirectly elected	<b>Appointed</b> by President
<b>Pleasure Doctrine</b>	No concept of Pleasure doctrine	Serves at the <b>Pleasure of the President</b>
<b>Declaring Scheduled Area</b>	Can declare any area as scheduled area	Role is <b>limited to consultation</b>
<b>Amending Constitution</b>	His assent to the bill is required	<b>No role</b> in a Constitutional Amendment Bill
<b>Pardoning Power</b>	Can pardon a death sentence/punishment by a court-martial	<b>Can't pardon</b> a death sentence, no role in affairs of military
<b>Constitutional Discretionary Power</b>	No Constitutional Discretion	Constitutional Discretion in <b>reserving a bill</b> , imposition of <b>President's rule</b> & <b>administrating an adjoining UT</b>
<b>Condition of Impeachment</b>	Violation of the Constitution	<b>No grounds laid</b>

## What are the Challenges Related to the Office of Governor?

- **Political Neutrality and Impartiality:** Governors, **appointed by the President on the advice of the central government**, often face **criticism for political ties** to the ruling party, raising concerns about **impartiality** and acting as agents of the central government.
- **Misuse of Article 356:** The Governor's power under [Article 356](#) to **recommend President's Rule** is often subjected to debate regarding constitutional ethos and federalism.
- **Delayed Assent to Bills:** Governors **sometimes delay or withhold assent to state bills**, stalling legislation. This raises concerns about their accountability and adherence to democratic principles, creating uncertainty in governance.
  - In 2023, **Tamil Nadu Governor R.N. Ravi** faced criticism for allegedly using a "pocket veto" by delaying assent to state bills.
- **Interference in State Administration:** Governors' interference in state administration, such as **involving themselves in active politics**, often creates conflicts with elected officials and democratic functioning.

## Committees Related to the Office of Governor

- [Sarkaria Commission, 1998](#)
- [Punchhi Commission, 2010](#)
- **Venkatachaliah Commission (2002):** The appointment of Governors should be handled by a committee consisting of the **Prime Minister, Home Minister, Speaker of the Lok Sabha, and the Chief Minister** of the relevant state.
  - Governors should **serve their five-year term unless they resign** or are removed by the President due to proven misbehaviour or incapacity.

## Way Forward

- **Strengthening of Federalism:** In order to check misuse of the office of governor, there is a need to **strengthen federal setup in India**.
  - In this regard, the **Inter-State Council** and the role of **Rajya Sabha** as the chamber of federalism **must be strengthened**.
- **Reform the Method of Appointment of Governor:** The appointment can be made from a **panel prepared by the state legislature** and actual appointing authority should be the Inter-state Council, not the central government.
- **Code of Conduct for Governor:** This 'Code of Conduct' should lay down certain 'norms and principles' which should **guide the exercise of the governor's 'discretion'** and his powers which he is entitled to use and exercise on his judgement.
- **Restrict use of Discretionary Powers:** The exercise of 'discretionary powers' by the Governors **should be 'guided by the healthy and democratic conventions'**.
  - He must refrain from aligning himself to any political ideology. The virtue of impartiality must be withheld to ensure constitutional democracy.

### [Drishti Mains Question](#)

Discuss the concerns related to the office of the governor and also discuss the reforms that need to be taken?

## UPSC Civil Services Examination Previous Year Question (PYQ)

### [Prelims](#)

**Q. Consider the following statements: (2018)**

1. No criminal proceedings shall be instituted against the Governor of a State in any court during his term of office.
2. The emoluments and allowances of the Governor of a State shall not be diminished during his term of office.

**Which of the statements given above is/are correct?**

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

**Ans: (c)**

**Q. Which of the following are the discretionary powers given to the Governor of a State? (2014)**

1. Sending a report to the President of India for imposing the President's rule
2. Appointing the Ministers
3. Reserving certain bills passed by the State Legislature for consideration of the President of India
4. Making the rules to conduct the business of the State Government

**Select the correct answer using the code given below:**

- (a) 1 and 2 only
- (b) 1 and 3 only
- (c) 2, 3 and 4 only
- (d) 1, 2, 3 and 4

**Ans: (b)**

**Q. Which one of the following statements is correct? (2013)**

- (a) In India, the same person cannot be appointed as Governor for two or more States at the same time
- (b) The Judges of the High Court of the States in India are appointed by the Governor of the State just as the Judges of the Supreme Court are appointed by the President
- (c) No procedure has been laid down in the Constitution of India for the removal of a Governor from his/her post
- (d) In the case of a Union Territory having a legislative setup, the Chief Minister is appointed by the Lt. Governor on the basis of majority support

**Ans: (c)**

