



Polity - X

Complete Course on Polity for SSC, PCS & Railways

Governor, State & Emergency



The Topics we will cover:

Theme: Governor

- *Appointment & Qualifications of Governor*
- *Conditions and Office period of Governor*
- *Powers and works of a Governor*
- *President powers VS Governor Powers (financial bills)*
- *Pardon & Judiciary Powers of President VS Governor*
- *Constitutional conditions of Governor*

Appointment & Qualifications of Governor

- Governor is elected by direct elections and then President appoints him in their designation with the stamp.
- According to this Governor's designation direct comes under the central government but in 1979 Supreme Court announced that Governor office will work separate and independent.
- Governor elections conduct confidentially, because if any Governor is attached with any political party then It will become a problematic situation.

- Reason of Governor Appointment by President is direct control from central.
- That is the reason why we have acquired Governor Appointment from Canada.

Qualifications

- He must be the Citizen of India.
- Age must be at least 35years.
- He must not to be a citizen of same state.

Conditions and Office period of Governor

- He must not be the member of State Legislature nor Parliament.
- If he is the member of Parliament or State Legislature then while attending the position of Governor he has to resign from their post.
- He must not to be on the post of profit.
- He will get a house from Government without any rent.
- His facilities and compensations will be decided by Parliament.

- If he is the Governor of multiple states then all facilities and compensations will be decided by States consultants with President.
- During office period his facilities will not be deduct.
- The salary of Governor was increased by 2008 from 36000INR to 1.10Lakh INR by Parliament.
- He cannot be arrested during office period for any charge, Case can be started by a 2 months prior notice.

- Governor's oath is taken by Chief judge of High Court.
- Generally the office period of Governor is 5 years. But he can still designated with the pleasure of President.
- He is free to do resign to President.
- If the post of Governor is empty then the Chief judge of their state's High Court will be eligible for this post.

Powers and Works of a Governor

- In the state there will be all works execute under the Governor guideline.
- He can make inner guidelines for Executive to make more convenient.
- He appoints Chief Minister and their council of ministers.
- He appoints Advocate General and as well as decides their salary .
- Advocate General serves office with the pleasure of Governor.

- He appoints State PSC members but the removal of them can be only done by President of India.
- He has the rights to know the Constitutional matters of Chief Minister.
- If a Minister took a decision and minister council doesn't pay attention over this , Governor can appeal to Chief Minister regarding this.
- He can request to President for apply the Emergency in State. Once Emergency will apply, he will work like subordinate of President.

- He is the head of all Universities of State. And He appoints the Chairman of University.
- He can appoint an Anglo-indian in State Legislative assembly.
- If he receives a bill:

There are three Points

President powers VS Governor Powers

- *Normal Bills*

- *Financial Bills*

Pardon and Judiciary Powers of Governor

- **Pardon power**
- **Judiciary power**

Constitutional conditions of Governor

- He can dissolve State Legislature.
- Constitutional institutions to Governor for special provisions of some states.
- Development board establishment for Marathawada & Kaccha.
- Special authorities for Twensang (Nagaland).

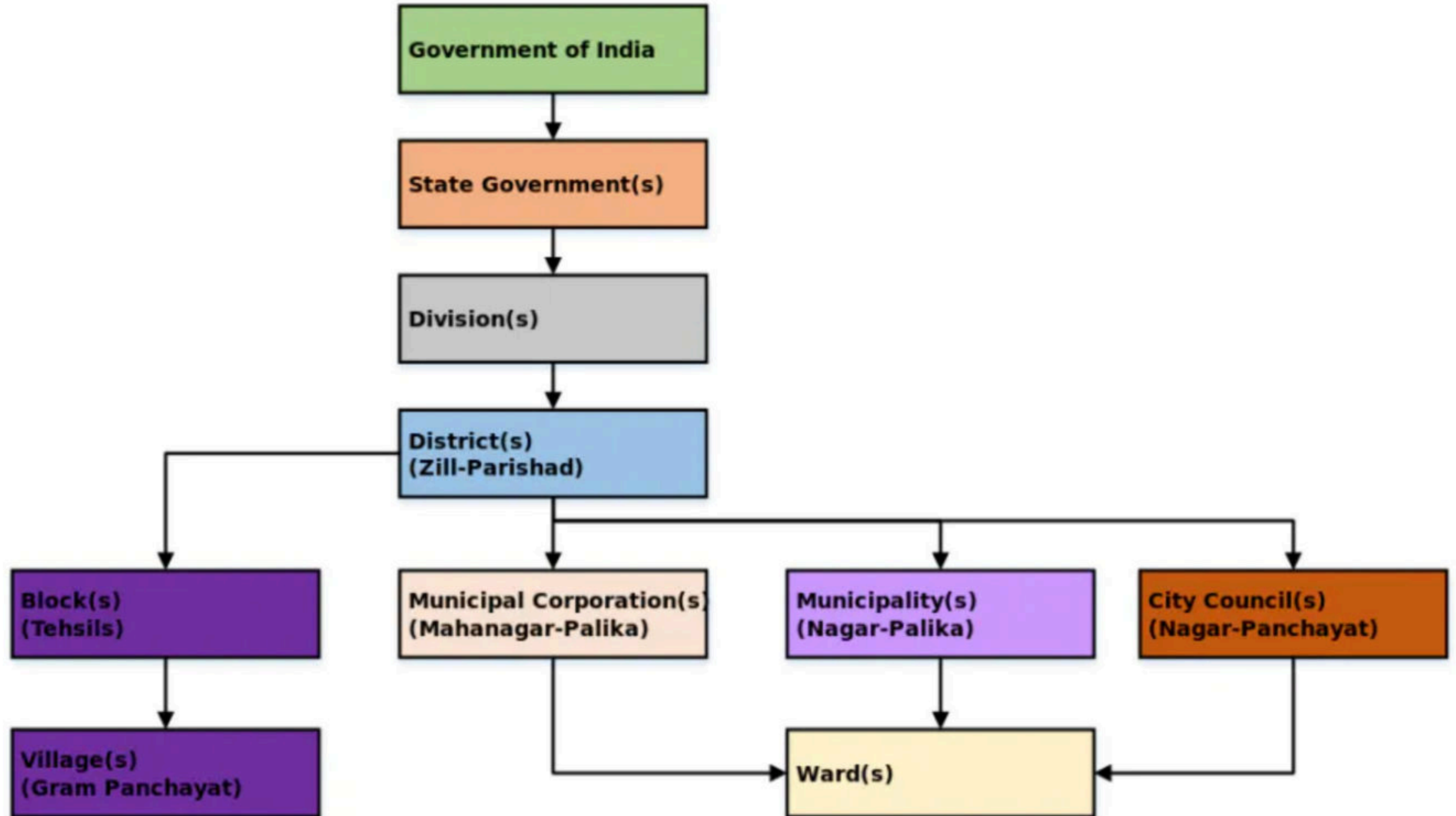
- Educational, Business and Society development for Assam and Manipur.

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ARTICLES:

- 153- Governor of State
- 161- Pardon power of Governor
- 167- Chief Minister's responsibility to give information to Governor.
- 233- Appointment of District Courts judge by Governor.
- 234- Appointment of judicial service .

Administrative structure of India



- Municipal corporations are referred to by different names in different states (due to regional language variations), all of which are translated to "municipal corporation" in English. These names include *nagar nigam* (in Delhi, Uttar Pradesh, Uttarakhand, Bihar, Rajasthan, and Haryana), *mahanagar palika* (in Gujarat, Goa, Karnataka, and Maharashtra), *pouro nigom* (in Assam and West Bengal), *pur porishod* (in Tripura), *nagar palika nigam* (in Madhya Pradesh), *Nagara Palaka Samstha* (in Andhra Pradesh and Telangana), *Nagara Sabha* (in Kerala) and *Maanagaraatchi* (in Tamil Nadu).
- The Vadodara Municipal Corporation is typically called by the name "Vadodara Mahanagar Seva Sadan". The detailed structure of these urban bodies varies from state to state, as per the laws passed by the state legislatures, but the basic structure and function is almost the same.

NATIONAL EMERGENCY & PRESIDENT RULE

Topics we will cover

- **National Emergency & their effects**
- **President Rule & their effects**
- **National Emergency VS President Rule**
- **Financial Emergency & their effects**
- **Fear of Emergency Provisions**



NATIONAL EMERGENCY & THEIR EFFECTS

- If there is any danger situation to country or any of it's part, then according to article 352 President can declare national emergency.
- President can declare pre- national emergency as per situation.
- It can be apply over Country or any of it's part (Amendment 42).
- President can not declare national emergency with out the advise of council of ministers.



- National Emergency will be continue for 6 months, and after that parliament can revise it for infinity time.
- President can abolish this emergency by another announcement without consultants with parliament.
- ***Effects***
- Relation between Central and State.
- Loksabha & State Legislature time period.
- Fundamental rights



PRESIDENT RULE & THEIR EFFECTS

- Article 355 ordered to States that they will execute according to Indian constitution.
- Article 356 protects article 355 and says, If it will not to be followed then President can take over all the authorities of State.
- It is also known as State emergency and Constitutional emergency too.
- President can direct rule or he can appoint Governor over state As a superior authority.



- According to article 365, if state is unable to execute as per central then there will be the responsibility of President that he will tackle the whole condition according to himself.
- President Rule will be continue for 6 months and maximum for 3 years.
- Any house of Parliament can give the permission to extend President rule further.
- In 1978, amendment 44th said if central wants to continue President Rule after one year then there will be two conditions have to satisfied:
 1. There must be National Emergency in entire country or one of its part.
 2. Election Commission has to proof that particular state is not suitable for State elections.



Effects

- President take over all the authorities of Governor and other state administrator officers.
- He can declare that Parliament will use all the powers of State Legislature.
- He can dissolve all the Constitutional rules as per requirement.



National Emergency	President Rule
Article- 352	Article- 356
It will apply on the conditions of National security issues.	It will apply when state government doesn't work as per constitution.
After declaration, state will be direct controlled by Central.	State Legislature will be dissolved, and President rules in State with the help of Governor.
Parliament makes rule for State.	Parliament gives the rights to President for making laws to control state.
There is no maximum time limit for this. It can be extend every after 6 months.	The maximum limit is 3 years and then there must be an establishment of constitutional structure.

National Emergency	President Emergency
Rules for all states will be changed	Rules for only particular state will be changed
It must be applied with special majority in Parliament	It will be applied with normal majority in Parliament
It affects the fundamental rights of civilians	It affects the fundamental rights of civilians
People house can withdraw declaration of National Emergency	President can withdraw declaration

FINANCIAL EMERGENCY & THEIR EFFECTS

- Article 360 allows to President to declare Finance Emergency.
- President can take this move if he realised that there is Financial condition in a problematic situation of any area of Country.
- In 38th amendment 1975 , it was said this move of President will not be questionable from any Judiciary.
- But in 44th amendment 1978, this provision was abolished and then Judiciary can review this move of President.



- Once if it is applied by both house of Parliament, it will be continue till withdraw.
- There is no time period is decided for Financial Emergency.
- To continue it there is no need to re-permission of Parliament.
- President can withdraw this declaration anytime without the permission of Parliament.



Effects

- All ranked Employees of Government's salary & facilities can be deducted.
- Any finance bill can be comes under Cool bag by President of India.
- President can declare to deduct salaries of Judges of Supreme Court and as well as High Court.



FEAR OF EMERGENCY PROVISIONS

- Main structure of Union will be destroy and Central will become Superior Authority.
- The Powers of states will be destroyed and all will become under Central.
- President will become Dictator.
- Financial freedom of states will be abolished.



- Fundamental rights will be meaningless , resultant constitutional rights structure will be destroyed.

How many times President Rule:

1. Manipur- 10 Times
2. Uttar Pradesh- 9 Times
3. Bihar & Punjab- 8 Times (each)

Union Territory :

1. Pudducherry- 6 Times
2. Delhi- 1 Time (2014)



Thank You!

The image features the words "Thank You!" in a highly decorative, hand-drawn style. The letters are thick and outlined in black, with various internal patterns and colors. The word "Thank" is in the top row, and "You!" is in the bottom row. The letters are surrounded by several colorful flowers and a small circular ornament. The background is a solid light blue.