

### **The state executive:-**

**Governor:-**the governor is the executive head of the state. The executive powers of the state is vested in the governor and all executive action of the state has to be taken in the name of the governor. He is the first citizen of the state

**Appointment and term of office of governor:-**the governor of a state is not elected but is appointed by the president and holds office at the pleasure of the President. Any citizen of India who has completed 35 years of age is eligible for the office ,but he must not hold any other office of profit nor be a member of the legislature of the union or any state. There is no bar to the selection of a governor from amongst members of a legislature. but if a member of a legislature is appointed governor, he ceases to be a member immediately upon such appointment.

The term of governor shall be 5 years. but it may be terminated earlier by- dismissal by the president at whose pleasure he holds the office. There is no bar to a person being appointed governor more than once. The governor gets a monthly immoliment of rupees 3,50,000 together with the use of an official residence free of rent and also such allowances and privileges as specified in the Governor's Act 1982, as amended in 2009.

**Powers and Functions of the governor:-**the governor has no diplomatic or military powers like the president, but he processes executive, legislative, and judicial powers similar to those of the president.

1. **Executive powers:-**the governor is the chief executive of the state. all executive actions of the state government are taken in his name. exercises these powers directly or through office subordinate to him. he makes rules for the transaction of government business. he appoints the chief minister and on the advice of the chief minister, appoints the Council of ministers. he administers the oath of office and secrecy accept their resignations and is empowered to dismiss the ministers. Apart from the power to appoint the Council of ministers, the governor has the power to appoint the Advocate General and the members of the State Public Service Commission, vice chancellors of the universities etc. He is the chancellor of all universities in the state.

Like the president, the governor has the power to nominate members of the Anglo Indian community to the Legislative Assembly of the state, if he is satisfied that they are not adequately represented in the Assembly. But, the governor has no power to appoint judges of the state High court, but he is entitled to consulted by the president in the matter. In some states there are bicameral legislature, the governor has the power to nominate members to the Legislative Council.

2. **Legislative powers:-**as regards legislative powers, the governor is a part of the state legislature. He has the right to address the two houses of the state legislature. He can send messages, he can summon, prorogue and desolve the state legislature. Governor enjoys veto power. He can withhold his assent to a bill passed by the state legislature. He can reserve a bill for president's consideration. Like the president, the governor of a state can issue the ordinance when the legislature is not in session.

3. **Financial powers:-**governor enjoys the following financial powers-

- a. A money bill cannot be introduced in the Legislative Assembly without the recommendations of the governor.
- b. He causes the budget TB late before the state legislature for every financial year.
- c. The contingency fund of the state is at his disposal. He can make advancees out of it to meet unforeseen expenditure, pending its authorisation by the state legislature.

4.. **judicial powers:-**the governor has the power to grant pardons, reprieves,resputes or remission of punishments or to suspend, remit or commute the sentence of any person

convicted of any offence. He is also consulted by the president in the appointment of the chief justice and the judges of the high courts of the state.

**Discretionary powers of the governor:-**the discretionary powers of the governor are as follows-

a. The governor of Assam shall determine the amount payable by the state of Assam to the District Council as royalty accruing from licences for minerals.

b. Besides the above functions to be exercised by the governor in his discretion, there are certain functions under the amended constitution which are to be exercised by the governor on his special responsibility which practical means the same thing as in his discretion. No one can question this power of the governor. Such functions are-

1. Under article 371 (2), the president may direct that the governor of Maharashtra or Gujarat shall have a special responsibility for taking steps for the development of certain areas in the state such as Vidharbha and Saurashtra.

2. The governor of Nagaland 371 A (1) (b) shall have similar responsibility with respect to law and order in that state so long as internal disturbances caused by the hostile Nagas in that state continue.

3. Similarly article 371 (1) © empowers the President to direct that the governor of Manipur shall have special responsibility to ensure the proper functioning of the committee of the Legislative Assembly of the state consisting of the members elected from the Hill Areas of the State.

4. Governor of Arunachal Pradesh has been assigned special responsibility with regard to dealing with the rebels and antinational elements.

5. In case the president appoints the governor as an administrator of a union territory, he shall exercise his powers independently.

**Apart from the, the governor enjoys discretionary powers in the appointment of the Chief minister when no party gets absolute majority.** The governor has to play a double role- a. As the constitutional head of the state government, he has to advise the ministry.  
b. As the representative of the president he has to keep the central government informed of the working of the constitutional machinery of the state. This dual role may sometimes lead to conflict between the centre and the state. This happens if there is a different party in power at the state level and at the centre.