UNIT- 6: STATE GOVERNMENT: THE GOVERNOR

UNIT STRUCTURE

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6.1 LEARNING OBJECTIVES

After going through this unit, you will be able to:

- discuss the head of the state government, the governor
- describe the power, functions and position of the governor

6.2 INTRODUCTION

In India, every State has a government to run its own administration. The States have their own executive and legislature. The state executive consists of the Governor and the Council of Ministers headed by the Chief Minister. So far as the State legislature is concerned, some States have only one chamber or house in their legislature and some other States have two chambers or houses. The Governor is an integral part of the State legislature. In this unit we are going to discuss the role of the governor along with the powers and function of the person on this position.

6.3 THE STATE GOVERNMENT

The Indian Constitution provides for a parliamentary form of government for the states of India, as is the case with the Union Government. In the previous chapter, you have read that the Indian President is a nominal head.

Like the President, the Governor is also the constitutional and nominal head of the state government. The Chief Minister is the real head of the State Government. He heads the Council of Ministers in the state. The State Government is formed from within the majority party/alliance in the state legislature. The government also remains accountable to the state legislature. Thus, the state government is run under the name and seal of the Governor. However, the real power is exercised by the Council of Ministers headed by the Chief Minister.

6.3.1 The Governor

The Constitution provides for the post of the Governor as the Head of a State in India. He is appointed by the President of India. He is both the constitutional Head of a State and an agent of the Central Government in a State.

The Governor is appointed for a term of five years. But before the expiry of his full term, the President can dismiss him from office. The Governor may also resign on his own. His term of office may be extended and he may be transferred to anotherto another State. However, the State Government cannot remove the Governor from his post.

To be the Governor, a person must be a citizen of India and should complete 35 years of age. And he cannot be a member of the Parliament or the State legislature. He should not hold any office of profit.The Governor is generally appointed from a different state. The office of the Governor is also a point of linkage between the State and Central governments.

Have you ever seen an oath taking ceremony of the Chief Minister and the Council of Ministers in the state? Who gives the oath? Is it not the Governor? Again, have you seen any important official notification of your state Government? In whose name and seal is it issued? Is it not in the name of the Governor?

Powers and functions

The Governor is the Chief Executive in a State. All the executive powers of the State Government are vested upon him and decisions are

taken in his name. He appoints the Chief Minister and his Council of Ministers. He may dismiss the members of the Council of Ministers on the advice of the Chief Minister. The Governor distributes the portfolios among the members of the Council of Ministers.

The Governor makes some important appointments of the State Government, such as, the Advocate general, Chairman and members of the State Public Service Commission and others.

The Governor may call for information from the Chief Minister regarding the activities of the State Government. He sends reports to the President about the situation of the State. The President imposes emergency in a State under Article 356 on the basis of the report of the Governor.

The Governor also acts as the Chancellor of State Universities.

The Governor is an integral part of the State legislature, though he is not a member of either house of it. He summons and prorogues the sessions of the State legislature and he can dissolve the Legislative Assembly. He addresses the members of the legislature and may send messages. Without the Governor's assent, no bill can become a law after it is passed by the legislature.

Money bills can be introduced in the State Legislative Assembly only with the permission of the Governor. The Governor may promulgate ordinances during the period when the Legislative Assembly or both the Houses of the legislature (when there are two Houses) are not in session.

The Governor may nominate one member of the Anglo- India Community to the Legislative Assembly if there are Anglo- Indian people in a State and they are not duly represented in the State legislature. He may also nominate 1/6 members of the Legislature Council (where they are from among persons who are experts in the fields of science, literature, arts, social service and co- operative movement).

The Governor makes the reports of various agencies placed on the floor of the State legislature.

The annual budget of the State Government is laid before the legislature with the approval of the Governor. The Governor must give his assent to money bills. The Contingency fund of the State is also placed at the disposal of the Governor.

The Governor has the power of granting pardon to the persons convicted by the courts of law or remitting or commuting their sentences.

The powers of the governor, in actual practice, are exercised by the Council of Ministers headed by the Chief Minister. He is only a nominal executive like the President of India. The State Council of Ministers is the real executive in a State.

Still, the Governor has some discretionary powers which can be exercised by him independently. He may send any bill passed by the Sate legislature for the consideration of the President. He can appoint any member of the State legislature as the Chief Minister if no political party secures absolute majority in the Legislative Assembly. During emergency, the Governor of a state can exercise his powers independently.

A Governor of state can be given additional duty of the Governor of the neighboring states by the President.



LET US KNOW

Under article 153 of the Indian Constitution, the same person may be appointed as the governor of one or more states at the same time. There are instances when the Governor of Assam has been appointed as the governor of Meghalaya also. Likewise one governor was appointed for states like Manipur, Nagaland and Tripura.

Position of the Governor :

The position of the Governor of a State is compared to the President of India as a nominal executive. But the Governor is not always a nominal executive. He can exercise his powers in the real sense on some occasions.

He acts as an agent of the Central Government in a State. Therefore, he is responsible for maintaining relation between the Central Government and the State Government. The Governor may advise the Council of Ministers when it faces some difficult situations.

The President declares emergency in a State on the basis of the report of the Governor regarding the law and order situation in the State.

The Governor takes independent decisions while exercising discretionary powers.

He may seek information from the Council of Ministers regarding various activities of the Government. He cannot be ignored by the Council of Ministers. He may even influence the decisions of the Council of Ministers in many ways as the Head of State.



LET US KNOW

While appointing the Governor, the President acts as per the advice of the Union Cabinet. The State Government is also consulted when the appointment is to be made. Generally, a person is not appointed Governor in his own State.

All these reveal that the executive power of a state is vested in the Governor. Like the President of India, the Governor, under normal circumstances, does not exercise these powers at his/her own. These powers are really exercised on the advice of the Chief Minister and the Council of Ministers.

The Governor appoints the Chief Minister and on his advice appoints the members of Council of Ministers. In normal circumstances, when a political party or an alliance secure absolute majority in the Legislative Assembly the leader of that party or alliance is appointed as the Chief Minister. However, these days we have seen that in many states no single party or alliance secure majority in the election. In such a situation, the Governor exercises his/her power in appointing the Chief Minister. These days the role of the Governor, sometimes, is reported to be even politically motivated in such situations.



LET US KNOW

The draft Constitution of India provided for the direct election of the Governor by the people. The concept of the 'appointed governor' has been derived from the constitution of Canada.

The Governor enjoys the power of appointing the Advocate General of the respective state; Chairperson of State Public Service Commission; Vice Chancellors of State Universities etc. Governor is also the Chancellor of the state Universities like Gauhati University and Dibrugarh University in Assam. Besides, no bill passed by the Legislative Assembly becomes a law unless and until the Governor accords his/her assent.

The Governor also exercises Emergency power. Have you heard about dismissing some state governments and declaring emergency in those states? From time to time the Governor sends his/her report to the President of India regarding the functioning of the state government. According to the Article 356 of Indian Constitution, the President can declare emergency in a state. Such emergency is declared on the basis of the report sent by the Governor.



LET US KNOW

Emergency in a state under Article 356 was first imposed in Kerala in 1957 under the Prime-ministership of Jawaharlal Nehru. Till now emergency under this article has been imposed more than 90 times in different states of India.

Now, a question may arise in your mind- when such a report is sent by the Governor? It is sent under following circumstances-

- If the Government loses its majority in the Assembly due to defection

etc. and no other party claims majority then the Governor can suggest for imposing emergency in the state.

- When the State Government fails to maintain law and order in accordance with the Constitution then also emergency can be imposed.

When emergency is declared the state Government headed by the Chief Minister is dismissed and the Governor discharges power on behalf of the President of India.



ACTIVITY 6.1

How many times has emergency been declared in your state?

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ACTIVITY 6.2

Write the name of the Governor of your state.

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CHECK YOUR PROGRESS

Q 1. The Governor is the real head of a state. (True/ False)

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Q 2. Write two important powers of the Governor.

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Q 3. Which Article of Indian constitution deals with the declaration of State emergency?

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After reading this unit, we have come to know that though all powers of the State government are given to the Governor as the constitutional Head of the State, yet he is only a nominal head like that of the President of India. His Powers are exercised by the Council of Ministers headed by the Chief Minister.



6.4 LET US SUM UP

- The state government is run under the name and seal of the Governor. However, the real power is exercised by the Council of Ministers headed by the Chief Minister.
- The Constitution provides for the post of the Governor as the Head of a State in India. He is appointed by the President of India.
- All the executive powers of the State Government are vested upon him and decisions are taken in his name. He appoints the Chief Minister and his Council of Ministers. He may dismiss the members of the Council of Ministers on the advice of the Chief Minister.
- The position of the Governor of a State is compared to the President of India as a nominal executive.
- He is responsible for maintaining relation between the Central Government and the State Government.



6.5 FURTHER READING

1. *Kapur, A.C., & Misra, A. (1995). Select Constitution.S. Chand*
2. *Chakrabarty, B., & Pandey, R.K. (2017). Indian Government and Politics. New Delhi, Delhi : Sage Publishing, India*

6.6 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q No 1: Governor of the state

Ans to Q No 2: False

Ans to Q No 3: False

Ans to Q No 4: a) He appoints the Chief Minister and his Council of Ministers

b) Legislative powers

Ans to Q No. 5: Article 356

6.7MODEL QUESTIONS

A) Very Short Questions

Q 1. Who is the constitutional head of a State in India?

Q 2. Who is the leader of the State Council of Ministers?

B) Short Questions (Within 150 words)

Q 1. Write the qualifications to be a Governor of a State.

Q 2. Prepare a short note on the emergency power of the governor.

Q 3. How can the governor play the role of an agent of the Central Government in the State?

Q 4. What are the discretionary powers of the Governor? How can he exercise them?

C) Long Questions (Within 300-500 words)

Q 1. Make an estimate of the position of the Governor.

Q 2. Critically analyze the executive powers of the Governor with appropriate examples.

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