

Governor of India

As the union government appoints the Governor in each state, he/she is both the nominal/constitutional head and an agent of the centre. He/She serves as the state's formal executive head. He/She serves as the chief executive head and is a significant state executive member. Every governor of state is chosen by the federal government.

All executive decisions are made in the governor's name, who serves as the de jure leader of the state government. However, the chief minister-led council of ministers, which is appointed by the people and thus possesses de facto executive authority at the level of the state, must be consulted before the governor may make any decisions. He/She may also propose the president's rule, establish or dissolve a ministry, and retain bills for the approval of the president. Friction between the elected CM and the union-nominated Governor of State has developed over time as a result of the utilization of these discretionary powers.

Powers and Functions of Governor

There are several powers and functions of Governor of India, which can be classified as executive, judicial, financial, legislative, and discretionary powers. Each has been briefly explained below.

Executive Power of Governor

The Governor of India has the following executive authority:

- The state government must act in its name when taking any executive actions.
- The Governor has the authority to specify the procedures for authenticating orders that have been issued in their name.
- They may or may not establish regulations to streamline how state government business is conducted.
- They appoint the chief ministers and other state ministries.
- In the following states, it is their duty to select a Tribal Welfare Minister:
 - Jharkhand
 - Chattisgarh
 - Odisha
 - Madhya Pradesh
- They select and set the compensation for the state's advocate general.
- They name the following individuals:
 - Chairman and Members of the State Public Service Commission
 - State Election Commissioner
 - Vice-Chancellors of the universities in the state
- They approach the state government for information.
- They recommend to the President that the state experienced a constitutional emergency.
- When the President is in charge of the state, the Governor of state has a wide range of executive authority.

Legislative Powers of Governor

The following are the legislative powers of the Governor:

- They have the authority to disband state legislative assemblies and prorogation of the state legislature.
- Every year, at the start of the first session, they address the state legislature.
- If a measure is already in the state legislature, they may or may not submit a bill about it to the legislature.
- They designate a member to chair the session if neither the speaker nor the deputy speaker is present.
- The Governor appoints one-sixth of the total number of legislative council members from the following categories:
 - Literature
 - Art
 - Science
 - Social Service
 - Cooperative Movement
- As the President names two candidates for the Lok Sabha, the Governor names one candidate from the Anglo-Indian community for the state legislative assembly.
- To disqualify members, they may approach the Election Commission.
- In relation to the state legislature's proposed bill, they can:
 - Withhold their assent
 - Give their assent
 - Return the bill
 - Reserve consideration of the bill for the President. (In cases where a state legislature-introduced bill jeopardizes the High Court's position)
- Governor of State can reserve the bill for the President's consideration in the following cases:
 - When the bill's provisions contradict the Constitution (Ultra-Vires)
 - When clauses in the law conflict with the Directive Principles of State Policy
 - When a bill's contents interfere with the national interest as a whole
 - When a bill's provisions mention matters of national importance
 - When the bill's provisions refer to the purchase of property, Article 31A of the constitution applies.

Also,

- When the Legislative Council or Assembly (Bicameral/Unicameral) is not in session, they may promulgate an ordinance.
- They submit the following reports:
 - State Public Service Commission
 - State Finance Commission
 - State Finance to the Comptroller and Auditor General

Judicial Power of Governor

The Governor's judicial duties and powers include the following:

- They can pardon someone from punishment in the following situations:
 - Pardon
 - Commute
 - Reprieve
 - Respite
 - Remit
- When selecting judges for the High Court, the President contacts the Governor.
- They appoint, post, and promote district judges after consulting with the state High Court.

- Additionally, they name individuals to the judicial services after consulting with the state public service commission and the state high court.

Financial Power of Governor

The functions of the Governor with regard to the financial duties and authority include the following:

- They examine the state budget as it is being presented to the state legislature.
- Their endorsement is a requirement before a money measure can be introduced in the state legislature.
- The Governor of state makes recommendations for the request for funds that would not otherwise be possible.
- They are in charge of the state's contingency fund, from which they draw advances to cover unforeseen expenses.
- They appoint the State Finance Commission every five years.

Discretionary Powers of Governor

Unlike the President of India, the Governor of a state has the authority to do as they please. The governor has two types of discretion; Constitutional discretion and situational discretion, which are explained below:

Constitutional Discretion:

The Governor of India can yield the power of constitutional discretion in the following situations:

- They are not required to seek the Council of Ministers' input when deciding whether to reserve a measure for the President of India to examine.
- They have the discretion to take any action they want when recommending that the President rule the state.
- They have the authority to make decisions when assigned an extra task as the administrator of the Union Territory.
- When the Governor must calculate the sum due to an independent Tribal District Council as royalty income accruing from permits for mineral exploitation from the governments of Meghalaya, Assam, Mizoram, and Tripura.
- When they request information from the Chief Minister about legislative and administrative matters.

Situational Discretion:

The following situations allow state governors to take action at their discretion:

- When they must name a Chief Minister after the election because no party won with a clear majority or if the incumbent passes away while in office.
- Upon failing to demonstrate credibility in the state legislative assembly, they remove the council of ministers.
- When they promptly dissolve the state legislature when it loses a majority

Other circumstances in which the Governor may make decisions alone after consulting the council of ministers include:

- when they need to create separate development boards for Vidarbha and Marathwada (Maharashtra)
- when they must make different development boards for Gujarat's Saurashtra and Kutch.

- As far as the state's law and order are concerned, Nagaland will continue to experience internal unrest in the Naga Hills-Tuensang Area.
- Regarding the management of the tribal regions in Assam
- Regarding Manipur's administration of its mountainous regions
- To promote harmony and the social and economic development of all segments of the populace in Sikkim
- Regarding Arunachal Pradesh's law and order
- when they need to create unique development boards for the Hyderabad-Karnataka area in Karnataka.

Appointment of Governor

Each Governor of State is chosen by the Indian President through a warrant that bears his signature. They must be chosen by the central government. A few things to be noted here are,

- There are neither direct nor indirect elections for the position of Governor, in contrast to presidential elections.
- The position of governor is an autonomous constitutional office and does not belong to the union executive. They do not work for or report to the union government.
- In India, the appointment of a Governor by the President and the election by the Union are based on the Canadian system of administration.

Term of Governor

The Governor's post has no set term because he serves at the President's pleasure. The grounds for removing them are not specified in the constitution, and the President has the authority to do so. The President may also move a Governor from one state to another. He is also subject to reappointment.

A few pointers to note here are;

- An interregnum isn't permitted; however, after the term has expired, a state Governor may continue to serve in the position for a further five years until a new minister takes over.
- When and as the President sees proper, the Chief Justice of the High Court of the relevant state may also be appointed as the Governor on an interim basis. (Example: In the instance of a governor's death, the Chief Justice of an HC can be appointed as the state's Governor.)

Qualification of Governor

Unlike members of the Lok or Rajya Sabha, or even the Prime Minister or President, who must fulfill a number of requirements to hold the office, the Governor of India just needs to fulfill two requirements:

- He ought to be a citizen of India.
- He ought to be at least 35 years old.

The administration must adhere to the following two conventions before proposing a candidate for the role of Governor:

- That person is not chosen to serve as the state's governor. He must be an outsider with no connection to the state to which he is being appointed.
- The President consults with the Chief Minister before choosing a Governor.

It should be noted that neither of the aforementioned conventions is infallible and has frequently been disregarded by the union administration.

A person must meet the following requirements in order to be appointed as an Indian Governor:

1. He/She is ineligible to serve in both the Lok and Rajya Sabha. On the first day in office, he must give up his position if he has previously served in either house.
2. He/She shouldn't hold any office of profit.
3. Raj Bhavan is made available to them for their dwelling without the requirement of paying rent.
4. His allowances, emoluments, and privileges are determined by the Parliament.
5. When a Governor is in charge of two or more states, the states split the remunerations and allowances owed to him following the President's discretion.
6. During their term in office, Parliament cannot reduce their compensation.
7. They are granted immunity from all criminal prosecution, including for their own actions.
8. The Governor is immune from arrest and detention. For their own actions, only civil proceedings may be brought, and only after two months' notice.

Constitutional Provisions for Governor of India

There are several constitutional provisions that enlist and enshrine the powers and functions of a Governor. They have been listed below for your reference;

Articles	Provisions
153	Governors of states
155	Appointment of Governor
156	Term of office
157	Qualifications for appointment
158	Conditions of office
160	Discharge of the functions of the Governor in certain contingencies
161	The authority to issue pardons and other relief
175	Governor's right to address and communicate with the state legislature's chambers
176	Special address by the Governor
201	Bills reserved by the Governor for consideration of the President

213	Power of Governor to promulgate ordinances
217	The President consults with the Governor before appointing justices to the High Courts.
233	Appointment of district judges by the Governor
234	Governor appointments to the state's judicial service of individuals (apart from district judges)

