



PERFECTION
IAS

50 DAYS PLAN

Mains Answer Writing Program
for **BPSC 67**

INDIAN POLITY

3. राज्य के राज्यपाल की शक्तियों की चर्चा करें। बिहार के संदर्भ में राज्य की राजनीति में राज्यपाल की भूमिका का समालोचनात्मक परीक्षण करें।
3. Discuss the powers of the Governor of a state. Critically examine the role of the Governor in state politics with reference to Bihar.

REG. OFFICE: 103, KUMAR TOWER, BORING RD. CROSSING, PATNA

☎ 9031036700 / 9031036701

f /Perfection IAS ▶ Perfection IAS(Official) 🌐 www.perfectionias.com

67TH BPSC MAIN EXAM

INDIAN POLITY

Ques:3 Discuss the powers of the Governor of a state. Critically examine the role of the Governor in state politics with reference to Bihar.

Article 153 to 167 of the Indian Constitution deals with the state executive that includes the office of the governor. In fact, the governor is the head of the state. The Governor acts as the representative of the Central Government. In this manner, the governor imparts a dual role.

On the recommendation of the Union Cabinet of the country, the Governor of each state is appointed by the President and works on the advice of the Chief Minister of the state.

Generally, the tenure of the Governor is for 5 years.

Powers of Governor

Executive Powers

- Being the constitutional head of the state, the governor appoints the leader of the party with majority as the chief minister of the state.
- He assists the Chief Minister in the formation of the State Cabinet.
- The governor also appoints the Advocate General of the State and the Chairman and members of the State Public Service Commission.

Legislative Powers:

- The Governor has the right to summon and prorogue the meeting of the State Legislative Assembly.
- Without the permission of the Governor, no bill can be passed in the State Legislative Assembly.
- He has the power to issue ordinances as per Article 213.

Financial Powers:

- The Governor presents the financial statement (budget) before the State Legislature.
- Without the permission of the Governor, Money Bill cannot be brought in the State Legislative Assembly.
- After every five years, the Governor reviews the financial condition of Panchayats and Municipalities.
- The Governor constitutes the State Finance Commission.

Judicial Powers:

The judicial functions of the Governor comprises decision making regarding appointment, transfer and promotion of District Judges in consultation with the High Court of the State.

He also appoints people associated with the State Judicial Commission.

He also exercises pardoning powers like Pardon, Reprieve, Remission, Respite and Commutation.

Discretionary Powers: The governor has two categories of discretion:

Constitutional Discretion (express discretion mentioned in the Constitution) and Situational Discretion (hidden discretion derived from the exigencies of a prevailing political situation).

Critical Evolution of Governor's Role in state politics

In reality, in the event of misuse of the office of the Governor, such a phrase has been used, for the following reasons: -

- Generally, it is considered that the governor is appointed by the central government, so he works on the instructions of the centre in the state. In case there is not a single party in the centre and the state, then there can be a lot of problems in the functioning of the state.
- The discretionary powers of the Governor have often been misused in favour of a political party. The word "discretion" mentioned under Article 163 leaves the scope for such misuse. For example in reserving bills (Tamil Nadu), recommending President Rule, (Maharashtra) etc.

- The removal of the Governor from office before the end of the term also remains a political issue. In effect, the Governor cannot be removed on the ground that he is not in sync with the policies and ideologies of the party in power.

Role of Governor in Bihar:

Actually, like many states of the country, the role of Governor is important in Bihar too. In fact, like many states, a situation of constitutional crisis arises in Bihar too, similar to the situation seen in other states.

Buta Singh's Case (2005)

- In 2005, the then Bihar Governor Buta Singh had recommended the dissolution of the Assembly which the Union Cabinet approved and forwarded to the President A.P.J Abdul Kalam who was on a visit to Moscow at that time signed it there. It was challenged in the Supreme Court whose five judge Constitution Bench, headed by then Chief Justice of India, Y.K. Sabharwal, in a majority verdict held that “the proclamation of dissolution of the Bihar Assembly is unconstitutional” and reprimanded Buta Singh for his actions saying his decision “reeked and malafide intent”.

2015 Elections

Two different leaders, the then Chief Minister Jitan Ram Manjhi and former Chief Minister Nitish Kumar, were claiming majority in the Vidhan Sabha in 2015. In a virtually unlimited constitutional way, the leader of the majority party was announced as the Chief Minister.

Road Ahead for Governor

The role and importance of the Governor is still present at the constitutional level, such as: -

- The post of governor is an important link between the centre and the states, which helps in running the federal structure of the country in an orderly manner.
- It also has an important role in the smooth functioning of democracy.
- Many experts point out that a governor is needed to ensure the national interest; integrity and internal security and central supervision of the states.
- Indeed, the constitutional and practical level of the Governor's post is as important even today as it was earlier. However it needs some improvements, such as: -
- The recommendations of the Rajamannar Committee constituted in 1970 should be implemented and the states should also be included in the appointment process of the Governor.
- The decisions taken by the governors should be brought under judicial preview.
- The powers conferred to the office of the Governor should be associated with accountability and transparency.
- There should be proper guidelines regarding the appointment of Chief Minister.
- In **S. R. Bommai V. Government of India**, it has been said that the majority decision of any state government should be taken in the legislature instead of the Raj Bhavan. The state government will have to give an opportunity to the floor test prior to imposing President's rule.
- In **Nabam Robia Vs Vice President**, the Supreme Court had ruled that Article 163 relating to the exercise of discretion of the Governor is limited and the action taken by him should not be arbitrary or imaginary. The Governor should have reason for his action and should be done in good faith.

Conclusion:

We should not ignore the important role played by the Governor as he serves as a link between the Central Government and the State Government. In truth, there is a need to pay attention to the suggestions of Sarkaria Commission, Punchhi Commission, Supreme Court with respect to the post of Governor and efforts should be made to improve it by discussing with all the stakeholders.