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EXECUTIVE OF THE STATES

Governor

- Articles **153 to 167 in Part VI** of the Constitution deal with the state executive.
- The governor is the chief executive head of the state. The governor also acts as an agent of the central government.
- Governor is appointed by the **president of India**.
- The Legislature of a State or a High Court has no role in the removal of a Governor.
- The Constitution lays down only two qualifications for the appointment of a person as a governor:
 - He should be a citizen of India.
 - He should have completed the age of 35 years.
 - Additionally, he should **not belong to the state** where he is appointed.
- A governor holds office for a term of five years from the date on which he enters upon his office. However, this term of five years is subject to the pleasure of the President.
- According to **Article 158 (3A)**, where the same person is appointed as Governor of two or more States, the emoluments and allowances payable to the Governor shall be allocated among the States in such proportion as the President may by order determine.

Powers And Functions of the Governor

The Governor is the head of the state executive and he has enormous powers. In the exercise of functions and powers, the Governor, except in certain cases, is to be guided by the aid and advice of the Council of Ministers headed by the Chief Minister (under Article 163).

Executive Powers

- He appoints the leader of the majority party in the State Legislative Assembly as the Chief Minister of the State.
- He appoints other members of the Council of Ministers on the recommendation of the Chief Minister.
- He acts as the chancellor of universities in the state. He also appoints the vice-chancellors of universities in the state.
- He appoints the advocate general of a state, state election commissioner and chairman and members of the state public service commission.
- He directly rules a State when there is the imposition of the President's rule in the State.

Legislative Powers

- Under Article 175 Right of the Governor to address and send messages to the house or houses of state legislature.
- Under Article 213 he can promulgate ordinances when the state legislature is not in session. These ordinances must be approved by the state legislature within six weeks from its reassembly.
- He can nominate one member to the State Legislative Assembly from the Anglo-Indian Community.

- Every bill passed by the state legislature will become law only after his signature. But, when a bill is sent to the Governor after it is passed by the legislature, he has the options to give his assent to the bill or withhold his assent to the bill or return the bill for the reconsideration of the legislature.

Financial Powers

- **Money bills** can be introduced in the state legislature only with his prior Recommendation.
- He can make advances out of the **state Contingency Fund** to meet any unforeseen expenditure.
- He constitutes a **finance commission after every five years** to review the financial position of the panchayats and the municipalities.

Judicial Powers

- He appoints the advocate -General of the State.
- He makes appointment, postings and promotions of the District Judges in consultation with the State High Court.
- He can pardon, commute or reprieve punishment on receipt of appeals for mercy except death sentence.

State Council of Ministers

- Article 164 clearly states that council of ministers shall be collectively responsible to the state Legislative Assembly.
- The chief minister is appointed by the governor. The other ministers are appointed by the governor on the advice of the chief minister.
- All the members of the Council of Ministers must be the members of the State Legislature. Those who are not the members at the time of their appointment, must secure their seats in the Legislature within a period of 6 months.

State Legislature

- The state legislature consists of the governor and the legislative assembly.
- If the states having bicameral system the state legislature consists of the governor, the legislative council and the legislative assembly.
- Some of the states have a unicameral system, while others have a bicameral system.
- Presently only six states have two Houses (bicameral). These are Andhra Pradesh, Telangana, Uttar Pradesh, Bihar, Maharashtra and Karnataka.
- Twenty-two states have unicameral system.
- The Constitution provides for the abolition or creation of legislative councils in states. Accordingly, the Parliament can abolish a legislative council or create it.
- The legislative assembly's **maximum** strength is fixed at **500 and minimum strength at 60**. It means that its strength varies from 60 to 500 depending on the population size of the state.
- Arunachal Pradesh, Sikkim and Goa, the minimum number is fixed at 30 and Mizoram is 40 and Nagaland is 46.
- Duration of the legislative assembly is **5 years**.

- The legislative council is a continuing chamber, it is a permanent body and is not subject to dissolution.
- A person must be not less than 30 years of age in the case of the legislative council and not less than 25 years of age in the case of the legislative assembly.
- **Article 169** deals with the creation or abolition of Legislative Council in a State. Article 169 holds that if the state Legislative Assembly passes a resolution by a majority of not less than 2/3rd of the members present and voting and by the majority of total strength of the House, requesting the Parliament to create or abolish the state Legislative council then the **Parliament** may by law provide for the **abolition and creation of the Legislative Council**.
- Presiding officer of legislative assembly is Speaker and a Deputy Speaker.
- A Money Bill can be introduced only in the assembly and not in the council. The council cannot amend or reject a money bill. It should return the bill to the assembly within **14 days**.

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