

IMPORTANT ARTICLES RELATED TO GOVERNOR

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APPOINTMENT OF GOVERNOR

The Governor of a State is appointed by the President by warrant under his hand and seal. Article 153 says that there should be a Governor for each state. But under the 7th Amendment Act, 1956, the same person can be appointed as Governor of one or more States. When he discharges the responsibilities of more than one state, he acts on the advice of the Council of Ministers of the respective states.

Qualifications: In order to be appointed as Governor, a person

1. must be a citizen of India; and
2. must have completed the age of 35 years.

In addition, there are two conventions that have come to develop with regard to the appointment of the Governor. They are

1. Must not belong to the state where he is appointed and
2. Consult the Chief Minister of the state where to be appointed.

Term of Office: He normally holds office for five years but can be removed at any time before that by the President i.e. the Governors remain in the office during the pleasure of the President. Thus he is a nominee of the Union Government. He may be asked to continue beyond the normal five years until his successor enters upon his office. The Governor can also be transferred from one State to another by the President. The Governor may resign at any time by writing to the President. In a contingency for which the Constitution makes no provision, such as the death of the Governor, the President may make such provisions as he thinks fit for the discharge of the functions of the Governor of a State (Article 160). The Rajasthan High Court has held that the Chief Justice of the High Court can be asked temporarily to discharge the functions of the Governor of the State, where he can act as the Acting Governor of the State.

Conditions of Governor's Office

1. The Governor cannot be a member of Parliament or of a State Legislature and if a person is such a member at the time of the appointment as Governor, his seat in Parliament or the State Legislature, as the case may be, will become vacant on the date on which he assumes office as Governor.
2. The Governor cannot hold any other office of profit during the term of his office.