CHAPTER – III

THE INSTITUTION OF THE GOVERNORS IN THE OTHER COUNTRIES OF THE WORLD AND UNDER THE INDIAN CONSTITUTION

3.1 The Institution of the Governor in Canada.
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CHAPTER – III

3.1 The Institution of the Governors in Canada\textsuperscript{25}

The Canadian Constitution provides for the office of a nominated Head of the State in the provinces known as lieutenant Governors.

(A) The lieutenant Governor of the provinces in Canada are appointed by the Governor General on the recommendation of the prime minister of Canada, and the federal cabinet. The appointment is for a period of not less than five years and the salary is paid by the federal Government.

(B) According to the Constitution Act, 1867, the Lieutenant Governors are not removable from the office within five years of their appointment, except for the reasons which must also be publicly communicated to the senate and the House of commons, the lieutenant Governors serve until the Governor General – in council appoints a new person to replace him they have generally served between four and seven years in the office and usually about five years.

The role and responsibilities of the lieutenant Governor, the Queen’s representative in the State of Ontario. The Governor has two main roles:

(i) A Constitutional role and
(ii) A community role.

\textsuperscript{25} The Role of Governors and of provincial administration comparative experiences – Patrick Keulers 2002
The Constitutional Role

(i) The lieutenant Governor facilitates the smooth functioning of the Constitution ensuring that the democratic will of the people and their elected representatives is upheld, and that the unwritten Constitutional conventions of responsible parliamentary Government are respected.

(ii) The lieutenant Governor summons the legislative assembly to meet and outlines the Government’s legislative plan in the speech from the throne, provides royal assent to the bills to signify that they have completed all the parliamentary steps to enable them to become law and prorogues the assembly to end a sitting or dissolves the assembly which results in a provincial election;

(iii) The lieutenant Governor appoints the premier by determining which party has the support of the majority also appoints the officials nominated by the premier, accepts the resignation of an outgoing premier and ensures that the will of the elected legislative assembly is respected, in the event that a Government has lost the support of the House or the electorate; and ensures that a premier and Government are in place in the event of parliamentary stalemate;

(iv) The lieutenant Governor approves the cabinet’s decisions and the various appointments to give them the force of law, thus signifying the end of an approval process started in Government ministries;
(v) The lieutenant Governor acts on the advice of the elected representatives, but may exercise the right to be consulted, to encourage and to warn.

(vi) The lieutenant Governor welcomes the Queen and the members of the royal family, world leaders and their diplomatic representatives, as the official host in the province provides opportunities to them to gain appreciation of Canada, and of this province and its people.

(vii) He acts as a host for the events in the province, and attends hundred of events organized by the community educational volunteers, and other groups throughout the province, speaking publicly about the people, culture and heritage to honor citizens and reflect the diversity of the province.

(viii) He represents the people and the characteristics of the province rather than the policies of the government of the day and provides leadership by lending the dignity of the office, to worthwhile causes to encourage volunteers and others whose contributions add to the quality of life in Canada.

(ix) He Presents orders, decorations, medals and honors to outstanding people including the, Medal for Good Citizenship, Medal for Police Bravery, Medal for firefighter Bravery, Medal for Young Volunteers, Lieutenant Governor’s community Volunteer Award, Lincoln M. Alexander Award, Senior Achievement
Award and Community action award, as well as national honors presented at the request of the Governor General, Lieutenant Governor’s awards and other awards presented on behalf of the organizations in the province.

He Congratulates the residents of the province and organizations on important occasions, sends greetings to mark significant birthdays and anniversaries, and writes messages to be read or published for special events, and conveys messages of sympathy on behalf of all citizens.

3.2 The Institution of Governors in the United States of America

The Constitution of America provides for directly elected Governors of the States, having Presidential form of Government and a federation.

The Governors are the chief executives of the State and are directly elected by the citizens of the State after every four years. The person to be elected Governor must be at least 30 years old and be a resident of the State for five years immediately prior to the election.

The Governor makes policy recommendations that law makers in both the House and Senate Chambers may sponsor and introduce as bills. The Governor appoints the Secretaries of State as well as the members of boards and Commissions who oversee the Heads of State agencies and departments.

The Constitutional and statutory duties of the Governor include:

(A) Signing or vetoing bills passed by the legislature.

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(B) Serving as the commander-in-chief of the State’s military forces.

(C) Convening special sessions of the legislature for specific purposes.

(D) Delivering a report on the condition of the State to the legislature at the beginning of each regular session.

(E) Estimating of the amounts of money required to be raised by taxation.

(F) Accounting for all public money received and paid out by him and recommending a budget for the next two years.

(G) Granting reprieves and commutations of punishments and pardons upon the recommendation of the Board of Pardons and paroles and revoking conditional pardons.

(H) Declaring special elections to fill vacancies in certain elected offices.

(I) Appointing qualified citizens to the State offices to carry out the laws and direct the policies of the State Government. Some of these offices are filled by appointment and others are ordinarily elected by the people but the Governor must occasionally appoint individuals to fill vacancies in those offices. The Governor also appoints the citizens to a wide range of advisory bodies and task forces that assist him with specific issues.

Canada and its provinces recognize the British Monarch as the Head of the State while real power is exercised by the Head of the Government (the premier or Prime Minister) and the cabinet. In Canada the Prime Minister selects the lieutenant Governor to represent the monarch at the State level. The lieutenant Governor gives royal assent to
the bills, opens and closes the sessions of the legislature, and accepts the premier’s resignation if the Government is defeated in the assembly.

In the United States the Heads of the State and the Government are one and the same; that is the Governor.

### 3.3 The Russian Federation – The Institution of the Governor of Samara Region

Samara region is one of the autonomous regions (oblasts) that makeup the Russian federation. It is well known for its economic development potential (petroleum, aerospace industries, machinery contraction, hydro-energy and automobile industries) and rated as one of the five Russian regions that are most attractive for investors.

In 1990 the city and the oblast were given back their historic names – samara and samara oblast. The territory of the samara region comprises 11 towns, 24 urban villages and 27 rural districts (comprising 324 local rural administrations). The largest cities is samara city with 1.21 million people. The city is divided into city districts.)

The Governor of the samara oblast is the supreme official of the regional Government and the Head of the samara oblast administration. He/she exercises his powers through the system of executive bodies of the samara oblast.

The oblast Governor is elected for a 5 year term, by the citizens of the Russian federation who have the right to vote within the territory of the samara oblast, on the basis of the universal, equal and direct suffrage by ballot. The Governor cannot be elected for more two consecutive terms

The role of the Governor in such an autonomous region within the Russian federation is the following-

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ibid

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Form samara oblast administration and Head it by his undivided authority in accordance with samara oblast charter.

Ensure the protection of rights and freedoms of the samara oblast citizens, the integrity and the rule of law, and order in the territory of samara oblast.

Introduce legislation to the Duma (legislative council) of the Samara Oblast;

Promulgate laws of Samara Oblast;

Represent Samara Oblast in domestic and foreign affairs and conduct negotiations and sign treaties and agreements on behalf of Samara Oblast.

Provide for the coordinated operation of every and each Executive body of Samara Oblast;

Act as loan manager when granting loans from Samara Oblast funds.

Appoint to and dismiss from their office deputies of Samara Oblast Governor and Heads of Samara’s executive bodies.

Form and Head Samara Oblast Governor’s deliberative and subsidiary agencies;

Appoint one half of the membership of Samara Oblast election Commission.

Grant incentives to or compose penalties on officials appointed by him;

Represent Samara Oblast in relations with federal bodies, or Governments of other Russian regions or bodies of local self-
Government, or in foreign and economic affairs and sign treaties and agreements on behalf of Samara Oblasts.

(M) Grant his consent to the appointment of Public Prosecutor of Samara Oblast;

(N) Grant his consent to the appointment of the dismissal of the Head of Samara Oblast department of Home Affairs;

(O) Introduce to the Duma of Samara Oblast candidates for judges of the Charter Court of Samara Oblast

(P) Grant his consent to the appointment of magistrates in Samara Oblast

(Q) Propose candidates for the post of Human Rights Commissioner of Samara Oblast.

In exercising his powers Samara Oblast Governor shall observe the Constitution of Russian Federation and federal laws, the Charter of Samara Oblast and laws of Samara Oblast, and fulfil the directives of the President of the Russian Federation and resolutions of the Russian Federal Government.

The Governor shall not simultaneously be a deputy of any legislative body, except that he is the member of the federal Council, or of any body of local self-Government or be otherwise engaged in any gainful activity except teaching, scientific research of other creative occupation.

3.4 The Institution of Governors of States in Australia

The Institution of Governors of the Australian States are the representatives of the Queen of Australia in each of that country's Six

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28 Weekipedia, visited on 12 Feb 2013
States. The Governors are the nominal Chief executives of the States performing the same Constitutional and ceremonial functions at the State level as does the Governor-General of Australia at the national level. The State Governors are not subject to the Constitutional authority of the Governor-General, but are directly responsible to the Queen. In practice with few exceptions the Governors are required by a convention to act on the advice of the State premiers or the other members of a State's Cabinet.

The office of Governor is the oldest Constitutional office in Australia. Each of the six States was founded as a British colony, and a Governor was appointed by the British Government to exercise executive authority over the colony.

Responsible Government reduced the role of the State Governors to a largely ceremonial one although they remained the Head of the Constitutional system, appointing Heads of Government and granting or declining requests for dissolutions of the legislatures. All colonial Governors were British and were appointed by the British Government; they also exercised a supervisory role over the colonial Governments on behalf of Britain.

When the Six colonies federated to form the Commonwealth of Australia in 1901, there were some suggestions that the position of State Governor should be abolished or that its appointment be made by the Governor-General as was (and still is) done in Canada. However, the States insisted on retaining their separate links to the Crown, a concept that can be compared to the American system of separate sovereignty for State and Federal Governments. The States were concerned that Commonwealth-appointed Governors might be used to do the Federal Government's bidding, up including the use of a Governor's reserve powers to dismiss a elected State Government, to ensure that State
Governments should be free from such extra-Constitutional intervention or coercion. The State Governors continued to be appointed by the King on the advice of the Colonial Secretary in London usually after an informal consultation with the State Government.

(A) Responsible Government

The Government began to appoint Australians to the post of Governor, most of the early colonial Governors were Military or Naval officers, and once the Governor's role moved from the executive to the ceremonial, most Governors were drawn from the ranks of retired officers, although a few members of the peerage served as Governors, even when Australians replaced Britishers as Governors, most Continued to be retired army, navy or air force officers until the 1970s.

From the 1960s onward the Governors were appointed by the Crown effectively on the advice of the State Premiers, but it was not until 1986, with the passing of the Australia act through the State, Australian and British parliaments, the Governors began to be appointed by the Queen, on the direct advice of the relevant Premier.

(B) The Australia Act 1986

Although the Commonwealth of Australia legally became an Independent nation when it adopted the statute of Westminster in 1942, the British Government retained the nominal authority to intervene in the Governments of the individual States under the Colonial Laws Validity Act 1865. As a result, the State Governors continued to be formally
appointed by the Queen on the advice of the British Secretary of State for Foreign and Commonwealth affairs, as had been the case prior to 1942. In practice, however, the Premier of each State recommended a prospective Governor to the Foreign Secretary, who almost always acted in accordance with that recommendation.

Eventually, identical Australia acts were passed by the commonwealth parliament and the parliament of the United Kingdom in 1986, thus removing what remaining authority London had over affairs in Canberra. Under section 7 of these acts, the Queen now receives advice on the appointment and termination of appointments of the State Governors from the relevant State Premier.

(C) Role of the Governors

The role of State Governor in modern times is largely symbolic. Nevertheless, the State Governors, like the Governor-General, retain the full panoply of the reserve powers of the Crown.

In the event of a Governor-General's death, incapacity, removal, resignation or absence overseas, each of the State Governors has a dormant Commission to become the administrator of the Commonwealth that is, to take on the Governor-General's duties until he returns from overseas or a new appointment is made.

(D) Role in legislature

The Governor- has a ceremonial role in swearing in and accepting the resignations of legislators. They appoint a
deputy, to whom members make an oath of allegiance before they take their seats. On the day legislature opens, the Governor makes a speech, entirely written by the Government, explaining the Government's proposed legislative program.

The most important power is found "When a proposed law passed by both Houses of the legislature is presented to the Governor- for the Queen's assent, he shall declare that he assents in the Queen's name." This makes any proposed law effective.

The Governor-can withhold assent, suggest changes, refer to the Queen or proclaim that the Queen has annulled the legislation. A number of Governors- reserved Royal assents for particular legislation for the Queen; such assent has usually been given during a scheduled visit to Australia by the Queen. On other occasions royal assent has been given elsewhere).

(E) Reserve Powers of the Governor

In the United Kingdom, the reserve powers of the Monarch (which are typically referred to as the "Royal prerogative") are not explicitly Stated in Constitutional enactments, and are the product of convention and common law. In Australia, however, the powers are explicitly given to the Governor- in the Constitution; it is their use that is the subject of convention. The reserve powers are:

(i) The power to dissolve (or refuse to dissolve) the House of Representatives.

(ii) The power to dissolve the legislature on the occasion of a deadlock.

(iii) The power to withhold assent to bills.
(iv) The power to appoint (or dismiss) Ministers

These powers are generally and routinely exercised on ministerial advice, but the Governor retains the ability to act independently in certain circumstances, as governed by the convention. It is generally held that the Governor may use powers without ministerial advice in the following situations:

(i) If an election results of the legislature in which no party has a majority, the Governor may select the premier.

(ii) If a premier loses the support of the House of the representatives the Governor may appoint a new Premier. If a Premier advises dissolution of the House of representatives, the Governor may refuse that request, or request further reasons why it should be granted. It is worth noting that convention does not give the Governor the ability to dissolve the legislature without advice.

(iii) If a premier advises a dissolution of legislature on the occasion of a deadlock between the Houses, the Governor may refuse that request.

(iv) If the Governor is not satisfied with a legislative bill as presented, he may refuse Royal assent.

(v) If a Premier resigns after losing a vote of confidence the Governor may select a new replacement contrary to the advice of the outgoing premier.
(vi) If a premier is unable to obtain support and refuses to resign or advises dissolution, the Governor may dismiss him or her and appoint a new premier.

The above is not an exhaustive list, and new situations may arise that would recommend a dissolution of the legislature events surrounding the dismissal remain extremely controversial.

(F) The Ceremonial Role

In addition to the formal Constitutional role, the Governor has a ceremonial role, though the extent and nature of that role has depended on the expectations of the time, the individual in office at the time, the wishes of the incumbent Government, and the individual's reputation in the wider community. Governors generally become the patrons of the various charitable Institutions, present honours and awards and host functions.

3.5 The Institution of the Governor under the Indian constitution

The Constitution of India provides for the office of the Governor as the Constitutional Head of the State. The Appointment of the Governor is made by the president of India.

(A) The Qualifications or eligibility of a Governor

Following qualifications have been laid down for the appointment of the Governor. According to Article 157 of the Constitution, a person will be eligible to be appointed as the Governor if:

29 The Constitution of India 1950
(i) He is a citizen of India.
(ii) He has completed 35 years of age.
(iii) He is not a member of any House of the parliament and any State legislature. If it is so his seat will be considered to be vacant from the day he assumes the charge of Governor.
(iv) The Governor will not hold any office of profit under the Government of India or any State Government

(B) The Tenure and the removal from the office (Article 156)

The Governor is appointed for a period of 5 years and, he will continue in his office on the pleasure of the President that means, he will continue to hold his office as long as the President desires. The President can remove him before the completion of the tenure of 5 years. The Governor himself can submit his resignation to the President during his tenure. He will continue to hold his post till such time his successor is appointed as per the Constitution a person can be appointed as Governor of two or more States.

(C) The Oath

Every Governor or every person who carries or (discharges) the duties of the Governor before entering to the office takes an oath before the Chief Justice of the High Court of the State that he will discharge his duties by abiding by the Constitution of India, and preserve and defend it in the light of legal requirements. and will protect the interests of the people of the State and will continue to serve them and work for their welfare.
The Salary and the Emoluments

The Governor is entitled to such emoluments allowances and privileges as may be determined by the parliament by law. At present the Governor is paid the salary of Rs. 1 lakh ten thousand per month, during his tenure there will be no adverse change in his emoluments and salary, the salary and allowances are to be paid from the consolidated fund of India and as such are not subject to discussion and voting in the legislature.30

It is to be mentioned here that there is no provision for the office of a deputy Governor in the State as there is the office of Vice president at the center according to the Constitution in the event of an emergency or, in the absence of the Governor; the President will arrange for other person to discharge the duties of the Governor. The constituent assembly had expressed its opposition to the appointment of a deputy Governor in the State because as long as the Governor discharges his duties there will be no duties to be performed by the deputy Governor. It is different in case of the centre because the Vice President is also the ex-officio chairman of the council of States that is the Rajyasabha and have special functions to perform related to, and because there are no second chambers in some States, therefore in such States the deputy Governors can not be given any work which the vice president has been allotted at the centre.

30 Governors emoluments and allowances and privileges amendment Act 2002
The Immunities and the Privileges (Article 361)

According to the Constitution the Governor is entitled to certain immunities as enjoyed by the President during his holding of the office whatever action he takes he is not responsible to any court though all the activities are carried out by the State Government in his name, yet the is not personally responsible for these acts, a case cannot be filed by any one against the Governor for the acts of the Government, but the case can be against the Governor as an individual.

No criminal case can be filed against the Governor, no court can initiate any action to arrest the Governor. In case a person has to file a civil case against the Governor which is related to such an act which was committed prior to his taking over as the Governor a notice, of a period of two months is to be given to the Governor and the notice must have full details of such an act, after issuing the notice the case can be presented in a civil court.

The Constitution has given all the powers to the Governor as the Constitutional Head of the State the Governor has powers analogous to that of the President. The Position of the Governor of the State is similar to that of the President in the centre, but like the President he does not have any diplomatic, military and the emergency powers therefore except in few cases there are great similarities between the powers of the two Constitutional functionaries.

During emergency, the Governor discharges his duties as the representative of the Centre. The Governor is the
Constitutional Head of the executive of the State; the State is
governed in his name. Constitutionally the Governor has full
freedom in the exercise of his powers; he is not liable for his
actions to any one except to the President of India

In order to assist and advice the Governor there is a council
of ministers Headed by the Chief Minister

According to the Constitution the Governor has the free will
to accept or not to accept the advice given by the cabinet but
this is all in theory, in practice the Governor acts on the
advice, of the Council of ministers, in parliamentary system
of Government the rights and duties of the Governor are in
reality the rights and duties of the cabinet Headed by the
chief minister.

The question arises that is the Governor bound to act in all
matters as advised by the cabinet. According to the
Constitution the State Council of ministers is responsible to
the State legislature and can remain in office as long as it
enjoys the support of the majority in the assembly. It is
evident that the cabinet will not be responsible to the
legislative assembly in respect of the actions with which it
was not associated in formulating and implementation. If the
Governor dis-regards the advice given by the cabinet and
takes action with which the cabinet does not agree the
cabinet can submit its resignation in the light of its
responsibility to the assembly and the Governor is forced to
form a new cabinet, it will be difficult for this new cabinet to
get support from the majority. In such a situation the
Governor will not be able to run the administration of the
State according to the provisions of the Constitution, because the Constitution provides that the Governor discharges his duties with the assistance and on the advice of the council of the ministers which is responsible to the legislative assembly. It is now clear that the Governor has powers identical to that of the President and that his position in governing the State is nominal though all acts of the State are performed in his name yet the real exercise of the powers are not in the hands of the Governor but in the hands of the cabinet or the Council of ministers.

(F) Keeping in view the Constitutional position of the Governor his powers and acts can be classified in the following categories.\(^3\)

(i) The Executive powers (Article 154, 162).
(iii) The Judicial powers (Article 161).
(v) The Emergency powers (Article 356).
(vi) The Discretionary powers (Article 163, 164, 174, 356)

(i) The Executive powers

According to the Constitution all the Executive powers of the State are vested in the Governor as he is the executive Head of the State as in the central Government the executive powers are vested in the President as he is the Executive Head of the union. "According to Article 154 of the Constitution all the powers of the executive of the State are vested in the

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\(^3\) The constitution of India 1950
Governor and that he exercises these powers according to the Constitution through the officers subordinate to him.

The Governor exercises his powers either by himself or through his subordinates. The Governor appoints the leader of the majority party in the assembly as the chief minister and thereafter appoints other ministers on the advice of the chief minister.

In case, no single party has a majority in the assembly and there are many claimants for the post of the chief minister, the Governor uses his discretion and takes a decision. He allot the portfolios to the different ministers on the advice of the Chief Minister.

The Governor appoints the Advocate General and the chairman of the public service Commission of the State, the Governor is consulted in the appointment of the judges of the High Court, all the important appointments in various departments are made by the Governor. In practice the Governor makes such appointments on the advice of the chief minister. In States where there are bicameral legislatures the nomination of some members of the upper House are also made by the Governor.

The Governor can seek any information about the administration from the cabinet. He is responsible for carrying out the orders of the central Government and gives necessary information in respect to the State administration to the central Government. He also
informs the President about all such activities. The President declares emergency in the State on the basis of his report. The Governor decides himself that when he should use discretion in taking a decision, such decisions can not be objected by the court and no enquiries can be conducted in such decisions.

The Governor has power in respect of the subjects enlisted in the State list. The executive powers of the Governor are incorporated in the State list; he can use his powers in respect to the concurrent list with the consent of the President.

This formulates the rules regarding the functioning of the State Government. The Governor on the advice of the chief minister distributes work among the ministers; He has the right to seek any information from the chief minister. He can ask for reconsideration by the cabinet in respect to the decisions taken by an individual minister.

The Governor has the power to warn and encourage his Ministers. It is the duty of the chief Minister to apprise the Governor of all the decisions taken by the Council of ministers and the Government.

In theory, the Governor is responsible for the smooth and perfect administration (of the State).

The Government has to act in respect of maintenance of peace and order in the State. It is also the duty of the Governor to see that the administration of the State is
carried out according to the provisions of the Constitution. While taking the oath of the office emphasis is laid on the fact that he will protect the Constitution and the law.

(ii) The legislative Powers

The Governor is an integral part of the State legislature, therefore he has been provided with certain important legislative powers.

(a) He summons the sessions of the legislature, prorogues it and can dissolve the lower house that is the legislative assembly (Article 174 (1)&(2))

(b) After the general elections he gives the inaugural address in the first session of the legislature.

(c) He can send a message in respect to certain bills to either house, he can also address the legislature.

(d) His assent is essential for any bill passed by the State legislature he can approve the bill, can reject any bill or can return back the bill to the legislature for reconsideration. If the legislature passes the bill in the same form and sends it back again then the Governor will have to give his assent. He can also reserve certain bills for the assent of the President. (Article 200)
(e) If the bill is related to the acquisition of certain property as related to the reduction in the powers of the High Court.

(f) If the bill relates to the levying of taxes on sale and purchase of items which have been declared essential by the parliament.

(g) If a situation arises he can promulgate an ordinance between the two sessions of the legislature (Under Article 213). The ordinance will have the same effect and result as the act passed by the legislature. This ordinance will be active for a period of six weeks after the beginning of the session of the legislature, if the legislature adopts a resolution rejecting the ordinance before the expiry of six weeks the resolution will deem to be cancelled.

(h) He nominates such persons as members of the legislative council who have special and practical knowledge of literature, art, science, co-operative movement and social service (Article 171).

(i) In case there is no proper representation of some communities than he can nominate some members of those communities.

(j) There are certain restrictions on the promulgation of the ordinances by the Governor. He can not issue any ordinance having relevance to subjects for which,
according to the Constitution the approval of the President is required such bills which are supposed to be considered by the President and if an act, or a law is held by the Governor for his consent and that if the consent is not received the act will be unacceptable.

Thus the Governor has such comprehensive powers in the legislative sphere.

(iii) **The Judicial and Pardoning Power**

Under Article 161 certain judicial powers are given to the Governor, he can reduce the sentence of any person in respect of breach of certain laws related to subjects, He can grant pardon reprieves, respites or can suspend, remit or commute the sentence of any person convicted of an offence.

He can exercise this power for collective pardon. In addition to this the Governor is consulted in matter of the appointments of the Judges of the State High Court. He has powers in respect to the appointment and promotions of the Judges of the subordinate courts.

(iv) **The Financial Powers**

No Finance bill or the money bill can be presented in the legislative assembly without the prior permission of the Governor.

According to the Indian Constitution the Governor is required to cause to be laid the Annual budget of the
State Government in the legislature (Article 202). A money bill can not be presented in the State assembly nor can any amendment be made in the money bill by the legislative assembly regarding abolition or an effective reduction in the tax, without the permission or the recommendation of the Governor. In the mid of the year if it is felt that the grant provided in the budget for the Government expenditure or there is no provision in the Institution for that expenditure a supplementary budget can be presented in the assembly with the consent and recommendation of the Governor. A bill can be resubmitted in the assembly with the consent of the Governor. The consolidated fund is also under the control of the Governor.

A demand for any grant can be made with the permission of the Governor (Article 203), even after the passing of certain finance bills by the legislative assembly; the Governor can withhold them for the consent of the President. It is the duty of the Governor to get the audit of the accounts of the State. He has the right to withdraw the funds from the contingency fund of the State.

(v) The Emergency Powers

Advising the President for the proclamation of an emergency under Article 356.

Under Article 356 the Governor is to report to the President that a situation has arisen in which the Government of the State cannot be carried out in
accordance with the provisions of the Constitution, such a report may sometimes be against a ministry in power for example, if it attempts to misuse its power to subvert the Constitution. It is clear that in such cases the report cannot be made according to ministerial advice, moreover no such advice will be available where a ministry has resigned and another alternative ministry cannot be formed. Thus in making report to the President under Article 356 the Governor exercises his discretion.

(vi) **The Discretionary Powers**

The Governor enjoys certain discretionary powers to be excercised in special circumstances, they are as following:

(a) The appointment of the Chief Minister. (Article 163).

(b) The dismissal of the ministry (Article 164).

(c) The dissolution of the legislative assembly, (Article 174).

(d) Advising the President for the proclamation of emergency under (Article 356).
<table>
<thead>
<tr>
<th>Country</th>
<th>Appointment</th>
<th>Removal</th>
<th>Tenure</th>
<th>Position</th>
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<tbody>
<tr>
<td>U.S.A.</td>
<td>The Governor of a State in the United States of America is directly elected by the people of the State. The Federal Government has nothing to do in the matter.</td>
<td>A State Governor may be removed by the process of impeachment by the State legislature. Some State Constitutions also provide for recall of a Governor by popular vote.</td>
<td>4 years</td>
<td>Real Head of State</td>
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<td>Australia</td>
<td>The Governor of an Australian State is appointed by the Crown on the advice of the British Cabinet who, however, in practice, consults the Prime Minister of the State concerned.</td>
<td>Like the Governor General himself, the Governor of a State holds office during the pleasure of the Crown. The Governor cannot be removed by the Governor – General and has no responsibility to the latter.</td>
<td>5 years</td>
<td>Constitutional Head of State</td>
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<td>Country</td>
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<td>Canada</td>
<td>Section 58 of the British North American Act takes away the prerogative of the British Crown to appoint Lieutenant. Governors of the Canadian Provinces with the advice of the British Cabinet and instead, provides for such appointment by the Governor General acting with the advice of the Dominion Ministry.</td>
<td>5 years</td>
<td>Constitutional Head of State</td>
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<td>Russia Federation (Samara Region)</td>
<td>The Governor of Samara Region is directly elected by the citizens who have right to vote on the basis of universal, equal and direct suffrage by ballot.</td>
<td>5 Years</td>
<td>Real Head of the State</td>
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<tr>
<td>India</td>
<td>The Governor of State is appointed by the President of India by warrant under his hand and seal or in other words are nominated by the Central Government.</td>
<td>5 Years</td>
<td>Constitutional Head of State</td>
<td></td>
</tr>
</tbody>
</table>

The Lieutenant – Governor of a Province may be removed by the Governor-General for cause assigned.