Bhanu's PPT

POLITY
- Part 7

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Governor

- Part VI of the Constitution deals with the government in the states.

- Articles 153 to 167 deal with state executive

- The State Executive consists of the Governor, the chief minister, the council of ministers and the advocate general of the state.

- Governor is the chief executive head of the state.

- Governor also acts as an agent of the central government.

- 7th Constitutional Amendment Act of 1956 facilitated the appointment of the same person as a governor for two or more states

Governor

- Governor is appointed by the President by warrant under his hand and seal.

- Governor is an independent constitutional office.

- He should be a citizen of India.

- He should have completed the age of 35 years.

- As a Convention: He should not belong to the state where he is appointed, so that he is free from local politics Second, while appointing the governor, the president is required to consult the chief minister of the state concerned.

- However both the conventions are not the force or mandatory.

Governor

- Governor should not hold any other office of profit.

- He is entitled for rent free accommodation

- He is entitled to such emoluments allowances and privileges as may be determined by Parliament

- He enjoys personal immunity from legal liability for his official acts.

- During his office he is immune from any criminal proceedings, even in respect of his personal acts. He cannot be arrested or imprisoned.

- The oath of office to the governor is administered by the chief justice of the concerned state high court.

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Governor

- A governor holds office for a term of five years subject to pleasure of the President which is not justifiable

- Governor can be transferred to other state, he can be reappointed after the tenure of 5 years.

- A Governor possesses executive, legislative, financial and Judicial powers more or less analogous to the President of India.

- The Powers and functions
Executive Powers
Legislative Powers
Financial Powers
Judicial Powers

Governor

EXECUTIVE POWERS:

- He can make rules for transaction of the business of a state government

- He appoints the Chief Minister and other Ministers. They also hold office during his pleasure

- There should be a Tribal Welfare minister in the states of Chhattisgarh, Jharkhand, Madhya Pradesh and Odisha appointed by him. Bihar was excluded from this provision by the 94th amendment Act of 2006.

- He appoints the Advocate General of a state and determines his salary. He appoints the state election commissioner,

- He appoints Chairman and members of the state public service commission but they can only be removed by the President of India and not by him

- He can recommend the imposition of constitutional emergency in a state to the President

- He acts as a Chancellor of Universities in the state

- He can grant pardons, remission of punishment but not death sentence

- He is consulted by the president while appointing the judges of the concerned state high court. He makes appointments, postings of district Judges

Governor

LEGISLATIVE POWERS:

- He can summon or prorogue the state legislature and dissolve the state assembly.

- He can address the House at the commencement of the first session after each general election and the first session each year

- He can nominate one member to the state assembly from the Anglo-Indian Community.

- He nominates the one sixth of the members of the state legislative council from amongst the persons having special knowledge. He decides on the question of disqualification of members of the state legislature in consultation with the election commission.

- Governor can give assent to the Bill passed by the legislature. He can withhold his assent to the Bill. He can return the Bill one time. He can reserve the Bill for the President. In case the Bill is endangers the position of High Court the reservation is obligatory. Other cases of reserve of the Bill. Bill is against the Constitution. Opposed to Directive Principles of Grave National importance. Dealing with compulsory acquisition of property under Article 31A of the Constitution.

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Governor

- 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.

FINANCIAL POWERS:

- He ensures that the State Budget is laid Money Bill can be introduced in the state legislature only with his prior recommendation

- He can draw funds from the Consolidated Funds for any expenditures he deems fit

- He constitutes a finance commission after every five years to review the financial position of the Panchayats and the municipalities.

Governor

MONEY BILL:

Every Money Bill after it is passed by the legislature is presented to Governor for his assent:

- He can give his assent.

- He cannot send it back to legislation for reconsideration.

- The Money Bill is introduced in assembly with his prior approval

- He may withhold his assent to the bill, the bill then ends and does not become an act.

- He may reserve the bill for the consideration of the president.

Quorum

- ASSEMBLY

  Quorum is the minimum number of members required to be present in the House before it can transact any business. It is ten members or one-tenth of the total number of members of the House including the presiding officer which ever is greater.

- LOK SABHA

  The presence of at least 10% of the total strength of House or about 55 members makes the quorum.

- RAJYA SABHA

  At least 10% members of the total strength so it is 25 members

Kesavananda Bharti Case

- 25th Amendment was challenged in Kesavananda Bharti case (1973), in which Supreme Court held that only first part of the Article 31-C (Overriding Article 14, 19 & 31) is valid, but second part which bars judicial review held unconstitutional

Minerva Mills case, 1980

- Supreme Court struck down the changes introduced by 42nd Amendment in Article 31-C & held them unconstitutional on grounds that total exclusion of Judicial Review would offend the Basic Structure of the Constitution

- Presently only Article 39-b and 39-c can be given precedence over Articles 14 and 19

Role of Tribunals

- Administrative tribunals run parallel to the court system

- Tribunals are less formal, less expensive and a faster way to resolve disputes than by using the traditional court system.

- Central Administrative Tribunal (CAT)

- Income Tax Appellate Tribunal (ITAT)

- Customs, Excise and Service Tax Appellate Tribunal (CESTAT)

- National Green Tribunal (NGT)

- And many more

Right to Privacy

- Supreme Court has laid down 4 fold test

  - ➤ Legality

  - ➤ Need

  - ➤ Proportionality

  - ➤ Process

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- Election System

Voter-verified paper audit trail (VVPAT)

- VVPAT is a method of providing feedback to voters using a ballot less voting system.

- VVPAT is intended as an independent verification system for voting machines designed to allow voters to verify that their vote was cast correctly.

- This is to detect possible election fraud or malfunction and to provide a means to audit the stored electronic results.

- It contains name of the candidate (for whom vote has been casted) and symbol of the party.

- The paper record is printed behind glass so that the voter may not take it or alter it.

NOTA

- In 2013, the Supreme Court ruled that the right to register a "none of the above" vote in elections should apply. Election Commission was directed to provide such a button in the Electronic Voting Machine

- In 2014 general election, NOTA polled 1.1% of the votes, counting to over 60,00,000.

- NOTA has been given specific symbol. The symbol is designed by National Institute of Design, Ahmedabad. The symbol was introduced in 2015 September.

- It is a ballot paper with a black cross across it.

NOTA

- NOTA choice is provided as option to the voters of India in most election

- Through the usage of NOTA, a citizen can choose not to vote for any candidates who are contesting the election

- NOTA originated in the United States in 1976.

- NOTA is considered as maturing of India's democracy

- At present NOTA votes even if more they are not considered in counting of votes for candidates winning the election on getting the highest votes

President Election

- Presidential election was held in July 2017.

- Governor of Bihar Ram Nath Kovind won . He got 2/3rd of votes. He defeated Ms. Meira Kumar.

- The President of India is indirectly elected by an electoral college consisting of the elected members of both houses of parliament, the elected members of the legislative assemblies of the 29 states and the elected members of the legislative assemblies of the Union Territories of Delhi and Puducherry.

President Election

- There were 777 MPs and 4120 MLAs.

- Total votes -1,098,903

- For Majority - 549,452

- The nomination of a candidate for the election to the office of the President must be subscribed by at least 50 electors as proposers and 50 electors as seconders.

- The election is held by means of a secret ballot under the single transferable vote system.

President Election

- The manner of election of President is provided by Article 55 of the Constitution.

- The returning officer for the election is the Secretary General of Lok Sabha.

- Special marker pen with violet ink was used. Personal pens were not allowed to be carried to voting room.

- The Mysore Paints and Varnish Limited made the special voting pens

- The pens were also serial-numbered.

Oath of President of India

- Given by the Chief Justice of India

CAN CHIEF JUSTICE OF INDIA WORK AS PRESIDENT OF INDIA

YES if both President and Vice President are not there

- CJI Justice Mohammad Hidayatullah has served as acting President of India.

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Vice President Election

- Vice President Mohammad Hamid Ansari, completed his second term on August 10, 2017.

- Venkaiah Naidu won the election and took oath as 13th Vice-President of India on Aug 11 2017.

- He defeated Gopal Krishna Gandhi.

- Vice-President is the ex-officio chairperson of the Rajya Sabha and functions as a speaker.

- Vice President is elected by an electoral college which includes members of the Rajya Sabha and the members of the Lok Sabha. Nominated members are also eligible to vote in the election process.

Vice President Election

- In the election, voting is done by a secret ballot and the members of parliament uses a special pen to mark their preference.

- Rajya Sabha- 233 elected and 12 nominated

- Lok Sabha – 543 elected and 2 nominated.

- A candidate contesting election needs the support of at least 20 electors who would be the proposers

- Rajya Sabha Secretary General Shumesher K Sheriff served as the Returning Officer.

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EVM. Electronic Voting Machine

- Electronic Voting Machines are used in India for conducting elections

- EVMs have replaced paper ballots in local state and general elections in India

- EVMs were first used in November 1988 assembly election

- They were used in 16 assembly constituencies- 5 in MP, 5 in Rajasthan and 6 in Delhi elections

- An EVM can record a maximum of 3840 votes. The total number of electors in a polling station are around 1500.

- An EVM can cater to a maximum of 64 candidates. The four Balloting Unit can be attached to one EVM. One Balloting Unit can have 16 candidates

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- JOIN US

- WE WILL UPGRADE YOU

- WE WILL TRANSFORM YOU

Thank You