

## Information under the Right to Information Act, 2005

### **Functions and Duties of the Governor**

The various constitutional provisions having bearing on Governor's office and his functions are as follows:

- (a) General
- (b) Legislative
- (c) Executive
- (d) Judicial
- (e) Emergency
- (f) Special provisions
- (g) Miscellaneous

### **General provisions**

General provisions relate to Governor's office, qualifications, appointments, tenure, conditions of office and protection of the Governor from legal processes. Article 153 of the Constitution states that there shall be a Governor for each State. Under Article 155 of the Constitution, the Governor is appointed by the President of India by Warrant under his hand and seal. The Governor holds office during the pleasure of the President of India (Article 156). The normal tenure of the Governor is five years from the date of assumption of office. However, the Governor shall continue to hold the office even after the expiry of his term until his successor enters upon his office. Governor shall not hold any other office of profit during his tenure as the Governor under Article 158(2). Under Article 158(3), Governor is entitled to rent-free official residence and such other emoluments, allowances and privileges as may be determined by Parliament by law. As contemplated under Article 158(3), the emoluments, allowances and privileges of Governors are determined under the Governors (Emoluments, Allowances and Privileges) Act, 1982 and the Governors (Allowances and Privileges) Rules, 1987. The emoluments, allowances of the Governor shall not be diminished during his term of office under Article 158(4).

The Governor is not answerable to any court for the exercise of his powers or performance of his duties pertaining to his office. He also enjoys immunity against criminal proceedings during the term of his office. No process for the arrest or imprisonment shall issue from any court during his term of office. No civil proceedings claiming relief against the Governor can be issued for the acts done in his personal capacity until a two months' notice has been served upon him stating the nature of the proceedings, the description of the parties etc. (Article 361).

### **Legislative functions**

Governor is a part of the Legislative Assembly (Article 168). He is vested with the authority for summoning, proroguing and dissolving the Legislative Assembly (Article

174). He appoints protem Speaker (Article 188). He addresses the House and sends messages for necessary action by the Legislative Assembly (Article 175 & 176). He decides on the disqualification of Members on advice of the Election Commission (Article 192). He assents to the Bills passed by the Legislative Assembly, or withholds assent, or reserves the Bill for President's assent (Article 200). Governor can issue ordinances when the Legislative Assembly is not in session (Article 213). His approval and recommendations are necessary for the following:

- (i) Annual Financial Statement (Article 202) popularly known as the budget;
- (ii) Demand for Grants [Article 203(3)];
- (iii) Supplementary, additional or excess grants (Article 205); and,
- (iv) Financial Bills (Article 207).

### **Executive functions**

The Executive functions of the Governor are as follows:

- (a) Appointment of the Chief Minister and other members of the Council of Ministers (Article 164);
- (b) Right to call for information from the Chief Minister (Article 167);
- (c) Discharge of Executive Business of the State on the aid and advice from the Council of Ministers and discretionary functions (Article 163); and,
- (d) Conduct of the entire Executive Business of the State in the name of the Governor (Article 166).

The constitutional functions of the Governor are normally expected to be discharged on the aid and advice of the Council of Ministers headed by the Chief Minister. There are however, some powers which may be exercised at his discretion. The following powers may be exercised by the Governor according to his discretion:

- (a) Appointment of Chief Minister (Article 164);
- (b) Assent to the bills or reserving the bills for President's consideration (Article 200);
- (c) Recommendations for President's Rule following failure of the Constitutional machinery in the States (Article 356); and
- (d) Special powers under Article 371 A.

### **Judicial functions**

The Judicial powers of the Governor include the following:

- (i) To pardon, suspend, remit or commute sentences (Article 161);
- (ii) Swearing-in of High Court Judges (Article 219);
- (iii) Appointment of District Judges (Article 233); and,
- (iv) Appointment of Advocate General (Article 165).

## **Emergency powers**

The Governor may entrust to the Central Government with its consent the functions lying within the executive power of the State (Article 258 A). Under Article 356, Governor can report to the President about the failure of the constitutional machinery in State and recommend proclamation of President's Rule.

## **Special powers and functions**

The Governor of Nagaland has special responsibilities with respect to law and order which shall be exercised after consulting the Council of Ministers on the basis of his individual judgment under Article 371 A. Similarly, he is also to ensure that money provided by the Government of India is included under the appropriate grant.

## **Miscellaneous powers and functions**

The miscellaneous power of the Governor include the following :

- (a) Appointment of the Chairman and Members of the Nagaland Public Service Commission (NPSC) (Article 316);
- (b) Suspension of NPSC Chairman and Members during the pendency of a reference in the Supreme Court [Article 317(2)];
- (c) Causing the placing before the Legislative Assembly the reports from the Comptroller and Auditor General (C&AG) [Article 151(2)];
- (d) Causing the placing before the Legislative Assembly the Annual Reports of the NPSC [Article 323(2)]; and,
- (e) Appointment of the State Chief Information Commissioner and State information Commissioners (Section 15 of the Right to Information Act, 2005).

The Governor is the Chief Rector of the Nagaland University. He is the ex-officio Chairman of the North East Zonal Cultural Center, Dimapur. He is the ex-officio President of the Rajya Sainik Board, Nagaland and Indian Red Cross Society, Nagaland State Branch. He is the Chief Patron of the Nagaland Bharat Scouts & Guides Association. He is also a member of the North Eastern Council.

## **Governor's Staff**

The Governor's establishment is organised into two wings which are as follows:

- 1) Secretariat.
- 2) Household.

The Commissioner & Secretary to Governor (CSG) is in the over-all charge of both the wings. The Governor's Secretariat provides administrative assistance to the Governor in the exercise of his constitutional and related functions. The Comptroller is in direct

charge of Governor's household which includes Raj Bhavan buildings, garden and vehicles. The total number of regular employees is 66.

The officers with designation in Raj Bhavan are listed below:

Sl.No.	Name	Designation	Scale of Pay (Rs.)
1	2	3	4
<b>Governor's Secretariat</b>			
1	Shri Pankaj Kumar, IAS	Commr. & Secretary to Governor (CSG)	18,000-500-22,000/-PM
2	Shri G.C. Das	O.S.D. to Governor	14,300-400-18,300/-PM
3	Shri Kevekha Kevin Zehol, NCS	Deputy Secretary to Governor	12,000-375-16,500/-PM
4	Shri K. Issac	P.P.S. to Governor	12,000-375-16,500/-PM
5	Shri Motuo Marcus Sote	Under Secretary to Governor	10,000-325-15,200/-PM
6	Shri Nandalal Kar	Sr.P.S. to CSG	10,000-325-15,200/-PM
7	Shri Saroj Kr. Sahoo	Superintendent	8,500-275-11,800-300-14,200/-PM
8	Shri George Abraham	Superintendent	8,500-275-11,800-300-14,200/-PM
<b>Governor's Household</b>			
1	Maj. V.S.Shekhawat	ADC to Governor	11,600-325-14,800/-PM
2	Shri L. Ben Longkumer	ADC to Governor	10,000-325-15,200/-PM
3	Shri U.K. Ghosh	Comptroller	8,500-275-11,800-300-14,200/-PM

The CSG is an IAS officer who can be drawn from any State Cadre. There are two Aides de Camp (AsDC) to Governor. They are drawn on deputation from the State Police and the Army.

The recruitment of the staff to Raj Bhavan is exempt from the purview of the Nagaland Public Service Commission (NPSC), thus giving complete freedom to the Governor to recruit the staff whom he may consider suitable. Barring the recruitment, the Raj Bhavan employees are normally governed by the Nagaland Secretariat Service Rules in all other matters.

### **Budget**

The Budget of the Raj Bhavan is a charged item of the State Budget as per Article 202(3)(a) of the Constitution of India. Charged estimates are not subject to vote of Legislative Assembly but there is no bar for discussion in the Assembly. However, as a matter of convention, Raj Bhavan budget is not discussed. The annual budget (revised)

of the Raj Bhavan was Rs. 212.39 lakh in 2006-07. The budget estimate for 2007-08 is Rs. 235.97 lakh.

### **Public Information Officers**

Shri Kevekha Kevin Zehol, Deputy Secretary to the Governor is the Public Information Officer (Tel: 0370-2245041/42/43/44 Extn. 195) and Shri M.M. Sote, Under Secretary is the Assistant Public Information Officer (Tel: 0370-2245041/42/43/44 Extn. 149). Shri Pankaj Kumar, Commissioner & Secretary (Tel: 0370-2242917) is the Appellate Authority for the Raj Bhavan under the Right to Information Act, 2005.

### **Governor's interaction with the public**

Requests are received from members of the public, officials, political leaders, representatives of various institutions and social workers to make a courtesy-call on the Governor. Such requests should be made well in advance. They may be faxed in writing to Governor's Secretariat (Fax: 0370-2242898) or made on telephone to Shri Ben Longkumer, ADC (P) (Tel: 0370-2242881; Mobile: 9436010440) or Maj. V.S. Shekhawat, ADC (A) (Tel: 0370-2242881; Mobile: 9436063512). Details like the name, designation, organization, purpose of meeting, contact no. and address etc. should be conveyed while placing the request for appointment.