

Hung Houses Bring Guv Role Into Focus

The Office Has Raised Brows In All Regimes

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New Delhi: Every time there is a hung assembly, it's the governor who uses his discretion that often favours the party or alliance at the Centre. Whether it is Maharashtra now, Karnataka last year or several other cases in the past, the focus had been on the governor's role in terms of inviting a party or alliance to form the government or giving it a longer rope to prove majority in the House.

In Maharashtra, governor Bhagat Singh Koshyari might have explored all available options before recommending President's rule. He was criticised for giving BJP more time and later setting a shorter deadline for Shiv Sena and NCP.

Koshyari may not have violated constitutional provisions — the matter is now under judicial review — but played close to the line in swearing in the Devendra Fadnavis-Ajit Pawar duo. The 14 days he gave for a floor test

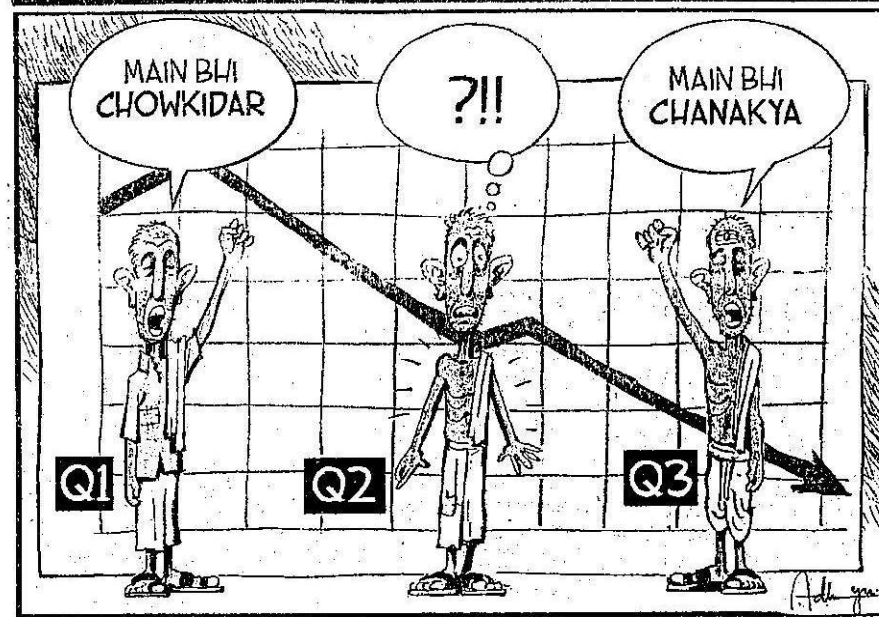
seemed excessive and the Supreme Court slashed it to a day. Though Fadnavis's resignation in wake of the SC's order of early floor test (by 5 pm on Wednesday) turned the table in favour of the Shiv Sena-NCP-Congress alliance, the development brought the governor's discretion under the shadow of controversy.

The role of the governor's office has been under scrutiny in all regimes. When the UPA assumed office, the governments of Nagaland and Goa were the first to go. During UPA-2, the BJP government in Karnataka was kept on tenterhooks with the governor sanctioning prosecution of then chief minister BS Yediyurappa.

In May 2018, Karnataka saw a questionable development when governor Vajubhai Vala granted 15 days time to Yediyurappa to prove his majority in a hung assembly. Even then, the SC had to intervene when opposition parties approached it and the court asked Yediyurappa to prove his majority early by curtailing the number of days given to him by the governor. Vala in that case even ignored the claim of the Congress-JD(S) despite the post-poll alliance having a higher

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number of MLAs. He invited BJP to form the government which was the single largest party without adequate numbers on its side.

There are many other examples where the governor acted in a manner which suited the ruling party at the Centre. The governor has wide powers on whom to invite but

must not be arbitrary and should follow due process.

Though the SR Bommai case asserted that floor test was the only way to decide the strength of an alliance, it did not clarify whether the single largest party or group should be taken as the pre-or post-poll alliance.

In 2016, Uttarakhand saw

a different scenario when governor KK Paul recommended President's rule instead of giving then Congress CM Harish Rawat a chance to prove majority when nine ruling party MLAs rebelled. The Uttarakhand high court quashed President's rule and Rawat proved his majority.

Cong questions Prez, guv roles in Maha saga

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New Delhi: Buoyed by the opposition's victory in the Maharashtra power tussle, Congress said the President's role in the "secretive" installation of Devendra Fadnavis as CM had come under suspicion, underlining that the Supreme Court had passed strictures against the top-most office in the past.

Urging the SC to probe the sequence of decisions leading up to Fadnavis's oath on Saturday, Congress spokesman Manish Tewari said, "We hope SC will go into the details of what was the governor's recommendation, did President apply his mind to it, when did the President decide to lift President's rule and what time did he send his report to MHA? When did the governor acknowledge the letter to form government?" He said President's role in the issue was under question and the SC had made remarks against the President in similar situations earlier.