

Abuse of Discretionary Power by Governor

Why in news?

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The Karnataka Governor has exercised his discretion and has called BJP to form the government.

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What are the discretionary powers of the Governor?

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- The Governor exercises his discretion at following instances -
- Selecting a chief minister after elections when there is hung assembly.
- Dismissing the government, if the cabinet no longer holds the confidence of the house.
- Dissolving the Legislative Assembly due to political instability.
- Advising the President to proclaim emergency if the conditions in state are not viable for normal conduct of the government.

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How did the Karnataka Governor misuse his powers?

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- Governor could not call the party with majority votes i.e., BJP to form government as there was no simple majority.
- But the Governor called the BJP to form the government and prove its majority within 15 days.
- This act is seen as abuse, because the Governor did not take into account the other two major parties Congress and JDP.

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- Even though these parties did not gain majority they formed post poll alliance and thus had majority to form the government.

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- Since the post of Governor is seen as a link between the Union and State Government, this decision is seen as an act to align with the ideals of the government at the centre and not with people.

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What are the concerns due to abuse of power by Governor?

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- The people will lose faith in the office of Governor who in most cases act like an agent of the union government and not as an independent office.

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- The union government is able to control the affairs of the states with the Governor who is appointed by them and reports directly to the President.

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- Abusing the discretionary powers while selecting the parties to form government will break the democratic set up as government is formed by parties who did not have majority support of people.

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Source: The Hindu

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