

ENDLESS DELAY: THE HINDU EDITORIAL ON THE CONDUCT OF GOVERNORS AND LEGISLATIVE AGENDA

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The frequency with which the conduct or inaction of Governors comes up for judicial scrutiny reflects poorly on the state of relations between incumbents in Raj Bhavans and the respective Chief Ministers. The [Supreme Court will soon hear an extraordinary petition](#) from the Telangana government, seeking a direction to the Governor, Dr. Tamilisai Soundararajan, to grant assent to Bills passed by the State Assembly. Recently, the [apex court disposed of a petition from the Punjab Government](#) that was aggrieved by an alleged delay in the Governor summoning the Assembly. The matter was resolved when it was submitted on behalf of the Governor that the Assembly would meet on the day desired by the State government. In earlier decades, a petition seeking a direction to Governors or questioning their inaction on constitutional matters would have been thrown out at the threshold itself. However, such is the extent to which the gubernatorial office is being overtly politicised by those holding it that courts may now be constrained to examine whether such inaction is justified. One sees a disturbing tendency in recent years of some Governors making use of the absence of a time-frame in the Constitution to indefinitely delay decisions. This tactic effectively stalls the elected regime's legislative agenda.

The conflict between Raj Bhavan and the Chief Minister's office witnessed in several States is quite acute in Telangana. Dr. Soundararajan has alleged that she is being boycotted by Chief Minister K. Chandrashekar Rao and that her queries are not being answered. The State government, for its part, is apparently upset that she may be trying to act independent of the Cabinet. A recent tweet from her account the day after the State government went to court — conveying a message that Raj Bhavan was closer than Delhi — indicates that her stand is linked to her view that the government is unfriendly and discourteous. These considerations ought not to matter on constitutional issues. The Governor can either grant assent to a Bill or decline it, or reserve it for the President's consideration. In suitable cases, it may also be returned for reconsideration. However, none of this should be based on the Governor's personal view on the Bill's content. One can understand an occasional query if any Bill seemingly violates fundamental rights, but a relevant question that requires an authoritative pronouncement from the court is whether the Governor should decide on its legality or the legislature's competence each time a Bill is presented for assent. As the Supreme Court remarked recently, dialogue between constitutional functionaries should not become a race to the bottom. Constitutional functions should not be held hostage to political and personal differences.

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