

CONSTITUTIONAL TYRANNY: THE HINDU EDITORIAL ON RAJ BHAVAN'S USE OF THE VETO

Relevant for: Indian Polity | Topic: Executive: Structure, Organization & Functioning ; Ministries and Departments of the Government

To enjoy additional benefits

CONNECT WITH US

November 20, 2023 12:30 am | Updated 12:30 am IST

COMMENTS

SHARE

READ LATER

Tamil Nadu Governor R.N. Ravi's act of [withholding assent to Bills](#) concerning universities in the State is nothing but constitutional tyranny. It is gross abuse of the power granted by the Constitution to give or refuse assent to Bills passed by the legislature. The grant of assent is a routine function of the titular head of state, and the exceptional power to withhold it is not meant to be exercised unreasonably. Rather, incumbents in Raj Bhavan ought to use this veto rarely, and only in flagrant instances when basic constitutional values are at stake. The Bills for which Mr. Ravi has refused approval, seek mainly to take away the Governor's power to appoint Vice-Chancellors of universities and vest it in the State government. There is nothing in these Bills for the Governor to disapprove of, save a vested interest to retain the powers conferred on him in his capacity as Chancellor. The rejection of the Bills appears to be a cantankerous response after the [Supreme Court made well-justified remarks on Governors delaying assent to Bills](#) pending with them. On its part, [the DMK government quickly convened a special session of the Assembly and adopted the same Bills again](#). The question arises whether it was under the belief that the Governor is bound to grant assent, if the same Bills were reconsidered and passed again by the House.

The statute position is that these Bills have failed to become law. There is no remedy in the Constitution for a House aggrieved by the rejection of its Bills. The proviso to Article 200, which makes the Governor's assent mandatory for Bills passed a second time, does not apply to Bills for which assent has been 'withheld', a term that essentially means 'rejected'. If the government was aware of this position and still ventured to adopt them again, it is possibly meant as a political message that it will not yield in the matter of pursuing its legislative measures. The effect of their fresh passage is that the Governor may treat them as fresh Bills. This means he is free to withhold assent yet again. In a sense, the Governor's action has helped highlight an undemocratic and anti-federal feature in the Constitution that creates an unguided power to reject pieces of legislation passed by elected representatives. In its observations in ongoing proceedings concerning the Governor's powers, the Court has drawn attention to the fact that Governors are not elected. The [Court must examine](#) whether vesting that office with a veto over legislation violates parliamentary democracy, a basic feature of the Constitution. An authoritative pronouncement is needed to end the scope for partisan mischief.

COMMENTS

SHARE

[Tamil Nadu](#) / [Governor](#) / [constitution](#) / [laws](#) / [government](#) / [Dravida Munnetra Kazhagam](#) / [university](#) / [democracy](#)

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our [community guidelines](#) for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

CrackIAS!