

# MPPSC MAINS

Don't  
write  
here

Q Discretionary powers of Governor and its misuse? (150)

A As per Article 153 there is a Governor for state, appointed by the president. Governor plays a dual role in state polity and enjoys certain discretionary powers.

Discretionary Powers (function) → Specific (mentioned in Constitution)  
A-371, A-371A-H

→ Circumstantial (Not defined in Constitution)

- Circumstantial Powers include calling up a person to be appointed as Chief Minister when (After general election, Resignation/Death of Chief Minister) or dissolving the Council of Ministers (in case if majority can't be proved; President rule).

- These powers are undefined and can be used by Governor as he deems fit

- 1952 Tamil Nadu, then 1998 in Goa and recently in 2018 Karnataka there have been instances where Governors have used their discretionary powers while calling a non majority party leader, giving less time to prove majority to a candidate ruling party CM (according to his will) and not calling the majority party again.

# MPPSC MAINS

Q.no

The <sup>Discretionary</sup> powers of Governor are indefinite and unlimited Hence there should be some limitations

on these powers i.e (1) Equal <sup>Appropriate</sup> time should be given to <sup>minority</sup> majority (2) Majority party should

be called first and not according to will of Governor (3) Supreme Court judgment on

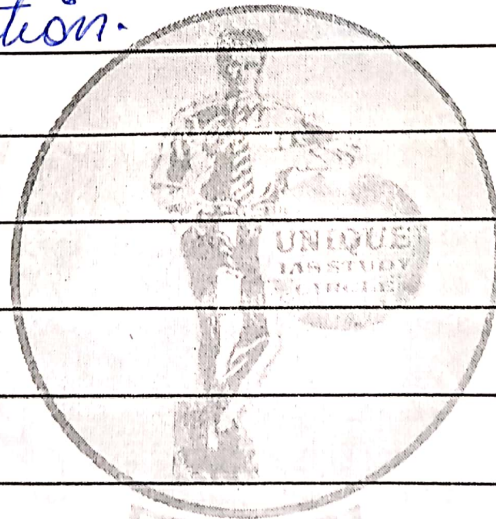
SR Bommai Case and Recommendations of Sarkaria committee can be the step in

right direction.

*Excellent!*

#1

**BHOPAL**

Established since: 1990