Hung Assembly - Goa & Manipur

Why in news?

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Governor of Goa ignored the established principle of inviting the single largest party and appointed BJP leader Manohar Parrikar as the CM.

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What is the situation?

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- The Congress has won 17 seats in Goa and the BJP has 13 MLAs in a House of 40.
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- The Governor did not consult the single largest party and invited BJP, who formed an alliance, to form the government.
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- A similar situation has developed in Manipur, where its Governor invited the BJP to form the government, which won fewer seats than the Congress.
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- These parties did not fight the election as part of a coalition.
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- So the Congress should have been invited first.
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- The BJP’s claim should have been considered only if the Congress pleaded inability or failed the floor test.
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- It should not be based on who forms the alliance faster.
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- Speed cannot be the overriding or pressing consideration for the governor while assessing a party’s claim to form government.
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- Therefore decisions by both the Governors reflect partisanship.
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What are Sarkaria Commission recommendations?

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- The Constitution of India does not mandate any procedure to be followed by the Governor, in case of hung assembly.
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- The convention of inviting the single largest party in such a case has been outlined by the Sarkaria Commission, which studied Centre-state relations in the 1980s.
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- It specifically dealt with the situation where no single party obtained absolute majority.
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- It provided the order of preference the Governor should follow in selecting a CM in such a situation –
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1. **An alliance of parties** that was formed prior to the elections.
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2. **The single largest party** staking a claim to form the government with the support of others, including independents.
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3. **A post-electoral coalition of parties**, with all the partners in the coalition joining the government.
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4. A post-electoral alliance of parties, with some of the parties in the alliance forming a government and the remaining parties, including independents, supporting the government from outside.
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- They were affirmed by a Constitution Bench of the SC in Rameshwar Prasad v Union of India in 2005.
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What are Punchhi Commission recommendations?

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- The Justice M.M. Punchhi Commission on Centre-State Relations in 2010 laid down some guidelines to be followed in the appointment of a chief minister

by a governor.
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- It also said the governor should invite the leader of “a pre-poll alliance commanding the largest number” or the “largest single party” to form the government in case no party or pre-poll coalition has a clear majority.
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- According to Bommai judgment, such a CM must prove the majority on the floor of the assembly.
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What was SC’s ruling?

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- Congress filed a petition challenged the Governor’s decision in the Supreme Court.
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- SC asked the BJP government in Goa to prove its majority within 48 hours, instead of the 15 days’ time given by the Governor.
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- But it was a half-measure.
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- It should have upheld the principle of inviting the single largest party first.
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