



Hung Assembly - Goa & Manipur

Why in news?

\n\n

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

\n\n

What is the situation?

\n\n

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

\n\n

What are Sarkaria Commission recommendations?

\n\n

\n

- The Constitution of India does not mandate any procedure to be followed by the Governor, in case of hung assembly.
\n
- 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.
\n
- It specifically dealt with the situation where no single party obtained absolute majority.
\n
- It provided the order of preference the Governor should follow in selecting a CM in such a situation -
\n

\n\n

\n

1. **An alliance of parties** that was formed prior to the elections.
\n
2. **The single largest party** staking a claim to form the government with the support of others, including independents.
\n
3. **A post-electoral coalition of parties**, with all the partners in the coalition joining the government.
\n
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.
\n

\n\n

\n

- They were affirmed by a Constitution Bench of the SC in Rameshwar Prasad v Union of India in 2005.
\n

\n\n

What are Punchhi Commission recommendations?

\n\n

\n

- 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.
\n

- 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.

\n

- According to Bommai judgment, such a CM must prove the majority on the floor of the assembly.

\n

\n\n

What was SC's ruling?

\n\n

\n

- Congress filed a petition challenged the Governor's decision in the Supreme Court.

\n

- SC asked the BJP government in Goa to prove its majority within 48 hours, instead of the 15 days' time given by the Governor.

\n

- But it was a half-measure.

\n

- It should have upheld the principle of inviting the single largest party first.

\n

\n

