Kerala Governor misuses his Constitutional Power

Why in news?

- Kerala Governor Arif Mohammad Khan refuses permission to convene special assembly session against farm laws.
- However, later he accepted the government's amended request for convening the session.

Why he refused to convene the session?

- He questioned the urgency of the special session and said that the Assembly lacked the jurisdiction to offer a solution to the farmers' protest.
- Earlier he questioned a resolution passed by the Kerala Assembly on the Citizenship (Amendment) Act.
- He also made public statements supporting the CAA and the farm laws.

How did the state government reacted to this?

- Kerala Chief Minister said that the Governor has no discretionary powers in this matter & his actions are unconstitutional.
- Opposition parties in the state also stood by the state government.

What does this action of the Governor indicate?

- Governor's refusal to convene assembly undermines duly elected State governments.
- He has encroached upon the powers of the state legislature and the elected government which undermines the democratic processes.
- His actions in defending the Centre and questioning the State on sensitive topics portrays him as partisan& can weaken federalism.
- Such partisan behaviour can tarnish his personal reputation as a fair-minded public figure.
- This action is comparable to that of Rajasthan Governor who refused to convene a session of the Assembly in July last year as demanded by the Chief Minister.

What was done in the special session of the assembly?

- On December 31, one-day session sought the repeal of the central laws that are at the heart of the ongoing farmer agitation.
- A resolution was passed unanimously with the support ruling LDF, the opposition UDF & the lone BJP member.
- It raised procedural and substantive questions related to these laws in the resolution& highlighted the fact that agriculture is a State subject.
- It also said that since the matter seriously affects the States,these Bills should have been discussed in the inter-State council meeting.
- They are passed in haste without even referring them to the Standing Committee of the Parliament which the Assembly termed "a serious matter."
- It has become habitual for the Centre to overlook regional concerns & central agencies are used to intimidate Opposition-ruled States.
- The Council of States (Rajya Sabha) is systematically undermined by arbitrarily labelling bills as money bills.

Source: The Hindu

