# Pleasure of Governor

## What is the issue?

*Kerala Governor Arif Mohammed Khan gave an indirect threat that he can independently dismiss the Ministers of the State.*

## What is the story behind?

- Kerala Governor is locked in a standoff with the elected government on a range of issues including appointments to the state-run Kerala University.
- He threatened to sack ministers whose statements "lowered the dignity" of his office as their statements can invite action including withdrawal of pleasure.

## Is the Governor's claim right?

- Kerala Governor's claim is neither in keeping with the dignity of his office nor in line with the Constitution.
- **Article 164** of the Constitution says the Chief Minister shall be appointed by the Governor and other Ministers shall be appointed by the Governor on the Chief Minister's advice.
- It also adds that "the Ministers shall hold office during the pleasure of the Governor".
- There have been instances of Governors dismissing Chief Ministers, but those were related to constitutional situations in which the legislative majority of the incumbent ministry was in doubt.
- It is also now judicially determined that the question of majority can be answered only on the floor of the legislature through a confidence vote.
- Nothing in the Article means that the Governor may independently dismiss a Minister.

> *The pleasure doctrine (Pleasure of the Governor) exists only in a constitutional sense, and is exercised by the Governor only on the advice of the Chief Minister.*

## What is the context of this confrontation?

- The context for this particular confrontation appears to be the Governor's reluctance to grant assent to the Kerala University Laws (Amendment) Bill, 2022.
- Higher Education Minister's remark that the Governor should return the Bill for reconsideration instead of withholding his approval indefinitely was a possible trigger for his comment.
- While Governors may differ with the contents of a Bill and may exercise the available constitutional options, they should not use their powers to stall legislation unpalatable to them.

- **Legality** - The office of Chancellor is created by the statute that establishes a university.
- The legislature is equally competent to curtail the Chancellor's powers or even abolish the system of having the Governor as Chancellor.
- Even the M.M. Punchhi Commission, which reviewed Centre-State relations, recommended that Governors should not be burdened with the role of Chancellors.
- It is time to implement this principle. Governors seem to have an exaggerated notion of their own roles under the Constitution.
- They are expected to defend the Constitution and may use their powers to caution elected regimes against violating the Constitution.
- But, this does not mean that they can use the absence of a time-frame for decision-making and the discretionary space given to them to function as a parallel power centre.

**Reference**


1. The Hindu | Whose pleasure? On Kerala Governor's remarks
2. Indian Express | Tussle in Kerala



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