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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