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POLITY AND GOVERNANCE

THE ROLE OF THE GOVERNOR IN LEGISLATURE

CONTEXT: Tamil Nadu Governor R. N. Ravi has 'withheld' assent for certain Bills passed by the Tamil Nadu Legislative Assembly. The court expressed displeasure on similar delays by Governors of Telangana, Punjab and Kerala.



Article 200 of the Constitution lays down that every ordinary bill passed by State Legislature is presented to the Governor of State for the assent. There are 4 alternatives before the Governor of State:

1. **GIVE ASSENT TO THE BILL:** The Governor of State can assent the ordinary bill duly passed by both Houses of the bicameral State Legislature. The bill becomes an Act.
2. **SUSPENSORY VETO:** The Governor of State can return ordinary legislative bills duly passed by State Legislature for its reconsideration. The State Legislature can override the "suspensory" veto powers enjoyed by the Governor of State in the first instance with re-passage of the bill by a simple majority with or without amendments. Hence, the Governor of State enjoys only suspensory veto powers in the first instance. The Governor of State can reserve the bill for consideration of the President of India. The President can assent, withhold assent or return the non-Money bill reserved by the State Governor for reconsideration of the State Legislature.
3. **RESERVE THE BILL FOR THE PRESIDENT OF INDIA:** The Governor of State can reserve an ordinary Bill towards the President of India under Article 201 of the Indian Constitution. The role of the Governor of the State is

extinguished thereafter. The President of India enjoys the following options over an ordinary bill reserved by the State Governor under Article 201 of the Indian Constitution.

- a. **GIVE HIS ASSENT TO THE BILL:** The President of India can assent the ordinary bill duly passed by both Houses of the bicameral State Legislature. The bill becomes an Act. Such a law overrides over the laws enacted by the Parliament of India in event of inconsistency between laws enacted between the Parliament of India and State Legislature.
- b. **SUSPENSORY VETO:** The President of India can return ordinary legislative bills duly passed by State Legislature for its reconsideration via the Governor of State. However, the State Legislature cannot override the "suspensory" veto power of the President of India in the first instance with re-passage of the bill by a simple majority with or without amendments. In other words, the President can still return such an ordinary bill passed by the State Legislature by a simple majority with or without amendments. Unlike the Governor of State, who enjoys suspensory veto powers only in the first instance with regard to an ordinary bill passed by the State Legislature, the President of India enjoy suspensory veto rights indefinitely.
- c. **POCKET VETO:** The President of India can withhold the assent of an ordinary bill indefinitely.
4. **POCKET VETO:** The Governor of State can withhold the assent of an ordinary bill indefinitely.

The Supreme Court in the Shamsher Singh case (1974) held that the Governor does not exercise their discretionary powers while withholding assent or returning a Bill to the State Legislature. They are required to act as per the advice of the Council of Ministers. The situation of 'withholding assent' may arise in case of a Private Members' Bill (any Member of State Legislature other than a Minister) passed by the State Legislature, which the council of ministers do not want to be enacted into a law. In such an instance, they would advise the Governor to 'withhold assent'. However, this is an unlikely scenario as the council of ministers who enjoy a majority in the Legislative Assembly would not allow the passage of such a Bill. Secondly, if the incumbent government whose Bill has been passed by the legislature falls or resigns before it is assented to by the Governor, the new council may advise the Governor to 'withhold assent'.

The Governor enjoy discretionary powers to reserve ordinary and Money Bills duly passed by the State Legislature to the consideration of the President under Article 201 of the

Indian Constitution. The Governor of the State is obliged to reserve the bill for the consideration of the President, where the bill passed by the state legislature endangers the position of the State High Court. In addition, the Governor can also reserve the bill with provisions of the following nature:

1. Contains ultra-vires provisions, i.e., against the provisions of the Constitution.
2. Provisions in bill oppose the Directive Principles of State Policy.
3. Dealing with compulsory acquisition of property under Article 31A of the Constitution.
4. Provisions against the larger interest of the country.
5. Provisions of grave national importance.

Committee recommendations

The Sarkaria Commission (1987) has submitted that it is only the reservation of Bills for consideration of the President, that too under rare cases of unconstitutionality, that can be implied as a discretionary power of the Governor. Save in such exceptional cases, the Governor must discharge his functions under Article 200 as per the advice of ministers. It further recommended that the President should dispose of such Bills within a maximum period of six months. In the event of the President 'withholding assent', the reasons should be communicated to the State Government wherever possible.

The Punchhi Commission (2010), had recommended that the Governor should take a decision with respect to a Bill presented for their assent within a period of six months. However, these recommendations have not been implemented till date.

Resolving the impasse

The underlying disease that has plagued our federal set up has been the politicisation of the gubernatorial post. As per our Constitutional scheme, there is a need for a nominal head of the State executive just like the President for the Union executive. Further, the Governor acts as an appointee of the Centre who may be required for maintaining the unity and integrity of the nation in critical times. However, federalism is a basic feature of our Constitution and the Governor's office should not undermine the powers of elected governments at the States.

The Constitution may be amended to provide that the Chief Ministers shall be consulted before appointment of the Governors. The recommendation of the Punchhi Commission that Governors may be removed through an impeachment by the State Legislature can also be considered. This would arm the State legislatures with the power to remove an uncooperative Governor. These amendments would have a salutary effect on the Central and State Governments resulting in responsible cooperation in the matters of appointment and functioning of the Governors.

"Intelligence plus character-that is the goal of true education. — Martin Luther King Jr."



INTERNATIONAL RELATIONS

'77 INDIAN MILITARY PERSONNEL IN MALDIVES, PACTS REVIEWED'

CONTEXT: President Mohamed Muizzu formally requested India to withdraw 77 Indian military personnel in the Maldives and plans to review more than 100 agreements signed with New Delhi.



During a meeting with Union Minister of Earth Sciences Kiren Rijiju here on Saturday, Mr. Muizzu officially requested the Indian government to have their military personnel removed from the Maldives.

At a press conference here, the Undersecretary for Public Policy of the Presidential Office, Mohamed Firuzul Abdul Khaleel, said the new administration had established that there are 77 Indian military personnel in the Maldives. There were 24 Indian military personnel to manage the first helicopter, 25 to manage the Dornier aircraft, and 26 to manage the second helicopter, and two more for maintenance and engineering.

The Maldives is one of India's key maritime neighbours in the strategic Indian Ocean Region and the overall bilateral ties, including in areas of defence and security, have been on an upward trajectory under the government of Ibrahim Mohamed Solih.





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INTERNAL SECURITY

IAF CHIEF STRESSES NEED TO INVEST IN NEW TECHNOLOGIES

CONTEXT: Air Chief Marshal V.R. Chaudhari, the Indian Air Force (IAF) chief on speaking at a session on aerospace and defence in the Synergia Conclave 2023 stressed the need for investing in new and disruptive technologies.



Air Chief Marshal Chaudhari stressed the need for a joint and consolidated effort on the part of all stakeholders - defence PSUs, private industries, academia, and all others to facilitate the process of aligning technologies that will enable our armed forces to emerge victorious in any future conflict.

The IAF chief said Artificial Intelligence (AI) might not replace human ingenuity, and technological innovations could ensure enhanced survivability, the flexibility of machinery, and effective combat for winning strategies.

Technologies can be applied in terms of stealth, self-healing structures, powerful health monitoring and diagnostics systems, and more efficient engines. Therefore, AI and machine learning can facilitate improvements within the aerospace and defence sector.

POLITY AND GOVERNANCE

STEERING ROAD SAFETY IN INDIA BACK ONTO THE RIGHT LANE

CONTEXT: The United Nations World Health Organization (WHO) estimates an annual road accident-related mortality of 3,00,000 in India, equivalent to more than 34 people every hour of every day. Last week, the Government released a report that 2022 was the most fatal year for traffic crashes in India.

Almost one in every four road deaths around the world takes place in India. Road safety is a global problem, with 1.3 million people killed in road crashes every year. November 19, celebrated the World Day of Remembrance for Road Traffic Victims to provide a platform for road traffic victims and their families to remember, support and act, such figures should serve as a wake-up call to all of us. An immediate, coordinated and evidence-based interventions to boost road safety and drastically reduce the daily human tragedies behind the alarming statistics.

This will require strategic investments in road safety measures, concerted political will at the national, State and local levels, and a change of collective mindset — after all, every one of us is a road user in some way — to understand and tackle the scale and importance of the challenge. The number of people suffering life-altering injuries in road crashes is exponentially higher even than that. In India, road crashes are estimated to cost between 5 % and 7 % of national GDP.

Focus areas for better safety

Priority areas must include enforcing the use of seatbelts not just for drivers but also for their passengers. Wearing a seatbelt reduces the risk of death among drivers and front-seat occupants by 45% to 50%, and the risk of death and serious injuries among rear-seat occupants by 25%. Similarly, helmet use must be enforced among motorcyclists as well as their pillion passengers. Correct helmet use can lead to a 42% reduction in the risk of fatal injuries.

Indeed, vulnerable road users, who include pedestrians, cyclists and the riders of two-wheelers, account for almost three quarters of road deaths in India. And passengers unbelted in the back seat are not only risks to themselves upon impact but also to those in the front seat.

Speeding must be reduced and there can be no tolerance for drink-driving; a recent report by the Government revealed that speeding led to 70% of India's road crash deaths. Road infrastructure should be enhanced — too many roads are not in a safe condition, although government programmes in recent years have led to rapid improvements — and large-scale public awareness campaigns such as the new UN global campaign for road safety #MakeASafetyStatement, involving international celebrities, must be undertaken to secure behavioural changes.

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The call to action is not new. The Sustainable Development Goals, created in 2015, include a target (3.6) to halve the number of global deaths and injuries from road crashes and a call (11.2) to make public transport safer, more affordable and more accessible to all.

The implementation of the Motor Vehicles (Amendment) Act, 2019, and enhanced data collection from road crashes, are impactful measures that will help experts better understand where and why crashes are occurring, and, therefore, how to reduce them.

Road safety is a complex and multi-dimensional challenge, but the benefits that come with addressing it can be equally profound. A comprehensive safe a whole-of-society effort approach as envisaged in the UN's the Second Decade of Action for Road Safety 2021-2030, and full implementation of the Motor Vehicles (Amendment) Act 2019 is needed.



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POLITY AND GOVERNANCE

TELANGANA LEADS IN ECONOMIC INDICATORS, LAGS IN SOCIAL MEASURES

A comparison of the economic, social, and environmental indicators of the poll-bound State with the indicators of other States shows that Telangana's economic performance is better than many States. However, this has not translated into better outcomes in measures related to women empowerment and child development. In fact, across many social indicators, the State features at the bottom half of the rankings. Also, its performance worsened between 2015-16 and 2019-21. Temporal comparisons across many indicators were not possible as Telangana is a relatively new State.

Telangana's report card

The data for the charts were sourced from the National Family Health Surveys, the Global Data Lab and NITI Aayog

Table 1

Indicator	2019-21				2015-16	
	Value	Telangana's rank	Top major States	Change from 2015-16	Value	Telangana's rank
Female population aged 6 years and above who ever attended school (%)	60.9	30 of 30	Kerala: 95.5; Himachal: 81; T.N.: 80.4	-4	62.6	26 of 30
Women aged 20-24 years married before 18 years of age (%)	23.5	23 of 30	Himachal: 5.4; Kerala: 6.3; Punjab: 8.7	-2	26.2	21 of 30
Infant mortality rate (per 1,000 live births)	26.4	15 of 30	Kerala: 4.4; T.N.: 18.6; West Bengal: 22	-5	27.7	10 of 30
Stunted children (low height-for-age) (%)	33.1	19 of 30	Kerala: 23.4; Punjab: 24.5; T.N.: 25	9	28	8 of 30
Wasted children (low weight-for-height) (%)	21.7	26 of 30	Punjab: 10.6; Haryana: 11.5; Uttarakhand: 13.2	-10	18.1	16 of 30
Underweight children (low weight-for-age) (%)	31.8	21 of 30	Punjab: 16.9; Kerala: 19.7; Uttarakhand: 21	-6	28.4	15 of 30
Households with any member covered under a health insurance/financing scheme (%)	60.8	8 of 30	Rajasthan: 87.8; Chhattisgarh: 71.4; Andhra: 70.2	-5	66.4	3 of 30
Population that use an improved sanitation facility (%)	76.2	15 of 30	Kerala: 98.7; Punjab: 86.6; Haryana: 85	6	52.3	21 of 30

Table 2

Indicator (2020)	Value	Telangana's rank	Top major States
ANER* in elementary education (Class 1-8)	93.69	9 of 30	Karnataka, Himachal, Uttarakhand
Average annual drop-out rate at secondary level (Class 9-10)	13.5	12 of 30	Himachal, Kerala, Odisha
GER* in higher secondary (class 11-12)	56.5	12 of 30	Himachal, Kerala, Tamil Nadu
GER* in higher education (18-23 years)	36.2	7 of 30	T.N., Himachal, Uttarakhand

Table 6

Indicator	Value	Telangana's rank	Top major States
Average hazardous waste generated (per 1,000 population in metric tonnes in 2018)	9.93	22 of 28	Bihar, U.P.
Average plastic waste generated (per 1,000 population in tonnes, 2018-19)	4.94	26 of 30	Chhattisgarh, Himachal

Table 3: Per capita NSDP

2021-22		
Value	Telangana's rank	Top major States
2,65,942	4 of 27	Telangana, Karnataka, Haryana

Table 4: % population in the lowest two wealth quintiles (2020)

Value	Telangana's rank	Top major States
26	13 of 30	Kerala, Punjab

Table 5

Indicator (2020)	Value	Telangana's rank	Top major States
Manufacturing GVA as a % of total	11.5	17 of 30	Uttarakhand, Gujarat, Himachal
Manufacturing employment as a % of total	12.9	8 of 30	Gujarat, Punjab, Tamil Nadu

Table 7: HDI

2021		
Value	Telangana's rank	Top major States
0.647	17 of 30	Kerala, Himachal, Punjab

GVA*: Gross value added,
ANER*: Adjusted Net Enrolment Ratio,
GER*: Gross Enrolment Ratio



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