

1. Enumerate the constitutional provisions governing the relationship between the Governor and the Chief Minister in India. Discuss the causes and implications of conflicts between these two offices.

The relationship between the Governor and the Chief Minister is a cornerstone of state governance in India, reflecting a delicate balance between ceremonial duties and executive power. This intricate dynamic often shapes the political landscape, highlighting both cooperation and contention within the framework of constitutional provisions.

Constitutional Provisions Governing the Relationship:

Approach: Chronology Method: Appointment of C.M->Appointing Council of Ministers

Communication of Decisions, Discretionary powers

1. Appointment of the Chief Minister:

- The Governor appoints the Chief Minister. (Article 164(1))
- The Chief Minister must be a member of the legislative assembly and enjoy the majority support.

2. Council of Ministers:

- The Chief Minister advises the Governor on the appointment of other ministers. (Article 164(1))
- The Council of Ministers, headed by the Chief Minister, is collectively responsible to the legislative assembly. (Article 164(2))

3. Communication of Decisions:

- The Chief Minister must communicate all decisions of the Council of Ministers to the Governor. (Article 167(c))

4. Governor's Discretionary Powers:

- The Governor can use discretionary powers in certain situations, such as reserving a bill for the President's consideration. (Article 200)
- The Governor can also use discretion in case of a constitutional crisis. (Article 356)

Causes of Conflicts:

Approach: Chronology Method: Appointment of C.M->Appointing Council of Ministers

1. Differences in Political Affiliation:

- Conflicts often arise when the Governor and the Chief Minister belong to different political parties.
- Example: The Punchhi Commission Report (2010) highlighted political differences as a frequent cause of conflict.

2. Use of Discretionary Powers:

- The Governor's discretionary powers can be a source of friction, particularly in cases of reservation of bills or imposition of President's rule.

3. Appointment and Dismissal of Ministers:

- Disputes can occur over the Governor's role in the appointment and dismissal of ministers.
- Example: In the case of Nabam Rebia & Bamang Felix vs. Deputy Speaker (2016), the Court ruled against the arbitrary use of the Governor's power to dismiss the government.

4. Administrative Decisions:

- Conflicts can arise from disagreements over administrative decisions and the extent of the Governor's interference.
- Example: The Governor's role in university appointments (Kerala) and other state functions.

Implications of Conflicts:

Approach: Political, Executive, legislative, judicial, think in these dimensions

1. Administrative Disruption:

- Prolonged conflicts can lead to administrative paralysis, affecting governance and public service delivery.
- Example: Instances from states like Arunachal Pradesh and Karnataka have shown administrative disruptions due to Governor-Chief Minister conflicts.

2. Political Instability:

- Frequent clashes between the Governor and the Chief Minister can lead to political instability in the state, undermining the mandate of the elected government.
- Example: The political crisis in Maharashtra in 2019 highlighted the destabilizing effect of such conflicts.

3. Judicial Intervention:

- Conflicts often result in judicial intervention, where courts have to interpret constitutional provisions and settle disputes.
- Example: The Supreme Court's intervention in cases of arbitrary use of discretionary powers by Governors, such as the Arunachal Pradesh and Uttarakhand crises.

The constitutional provisions governing the relationship between the Governor and the Chief Minister are designed to balance ceremonial duties with executive power. Ensuring clear guidelines and political neutrality is essential for harmonious state governance and the upholding of democratic principles.

2. Rajya Sabha would only prove to be a “clog in the wheel of progress” of the nation. Evaluate

The Rajya Sabha (Article 80), as the Upper House of Parliament, is designed to provide checks and balances within the legislative process. Critics argue that it often acts as a "clog in the wheel of progress," potentially hindering swift legislative action.

Constructive Contribution of the Rajya Sabha:

Approach: Legislative functions, Executive oversight think in these dimensions

1. Legislative Contributions:

- Cleared bills to penalize untouchability (1954), prohibit dowry (1959), set up AIIMS (1956), and ensure the right to education (2009).
- Passed the Women's Reservation Bill (2010), although the Lok Sabha did not take it up.

2. Specialized Services Creation:

- Article 249 enabled resolutions in 1961 and 1965 to create various All India Services like the Indian Engineering Service and Indian Forest Service.

3. Enriching Debates:

- The 12 nominated members with special knowledge or practical experience contribute to richer parliamentary debates.

4. Ensuring Executive Accountability:

- Through various joint and stand-alone parliamentary committees, the Rajya Sabha holds the executive accountable.

5. Legislative Productivity:

- Passed 3,817 Bills till the end of its 249th session (Monsoon Session, 2019).
- The 2019 Monsoon Session reported as the most productive session with 103% productivity.

Issues in Rajya Sabha:

Approach: People, Powers, Process think in these lines.

1. Adjournments:

- Frequent disruptions lead to adjournments; for instance, 13 of the 27 sittings of the 2014 Budget Session saw adjournments during Question Hour.

2. Non-Domicile Members:

- Allowing non-domicile members to contest reduces the regional diversity originally intended for the Upper House.

3. Political Vendetta:

- Used as a platform for political agendas, leading to the scuttling of important legislation for political reasons.

4. Hindrance to Legislation:

- In a fragmented political environment, it often hinders the swift legislative process needed for economic growth.

5. Unequal Representation:

- Seats are allotted based on population, resulting in unequal representation. For example, Uttar Pradesh has 31 members while Tripura has only 1.

6. Parking Lot for Defeated Leaders:

- Sometimes used to accommodate defeated leaders, bureaucrats, and others, reducing the accountability of the house.

7. Rising Corruption:

- Secret ballots during Rajya Sabha elections invite corruption, with allegations of cross-voting and monetary influence in the election process.

Measures to improve the working of Rajya Sabha:

Approach: Legislative functions and executive Oversight think in these lines.

1. Legislative Measures:

- Enact the Parliament (Enactment of Productivity Bill) to fix a minimum of 100 days for Rajya Sabha sessions.

2. Equal Representation:

- Allocate seats on the lines of the US Senate, where all states have equal representation regardless of population.

3. Reforming Terms and Elections:

- Reduce the term of Rajya Sabha members to five years and hold elections to all seats simultaneously, aligning with the 'one nation, one election' idea to capture the national mood more effectively.

As Sitaram Yechury aptly put it, "The Rajya Sabha has red carpets while the Lok Sabha has green ones. It means if the other House shows a green flag to any faulty legislation, we can show the red signal." This underscores the critical role of the Rajya Sabha in scrutinizing and providing a necessary check on hasty or flawed legislation assed by the Lok Sabha.