

Goa and Manipur Election Mandate:- Is Governor's Role Partisan?

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Principal Charge against the Governor's office is that it ignored the established Principle of Inviting the Single Largest Party, in the wake of a Fractured Verdict

In Goa, Governor ignored the established principle of inviting the single largest party in the wake of a fractured mandate, and appointed BJP leader as chief minister. The BJP has 13 MLAs in a House of 40, four less than the Congress.

Similarly, in Manipur the Governor invited the BJP, which won fewer seats than the Congress, to form the government.

As per the established practice, the Congress should have been invited first. The BJP's claim should have been considered only if the Congress pleaded inability or failed the floor test.

Both gubernatorial decisions, in Goa and in Manipur, reek of partisanship.

Sinha's invitation to the BJP ostensibly rests on that party hastily submitting letters of support from smaller parties and three independents to claim a majority in the House.

The premise of her decision is questionable: HOW?

These parties did not fight the election as part of a coalition.

In fact, Goa Forward Party ran an anti-BJP campaign. The BJP, of course, was quick to win over the smaller parties and approach the governor's office. But surely this is not about running the race to the Raj Bhawan faster — **speed cannot be the overriding or pressing consideration** for the governor while assessing a party's claim to form government.

Counter-Point:- There have been occasions in the past where a party with the support of the largest number of legislators has been preferred over the single largest party in the assembly in government formation.

But it is also true that those decisions were disputed on grounds of procedure and propriety.

❖ **The Justice M.M. Punchhi Commission on Centre-State Relations in**

2010 laid down **some guidelines** to be followed in the appointment of a chief minister by a governor.

(i) It said the governor should invite the leader of “**a pre-poll alliance commanding the largest number**” **or** the “**largest single party**” to form the government in case no party or pre-poll coalition has a clear majority.

❖ **The Sarkaria Commission, which studied Centre-state relations in the 1980s, held a similar view.**

The CM thus appointed must prove majority as per the guidelines laid down in the **Bommai judgment** — on the floor of the assembly.

Ruling on a petition filed by the Congress, the Supreme Court asked the BJP government in Goa to prove its majority within 48 hours, instead of the 15 days' leeway given by Governor.

Counter-Point:- But it was a **half-measure**. The court's reluctance to uphold the principle of inviting the single largest party first is controversial.

FACTS TO REMEMBER:-

1. Article 164 deals with the power of the Governor to appoint the C.M. and the Council of Ministers.
2. The destruction of the Babri Masjid saw P.V. Narasimha Rao's government dismiss four State governments lead by the BJP. In 1994, the challenge to this dismissal and earlier impositions of President's Rule came to be decided by a nine-judge bench in the **S.R. Bommai v. Union of India case.**

Electronic Voting Machines and Controversy

What is EVM?

EVMs are manufactured by two reputed public sector units —

- ✓ Bharat Electronics Limited **and**
- ✓ Electronics Corporation of India Limited

What is the guarantee that it cannot be tampered with?

- It is **impossible to hack the Electronic Voting Machines (EVMs)** used by the Election Commission, owing to the technology used and the administrative processes that have been put in place for their secure handling
- EVMs do not have any communication device. They don't have even an antenna and therefore, any device from outside cannot be connected to them wirelessly.
- The software for the main control unit is in Read-Only Memory which cannot be hacked.

What has been done so far to dispel the doubts raised against EVMs

- Following similar allegations, the Election Commission had in 2009 invited those who had expressed reservations about the EVMs to demonstrate how they can be tampered with.
- A **Technical Expert Committee on EVMs** was formed under the guidance of C-DAC.

VOTER VERIFIED PAPER AUDIT TRAIL:-

VVPAT is the acronym of "**Voter Verified Paper Audit Trail**" and **VVBP** is the acronym of "voter verified paper ballot". The terms are equivalent and refer to a kind of "vote receipt" printed by an electronic voting machine that shows the elector his/her vote as it is being entered into the electoral system.

The VVPAT is a paper-based record rather than computer memory-based record. It is readable by the human eye and allows voters to interpret their vote directly.

The ECI had undertaken before the Supreme Court that the 2019 general election would be held using the Voter-Verified Paper Audit Trail (VVPAT) machines.

Some VVPAT machines have been used in this set of elections but their use can be expanded |

As the former Chief Election Commissioner, S.Y. Quraishi, has rightly said that there should be no doubt regarding the integrity of the polling process.

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