**ENGLISH** 

தமிழ்

বাংলা

മലയാളം

हिंदी

मराठी

Follow Us:





Thursday, June 23, 2022

Home Explained Political Pulse India Cities Opinion Entertainment Sports

Home / Explained / Explained: In Maharashtra political crisis, powers of Governor, floor test law in spotlight

## Explained: In Maharashtra political crisis, powers of Governor, floor test law in spotlight

As the Maharashtra political crisis continues to play out, the Governor's powers under the Constitution to call for a floor test takes centrestage.

Written by **Apurva Vishwanath** | New Delhi |

Updated: June 23, 2022 10:18:26 am



Supporters of rebel Shiv Sena leader Eknath Shinde outside his residence in Thane on Wednesday. (Express Photo: Deepak Joshi)

As the Maharashtra political crisis continues to play out, with the Shiv Sena headed for a split and **Chief Minister Uddhav Thackeray possibly losing majority**, the Governor's powers under the Constitution to call for a floor test takes centrestage.

Article 174(2)(b) of the Constitution gives powers to the Governor to dissolve the Assembly on the aid and advice of the cabinet. However, the Governor can apply his mind when the advice comes from a Chief Minister whose majority could be in doubt.

## **Explained** | Explained: The anti-defection law, and why Eknath Shinde could be poised to dodge it in Maharashtra

In 2020, the Supreme Court, in Shivraj Singh Chouhan & Ors versus Speaker, Madhya Pradesh Legislative Assembly & Ors, upheld the powers of the Speaker to call for a floor test if there is a prima facie view that the government has lost its majority.

"The Governor is not denuded of the power to order a floor test where on the basis of the material available to the Governor it becomes evident that the issue as to

whether the government commands the confidence of the House requires to be assessed on the basis of a floor test," a two-judge bench of Justices D Y Chandrachud and Hemant Gupta said.

## **BEST OF EXPRESS PREMIUM**

Close to Devendra MVA crisis   Behind Mohammed Saqib Yashwant Sinha Fadnavis, Eknath Surat to Guwahati writes: BRICS interview: 'BJP Shinde was on BJP flight: fear of summit needs to doesn't have radar before 2019 rebels returning focus on breaking numbers (for As Western he presidenti	Premium	Premium	Premium	Premium
	Fadnavis, Eknath Shinde was on BJP radar before 2019	MVA crisis   Behind Surat to Guwahati flight: fear of rebels returning	writes: BRICS summit needs to focus on breaking	Yashwant Sinha interview: 'BJP doesn't have numbers (for

More Premium Stories >>

Under Article 175(2), the Governor can summon the House and call for a floor test to prove whether the government has the numbers. In a detailed judgment, the Court also explained the scope of the power of the Governor and the law revolving around floor tests.

## Also read |2 days ago, Shinde had spat with Raut & Aaditya on votes for Cong in MLC polls

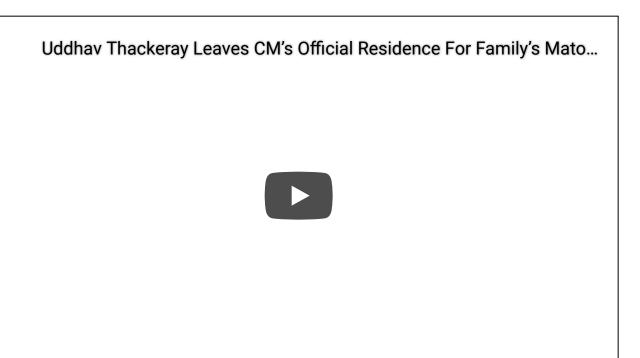
The Madhya Pradesh Governor was faced with a similar situation when MLAs in the Jyotiraditya Scindia camp had defected to the BJP and the then Congress Chief Minister Kamal Nath had asked the Governor to dissolve the Assembly.

The Governor instead called for a floor test.

When the House is in session, it is the Speaker who can call for a floor test. But when the Assembly is not in session, the Governor's residuary powers under Article 163 allow him to call for a floor test.

Don't miss | Crisis on the way: intel warned Maharashtra govt two months ago

In its 2020 ruling, the Supreme Court had also discussed the right of a political party to access "captive" MLAs who were whisked away to a resort. While the Court did not allow such a right, it underlined that the MLAs are entitled to "decide for themselves as to whether they should continue to be Members of the House when they lack faith in the incumbent government in the state." But that, the Court said, has to be done on the floor of the House.



"The spectacle of rival political parties whisking away their political flock to safe destinations does little credit to the state of our democratic politics. It is an unfortunate reflection on the confidence which political parties hold in their own constituents and a reflection of what happens in the real world of politics. Political bargaining, or horse-trading, as we noticed, is now an oft repeated usage in legal precedents," the Court had said.

**Express Subscription** Check out our special pricing for international readers when the offer lasts

SUBSCRIBE NOW >

Join our Telegram channel (The Indian Express) for the latest news and updates