

## CORPORATE OFFICE

### Delhi Office

706 Ground Floor Dr. Mukherjee  
Nagar Near Batra Cinema Delhi -  
110009

### Noida Office

Basement C-32 Noida Sector-2  
Uttar Pradesh 201301

# CURRENT AFFAIRS

**Date:** 3 January 2024

## DISCRETIONARY POWER OF GOVERNOR

### UPSC MAINS SYLLABUS GS2 PAPER: ISSUES AND CHALLENGES PERTAINING TO THE FEDERAL STRUCTURE

#### WHY IN THE NEWS?

The “**unconstitutional**” behaviour of the Governors in discharge of their “**discretionary powers**” in the states ruled by the Opposition Governments has come under severe scrutiny by the Supreme court of India in its recent judgements.

#### DISCRETIONARY POWERS OF THE PRESIDENT & GOVERNORS:

##### DISCRETIONARY POWER OF THE PRESIDENT:

The President has been provided with **only “situational discretion”** under norms and conventions established under the Parliamentary procedures:

1. Appointment of the Prime Minister in the case of “**Hung assembly**”
2. Dismissal of Council of Ministers (CoM) in case of passage of the **Non-confidence motion** in the Lok Sabha
3. Dissolution of Lok Sabha if the Council of Ministers (CoM) **loses majority in Lok Sabha**

##### DISCRETIONARY POWER OF THE GOVERNOR:

Under **Article 153** of the Constitution, The Governor acts as the **Chief Executive head** of the State and is appointed by the **President** under his warrant and seal of hand in which capacity he acts as the “**Nominee**” of the **Central Government**. Unlike President, the Governor has been provided with Situational as well as **Constitutional Discretion:**

1. **Article 167** : Seeking info on Administrative & Legislative affairs from Chief Minister
2. **Article 201** : Reserving the State Bill for the Consideration of President
3. **Article 356** : Recommendation for President Rule
4. Determination of amount payable to Tribal District Council (TDC) under **6th schedule** States

#### RATIONALE BEHIND DISCRETIONARY POWER OF THE GOVERNOR:

1. It ensures that States *do not act against larger national interest* or opposed to **Directives under Part 4** of the Constitution
2. It ensures that Bills passed by the State *do not breach independence of Judiciary* which is integral to sustain the **Federal structure** of Indian constitution.
3. To **curb cessationist tendencies** in states to ensure integrity of the Nation
4. To prevent *breakdown of Constitutional Machinery* under **Article 365**

5. As **Union Territories** are regions of strategic interest, they shall be devoid of any kind of political exigencies
6. To ensure welfare of people in the “**mineral areas**” in the 6th schedule areas  
Thus discretionary power of the Governor is integral for welfare of citizens to tone down any regional imbalances in Socio-economic growth and ensure uniform progress throughout the country.

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### **WAY FORWARD:**

However, the Supreme Court of India held in **Nabam Rabia Case 2006** that despite provisions of Constitutional discretion, the Governor shall act according to the aid and advice of the Council of Ministers under **Article 163**.

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### **OTHER IMPORTANT DIRECTIVES RELATED TO THE GOVERNOR:**

1. **NCT of Delhi v. Union of India(2018)**: The Supreme Court emphasized the need to identify the “moral values of the Constitution” based on a notion of “**constitutional culture**”.
2. **Rameshwar Prasad vs UOI 2006**: The Supreme Court held that the **Article 361** of the Constitution provides only a limited and conditional immunity for the Governors. Thus, any motivated and whimsical conduct of the Governor is **amenable to judicial review**.
3. **Kishor v. State of Uttar Pradesh(2023)**: The Court said that the freedom of expression of public functionaries could not be curtailed other than by way of the “**reasonable restrictions**”, as permitted by **Article 19(2)** of the Constitution.

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### **UPSC MAINS 2024 PRACTISE QUESTION:**

**Q: In light of the recent judgements by the Supreme court of India, critically analyse the discretionary powers of the Governors in the State. (10 M, 150 words)**

**Suyash Rai**

## **INDIA-MALDIVES RELATIONS IN CURRENT PERSPECTIVE**

(This article is a brief summary of the combined editorials of ‘**The Hindu**’, ‘**World Focus**’, ‘**Indian Express**’ and ‘**PIB**’. It also includes suggestions from the YOJNA IAS team. This article is specifically for the UPSC Civil Services Examination belongs to the section ‘**International Relations, Indian Politics and Governance, ‘India-Maldives Relations in the Current Perspective**’. This article is related to ‘**India-Maldives Relations in the Current Perspective**’ under ‘**Daily Current Affairs**’).

**General Studies: International Relations, Indian Politics And Governance, India-Maldives Relations In Current Perspective**

### **WHY IN DISCUSSION / NEWS ?**

The recent decision of Maldives to cancel an agreement with India for joint hydrographic services in Maldivian waters has caused considerable dismay in the Indian media and strategic world. **The**

**agreement, signed during the visit of Indian Prime Minister Shri Narendra Modi to the island in 2019, was seen as a symbol of India-Maldives defense relations.**

Maldives, located in the Indian Ocean, is a country neighboring India and south of the Lakshadweep group of India. The election of Chinese supporter Mohammed Muizzu as the provisional President of Maldives in the recent presidential elections in Maldives is a matter of concern for India. During the **COP28 climate conference**, Maldivian President Mohammed Muizzu appealed to the Indian Prime Minister Narendra Modi to request the new government formed in Maldives to take back about 75 Indian military personnel to India to work on humanitarian operations. He agreed to. Mr Muizzu said this at the summit in Dubai after he used 'India Out' as a slogan during his election campaign in Maldives. Opposition candidate from **Progressive Party of Maldives (PPM)**, Mohammed Muizzoo, has won the Maldives presidential election with 54 percent votes against his rival candidate and current President Mohammed Ibrahim Solih.

The important aspect is that the electoral system of France and Maldives is similar. In this electoral process, to win the election and become the winner in the election, the candidate has to get more than 50% of the votes. If no candidate is able to achieve this figure in the first round of the process, then the winner of the election will be declared on the basis of the votes obtained by the top two candidates out of the votes obtained in the second round.

### **HISTORICAL PERSPECTIVE :**

- After Maldives got independence from colonial British rule in 1965, India was the first country which accepted the independent rule/independence of Maldives and India established its mutual cultural, economic, military and strategic relations with Maldives.
- Maldives established a High Commission in New Delhi in November 2004 with the aim of improving and deepening its diplomatic relations with India so that a new dimension can be provided to the diplomatic mission of India-Maldives relations.
- Adopting a balance and balance approach towards Sri Lanka, the friendly relations with India were further strengthened as India is also the nearest neighbor and largest mutual trading partner of Maldives.

### **CHINA'S INCREASING INTERFERENCE IN THE INTERNAL AFFAIRS OF MALDIVES AND INDIA-MALDIVES RELATIONS:**



### **INITIATIVE FOR CHANGE IN CORDIAL AND FRIENDLY RELATIONS:**

- In the changed political scenario, there have been many significant changes in the traditional foreign policy of Maldives in recent times due to its pro-China stance, because the earlier foreign policy of Maldives was more inclined towards India and friendly than the current foreign policy. The recent change in the foreign policy of Maldives as soon as the current President assumed power has created concern and apprehension for India in view of the growing influence of China and its political and strategic interference in the neighboring countries of India, which has affected India's attitude towards Maldives. This is worrying for foreign policy.

### **INFRASTRUCTURAL INVESTMENT:**

- Maldives, like many other countries in the Indian Ocean region, has been receiving significant investment from China for infrastructure.
- China has made large-scale infrastructure investments in the Maldives, making it a partner in China's **Belt and Road Initiative (BRI)**. China has played a significant role in investing in infrastructure under the '**String of the Pearls**' initiative in the Maldives by financing and building various other projects including the development of bridges, airports, ports and other critical infrastructure.

### **REASONS FOR INDIA'S CONCERN AMID CHINA'S INCREASING INFLUENCE IN MALDIVES:**

India has expressed concern over China's increasing internal interference in India's neighboring countries such as Pakistan, Sri Lanka and Maldives, falling within or around the Indian Ocean region. The development of military facilities by China in these strategically important areas and the ports controlled by China are being seen as a challenge to India's strategic interests and regional security, which will pose a threat to India in the coming future. It is becoming a cause for concern.

#### **India's countermeasures:**

- Responding to China's growing dominance in the Maldives, India has also launched infrastructure projects and expanded defense cooperation with the Maldives and other Indian Ocean countries. It has strengthened its diplomatic and strategic ties. It has extended its influence in the region by providing economic assistance, undertaking infrastructure projects and expanding defense cooperation.
- The purpose of the "**Neighborhood First**" policy started by India is to control and balance China's growing presence in India's neighboring countries.

### **CHANGING NATURE OF FOREIGN POLICY OF MALDIVES:**

- The election of Ibrahim Mohammed Solih as the President of Maldives in the year 2018, a positive change was once again seen in the foreign policy of Maldives towards India, because the President of Maldives Ibrahim Mohammed Solih was seen as a supporter of India. Known in Solih's government in Maldives attempted to rebalance relations between India and China while maintaining its traditional and reciprocal relations with India.

### **STRATEGIC IMPORTANCE OF MALDIVES FOR INDIA:**

- The Maldives' strategic location in the Indian Ocean, along with major sea routes, makes it strategically, commercially and strategically important for both India and China. As a result, both

India and China will keep a close eye on every important strategic and tactical events happening in Maldives and both India and China will keep making every possible effort to establish their influence there.

### **EFFECTS OF CLIMATE CHANGE ON MALDIVES -**

- According to the geographical location of Maldives and India, both these countries are low-lying island nations. The Maldives are at risk of submergence due to the impacts of climate change, including rising sea levels and marine heat waves. Therefore, both India and the Maldives are extremely vulnerable to the risks posed by climate change. The common interests can be protected.

### **CONCLUSION / SOLUTION TO THE PROBLEM:**

- The establishment of an inspectorate is an important and effective step in keeping with India's diverse interests in the Indo-Pacific security region, in ensuring regional security and in playing an important strategic role in South Asia and the surrounding maritime boundaries. Must play a role.
- The Indo-Pacific security region has developed as a response to the growth of extra-regional powers (particularly China) in India's maritime sphere of influence.
- At present, the 'India Out' campaign is supported by its limited population in Maldives, but it is also true that this campaign should not be underestimated by the Government of India, because the current President of Maldives became the President of Maldives with the help of this election slogan. Is made.
- The '**India Out**' campaign requires careful resolution to strengthen India's existing strategic and strategic ties with the Maldives. If this problem is not carefully resolved then the current internal and domestic political situation of Maldives may create many obstacles in India's current relations with this country and may sour India-Maldives relations in future.
- Keeping in mind India's longstanding commitment to promote a multi-polar and rules-based world order, India needs to establish or rehabilitate its strategic and strategic relations with its neighboring countries keeping in mind the needs of the present times. A liberal attitude should be adopted.
- There is a need to give maximum space to Project Mausam in order to increase the economic dependence of Maldives on India and to increase the dependence of the structural changes resulting from it, which will increase both economic and structural dependence of Maldives on India. And India can stop China's increasing dominance in Maldives.
- India is a preferred country for the people of Maldives for education, medicine and business. According to the Ministry of External Affairs of India, there is an increasing demand for long term visas by Maldivian citizens to stay in India for higher education and treatment.

### **PRACTICE QUESTIONS FOR PRELIMINARY EXAM:**

**Q.1. Eight Degree Channel separates India and Maldives from which island group?**

- (A) Separates Indian Minicoy (part of the Lakshadweep Islands) from the Maldives.
- (B) Separates Andaman and Nicobar from Maldives.
- (C) Separates Sumatra and Java from the Maldives.
- (D) Separates Nicobar and Sumatra from Maldives.

Answer - (A).

**PRACTICE QUESTIONS FOR MAIN EXAM:**

**Q.1. In the light of the recent change of political power in Maldives, discuss how it will affect the mutual strategic, economic and strategic relations between India and Maldives?**

**Akhilesh Kumar Shrivastava**



**Yojna IAS**  
योजना है तो सफलता है