

# Governors delaying crucial Bills a matter of concern, says SC

CJI asks why govts. should be made to approach the court for Governors to act; he adds matters must be sorted out between them and the CMs

**Krishnadas Rajagopal**

NEW DELHI

**T**he Supreme Court on Monday expressed acute displeasure at Governors holding back key Bills, especially in non-BJP-ruled States such as Punjab, Tamil Nadu, Kerala, and Telangana, until State governments approach the top court for judicial intervention.

"This is a serious issue we should look into... Why should parties be made to approach the Supreme Court for the Governors to act. We are a democracy in operation since the birth of the Constitution. These are matters to be sorted out between the Governors and Chief Ministers. We



will ensure that the Constitution is complied with," Chief Justice of India D.Y. Chandrachud, heading a three-judge Bench, observed.

## 'Do soul-searching'

The Chief Justice said it was time everybody, including Governors and Chief Ministers, did "a little bit of soul-searching".

"The Governors should

not be oblivious of the fact that they are not elected by the people," he noted.

The Bench was hearing a petition filed by the Punjab government accusing the Governor of sitting on seven key Bills related to subjects including fiscal and State-affiliated colleges.

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### Governors delaying Bills a matter of concern: SC

The Advocate-General for Punjab later clarified that three of the seven Bills were Money Bills, of which two had been recommended by the Governor after the petition was filed in the Supreme Court. Four Bills on other subjects, presented to the Governor in July, were still pending with him.

The State, represented by senior advocate A.M. Singhvi along with the Advocate-General, said the Vidhan Sabha was adjourned *sine die* in March and recalled in June by the Speaker under Rule 16 of the Vidhan Sabha Rules to pass the seven Bills. The Governor had objected, saying the session ought to have been prorogued and reconvened.

Solicitor-General Tushar Mehta said the Governor was taking "appropriate action" on the Bills presented to him. "There are astonishing things happening here. They keep the Assembly alive, and whenever they want to abuse people, they meet. This is unnecessary litigation. The Governor has taken action. He has dealt with the Bills appropriately by either declaring assent or referring to the President... I do not know. I will seek instructions and come back on Friday [November 10]," Mr. Mehta said.

The court also questioned the Assembly's action to reconvene three months after the Vidhan Sabha was adjourned *sine die* in March.

"The Assembly was summoned on March 3 and adjourned *sine die*, without being prorogued, on March 22. The Speaker then reconvenes the Assembly three months later. Is that really the scheme of the Constitution? Or if there is a break of three months, do you not then prorogue the session. Here, the Budget Session has run into the Monsoon Session," Chief Justice Chandrachud criticised the Punjab government.

Senior advocate K.K. Venugopal, for Kerala, intervened at this point to note that the State had also approached the Supreme Court against its Governor holding back crucial Bills. "Some of these Bills have been pending with him for over two years... When the Governor was told the State had approached the apex court, he said, 'Let us see, we will fight it out,'" Mr. Venugopal submitted.

### Defection business

Party-hopping seems set to stay as parties pick candidates with resources

Even as party campaigns are in full swing and candidates are announced in poll-bound Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana, one development that seems to be common to these elections and those held recently is the last minute defection of leaders from one party to another. Elections in India have become expensive and most parties, except those from the Left, tend to field candidates not just based on their dint of work or popularity but, increasingly, on their abilities to mobilise resources for campaigns. So, electoral politics has thrown up a set of politicians who are in it to build a career more out of patronage and less out of ideological conviction. This allows for a large degree of malleability in party affiliation for this set, many of whom engage in party-hopping as they have a good sense of the way electoral winds are blowing. Joining them too are incumbents who do so if not given another chance by their parties, and also rebels. The politics of patronage can be frowned upon as being less representative of interests and demands in a constituency and more of a transaction between the candidate and the voter – the voter gets goods and services from the winning candidate for voting in favour while the legislator uses the post to create an elaborate spoils system, usually to benefit from it as well. This system of patronage can also be seen as an outcome of the larger democratisation of the polity itself, as it throws up representatives catering to specific demands of voters, making the process meaningful for them, bypassing the party structure.

The by-product of this system is the presence of careerist politicians who are in it more for transactional purposes than principled or ideological reasons. A reason why the Congress has lost out to the Bharatiya Janata Party (BJP) in pre-eminence nationally is because of large-scale defections to the BJP, which has managed to articulate a clear ideological stance of right-wing conservatism through its leadership while providing a platform for those seeking to use the electoral system for patronage. As the Congress tries to rejuvenate itself, the party has sought to distinguish itself from the BJP not just in terms of what it represents in secular terms but also as a vehicle of welfare through electoral guarantees. This has allowed itself to play host to last-minute defectors from the BJP and regional parties in Madhya Pradesh, Rajasthan and Telangana, but this also throws up a challenge in retaining these malleable legislators. Alas, defections will remain a feature of Indian politics unless voters punish the defectors for repeated party-hopping and see no longer term interest in choosing a representative with tenuous ideological affiliation.

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# India, Bhutan to discuss new routes of regional connectivity

King Jigme Khesar holds talks with PM; the two sides agree to go ahead with the final survey for the 58-km crossborder rail link between Gelephu and Kokrajhar in Assam; they will also explore a second rail link between Bhutan and West Bengal

**Subasini Haidar**  
NEW DELHI

India and Bhutan agreed to discuss new routes of regional connectivity and upgrade border and immigration posts to support Bhutan's fifth King Jigme Khesar Namgyel Wangchuck's plans for a smart city at Gelephu on the border between Bhutan and Assam, after his meeting with Prime Minister Narendra Modi in New Delhi on Monday.

While no mention was made of India's overhanging concerns over Bhutan's border delimitation agreement process with China, the Ministry of External Affairs said the two leaders "held discussions on the entire gamut of bilateral cooperation and regional and global issues of mutual interest".

Apart from a decision to go ahead with the final survey for the 58-km crossborder rail link between Gelephu and Kokrajhar in Assam to be built by India, the two sides agreed to explore a second rail link for about 18 km between Samtse in Bhutan and Ba-



**Friendly relations:** Narendra Modi meeting Bhutanese King Jigme Khesar Namgyel Wangchuck in New Delhi on Monday. ANI

narhat in West Bengal tea gardens area. India also agreed to allow Bhutanese trade items to be carried further on from Haldibari in West Bengal to Chilahati in Bangladesh. The rail connectivity could in the future assist air connectivity for Indians in the north-east as well, as Bhutan plans to build an international airport at Gelephu as part of the larger Sarpang district Special Economic Zone, new initiative expected to be announced by the Bhutanese King on December 17.

"[The Bhutanese King] shared valuable perspective and insights on ongoing

reforms process under way in Bhutan," said a joint statement issued by both countries at the end of the meeting. "Prime Minister [Modi] reaffirmed India's abiding commitment to its unique ties of friendship and cooperation with Bhutan and reiterated continued and full support to the socio-economic development in Bhutan based on the priorities of the Royal Government and as per the vision of His Majesty," it added.

#### Development assistance

The Bhutanese King also thanked the government for its development assistance

for Bhutan's 12th Five-Year plan, (2018-2023) that ended on October 31 this year, and India reiterated its commitment to support the new 13th Five-Year Plan as well.

Apart from the go-ahead for the two short distance crossborder rail link projects, India and Bhutan agreed to designate the Darranga-Samdrup Jongkhar border crossing between Assam and Bhutan's less developed-South Eastern district as an immigration check post, so as to allow third country nationals to enter and exit as well "for enhancing connectivity, and promoting tourism", the joint statement said.

In particular, the two sides agreed to strengthen trade infrastructure with the upgrade of an existing land customs station at Dadgiri (Assam) to a modernised "Integrated Check Post" (ICP) along with "development of facilities on the Bhutanese side at Gelephu".

Easing travel between the two countries, and allowing further exchanges to Bangladesh is expected

to help raise Bhutanese opportunities for trade and travel, and bring in much-needed tourism revenues for the neighbouring country. Bhutan's economy, which has been hit by the COVID pandemic and after-effects of a very strict lockdown in the country, is expecting to grow by a modest 4.3%, lower than the sub-regional average, and is expected to face long-term impact due to a net-out migration by its youth, who are seeking education and jobs in other countries. Low forex reserves and a major public debt, with an estimated 125% government debt to GDP ratio in 2022, largely made up of debt to India, are further adding to Bhutan's worries. The Bhutanese King's plans for Gelephu and the special economic zone, which he had first discussed with Mr. Modi during a visit in April 2023, is targeted at increasing opportunities for work and tourism in Bhutan.

King Jigme Khesar will fly to Mumbai, where he is expected to meet with the heads of "top business houses", an official said.

## Odd-even vehicle rotation scheme to return in Delhi

Environment Minister Gopal Rai says in-person classes to be suspended in all schools till November 10, except for students of Classes 10 and 12 as air quality in national capital stays 'severe'

**The Hindu Bureau**  
NEW DELHI

**A**s air pollution in Delhi touched about 18 times the limit set by the World Health Organization on Monday, Environment Minister Gopal Rai announced that the government would implement an odd-even vehicle rotation scheme in the city from November 13 to 20 to reduce air pollution.

Mr. Rai said that to prioritise the health of schoolchildren, the government had decided to suspend in-person classes in all schools, except for students of Classes 10 and 12. Schools in Delhi up to Class 5 were initially closed till November 10, and now it has been extended to include Classes 6 to 9 and 11. "Online classes can continue. There is no bar on Board exams for Class 10 and 12," he said.

The Minister said the odd-even system would be implemented anticipating a spike in air pollution after Deepavali. After studying



**Hazy picture:** A thick blanket of smog covers the Rashtrapati Bhavan in New Delhi on Monday. PTI

the situation following the implementation, a decision would be taken on the future course of action, he added. The decisions were taken at a meeting chaired by Chief Minister Arvind Kejriwal earlier in the day.

The odd-even scheme entails allowing vehicles whose registration number ends in even digits to ply on even dates and those with odd digits to ply only on odd dates. On odd days, only vehicles with licence plates ending in one, three, five, seven, and nine will be allowed, while on even days, vehicles with numbers ending with zero, two, four, six, and eight will be

allowed to operate. The scheme has been implemented multiple times in the past in Delhi to check rising air pollution, including in 2019.

On Sunday, the Commission for Air Quality Management in NCR and Adjoining Areas (CAQM) directed that State governments may consider additional emergency measures such as an odd-even scheme.

Criticising the move, Delhi BJP president Virendra Sachdeva said the odd-even scheme had no scientific research basis or data to support its effectiveness. He said that by bringing in

the odd-even scheme, the Kejriwal government was punishing Delhiites for its own failure to curb pollution causes such as crop residue burning and clearing dust and construction debris from roadside.

Air pollution rises in Delhi and many other parts of North India during winter, mainly due to meteorological factors but pollution from stubble burning adds to it.

Meanwhile, air pollution in Delhi continued to be in the "severe" category on Monday, according to Central Pollution Control Board (CPCB) data.

Delhi's 24-hour average air quality index (AQI) was 421 at 4 p.m. on Monday, down from 454 on Sunday, as per the CPCB's daily official bulletin. But by 8 p.m., the AQI rose to 414 ("severe" category). An AQI reading between zero and 50 is considered 'good', 51 and 100 'satisfactory', 101 and 200 'moderate', 201 and 300 'poor', 301 and 400 'very poor', 401 and 450 'severe', and 451 and 500 'severe plus'.