



Floor Test is Governor's Discretion: SC

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Why in News

Recently, the **Supreme Court of India** has held that a **Governor** can call for a **floor test** any time he/she objectively feels a government in power has **lost the confidence of the House** and is on shaky ground.

Key Highlights

- The S.C. held that a **Governor can call for a trust vote (confidence motion)** if he/she has arrived at a prima facie opinion, based on objective material, that the incumbent State government has lost its majority in the Assembly.
 - However, while **directing a trust vote**, the **Governor should not favour a particular political party**.
 - Timing of a trust vote may tilt the balance towards the party possessing a majority at the time the trust vote is directed.
- Governor's power to call for a floor test is **not restricted only before the inception of a State government** immediately after elections, but **continues throughout its term**.
- The SC has clarified that the **Governor's power of trust vote does not hamper any disqualification proceedings pending before the Speaker**.

A **Governor need not wait for the Speaker's decision** on the resignation of rebel Members of Legislative Assembly (MLAs) before calling for a trust vote.

Trust Vote

- A **confidence motion** or a **vote of confidence** or a **trust vote**, is sought by the government in power on the floor of the House.
- It **enables the elected representatives to determine** if the **Council of Ministers commanded the confidence** of the House.
- The idea underlying the trust vote is to **uphold the political accountability of the elected government to the State legislature**.

- **No-confidence motion:**

A **no-confidence motion**, or **vote of no-confidence**, or a **no-trust vote**, can be sought by any House member to express that they no longer have confidence in the government.

Floor Test

- It is a **term used for the test of the majority**. If there are **doubts against the Chief Minister (CM)** of a State, he/she can be **asked to prove the majority in the House**.
In case of a **coalition government**, the **CM** may be **asked to move a vote of confidence and win a majority**.
- In the **absence of a clear majority**, when there is more than one individual staking claim to form the government, the **Governor may call for a special session** to see who has the majority to form the government.
Some legislators may be absent or choose not to vote. The numbers are then considered based only on those MLAs who were present to vote.

Constitutional Provisions Related to Governor

- **Article 163:** It talks about the discretionary power of the governor.
- **Article 256:** The executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose.
- **Article 257:** The executive power of the Union shall also extend to the giving of directions to a State as to the construction and maintenance of means of communication declared in the direction to be of national or military importance:
- **Article 355:** It entrusts the duty upon the Union to protect the states against “external aggression” and “internal disturbance” to ensure that the government of every State is carried on in accordance with the provisions of the Constitution.
- **Article 356:** In the event that a state government is unable to function according to constitutional provisions, the Central government can take direct control of the state machinery. The state's governor issues the proclamation, after obtaining the consent of the President of India.
- **Article 357:** It deals with Exercise of legislative powers under Proclamation issued under Article 356 by the central government.