



Governors must be fair in inviting CMs

- Governors often exercise discretion in deciding who to invite to form the government, especially in the case of close elections. They must be fair and judicious, and discharge their duty without fear or favor
- The post-poll decisions of the governors have invariably been challenged before the courts. So far, the courts have not interfered with the judgment exercised by the governors

Inviting a leader to form government: Sarkaria Commission's principles

1. Article 164(1) of the Constitution empowers the governor to appoint a CM. Things are simple when one party wins a simple majority of seats in a state election. In such a case, the governor appoints the leader of the party as the CM.
2. **The Sarkaria Commission's principles** concern situations when no political party emerges as a clear winner. In such cases, the commission recommended that the governor invite a political party leader to form the government in **the following sequence**.
 - First, the leader of the largest pre-poll alliance,
 - Then the single largest party with others in support, and
 - Finally, post-poll coalitions.
3. The governor should select a leader who is most likely to command a majority in the assembly and then prove it on the floor of the legislature within 30 days.

Actual practice deviates from recommendations:

1. Over the years, governors have exercised their judgment and discretion, and not stuck to the sequence laid down by the Sarkaria Commission.
2. For example, in the 2005 Jharkhand election, the Bharatiya Janata Party (BJP) emerged as the single largest party. The governor invited the Jharkhand Mukti Morcha (JMM) leader Shibu Soren to form a coalition government with support from Congress.
3. In the last state election in Goa and Manipur in 2017, Congress emerged as the single largest party in both states (17 seats in Goa and 28 in Manipur). But

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the governors of these two states invited BJP leaders Manohar Parrikar in Goa and N Biren Singh in Manipur, respectively, to form coalition governments.

4. But this is not a straightforward precedent. In some other cases, governors also gave the first opportunity to the leaders of the single largest party to form the government.
5. For example, in the last Karnataka (2018) and Maharashtra (2019) elections, the respective governors invited first BJP leaders BS Yediyurappa and Devendra Fadnavis to form the government.

Political parties have used two mechanisms to satisfy governors about their ability to command a majority in the legislature. The first is parading legislators before the governor. The other is providing the governor with letters of support from lawmakers. In both cases, the conduct of governors and political parties has been found wanting.

Judicial review of decisions:

1. The post-poll decisions of the governors have invariably been challenged before the courts. Aggrieved parties allege that the party ruling at the Centre puts pressure on governors to install governments run by the same party, or friendly coalitions.
2. So far, the courts have not interfered with the judgment exercised by governors. The only thing the SC has done is to reduce the time given by the governor to a political party to prove its majority in the legislature — as was seen in the case of Karnataka in 2018 and Goa in 2017. The idea behind doing so is to prevent the possible poaching of legislators.
3. But even with a judicial overview, some decisions made by governors have set in motion a chain reaction damaging to the political fabric of the country. Political parties, on their part, start sequestering their legislators in hotels to prevent them from jumping ship.
4. In hung legislatures, the office of the Speaker also comes under pressure to inordinately delay the expulsion of lawmakers who defy their party's whip to support the government in power.



Punchhi Commission

1. Over the years, many different recommendations have been given to bring more clarity and transparency to the judgment exercised by a governor in appointing the CM.
2. A report of the Committee of Governors in 1971 suggested the setting up of a special wing in the President's Secretariat, which would communicate with the governors and bring uniformity in the treatment of similar situations.
3. The Justice Madan Mohan Punchhi Commission on Centre-state relations recommended in its 2010 report, amendments to the Constitution.
4. "In cases of narrow majorities, there are no uniformly accepted conventions and this can be remedied by adopting constitutional amendments, which lay down specific guidelines and approaches which ought to be followed by the Governor. This would result in greater clarity and certainty," said the report.

The way to nudge governors to be fair and judicious in appointing CMs does not lie in amending the Constitution and making it more prescriptive. It can be done if governors discharge their constitutional duty without fear or favour, as the founding fathers of our nation intended them to.

Water management needs a hydro-social approach

Freshwater resources are under stress, the principal driver being human activities in their various forms.

Freshwater, water valuation

- In its fourth assessment report in 2007, the Intergovernmental Panel on Climate Change (IPCC) highlighted the link between societal vulnerability and modifications of water systems.
- It is globally estimated that the gap between demand for and supply of freshwater may reach up to 40% by 2030 if present practices continue.
- The latest UN World Water Development Report, 2021, titled 'Valuing Water', has laid stress on the proper valuation of water by considering five interrelated perspectives: water sources; water infrastructure; water services; water as an input to production and socio-economic development, and socio-cultural values of water.



Inter-basin transfer (IBT) projects

1. The anthropogenic factors directly influencing a freshwater system are the engineering of river channels, irrigation and other consumptive use of water, widespread land use/land cover change, change in an aquatic habitat, and point and non-point source pollution affecting water quality.
2. The intra- and inter-basin transfer (IBT) of water is a major hydrological intervention to rectify the imbalance in water availability due to naturally prevailing unequal distribution of water resources within a given territory.
3. There are several IBT initiatives across the world. The National River Linking Project of India is one of those under construction. These projects, if executed, will create artificial water courses that are more than twice the length of the earth's equator and will transfer 1,910 km³ of water annually.
4. They will reengineer the hydrological system with considerable local, regional and global ramifications.
5. Based on a multi-country case study analysis, the World Wildlife Fund/World Wide Fund for Nature (2009) has suggested a **cautious approach** and the necessity to adhere to **sustainability principles set out by the World Commission on Dams** while taking up IBT projects.

Falsity in some of the key assumptions of IBT/Mega Dam/Irrigation projects

1. Recently, inter-basin transfer of water drew attention in India due to a provision made in Budget 2022 for the Ken Betwa river link project which is a part of the National River Linking project (mooted in 1970 and revived in 1999).
2. First, the basic premise of IBT is to export water from the surplus basin to a deficit basin. However, there is contestation on the concept of the surplus and deficit basin itself as the exercise is substantially hydrological.
3. Water demand within the donor basin by factoring present and future land use, especially cropping patterns, population growth, urbanisation, industrialisation, socio-economic development and environmental flow are hardly worked out.
4. Besides this, rainfall in many surplus basins has been reported as declining. The status of the surplus basin may alter if these issues are considered.



5. Second, there is concern about the present capacity utilisation of water resources created in the country. By 2016, India created an irrigation potential for 112 million hectares, but the gross irrigated area was 93 million hectares. There is a 19% gap, which is more in the case of canal irrigation.
6. In 1950-51, canal irrigation used to contribute 40% of net irrigated area, but by 2014-15, the net irrigated area under canal irrigation came down to less than 24%.
7. Ground water irrigation now covers 62.8% of net irrigated area. The average water use efficiency of irrigation projects in India is only 38% against 50%-60% in the case of developed countries.

Irrational and unsustainable use of water in India: Agriculture, grey water use

1. Even at the crop level we consume more water than the global average. Rice and wheat, the two principal crops accounting for more than 75% of agricultural production use 2,850 m³/tonnes and 1,654 m³/tonnes of water, respectively, against the global average of 2,291m³/tonnes and 1,334m³/tonnes in the same order.
2. The agriculture sector uses a little over 90% of total water use in India. And in industrial plants, consumption is 2 times to 3.5 times higher per unit of production of similar plants in other countries. Similarly, the domestic sector experiences a 30% to 40% loss of water due to leakage.
3. Third, grey water is hardly used in our country. It is estimated that 55% to 75% of domestic water use turns into grey water depending on its nature of use, people's habits, climatic conditions, etc.
4. At present, average water consumption in the domestic sector in urban areas is 135 litres to 196 litres a head a day. Given the size of India's urban population (469 million estimated for 2021), the amount of grey water production can be well imagined. If grey water production in the rural areas is considered it will be a huge amount.
5. The discharge of untreated grey water and industrial effluents into freshwater bodies is cause for concern. The situation will be further complicated if groundwater is affected.

Apart from the inefficient use of water in all sectors, there is also a reduction in natural storage capacity and deterioration in catchment efficiency.

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Way Forward:

- Source sustainability,
- renovation and maintenance of traditional water harvesting structures,
- grey water management infrastructure,
- groundwater recharge,
- increasing water use efficiency, and
- reuse of water.

Planning ahead

1. Looking into these issues may not be adequate to address all the problems. Nevertheless, these measures will help to reduce demand supply gap in many places, and the remaining areas of scarcity can be catered to using small-scale projects.
2. Water projects are politically charged and manifest an interplay of social relations, social power, and technology.
3. A hybrid water management system is necessary, where (along with professionals and policy makers) the individual, a community and society have definite roles in the value chain. The challenge is not to be techno-centric but anthropogenic.