



# Unlawful dissolution

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## **Unlawful dissolution-The J&K Governor's action controverts what has been laid down by the Supreme Court**

- In dissolving the Jammu and Kashmir Assembly without giving any claimant an opportunity to form the government, Governor Satya Pal Malik has violated constitutional law and convention.
- Mr. Malik's stated reasons for his action — "extensive horse trading" and the possibility that a government formed by parties with "opposing political ideologies" would not be stable — are extraneous.
- The Governor ought to have known that the Supreme Court has deprecated such a line of reasoning.
- It is true that the PDP and the National Conference had not initiated any move to form a popular government for months and favoured fresh elections.
- But that cannot be the reason for the Governor to dissolve the 87-member House just when they were about to come together to form a likely 56-member bloc with the help of the Congress.
- Describing such an alliance as opportunistic is fine as far as it is political opinion; however, it cannot be the basis for constitutional action.
- The court had also said unsubstantiated claims of horse-trading or corruption in efforts at government formation cannot be cited as reasons to dissolve the Assembly.
- Further, it said it was the Governor's duty to explore the possibility of forming a popular government, and that he could not dissolve the House solely to prevent a combination from staking its claim.
- Anyone interested in political stability in the sensitive State should ensure that democratic processes are strengthened.
- The potential for political instability in the future should not be cited as a reason to scuttle emerging alliances.

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