

# Daily Editorial Analysis 25 November 2025

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## The Amplitude of Gubernatorial Discretion

### Context

- Walter Bagehot's reminder that the British monarch **has no veto** and must even sign **her own death-warrant** underscores the democratic expectation that the nominal head of state functions without independent political will.
- This principle illuminates the contemporary debate over the role of the **Indian Governor** under **Article 200**, where ambiguity about discretion has repeatedly strained Centre-State relations.
- The Supreme Court's recent advisory opinion attempts clarification, yet its implications reveal deeper tensions between constitutional design and political practice.

### Historical Foundations and Constitutional Intent

- The **Government of India Act, 1935** vested substantial discretionary power in Governors, including the ability to **assent, withhold assent, or return Bills**.
- The framers of the Indian Constitution consciously departed from this colonial model.
- During the evolution of draft Article 175, the Constituent Assembly **removed references to discretion**, signalling a commitment to a parliamentary system in which the Governor acts on the **aid and advice of the Council of Ministers**.
- This intended transformation placed the Governor as a figurehead akin to Bagehot's constitutional monarch, with no personal political mandate.
- Yet practice has never fully aligned with this vision.
- Shifts in political alliances, party discipline, and the potential for partisan interference have kept the question of gubernatorial authority unresolved and often contentious.

### Judicial Interpretation and the Expansion of Discretion

- The Supreme Court recently considered whether the Governor possesses **implied discretion** under Article 200 and whether **timelines** can be imposed for decisions on Bills.
- The Court affirmed that discretion exists in **assenting, withholding, or reserving Bills**, and concluded that mandatory timelines cannot be judicially prescribed. Judicial review is limited to cases of **prolonged, unexplained, or indefinite delay**.
- This stance reintroduces discretionary space that the framers had consciously excluded. The Court argued that the **anti-defection law** and strict party whips ensure unified legislative action, making it unlikely that a

Bill could pass without cabinet support.

- Therefore, the Governor may need discretion if advice is **unconstitutional or contrary to the text**.
- However, this reasoning overlooks politically plausible scenarios where **coalitions shift**, and a new ministry may legitimately reconsider a Bill passed under a previous alliance.
- Constitutional advisor **N. Rau** noted such situations, cautioning against assumptions of stable legislative intent.
- Moreover, safeguards already exist: a Governor confronted with blatantly unconstitutional advice may act under **Article 356** without relying on ministerial recommendation.

## Political Realities and Institutional Friction

- Expansive discretion becomes problematic in a political context where Governors are often perceived as extensions of the **Union executive**.
- **Soli Sorabjee's** criticism of the office becoming a **consolation prize for burnt-out politicians** highlights concerns about impartiality.
- When different parties control the Union and the State, the Governor's actions, particularly strategic delays or reservations of Bills, can escalate tensions.
- Historical evidence shows repeated misuse of delays. Former Karnataka Chief Minister **Ramakrishna Hegde** documented that **74 Bills** awaited presidential assent for years, with some pending for **six to seven years**.
- Such delays amount to a **de facto veto**, despite the Constitution providing none.

## Risks of Over-Broad Discretion: Toward Gubernatorial Governance?

- By affirming implied discretion and placing many actions **beyond judicial review**, the Court's opinion risks enabling a form of **gubernatorial governance** where unelected officers influence legislative outcomes.
- This development contradicts the democratic architecture in which the **legislature** and its **accountable executive** should dominate policy-making.
- Doctrinal uncertainty also emerges. The advisory opinion diverges from reasoning in the earlier **Tamil Nadu case**, potentially encouraging broader assertions of discretion unless constitutional amendments define tighter boundaries.
- A system that permits significant delays or unilateral gubernatorial decisions threatens the federal balance and weakens the authority of elected State governments.

## A Path Forward: Timelines and Reduced Discretion

- A stable federal structure requires clearer limits on gubernatorial authority.
- Introducing **constitutional timelines** for assent would prevent obstruction through delay and enhance transparency.
- Reinforcing the principle that discretion exists only in the **narrow exceptions** envisaged by the framers would restore alignment with parliamentary conventions.
- Additionally, revisiting the **mode of appointment**, as recommended by multiple commissions, would mitigate perceptions of partisanship and strengthen institutional legitimacy.

## Conclusion

- The relationship between the legislature and the constitutional head in a parliamentary system demands clarity, restraint, and respect for democratic accountability.
- Gubernatorial authority under Article 200 remains one of the most significant unresolved constitutional challenges in India.
- Without reforms, especially **defined timelines** and **narrowed discretion**, the risk persists that an office intended to be ceremonial will continue to shape legislation in ways neither envisioned by the framers nor conducive to healthy federalism.

## The Amplitude of Gubernatorial Discretion FAQs

**Q1.** What constitutional issue arises from Article 200 regarding the Governor's role?

**Ans.** The issue arises from the ambiguity over the Governor's discretionary power in assenting to or delaying Bills passed by the State legislature.

**Q2.** Why did the framers remove references to discretion from the draft Article 175?

**Ans.** They removed those references to ensure the Governor functions as a ceremonial head who acts on the aid and advice of the Council of Ministers.

**Q3.** What concern is raised by prolonged delays in granting assent to Bills?

**Ans.** Prolonged delays create a de facto veto that undermines democratic decision-making and disrupts State governance.

**Q4.** How does political partisanship affect the functioning of the Governor's office?

**Ans.** Political partisanship affects the office because Governors are often perceived as aligned with the Union, creating friction when the State is ruled by an opposing party.

**Q5.** What reform is suggested to reduce conflicts between the State and the Governor?

**Ans.** A reform suggested is the introduction of clear constitutional timelines for the Governor's actions on Bills.

**Source:** **The Hindu**

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## Bridging India's Numeracy Gap

### Context

- The National Education Policy (NEP) 2020 emphasises Foundational Literacy and Numeracy (FLN) as the basis for all future learning.
- Through the NIPUN Bharat Mission, this vision has shifted from focusing on inputs to prioritising measurable learning outcomes.
- As a result, **foundational learning** — stagnant for years — is now showing notable improvement, as seen in both government and independent assessments.

- However, a significant challenge remains: numeracy is consistently **weaker** than literacy. ASER 2024 highlights this gap — while 48.7% of Class 5 students can read fluently, only 30.7% can solve a basic division problem.
- Importantly, no State in India reports higher numeracy scores than literacy. This persistent disparity makes strengthening numeracy essential for achieving comprehensive foundational learning.

## Why Numeracy Lags Behind: The Cumulative Nature of Math

- Mathematics is hierarchical — each new concept depends on mastering earlier ones.
- If foundational ideas like place value are not understood in early grades, students struggle later with addition, decimals, and more complex operations.
- Unlike language, partial understanding doesn't allow progress in math, so gaps expand over time.
- **Curriculum Progression vs. Learning Levels**
  - Traditional syllabus-driven teaching moves ahead regardless of whether students have understood earlier concepts.
  - Evidence from Teaching at the Right Level (Pratham) shows that instruction must match the child's learning level, not the textbook.
  - Without such alignment, most learners fall behind, widening learning disparities.
- **Real-Life Application Gap**
  - Research reveals a disconnect between classroom math and everyday problem-solving.
  - Students who perform well on school math tests struggle with market-based calculations.
  - Children familiar with real-world arithmetic (e.g., shop work) often cannot transfer these skills to classroom-style math problems.
  - This two-way gap underscores the need for integrated, practical learning.

## Consequences of Weak Numeracy

- Poor foundational numeracy leads to difficulties in math and science, both of which have higher failure rates in board exams.
- Many students drop out in middle or secondary school not due to lack of interest, but because learning gaps make classroom teaching incomprehensible.
- Fear of math blocks access to higher education for many who cannot clear Class 10 or leave school earlier.

## Way Forward

- **Extend Foundational Interventions Beyond Class 3**
  - The current FLN focus up to Class 3 is insufficient since 70% of Class 5 and over 50% of Class 8 students still cannot do basic division.

- Extending interventions up to Class 8 — as successfully demonstrated in Dadra & Nagar Haveli and Daman & Diu — is essential to bridge learning gaps, especially after COVID-19 disruptions.

- **Introduce FLN+ Skills for Higher Grades**

- Beyond foundational numeracy, upper primary children need fractions, decimals, percentages, ratios and integers to succeed in board exams and progress academically.
- With most Class 5 students unable to do division, they also lack these higher-level skills — making FLN+ indispensable.

- **Reform Pedagogy to Match Learning Levels**

- Teaching must shift from rigid, grade-based syllabi to activity-based, child-friendly methods used in FLN.
- Instruction should be aligned with students' learning levels, not just the curriculum, especially at higher grades where gaps widen sharply.

- **Integrate Real-Life Problem-Solving**

- Classrooms should embed numeracy and literacy in real-life contexts.
- Connecting learning to everyday situations strengthens comprehension, improves transfer of skills, and increases student engagement.

## Why This Matters: Urgency for India's Future

- The numeracy gap deepens as students advance through school and leads to:
  - poor learning outcomes,
  - high board exam failure rates,
  - rising dropouts, and
  - weakened employability and equity.
- The **NIPUN Bharat Mission** has proven that large-scale improvement is possible.
- The next step is to expand this progress to **upper primary classes and FLN+**, ensuring continuity of learning and preparing students for future academic and economic opportunities.

## Bridging India's Numeracy Gap FAQs

**Q1.** Why does numeracy lag behind literacy in India?

**Ans.** Numeracy lags because math is cumulative; missing early concepts like place value blocks progress. Traditional syllabus-based teaching advances too quickly, widening learning gaps over time.

**Q2.** How does real-life application influence numeracy learning?

**Ans.** Studies show students often fail to apply school math in real-life situations, while real-world arithmetic skills don't easily transfer to classroom problems, highlighting a two-way disconnect.

**Q3.** What are the consequences of weak foundational numeracy?

**Ans.** Weak numeracy leads to difficulties in math and science, higher board exam failures, rising dropouts, and reduced access to higher education, limiting long-term opportunities.

**Q4.** Why must foundational interventions extend beyond Class 3?

**Ans.** Since most Class 5 and half of Class 8 students cannot do basic division, interventions must continue through middle school to close persistent and widening gaps.

**Q5.** What reforms are essential to strengthen numeracy outcomes?

**Ans.** India needs FLN+ skills, activity-based teaching aligned to learning levels, and real-life problem-solving integration to improve comprehension and ensure lasting numeracy gains.

**Source:** TH

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## Modernising India's Labour Regulation - Significance of the New Labour Codes

### Context

- India has replaced 29 fragmented labour laws with four **consolidated** Labour Codes—wages, social security, industrial relations, and occupational safety & health.
- The reform seeks to **reduce regulatory complexity**, encourage formalisation, and enhance ease of doing business, forming an institutional pillar for **Viksit Bharat 2047**.

### Background and Rationale for Reform

- **Fragmented regulatory landscape**
  - Earlier labour regimes evolved without coordination, resulting in inconsistencies across definitions, thresholds, and state-level rules.
  - This generated ambiguity, compliance burden, and “**interpretive fog**”.
- **Consolidation into four codes**
  - Uniform definitions across states.
  - Written appointment letters mandatory.
  - Clearer rules for timely wage payments.
  - **Recognition of gig and platform workers.**
  - Updated health, safety, and working conditions.
  - National-level simplified compliance architecture.

### Transforming the Business Environment

- **Closing the “Tax on Scale”**

- Ambiguity earlier acted as a **disincentive to growth**.
- Firms stayed small to avoid triggering new compliance thresholds, leading to “**missing middle**” phenomenon.
- Uniform rules reduce uncertainty, enabling expansion across states.

- **Enhancing ease of doing business**

- **Predictability** matters more than subsidies.
- Lower risk of accidental non-compliance will boost investor confidence.
- Simplified registration, single licence, and unified national returns **reduce administrative friction**.

## **Promoting Formalisation and Labour-Market Efficiency**

- **Strengthening formal employment**

- Appointment letters and clear wage definitions discourage informal arrangements.
- Improves worker retention, skill development, and productivity.
- Better **workforce planning** for firms.

- **Digital and platform economy inclusion**

- Recognises gig and platform workers for the **first time**.
- By opening pathways to social protection, the Codes reduce the disconnect between the structure of work and the structure of regulation.
- This brings India in line with many **OECD** economies, better equipped to sustain **innovation**.

- **Women’s labour-force participation**

- Relaxation of restrictions on night work with safety provisions, expanding economic opportunities and supporting inclusive growth.

## **Economic Logic - Lowering Transaction Costs**

- **High transaction costs previously:** Firms avoided hiring, formalisation, and expansion. Compliance complexity was a shadow tax on business.
- **New compliance architecture:** Clearer rules, online systems, and uniform standards reduce friction. Encourages formal economic behaviour and sustainable enterprise growth.

## **Institutional Importance**

- **Earlier regime:** Fragmented laws resulted in risk-averse, defensive firms.
- **New regime:** Coherent, predictable framework will lead to ambitious, growth-oriented behaviour.

- **Institutions shape economic behaviour:** Supports a modern, competitive labour market aligned with economic transformation goals.

## Challenges Ahead

- **Implementation bottlenecks**

- States must notify rules in harmony with the Centre.
- Robust digital platforms required for registration and compliance.
- **Inspectorate reforms** needed to prevent discretion-based enforcement.
- **Awareness gaps** among MSMEs and workers.

- **Transition management**

- Shift from legacy systems to new Codes may initially create confusion. Ensuring social protection coverage for gig/platform workers is a long-term challenge.

## Way Forward

- **Strengthen state capacity** to implement rules uniformly.
- Ensure seamless **digital integration** for registration, licensing, and compliance.
- Build **awareness and training** for MSMEs, start-ups, gig workers, and labour officers.
- Promote **social security portability**, especially for gig/platform workforce.
- Continuous **feedback** loops to refine Codes based on ground realities.
- **Gender-sensitive infrastructure** to support increased female labour participation.

## Conclusion

- India's four Labour Codes mark **a historic institutional shift**, replacing outdated and fragmented statutes with a coherent, predictable, and modern labour framework.
- They promote formalisation, reduce compliance uncertainty, support women and gig workers, and strengthen the ease of doing business—key pillars for building a Viksit Bharat 2047.
- While successful implementation remains critical, the Codes lay a **strong foundation** for an inclusive, competitive, and resilient labour market that benefits both workers and entrepreneurs.

## New Labour Codes FAQs

**Q1.** How do the new Labour Codes address the “missing middle” problem in India’s industrial structure?

**Ans.** By providing uniform definitions, predictable rules, and simplified compliance, the Labour Codes remove scale-related regulatory disincentives.

**Q2.** How the Labour Codes strengthen the ease of doing business in India?

**Ans.** They reduce regulatory ambiguity through unified registration, single licences, and clear compliance norms.

**Q3.** What is the significance of recognising gig and platform workers under the new Labour Codes?

**Ans.** Recognition extends social security pathways to a fast-growing workforce segment, aligning India's labour regulation with global trends.

**Q4.** In what way do the Labour Codes support formalisation and labour-market efficiency?

**Ans.** Mandatory appointment letters, harmonised wage definitions, and uniform categories reduce informal arrangements.

**Q5.** Why is effective implementation critical for realising the benefits of the new Labour Codes?

**Ans.** Because uniform state rules, non-discretionary enforcement are essential to ensure that Codes translate into tangible economic and labour-market gains.

**Source: IE**

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