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SC action on TN governor is not overreach. Here's why

Context: Supreme Court's Use of Article 142 in Tamil Nadu Governor Case

- The Supreme Court invoked **Article 142 of the Constitution**, which grants it the power to ensure “complete justice,” to resolve the constitutional crisis caused by the **Tamil Nadu Governor's prolonged inaction** on state bills.
- By declaring that the **long-pending bills were deemed assented**, the Court directly addressed the Governor's failure to perform a key constitutional function under **Article 200**, ensuring the democratic process was upheld.

Judiciary's Role in Upholding Constitutional Values

- Judges and lawyers have historically served as **guardians of constitutional accountability**, especially in cases where state or executive actions undermine democratic norms.
- The **swift judicial intervention in the Waqf (Amendment) Act 2025** demonstrated prompt legal responsiveness.
- In contrast, the **delayed attention to the Governor's inaction**, despite bills pending since 2020, reveals inconsistency in how constitutional concerns are prioritized, which can **undermine legislative intent and public interest**.
- Such delays violate the spirit of the **five-year electoral mandate**, where the will of the people, expressed through legislation, is frustrated by procedural stalling.

Inaction as a Tool of Constitutional Subversion

- The **Governor's refusal or silence** on state bills is more than a procedural lapse—it represents a **serious threat to Indian federalism** and democratic governance.
- In India's quasi-federal structure, Governors are expected to act **neutrally**; when they are seen as politically motivated actors, it disrupts the **center-state balance**.
- **Pending bills lapse when an assembly's term ends**, allowing inaction to serve as a covert means of **nullifying elected legislative decisions**.
- The **legal immunity of Governors** for official acts further complicates the situation—citizens and state governments have **no direct legal recourse** against such inaction.
- Worse, there is often **no written communication or official record** of the inaction, making it almost impossible to challenge judicially.



Article 142: A Bold but Necessary Constitutional Innovation

- Article 142 empowers the Supreme Court to ensure “**complete justice**” in any matter before it—even where **the Constitution or statutes are silent**.
- The Court held that **Articles 200 and 201 do not permit a ‘pocket veto’**, thereby closing the gap that allowed Governors to withhold assent indefinitely without explanation.
- The ruling **recognized the constitutional vacuum** and filled it by ensuring that the Tamil Nadu bills were **deemed to have received assent** after undue delay.
- The use of Article 142 in this case **does not contradict existing law**, but rather addresses the **absence of law** to protect democratic norms.
- Although some critics argue this is **judicial overreach**, the decision remains **constitutionally valid and binding** unless reversed through legislative amendment or a larger bench ruling.

Governor’s Accountability and Mala Fide Conduct

- The Supreme Court’s judgment explicitly stated that the **Governor’s behavior showed mala fides**, reflecting a **disregard for the judiciary and constitutional duties**.
- This raises important concerns about **the accountability of constitutional authorities** like Governors, who are **appointed but not directly answerable to the public**.
- The question arises: Should a person who acts in **bad faith** continue in such a high constitutional role?
- Political demands for the Governor’s **resignation have gone unheeded**, revealing the **gap between legal and moral accountability**.

Quo Warranto: Legal Remedy for Holding Office Without Justification

- In the absence of resignation, a **writ of quo warranto** can be filed in the courts to question the legal basis for the Governor continuing in office.
- This legal tool allows the judiciary to **assess whether the official still has the authority to hold their position**, particularly in cases of proven misconduct.
- Quo warranto aligns with the **constitutional goal of accountability**, and upholds the principle that even constitutional offices must serve the public interest with integrity.

Strategic Use of Inaction: A New Threat to Constitutionalism

- A growing trend in governance is the use of **delays, silence, and bureaucratic inaction** to undermine democratic processes—what the Court calls “**constitutional subversion by stealth**.”



- Unlike constitutional amendments (which are subject to judicial review under the **Basic Structure Doctrine**), inaction leaves **no tangible record**, making it harder to challenge in court.
- In comparison to the **United States**, where executive actions often face **swift judicial scrutiny**, India's response to non-action has been **less rigorous**, allowing such tactics to quietly take root.
- This enables a **new form of authoritarianism** that bypasses institutional checks while appearing procedurally lawful.

Reframing the Constitution as a 'Labyrinth, Not a Maze'

- The Supreme Court metaphorically described the Constitution as a “**labyrinth, not a maze**,” emphasizing that constitutional interpretation requires **nuance, depth, and coherence**, not manipulation.
- The Constitution is **not a puzzle to be gamed**, but a **structured framework of responsibilities, rights, and institutional balance**.
- When followed in spirit and letter, it ensures **justice, order, and democratic functioning**. When circumvented, it leads to confusion, erosion of trust, and democratic backsliding.
- This judgment reaffirms that **constitutional values and rule of law must prevail** over political expediency or administrative silence.

Conclusion: Reaffirmation of Democratic Norms through Judicial Vigilance

- The Supreme Court's intervention in the Tamil Nadu Governor case highlights the judiciary's role as the **final bulwark against constitutional erosion**.
- By invoking Article 142 innovatively but responsibly, the Court filled a critical **accountability gap** in India's federal system.
- The ruling not only **rescued the democratic will** of the Tamil Nadu legislature but also **set a precedent** to prevent similar inaction from derailing governance in the future.
- This episode underscores the need for **institutional reforms, clearer accountability mechanisms**, and increased scholarly attention on **non-action as a constitutional challenge**.

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