



## EDITORIAL: INDIAN EXPRESS

**GENERAL STUDIES 2: POLITY**

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**TOPIC: CENTRE STATE RELATION (FEDERALISM)**

### President Droupadi Murmu, R N Ravi and Supreme Court: Questions for the Bench

#### 1. Context and Core Issue

- The **President of India** recently referred a matter to the **Supreme Court under Article 131** concerning the **Punjab Governor's refusal to summon the State Assembly** despite the recommendation of the elected state cabinet.
- This incident has **revived debate on constitutional propriety, separation of powers, and the role of the Governor in India's federal structure.**

#### 2. What Triggered the Constitutional Dispute?

- The **Punjab Governor refused to summon the Assembly session**, which was requested by the **state cabinet led by an elected government.**
- The refusal, seen by many as **undermining constitutional convention**, led to the **President invoking Article 131** and referring the matter to the **Supreme Court.**
- The move raised concerns about **judicial intervention** in what is essentially a **political and executive dispute.**

#### 3. Key Constitutional Provisions Involved

- **Article 131:**
  - Provides the **Supreme Court exclusive original jurisdiction** in disputes between:
    - **The Union and one or more States.**
    - **Two or more States.**
  - Meant to resolve **legal disputes of federal significance**, not executive actions or procedural conflicts.
- **Article 142:**
  - Allows the Supreme Court to **pass orders necessary for "complete justice"** in any cause or matter pending before it.
  - Often used to fill legal gaps, but its use in **political or executive matters** is controversial.



- **Article 163:**

- States that the **Governor is bound by the aid and advice of the Council of Ministers**, except in areas where he is required to act in his discretion.

- **Article 174:**

- Empowers the Governor to **summon, prorogue, or dissolve the State Legislature**.
- However, these powers are to be exercised **based on the advice of the elected cabinet**, not at the Governor's personal discretion.

#### 4. Concerns and Criticisms

- **Judicial Overreach?**

- Referring this matter to the judiciary may be seen as **substituting judicial discretion for political accountability**.
- Critics argue that **executive disagreements should be resolved through political or institutional channels**, not litigation.

- **Misuse of Article 131:**

- Article 131 is designed for **legal disputes of a federal nature**, such as tax-sharing or constitutional validity of legislation.
- Using it for executive matters like **summoning an assembly** may set a **dangerous precedent**.

- **Governor's Partisan Conduct:**

- The Governor is accused of **acting politically or under Union pressure**, thus violating his **constitutional neutrality**.
- It reflects a **larger pattern** where Governors are seen as **obstacles to opposition-ruled state governments**.

- **Centre vs. State Confrontation:**

- Increasing use of constitutional offices (like Governors and even the President) for **political messaging or obstruction** shows **deepening Centre-State tensions**.
- This may erode **public trust in federal institutions** and **disturb the delicate constitutional balance**.

#### 5. Broader Constitutional and Democratic Concerns

- **Threat to Federalism:**



- The situation **undermines cooperative federalism**, with central institutions appearing to interfere in **State legislative processes**.
- **Undermining Executive Accountability:**
  - The **elected state government loses autonomy** if the Governor exercises powers contrary to their advice without clear justification.
- **Over-Reliance on Judiciary:**
  - Every executive standoff being taken to court **erodes the separation of powers**, overburdens the judiciary, and weakens **political problem-solving mechanisms**.

## 6. Way Forward: Recommendations for Systemic Reforms

- **Promote Cooperative Federalism:**
  - Use platforms like the **Inter-State Council**, **NITI Aayog**, and **Zonal Councils** to resolve Centre-State disputes through dialogue.
- **Judicial Restraint in Political Matters:**
  - The judiciary should **respect the political nature of some disputes**, intervening **only when constitutional violations are clear and egregious**.
  - Avoid becoming the **arbiter of every intergovernmental disagreement**.
- **Strengthen Political Resolution Mechanisms:**
  - Encourage **internal political dialogue** within constitutional frameworks (e.g., through party leadership, Parliament, and State Assemblies) before resorting to judicial remedies.
- **Codify Guidelines for Governors:**
  - Implement the recommendations of:
    - **Sarkaria Commission:** Clearly limit the discretionary powers of Governors and ensure they act on **aid and advice** in legislative matters.
    - **Punchhi Commission:** Mandate consultation mechanisms and **time-bound response norms** for Governor decisions to avoid misuse.
- **Parliamentary Oversight of Governor's Conduct:**
  - Establish a **reporting or review mechanism** where controversial actions by Governors are discussed in **Parliament or a select committee**.

## 7. Conclusion



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- The Punjab episode highlights the **increasing politicization of constitutional offices** and the **vulnerabilities in India's federal architecture**.
- India must reaffirm the **spirit of the Constitution**, uphold **democratic values**, and **strengthen institutional norms** to ensure that Governors act as **neutral constitutional custodians**, not political agents.
- A combination of **legal clarity, institutional restraint, and cooperative dialogue** is essential to preserve **India's federal democracy**.

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