

Supreme Court Judgement on Timelines for President & Governors

President Droupadi Murmu referred 14 constitutional questions to the Supreme Court under Article 143(1) of the Constitution. This was triggered by controversy over a prior two-judge bench's April 8, 2025 judgment, which had imposed fixed timelines on Governors and the President to decide on bills.

Holding of the Supreme Court

- No Fixed Timelines for Governor or President:** The Court held that it is not appropriate for courts to "judicially prescribe" fixed timelines for Governors (under Art. 200) or the President (under Art. 201) to act on bills.
Imposing such deadlines would undermine the "elasticity" built into the Constitution. Such imposition, the Court said, would violate the doctrine of separation of powers.
- Limited Judicial Review in Case of Prolonged Inaction:** While the merits of the Governor's decision (i.e., *why* he withholds or reserves) are not subject to merits review, in cases of "prolonged, unexplained, and indefinite" inaction, courts can issue a limited mandamus.
The Court also emphasized that such judicial direction should *not* comment on the substance of the bill.
- Deemed Assent Not Permissible by Courts:** The Court rejected "deemed assent" (i.e., treating a bill as having been assented) if deadlines pass. Granting deemed assent under judicial power (e.g., via Article 142) would amount to a "virtual takeover" of the Governor's (or President's) constitutional function.
- Federal Dialogue and Cooperative Federalism:** The Court underscored that the Governor should adopt a *dialogue approach* with the legislature; returning a bill with comments is part of a "constitutional dialogue" rather than confrontation.

Implications of the judgement

- Reinforces cooperative federalism:** The verdict strengthens the autonomy of Governors by protecting their discretion to some extent. But at the same time, it restrains potential misuse; Governors cannot indefinitely block state bills.

- Judicial Restraint and Separation of Powers:** The judgment is a statement against **judicial overreach**. By refusing to lay down fixed timelines or grant deemed assent, the Court preserves the constitutional space of the Governor/President. Yet, ensures accountability by allowing *limited* mandamus, it.

Related Important Constitutional Articles

- Article 200:** Relates to the Governor's options when a bill is presented. When a State Bill is presented, the Governor may: Give assent; Withhold assent; Return the Bill (other than Money Bill) for reconsideration; Reserve the Bill for President's consideration
- Article 201 :** President's Assent to Bills Reserved by Governor
- Article 142:** Supreme Court's Power to Do Complete Justice. (*Court refused to use Article 142 to grant "deemed assent".*)
- Article 143:** Presidential Reference to Supreme Court. Allows the President to seek the Supreme Court's opinion on any question of law or fact of public importance.
- Article 196:** Procedure for Passing Bills in State Legislature
- Article 198:** Bills Reserved for Consideration of President (other than Money Bills)
- Article 111:** President's Assent to Bills
- Article 32 :** Writ Jurisdiction of Supreme Court
- Article 131:** The Supreme Court has **exclusive original jurisdiction** in any dispute between: **Government of India vs one or more States; Government of India & one or more States vs one or more States; Between two or more States**

25 Years of State Reorganisation : Uttarakhand, Jharkhand & Chhattisgarh (2000–2025)

In November 2000, three states were carved out: Uttarakhand from Uttar Pradesh, Jharkhand from Bihar, and Chhattisgarh from Madhya Pradesh.



The rationale for reorganisation was multi-fold:

1. Large parent states were administratively unmanageable, making governance difficult.
2. There were strong regional identity movements demanding separate statehood (especially in Jharkhand and Uttarakhand).
3. Economic and development imbalances: these regions were underdeveloped and expected to benefit from more focused governance.

The creation was formalised via reorganisation acts passed by Parliament:

- o Uttar Pradesh Reorganisation Act, 2000 for Uttarakhand.
- o Bihar Reorganisation Act, 2000 for Jharkhand.
- o Madhya Pradesh Reorganisation Act, 2000 for Chhattisgarh

Constitutional Provisions for State Reorganisation

The Constitution gives extraordinary flexibility for altering the map of India.

Article 2: Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit.

Article 3 Parliament may by law –

- (a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State;
- (b) increase the area of any State;
- (c) diminish the area of any State;
- (d) alter the boundaries of any State;
- (e) alter the name of any State

A Bill to do any of the above:

- Needs the President's permission before it can be introduced.
- If the change affects a State's area, boundary, or name, the State Legislature must be asked for its opinion.
But the State's opinion is **not binding**. Parliament can still go ahead.

Article 4

- Laws made under Articles 2 & 3 automatically amend the First & Fourth Schedules (names of states, allocation of Rajya Sabha seats).

Evolution of State Reorganisation

1. Dhar Commission (1948)

- Advised **administrative convenience** as the basis for reorganising states.

2. JVP Committee (1949) – Nehru, Patel, Sitaramayya

- Rejected immediate linguistic reorganisation.
- Warned of political instability but recognised public sentiment.

- **Creation of Andhra State (1953) Triggered massive nationwide demands for reorganisation.**

States Reorganisation Commission (SRC), 1953–55

- Members: Fazl Ali, H.N. Kunzru, K.M. Panikkar
- Suggested reorganisation based on **administrative efficiency + cultural/linguistic cohesion + national unity.**

States Reorganisation Act, 1956

- Biggest reform:
 - o Abolished Part A/B/C categories
 - o Created **14 States & 6 UTs**
 - o Redefined Indian federalism

Post-1956 Reorganisation Waves

1960s–1980s

- 1960 – Maharashtra & Gujarat
- 1963 – Nagaland
- 1966 – Punjab split Haryana; Chandigarh UT
- 1971–72 – Himachal, Manipur, Meghalaya, Tripura
- 1975 – Sikkim
- 1987 – Goa, Mizoram, Arunachal Pradesh



2000 Reorganisation Wave

- Uttarakhand (then Uttaranchal)
- Chhattisgarh
- Jharkhand

Key drivers: tribal identity, administrative convenience, economic neglect.

2014

- Telangana, due to sustained region-based political movement & feelings of economic discrimination.

2020s Discussions

Demand for new states such as:

Vidarbha, Gorkhaland, Bundelkhand, Bodoland, Tulu Nadu, Harit Pradesh, Kodagu etc.

Basis of State Reorganisation in India

1. **Administrative Efficiency:** Smaller states allow closer governance.
2. **Cultural & Linguistic Identity:** Recognition of regional diversity to strengthen national unity.
3. **Economic Unevenness:** Backward regions demanded separate states to control resources (e.g., Jharkhand minerals, Chhattisgarh coal).
4. **Ethnic / Tribal Identity:** Nagaland, Mizoram, Meghalaya created to address ethnic aspirations.
5. **Political Mobilisation:** Long political movements (e.g., Telangana, Gorkhaland).
6. **National Security & Strategic Administration;** Creation of UTs like Ladakh; NE state reorganisation for insurgency management.

Implications of Reorganisation

1. **Strengthening Federalism:** Demands channelled through constitutional mechanism avoids violent separatism.
2. **Improved Administration:** Smaller states often show better delivery
3. Reduced Regional Imbalances
4. **National Integration:** Acknowledging diversity reinforces unity
5. Better Representation of Tribal and minority areas .

Negative Impacts

1. Rise of Regionalism: Identity-based politics sometimes overshadow national priorities.
2. Inter-State Boundary Disputes.
3. Economic Viability Issues
4. Administrative Costs: New capitals, bureaucracy, infrastructure burden on finances.

