States Power to Challenge Centre

Why in news?

The framers of the Indian Constitution envisioned the differences between the Centre and States and added Article 131 for the resolution of such issues.

What are the differences between Centre and States?

- The Indian Constitution was empowered to change its form and shape into unitary or federal according to the requirements of time and circumstances.
- In normal times, it is framed to work as a federal system. But in times of war, it is designed to work as a unitary system.
- The framers of the Indian Constitution envisioned the differences between the Centre and States owing to this quasi-federal structure and dual polity.
- So, they added the original and exclusive jurisdiction of the Supreme Court under Article 131 for the resolution of such issues.

What is Article 131?

- The Indian Supreme Court has three kinds of jurisdictions— original, appellate and advisory.
- **Advisory** - The President's power to seek an opinion from the Supreme Court.
- **Appellate** - The Supreme Court can hear appeals from lower courts.
- **Original** - It is the power of the Supreme Court to hear and adjudicate disputes from the beginning.

Article 131 deals with the original jurisdiction of the Supreme Court.

- A citizen can approach the High Court or the Supreme Court under Article 226 and Article 32, respectively, in case there is a violation of fundamental rights.
- Similarly, a state can invoke Article 131 to approach the Supreme Court in case it feels that its legal rights are under threat or have been violated by another State or the Central government.

What are the cases that can be dealt using Article 131?

- Article 131 can be applicable for disputes between:
  - The Government of India and one or more States, or
  - The Government of India and any State or States on one side and one or more other States on the other, or
  - Two or more States.

- **Restrictions** - The original jurisprudence of the SC doesn't extend to a dispute arising out of a treaty, agreement, covenant, or engagement which continues to be in operation.
- The original jurisdiction of the SC is also not applicable to cases where another body has jurisdiction under other provisions of the Constitution or that of the SC is excluded.
- **Examples of this includes** –
  - Article 262 (inter-State water disputes)
  - Article 280 (matters referred to Finance Commission)
  - Article 290 (adjustment of certain expenses and pensions between the Union and the States)



When can Article 131 be invoked?

- Article 131 can be invoked when the dispute involves a question of law or fact on which the 'existence or extent of a legal right depends'.
- But, the Article 131 doesn't explicitly define what constitutes a legal right, or whose legal right is in question.
- In the ***State of Rajasthan vs Union of India (1977)***, the SC explained the scope of legal rights and the limitations to the Article.
- **Scope** - The legal right of the States is their immunity, sense of freedom from the power of the Union Government.
- **Limitations** - A private party can't invoke Article 131 to raise a dispute in the Supreme Court.
- Also, the dispute must be related to a legal right and not a dispute on political plane that is not based on a legal right.

How has the SC previously dealt with cases under Article 131?

- Over the years, multiple cases have been filed where States have challenged the Centre in the Supreme Court.
- ***State of Rajasthan vs Union of India (1977)* -** Rajasthan and six States filed suits in the SC to declare the letter of the Home Minister to advise Governor to dissolve the state assembly as illegal, under Article 131.
- The SC held that the legal right here refers to that of a State and not the government in power.
- ***State of Karnataka vs Union of India (1977)* -** The Karnataka government approached the SC, challenging a law that authorises Centre to order a judicial inquiry against the Chief Minister.
- The SC held that 'legal right' does not just mean that of the State, but includes any legal right of State government.
- ***The State of Madhya Pradesh vs Union of India and Another (2011)*** – Madhya Pradesh filed a suit before the SC under Article 131, challenging the MP Reorganisation Act, 2000.
- The two-member bench held that Article 131 was not appropriate to challenge the

constitutionality of a central legislation.

- **Kerala's anti-CAA suit** - Kerala challenged the constitutionality of the Citizenship (Amendment) Act (CAA) in the Supreme Court under Article 131, to declare it violative of the Constitution and against the principle of secularism.
- **Chhattisgarh's suit against NIA Act** - The Chhattisgarh Government invoked Article 131 to challenge the National Investigating Act, 2008 in the Supreme Court arguing that the provisions of the Act go against state sovereignty.

References

1. https://www.thehindu.com/news/national/article-131-federal-state-challenge-central-laws-dispute-decoded-explain-constitution/article65889589.ece?homepage=true
2. https://www.thehindu.com/news/national/can-states-challenge-the-validity-of-central-laws/article30595797.ece

