



BAJIRAO IAS ACADEMY

THE HINDU ANALYSIS

25 NOVEMBER 2025



MALNUTRITION IN INDIA

SC's Advisory Opinion

Infant deaths in Tribal dominated Melghat

53rd Chief justice of India

Goa Tiger Habitat Claims

SC's Advisory Opinion

What does the SC's advisory opinion imply?

What were the questions raised by the Presidential reference as a result of a judgment delivered in April 2025? What were the key points delivered by the Supreme Court in its opinion? Should Governors act on the aid and advice of the Council of Ministers?

EXPLAINER

Rangarajan.R

The story so far:

The Supreme Court has provided its opinion on a Presidential reference made under Article 143. In its opinion, it has largely negated the decision of a two-judge Bench that was delivered in April 2025.

What was the Presidential reference?

The current reference is the result of a two-judge Bench judgment in *State of Tamil Nadu versus Governor of Tamil Nadu* in April 2025, that had specified a timeline of three months for Governors and the President to act on Bills passed by State legislatures. The court held that decisions by Governors and the President on such Bills are subject to judicial review. It had exercised its extraordinary power under Article 142 and granted 'deemed assent' to Bills passed by Tamil Nadu assembly that were not assented to by the Governor.

The present reference had raised 14 questions, primarily surrounding the interpretation of Articles 200 and 201, for the court's opinion. These questions deal with the authority of the courts to prescribe timelines when they are not specified in the Constitution. The government had questioned whether the actions of Governors and the President can be made justiciable at a stage prior to the enactment of a Bill into a law. The reference also sought an opinion on the extent of powers that can be exercised by the Supreme Court under Article 142.

What is the current opinion?

A five-judge Bench of the top Court delivered its opinion on the questions raised. It stated that this reference was a 'functional reference', that strikes at the root of day-to-day functioning of constitutional functionaries and the interplay between State legislature, Governor and the President. Key points of



The Supreme Court of India. GETTY IMAGES

the opinion are summarised below.

First, the Governor has three constitutional options under Article 200 when a Bill passed by State legislature is presented for his/her assent, namely to assent, or reserve the Bill for consideration of the President, or withhold assent and return the Bill to legislature with comments. Second, the Governor enjoys discretion in choosing from these three options and is not bound by the aid and advice of the Council of Ministers. Third, the discharge of functions by the Governor under Article 200 is not justiciable but in case of glaring circumstances of prolonged and unexplained inaction, the court can issue a limited mandamus for the Governor to discharge his/her function on Bills presented. Fourth, in the absence of

constitutionally prescribed time limits, the court cannot judicially prescribe timelines for action by the President or Governor. Fifth, the decisions of the President and Governor under Articles 201 and 200 respectively are not justiciable before a Bill is enacted into a law. Finally, the powers of the Supreme Court under Article 142 cannot substitute the powers vested on the President/Governor under the Constitution. Hence, there is no allowance for the concept of 'deemed assent' of Bills.

What are the issues?

The Sarkaria Commission (1987), had opined that it is only the reservation of Bills for consideration of the President, that too under rare cases of patent

unconstitutionality, that can be implied as a discretionary power of the Governor.

The Supreme Court in various cases including in *Shamsher Singh* (1974) and *Nabam Reba* (2016), had held that the Governors should act on the aid and advice of the Council of Ministers. However, in the present opinion, the court has interpreted these cases to conclude that actions under Article 200, with respect to a Bill presented for assent, fall under the discretionary powers of the Governor. This has the potential to derail the legislative intent of popularly elected State governments.

With respect to time limits, the Punchhi Commission (2010), had recommended that the Governor should take a decision with respect to a Bill presented for his/her assent within a period of six months. The court in its own judgment in the *K. M. Singh* case (2020), had stipulated a time limit of three months for Speakers to decide on disqualification petitions though no time limit has been prescribed in the Constitution. The verdict of the division bench in the *State of Tamil Nadu* case to provide time limits to Governors and the President was a purposive and progressive interpretation of the Constitution. The current opinion has negated this position.

What can be the way forward?

The underlying disease that has plagued our federal set up has been the politicisation of the gubernatorial post. The Governor acts as an appointee of the Centre for maintaining unity and integrity of the nation. However, federalism is also a basic feature of our Constitution. This opinion should not become an alibi for the Governor's office to thwart the policies of popularly elected houses in the States. The Governors should display responsible urgency in providing assent to Bills passed by State legislatures.

Rangarajan.R is a former IAS officer and author of 'Courseware on Polity Simplified'. He currently trains at Officers IAS Academy. Views expressed are personal.

THE GIST

▼ The current reference is the result of the judgment in *State of Tamil Nadu versus Governor of Tamil Nadu* that had specified a timeline of three months for Governors and the President to act on Bills passed by State legislatures.

▼ The present reference had raised 14 questions, primarily surrounding the interpretation of Articles 200 and 201, for the court's opinion.

▼ With respect to time limits, the Punchhi Commission (2010), had recommended that the Governor should take a decision with respect to a Bill presented for his/her assent within a period of six months.

Syllabus

General Studies paper II

- Separation of powers between various organs dispute redressal mechanisms and institutions.

Advisory Opinion

The Supreme Court has issued a significant advisory opinion under Article 143 of the Constitution, responding to a Presidential reference triggered by a two-judge Bench judgment from April 2025 related to delays in assent to State Bills.

| 'COURT CAN NUDGE IF GUV SITS ON BILL' | |
|---|--|
| <ul style="list-style-type: none">> Governors cannot sit over bills beyond powers granted to them under Art 200, cannot act as super CMs, 5-judge bench unanimously said> Fixing timelines for governors in a democratic country like India is against the elasticity provided by Constitution> Governors have 3 options – to grant assent to bills, refer them to the President, or withhold assent and send them back to the assembly with comments. Third option is available only when it is not a money bill, the bench said> Governors enjoy discretion in choosing from these 3 options and are not bound by the aid and advice of the council of ministers> For inaction that is prolonged, unexplained and indefinite, court can issue a limited mandamus for governor to discharge function within a reasonable time> Governor's role to grant assent to bills cannot be supplanted by another authority by way of deemed assent, SC bench said> Concept of courts declaring deemed assent antithetical to spirit of Constitution, is against |  <p>the doctrine of separation of powers, virtual takeover of functions of governor</p> <ul style="list-style-type: none">> Referring to Art 361, SC said governors enjoy personal immunity, but their constitutional office is subject to court's jurisdiction> Discharge of functions under Art 200 & 201 (action on bills) by governor & president are not justiciable, meaning they cannot be challenged before court. Judicial review and scrutiny can be involved only once the bill becomes law> Clarification for future governance, it does not vacate, modify or amend relief granted to TN |

Background to the Presidential Reference

The Presidential reference arose due to the Supreme Court's April 2025 judgment in *State of Tamil Nadu vs. Governor of Tamil Nadu*, which:

1. Mandated a three-month timeline for Governors and the President to act on Bills,
2. Declared such decisions judicially reviewable,
3. Exercised Article 142 powers to grant “deemed assent” to several pending Tamil Nadu Bills.

This ruling generated constitutional uncertainty, prompting the Union government to seek clarification on:

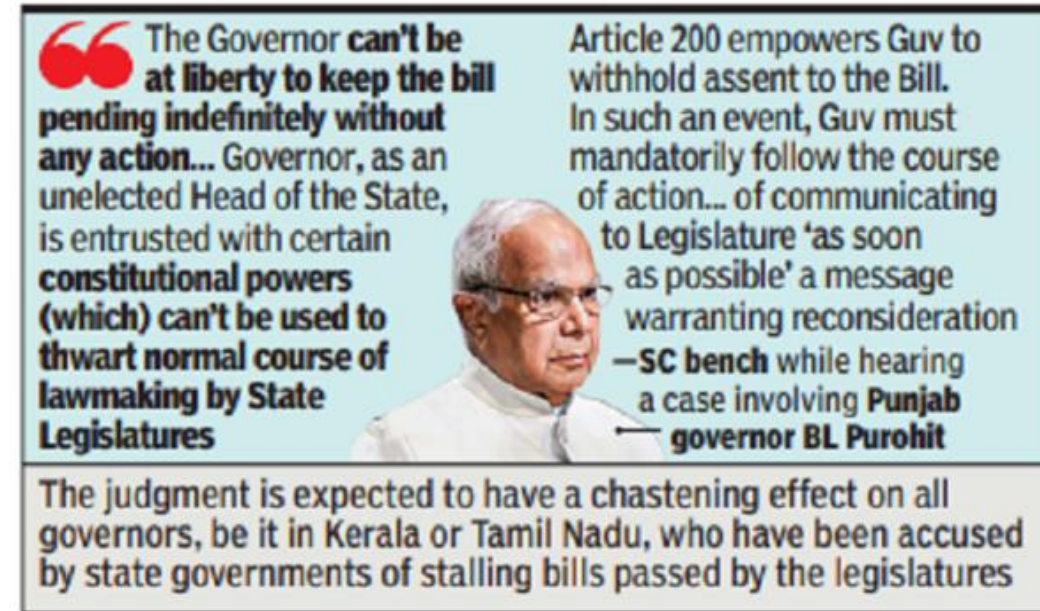
1. Whether courts can prescribe timelines,
2. Whether presidential inaction is justiciable,
3. Whether the Supreme Court's Article 142 powers can override constitutional provisions.

Scope of Questions Raised in the Reference

The reference placed 14 constitutional questions before a Constitution Bench, primarily relating to:

- Interpretation of Article 200 and Article 201 regarding assent to State Bills,
- Whether courts can intervene before a Bill becomes law, The justiciability of delays,
- The permissible boundaries of Article 142.

These questions went to the heart of India's federal structure and the functional relationship among State legislatures, Governors, and the Union.



Key Takeaways from the Supreme Court's Advisory Opinion

The five-judge Bench delivered a comprehensive opinion, which reshapes constitutional understanding on several fronts.

Governor's Options Under Article 200

- ❑ The Court clarified that a Governor has three constitutionally recognised choices when presented with a Bill: Assent, Reserve the Bill for Presidential consideration, Withhold assent and return the Bill to the legislature with observations.
- ❑ These options are explicitly grounded in the constitutional text.

Discretion of the Governor

- ❑ The Court held that the Governor enjoys discretion in choosing among these options and is not bound by the aid and advice of the Council of Ministers regarding assent-related decisions.
- ❑ This interpretation marks a significant shift from earlier decisions such as *Shamsher Singh* (1974) and *Nabam Rebia* (2016), which emphasised the primacy of ministerial advice.

Limited Justiciability

- ❑ Governor's actions under Article 200 are generally not justiciable.
- ❑ However, in cases of “glaring prolonged and unexplained inaction”, courts may issue a limited mandamus directing the Governor to act.
- ❑ Courts cannot review the validity of the Governor/President's decision before a Bill becomes law.

No Judicial Timelines

- ❑ A key reversal of the April 2025 judgment: the Court held that in the absence of constitutional timelines, the judiciary cannot prescribe time limits for Governors or the President to act on Bills.

No 'Deemed Assent'

- ❑ The Court strongly rejected the concept of “deemed assent,” holding that the judiciary cannot substitute executive authority through Article 142.
- ❑ Assent-related decisions belong exclusively to the Governor or President.

Infant deaths in Tribal dominated Melghat

Why do infant deaths persist in tribal-dominated Melghat?

How have officials responded to the Bombay High Court's statements?

Snehal Mutha

The story so far:

The Bombay High Court, on November 12, pulled up the Maharashtra and Union governments for an "extremely casual" approach to the disturbing number of infant deaths due to malnutrition in the tribal-dominated region of Melghat in Amravati. During the hearing, a petitioner claimed that from June 2025, 65 infants aged between zero and six months had died due to malnutrition in Melghat, while more than 220 children were in the Severe Acute Malnutrition (SAM) category, out of which 50% may die if no help is provided.

What is the situation in Melghat?

The issue of infant and maternal deaths due to malnutrition and lack of maternal healthcare has always persisted in Melghat, home to Korku tribal

communities, despite three decades of government interventions. Fatalities have fluctuated over the past decade. According to data from the Amravati Zilla Parishad, from April 2024 to March 2025, 96 infants died, and in the last seven months of this year, 61 children have died. Officials from the Zilla Parishad office, however, state that most of these deaths are not just because of malnutrition but other underlying causes such as anaemia, sickle cell disease, pneumonia, delays in treatment due to lack of connectivity, and others. "All these deaths are not because of malnutrition but other issues. We are running a hot food scheme in the Melghat areas, providing eggs and bananas four times a week. We have set up the village child development centre (VCDC) in all gram panchayats to monitor SAM cases," said Amravati ZP Chief Executive Officer, Sanjita Mohapatra, adding that peripheral issues still needed to be addressed. The petitioner argued that even though the

cause of death has been recorded as pneumonia or other causes, malnutrition is also a reason.

Maharashtra's Women and Child Welfare Department Minister stated that Poshan tracker data recorded 1,82,443 malnourished children across the State. The Indian Institute of Population Sciences noted that Maharashtra continues to perform poorly on child nutrition, with 35% of children under five stunted and 35% underweight.

What are the challenges?

Peripheral issues that the State government point to include lack of proper roads to reach a hospital in time, inadequate electricity supply to homes, lack of primary healthcare centres, the prevalence of substance abuse and more. According to experts working in Melghat, multiple government departments that execute programmes operate in silos, resulting in inconsistent supplement

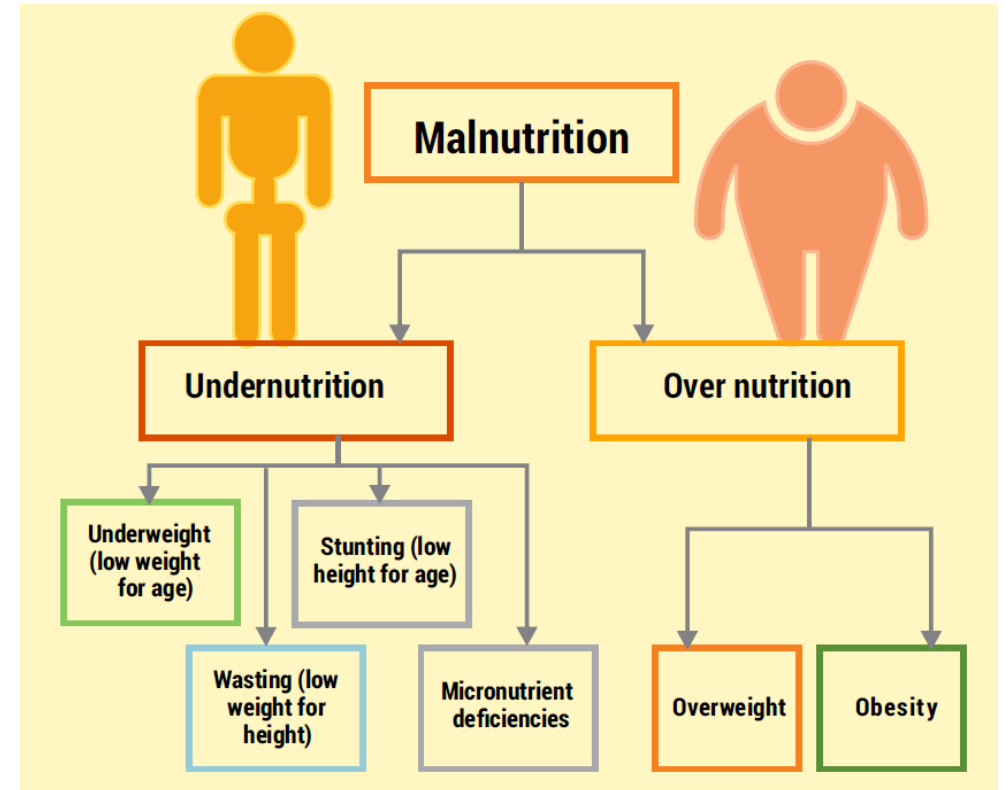
Syllabus

General Studies paper II

- Issues relating to development and management of Social Sector/Services relating to Health, Education, Human Resources.

Melghat Malnutrition Crisis

- ❑ Recently, the Bombay High Court sharply criticised the Maharashtra and Union governments for their extremely casual handling of the alarming rise in malnutrition-related infant deaths in Melghat, a tribal-dominated region in Amravati district.
- ❑ A petitioner informed the court that 65 infants (0–6 months) had died due to malnutrition between June 2025 and now, and over 220 children were currently classified as Severe Acute Malnutrition (SAM) — with half at risk of dying without immediate intervention.



Melghat's Persistent Malnutrition Crisis: Current Status

- ❑ For over three decades, Melghat, home to predominantly Korku tribal communities, has struggled with chronic infant and maternal deaths linked to malnutrition and poor healthcare access.
- ❑ Despite multiple government schemes, malnutrition remains widespread due to: Food insecurity
High infection rates
Poor access to healthcare
Severe anaemia.

Infant Deaths: Fluctuating but Persistently High

- ❑ Melghat comprises Dharni and Chikhaldara talukas with 324 villages. Infant deaths remain worryingly high.
- ❑ Officials argue deaths stem not only from malnutrition but also: Anaemia
Sickle cell disease
Pneumonia
Delayed treatment due to poor connectivity .
- ❑ However, the petitioner maintains that malnutrition exacerbates these illnesses, making them fatal without timely care.

Persistent Challenges Fueling Melghat's Malnutrition

- ❑ Melghat faces severe infrastructural deficits that delay urgent medical care:
- ❑ Poor road conditions make reaching hospitals on time difficult.
- ❑ Inadequate electricity supply affects homes and healthcare facilities.
- ❑ Shortage of fully functional PHCs, forcing dependence on distant hospitals.
- ❑ These gaps contribute directly to preventable infant and maternal deaths.

Fragmented Governance and Poor Coordination

- ❑ Experts note that various government departments work in silos, leading to: Irregular supply of nutrition supplements .
- ❑ Weak monitoring of malnutrition cases Poor coordination in implementing policies This fragmentation undermines even well-designed interventions.

Solutions to Tackle Malnutrition in Melghat

Experts emphasise that eliminating malnutrition requires far more than food distribution.

It demands a holistic, coordinated, and systems-based approach.

Strengthen the Healthcare Ecosystem

Build a robust maternal and child healthcare system.

Ensure timely care for infections, anaemia, and other co-morbidities.

Upgrade civic and health infrastructure across Melghat.

Empower ASHA Workers with Strong Training

Create a well-trained cadre of ASHA workers skilled in early identification of malnutrition.

Equip them to initiate timely referrals and follow-up interventions.

Integrate Health and Nutrition Interventions

Combine nutrition support with treatment of associated illnesses.

53rd Chief justice of India

Justice Surya Kant takes oath as 53rd Chief Justice

All eyes on the SIR case and pendency; he is seen as a judge who leans more towards gently nudging disputes to a resolution over time rather than taking a confrontational approach

Krishnakant Balasopal
NEW DELHI

Justice Surya Kant took oath as the 53rd Chief Justice of India at the Rashtrapati Bhawan on Monday.

President Droupadi Murmu swore in Justice Kant merely days after Justice Kant, as a member of the 16th Presidential Reference Bench, advised her that neither she nor the State Governors, while dealing with State Bills, are bound by timelines "imposed" by the Supreme Court as in the April 8 judgment in the Tamil Nadu Governor case.

Justice Kant took the oath of office in Hindi.

Both Chief Justice Kant and his immediate predecessor, Justice B.R. Gavai, was recently lauded by Solicitor General Tushar Mehta for bringing "indianess" in the courts. Mr. Mehta, in his address, highlighted that their judgment did not refer to foreign precedents of law and drew their reasonings from Indian case laws and legal principles in their verdicts.



President Droupadi Murmu administers the oath of office to Justice Surya Kant as the 53rd Chief Justice of India at Rashtrapati Bhawan.

Chief Justice Kant was appointed to the Supreme Court on the same day as Justice Gavai, on May 24, 2019.

After the oath ceremony, in an act of camaraderie and respect for the office, Justice Gavai reserved the official vehicle designated for the Chief Justice of India for Chief Justice Kant, ensuring that his successor's maiden journey to the Supreme Court as CJ was in the official car itself.

The Chief Justice is seen as a judge who leans more towards gently nudging disputes to a resolution over

time rather than taking a confrontational approach. Justice (as he was then) Kant had resolved the farmers' agitation from the Bench by prodding both sides – the protesting farmers and the Union government – to the negotiating table at a critical point when matters were spiralling with farmers' leaders on an indefinite strike on the borders of Delhi.

Close watch on SIR
Chief Justice Kant's tenure would be closely watched for his handling of the Special Intensive Revision (SIR) case. So far, the judi-

cial interventions of his Bench have made the SIR procedure accessible to citizens. But it is yet to take up the basic issue of whether the exercise itself is constitutional or not. Meanwhile, the SIR has expanded from Bihar to its second phase to 12 States and Union Territories and covering 51 crore people.

Justice Kant has been a part of several impactful decisions of the apex court, including the abrogation of Article 370 of the Constitution which removed the special status to the erstwhile State of Jammu & Kashmir.

Justice Kant was also part of the Bench which held the electoral bonds scheme unconstitutional. He was a member of the Benches which heard the Pegasus spyware case and suspension of the sedition law.

The Chief Justice, who has a tenure of little over a year till his retirement on February 2, 2027, has said his topmost priority would be to bring the pendency of over 90,000 cases in the top court to a manageable number.

Syllabus

General Studies paper II

- Structure, organization and functioning of the Executive and the Judiciary—Ministries and Departments of the Government; pressure groups and formal/informal associations and their role in the Polity.

Appointment and Oath Ceremony Details:

- ❑ **President Droupadi Murmu** will administer the oath of office to Justice **Surya Kant**, formally appointing him as the new **Chief Justice of India (CJI)**.
- ❑ The swearing-in ceremony will take place at **Rashtrapati Bhavan**, following the established constitutional convention.
- ❑ Justice Kant's appointment as the next CJI was officially notified on **October 30**, in accordance with the **collegium recommendation** system.
- ❑ His assumption of office marks continuity in the judicial leadership and ensures smooth transition within the **Supreme Court** hierarchy.
- ❑ He takes over the post from **Justice B.R. Gavai**, who demitted office on completing his tenure.

Appointment of Chief Justice of India

Constitutional Basis: Article **124(2)** — President appoints the CJI.

Convention: Senior-most Supreme Court judge is appointed as CJI based on **collegium recommendation**.

Tenure: CJI serves until the age of **65 years**.

Oath: Administered by the **President of India** under the **Third Schedule** of the Constitution.

Role of CJI:

- Heads the **Supreme Court** and **collegium system**.
- Allocates judicial work and benches.
- Supervises the functioning of the entire judiciary.
- Plays key role in **appointments** and **transfers** of judges.
- May interact with **UN special rapporteurs** on international legal matters.

Goa Tiger Habitat Claims

Goa govt. does a U-turn on tiger presence in State

Jacob Kosshy
NEW DELHI

The answer to whether tigers "reside" in Goa, depends on who is asking the question.

The Goa government, earlier this year, argued before a Supreme Court-appointed committee that there was "...no permanent presence of tigers" in the State.

However, in a separate matter concerning a dispute involving Goa, Karnataka and Maharashtra over sharing of water from the Mahadayi river in Goa, it stated the opposite.

"...The State of Goa states that that there is evidence to show that tigers in Goa are not merely transient animals, but are a resident population, and the forests around Chorla,

Mann and Kankumbi comprise a contiguous tiger landscape corridor, to the Bhimgad Wildlife Sanctuary in Karnataka to its south-east and to the Anshi Dandeli Tiger Reserve to its south that has around 35 tigers." The latter appears in a 2018 report of the Mahadayi Water Disputes Tribunal. "Thus, were the flow of Mahadayi river to be impeded," Goa argued, "it would impact the prey base as well as tiger ecosystem."

Sanctuary proposal

The issue of tiger presence (or absence) in Goa has come to the fore following the Goa government challenging a July 2023 order of the Bombay High Court that directed the State

to declare the Mhadei sanctuary and other connected regions – as recommended by the National Tiger Conservation Authority (NTCA, the nodal Central

body tasked with overseeing tiger conservation) – a 'tiger reserve' within three months.

Petition in SC

The Goa government filed a special leave petition (SLP) in the Supreme Court challenging this order.

The Goa government's core arguments in the SLP are that as per the NTCA guidelines, an area of 800-1,000 square kilometres would have to be declared an inviolate space for a tiger reserve.

The area already under protection in the State in the form of parks and sanctuaries added up to 745 sq. km. "Therefore, to declare an area larger than the already protected area, an inviolate space, would be an aberration."

Secondly, the area that would have to be declared a tiger reserve had a "huge population" of about 1,00,000 individuals spread across several villages. Given the paucity of alternative areas to settle them and the 'unwillingness' of this resident population, the move could translate to social unrest, the government said.

In terms of tiger presence, the government had argued that only three tigers were found through 'camera trapping' during the NTCA's tiger estimation survey of 2018. There was "no evidence" that these tigers were "residents" of the area; there were no cubs or young animals either, it said.

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Syllabus

General Studies paper II

- Conservation, environmental pollution and degradation, environmental impact assessment.

Q. Consider the following statements regarding the National Tiger Conservation Authority (NTCA):

- 1.It is a statutory body established under the Wildlife (Protection) Act, 1972.
- 2.The Prime Minister of India is the Chairperson of the NTCA.
- 3.NTCA approves the Tiger Conservation Plans prepared by states.

Which of the statements given above is/are correct?

- A. 1 and 3 only
- B. 2 and 3 only
- C. 1 and 2 only
- D. 1, 2 and 3



Thank you

Address

**B-47, Main Road Shivalik Enclave, Block-
B, Shivalik Colony, Malviya Nagar, New
Delhi-110017**

Phone Number +91 8178833167