



BAJIRAO IAS ACADEMY

THE HINDU ANALYSIS

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**Presidential Reference
Governor's Timelines**

Topics for Today

- 1. No Timelines for President and Governors on bills.**
- 2. India's Fisheries and Aqua culture and it's Promising course.**
- 3. Is Air pollution a south Asian Crisis.**
- 4. What causes volcanic eruption and why are some eruptions are explosive in nature.**

No Timelines for President and Governors on Bills

Judiciary cannot tie President, Governor to timelines, says SC

'Deemed consent' usurps functions of President and Governor, and is 'antithetical' to the Constitution and the doctrine of separation of powers, says court; however, it opines against sitting on State Bills through 'prolonged and evasive inaction'

Krishnadas Rajagopal
NEW DELHI

A five-judge Bench of the Supreme Court on Thursday answered the 16th Presidential Reference the country has witnessed by opining that the judiciary cannot fetter Governors and the President to "one-size-fits-all" timetables to dispose of State Bills or usurp their functions by assuming "deemed consent" of the proposed laws at the expiry of a court-ordered time frame.

"Such a usurpation of the gubernatorial function of the Governor, and similarly of the President's functions, is antithetical not only to the spirit of the Constitution, but also specifically, the doctrine of separation of powers – which

Supreme Court's advisory opinion

Breaking down the court's response to 14 questions raised by the President asking if a constitutional court can impose timelines for Governors and the President to give assent to Bills passed by legislatures

Governor's discretion under Article 200

- May assent to the Bill
- May withhold assent, but must communicate reasons to the State legislature
- May refer the Bill to the President for consideration under Article 201

Judicial limits

- SC cannot impose timelines for assent or create a concept of 'deemed assent' under Article 142

President's role under Article 201

- When a Bill is referred, the President need not seek SC's advisory opinion under Article 143 every time

Governor's accountability

- Governors cannot indefinitely sit on a Bill; if they do, limited judicial review applies
- Courts can direct Governors to decide within a reasonable time frame, but not dictate the outcome



is a part of the basic structure of the Constitution," a Bench of Chief Justice of India B.R. Gavi, Chief Justice-designate Surya Kant, and Justices Vikram Nath, P.S. Narasimha and A.S.

Chandurkar underscored in their answer.

'Evasive inaction'

However, the court clarified that the President and Governors cannot resort to

"prolonged and evasive inaction" by sitting endlessly on State Bills awaiting their approval.

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SC counters States' 'appeal in disguise' argument

Krishnadas Rajagopal
NEW DELHI

The Supreme Court on Thursday countered the objection of States ruled by non-BJP parties that the Presidential Reference was an "appeal in disguise". It said an advisory opinion "can overrule, if necessary". It was a veiled "appeal" against fixing of timelines for Governors and the President to decide on Bills, Tamil Nadu argued.

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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.

Context

The Supreme Court issued a significant opinion on the **16th Presidential Reference**, clarifying that courts cannot impose fixed timelines or presume **deemed consent** for Bills pending with the **President or Governors**, while also warning constitutional authorities against **prolonged and evasive inaction**.

On the clock

SC sets time frame for Governors, saying the phrase 'as soon as possible' permeates Article 200 with a sense of expediency

■ A Governor has a maximum of **one month** to withhold assent on the aid and advice of the State Cabinet

■ A maximum of **three months** is given to return the Bill with a message specifying reasons if the Governor withholds assent contrary to the Cabinet's advice

■ The Governor has **three months** to reserve a Bill for the President's consideration against the advice of the Cabinet

■ The Governor 'must' grant assent to a Bill re-passed by the State Legislature under Article 200 within a **maximum of one month**



'COURT CAN NUDGE IF GUV SITS ON BILL'

➤ 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



the doctrine of separation of powers, virtual takeover of functions of governor

➤ 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**

Key Supreme Court Observations and Rationale:

- ❑ The Constitution Bench held that the judiciary cannot bind the **President or Governors** to uniform timeframes for approving State Bills, as this would intrude into **executive discretion** and violate the **separation of powers**, a part of the **basic structure doctrine**.
- ❑ The court stated that imposing a “**one-size-fits-all**” deadline or assuming **deemed assent** would amount to **usurpation of gubernatorial functions**, undermining constitutional intent.
- ❑ The Bench, led by **CJI B.R. Gavai**, emphasised that judicial directions cannot override the constitutional scheme governing assent to Bills.
- ❑ At the same time, it clarified that the President and Governors cannot justify **endless inaction**, as withholding decisions indefinitely frustrates the **legislature’s democratic mandate**.
- ❑ The Reference came soon after the April judgment fixing a **three-month limit** for disposing of pending Bills, prompting the need for clarity on constitutional boundaries.

Court's Guidance on Governor's Powers under Article 200

- ❑ The SC explained that a Governor has **three options** under **Article 200**—grant assent, reserve the Bill for **Presidential consideration**, or return the Bill (if not a Money Bill) with comments for reconsideration.
- ❑ The Governor cannot “sit” on a Bill without returning it, as doing so violates **federalism** and weakens the powers of **State Legislatures**.
- ❑ Judicial review cannot assess the **merits** of a Governor's decision but can address cases of **unexplained, indefinite inaction** through a **limited mandamus**.
- ❑ Such mandamus can direct the Governor to act within a **reasonable period**, without dictating the decision itself.
- ❑ The Governor remains protected under **Article 361**, granting immunity from personal judicial proceedings.

About Presidential References & Article 200:

- **Presidential Reference (Article 143)** allows the President to seek the Supreme Court's opinion on questions of law or public importance; this case was the **16th** such reference.
- **Article 200** governs gubernatorial assent and ensures a **dialogic process** between the Governor and State Legislature when a Bill is returned.
- Courts can intervene only in cases of **constitutional stagnation**, not to evaluate policy choices.
- **The Doctrine of Separation of Powers** restricts the judiciary from performing executive functions like granting or assuming assent.
- **Federalism** demands that Governors act in harmony with elected legislatures, not override or delay their decisions arbitrarily.

Air Pollution South Asia's crisis

Is air pollution a South Asian crisis?

What was the 2024 India-Pakistan Smog? How has air pollution become rampant across the South Asian region? What does the Greenpeace 2023 World Air Quality Report state? How do deteriorating AQI levels affect India economically? What should be the way ahead?

EXPLAINER

Dev Nath Pathak
Vibha Bharadwaj

The story so far:

Delhi is in the spotlight again for its consistently deteriorating AQI levels. And like every year there has only been a knee-jerk reaction to the problem, rather than a sustainable solution. The Commission for Air Quality Management has gradually switched from stage 1 and 2 to stage 3 of the Graded Response Action Plan, and advisories have been issued for citizens who battle serious health risks. However, there is a dire need to understand the collision of natural and man-made reasons for air pollution, for Delhi's air pollution crisis goes beyond India's sovereign borders.

What is happening in South Asia?

In November 2024, eastern and northern Pakistan and north India faced a severe pollution event that came to be known as the '2024 India-Pakistan Smog'. Lahore and Delhi virtually competed on the scale of the most polluted city with the highest AQI reading globally. 'Brown clouds' formed in swathes over the cities distinctly visible in satellite images. While Lahore was faced with the worst AQI, Delhi's air gradually deteriorated due to a shift in wind patterns that carried pollutants across borders and within the region. Now in 2025, Delhi is once again followed by Lahore. The *Dawn* from Karachi reported that local pollution and smoke drifted in from India due to low-speed winds.

Bangladesh also has a significant share in the air pollution crisis. Dhaka is witnessing worsening AQI in the range from moderate to very poor during the winter season, as reported by the U.S. thinktank Atlantic Council. Likewise in the capital of Nepal, AQI remains alarmingly high every year, between moderate and unhealthy.



Not the only one: Commuters ride along a road amid dense smog in Lahore on October 30. [AFP](#)

What are the reasons?

The Greenpeace 2023 World Air Quality Report underlined that poor air quality in South Asia is due to anthropogenic sources such as industrial and vehicular emissions, and burning of solid fuel and wastages. The shared air pollution across the Indo-Gangetic Plain and beyond, with tier-1 cities facing the consequences, can be accounted by factors such as the fixed topography of the region. Although separated by cartography, the regional topography of South Asia causes fixed ventilation of natural air and dispersal of pollutants. A trans-national and regional haze surfaces due to the complex composition of air particulates. Alongside the natural geography, there is a transnational and regional commonality – the failure in managing such crises due to abysmal political will.

The World Bank report on 'Air Pollution and Public Health in South Asia' in 2023 informed that nine out of the world's 10 cities with the worst air pollution are in South Asia. Sri Lanka, Maldives and Bhutan are known to be relatively less affected by transregional air pollution in the region of South Asia. This interplay of factors shows that mitigation requires attention to not only short-term solutions but also long-term strategies that focus on strong decarbonisation measures and structural reforms in agricultural practices and industry emissions across national borders.

Is this a crisis of development?

Air pollution is related to larger issues of development and its adverse consequences for the environment. A World Bank study estimates that high AQI

levels in India results in about 3% of its GDP being spent on healthcare and lost labour capital. The *Lancet Health Journal* highlighted that in 2019 India's GDP reduced by 1.36% due to premature morbidity and mortality as a result of air pollution. A steep rise in the sale of automobile vehicles, lack of public transport, negligible support for non-vehicular mobility, and building concrete structures at the expense of urban greenery are some of the reasons which lead to deteriorating air quality. A 2023 UNEP report shows how current patterns of consumption and production are driving climate change, which in turn drives the air pollution crisis. Thus, the World Health Organization (WHO) accurately recognises that air quality significantly affects life expectancy, public health, economic productivity, and environmental justice. These sordid AQI figures are the result of poorly thought-out development. The consequences are visible not only in north India. Experts warn of worsening air in Mumbai and other cities on the southeast coast.

What next?

A more nuanced model of governance with strong political will to curb the sources of the crisis; a caring human development model addressing the needs of the working class and farmers; and a more regionally informed model are some of the imperatives needed to find sustainable solutions.

A recent study by IIT Bhubaneswar highlighted the importance of a broader regional airshed scale management strategy to tackle air pollution, rather than merely addressing the issue in piecemeal.

Only with stronger policies that involve varied stakeholders from across borders and states, can one evolve a meteorological mindset to uproot the sources of air pollution.

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THE GIST

▼ In November 2024, eastern and northern Pakistan and north India faced a severe pollution event that came to be known as the '2024 India-Pakistan Smog'.

▼ The Greenpeace 2023 World Air Quality Report underlined that poor air quality in South Asia is due to anthropogenic sources such as industrial and vehicular emissions, and burning of solid fuel and wastages.

▼ The *Lancet Health Journal* highlighted that in 2019 India's GDP reduced by 1.36% due to premature morbidity and mortality as a result of air pollution.

Syllabus

General Studies paper II

- Important Geophysical phenomena such as earthquakes, Tsunami, Volcanic activity, cyclone etc., geographical features and their location-changes in critical geographical features (including water-bodies and ice-caps) and in flora and fauna and the effects of such changes.

Why in the News ?

- ❑ The **2024 India–Pakistan Smog** renewed concerns about escalating **air pollution** across **South Asia**, with Delhi and Lahore recording some of the world's worst AQI levels.
- ❑ Reports from **Greenpeace (2023)**, **UNEP (2023)**, **World Bank (2023)**, and **The Lancet** highlight the severe environmental, health, and economic consequences, demanding coordinated, long-term regional solutions



What Makes Air Pollution a South Asian Crisis :

- ❑ **Cross-Border Nature:** The **Indo-Gangetic Plain's fixed topography** traps pollutants, making the entire region—India, Pakistan, Bangladesh, Nepal—highly vulnerable.
- ❑ **World Bank (2023) Data:** **9 of the 10 most polluted cities globally** lie in South Asia, making it the **world's worst-performing region** on air quality.
- ❑ **Regional Commonality of Causes:** All South Asian nations share **similar development patterns**—rapid urbanisation, vehicular congestion, industrial clusters.
- ❑ **Airshed Concept:** IIT Bhubaneswar studies stress that the region behaves like **one interconnected airshed**, requiring **joint governance mechanisms**.
- ❑ **Countries Less Affected:** Only **Sri Lanka, Maldives, Bhutan** have relatively manageable AQI due to favourable geography and lower industrial density.

Key Drivers Behind South Asia's Air Pollution :

- ❑ **Anthropogenic Sources:** As highlighted by the **Greenpeace 2023 Report**, pollution largely comes from **industrial emissions, vehicular exhaust, and solid-fuel burning**.
- ❑ **Urbanisation Pressure:** The shift toward **concrete cities**, loss of green cover, and rampant construction reduce natural ventilation.
- ❑ **Agricultural Practices: Stubble burning** in Punjab–Haryana–Pakistan regions continues despite alternative measures.
- ❑ **Vehicular Explosion:** Rapid rise in private vehicles with limited investment in **public transport** or **non-motorised mobility**
- ❑ **Poor Waste Management:** Open waste burning remains a major contributor in Tier-1 and Tier-2 cities.



Economic, Social and Health Impacts on India :

- ❑ **Economic Burden:** According to **The Lancet**, India lost **36% of GDP in 2019** due to premature deaths and illnesses linked to air pollution.
- ❑ **Healthcare Costs:** High AQI levels force India to spend **around 3% of GDP** on healthcare and productivity losses.
- ❑ **Labour Productivity Decline:** Chronic respiratory diseases reduce workforce participation, especially among **informal sector workers**.
- ❑ **Human Development Concerns:** Low-income groups, farmers, children, and elderly populations face highest vulnerability.
- ❑ **Environmental Justice Issues:** Pollution is disproportionately borne by the poor, raising concerns of **health equity and fairness**.

Way Forward :

- ❑ **Airshed-Level Governance Model:** India, Pakistan, Bangladesh, and Nepal must build a **South Asian Clean Air Framework**, similar to the **EU Air Quality Directive**.
- ❑ **Stronger Regional Diplomacy:** Environmental cooperation should be prioritised despite bilateral tensions; SAARC and BIMSTEC platforms can be revived.
- ❑ **Agriculture Reforms:** Incentivising **crop diversification**, promoting **Happy Seeders**, and de-centralising biomass markets can reduce stubble burning.
- ❑ **Urban Mobility Transition:** Expand public transport, promote **electric buses**, cycling infrastructure, and congestion pricing.
- ❑ **Industrial Clean-Up:** Mandatory adoption of **end-of-pipe technologies**, emission trading schemes, and stricter environmental audits.
- ❑ **Nature-Based Solutions:** Create urban forests, wetlands, and green buffers to improve natural ventilation and filtration.

Mount Semeru Eruption

Semeru erupts: What causes volcanic eruptions? Why are some more explosive?

MOUNT SEMERU, among the most active of Indonesia's 120 live volcanoes, erupted on Wednesday, spewing hot clouds of volcanic ash and debris.

Volcanoes erupt because of how heat moves beneath Earth's surface. Deep within the planet, it is so hot that rocks slowly melt to become a thick flowing substance called magma. Since it is lighter than the solid rock around it, magma rises, collecting in chambers near the surface.

As these chambers fill up, pressure exerted on the surrounding rock increases. Eventually, some of the magma pushes through the cracks in the rock, and vents onto the surface. This is a volcanic eruption; the magma that has erupted is called lava.

The explosivity of an eruption depends on the composition of the magma. Thin, runny magma allows gasses to escape easily; upon eruption,



Semeru spewing volcanic ash. REUTERS

such magma simply flows out of the volcano (like in Hawai'i). Thick, sticky magma does not allow gasses to escape, and is thus much more explosive. Such eruptions see magma blast into the air, solidifying into deadly tephra, which can range in size from fine dust to massive, house-sized boulders (like with Semeru). ENS

{ SCIENCE }

Syllabus

General Studies paper II

- Important Geophysical phenomena such as earthquakes, Tsunami, Volcanic activity, cyclone etc., geographical features and their location-changes in critical geographical features (including water-bodies and ice-caps) and in flora and fauna and the effects of such changes.

Context of news ?

- ❑ Indonesia's **Mount Semeru**, one of the most active volcanoes in the country, erupted again on Wednesday, releasing **hot ash clouds and volcanic debris**.
- ❑ The eruption has renewed focus on the **causes of volcanic activity** and why certain volcanoes are **more explosive** than others.



How Volcanic Eruptions Occur:

- ❑ Volcanic eruptions are driven by **heat movement beneath Earth's crust**, where temperatures are high enough to melt rocks into **magma**.
- ❑ Since magma is **lighter** than surrounding solid rock, it gradually rises and accumulates in **magma chambers** close to the surface.
- ❑ As these chambers fill, they exert **intense pressure** on surrounding rock layers, eventually causing magma to push through **cracks and fissures**.
- ❑ Once the magma reaches the surface, it erupts as **lava**, marking a full volcanic event.
- ❑ Mount Semeru's eruption involved **ash plumes** and **pyroclastic material**, typical of volcanoes with high-pressure magma buildup.
- ❑ The impact of such eruptions on local communities can be severe, sometimes leading to mass internal relocations.

Why Some Volcanoes Are More Explosive

- ❑ The explosiveness of a volcano depends primarily on the **composition and viscosity** of the magma.
- ❑ **Thin, runny magma** allows gases to escape more smoothly, resulting in **gentle lava flows**, like those observed in **Hawaiian volcanoes**.
- ❑ **Thick, viscous magma** traps gases, increasing internal pressure and leading to **violent, explosive eruptions**.
- ❑ During such eruptions, magma is blasted upward, cooling rapidly into **tephra**, ranging from fine ash to massive **boulder-sized fragments**.
- ❑ Mount Semeru often produces such **explosive eruptions** due to its **gas-rich, sticky magma**, which prevents gases from escaping easily.



Thank you

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