

# Key Presidential References in India: From Cauvery Dispute to 2G Spectrum Case

May 16, 2025 • vajiramandravi.com



## What's in Today's Article?

- Presidential Reference India Latest News
- Cauvery Water Row, 1991: Presidential Reference
- Gujarat Gas Transmission Act, 2001: Presidential Reference
- Gujarat Elections, 2002: Presidential Reference on Poll Timing Post-Riots
- 2G Telecom Licences, 2012: Presidential Reference on Auction as a Mandate
- Presidential Reference India FAQs

## Presidential Reference India Latest News

- President Droupadi Murmu has sought the Supreme Court's opinion—through a Presidential Reference—on whether the Court can use its Article 142 powers to set deadlines for the President and Governors to act on state Bills.

- Historically, various governments have used the Presidential Reference mechanism to seek legal clarity on complex issues with political implications.
- Notable examples include the Babri Masjid-Ram Janmabhoomi dispute, the Cauvery water issue, election timing after the 2002 Gujarat riots, and the 2G spectrum case.

## **Cauvery Water Row, 1991: Presidential Reference**

- In June 1991, the Cauvery Water Disputes Tribunal ordered Karnataka to release 205 tmcft of water to Tamil Nadu.

### **Karnataka's Response**

- In defiance of the Tribunal's order, the then Karnataka government issued the Karnataka-Cauvery Basin Irrigation Protection Ordinance to override the directive.

### **Presidential Reference**

- The President sought the Supreme Court's opinion on three questions:
  - Whether Karnataka's Ordinance was constitutionally valid.
  - Whether the Tribunal's order qualified as a "report and decision" under Section 5(2) of the Inter-State River Water Disputes Act, 1956.
  - Whether the Tribunal had the authority to grant interim relief.

### **Supreme Court's Verdict**

- The Ordinance (later an Act) was ultra vires the Constitution and beyond Karnataka's legislative competence.
- The Tribunal's order was a valid report and decision under Section 5(2).
- The Tribunal could grant interim relief, but only upon reference by the Central Government.

## **Gujarat Gas Transmission Act, 2001: Presidential Reference**

- In 2001, the Gujarat government enacted the Gujarat Gas (Regulation of Transmission, Supply and Distribution) Act.
- This led to a Presidential Reference questioning the constitutional validity of the Act, as oil and gas fall under the Union List.

### **Key Questions Referred to the Supreme Court**

- Is natural gas (including LNG) a Union subject under Entry 53 of List I, giving the Union exclusive legislative power?
- Do states have competence to legislate on natural gas under Entry 25 of List II (State List)?
- Did Gujarat have the authority to enact this law?

### **Supreme Court's Verdict**

- The Court ruled that natural gas and LNG fall exclusively under Union jurisdiction.
- States do not have legislative competence to make laws on these subjects.
- Therefore, the Gujarat Act, in relation to natural gas and LNG, was ultra vires the Constitution.

## **Gujarat Elections, 2002: Presidential Reference on Poll Timing Post-Riots**

- After the 2002 Gujarat riots, the then state government recommended early elections.
- The Assembly, though due for polls in March 2003, was dissolved in July 2002 by Governor S. S. Bhandari on the advice of the Narendra Modi Cabinet.
- The last sitting of the Assembly had been held on April 3, 2002, triggering a six-month window under Article 174 to reconvene the House.

### **Election Commission's Stand**

- The Election Commission (EC) stated that elections could not be held before October 3, 2002, due to logistical and security constraints.

### **Presidential Reference**

- Then President A. P. J. Abdul Kalam referred three questions to the Supreme Court:
  - Does Article 174 depend on the EC's authority under Article 324 regarding election scheduling?
  - Can the EC assume Article 356 (President's Rule) will be invoked if Article 174's timeline is breached?
  - Is the EC obliged to fulfill Article 174 by utilizing all Union and State resources to conduct elections?

### **Supreme Court's Ruling**

- Article 174 applies only to existing ("live") Assemblies, not dissolved ones.
- Article 324 and 174 operate in different spheres—the former governs elections, the latter concerns Assembly sessions.
- The EC's discretion to schedule polls was upheld, and there was no constitutional requirement to hold elections within six months of the last sitting in case of premature dissolution.

### **Outcome**

- Within an hour of the verdict, the EC announced elections for December 12, 2002, validating its authority to independently manage the electoral schedule even amid political pressure.

## **2G Telecom Licences, 2012: Presidential Reference on Auction as a Mandate**

- In the wake of the Supreme Court's February 2012 verdict cancelling 122 2G telecom licences, the then government led by Manmohan Singh sought clarification through a Presidential Reference.

### **Key Issue in the Reference**

- The central question was: Whether the only permissible method for disposal of all natural resources across all sectors and in all circumstances is by the conduct of auctions?
  - The concern stemmed from the Court's earlier observations that natural resources should be allocated through auctions.

## Supreme Court's Ruling

- A Constitution Bench ruled that auctions are not the only constitutionally valid method for allocating natural resources.
- Auction is an economic policy, not a constitutional requirement.
- The Court deferred to the Executive's wisdom, stating it was not competent to evaluate economic methods like auctions versus other modes of allocation.

## Observations

- The Court refused to prescribe a single method for all sectors and situations.
- Economic decisions involve complex trade-offs, and judicial overreach in such matters is not appropriate.
- The judgment underscored that policy-making lies within the domain of the Executive, not the Judiciary.

## Presidential Reference India FAQs

**Q1.** What was the 1991 Cauvery water dispute about?

**Ans.** It questioned Karnataka's defiance of the tribunal order; SC declared its ordinance unconstitutional.

**Q2.** Why was Gujarat's Gas Act challenged in 2001?

**Ans.** Because natural gas regulation falls under the Union List, not State List.

**Q3.** What did the 2002 Gujarat election reference clarify?

**Ans.** SC ruled EC has discretion; elections need not be held within six months of dissolution.

**Q4.** Was auction mandated in the 2G telecom case?

**Ans.** No, SC said auction is a policy choice, not a constitutional mandate.

**Q5.** Why are Presidential References important?

**Ans.** They help clarify constitutional grey areas and guide governance through SC's opinion.

**Source:** [IE](#)

---

Source: <https://vajiramandravi.com/current-affairs/key-presidential-references-in-india-from-cauvery-dispute-to-2g-spectrum-case/>

© Vajiram & Ravi. For personal use only.