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A Judicial Nudge Following Stuck Legislative Business

Context

- The **role of the Governor** in India's constitutional scheme **has long been a subject of debate**, especially in relation to legislative assent under **Article 200**.
- Recent judicial interventions, including the **Supreme Court's judgments in State of Punjab vs Principal Secretary to the Governor (2023)** and **The State of Tamil Nadu vs The Governor** of Tamil Nadu and Anr. (2025), have reignited this discourse.
- By prescribing a **time limit of three months** for Governors and the President to act on Bills, the Court sought to address a persistent constitutional deadlock.
- However, **this directive has raised questions** about judicial overreach and the balance of powers.

The Constitutional Framework of Article 200

- Article **200 provides the Governor with four options** when a Bill is passed by a state legislature:
 - To assent to the Bill.
 - To withhold assent.
 - To return the Bill (if it is not a money bill) for reconsideration.
 - To reserve the Bill for the consideration of the President.
- On its face, this **provision seems to give significant powers** to the Governor.
- However, under **Article 163**, the Governor is required to act on the **aid and advice of the Council of Ministers**, except in explicitly stated situations.
- This establishes the principle that the Governor is not an independent executive authority but a **constitutional head**.

The Debate on Discretion and Judicial Precedents

- **The Debate on Discretion**
 - A crucial question has been whether Article 200 allows the Governor to act at his own discretion.
 - Historically, the **Government of India Act, 1935** contained a similar provision (Section 75) but explicitly used the phrase **in his discretion**.
 - The omission of this phrase in the Constitution of India indicates that the framers intended to **exclude any element of discretion** from the Governor's powers under Article 200.

- **Judicial Precedents**

- In **Shamsher Singh vs State of Punjab (1974)**, the Court recognised a narrow discretionary space for Governors under Article 200.
- In **Nabam Rebia (2016)**, the Court reaffirmed the principle that the **Governor must act on ministerial advice**.
- Most recently, in **The State of Tamil Nadu vs The Governor of Tamil Nadu (2025)**, the Court categorically rejected the idea of independent discretion, warning against turning the Governor into a **super-constitutional figure** capable of paralyzing the legislature.
- Thus, while commissions such as Sarkaria and Punchhi have acknowledged rare situations where discretion might be justified (e.g., patently unconstitutional Bills), **the dominant constitutional position remains that the Governor is bound by the advice of the elected government**.

The Problem of Delay and the Judicial Response

- One of the most pressing issues has been the **indefinite delays by Governors in acting on Bills**.
- Several States have witnessed situations where Governors sat on crucial Bills for years, neither assenting, returning, nor reserving them.
- Such inaction effectively **thwarts the legislative process** and undermines the will of the people expressed through their representatives.
- The **Constitution itself does not prescribe a timeline under Articles 200 or 201**. Yet, the Supreme Court, recognizing the constitutional vacuum, fixed a **three-month limit** for action.
- Critics, including sections of the media and the Union Government, argue that such timelines amount to judicial law-making.
- However, the Court justified its intervention by pointing to the necessity of ensuring that the **spirit of federalism and representative democracy** is not frustrated by constitutional heads.

The Union's Role and Article 355

- Recent SC judgements raise a significant question; **If Governors fail to act, can the Union intervene?**
- **Article 355** obligates the Union to ensure that State governments function in accordance with the Constitution.
- **A creative interpretation of this provision would allow the Union to direct Governors** to fulfil their constitutional duties.
- However, **in practice, the Union has never exercised this responsibility**, compelling judicial intervention as the only available remedy.

Broader Constitutional Implications of the Supreme Court Judgements

- The Court's judgments represent an **assertion of judicial creativity** in constitutional interpretation.
- Critics argue that by imposing timelines, **the judiciary has ventured into legislative or constitutional amendment**.

- Yet, **as seen in earlier cases such as Maneka Gandhi (1978), where Article 21 was expanded through judicial interpretation**, the Court has consistently played a role in adapting constitutional provisions to **new and unforeseen challenges**.
- The real issue lies not in judicial overreach but in the **failure of political and constitutional functionaries** to respect the basic framework of the Constitution.

Conclusion

- The debate over Article 200 highlights **the tension between constitutional theory and political practice**.
- The **omission of discretion from the Constitution reflects the framers' intent to subordinate the Governor's role** to the elected government.
- However, **political misuse and inaction have necessitated judicial intervention**.
- **By imposing a time limit** and reaffirming the Governor's lack of independent discretion, the Supreme Court has reinforced the principles of **parliamentary democracy and cooperative federalism**.

A Judicial Nudge Following Stuck Legislative Business FAQs

Q1. What options does Article 200 give the Governor when a Bill is passed by the State legislature?

Ans. Article 200 allows the Governor to assent to the Bill, withhold assent, return it for reconsideration, or reserve it for the President's consideration.

Q2. Why was the phrase in his discretion omitted from Article 200?

Ans. The omission indicates that the framers intended the Governor to act only on the advice of the Council of Ministers, not independently.

Q3. What problem prompted the Supreme Court to fix a time limit for Governors and the President to act on Bills?

Ans. The Court acted because some Governors had kept Bills pending for years without making a decision, which disrupted the legislative process.

Q4. How can Article 355 be interpreted in relation to Governors sitting on Bills?

Ans. Article 355 can be interpreted to mean that the Union has a duty to ensure Governors perform their constitutional functions and do not block State legislation.

Q5. What broader constitutional principle did the Court uphold by imposing a time limit?

Ans. The Court upheld the principles of parliamentary democracy and federalism by preventing Governors from paralyzing the legislative process.

Source: [The Hindu](#)

Welfare at the Mercy of the Machine

Context:

- Kurt Vonnegut's 1952 novel *Player Piano* warned of automation creating a polarised society, with engineers controlling machines and workers left powerless.
- Today, India's welfare delivery reflects a similar trend, as digital automation tools increasingly dominate.
- The government's latest move is the **mandatory use of Facial Recognition Software (FRS) in Anganwadis**.
- This article highlights how the government's push for mandatory Facial Recognition Software (FRS) in Anganwadis mirrors Kurt Vonnegut's dystopian warning, exposing beneficiaries and workers to technological hurdles, misplaced priorities, and dignity concerns.

About Anganwadis

- Established in 1975 under the **Integrated Child Development Scheme**, India's 14.02 lakh Anganwadis provide preschool education and crucial nutrition support.
- Each centre, run by local women workers and helpers, is responsible for distributing Take Home Rations (THR) to children under three, and pregnant and lactating women, as mandated by the National Food Security Act, 2013.

Facial Recognition in Anganwadis: A Misguided Fix

- The Union government launched the Poshan Tracker app in 2021 to monitor nutrition services, requiring Anganwadi Workers (AWWs) to upload data regularly.
- Since July 1, pregnant and lactating women must authenticate their identity through Facial Recognition Software (FRS) integrated with the app.
- The intended aims are to **prevent beneficiaries from faking identity** and to **stop diversion of food by workers**.
- However, this assumes both beneficiaries and AWWs are guilty until proven innocent, undermining natural justice.

Practical Hurdles in Implementation

- AWWs face multiple difficulties with FRS. Many **women's phone numbers have changed, OTPs are hard to share, and face-matching errors are common**.
- Weak network connectivity, outdated phones, and heavy data processing requirements further delay the process.
- Often, photos must be taken repeatedly, frustrating both AWWs and beneficiaries.
- Despite personally knowing the women and children, AWWs cannot override the app, leaving genuine recipients denied food.

Ignoring Core Issues

- The real problems with Take Home Rations (THR) are **poor quality, irregular supply, a stagnant budget of ₹8 per child since 2018, and corruption in contracts**.
- Large companies still supply rations despite Supreme Court orders for decentralisation.

- Instead of fixing these issues, the FRS targets “fake beneficiaries,” though there is little evidence of such fraud.
- It was also introduced without consulting Anganwadi staff.
- **A Better Approach**
 - For effective welfare delivery, the government should publish evidence of fraud, if any, and prioritise community monitoring over intrusive technologies.
 - Addressing systemic issues in THR supply would serve beneficiaries better than flawed facial recognition verification.

Facial Recognition in Welfare: A Question of Dignity

- Facial Recognition Software (FRS), typically used in criminal investigations, raises serious concerns when applied to vulnerable communities.
- Using it in Anganwadis treats women and children as suspects rather than citizens.
- Notably, FRS is even banned in San Francisco, the global hub of digital innovation.
- Early childhood care should not be delayed until software becomes accurate.

Conclusion

- Extending Vonnegut’s warning, welfare cannot turn into an “engineer’s paradise” at the cost of human dignity.
- The real choice lies between authentication and the authentic, dehumanisation and dignity, and between fracturing communities and upholding fraternity.

Welfare at the Mercy of the Machine FAQs

Q1. Why is Facial Recognition Software being introduced in Anganwadis?

Ans. The government aims to prevent identity fraud and ration diversion by integrating FRS into the Poshan Tracker app, making it mandatory for beneficiaries.

Q2. What practical challenges do Anganwadi Workers face with FRS?

Ans. Workers struggle with poor connectivity, outdated phones, frequent face-matching errors, and repeated photo attempts, often leaving genuine beneficiaries without food.

Q3. What are the core issues with Take Home Rations (THR) that remain unaddressed?

Ans. Real problems include poor quality, irregular supply, stagnant ₹8 budget since 2018, corruption in contracts, and violations of decentralisation orders by the Supreme Court.

Q4. Why is the use of FRS in Anganwadis criticised as undignified?

Ans. FRS treats women and children as suspects, not citizens, ignoring trust and dignity; even San Francisco has banned its use in public welfare.

Q5. What better approach is suggested instead of FRS for welfare delivery?

Ans. Experts recommend community monitoring, publishing evidence of fraud if any, and addressing systemic ration issues rather than relying on intrusive, error-prone technologies.

Source: TH

Disaster Management in the Himalayas - Lessons from Monsoon 2025

Context:

- The **devastating floods** and landslides during Monsoon 2025 in Jammu & Kashmir (J&K), Himachal Pradesh, Punjab, and Uttarakhand **highlighted both the strengths and limitations of India's disaster response system**.
- While armed forces, disaster response agencies, and volunteers showcased commendable speed and innovation, the events underscored the **fragility of Himalayan ecosystems**, and growing **climate change**
- Hence, there is the **urgent need for community participation** and **technological scaling-up** in disaster preparedness.

Impact of Monsoon 2025:

- **J&K:**

- Extreme rain unleashed floods across the **Chenab and Tawi** basins, claiming over 140 lives.
- Army built emergency Bailey bridges, IAF deployed helicopters, and NDRF conducted evacuations.
- Communication restored by joint efforts of Army, police, CRPF, and service providers.

- **Punjab:**

- Swollen **Ravi, Beas, Sutlej** with high inflows at Bhakra and Pong dams.
- NDMA coordinated with the Central Water Commission (CWC), IMD, Bhakra Beas Management Board (BBMB) to regulate releases.
- Critical life-saving operation near Madhopur Headworks – where Army Aviation airlifted CRPF personnel minutes before a building collapsed – emblematic of the **agility of responders**.

- **Himachal Pradesh:**

- Flash floods, slope failures in **Chamba, Kullu, Lahaul-Spiti**.
- Over 10,000 stranded pilgrims of the Manimahesh Yatra were evacuated safely.
- Border Roads Organisation (BRO) restored connectivity, **drones** were used for damage assessment.

- **Uttarakhand:**

- **Floods and landslides** disrupted pilgrimages and villages.
- The Army constructed 400-foot aerial cableway, restored bridges.
- IAF's Chinooks and civil helicopters deployed for relief.

- Drones, satellite communication, and **Incident Command Posts** ensured real-time coordination.

Strengths of India's Disaster Response:

- **Multi-agency coordination:** Army, Air Force, ITBP, SDRF, BRO, NDRF, NDMA.
- **Use of technology:** Drones, **Doppler** radars, satellite communication, **OneWeb**
- **Local participation:** Volunteers, officials, community-driven efforts.
- **Innovation in relief:** Aerial cableways, drone-based mapping, nowcasting capabilities of IMD.

Gaps and Challenges:

- **Climate vulnerability of Himalayan states:** Cloudbursts, landslides, glacial lake outbursts.
- **Unregulated development:** Construction in riverbeds, slope destabilisation, weak enforcement of building codes.
- **Community unpreparedness:** Limited citizen awareness despite warnings issued through SMS and the Sachet app.
- **Pilgrimage risks:** Pilgrimage corridors like Machail or Gangotri remain vulnerable because footfall continues even during red alerts.
- **Technology gaps:** Limited GIS-based (Geographical Information Systems) risk mapping, insufficient localised early-warning systems.

Way Forward:

- **Strengthening technology and institutions:**
 - The Geological Survey of India (**GSI**) must expand landslide mapping based on soil soaking and slope gradient.
 - The National Remote Sensing Centre (**NRSC**) must monitor glacial lakes and debris flows on a 24×7 basis.
 - GIS-based risk mapping and **AI-driven predictive surveillance** for flash floods.
 - **Increase density** of Doppler radars across valleys.
 - **Early warning systems** for cloudbursts, landslides, and glacial lake outbursts must be made more **localised**.
- **Community-centric preparedness:**
 - Expand NDMA's **Aapda Mitra Programme** to schools, panchayats, resident welfare associations (RWAs).
 - Conduct regular **mock drills** for citizens.
 - Promote awareness of **evacuation routes, relief shelters, emergency response steps**.
- **Sustainable reconstruction:**

- Response is only the first chapter. Recovery and reconstruction – the “**build back better**” phase – are equally crucial.
- Roads must be rebuilt with **slope stabilisation** in mind.
- **River embankments** must be reinforced while controlling illegal mining.
- Strict enforcement of **no-build zones** along riverbanks.
- Adoption of **seismic codes and eco-sensitive building practices**.

- **Integrating civil society:**

- Use **local knowledge** for district disaster management authorities.
- Encourage **public participation** as seriously as voting or paying taxes.

Conclusion:

- Monsoon 2025 has shown the **professionalism and courage** of India’s disaster responders but also **exposed structural and societal gaps** in disaster management.
- **Building resilience** in the fragile Himalayan ecosystem requires a technologically empowered, community-driven, and sustainable approach.
- **Only when citizens and the state act together** can India ensure true disaster preparedness in the era of climate change and rapid development.

Disaster Management in the Himalayas FAQs

Q1. How did Monsoon 2025 highlight the vulnerability of Himalayan states to climate-induced disasters?

Ans. Intense rainfall triggered floods, cloudbursts, and landslides across J&K, Himachal Pradesh, Punjab, and Uttarakhand, exposing the ecological fragility of the Himalayas.

Q2. What is the role of multi-agency coordination in India’s disaster response?

Ans. Army, IAF, NDRF, SDRF, BRO, and local administration worked jointly to conduct rescue and relief.

Q3. What technological interventions are currently aiding disaster management in India’s mountain states?

Ans. Drones, satellite communication, Doppler radars, OneWeb links, GIS mapping, and IMD’s nowcasting capabilities.

Q4. What systemic gaps remain in Himalayan disaster preparedness?

Ans. Unregulated construction, weak enforcement of building codes, poor citizen awareness, vulnerability of pilgrimage corridors persist, etc.

Q5. What are the measures to make disaster management in the Himalayan region future-ready?

Ans. Expand landslide and glacial lake monitoring, strengthen GIS-based predictive systems, promote sustainable reconstruction etc.

Source: **IE**

