

## **Topic: Nature Of Original Jurisdiction Of Supreme Court Under Article 131**

Name of the Case: State of Rajasthan v. UOI, AIR 1977 SC 1361

Bench: Chief Justice M. Hameedullah Beg, Justice Y.V. Chandrachud, Justice P.N. Bhagwati, Justice P.K. Goswami, Justice A.C. Gupta, Justice N.L. Untwalia and Justice Syed Murtaza Fazalali

Fact of the Case: There were general elections in the country for Lok Sabha in 1977 in which the Congress party was badly defeated. At this time, there were Congress ministries in several state. The Home Ministries, Government of India, through a communication advise the Chief Minister of the state to advise their governors to dissolve the state assemblies under Article 174 (2) (b) of the Constitution, and seek a fresh mandate from the people.

The State Government filed suits in the Supreme Court against the Central Government under Article 131 seeking injunctions against dissolution of state legislative assemblies under Article 356 and holding fresh elections in the states because the ruling party had been defeated in the elections for the Lok Sabha in these states.

The Central Government raised several preliminary objections to the maintainability of the suit, viz;

Article 131 covers disputes only between the Government of India and a 'State'. There is a distinction between a State and a "State Government";

Article 131 covers special kinds of disputes in which States, as such, may be interested and not merely Government of a State which may come and go;

There was no denial of any constitutional right to any State.

There was no legal point involved in the case which was based purely on political factors.

The disputes related to the question whether the State Assemblies should be dissolved which did not involve any question on which the existence or extent of a legal right depended.

Judgment: The Supreme Court rejecting all these contentions held that the matter fell within Article 131. The Court refused to give a restrictive meaning to Article 131. It ruled that Article 131 includes a dispute between central and State Government involving a legal right. In the words of Justice Chandrachud, "the true construction of Article 131(a), true in substance and true pragmatically, is that a dispute must arise between the UOI and a state."

The dispute between the UOI and a State cannot be a dispute which arises out of the difference between the Government in Office at Centre and the Government in Office in a State. It is not necessary for attracting Article 131 that the plaintiff must assert a legal right in itself. Article 131 contains no such restriction. It is sufficient for attracting Article 131 that the plaintiff questions the legal or constitutional right asserted by the defendant, be it the Government of India or any other State. Such a challenge brings the suit within the term of Article 131 for, the questions for decision of the Court is not whether this or that particular legislative assembly is in title to continue in office but whether the government of India which asserts the Constitution drive to dissolve the assembly on the grounds alleged, possesses any such right.

The State has the locus and interest to contest and seek an adjudication of the claim set up by the Union Government. In a Federation, the state is vitally interested in defining the powers of the Central Government, on the one hand, and their own, on the other.

Case Second: State of Karnataka v. UOI, AIR 1978 SC 68

Bench Chief Justice M Hameedullah Beg, Justice Y.V. Chandrachud, Justice Bhagwati, Justice N.L. Untwalia, Justice P.N. Singhal, Justice Jaswant Singh and Justice P.S. Kailasam

Fact of the Case: The Government of India appointed a commission of enquiry under Commission of Enquiry Act, to inquire into certain allegations of corruption and misuse of power by the Chief Minister and a few other ministers. The State Government brought a suit against the Centre under Article 131 for issue of a declaration that the notification appointing the commission was illegal and ultra vires.

The main contention of the state was that the Commission of Enquiry Act does not authorise the Central Government to constitute a commission of enquiry in regard to matters falling exclusively within the state legislative and executive power. The crucial question arises was, whether the Central Government could appoint a commission to inquire into the conduct of Chief Minister and other ministers of a state in the discharge of their governmental function.

Judgment: The Supreme Court ruled that the suit under Article 131 by the State was competent and maintainable. The majority Judges were not prepared to take too restrictive the view of Article 131. They were not prepared to distinguish between the 'State' and its 'Government'. The majority view was that there exists an integral relationship between the state and its government and what affects the government or the ministers in their capacity as Ministers raises a matter in which the state would be concerned. In the words of Justice Chandrachud:

"The object of Article 131 is to provide a high-powered machinery for ensuring that the Central Government and the State Government act within their respective spheres of their authority and do not trespass upon each other constitutional functions or powers."

It was also clarified that under Article 131, it is not necessary that the plaintiff should have some legal right of its own to enforce, before it can file a suit. What is necessary is that the dispute must be one involving any question "on which the existence or extent of legal right" depends. The plaintiff can bring the suit so long as it has interest in raising the dispute because it is affected by it, even if no legal right of it is infringed provided, of course, The dispute is relatable to the existence or extent of legal right.

Therefore, a challenge by the State Government or the authority of the Central Government to appoint a commission of inquiry or to inquire into the allegation against the state ministers as regards the discharge of their concerns in the state clearly involved to question on which the existence or extent of the legal right of the Central Government to appoint such commission depended and that was enough to sustain the proceedings brought by the State under Article 131.

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