

**INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES**
[ISSN 2581-5369]

Volume 5 | Issue 6

2022

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An Analysis of Article 131 of the Constitution: Legal Rights or Merely Wrangles

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ABSTRACT

As per Article 131 of the Constitution of India, the Supreme Court only has jurisdiction over civil lawsuits where a disagreement emerges between or among the states and the centre in the framework of the constitutional principle that exists between them and the associated legal rights derived from the constitution. Unless the court rules otherwise, the laws of Parliament are regarded as valid under Article 131 of the Indian Constitution. The quasi-federal constitutional structure of India frequently results in interstate clashes. Such disagreements were anticipated by the Constitution's architects, who addressed them by establishing Article 131, which gave the Supreme Court exclusive first jurisdiction. This article aims to study the exclusive jurisdiction available to the apex court.

I. INTRODUCTION

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

- **Y.V.Chandrachud J.**

State Of Karnataka v. Union of India: AIR 1978 SC 68

“Chapter IV” of the “Part V” of the Indian Constitution entitled “**The Union Judiciary**” deals with the Supreme Court, its composition, powers, function and jurisdiction. This Part along with other provisions of the Constitution lays out the Supreme Court's power to adjudicate. The jurisdiction of the Supreme Court can be broadly divided into three categories, viz,

- 1. Original Jurisdiction:** If and to the extent that there is a dispute over a matter on which the existence or extent of legal rights depends on the actions of the parties, the court will address it. The parties that are specifically mentioned in this article are either the Union or a state or states.
- 2. Appellate Jurisdiction:** If two requirements are met that a substantial question of law regarding the interpretation of the constitution is involved, and the High Court issues a

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certificate under Article 134A—an appeal from any judgement, decree or final order of the High Court lies to the Supreme Court. The Supreme Court has appellate authority over cases involving civil, criminal, and constitutional law also.

3. Advisory Jurisdiction: The very advice provided under Article 143 is not a judgement per se rendered by Supreme Court and, as a result, does not provide a law that may result in a precedent. The parties for the Supreme Court in a reference proceeding is therefore not bound by the court's decision. Any opinion made in accordance with this article does not by definition come within Article 141, but the Supreme Court's decision is generally followed and referred to by many high courts. If it seems to the President that the subject involves a legal issue or question of a kind that is significant to the general public, the president may request the Supreme Court's advisory opinion. It is prudent to seek the Supreme Court's view on the matter. In some circumstances, the Supreme Court may decide against rendering an opinion if it deems it inappropriate or not appropriate to do so. In the landmark judgement **Powers, Privileges and Immunities of State Legislatures, In re**³, the then **Chief Justice Gajendragadkar, C.J** held that Supreme Court can refuse to give an opinion in the matter under Article 143(1)⁴ but cannot deny giving an opinion under Article 143(2) which deals with the Article 131's proviso concerning a dispute that has arisen out of pre-constitutional treaties, agreement convent engagements, another similar instrument which still stands legally valid. As per the constitutional layout, the Supreme Court of India in its Original Jurisdiction under Article 71⁵ and Article 131⁶ of the Constitution of India adjudicates upon matters involving disputes with

³ **Powers, Privileges and Immunities of State Legislatures, In re** (1965) 1 SCR 413.

⁴ **The Constitution of India, Article 143 : Power of President to consult Supreme Court:** (1) If at any time it appears to the President that a question of law or fact has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to that Court for consideration and the Court may, after such hearing as it thinks fit, report to the President its opinion thereon

(2) The President may, notwithstanding anything in the proviso to Article 131, refer a dispute of the kind mentioned in the said proviso to the Supreme Court for opinion and the Supreme Court shall, after such hearing as it thinks fit, report to the President its opinion thereon.

⁵ **The Constitution of India, Article 71: Matters relating to, or connected with, the election of a president or Vice President**

(1) All doubts and disputes arising out of or in connection with the election of a president or vice President shall be inquired into and decided by the Supreme court whose decision shall be final

(2) If the election of a person as President or Vice President is declared void by the Supreme court, acts done by him in the exercise and performance of the powers and duties of the office of President or Vice President, as the case may be, on or before the date of the decision of the Supreme Court shall not be invalidated by reason of that declaration

(3) Subject to the provisions of this constitution, Parliament may by law regulate any matter relating to or connected with the election of a President or Vice President

(4) The election of a person as President or Vice President shall not be called in question on the ground of the existence of any vacancy for whatever reason among the members of the electoral college electing him

⁶ **The Constitution of India, Article 131: Original jurisdiction of the Supreme Court: Subject to the provisions of this Constitution, the Supreme Court shall, to the exclusion of any other court, have original jurisdiction in any dispute-**

regard to the election of the President and Vice-President, disputes between the Union and States, disputes amongst States, and matters pertaining to infringement of Fundamental Rights. In any constitution with a federal or quasi-federal structure like ours, it can very well be expected that conflicts are bound to occur between the constituting/federating units and therefore it is advisable to have a clear provision within the constitution to redress such conflict in a judicious manner. The Supreme Court, the nation's preeminent court, will fulfil the stated function, according to the Constitution's framers. The discussions in this paper will be restricted to the Original Jurisdiction of the Supreme Court in disputes between Centre and States, and amongst States.

It is pertinent to note that, under the Indian Constitution, Article 131 provides that adjudication of all disputes amongst the federal constituents of India, be it Union or any of the States as the parties, will be maintainable only at the Supreme Court of India. At first glance, Article 131 has the following essential elements:

1. Parties or rather who can be made a party.
2. Kind of Issues That May Be Raised with the Supreme Court Under Article 131.

II. PREREQUISITES OF ARTICLE 131

a) Parties

India is a Union of States according to its constitutional arrangement; in other words, it has a federal system that leans more towards the Union or the Centre. Although each federating unit's different realms are explicitly defined by the constitution, disagreements between the States and the Union, nevertheless, occur for a variety of reasons. In anticipation of such a situation, the founders of our constitution gave the Supreme Court original jurisdiction under Article 131 to resolve such intergovernmental disputes between the federal constituent units of our nation.

Under Article 131, the exclusive original jurisdiction of the Supreme Court extends to deciding disputes between -

(a) between the Government of India and one or more States; or

(b) between the Government of India and any State or States on one side and one or more other States on the other; or

(c) between two or more States,

if and in so far as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends:

Provided that the said jurisdiction shall not extend to a dispute arising out of any treaty, agreement, covenant, engagements, and or other similar instrument which, having been entered into or executed before the commencement of this Constitution, continues in operation after such commencement, or which provides that the said jurisdiction shall not extend to such a dispute.”

- i. Centre and a State or States;
- ii. A State or States on one side, the Center, and a State or States on the other side;
- iii. Two States or more.

We can analyze certain circumstances that appeared in the Supreme court while resolving the dispute at hand with respect to the parties in the suit. In one such particular instance, the State of Bihar filed a lawsuit **State of Bihar v. Union of India**⁷ in the Supreme Court under Art. 131 against the Union of India, which owns the Railways, and the government-owned Hindustan Steel Limited in an effort to obtain compensation for the insufficient supply of iron and steel that the State of Bihar tried ordering in connection with the Gandak Project. The Court held that Art. 131 did not apply since its language disallows the concept of a private individual, business, or organization acting as a party to the dispute either on their own or in conjunction with the union government. Furthermore, it was decided that the definition of "**State**" as it appears in **Article 12**⁸ differs from the one stated in **Art. 131**. As a result, pursuant to Article 131, a Government Company that is regarded as a part of the State under Part III cannot be sued by a State (Bihar in the instance at issue). Therefore, the Court said that Hindustan Steel could not be treated as a "State" for that similar reason, and the expanded definition of "state" provided under Art. 12 could not be used under Art. 131.

Another instance of this type was when the respondent, the State of Rajasthan, through its District Rehabilitation Officer, Barmer, filed a lawsuit in the court of the District Judge, Balotra, against the appellant, the Union of India, seeking damages for the losses the State incurred as a result of the damage done to the goods transported by rail through the Railway Administration. The appellant (Union of India) argued that because Article 131 of the Constitution, gave the Supreme Court sole power to resolve all issues between a State and the Union, and, the matter is not maintainable in the District Court. As per the District Judge, he had jurisdiction to hear the case. The High Court denied a revision petition brought against the District Judge's ruling. The appellant approached the Supreme Court in pursuance of Article 131 of the Constitution in the case of **Union of India v State of Rajasthan**⁹. The Supreme Court rejected the petition and held that the lawsuit stands maintainable in the district court. In its observation, the Supreme Court has held that remedy provided under the Article 131 should only be invoked when prima facie the parties to a dispute are Union and States or if the dispute is among States

⁷ State of Bihar v. Union of India, (1970) 1 SCC 67.

⁸ **The Constitution of India, Article 12:** Definition In this part, unless the context otherwise requires, the State includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

⁹ Union of India v State of Rajasthan (1984) 4 SCC 238.

themselves regarding their relationship as provided in the Indian Constitution and their powers, rights, duties, immunities, liabilities, disabilities, etc. that flow from it. Any conflict between a State acting as an employer, in activities unrelated to the regular responsibilities of government, such as a customer of railroad services, etc cannot be equated at the same footings. Any disagreement between the State and the Union regarding the use of their respective executive authorities would trigger Article 131 of the Constitution. It cannot be regarded as involving any other private entity or the Union of India. In the present instance, the State Government has asserted a claim for compensation similar to any other consignee of goods shipped through the railroad, and the outcome of the lawsuit rests on the ability to prove certain facts, which must be shown in the same manner as if it were a private individual. This situation does not even involve the Union of India and the State of Rajasthan entering into a formal contract that is a requirement to be met with Article 299¹⁰ of the Constitution. As the owner of the Indian Railways under Article 300¹¹ of the Constitution, the Union of India is engaged as a party to cases brought under that provision. The Act, however, recognizes the disagreement as one between the party filing the lawsuit and the Railway Administration. The application of the Indian Railways Act, 1890's provisions to these proceedings is not in dispute by any of the parties to these proceedings. Therefore, it is difficult to contend that any issue in these proceedings falls under the purview of Article 131 of the Constitution.

b) Nature of Disputes.

Only those disputes that entail any question (whether of law or fact) on which the nature or validity of a legal right depends are maintainable under Art. 131. Where there is a question of

¹⁰ **The Constitution of India, Article 299: Contracts** (1) All contracts made in the exercise of the executive power of the Union or of a State shall be expressed to be made by the President, or by the Governor of the State, as the case may be, and all such contracts and all assurances of property made in the exercise of that power shall be executed on behalf of the President or the Governor by such persons and in such manner as he may direct or authorise

(2) Neither the President nor the Governor shall be personally liable in respect of any contract or assurance made or executed for the purposes of this Constitution, or for the purposes of any enactment relating to the Government of India heretofore in force, nor shall any person making or executing any such contract or assurance on behalf of any of them be personally liable in respect thereof.

¹¹ **The Constitution of India, Article 300: Suits and proceedings:** (1) The Governor of India may sue or be sued by the name of the Union and the Government of a State may sue or be sued by the name of the State and may, subject to any provisions which may be made by Act of Parliament or of the Legislature of such State enacted by virtue of powers conferred by this Constitution, sue or be sued in relation to their respective affairs in the like cases as the Dominion of India and the corresponding Provinces or the corresponding Indian States might have sued or been sued if this Constitution had not been enacted

(2) If at the commencement of this Constitution

(a) any legal proceedings are pending to which the Dominion of India is a party, the Union of India shall be deemed to be substituted for the Dominion in those proceedings; and

(b) any legal proceedings are pending to which a Province or an Indian State is a party, the corresponding State shall be deemed to be substituted for the Province or the Indian State in those proceedings CHAPTER IV RIGHT TO PROPERTY

assertion of a legal right by any of the federating units against the other than only original jurisdiction of the Supreme Court can be invoked. Art. 131 covers all sorts of legal rights between the parties, the issue need not be restricted to only the constitutional rights of the parties. Legal Rights could be enunciated as rights provided as per the constitutional framework is encroached and either party have infringed the “legal rights” of each other.

In **State of Rajasthan v. Union of India**¹², the Supreme Court held, that the right claimed should not necessarily be a constitutional right but it is necessary to a legal right. The State of Rajasthan v. Union of India also popularly known as Rajasthan Dissolution Case, helped to clarify how Article 131 should be interpreted. Article 131(a), "the dispute between the union i.e the centre and one or more states," was explained. The apex court stated that the difference in viewpoints between the Central Government and the State Governments is not the type of disagreement indicated in Article 131(a). Instead, the main goal of the clause is to create a framework for the resolution of disagreements over issues of law or fact that are relevant to the existence or scope of a legal right. It should never let politics be the focus of the disagreement.

The court had reached a similar conclusion in **State of Karnataka v. Union of India**¹³, where the applicability of Article 131 was under discussion. When the central government announced the appointment of an inquiry commission to look into allegations of corruption against the Chief Minister and other Ministers, the rights of the State government were at issue. The maintainability of the lawsuit brought under Article 131. The then **Chief Justice, Bhagwati J**, said that a dispute cannot be brought up by the plaintiff on an issue that does not involve or impact legal rights. If the plaintiff has an interest in bringing the matter up because the conduct taken may impact its legal right, it may still do so under Article 131 even if the plaintiff's legal rights are not breached. This is only true in the case if the dispute relates to the existence or scope of a legal right. The violation of any legal right must be an issue, either legally or factually, in order to invoke Article 131. As was further established in the **State of Karnataka (supra)** case, the contention between the federating units must touch upon any declaration as to the legal rights extended to them, their Lordships further clarified that such rights must not necessarily emanate from the Constitution only. The sole prerequisite is that it acquires the form of an established legal right. Therefore, in order to invoke the original jurisdiction of the Supreme Court under Art. 131, it must foremost be established if the issue in question involves a declaration as to any right, liberty, authority, or immunity among the parties to the dispute. If the answer is yes, then only the lawsuit would be maintainable, otherwise, it would not be

¹²State of Rajasthan v. Union of India (1977) 3 SCC 592

¹³State of Karnataka v. Union of India (1977) 4 SCC 608

maintainable.

The state cannot refuse to abide by and follow the law under the statutes enacted by the Parliament and create a smokescreen of lack of finance or some other grounds held in **Swaraj Abhiyan v. Union of India**.¹⁴

The Supreme Court **M.C. Mehta v. Union of India**, restricting its original jurisdiction held that it cannot add to the conditions of the contract between parties where the parties are disputing the claims of each other. Such disputed matters can be better resolved by a competent civil court or by arbitration once in the arbitration clause in the agreement, and some disputes have already been referred to the arbitrator. There is no reason why the subsequent dispute should also not be referred to arbitration.

A suit under Article 131 cannot be maintained if there is an adequate alternative remedy through any other action. In **Union of India v. State of Rajasthan (supra)**, the Union of India filed an appeal against a judgment wherein the State of Rajasthan was granted damages for losses incurred as a result of the railroads' improper handling of goods. The Union of India contends that the State of Rajasthan should have filed an initial appeal with the Supreme Court under Art. 131, however, it was rejected by the apex court on the ground that the framers of the constitution never intended to invoke Article 131 to decide such petty issues.

The Supreme Court defined, "Legal right" in context of the Article 131 in **State of Rajasthan v. Union of India (supra)**, as it can be defined as interests that the law protects by imposing corresponding responsibilities on others and are correlatives of legal duties in the legal context. However, the term "right" is also used to refer to immunity from the legal authority of another; immunity is an exemption from one person's power, just as liberty is an exemption from another person's right. Immunity, in other words, is the absence of subjection. This clearly shows that the term "legal right," as used in Article 131, does not include every legal right which could be determined in a court of law, rather it denotes only such legal rights which form the core of the federal relationship between the Union of India and its constituting units, the States. Therefore, the Supreme Court restricted Art. 131's application to intergovernmental relationships that derive from the Constitution and other arrangements that specify the rights and obligations of India's constituent states. The Supreme Court has ruled that disagreements over political topics are not covered by Art. 131.

The legitimacy of the laws themselves can be characterized as a "relational legal problem involving a right, liberty, power, or immunity amongst the parties to the dispute". Even after

¹⁴ Swaraj Abhiyan v. Union of India, (2016) 7 SCC 498

this role and responsibility have been accepted, there are other aspects to be considered such as States have a responsibility under Article 256 to oblige with the enactments of the Union Parliament. The question of whether the Centre has exceeded its constitutional limits and interfered with the operation of a constitutionally valid State Government is also raised in various cases challenged by States under Art. 131 where the dissolution of Legislative Assemblies and the imposition of Article 356 of the constitution of India (**Provisions in case of failure of constitutional machinery in State**) by the Centre has taken place. There are challenges that involve political questions arising from the different political parties in control of the affairs in the respective spheres, which are supposed to be avoided to achieve the constitutional goal.

c) Terms used in reference to Article 131

Despite the fact that the term "**Suit**" is regularly used in relation to Article 131, it cannot be linked with a civil suit. "Cause of Action", which forms the core of any civil suit is not required to be established for a declaration under Article 131. The kind and specifics of the dispute brought to the Court will determine how the provision applies. The adjudication procedure is also different from that of the Regular Civil Courts of Law. According to **State of Bihar v. Union of India** (supra), the aggrieved party may immediately file a petition under article 131 to the Apex Court detailing a description of fact and why their claim must be declared against the opposite parties. The guiding principle, in this case, is not the comprehensive adjudication of the subject combined with rigid norms of process. After this process is over, the Supreme Court will no longer be able to exercise its authority under Article 131. However, as held by Supreme Court in **Union of India v. State of Himachal Pradesh**,¹⁵ alternative remedies are not barred in a federal dispute if the court feels that the question involved could also be decided by way of mediation and a settlement could be arrived at amicably without touching upon merits. The "**Execution**" term of a civil lawsuit is crucial in ensuring that the party winning receives justice. Article 131 does not dictate or prescribe any process that represents the execution of a decree. The ability to appeal the verdict is essentially nonexistent in Article 131 as well. Therefore, there is no room for any kind of review.

III. EXCEPTION OF ART. 131 JURISDICTION

Although Article 131 grants the Supreme Court exclusive authority, this jurisdiction was restricted by the **Constitution (Seventh Amendment) Act, 1956, (w.e.f. 1-11-1956)**. The amendment barred from the purview of Article 131 the sovereign guarantees and commitments

¹⁵ Union of India v. State of Himachal Pradesh (2010) 15 SCC 107

like international treaties, which were entered into by India before the commencement of the Indian Constitution and are still in force. However, the President under Article 143(2)¹⁶ seeks advice from the Supreme court in matters related to this and the Supreme court is bound as the word “shall” makes it mandatory for the court to advise the President in the matter. It was noted by the apex court in the **State of Haryana v. State of Punjab**¹⁷, any disagreement over a contract for the construction of a canal between two states of the union could not be brought under Article 131.

The State filed a lawsuit **State of Madhya Pradesh v Union of India**¹⁸ alleging infringement of basic rights, and the Supreme court ruled that because the Supreme Court lacks jurisdiction over violations of fundamental rights under Article 131 and the state should approach for the same under Article 32 of the Indian Constitution because the State brings these claims together in a single representative lawsuit, it does not assert that the State's legal rights are in jeopardy; rather, it is merely reflecting the complaints of its citizens.

In the case of the **State of Karnataka v. State of Andhra Pradesh**,¹⁹ the apex court addressed a river water issue while taking into consideration **Article 131 and Article 262**²⁰. In case, any law has been passed by the Parliament in pursuance of Article 262 to oust the jurisdiction of the Supreme Court, then such a riverine dispute shall be determined only by that law itself, no matter whether the parties to the dispute are constituting units of the federation and therefore the matter could have been ordinarily brought under Article 131 before the Supreme Court.

With respect to cases addressing to the finance commission (**Article 280**), as well as the accommodations and adjustments of costs and other associated with financial undertakings between the Central Government and the States (**Article 290**), it would not fall within the realm of Article 131.

IV. CURRENT CHALLENGES TO ARTICLE 131

The NIA Act, 2008 has been challenged as unconstitutional by Chhattisgarh state on the grounds

¹⁶ **The Constitution Of India, Article 143: Power of President to consult Supreme Court:** (1)..... (2) The President may, notwithstanding anything in the proviso to Article 131, refer a dispute of the kind mentioned in the said proviso to the Supreme Court for opinion and the Supreme Court shall, after such hearing as it thinks fit, report to the President its opinion thereon

¹⁷ State of Haryana v. State of Punjab AIR 2002 SC 685

¹⁸ State of Madhya Pradesh v. Union of India (2011) 12 SCC 268

¹⁹ State of Karnataka v. State of Andhra Pradesh (2000) 9 SCC 572.,

²⁰ **The Constitution of India, Article 262: Adjudication of disputes relating to waters of inter State rivers or river valleys:** (1) Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter State River or river valley
(2) Notwithstanding anything in this Constitution, Parliament may by law provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint as is referred to in clause (1) Coordination between States

that it is "outside the legislative authority of Parliament." It contends that "Police" is the subject matter that should be left to the states and that establishing a central police agency with authority over state police, since, it lacks any provision for the state government's approval of its operations is contrary to the states' and the center's shared legislative authority. Furthermore, the petition contends that it goes against the Constitution's federalist spirit. The state has also placed reliance on the case of **State of Jharkhand v. State of Bihar** (supra), to strengthen the petition on its maintainability as the law is strict under article 131 where maintainability is preferred over the merit. As per the Supreme Court, in **State of Jharkhand vs the State of Bihar** (supra) held that a "dispute" must encompass the claim and/or defense of a legal right belonging to the Government of India or one of the Union's component States. The Supreme Court would explicitly reject any case slightly also touching upon political considerations. The condition relevant for the suit to be maintained is that a legitimate legal right must have been claimed by way of the litigation in question. The Supreme Court upheld the legal position by concluding that there is no barrier to a constitutional validity test of legislation falling under the Supreme Court's original jurisdiction, however, the same must be contested, in the form of a litigated legal or factual matter that impacts, hampers, denies, or even fully destroys the legal right of the "party to the proceedings." The State of Chhattisgarh challenged the National Investigative Agency Act, 2008 under Article 131, before the Supreme Court on the grounds that the Centre cannot unilaterally take away the power to investigate a crime that would have otherwise been the function of the "police" which is under the control of states as clearly provided under Entry 2 of the "State List" under Schedule VII of the Constitution. In light of this, the Supreme Court would have to decide whether to rule on the merits of the lawsuit or not. This lawsuit touches on the constitutional framework between the Union and the States as it relates to the interaction of the Union's legislative and executive powers.

Whereas, Kerala's lawsuit requests the **Citizenship (Amendment) Act, 2019** to be struck down, as it violates the Constitution and goes against the fundamental constitutional concept of secularism. In addition, it contests the constitutionality of notifications made in 2015–16 under the **Foreigners (Amendment) Order and the Passport (Entry into India) Amendment Rules**. Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians who were compelled to seek refuge in India due to religious persecution or the fear of religious persecution and entered India on or before December 31, 2014, without valid documents, were exempt from the laws against illegal immigration as a result of the notifications of 2015. However, Kerala explained its invocation of the Article 131 jurisdiction by emphasizing on Article 256 and claiming that it will be required to enforce the challenged legislation. In light of this, it contended that there

exists a legal disagreement between the State and the Union on the enforcement of the legal rights of the people from the State of Kerala. In challenging the constitutionality of the **“Citizenship (Amendment) Act, 2019, the Passport (Entry to India) Amendment Rules, 2015, and the Foreigners (Amendment) Order, 2015,”** it (the State of Kerala) has sought to enforce secularism as the basic structure of the constitution, which, as per the State of Kerala, the Union of India is shrugging off with these Central Acts.

V. CONCLUSION

Tracing the legal and historical background, one can say that the Supreme Court under article 131 of the constitution of India seems to act as an interpreter and a court for deciding the rights between the constituent units of India and also for enforcing the principle of the Federation itself. Such disagreements must be resolved based on the emergence of "legal rights," which must occur within the framework of the constitution and its federalism. Although it is unclear to what degree the Indian Constitution upholds the federal idea, the Supreme Court's original jurisdiction is limited with a few exceptions. [These exclusions are listed in a number of constitutional statutes, including disputes listed in the proviso to Article 131, Article 363(1), Article 262, 280, and Article 290.] The historical precedents of Article 131, however, make it clear that its purpose is not to ensure that the Union abides by every constitutional provision or value, but rather to make sure that the constituting units of the federation do not tamper with the Unity binding India as one sovereign entity.

Justice Subba Rao's minority decision in one of the first cases **State of West Bengal v. Union of India**,²¹ where the Supreme court dealt with Article 131, stated that the Union and the States, the co-ordinate constitutional bodies, share sovereign powers and that the Indian Constitution upholds the federal idea. According to this idea, one cannot meddle with each other's governmental functions unless the constitution specifically permits it. According to **Justice Subba Rao**, the Supreme Court has the constitutional authority and corresponding duty a challenging and sensitive one to prevent encroachment by the Union on state territory or vice versa. The Supreme Court must maintain the federation's equilibrium in this way. Although the dissenting judgment mentions that the Supreme Court is given such broad authority but it is unclear how will it tackle the constitutional restrictions in its jurisdiction and manage to keep political conflicts out of court. Many important constitutional issues were resolved by Chief Justice Sinha's majority opinion, but he made clear that our Constitution does not recognize state sovereignty, which instead belongs to the Union of India. As a result, the states are

²¹ State of West Bengal v. Union of India, AIR 1963 SC 1241.

incapable of questioning the Union of India's legislative authority. Article 131, however, does not list the types of disputes that can be brought under it.

The Constitution expressly recognizes the possibility of a disagreement between the Center and the states on any matter. Therefore, during the time that the Supreme Court is considering the issue, the states may seek the court to decide whether they have a choice to implement or not to implement the CAA and NPR. It goes without saying that the Supreme Court's decision, in this case, will be binding against both the Center and the states. The Bench may decide the disagreements if only the suits are found to be maintainable. So, one can conclude that the rights of the parties whether "**legal rights**" or "**merely wrangles**" will have to be proved before actually contesting the litigation because it is the power of court to entertain the suit under Article 131 of the Indian constitution is itself a prerequisite of resolving the dispute under Article 131.

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