

1. Discuss the key provisions of the 106th Constitutional Amendment Act 2023, and its significance for gender representation in Indian politics. Critically evaluate feasibility of its implementation.

The Andhra Pradesh Reorganization Act, 2014 bifurcated the erstwhile united Andhra Pradesh, leading to the creation of a new state of Telangana and a residual Andhra Pradesh. This reorganization had far-reaching consequences on the structure, location, and effectiveness of the Andhra Pradesh State Legislature, influencing its functioning and legislative agenda.

Positive Impacts on Andhra Pradesh Legislature:

1. Focused Development-Oriented Legislation:

- Post-bifurcation, the legislature was compelled to rebuild the state from scratch.
- Laws focused on capital development, infrastructure, industrialization, and employment generation.
- Example: Andhra Pradesh Capital Region Development Authority (APCRDA) Act.

2. Increased Legislative Activity and Innovation:

- Several new and progressive laws were introduced to address local needs.
- Example: Disha Act (2019) for fast-track courts and capital punishment in rape cases.

3. Enhanced Emphasis on Welfare:

- The Legislature passed key welfare programs under the Navaratnalu initiative.
- Example: Amma Vodi (financial support for mothers sending children to school).

4. Public Engagement and Policy Debate:

- Controversial bills like the Three Capitals Bill generated public discussion and civic awareness.
- This increased scrutiny of legislative processes and accountability.

5. Institutional Autonomy:

- The Legislature initiated creation of new state-specific institutions and universities.
- This allowed greater flexibility to frame policies aligned with local priorities.

Negative Impacts on Andhra Pradesh Legislature:

1. Loss of Capital and Legislative Infrastructure:

- The bifurcation left Andhra Pradesh without a permanent Legislative Assembly building.
- Temporary arrangements in Velagapudi lacked full facilities, affecting productivity.

2. Frequent Disruptions and Relocations:

- Shifting infrastructure and lack of permanent Secretariat disrupted the continuity of legislative business.

3. Contentious Legislation and Political Conflict:

- Bills like the Three Capitals Bill and APCRDA Repeal Bill led to legal battles and political polarization.
- Governor's delay in giving assent created constitutional friction.

4. Judicial Interventions:

- Judiciary struck down or stalled implementation of several key laws.
- This questioned the legislative competence and created delays in governance.

5. Inter-State Legislative Challenges:

- Unresolved issues with Telangana on water sharing, institutions, and resource division strained legislative time and energy.

Way Forward:

1. Develop Permanent Legislative Infrastructure:

- Complete the construction of a modern and well-equipped Assembly complex in the chosen capital region to ensure smoother functioning.

2. Strengthen Legislative-Executive Coordination:

- Create formal mechanisms for pre-legislative consultation between the legislature and the executive to avoid legal conflicts.

3. Constitutional Clarity on Governor's Role:

- Follow recommendations of the Sarkaria and Punchhi Commissions to limit discretion of the Governor in withholding assent.

4. Capacity Building and Legal Support for Legislators:

- Train MLAs in constitutional law, legislative drafting, and policy analysis to improve the quality of debate and laws.

5. Promote Inter-State Legislative Dialogue:

- Establish joint committees with Telangana to resolve issues amicably and avoid excessive legal disputes.

The Andhra Pradesh Reorganization Act, 2014 has had a transformational impact on the State Legislature. While it posed institutional and logistical challenges, it also created opportunities for a fresh legislative vision. By addressing its structural weaknesses and enhancing legislative capacity, Andhra Pradesh can build a robust and future-ready legislature that meets the developmental aspirations of its people.

2. The provisions of Article 142 create an imbalance of power between judiciary vis-à-vis executive and legislature'. Critically analyze.

Article 142 provides the Supreme Court with the authority to pass any decree or order required for "complete justice" in a case before it. The Court can issue orders beyond the scope of statutory provisions if necessary to deliver justice.

Yes, Article 142 Creates an Imbalance of Power

1. Judiciary vs. Legislature:

- **Judicial Overreach:** Article 142 allows the judiciary to pass orders that can resemble laws, infringing on the legislative domain.

Example: *Vineet Narain v. Union of India (1996)*: The Supreme Court directed reforms in the CBI, despite it being a matter for legislative action.

- **Judicial Lawmaking:** Courts can issue orders that affect policy, bypassing Parliament's role in lawmaking.

Example: *Minerva Mills Ltd. v. Union of India (1980)*: The Court struck down constitutional provisions, influencing the balance between Fundamental Rights and DPSPs.

2. Judiciary vs. Executive:

- **Executive Functions Encroachment:** Article 142 enables the judiciary to direct executive action, sometimes overstepping its constitutional boundaries.

Example: *Prakash Singh v. Union of India (2006)*: The Court's directive for police reforms was seen as overstepping the executive's domain.

- **Non-Compliance Risk:** Orders under Article 142 can create tension if the executive fails to implement them, leading to a clash of authority.

Example: *T.N. Godavarman Thirumulpad v. Union of India (1997)*: Court's directions on forest policy implementation created friction with executive policy-making

No, Article 142 Does Not Create an Imbalance of Power

1. Preserving Judicial Independence:

- **Empowering the Judiciary:** Article 142 ensures the judiciary can uphold justice even when legal provisions are insufficient.

Example: S.R. Bommai v. Union of India (1994): The Court used Article 142 to preserve federalism by reviewing the dismissal of state governments.

- **Corrective Mechanism:** The provision enables the judiciary to correct legal gaps, ensuring that justice is not denied due to the absence of specific laws.

Example: K.K. Verma v. Union of India (1954): The Court used Article 142 to grant compensation where no law existed.

2. Judicial Oversight of Executive and Legislative Actions:

- **Checks and Balances:** The judiciary's role is to ensure the legislature and executive do not exceed their constitutional powers, which Article 142 facilitates.

Example: Union of India v. Association for Democratic Reforms (2002): The Court directed electoral reforms, such as mandatory disclosure of criminal records, even without specific legislation.

- **Limited Scope of Power:** Article 142 cannot be used to legislate or permanently

Example: Ravindra Kumar Verma v. Union of India (2014): The Court ordered compensation for wrongful conviction, using its power to remedy individual injustice, not to create policy.

Article 142 is a necessary tool for the judiciary to ensure justice when legal provisions fall short. While it can potentially create tension with the executive and legislature, its purpose is to maintain judicial independence and deliver justice. The Court should exercise this power judiciously, balancing the separation of powers and ensuring that it does not infringe upon the constitutional roles of other branches of government. Therefore, Article 142 does not inherently create an imbalance but serves as an essential corrective mechanism in the interest of justice.

“Article 142 of the Constitution empowers the Supreme Court to pass any order necessary to do complete justice. This is a power which enables the Court to act in the interest of justice, equity, and good conscience.” As said by Justice PN Bhagwati must be the guiding light for use of Article 142.