

2. TN Speaker suspects 'pressure' on Governor for 'changing' decision on Bill banning online gambling

Prelims Syllabus: Governance - Policies

Mains Syllabus: GS-II Functions and responsibilities of the Union and the States, issues and challenges pertaining to the federal structure, devolution of powers and finances up to local levels and challenges therein.



Why in News?

- Tamil Nadu Assembly Speaker M. Appavu said that he suspected that there was “some pressure” on Governor R.N. Ravi following which he returned the Bill that proposed to ban online gambling and regulate online games.

Veto over State Bills:

- The governor is empowered to reserve certain types of bills passed by the state legislature for the consideration of the President. Then, the Governor will not have any further role in the enactment of the bill. The President can withhold his assent to such bills not only in the first instance but also in the second instance.
- Thus, the President enjoys absolute veto (and not suspensive veto) over state bills.
- Further, the President can exercise pocket veto in respect of state legislation also.

Can a state Negate Central Laws?

- Article 254(2) refers to a scenario where a law made by a state legislature concerning any matter that falls in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law, with respect to that matter.

- In such a case, the law made by the state legislature will prevail, provided it is reserved for the consideration of the President of India and receives his assent.

How can states use this provision?

- This provision gives flexibility to a state legislature to make a law different from what is applicable in that state due to a parliamentary law already in operation there.
- This flexibility is only available on matters that are in the **concurrent list to Schedule 7 of the Constitution**. Under that list both the Parliament and the state legislatures could legislate — subject to the rule that the parliamentary law will prevail over a state law.

What all is covered under concurrent list?

- The concurrent list provides a rich set of topics for the states to take a lead in reform. It covers areas such as criminal law and procedure, marriage, divorce and adoption, bankruptcy and insolvency, social security, education (including technical and medical education) and electricity.
- Agriculture' has been placed as Entry 14 in the State List along with several ancillary matters, while some agriculture-related items have been included in the Union List and the Concurrent List.

Will this provision help the states?

- Though states could come out with their own Bills to some extent to override the statutes of passed by the Parliament, none of those Bills would be effective unless the President accords his consent to such Bills.

What happens if President does not give consent?

- According to legal experts, it's the sole prerogative of the President whether to sign the state Bills or not. It's a rare circumstance, wherein a state Bill is accepted by the President without the Centre on board.
- In case, the Centre is opposing the Bill, then the President, who works on the aid and advice of the Council of Ministers, can refuse to give his consent.

Can states approach the Supreme Court challenging the central law?

- States can approach the Supreme Court under Article 131 — invoking the court's "original jurisdiction" — that allows a state to file a suit in the Supreme Court in case of any dispute that it may have with the central government.
- Article 131 could be used to examine the constitutionality of a statute.