

Editorial of the Day – 21.11.2025

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1.New reckoning – On Nitish Kumar’s tenth term in Bihar – (TH)

General Studies 2 – Governance

Topic – State Legislatures – structure, functioning, conduct of

business, powers & privileges.

1. Introduction

Nitish Kumar has commenced his historic tenth term as the Chief Minister of Bihar, leading the National Democratic Alliance (NDA). While his return is backed by a decisive mandate and renewed political legitimacy, the administration faces the daunting task of moving beyond political survival to addressing deep-rooted economic stagnation. The central theme of this tenure must be a shift from "continuity" to "transformational governance" to address persistent underdevelopment.

2. Political Context and Coalition Dynamics

The election results reflect a combination of personal political acumen and the consolidation of specific voter bases.

Electoral Surge – The Janata Dal (United) [JD(U)] secured 85 seats, effectively doubling its tally from the previous election. This surge provided the NDA with a decisive advantage over the Opposition Mahagathbandhan.

The "Winning" Social Coalition – Nitish Kumar successfully mobilized a broad coalition comprising – EBCs (Extremely Backward Classes), Dalits.

Women Voters – A distinct and strong constituency that has consistently supported Kumar. This multi-caste, multi-class alliance proved robust enough to counter anti-incumbency sentiments.

Welfare vs. Ideology – The election outcome highlights that voter prioritized tangible welfare delivery over political ideology or criticism regarding Mr. Kumar’s frequent alliance shifts. Targeted benefits effectively insulated the incumbent government from voter dissatisfaction.

3. Structural Challenges (The "Vicious Cycle")

Despite political stability, Bihar remains at the bottom of most socio-economic indicators. The editorial identifies a "vicious cycle" in the state's economy –

Chronic Out-Migration – Bihar continues to be India's largest source of distress migration due to a severe lack of local employment opportunities.

Agrarian Crisis – Agriculture is plagued by fragmented land holdings. Ownership remains concentrated, limiting productivity and equity.

Stagnant Industrialization – Organized industry is nearly absent. The state has witnessed a chronic failure to attract private investment over the years.

Skewed Services Sector – The service economy is heavily disproportionate, dominated primarily by government jobs rather than private enterprise.

Imbalanced Development Focus – Successive administrations prioritized physical infrastructure (roads and bridges). Human Capital (Education and Health) has lagged significantly behind, creating a workforce ill-equipped for modern industry.

4. Analysis of Opposition Weaknesses

The failure of the Opposition to unseat the incumbent provides insights into Bihar's political landscape

Narrow Social Base – The Rastriya Janata Dal (RJD) lacked a broad social coalition, relying too heavily on its traditional base.

Organizational Fragility – The Congress party suffered from weak organizational structures on the ground.

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Limited Reach – Left parties remained confined to small, specific pockets of influence.

Narrative Failure – These weaknesses prevented the Opposition from converting the state's economic distress into political traction. The government's welfare schemes successfully shielded it from attacks on its economic record.

5. The Governance Mandate – Way Forward

The editorial argues that Bihar cannot rely indefinitely on handouts and transfer payments. The focus must shift to creating sustainable livelihoods.

Economic Diversification

Food Processing – The government must leverage Bihar's inherent agricultural strength to build a robust food processing industry.

Investment Climate – Creation of an investment-friendly environment to attract organized industry and reverse the capital flight.

Structural Reforms

Land Reforms – Although politically difficult, the government must consider land reforms to

1. Empower sharecroppers.
2. Increase agricultural productivity.

Infrastructure Shift – While maintaining physical infrastructure, the focus must pivot to strengthening social infrastructure (Health and Education) to build a productive workforce.

6. Conclusion

Nitish Kumar's tenth term will not be judged by his political longevity but by his ability to create a "Developmental Inflection Point." The mandate requires a transition from a welfare-dependent economy to one driven by sustainable livelihoods and meaningful economic reforms. Only by addressing the structural deficiencies in industry, agriculture, and human capital can Bihar break its cycle of underdevelopment.

Source – <https://www.thehindu.com/opinion/editorial/new-reckoning-on-nitish-kumars-tenth-term-in-bihar/article70304020.ece/amp/>

2. Supreme Court's opinion on timeline for governors just adds to the confusion-(IE)

General Studies 2–Governance **Topic**– State Legislatures – structure, functioning, conduct of business, powers & privileges.

Introduction

The Supreme Court's recent decision regarding the Presidential reference on the timelines for assent to Bills is a watershed moment in Indian federal governance. Addressing the friction between elected State Legislatures and appointed Constitutional heads (Governors/President), the Court clarified that while fixed timelines cannot be judicially imposed, indefinite delays are unconstitutional. This judgment balances the "discretionary power" of the Executive with the "democratic mandate" of the Legislature.

2. Background & Constitutional Context

Article 200 (Governor's Options) – When a State Legislature passes a Bill, the Governor has three specific courses of action

1. **Give Assent** – The Bill becomes law.
2. **Withhold Assent/Return** – Return the Bill (if not a Money Bill) with a message for reconsideration.
3. **Reserve for President** – Reserve the Bill for the President's consideration.

Article 201 (President's Role) – Upon reservation, the President may assent, withhold assent, or return the Bill.

The Core Issue – Both Articles are silent on the time limit for these decisions.

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The Friction – State Governments have frequently alleged that Governors use this silence to exercise a “Pocket Veto” (indefinite inaction), thereby paralyzing the legislative will.

Legal Precedence – *State of Tamil Nadu v. Governor of Tamil Nadu (April 2025)* – The SC held indefinite delay unconstitutional and proposed specific timelines (e.g., one month to act). *Presidential Reference (Art 143)* – Following the controversy over fixed timelines, the President sought the SC’s advisory opinion on whether the Judiciary can prescribe rigid deadlines.

Key Findings of the Recent Judgment

Rejection of Fixed Timelines

Judicial Constraint – The Court unanimously held that since the Constitution (Articles 200/201) does not prescribe specific deadlines, the Judiciary cannot “legislate” by imposing rigid timelines.

Separation of Powers – Imposing a strict calendar would amount to the Judiciary overstepping into the Constitutional discretion of the Executive.

Rejection of “Deemed Assent”

No Automatic Law – The Court ruled that silence or inaction by a Governor/President cannot be interpreted as “Deemed Assent.”

Active Decision Required – A Bill cannot become law simply due to the lapse of time; it requires an affirmative act of assent.

Mandatory Action (No Indefinite Delay)

Three Options Only – The Governor *must* exercise one of the three constitutional options (Assent, Return, Reserve).

Inaction is Unconstitutional – Sitting on a Bill indefinitely is not a valid option. The Constitution anticipates “expeditious” action.

Nature of Judicial Review

Merits vs. Process – The Court cannot review the *merits* of the decision (why assent was withheld) as it is non-justiciable. However, procedural inaction (unexplained, indefinite delay) is subject to limited judicial correction to prevent constitutional paralysis.

Significance & Implications

For Constitutional Governance

Textual Integrity – Upholds the principle that where the Constitution is silent, the Court should not fill gaps that amount to new legislation.

Preventing “Pocket Veto” – By ruling that “inaction is not action,” the judgment prevents Governors from killing legislation through silence, ensuring the efficacy of the legislative process.

B. For Federalism & Centre–State Relations

Clarifying Roles – It addresses the friction where Governors (appointed by the Centre) stall laws in Opposition-ruled states.

Institutional Integrity – It reaffirms that the Governor is not a “mere agent” of the Centre nor a “rubber stamp,” but a constitutional authority who must act within a “reasonable time” to respect the State’s elected mandate.

C. For Practical Legislative Process

Active Monitoring – State governments must now actively track Bills and coordinate with the Raj Bhavan rather than accepting delay as a norm.

Procedural Reforms – Governors’ secretariats may need to establish internal workflows to dispose of Bills within a “reasonable time” to avoid judicial scrutiny.

Documentation – Legal advisors will likely recommend documenting reasons for any delay to protect against claims of “unexplained inaction.”

D. For the Judiciary

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Defined Limits - The Court has clearly demarcated its role—it acts as a guardian of the *process*, ensuring the constitutional machinery doesn't break down, but refuses to become a *super-legislature* by setting arbitrary deadlines.

Challenges & Points for Debate

Ambiguity of "Reasonable Time" - The refusal to set a fixed timeline (e.g., 4 weeks or 3 months) leaves the definition of "reasonable time" open to interpretation and future litigation.

Enforcement Difficulties - While the remedy for delay is a writ of mandamus, the litigation process itself is lengthy, which might not solve the immediate urgency of pending legislation.

Partisan Friction - The tension between the Governor's discretionary domain and the Legislature's democratic mandate persists, especially in politically polarized environments.

No "Deemed Assent" Risk - Since there is no automatic assent after a deadline, extreme cases of recalcitrance by a Governor may still require repeated legal intervention.

Conclusion

The Supreme Court's judgment reinforces India's constitutional architecture by striking a delicate balance. It protects the **democratic will** of state legislatures by ruling against indefinite delays, yet respects the **Separation of Powers** by refusing to impose rigid, judicially-created deadlines on high constitutional offices. For the federal structure to function smoothly, this judgment necessitates that Governors act as "constitutional statesmen" rather than political obstacles.

Source - <https://indianexpress.com/article/opinion/columns/supreme-courts-governors-bills-assent-10378673/>