

Editorial of the Day – 18.12.2025

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1. Rearguard Action- On Weather Change and Consistent Action(TH)

General Studies 3- Environment

Topic- Environmental pollution and degradation.

The Annual Fog-Pollution Crisis- From Seasonal Emergency to Chronic Failure

Introduction

India's winter fog season has ceased to be a mere weather phenomenon; it now heralds the return of an annual air pollution crisis. This recurring emergency exposes deep-rooted failures in urban air quality management. While the fog—driven by low temperatures and moisture—is natural, its toxicity is man-made. The season acts as a magnifier, revealing that the severe pollution spiking after the monsoon is not an isolated event but a symptom of chronic, year-round administrative negligence that affects millions across the Indo-Gangetic plains and beyond.

The Fog-Pollution Nexus

The Seasonal Cycle- The onset of the annual fog cycle triggers chaos across northern India. It is characterized by a sharp surge in Particulate Matter (PM) levels immediately following the monsoon.

Geographical Expansion- The crisis is no longer limited to Delhi-NCR. It encompasses the entire Indo-Gangetic plain and is expanding to coastal urban clusters like Mumbai and Kolkata, indicating a nationwide systemic failure.

The Mechanism- Fog formation is driven by low temperatures combined with high moisture. This moisture acts as a trap for residual emissions (pollutants), preventing them from dispersing. Consequently, AQI levels deteriorate sharply, turning a visibility issue into a toxicity crisis.

Crisis Magnitude and Public Impact

AQI Escalation- Base levels of Air Quality Index (AQI) hover between 300–400 (Very Poor). During fog episodes, these levels frequently escalate to 400+ (Severe and Severe+).

Psychological and Health Impact- While fog itself reduces visibility, its combination with pollutants compounds health risks. This intensifies public panic among citizens who are already suffering from prolonged exposure to chronic toxic air. Daily life and mobility are severely crippled during peak episodes.

The Cost of Inaction- Accidents and Disruptions

The pollution-induced fog has tangible, deadly consequences for transport and safety—

Road Tragedies

Uttar Pradesh- Reported at least 25 deaths and 59 injuries directly linked to fog-related accidents.

Yamuna Expressway- A catastrophic multi-vehicle pile-up in Mathura resulted in a deadly inferno, highlighting the danger of high-speed travel during low-visibility periods.

Aviation Paralysis- Delhi's aviation sector faced a meltdown with 228 flights cancelled (131 departures and 97 arrivals). Hundreds of flights faced delays, leaving thousands of passengers stranded and paralyzing air connectivity.

Policy Response- Governance Gaps and Reactive Measures

The administrative response follows a predictable, reactive pattern rather than a proactive strategy.

Emergency Protocols (GRAP-4)- Implementation of the Graded Response Action Plan (GRAP-4) includes bans on construction/demolition, shifting schools online, and restricting vehicle movement.

Symbolic Enforcement- Measures such as "fuel denial without PUC" and curbs on BS-6 vehicle entry are criticized as symbolic threats rather than effective deterrents.

The Core Failure- Current measures ignore residual emissions trapped by moisture—the primary driver of the AQI collapse. Central high-level meetings often result in repeating unimplemented advisories rather than enforcing strict compliance.

Institutional Role (CAQM)- The Commission for Air Quality Management (CAQM) is urged to assert its independence. The goal must be to maintain AQI below 350 through year-round controls, rather than scrambling only when weather conditions worsen.

Conclusion

The recurring fog-pollution emergency is a clear indictment of India's current environmental governance. It underscores those reactive bans and symbolic threats are insufficient against a crisis of this magnitude. To prevent further visibility-related deaths, flight disruptions, and health hazards, there must be a shift towards systemic, year-round action. An empowered and independent CAQM must focus on curbing emissions at the source throughout the year, ensuring that adverse weather does not automatically translate into a public health disaster.

Source- <https://www.thehindu.com/opinion/editorial/rearguard-action-on-weather-change-and-consistent-action/article70407515.ece#~~-text=The%20Centre%20announces%20a%20spate,Delhi's%20AQI%20stays%20below%20350>.

2. SC Advisory Opinion on Governor's Role is Flawed, let it Stay Advisory(IE)

General Studies 2- Polity & Constitution

Topic- Appointment to various Constitutional posts, powers, functions and responsibilities of various Constitutional Bodies.(Issues and challenges pertaining to the federal structure.)

Governor's Role in Granting Assent to Bills (Supreme Court Advisory Opinion 2025)

Introduction

The role of the Governor in granting assent to State Bills has recently come under judicial scrutiny following an Advisory Opinion of the Supreme Court delivered under Article 143. This opinion addresses the "constitutional silence" regarding time limits in Article 200. While the Court maintained judicial restraint by refusing to fix rigid timelines, the decision has sparked a debate on whether it inadvertently legitimises executive inaction, thereby undermining the federal balance and the supremacy of elected legislatures in a parliamentary democracy.

Background to the Dispute

Pattern of Delayed Assent- There has been a recurring trend of Governors delaying assent to Bills for extended, undefined periods. These delays are often perceived as politically selective, disproportionately affecting Opposition-ruled States, which exacerbates Centre-State friction.

The Tamil Nadu Episode- Governor R.N. Ravi withheld assent to multiple Bills for nearly three years. The State government challenged this in the Supreme Court, arguing it violated democratic norms and constitutional morality.

Preceding Judgment (April 2025)- A two-judge Bench ruled that Governors cannot indefinitely withhold Bills. It suggested a "reasonable timeframe" (generally three months) and introduced the principle of "deemed assent" if the Governor remains inactive.

Presidential Reference- Seeking clarity on this judgment, the Union government invoked Article 143, asking if courts have the power to mandate timelines for high constitutional authorities like the Governor or President.

Key Observations of the Supreme Court (Advisory Opinion)

No Fixed Judicial Timelines- The Court ruled that prescribing mandatory, fixed timelines would constitute judicial overreach into the domain of constitutional functionaries.

Constitutional Options Under Article 200- The Governor has three specific courses of action

1. Grant assent to the Bill.
2. Withhold assent and return the Bill to the legislature (with a message), provided it is not a Money Bill.
3. Reserve the Bill for the consideration of the President.

Scope for Limited Judicial Intervention- Courts can issue a "limited mandamus" directing the Governor to act only in cases of "prolonged, unexplained, and indefinite inaction." However, the Court cannot examine the merits or wisdom of the Governor's decision itself. *Note-* As an advisory opinion, this is non-binding in nature.

Issues and Concerns Raised

Ambiguity Surrounding 'Reasonable Time'

Lack of Definition- The opinion fails to define objective parameters for what constitutes "prolonged" delay or set an outer limit.

Consequences- This ambiguity perpetuates uncertainty. For instance, Bills have been pending for nine years in West Bengal and three years in Tamil Nadu.

Departure from Constituent Assembly Intent- Dr. B.R. Ambedkar's Vision (May 31, 1949)- He explicitly stated that the Governor is a "nominal and ornamental head" with no independent discretion.

Executive Subservience- All executive functions must be performed on the aid and advice of the Council of Ministers.

Critique- The advisory opinion seemingly elevates the Governor above this design, diluting legislative primacy.

Democratic and Federal Implications

Legitimacy Deficit- Governors are unelected Centre nominees, whereas State legislatures hold a popular mandate.

Undermining Federalism- ** Prolonged delays act as an "informal veto," allowing indirect central influence over State legislation and weakening cooperative federalism.

Contradiction of Precedents- Shamsher Singh v. State of Punjab (1974)- Governor must act on ministerial advice. Nabam Rebia v. Deputy Speaker (2016) - Gubernatorial discretion must be narrowly interpreted.

Analysis of the Opinion

Arguments Supporting the Opinion- Separation of Powers It prevents the judiciary from intruding into the functioning of high constitutional offices.

Respect for Silence- It respects the specific "constitutional silence" left by the framers regarding timelines.

Arguments Critiquing the Opinion

Constitutional Paralysis- It risks enabling paralysis through deliberate inaction.

Lack of Accountability- It weakens the accountability of an unelected office.

Politicisation- It risks converting the Governor's office into a political tool against opposition-ruled states.

Way Forward

Judicial Clarification- A future Constitution Bench needs to establish measurable, objective standards for "reasonable time" to prevent abuse.

Legislative Reform- Parliament could consider codifying timelines for assent within the Constitution to ensure clarity while preserving the federal balance.

Reinforcing Constitutional Morality- Governors must operate as impartial heads, guided by democratic norms rather than political expediency.

Conclusion

The Supreme Court's advisory opinion reflects institutional restraint but stops short of resolving the core issue- indefinite gubernatorial inaction. By failing to engage deeply with the Constituent Assembly's intent, the opinion risks normalising executive delay as a legitimate constitutional tool. In a parliamentary democracy, the silence of an unelected authority cannot be permitted to override the will of an elected legislature. Clear guidance—whether constitutional or legislative—is imperative to safeguard federalism and democratic accountability.

Source- <https://indianexpress.com/article/opinion/columns/sc-advisory-opinion-on-governors-role-is-flawed-let-it-stay-advisory-10425829/>

