

# Article 131 of Indian Constitution

August 8, 2020

**Why is it in the news?**

- The state government of Kerala moved the Supreme Court against the Citizenship Amendment Act (CAA), a first by any state government. They sought that it be declared as violative of the basic structure-principle of equality, freedom and secularism. The Kerala Assembly was also the first in the country to pass a resolution against the Act.
- The Kerala government filed the suit under Art 131 instead of Art 32 (writ petition to protect the fundamental rights).

[In the 1977 State of Karnataka vs. Union India, SC declared that Art 131 can be invoked whenever State and other States or the Union differ on a question of interpretation of the Constitution so that a decision of it will affect the scope or exercise of governmental powers which are attributes of a State].

- The CAA grants Indian citizenship to non-Muslim minorities-Hindu, Sikh, Buddhist, Jain, Parsi and Christian, who migrated to India from Afghanistan, Pakistan and Bangladesh till December 31, 2014, following persecution over their faith.

**Art 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
- Between the Government of India and one or more States

(In this case, Kerala, as a state, is constitutionally bound, under Art 256, to implement the law passed by Parliament, even if it deems it to be unconstitutional).

- between the Government of India and any State or States on one side and one or more other States on the other
- 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.