



SC Upholds Legislative Authority of State

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The [Supreme Court](#) ruling in the **Nandini Sundar vs. State of Chhattisgarh 2011 case** sheds light on the role of **state legislatures in passing laws** and their **relationship with judicial orders** in India's democratic framework.

Nandini Sundar vs. State of Chhattisgarh Case, 2011

- **Background:** In 2011, the **Supreme Court** directed the **Chhattisgarh government** to **cease the use of Special Police Officers (SPOs)** in anti-Maoist operations, citing their **inadequate training** and violations of **Articles 14 and 21** of the Constitution.
 - In response, the state enacted the **Chhattisgarh Auxiliary Armed Police Forces Act**, enabling the formation of an **auxiliary force** resembling the earlier **Salwa Judum** and **Koya Commandos**.
 - The **petitioners filed a contempt plea**, alleging that this new law **contravened the spirit** of the 2011 judgment.
- **Supreme Court Ruling:** The **Supreme Court rejected the contempt plea**, noting that **Chhattisgarh had complied** with its 2011 directions and submitted requisite reports. It held that a **state legislature has the authority to enact laws**, as long as they are **not unconstitutional or ultra vires**.
 - Reaffirming the **doctrine of separation of powers**, the Court clarified that **legislative actions** can only be challenged on grounds of **constitutional validity** or **legislative competence**.
 - It emphasized that a legislature may **enact new laws, remove the basis of a judgment, or validate laws struck down**, all within its constitutional domain.
- **Similar Judicial Pronouncements:** SC in **Indian Aluminium Co. vs. State of Kerala (1996)**, upheld the **legislature's power to amend laws or enact retrospective legislation** to remove the basis of a judgment, **without directly overruling it**.

Salwa Judum & Koya Commandos

- **Salwa Judum** is a **state-backed anti-Maoist movement** launched in 2005 in Chhattisgarh, involving the **mobilization of tribal youth** to counter Maoist insurgents.
- **Koya Commandos** were **tribal youths**, primarily from the **Koya tribe**, recruited as **Special Police Officers (SPOs)** in Chhattisgarh under the **Salwa Judum movement** to aid in **anti-Naxalite operations**.

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