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CASE COMMENTARY: SUPREME COURT’S JUDGMENT IN THE TN GOVERNOR CASE (2025)

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Introduction

The 2025 Supreme Court judgement in *The State of Tamil Nadu v. The Governor of Tamil Nadu & Anr.* is setting a *precedent* in Indian constitutional law vis-à-vis the exploration of the extent of *gubernatorial discretion* under **Article 200** of the Constitution. The Court held that those actions of the Governor, lasting for a lengthy period of time, of *withholding assent* and thereafter reserving 12 re-enacted Bills for the consideration of the President, were "*illegal and erroneous*," set aside the Governor's actions, and declared the Bills to have received assent deeming so. The judgment running over 400 pages long is directed to be circulated to all Governors and High Courts, emphasizing its importance at the national level.

Factual Background

The petition filed by the Dravida Munnetra Kazhagam (DMK)-led Tamil Nadu government sought judicial intervention against the Governor's '*calculated inaction*'—a deliberate and prolonged refusal to act on 12 bills passed by the state assembly. Some of the bills were of significant public importance including *those relating to university governance relating to appointment of Chancellors and the powers of the Governor himself*. The Governor's persistent inaction for such a long duration and subsequent decision to reserve the re-enacted Bills for the President's consideration triggered a constitutional crisis, raising fundamental questions about the limits of *gubernatorial discretion*, the sanctity of the legislative process, and the balance of power in India's federal structure. At the heart of the dispute was the interpretation of **Article 200** of the Constitution, which outlines the Governor's options when

presented with a Bill passed by the State Legislature. The *absence of explicit timelines* for the Governor's action and increasing *politicization of the office*, led to repeated instances of *legislative paralysis* in several States. Tamil Nadu's experience, however, was *particularly of ention*, with the Governor's inaction effectively hauling the will of the elected Assembly for several years. This not only raised concerns about the functioning of parliamentary democracy at the State level but also highlighted the potential for constitutional offices to be misused for political ends. The State government challenged this on the basis of *mala fide* and *unconstitutional*, leading to the Supreme Court's intervention.

Key Legal Issues

1. **Can the Governor indefinitely withhold assent to Bills under Article 200?**
2. **Is it constitutional for the Governor to reserve re-enacted Bills for the President's consideration?**
3. **What is the scope of the Governor's discretion under Article 200?**
4. **Are there implied or judicially enforceable timelines for the Governor's actions?**

Arguments Presented

The TN Governor Case saw robust arguments from both the State of Tamil Nadu and the office of the Governor, with each side invoking constitutional provisions, precedents, and principles of federalism and democratic governance.

A. Arguments by the State of Tamil Nadu (Petitioner)

1. Violation of Democratic Mandate and Parliamentary Sovereignty

The State argued that the Governor's prolonged inaction amounted to a "*pocket veto*," *undermining the will* of the democratically elected legislature and violating the basic structure of parliamentary democracy. The Governor's decision to not consider the Bills delayed changes and reforms supported by the people's representatives.

2. Governor's Role Is Largely Ceremonial

Citing *Shamsher Singh v. State of Punjab* (1974) and other precedents, the State emphasized that the Governor is constitutionally required to act on the aid and advice of the Council of

Ministers, except in rare instances explicitly provided for in the Constitution. The Governor's refusal to act was portrayed as an overreach and contrary to the constitutional scheme.

3. No Express Power to Withhold Assent Indefinitely

The State claimed that the Governor is not allowed by Article 200 to deny assent or hold a Bill in reserve for as long as he likes. State officials claim that since there is no set timeline, it would be wrong to remain idle, since that would go against the purpose of the lawmakers.

4. Reservation of Re-enacted Bills Is Unconstitutional

After the Bill is again re-passed by the Assembly (with or without changes), it is the Governor's duty to assent to the Bill and not reserve it for the President. The reconsideration noted that Article 200 requires the Governor to give assent.

5. Judicial Review Is Permissible

The State asserted that the Governor's actions (or inactions) are subject to judicial review, especially when they threaten to derail the constitutional machinery or violate fundamental constitutional principles.

B. Arguments by the Governor of Tamil Nadu (Respondent)

1. Discretion Under Article 200

It was argued by Governor's counsel that Article 200 allows the Governor the choice to sign, reject, send back or reserve the Bill for the President's approval. Since the document lacks a timeframe, it was deemed that the framers left the decision up to the Governor.

2. Reservation for the President Is a Constitutional Safeguard

Those supporting the Governor argued that holding Bills for the President allows the central government to prevent conflicts with legislation approved by the States. Some argued that Governor's decisions fit within the bounds of the constitution and were true and just.

3. Political Sensitivity and National Interest

The Governor's lawyer pointed out that the Bills in question were particularly sensitive, mainly since they affected the Governor's authority as well as the appointment of university representatives. Those capable of examining the Bills believed that if they revealed possible constitutional concerns, they ought to be referred to the President.

4. Limited Scope for Judicial Review

The respondent argued that cases challenging Article 200 fall under the exceptions of clear abuse of discretion and cases involving the failure of the government to act constitutionally.

Some claimed the Court should avoid influenced the ways a high constitutional office operates.

C. Intervenor and Amicus Curiae

A number of professionals and States expressed worry about the current rise of Governors who refuse their approval to Bills in opposition-run States. The amicus curiae recommended that laws be made clearly to prevent disputes that could cause problems and frequent deadlock in the legislative process.

Supreme Court's Reasoning and Judgment

The Supreme Court ruled that it was unconstitutional for the Governor to keep re-enacted Bills aside and that doing so was “illegal, arbitrary and non est.” The Court supported its opinion by::

Interpretation of Article 200:

There are three things the Governor may do: approve, reject with an explanation or refer the bill to the President. Nevertheless, waiting for an answer without acting is not acceptable. “Any time” does not mean the act can be put off forever..

Timelines Prescribed:

The Court, using Article 142, prescribed clear timelines for gubernatorial action:

Governor's Action	Timeline Set by SC
Assent or Reservation (on advice)	Within 1 month
Withholding Assent (against advice)	Must return with message within 3 months
Reservation (against advice)	Within 3 months
After Reconsideration	Assent must be given within 1 month

On Reservation of Re-enacted Bills:

If the Assembly passes the same Bill again following reconsideration, the Governor must give his assent and cannot send it back for the President's review. As Article 200 states, a country must “shall not withhold assent.”.

Use of Article 142:

By means of its powers, the Court made the ten Bills “deemed to have royal assent” on the day they were re-presented. All following action on the Bills by the President was not allowed to proceed..

Critical Analysis: Strengths and Weaknesses

Strengths:

- **Democratic Accountability:** Reinforces the Governor’s role as largely ceremonial and accountable to the elected government.
- **Clarity:** Provides much-needed clarity and predictability, preventing legislative paralysis.
- **Federal Balance:** Cements the autonomy of States and curbs central overreach.
- **Upholding Constitutionalism:** This ruling supports constitutionalism and the rule of law. Judges made it obvious that all those with authority under the Constitution, like the Governor, must obey the Constitution and can be judicially examined. Any actions taken by the Governor must be well considered, set by a timetable and appropriate based on the Council of Ministers’ suggestions. According to constitutionalism, any authority must act in accordance with the rules and cannot interfere with the legislative process..
- **Federal Autonomy and Cooperative Federalism:** The Court ruled that the Governor must act independently from the Centre as he is guided by the State Cabinet and not an employee of the Central Government. It ensures that the Governor’s office cannot be used to block laws passed by the elected officials in the State. Setting a precedent helps maintain the federal structure and secures State legislatures’ authority.

Weaknesses:

- **Judicial Overreach:** The Court’s timelines and use of Article 142 may be seen as overstepping judicial boundaries.
- **Potential for Litigation:** Emphasis on the Governor’s “bona fides” could lead to more judicial scrutiny and future litigation.
- **Judicial Activism: Innovation and Critique:**

- The Court used this judgment to demonstrate judicial activism by prescribing specific timelines where the Constitution had no direction. Article 142 helped the government bypass norms to pass laws and ensure justice where constitutional rights were ignored. It has been argued that this type of involvement by the court is a form of changing the constitution.

DEEPER INSIGHTS AND INDIVIDUAL PERSPECTIVE

While the judgment is widely celebrated, several nuanced aspects deserve attention:

- **Political Dialogue and Legislative Drafting:** It highlights the need for stronger relationships between the Centre and States. It is better to resolve arising disputes through negotiation instead of involving the courts..
- **Risk of Over-Judicialization:** Making decisions in disputes between the executive and the legislature may affect the ability of political leaders to answer to the public and the continued growth of federal conventions
- **Need for Constitutional Reform:** Because the wording in Article 200 is unclear, lawmakers should provide guidance to avoid future similar cases.
- **Transparency and Public Reason:** Because the judgment calls for decisions with set deadlines, it supports openness and responsibility in government officials.
- **Long-term Federal Health:** A successful federal system in India requires all key players to act maturely, not just judges

Conclusion

The decision made by the Supreme Court in the TN Governor case is a milestone for both constitutionalism and federalism in India. Giving the federal courts the ability to oversee the Governor's decisions and setting strict timelines has solidified the independence of State legislatures and improved harmonious cooperation between the Centre and the States. As a result of this ruling, the executive's actions cannot interfere with the will of parliament. At the same time, strong democratic governance and harmonious state-centre interactions depend on people still working towards political maturity, regular talks among political actors and possible updates to the constitution.