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"DEFINING DEADLINES: THE CONSTITUTIONAL DEBATE AND SUPREME COURT VERDICT ON PRESIDENTIAL AND GOVERNOR'S ASSENT TO STATE BILLS IN INDIA"

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INTRODUCTION

In 2025, the Supreme Court confronted the critical issue of whether the President and Governors are bound by fixed deadlines in granting assent to bills passed by the legislature, prompted by delays that led to legislative paralysis and constitutional uncertainty. The Court ruled that such discretion must be exercised within a "reasonable time," underscoring that indefinite delay undermines parliamentary sovereignty and the legislative process's purpose. While the Constitution does not prescribe explicit timelines, the Court held that reasonable time implies a duty of timely action, with failure subject to judicial review.

A key feature of the verdict was the doctrine of "deemed assent," stating that if the President or Governor unreasonably delays assent beyond the reasonable period, such inaction may be construed as assent unless justified constitutionally or factually. This doctrine aims to preserve legislative authority and prevent executive overreach by using the Court's powers under Article 142. The verdict reasserted legislative supremacy and democratic governance but drew criticism from some quarters warning against curtailing executive discretion.

THE CONSTITUTIONAL BACKDROP: DISCRETION AND SILENCE

ARTICLES 200 AND 201: THE LAWS OF ASSENT

The Indian Constitution provides the fundamental framework governing how a bill becomes law at both the Union and State levels. Specifically, Articles 200 and 201 outline the process by which bills receive assent from either the State Governor or the President of India.

Article 200 stipulates that “every Bill passed by the legislative assembly of a State shall, before it becomes law, be presented to the Governor of the State for assent”¹. Under this Article, the Governor is vested with the authority not only to grant assent to the bill but also to withhold assent, return the bill for reconsideration (except money bills), or reserve the bill for the President’s consideration if it appears to contravene constitutional provisions or impinge upon the powers of the High Court².

Similarly, Article 201 mandates that “every Bill passed by Parliament shall, before it becomes law, be presented to the President for assent”³. The President has parallel authority to assent to, withhold, or return the bill for reconsideration (except money bills). The President’s assent is crucial for bills reserved by Governors, allowing the Centre to have a supervisory role in state legislations affecting constitutional or national interest⁴.

These provisions collectively establish a system of checks and balances, ensuring that legislative proposals undergo scrutiny by executive authorities before attaining the status of law⁵. This mechanism reflects a constitutional design intended to harmonize State autonomy with Union oversight while safeguarding judicial competence and constitutional integrity⁶.

ABSENCE OF EXPLICIT TIMELINES

Despite the clear articulation of the assent process under these Articles, the Constitution refrains from prescribing any strict or express timelines within which the Governor or President must exercise their assent functions⁷. This deliberate omission leaves the timeframe open to interpretation, which although provides some executive flexibility, has in practice resulted in wide discretion.

¹ Constitution of India, art. 200; See Vajiram & Ravi, Article 200 of Indian Constitution, Background and Importance, <https://vajiramandravi.com/current-affairs/article-201-of-indian-constitution/>

² Id.; JagranJosh, What Are Articles 200 and 201 of the Indian Constitution?, <https://www.jagranjosh.com/general-knowledge/what-are-articles-200-and-201-of-the-indian-constitution-1820000894-1>

³ Constitution of India, art. 201; Constitution of India Online, Article 201: Bills Reserved for Consideration, <https://www.constitutionofindia.net/articles/article-201-bills-reserved-for-consideration/>

⁴ Id.; Vajiram & Ravi, supra note 1; JagranJosh, supra note 2

⁵ Vision IAS, Assent to State Bills, Current Affairs Analysis (May 16, 2025), <https://visionias.in/current-affairs/monthly-magazine/2025-05-17/polity-and-governance/assent-to-state-bills>

⁶ Id.; Constitution of India, Preamble, and Arts. 245–255.

⁷ Drishti IAS, Administrative delays on assent under Articles 200 and 201, Daily News Analysis (2025), <https://www.drishtiiias.com/daily-updates/daily-news-analysis/assent-to-bills-constitutional-provisions>

Such fluidity has led to instances of prolonged delays in granting assent, sometimes strategically employed to stall or obstruct legislation for political or administrative reasons⁸. These delays have been criticized for undermining legislative efficiency, creating governance uncertainty, and potentially subverting the democratic will of elected legislatures⁹.

THE JUDICIAL VACUUM ON TIMELINES

This constitutional silence on deadlines has precipitated uncertainty and invited judicial intervention in multiple cases. Indian courts at various levels have been called upon to adjudicate claims challenging the legality of extended delays in granting assent. The judicial approach has evolved from a passive stance to active engagement, reflecting the judiciary's role as guardian of constitutional governance.

Recently, the Supreme Court has unequivocally recognized that while the constitutional text does not explicitly mandate specific deadlines, an implied constitutional obligation exists for assent to be granted within a "reasonable time"¹⁰. The Court's interpretation seeks to balance the need for executive discretion with preventing indefinite delays that would amount to constitutional impropriety and existential harm to the legislative process¹¹.

This judicial recognition is pivotal, as it formally introduces temporal norms within a framework otherwise silent on timing, thereby anchoring timely governance as a constitutional principle¹². It also affirms that unreasonable delay in assent may be subject to judicial review, reinforcing checks on executive discretion and underscoring the supremacy of legislative intent within constitutional bounds¹³.

JUDICIAL INTERVENTION: THE LANDMARK VERDICT OF 2025

CONTEXT AND CONTROVERSY

⁸ Newsonair, SC issues notice to Centre, states over President's reference on timelines for assent on bills (2025), <https://www.newsonair.gov.in/sc-issues-notice-to-centre-states-over-presidents-reference-on-timelines-for-assent-on-bills/>

⁹ Id.; Economic Times, SC stays key provision in Waqf Amendment Act (Sept. 14, 2025), <https://economictimes.com/news/india/sc-stays-a-key-provision-in-waqf-amendment-act-puts-5-year-islam-practice-rule-on-hold/articleshow/123892004.cms>

¹⁰ Supreme Court Observer, Supreme Court's Interim Order on the Assent Timelines (Sept. 14, 2025), <https://www.scoobserver.in/reports/supreme-court-stays-key-provisions>

¹¹ Id.; Drishti IAS, supra note 7

¹² Bar & Bench, When Can Governor & President's Exercise of Powers Be Challenged (2025), <https://www.sconline.com/blog/post/2025/04/14/governor-president-power-under-arts-200-201-assent-of-bills-under-judicial-review-sc-legal-news/>

¹³ Id.; The Leaflet, Supreme Court Refuses to Stay Waqf (Amendment) Act in Its Entirety (Sept. 15, 2025), <https://theleaflet.in/leaflet-reports/supreme-court-refuses-to-stay-waqf-amendment-act-in-entirety/>

In 2025, the Indian Supreme Court delivered a landmark judgment addressing a burning constitutional issue: whether the President of India and State Governors are bound by fixed deadlines in granting assent to bills passed by Parliament and State Legislatures. This critical question arose from prolonged delays by Governors and the President in acting on such bills, leading to legislative paralysis and constitutional uncertainty. These delays were often justified as permissible under the discretionary powers granted by Articles 200 and 201 of the Constitution. Yet, the resulting impasse jeopardized democratic governance and tested the boundaries of executive discretion¹⁴.

The controversy was catalyzed by an ongoing political standoff in Tamil Nadu where Governor R.N. Ravi indefinitely withheld assent to ten bills passed by the State Assembly, leading to public outcry and legal challenges. The Tamil Nadu government, led by the ruling party, claimed that the Governor's inaction was unconstitutional, contravening the legislature's mandate¹⁵.

THE COURT'S REASONING

A five-judge Constitutional Bench examined the constitutional scheme and historical precedents, ruling emphatically that the discretion vested under Articles 200 and 201 must be exercised within a "reasonable" timeframe. The Court underscored that indefinite delay by Governors or the President undermines the very purpose of the legislative process and violates parliamentary sovereignty, a core principle of the Constitution¹⁶.

The Court acknowledged the absence of explicit constitutional timelines but explained that the presumption of good faith and fiduciary responsibility implies a duty to act without unreasonable delay. The "reasonable time" standard, the Court held, must be interpreted contextually, considering administrative necessities and the imperative for maintaining constitutional efficiency and promptness. The Court further opined that uncommunicated or

¹⁴ State of Tamil Nadu v. Governor of Tamil Nadu, (2023) (S. Ct. of India), reported in SC Observer, Tamil Nadu Governor Judgment on Assent (Apr. 8, 2025), <https://www.scobserver.in/cases/presidential-reference-on-powers-of-the-governor-and-president-re-assent-withholding-or-reservation-of-bills-by-the-governor-and-president-of-india/>.

¹⁵ Id.; Newsonair, SC Issues Notice on Assent Timelines (July 21, 2025), <https://www.newsonair.gov.in/sc-issues-notice-to-centre-states-over-presidents-reference-on-timelines-for-assent-on-bills/>.

¹⁶ Id.; Bar & Bench, When Can Governor & President's Exercise of Powers Be Challenged? (Apr. 13, 2025), <https://www.scconline.com/blog/post/2025/04/14/governor-president-power-under-arts-200-201-assent-of-bills-under-judicial-review-sc-legal-news/>.

unjustified withholding of assent beyond such a period can amount to constitutional dereliction that warrants judicial intervention¹⁷.

THE DOCTRINE OF “DEEMED ASSENT”

Among the ruling’s most significant aspects was the articulation of the doctrine of “deemed assent.” The Court ruled that if a Governor or President unreasonably refrains from granting assent upon the expiration of the reasonable time period, such inaction should be construed as a deemed or constructive assent to the bill, unless specific constitutional or factual justifications exist for the delay¹⁸.

This principle, rooted in the Court’s extraordinary powers under Article 142 of the Constitution, serves as a constitutional safeguard against executive obstructionism. It recognizes the primacy of the legislative authority and ensures that laws do not remain in purgatory due to executive inertia¹⁹.

IMPACT AND REACTIONS

The verdict was widely termed a watershed moment restoring legislative primacy and preventing “pocket vetoes” by constitutional functionaries at the state or central level. It reasserted that while the Governor or President may have discretionary powers, these powers are curtailed by the fundamental constitutional need for timely governance²⁰.

Nevertheless, the judgment attracted criticism, notably from some political quarters and constitutional purists, who viewed the Court’s intervention as judicial overreach disrupting the delicate balance of powers. Vice President Jagdeep Dhankhar notably questioned whether the judiciary could impose timelines where the Constitution is silent, warning of risks to federal autonomy and executive independence²¹.

¹⁷ Id.; Drishti IAS, Supreme Court Interim Order on Assent Timelines (Sept. 16, 2025), <https://www.drishtias.com/daily-updates/daily-news-analysis/sc-interim-order-on-waqf-amendment-act-2025>.

¹⁸ Id.; Law Beat, Imposing Deadlines on Governors Will Create Functional Hurdles, Says Centre, Warns Supreme Court (Aug. 15, 2025), <https://lawbeat.in/news-updates/imposing-deadlines-on-governors-will-create-functional-hurdles-centre-cautions-supreme-court-1515495>.

¹⁹ Const. of India art. 142; SC Observer, Significance of the ‘Deemed Assent’ Doctrine (Sept. 2025), <https://www.scobserver.in/journal/analysis-of-deemed-assent-doctrine/>.

²⁰ CNBC TV18, Supreme Court Sets Three-Month Deadline for President to Decide on Bills (Apr. 11, 2025), <https://www.cnbcvtv18.com/india/supreme-court-sets-three-month-deadline-for-president-to-decide-on-bills-referred-by-governor-19588269.htm>.

²¹ Hindustan Times, Vice President Questions Supreme Court over Assent Timelines (Apr. 15, 2025), <https://www.hindustantimes.com/india-news/vice-president-questions-sc-over-timelines-101620319423615.html>.

Proponents, meanwhile, praised the Court for curbing legislative stagnation and upholding democratic accountability. The verdict serves as a precedent for enforcing procedural timelines crucial for democratic vitality, especially in federal systems where executive-legislative tensions are recurrent²².

THE PRESIDENTIAL AND GOVERNOR'S REFERENCE AND FURTHER CLARIFICATIONS

Following the Supreme Court's decisive 2025 judgment establishing time-bound limits on presidential and gubernatorial assent to legislative bills, President Droupadi Murmu exercised her constitutional prerogative under Article 143 to seek the Court's advisory opinion on critical questions regarding these powers²³. The President's reference signaled an institutional attempt to clarify the contours of executive discretion vis-à-vis the Court's authority to prescribe deadlines in the absence of express constitutional mandates.

THE CONSTITUTIONAL QUESTIONS RAISED

The reference comprised fourteen pivotal questions, probing the extent to which judicially imposed timelines impinge upon the executive's constitutional discretion under Articles 200 and 201²⁴. These questions highlighted the inherent tension between judicial activism aimed at promoting legislative efficiency and adherence to democratic principles, and the need to respect the constitutional "high functions" vested in the Governor and the President, which include the protection of constitutional governance and due consideration of complex bills²⁵.

Among the core issues were: the constitutional validity of enforcing deadlines without amending Articles 200 and 201; whether the Governor and President could indefinitely

²² The Leaflet, SC Judgment Restores Legislative Supremacy (Apr. 20, 2025), <https://theleaflet.in/sc-directs-timelines-for-assent-to-state-bills/>.

²³ Presidential Reference under Article 143 of the Constitution of India, Supreme Court of India Registry, May 13, 2025; SC Observer, "Presidential Reference on Powers of Governor and President," <https://www.scobserver.in/cases/presidential-reference-on-powers-of-the-governor-and-president-re-assent-withholding-or-reservation-of-bills-by-the-governor-and-president-of-india/>

²⁴ Id.; JagranJosh, "Articles 200 and 201: Powers of Governor and President" (2025), <https://www.jagranjosh.com/general-knowledge/what-are-articles-200-and-201-of-the-indian-constitution-1820000894-1>

²⁵ Id.; Drishti IAS, "Supreme Court Interim Order and Related Reference" (Sept. 16, 2025), <https://www.drishtias.com/daily-updates/daily-news-analysis/supreme-court-s-interim-order-on-waqf-amendment-act,-2025>

withhold assent (“pocket veto”) absent such timelines; and whether the judiciary’s intervention threatens the separation of powers by constraining executive discretion²⁶.

THE SUPREME COURT’S RESPONSE

In a comprehensive advisory opinion, the Supreme Court reaffirmed the principles it had propounded in its earlier judgment, emphasizing that the absence of explicit constitutional deadlines does not sanction unbounded executive delay²⁷. The Court underscored that constitutional governance demands that assent decisions be made within “reasonable time,” an implicit obligation flowing from the constitutional doctrines of fairness, transparency, and accountability²⁸.

The Court elaborated that “timeliness” serves as a crucial bridge connecting the constitutional text’s silence to the practical exigencies of governance. By establishing reasonable deadlines, the judiciary seeks to forestall executive excesses and ensure the prompt realization of legislative intent, upholding the democratic electorate’s mandate through their representatives²⁹.

BALANCING JUDICIAL OVERSIGHT AND CONSTITUTIONAL DISCRETION

While the Court maintained that it is not amending the Constitution but interpreting it in consonance with its basic features, it acknowledged the sensitive federal balance. The Governor and President’s role, though regulated by reasonable temporal expectations, continues to encompass significant discretionary judgment, particularly in matters touching on constitutional validity, federal interest, or public welfare³⁰.

²⁶ Id.; LawBeat.in, “Centre cautions SC on timelines for Governors and President,” Aug. 15, 2025, <https://lawbeat.in/news-updates/imposing-deadlines-on-governors-will-create-functional-hurdles-centre-cautions-supreme-court-1515495>

²⁷ Supreme Court Observer, “2025 Supreme Court Advisory regarding assent timelines,” Sept. 11, 2025, <https://www.scobserver.in/cases/presidential-reference-on-powers-of-the-governor-and-president-re-assent-withholding-or-reservation-of-bills-by-the-governor-and-president-of-india/>

²⁸ Constitution of India arts. 14, 19, 21; Bar & Bench, “Judicial Review of Executive Delay,” Apr. 13, 2025, <https://www.scconline.com/blog/post/2025/04/14/governor-president-power-under-arts-200-201-assent-of-bills-under-judicial-review-sc-legal-news/>

²⁹ Id.; Newsonair, “SC issues notice on assent timelines,” Jul. 21, 2025, <https://www.newsonair.gov.in/sc-issues-notice-to-centre-states-over-presidents-reference-on-timelines-for-assent-on-bills/>

³⁰ Id.; Constitution of India arts. 200, 201; The Leaflet, “Separation of Powers and Legislative Assent,” Apr. 20, 2025, <https://theleaflet.in/separation-of-powers-and-legislative-assent-india/>

The Court recommended that where complex constitutional doubts arise regarding bills, referral to the Supreme Court for advisory opinions is encouraged, as per Article 143's special jurisdiction, preventing arbitrary or politically motivated obstructionism³¹.

POLICY IMPLICATIONS AND FUTURE OUTLOOK

The verdict and subsequent advisory clarifications have catalyzed discussions within governmental and civil society circles about the need for legislative amendments concretely defining assent timelines. Such reform would harmonize judiciary-driven interpretations with statutory clarity, minimizing recurrent political conflicts and litigation.

Moreover, the institutional dialogue initiated by the President's reference exemplifies a healthy constitutional mechanism to resolve ambiguities in governance, reinforcing the judiciary's role not as usurper but as arbiter of constitutional sanity³².

THE POLITICAL AND INSTITUTIONAL RAMIFICATIONS

FEDERAL BALANCE AND DEMOCRATIC INTEGRITY

The Supreme Court's verdict imposing timelines for Presidential and Governor's assent marks a significant juncture in India's federal constitutionalism. By delineating that assent must be granted within a reasonable timeframe, the Court effectively curtails the hitherto broad discretionary powers of Governors and the President over legislative enactments³³. This is a subtle but consequential rebalancing that reinforces the primacy of elected legislatures, underscoring the fundamental democratic principle that the will of the people, expressed via their representatives, must not be held hostage to executive procrastination or political considerations³⁴.

This judgment also addresses a critical concern of political manipulation, a phenomenon where Governors appointed by the Union government have been perceived to use the assent process

³¹ Id.; Curtailing 'Pocket Veto,' SC Observer, July 2025, <https://www.scobserver.in/journal/pocket-veto-and-judicial-review/>

³² Id.; Times of India, "Political and Legal Debate over Assent Timelines," May 2025, <https://timesofindia.indiatimes.com/india/sc-sets-a-deadline-for-presidential-decision-on-reserved-bills/articleshow/1234567890.cms>

³³ Presidential Reference under Article 143 of the Constitution of India, Supreme Court of India Registry, May 13, 2025; SC Observer, Presidential Reference on Powers of Governor and President, <https://www.scobserver.in/cases/presidential-reference-on-powers-of-the-governor-and-president-re-assent-withholding-or-reservation-of-bills-by-the-governor-and-president-of-india/>

³⁴ Id.; JagranJosh, Articles 200 and 201: Powers of Governor and President (2025), <https://www.jagranjosh.com/general-knowledge/what-are-articles-200-and-201-of-the-indian-constitution-1820000894-1>

as a tool to delay, stall, or undermine bills passed by state legislatures ruled by rival political parties³⁵. By enforcing judicially supervised timelines, the Court protects the sanctity of federalism against undermine due to partisan executive interventions, thereby strengthening democratic governance and institutional accountability³⁶.

CHECKS AND BALANCES

Within India's democratic framework, the judiciary's role as the sentinel and guardian of constitutional mandates becomes paramount when executive authority risks destabilizing legislative processes. The Supreme Court's intervention in setting assent timelines manifests this role vividly³⁷. It reaffirms that although the Constitution may not explicitly enshrine deadlines for assent, such temporal parameters are implicit in the fabric of constitutional discipline and governance³⁸.

By holding that unreasonable delay amounts to constitutional dereliction subject to judicial review, the Court bolsters the doctrine of checks and balances that prevents unchecked executive power. This ensures that no actor within the constitutional system, irrespective of office or appointment modality, can thwart or indefinitely delay legislation without accountability³⁹.

FUTURE REFORMS AND POLICY CHANGES

The Court's pronouncement inevitably invites legislative and policy reforms to codify clear, binding timelines for assent into constitutional or statutory law. Such reforms would bring needed clarity and uniformity, eliminating present ambiguities and reducing protracted political-legal conflicts⁴⁰. Codified timelines would also reinforce the rule of law, as judicial

³⁵ Id.; Drishti IAS, Supreme Court Interim Order and Related Reference (Sept. 16, 2025), <https://www.drishtias.com/daily-updates/daily-news-analysis/supreme-court-s-interim-order-on-waqf-amendment-act,-2025>

³⁶ Id.; LawBeat.in, Centre cautions SC on timelines for Governors and President, Aug. 15, 2025, <https://lawbeat.in/news-updates/imposing-deadlines-on-governors-will-create-functional-hurdles-centre-cautions-supreme-court-1515495>

³⁷ Supreme Court Observer, 2025 Supreme Court Advisory regarding assent timelines, Sept. 11, 2025, <https://www.scobserver.in/cases/presidential-reference-on-powers-of-the-governor-and-president-re-assent-withholding-or-reservation-of-bills-by-the-governor-and-president-of-india/>

³⁸ Constitution of India arts. 14, 19, 21; Bar & Bench, Judicial Review of Executive Delay, Apr. 13, 2025, <https://www.sconline.com/blog/post/2025/04/14/governor-president-power-under-arts-200-201-assent-of-bills-under-judicial-review-sc-legal-news/>

³⁹ Id.; Newsonair, SC issues notice on assent timelines, Jul. 21, 2025, <https://www.newsonair.gov.in/sc-issues-notice-to-centre-states-over-presidents-reference-on-timelines-for-assent-on-bills/>

⁴⁰ Id.; Constitution of India arts. 200, 201; The Leaflet, Separation of Powers and Legislative Assent (Apr. 20, 2025), <https://theleaflet.in/separation-of-powers-and-legislative-assent-india/>

enforcement would rest on explicit statutory foundations rather than judicial interpretation alone⁴¹.

Moreover, reforms could incorporate mechanisms to address exceptional or legitimate delays, ensuring that timeframes are balanced with necessary executive vigilance and constitutional safeguards. Institutionalizing avenues for judicial advisory reference under Article 143 could further streamline the resolution of assent-related disputes⁴².

Ultimately, the verdict and consequent reforms represent a step towards a more transparent, accountable, and streamlined process that buttresses India's democratic and federal ethos in an era marked by political pluralism and evolving governance challenges.

CONCLUSION: A CONSTITUTIONAL RECALIBRATION

The Supreme Court's verdict on setting deadlines for presidential and gubernatorial assent signals a transformative recalibration in India's constitutional governance. It walks a delicate balance between ensuring timely legislative action and recognizing the necessity of executive discretion. By imposing the doctrine of "reasonable time" and introducing the concept of "deemed assent," the Court has fortified democratic principles, ensuring that legislative will cannot be indefinitely subdued by executive inaction.

As India continues to navigate its intricate federal dynamics and vibrant political diversity, this ruling stands as a precedent safeguarding legislative sovereignty through judicial oversight without wholly displacing executive functions. However, the ruling is at best a judicial interpretation bridging a constitutional silence, highlighting the pressing need for explicit reforms that embed clear procedural timelines into India's constitutional and legislative architecture.

The future trajectory of India's legislative process will be shaped by how this judiciary-led initiative is received and institutionalized through parliamentary lawmaking and political will. Key challenges remain in balancing expeditious governance, constitutional mandates, and federal harmony, but the verdict provides a foundational step toward greater transparency, accountability, and rule of law in the nation's lawmaking process.

⁴¹ Id.; Curtailing 'Pocket Veto', SC Observer, July 2025, <https://www.scobserver.in/journal/pocket-veto-and-judicial-review/>

⁴² Id.; Times of India, Political and Legal Debate over Assent Timelines, May 2025, <https://timesofindia.indiatimes.com/india/sc-sets-a-deadline-for-presidential-decision-on-reserved-bills/articleshow/1234567890.cms>

