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A CASE COMMENT ON STATE OF TAMIL NADU V. GOVERNOR OF TAMIL NADU (2025)

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ABSTRACT

State of Tamil Nadu v. Governor of Tamil Nadu (2025) is a landmark judgment that directly confronts the misuse of gubernatorial assent powers and re-centres democratic accountability in India's federal structure. The Supreme Court not only clarified the meaning of Article 200 but also crafted structural remedies to prevent an unelected Governor from paralysing an elected legislature through delay and strategic inaction. This case comment aims to understand and analyse the rationale behind the given judgment.

INTRODUCTION

Between 2020 and 2023, the Tamil Nadu Legislative Assembly passed several Bills, many concerning state universities and the Governor's role as Chancellor, and sent them to Governor R.N. Ravi for assent. Instead of acting "as soon as possible" as required by Article 200, the Governor allowed these Bills to remain pending for years without decision, while similar delays affected files on premature release of prisoners, sanction for prosecution, and TNPSC appointments.

After the State approached the Supreme Court under Article 32, the Governor suddenly withheld assent on 10 of the long-pending Bills and reserved 2 for the President; when the Assembly re-passed the 10 Bills, he then reserved them for the President at the second stage rather than granting assent. The Court treated this sequence as an unconstitutional attempt to

deploy delay and procedure as a de facto pocket veto, and ultimately deemed the 10 re-passed Bills to have received assent from the date of their second presentation using Article 142.

FACTUAL MATRIX AND PROCEDURAL HISTORY

Governor R.N Ravi of Tamil Nadu, who took charge of his office in November 2021, initially did not take any action until October 2023, on the 12 bills duly submitted to him (Between 13-1-2020 to 28-4-2023) by the State Legislative Assembly, resulting in the filing of the Writ Petition on 31-10-2023 and consequent court notice to the Governor.

Subsequently, on 13-11-2023, the Governor reserved 2 bills for consideration of the President and the remaining 10 bills were eventually returned to the State Legislature without any message of reconsideration. On 18-11-2023, the 10 bills were re-passed and sent back to the Governor, adjourning the matter to 1-12-2023.

On 18-11-2023, the Governor, without any advice, reserved the 10 bills for consideration of the President, stating that the Bills were repugnant and that the Governor had withheld his assent and not sent it for reconsideration. Thereafter, out of the 10 Bills reserved for Consideration of the President, the President withheld assent on 7 bills, granted assent to 1 bill and had not considered the remaining 2 bills yet.

CASE SUMMARY

The withholding of the said bills by the Governor of Tamil Nadu led to ambiguity in regards to the power of the Governor under Article 200 of the Indian Constitution and poses the question whether the Governor could reserve the bill for the consideration of the President after the bill had been presented to him, post reconsideration, especially when he had not reserved it for reconsideration of the President in the first instance and had declared withholding the assent for that. The case revolved around two core dimensions, first being whether “Withholding assent” can be absolute or a pocket veto, and secondly, what can be interpreted from the words “as soon as possible” in context to the time limit under which the Governor must exercise his powers.

The Court held that a Governor has only three actions under his power upon receiving a bill: to give assent, to withhold and return the bill with necessary directives or justification, or to reserve it for the President, which cannot be used and combined opportunistically for the same bill. The judgment further clarified that when a bill is re-passed, the Governor is bound to give assent and cannot reserve it for the President, except under certain exceptions. The court also

prescribed a time limit, thus clarifying the meaning of the words “as soon as possible” in the provision.

CRITICAL ANALYSIS

The rationale behind the decision mainly relied on Article 200 of the Indian Constitution, which reads as

“When a Bill has been passed by the Legislative Assembly of a State or, in the case of a State having a Legislative Council, has been passed by both Houses of the Legislature of the State, it shall be presented to the Governor and the Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

Provided that the Governor may, as soon as possible after the presentation to him of the Bill for assent, return the Bill if it is not a Money Bill together with a message requesting that the House or Houses will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the House or Houses shall reconsider the Bill accordingly, and if the Bill is passed again by the House or Houses with or without amendment and presented to the Governor for assent, the Governor shall not withhold assent therefrom:

Provided further that the Governor shall not assent to, but shall reserve for the consideration of the President, any Bill which in the opinion of the Governor would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is by this Constitution designed to fill”

The Court reaffirmed the scheme of a responsible government, and the role of a Governor as the constitutional head and not as a political factor. It rejected the notion that inaction on the bills constitutes an “absolute or pocket veto.”

The spirit of this judgment is its recognition of parliamentary democracy, where the will of the elected legislature cannot be neutralised by a centrally appointed Governor through procedural stalling. By holding that gubernatorial inaction and even reservation decisions are subject to judicial review for constitutional compliance, the Court avoids placing these acts “in a lead casket” beyond scrutiny, and reinforces that Article 361 immunity shields only personal liability, not the legality of decisions.

At the same time, the Court carefully preserves limited discretionary space for the Governor, for example, where a Bill derogates from High Court powers or clearly requires Presidential assent while insisting that even such discretion is reviewable for mala fides, irrelevance, or abuse. This approach balances the federal concern that the Union may need to protect certain national or constitutional interests with the democratic concern.

The most controversial aspects of the ruling are the prescription of time-frames and the use of Article 142 to declare deemed assent for the 10 Bills. The Court articulated indicative deadlines within which Governors and the President should act on Bills and held that unjustified delay may invite a writ of mandamus, thereby converting the vague phrase “as soon as possible” into an enforceable standard. Critics argue that reading timelines and deemed assent into Articles 200 and 201 amounts to judicial legislation, and that such structural changes should, in principle, emerge from constitutional amendment rather than judicial creativity.

However, the Court justified its Article 142 intervention by pointing to the extraordinary facts: Bills pending for over three years, sudden action only when the Court intervened, and an evident attempt to circumvent the re-passage mechanism by forwarding Bills to the President in the second round. Seen in that light, the use of “complete justice” powers appears less like routine activism and more like a remedial response to a sustained constitutional breakdown that ordinary declaratory relief alone could not cure.

CONCLUSION

Doctrinally, the decision significantly clarifies the Governor’s role under Article 200 and more firmly constitutionalises the principle that gubernatorial functions relating to assent are ordinarily subject to the aid and advice of the Council of Ministers. It shuts the door on an implied pocket veto and strengthens judicial oversight over a category of decisions that had often been treated as functionally unreviewable, thereby closing an important accountability gap in Indian federal practice.

At the same time, the judgment pushes the boundary of interpretive creativity by importing timelines and recognising a form of deemed assent without explicit textual grounding, a move that may be vulnerable to subsequent doctrinal retrenchment or conflicting precedent. Overall, however, the ruling advances the values of representative democracy and cooperative federalism by insisting that Governors cannot be used as partisan veto points against State legislatures, and it offers State governments a concrete litigation pathway when constitutional functions are paralysed by delay.