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THE POCKET VETO IN INDIA: WHAT THE CONSTITUTION MISSED AND WHAT THE COURTS HAD TO FIX

Sneha biswas

Our Constitution is enormous. It covers everything required for the functioning of our country. Yet nowhere is it specified how long the President or a Governor must act on a bill before them. That gap is what created the pocket veto. The Supreme Court addressed this question only in April 2025.

WHAT THE LAW SAYS

A bill passed by a State Legislature goes to the Governor. Under Article 200¹, the Governor can sign it, hold it back, return it to the legislature, or forward it to the President. If the legislature clears it again, the expectation is that the Governor will then move.

Here is where the problem sits. Neither Article 111 nor Article 200 sets a time limit for this decision.² No week, no month, no year. Nothing. So technically, a President or Governor can receive a bill and just leave it there, this is called a pocket veto.

THE ZAIL SINGH CASE

In 1986, Parliament passed the Indian Post Office (Amendment) Bill under the Rajiv Gandhi government, and it was sent over to President Giani Zail Singh. He did not sign it. He did not return it either. When Parliament was eventually dissolved, the bill simply lapsed.³

¹ INDIA CONST. art. 200.

² Seervai, H.M, *Constitutional Law of India*, 4th ed. (1993).

³ Pylee, M.V, *Constitutional Government in India*, 8th ed. (2012).

The bill had plenty of critics. It would have given authorities sweeping powers to open and inspect postal communications. Whether keeping quiet on the bill was a calculated move or something else, nobody could conclusively pin down. But what this showed was that a legislature can validly pass a bill, yet it will still die down because of the president.

The override mechanism in Article 111⁴ is useless in this situation. It only kicks in when the President sends a bill back and Parliament passes it again. If the President never sends it back, that mechanism never gets triggered.

GOVERNORS AND THE STATES

The problem became much bigger at the state level, especially in the last ten years. States like Tamil Nadu, Telangana, and West Bengal have complained in court that their Governors held on to bills for months and even years without doing anything.⁵ The situation in most of these states followed a similar pattern. The state government, usually run by a party different from the one in power at the Centre, would pass legislation through the assembly. The Governor, who is appointed by the Centre, would receive the bill and then go quiet.

In Tamil Nadu, Governor R.N. Ravi received 181 bills from the state legislature. Of these, 10 were held back entirely with no action taken, and the Supreme Court later described his conduct as "illegal" and "erroneous."⁶

This is not a small thing. When a Governor holds on to bills that deal with education, health, or local administration, the state cannot move forward on those issues. Governance stops because one unelected officer chose to do nothing.

The framers of the Constitution modelled the President and Governors on the British constitutional monarchy. The idea was that the head of state signs what the elected government sends. The real power sits with the Prime Minister and Cabinet at the centre, and with the Chief Minister and Cabinet in the states.

⁴ INDIA CONST. art. 111.

⁵ State of Tamil Nadu v. Governor of Tamil Nadu, 2025 INSC 481.

⁶ State of Tamil Nadu v. Governor of Tamil Nadu, 2025 INSC 481.

But the framers never wrote a time limit into the text, which left a gap that allowed the executive to quietly block legislation without ever having to formally say no.⁷ It is the kind of gap you only notice once someone starts using it.

THE 2025 SUPREME COURT RULING

April 8, 2025 is the date that matters here. Justices J.B. Pardiwala and R. Mahadevan heard the Tamil Nadu case and came back with something the country had needed for a long time: a straight answer. The Court said that neither a pocket veto nor an absolute veto has any place in the Indian Constitution. Sitting on a bill without acting is not an option, and neither is permanently blocking assent without going through the procedure laid out in Article 200. On top of that, the Court said a Governor's decision to hold back assent is not immune from judicial scrutiny.⁸

By exercising its powers under Article 142⁹, it deemed the ten withheld Tamil Nadu bills to have received assent, without sending them back to the Governor at all. The court was clear that the governor's action was wrong and allowing it would not do any good.

None of this came out of nowhere. A year before, the Punjab Governor case had already laid some groundwork. The Supreme Court had ruled there that if a Governor wants to withhold assent, a formal message to the legislature is required. Holding a bill quietly with no communication back to the assembly is simply not permitted under Article 200.¹⁰

WHAT IS STILL NOT SETTLED

The Tamil Nadu ruling closed some doors but not all of them. A Presidential Reference followed, asking the Supreme Court to give its advisory opinion specifically on the President's powers under Article 201 and how far those powers stretch.

The Court's opinion on that reference said yes, silence cannot be used as a strategy, and yes, the President must move within a reasonable time. But it also said that courts cannot write fixed

⁷ Jain, M.P., *Indian Constitutional Law*, 7th ed. (2014)

⁸ State of Tamil Nadu v. Governor of Tamil Nadu, 2025 INSC 481.

⁹ INDIA CONST. art. 142.

¹⁰ State of Punjab v. Principal Secretary, Governor of Punjab, (2024) 1 SCC 384.

deadlines into the Constitution, and that inaction alone cannot be treated as automatic deemed assent.¹¹

That pulled the law back slightly from where the Tamil Nadu judgment had placed it. Different rulings are pointing in slightly different directions, and a definitive answer will probably require either a larger bench or a constitutional amendment.

THE BIGGER PICTURE

This is not just a dispute about legal procedure. When Governors appointed by the Centre hold on to bills passed by opposition-run state governments, it raises real questions about whether India's federal structure is working the way it should.

States are supposed to be able to legislate on subjects within their domain. If an unelected Governor can quietly kill that legislation by doing nothing, then the elected state government does not actually have the power the Constitution says it has. That is a problem for federalism, not just for one state.

CONCLUSION

The 2025 Supreme Court ruling in the Tamil Nadu case addressed what decades of constitutional practice had left unresolved. A Governor cannot stay silent on a bill and call it a decision. Courts can now step in when that happens. But a court ruling is not the same as a written rule. The only lasting solution is an amendment that puts a time limit directly into the Constitution. Until that is done, the gap that allowed this problem to grow in the first place remains, just harder to use than before.

¹¹ Kumar Kartikeya, *No More Pocket Veto: How Justice Pardiwala's Judgment in TN Governor's case Redefined Assent to Bills*, Outlook India (Nov. 24, 2025), <https://www.outlookindia.com/national/no-more-pocket-veto-how-justice-pardiwalas-judgment-in-tn-governors-case-redefined-assent-to-bills>.