



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

State of Tamil Nadu v. Governor of Tamil Nadu

Darshan.S

Sri jagaduguru Renukacharya College of Law

A Commentary on Constitutional Morality and the Role of the Governor

Abstract

The case of State of Tamil Nadu v. Governor of Tamil Nadu brings to the forefront critical questions concerning the constitutional position of the Governor in India. The dispute highlights the tension between an elected State Government and a constitutional head appointed by the Union, particularly in matters relating to assent to Bills and administrative functioning. This commentary examines the constitutional framework governing the office of the Governor, the issues raised in the case, and its broader implications for Indian federalism and constitutional governance.

Keywords

Governor, Constitutional Morality, Federalism, Assent to Bills, Judicial Review, Indian Constitution

Introduction

The Constitution of India establishes the Governor as the nominal executive head of a State, required to act in accordance with the aid and advice of the Council of Ministers, except in limited discretionary areas. In recent years, disputes between State Governments and Governors have raised concerns regarding delays, inaction, and perceived interference in legislative and executive matters.

The case of *State of Tamil Nadu v. Governor of Tamil Nadu* is a significant instance where such constitutional friction was subjected to judicial scrutiny.

Background and Context

The dispute arose due to the Governor's prolonged inaction and decisions concerning matters such as assent to Bills passed by the Tamil Nadu Legislative Assembly and other executive functions. The State Government contended that such conduct disrupted governance, undermined democratic principles, and violated constitutional conventions.

The matter assumed constitutional importance as it questioned whether a Governor can indefinitely withhold action and whether such conduct aligns with the spirit of parliamentary democracy.

Issues Involved

The primary issues that emerged for consideration were:

1. Whether the Governor can delay or withhold assent to Bills indefinitely without providing reasons.
2. Whether such inaction violates the constitutional scheme under Articles 154, 163, and 200 of the Constitution.
3. Whether the Governor's conduct is subject to judicial review.

Constitutional Framework

Under Article 154, the executive power of the State is vested in the Governor but is exercised in accordance with the Constitution. Article 163 mandates that the Governor shall act on the aid and advice of the Council of Ministers, except in matters where discretion is expressly provided. Article 200 governs the Governor's role in granting assent to Bills and does not contemplate indefinite delay.

The constitutional scheme thus envisages the Governor as a facilitator of democratic governance, not an impediment.

Judicial Observations

The Court emphasized that the Governor is a constitutional authority bound by constitutional morality. The office cannot function as an independent political center parallel to the elected

government. The Court reiterated that discretionary powers must be exercised sparingly, reasonably, and within constitutional limits.

Importantly, the Court underscored that constitutional silence does not permit constitutional paralysis.

Significance of the Judgment

This case reinforces the principle that:

- 1.The Governor is not above constitutional accountability.
- 2.Federalism in India is based on cooperation, not confrontation.
- 3.Democratic legitimacy flows from elected representatives, and constitutional offices must respect that mandate.
- 4.The judgment also strengthens judicial oversight over constitutional functionaries when their actions threaten constitutional balance.

Critical Analysis

The decision is a reaffirmation of settled constitutional principles laid down in earlier cases such as *Shamsher Singh v. State of Punjab* and *Nabam Rebia v. Deputy Speaker*. By emphasizing constitutional morality, the Court addressed not merely legal technicalities but the ethical foundation of constitutional governance.

However, the absence of specific timelines in the constitutional text continues to leave scope for interpretative conflicts, suggesting the need for clearer conventions or guidelines.

Conclusion

State of Tamil Nadu v. Governor of Tamil Nadu is a timely and important judicial intervention in preserving the democratic fabric of Indian federalism. It clarifies that the Governor's office is meant to uphold, not hinder, constitutional governance. The case stands as a reminder that constitutional authorities must act with restraint, responsibility, and fidelity to the Constitution.

CITATIONS

Shamsher Singh v. State of Punjab, (1974) 2 S.C.C. 831 (India).

Nabam Rebia v. Deputy Speaker, (2016) 8 S.C.C. 1 (India).

B.P. Singhal v. Union of India, (2010) 6 S.C.C. 331 (India).

BOOKS

H.M. Seervai, CONSTITUTIONAL LAW OF INDIA 2134–36 (4th ed. 2013).

