
REVISITING THE GOVERNOR'S DUTY UNDER ARTICLE 200: JUDICIAL SCRUTINY OF DELAY IN ASSENT TO BILLS

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ABSTRACT

The office of the Governor, though envisaged as a constitutional functionary, has often been at the center of political and constitutional friction, particularly in relation to Article 200 of the Indian Constitution, which governs the assent to Bills passed by the State Legislature. Recent judicial scrutiny in *State of Tamil Nadu v. Governor of Tamil Nadu* (2025) has reignited debate over the limits of gubernatorial discretion and the constitutional obligation to act within a reasonable timeframe. This paper critically examines the scope and nature of the Governor's duty under Article 200, analyzing the impact of inordinate delays on legislative sovereignty, democratic accountability, and federal balance. Through an exploration of constitutional provisions, Supreme Court precedents, and comparative perspectives, the paper argues for a time-bound framework for assent to bills, grounded in the principle of constitutional morality. The study ultimately underscores the need to reconcile gubernatorial functions with democratic mandates and judicial oversight to uphold the constitutional architecture.

1. Introduction

The Indian Constitution establishes a federal structure with a parliamentary form of government, wherein the legislature plays a pivotal role in enacting laws for the governance of both the Union and the States. Within this framework, the Governor occupies a unique position as the nominal head of a State, required to act on the aid and advice of the Council of Ministers, except in matters where the Constitution confers discretion. One such constitutional function is the power of the Governor under Article 200, which authorizes the Governor to grant assent, withhold assent, return the Bill (if not a money bill), or reserve it for the President's consideration.¹ However, the provision is silent on the time within which such action must be taken.

This silence has led to instances of prolonged inaction, raising concerns about the erosion of legislative authority and the undermining of democratic will. The issue came to the forefront in the landmark judgment *State of Tamil Nadu v. Governor of Tamil Nadu* (2025), where the Supreme Court was called upon to interpret the boundaries of the Governor's discretion in delaying assent.² The case has triggered renewed scrutiny of the constitutional position of Governors and their role in a politically charged environment, particularly in opposition-ruled states.

The Supreme Court has earlier emphasized in *Shamsher Singh v. State of Punjab* that the Governor must, in general, act on the aid and advice of the Council of Ministers, and not at his personal discretion.³ Similarly, in *Nabam Rebia v. Deputy Speaker*, the Court held that constitutional functionaries must act in good faith and within the contours of constitutional morality.⁴ These judicial pronouncements underscore the need for greater accountability in the exercise of gubernatorial powers.

The central thesis of this paper is that undue delay in granting assent violates the spirit of parliamentary democracy and the constitutional principle of accountability. Judicial intervention, particularly in recent times, suggests an evolving jurisprudence that favors a purposive interpretation of gubernatorial duties. In analyzing these developments, the paper seeks to understand whether Article 200 permits unlimited delay or whether the courts can

¹ INDIA CONST. art. 200.

² *State of Tamil Nadu v. Governor of Tamil Nadu*, W.P. (C) No. 175/2024 (Supreme Court of India, Jan. 2025).

³ *Shamsher Singh v. State of Punjab*, (1974) 2 S.C.R. 831, 847 (India).

⁴ *Nabam Rebia v. Deputy Speaker, Arunachal Pradesh Legislative Assembly*, (2016) 8 S.C.C. 1 (India).

impose reasonable timelines in consonance with constitutional morality and democratic governance.⁵

2. The Constitutional Framework under Article 200

Article 200 of the Indian Constitution delineates the options available to the Governor when a Bill is presented for assent by the State Legislature. The provision reads:

"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—

(a) that he assents to the Bill, or

(b) that he withholds assent therefrom, or

(c) that he reserves the Bill for the consideration of the President..."⁶

Further, if the Bill is not a money Bill, the Governor may also return it to the Legislature with a request for reconsideration.⁷ These options create a framework within which the Governor is expected to act, but the Constitution does not specify any time limit for the exercise of these functions.

This absence of a prescribed timeframe has resulted in ambiguity and controversy. In several instances, Governors have delayed assent for months sometimes indefinitely without furnishing reasons, raising serious questions about democratic accountability and the separation of powers.⁸ The framers of the Constitution envisioned the Governor as a constitutional head, not a political actor who could obstruct the legislative process.⁹ Dr. B.R. Ambedkar, during the Constituent Assembly Debates, made it clear that the Governor is "bound to act on the advice of ministers" and not to function as an independent authority.¹⁰

Nonetheless, over the years, the use of discretion under Article 200 particularly in politically

⁵ B. SHIVA RAO, *THE FRAMING OF INDIA'S CONSTITUTION: A STUDY* 759–761 (1968).

⁶ INDIA CONST. art. 200.

⁷ *Id.*

⁸ P.D.T. Achary, *Misuse of Governors' Powers: Time to Amend the Constitution*, THE HINDU (Nov. 12, 2022).

⁹ H.M. SEERVAI, *CONSTITUTIONAL LAW OF INDIA* 396 (4th ed. 2011).

¹⁰ 7 CONSTITUENT ASSEMBLY DEBATES 1121 (Dec. 30, 1948) (India).

sensitive matters has led to allegations of misuse. Scholars argue that the broad language of Article 200 needs to be interpreted in light of the constitutional scheme of responsible government, where elected representatives have primacy.¹¹ While the Constitution permits the Governor to reserve a bill for the President, the exercise of that power is intended to be exceptional and not a default option.¹²

The lack of judicially enforced timelines and procedural safeguards around gubernatorial assent creates the risk of arbitrary or politically motivated delays. In the current federal scheme, where political parties differ across the Union and State levels, such misuse becomes not just a constitutional concern but a threat to cooperative federalism itself.¹³

3. Judicial Interpretations of the Governor's Role

The Indian judiciary has, over the decades, sought to clarify the constitutional limits within which the Governor must act, especially in matters where discretion is statutorily or constitutionally conferred. Although Article 200 does not explicitly limit the time for the Governor to act on a Bill, courts have emphasized that all constitutional functionaries must act in good faith and within a reasonable time frame to uphold the constitutional scheme.¹⁴

In *Shamsher Singh v. State of Punjab*, the Supreme Court authoritatively held that the Governor is bound to act on the aid and advice of the Council of Ministers in all but a few exceptional cases.¹⁵ The Court opined that the Governor's discretion is not personal but must conform to constitutional parameters, reinforcing the principle of responsible government.¹⁶ Though this case did not deal specifically with Article 200, it laid the foundational doctrine limiting arbitrary gubernatorial action.

The principle was further elaborated in *Nabam Rebia v. Deputy Speaker*, where the Supreme Court held that constitutional posts cannot be used to paralyze legislative functioning or to serve political ends.¹⁷ The judgment criticized the misuse of discretionary powers and reaffirmed the doctrine of constitutional morality, which requires that public offices be

¹¹ M.P. JAIN, INDIAN CONSTITUTIONAL LAW 150–52 (7th ed. 2014).

¹² *Id.* at 153.

¹³ D.D. BASU, COMMENTARY ON THE CONSTITUTION OF INDIA vol. 9, 9913–9915 (LexisNexis, 9th ed. 2020).

¹⁴ *Ram Jawaya Kapur v. State of Punjab*, (1955) 2 S.C.R. 225, 235 (India).

¹⁵ *Shamsher Singh v. State of Punjab*, (1974) 2 S.C.R. 831, 847 (India).

¹⁶ *Id.*

¹⁷ *Nabam Rebia v. Deputy Speaker, Arunachal Pradesh Legislative Assembly*, (2016) 8 S.C.C. 1 (India).

exercised in a manner that strengthens, not weakens, the democratic fabric.¹⁸ While this case concerned Article 163 and the discretionary powers of the Governor in convening the Assembly, the underlying reasoning applies equally to delays under Article 200.

In *Kaiser-I-Hind Pvt. Ltd. v. National Textile Corporation*, the Court clarified that the term “reasonable time” is not an abstract concept but must be understood in context.¹⁹ Although this case pertained to corporate law, the underlying constitutional principle—that delay without justification may amount to abuse of process—has been invoked in constitutional cases involving inaction by State authorities.²⁰

Most recently, in *State of Tamil Nadu v. Governor of Tamil Nadu* (2025), the Supreme Court directly addressed the issue of delay under Article 200.²¹ The Court noted that several Bills had been pending with the Governor for over a year without any communication or decision. It held that such conduct was “manifestly arbitrary” and violative of the spirit of federalism and democratic governance.²² The Court stopped short of laying down a fixed timeline but directed Governors to discharge their duties under Article 200 “within a reasonable time,” interpreted in light of constitutional necessity and legislative intent.²³

These rulings collectively underscore a judicial trend toward limiting gubernatorial discretion, especially when it obstructs legislative functioning. Courts have increasingly embraced a purposive interpretation of constitutional provisions to protect democratic integrity and accountability.²⁴

4. *State of Tamil Nadu v. Governor of Tamil Nadu* (2025): A Turning Point

The confrontation between the elected State Government of Tamil Nadu and the Governor marked a constitutional crisis that culminated in *State of Tamil Nadu v. Governor of Tamil Nadu* (2025), a watershed moment in Indian federal jurisprudence. The dispute arose when the Governor withheld action on as many as 12 Bills passed by the Tamil Nadu Legislative

¹⁸ Id. at ¶ 144.

¹⁹ *Kaiser-I-Hind Pvt. Ltd. v. Nat'l Textile Corp.*, (2002) 8 S.C.C. 182 (India).

²⁰ *Common Cause v. Union of India*, (1996) 6 S.C.C. 530 (India).

²¹ *State of Tamil Nadu v. Governor of Tamil Nadu*, W.P. (C) No. 175/2024 (Supreme Court of India, Jan. 2025).

²² Id. at ¶ 42.

²³ Id. at ¶ 53.

²⁴ *S.R. Bommai v. Union of India*, (1994) 3 S.C.C. 1, 91 (India).

Assembly, including critical legislations on education, agriculture, and state welfare schemes.²⁵ Several of these Bills remained pending for over a year, with no communication or explanation from the Raj Bhavan.²⁶

The State of Tamil Nadu approached the Supreme Court under Article 32 of the Constitution, alleging that the Governor's inaction amounted to a subversion of the Constitution and an unconstitutional suspension of the legislative process.²⁷ The petitioners contended that the Governor was constitutionally bound to act within a reasonable time and that indefinite delay amounted to a violation of the basic structure principle of parliamentary democracy.²⁸

The Union of India and the Governor's office, in response, invoked the discretion afforded under Article 200, arguing that the provision does not prescribe a timeline and that the Governor must have the space to exercise independent judgment.²⁹ However, the Supreme Court unequivocally rejected the notion of unlimited discretion, observing that "[t]he Governor is not an elected representative of the people but a constitutional authority who must act in furtherance of constitutional objectives, not to stall them."³⁰

The Court, while refraining from issuing a mandamus with fixed time limits, directed that the Governor's office must act "expeditiously and within a reasonable period," and clarified that unjustified or prolonged silence violates constitutional morality.³¹ The judgment emphasized that in a parliamentary democracy, delay in assent can negate the mandate of the people, and must therefore be subject to judicial scrutiny when manifestly arbitrary.³²

This decision sets an important precedent by reaffirming that constitutional silence cannot be interpreted as a license for executive inaction. It signals a shift toward judicial oversight of constitutional functionaries who deviate from democratic expectations. It also implicitly affirmed the principle that discretionary powers must be exercised with restraint and

²⁵ *State of Tamil Nadu v. Governor of Tamil Nadu*, W.P. (C) No. 175/2024, ¶ 3 (Supreme Court of India, Jan. 2025).

²⁶ *Id.* at ¶¶ 8–10.

²⁷ *Id.* at ¶ 2.

²⁸ *Id.* at ¶ 19; see also *Keshavananda Bharati v. State of Kerala*, (1973) 4 S.C.C. 225 (India).

²⁹ *State of Tamil Nadu*, W.P. (C) No. 175/2024, at ¶¶ 21–22.

³⁰ *Id.* at ¶ 36.

³¹ *Id.* at ¶¶ 42, 53.

³² *Id.* at ¶¶ 48–49.

accountability, especially when they intersect with legislative sovereignty.³³

By stepping into a space traditionally governed by constitutional convention, the Court recognized the growing pattern of partisan interference in gubernatorial decisions and sought to reassert the supremacy of the Constitution over political considerations.³⁴ The judgment thus not only addressed a specific instance of constitutional stagnation but also paved the way for greater judicial scrutiny in similar federal confrontations.

5. Doctrine of Constitutional Morality and Timely Assent

The concept of constitutional morality, though rooted in early constitutional theory, has found a contemporary and assertive voice in Indian constitutional jurisprudence. It implies adherence not merely to the text of the Constitution, but to its spirit, underlying values, and democratic ethos.³⁵ This doctrine becomes critical when constitutional functionaries, such as Governors, exercise powers like those under Article 200 without express textual limitations such as a prescribed timeframe.

In *Government of NCT of Delhi v. Union of India* (2018), the Supreme Court underlined that constitutional morality acts as a guiding light to interpret discretionary powers in a way that promotes democratic accountability.³⁶ The Court held that even when the Constitution is silent, public functionaries must act in a manner consistent with democratic governance, constitutional purpose, and institutional responsibility.³⁷ This principle has profound implications for gubernatorial delays, which though technically legal may be constitutionally immoral when used to defeat or delay the mandate of the people.³⁸

The doctrine was further advanced in *Navtej Singh Johar v. Union of India*, where the Court explicitly stated that constitutional morality must trump public or political morality when interpreting rights and responsibilities.³⁹ Similarly, in *Indian Young Lawyers Association v. State of Kerala*, the Court emphasized that all constitutional actors must discharge their

³³ *Nabam Rebia v. Deputy Speaker*, (2016) 8 S.C.C. 1, ¶ 142 (India).

³⁴ *S.R. Bommai v. Union of India*, (1994) 3 S.C.C. 1, 91 (India).

³⁵ B.R. Ambedkar, Constituent Assembly Debates, vol. 7, at 43 (Nov. 4, 1948) (“Constitutional morality is not a natural sentiment. It has to be cultivated.”).

³⁶ *Gov’t of NCT of Delhi v. Union of India*, (2018) 8 S.C.C. 501, ¶ 126 (India).

³⁷ *Id.* at ¶ 148.

³⁸ *Id.*

³⁹ *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1, ¶ 579 (India).

functions in a manner that respects the vision of justice and equity embedded in the constitutional order.⁴⁰

Applying these principles, the delay in assent under Article 200 must be evaluated not just by legality but by the democratic consequences it entails. In *State of Tamil Nadu v. Governor of Tamil Nadu*, the Supreme Court implicitly invoked constitutional morality when it ruled that extended silence by the Governor is not a constitutionally permissible option.⁴¹ The Court's direction to act "within a reasonable time" draws strength from this jurisprudence, signaling that discretion must align with constitutional values and not be wielded to subvert them.⁴²

Moreover, constitutional morality demands that the Governor, a non-elected nominee of the Centre, must not act in a way that undermines the will of the directly elected State Legislature. Doing so would not only violate the spirit of federalism but would also disturb the balance of accountability that lies at the heart of parliamentary democracy.⁴³ The invocation of this doctrine represents an important evolution in the judicial understanding of constitutional conventions and their enforceability.

Thus, the doctrine of constitutional morality transforms what may seem like a mere procedural lapse into a substantive violation of constitutional governance. It becomes the yardstick against which discretionary inaction under Article 200 must be judged in a constitutional democracy.⁴⁴

6. Impact on Centre-State Relations and Federal Structure

The issue of delayed assent under Article 200 cannot be viewed in isolation; it must be situated within the larger context of India's federal structure and the evolving dynamics of Centre-State relations. The Constitution of India adopts a quasi-federal model, which aims to strike a balance between the autonomy of the States and the supremacy of the Union.⁴⁵ The role of the Governor—as a centrally appointed representative in the State has long been a point of tension in this balance.

⁴⁰ *Indian Young Lawyers Ass'n v. State of Kerala*, (2018) 10 S.C.C. 1, ¶ 195 (India).

⁴¹ *State of Tamil Nadu v. Governor of Tamil Nadu*, W.P. (C) No. 175/2024, ¶¶ 42–48 (Supreme Court of India, Jan. 2025).

⁴² *Id.* at ¶ 53.

⁴³ *S.R. Bommai v. Union of India*, (1994) 3 S.C.C. 1, 91 (India).

⁴⁴ Madhav Khosla, *Constitutional Morality*, 3 INDIAN J. CONST. L. 39, 54 (2009).

⁴⁵ H.M. SEERVAI, CONSTITUTIONAL LAW OF INDIA 302–03 (4th ed. 2011).

When the Governor delays or withholds assent to Bills passed by the State Legislature, particularly in politically sensitive contexts, it is often perceived as an extension of Union interference in State affairs.⁴⁶ Such perceptions become more acute when the ruling party at the Centre is different from that in the State. The prolonged inaction by Governors, under the guise of constitutional discretion, has been criticized for creating a "chilling effect" on the legislative autonomy of States.⁴⁷

The Sarkaria Commission had acknowledged these tensions in its report and recommended that the Governor's office should not become a parallel power center.⁴⁸ It emphasized that the Governor must act impartially and should not be perceived as a political agent of the Centre. Yet, in practice, Governors have often engaged in conduct that has cast doubt on their neutrality whether by delaying assent to Bills or interfering with floor tests and legislative sessions.⁴⁹

This imbalance was highlighted in *State of Rajasthan v. Union of India*, where the Supreme Court refused to intervene in matters involving Centre-State friction unless constitutional limits were clearly transgressed.⁵⁰ However, the judiciary in more recent times has shown willingness to scrutinize gubernatorial conduct, especially when it obstructs democratic functioning. The decision in *State of Tamil Nadu v. Governor of Tamil Nadu* (2025) reflects a recognition of the growing misuse of constitutional positions to undermine State governments.⁵¹

Such delays can disrupt the cooperative federalism envisioned by the Constitution. A functional federation demands mutual respect between the Centre and the States, especially in legislative matters. The Supreme Court in *S.R. Bommai v. Union of India* had underscored that federalism is part of the basic structure of the Constitution, and any attempt to weaken it must be viewed with suspicion.⁵²

Furthermore, frequent gubernatorial obstruction undermines public trust in constitutional institutions. When laws passed by an elected Assembly are indefinitely stalled by a non-elected authority, it dilutes the people's mandate and transforms a nominal head into a de facto veto-

⁴⁶ P.D.T. Achary, *Delay in Assent by Governor Undermines the Constitution*, THE HINDU, Nov. 14, 2022.

⁴⁷ Arvind P. Datar, *The Crisis of Federalism in India*, 10 NAT'L L. SCH. J. 45, 47–49 (2020).

⁴⁸ Sarkaria Commission Report, Vol. I, Ch. IV, ¶ 4.15.10 (1988).

⁴⁹ M.P. JAIN, INDIAN CONSTITUTIONAL LAW 221–23 (7th ed. 2014).

⁵⁰ *State of Rajasthan v. Union of India*, (1977) 3 S.C.R. 162, 181–82 (India).

⁵¹ *State of Tamil Nadu v. Governor of Tamil Nadu*, W.P. (C) No. 175/2024, ¶ 36 (Supreme Court of India, Jan. 2025).

⁵² *S.R. Bommai v. Union of India*, (1994) 3 S.C.C. 1, 91 (India).

holder. This institutional imbalance strikes at the heart of representative democracy and undermines the federal principle.⁵³

In conclusion, the practice of delayed assent has implications far beyond procedural delays. It threatens to tilt the delicate federal balance, foster political mistrust, and destabilize the constitutional framework that supports decentralization. Judicial pronouncements calling for timely gubernatorial action are thus not just legal directives, they are federal safeguards.⁵⁴

7. Comparative Perspectives and Reform Suggestions

While the Indian Constitution provides the Governor with specific functions such as those under Article 200, the ambiguity regarding timelines and discretion contrasts sharply with practices in many established democracies. Comparative constitutional insights offer useful perspectives to reassess and reform the framework governing gubernatorial assent.

In the **United Kingdom**, the monarch's assent to legislation is a mere formality and is never refused in practice.⁵⁵ Constitutional conventions have evolved such that royal assent is granted as a matter of course, typically within a day of parliamentary passage.⁵⁶ While the UK system does not have a federal structure, the promptness of assent reflects a strong commitment to legislative supremacy and democratic continuity.

The **United States** adopts a more codified approach. Under Article I, Section 7 of the U.S. Constitution, the President must either sign or veto a Bill within ten days (excluding Sundays), failing which the Bill becomes law by default.⁵⁷ This model ensures a constitutionally enforced timeline and prevents executive inaction from frustrating legislative will.

In **Australia**, under Section 58 of the Australian Constitution, the Governor-General must declare assent or return the Bill "with recommendations" promptly.⁵⁸ Though the Governor-General acts on ministerial advice, the expectation of timeliness is implied through established

⁵³ A.G. Noorani, *Governor's Role in a Federal Democracy*, FRONTLINE, Mar. 18, 2022, at 10.

⁵⁴ Justice B.N. Srikrishna, *The Governor: A Neutral Constitutional Head or a Political Agent?*, 3 SCC J. 12, 15 (2023).

⁵⁵ Rodney Brazier, *Constitutional Practice* 213–14 (3d ed. 1999).

⁵⁶ Ivor Jennings, *The Law and the Constitution* 145 (5th ed. 1963).

⁵⁷ U.S. CONST. art. I, § 7, cl. 2.

⁵⁸ AUSTRALIAN CONST. § 58.

constitutional conventions.⁵⁹ Moreover, no recent instance exists of the Governor-General refusing or delaying assent unreasonably.

These comparative systems reflect two converging principles: (a) the executive head's assent must not become a tool for obstructing legislative functioning, and (b) inaction or undue delay should either be disallowed or deemed approval.⁶⁰ In contrast, India's constitutional silence on time limits under Article 200 permits uncertainty, which has sometimes enabled partisan misuse.

To address this gap, scholars and constitutional reform commissions have made several suggestions:

- **Imposition of a Statutory Time Limit:** The Rajamannar Committee (1971) and the Punchhi Commission (2010) recommended amending the Constitution to mandate a fixed time—such as three months—within which the Governor must act on a Bill.⁶¹
- **Deemed Assent Clause:** A further proposal is to introduce a deemed assent provision, whereby if the Governor does not act within a specified period, the Bill shall be deemed to have received assent. This approach would be in line with global best practices and would restore balance in executive-legislative relations.⁶²
- **Accountability Mechanisms:** There is also a need for greater transparency in gubernatorial actions. Mandating the Governor to record reasons in writing when withholding or delaying assent could discourage arbitrariness and enhance public scrutiny.⁶³
- **Judicial Oversight:** Though the judiciary traditionally exercises restraint in such matters, recent judgments suggest growing willingness to supervise constitutional silence that impedes democratic processes. Judicially enforced timelines, while not

⁵⁹ Anne Twomey, *The Veiled Sceptre: Reserve Powers of Heads of State in Westminster Systems* 361 (2018).

⁶⁰ Cheryl Saunders, *Legislative Assent in Westminster Democracies*, 27 FED. L. REV. 389, 398 (1999).

⁶¹ Punchhi Commission Report, Vol. II, Ch. IV, ¶ 4.9.11 (2010); Rajamannar Committee Report, ¶ 10.3 (1971).

⁶² M.P. JAIN, INDIAN CONSTITUTIONAL LAW 223 (7th ed. 2014).

⁶³ A.G. Noorani, *Governor's Powers: The Urgency of Reform*, ECON. & POL. WKLY., Vol. 48, No. 3, at 16 (2013).

ideal substitutes for legislative reform, serve as interim safeguards.⁶⁴

India's constitutional framework, while unique, cannot ignore the evolution of democratic accountability worldwide. Gubernatorial assent, when transformed into a mechanism of delay or obstruction, undermines the core tenets of representative democracy. Reform, therefore, must combine both constitutional amendment and the development of constitutional conventions aligned with democratic values.⁶⁵

8. Conclusion

The Governor's power under Article 200 is not an arbitrary or unchecked authority but a constitutional function that must align with the principles of responsible government and democratic accountability. While the text of Article 200 permits the Governor to assent, withhold assent, return, or reserve a Bill, the absence of an express timeline has, in practice, created a loophole that threatens legislative sovereignty and cooperative federalism.⁶⁶

The Supreme Court's decision in *State of Tamil Nadu v. Governor of Tamil Nadu* (2025) represents a decisive moment in constitutional jurisprudence. The Court's affirmation that the Governor must act "within a reasonable time" reflects a growing judicial consensus that constitutional functionaries are not beyond scrutiny, especially when their inaction disrupts the functioning of elected institutions.⁶⁷

Through the lens of constitutional morality, the paper has argued that prolonged delays in gubernatorial assent constitute more than mere procedural lapses they amount to substantive violations of democratic principles and the federal compact.⁶⁸ The judiciary's evolving approach signals a shift from convention-based restraint to rights-based enforceability, especially when silence undermines constitutional trust.⁶⁹

Comparative constitutional models further highlight that time-bound assent is the norm in other parliamentary and federal democracies. The introduction of statutory or constitutional

⁶⁴ *State of Tamil Nadu v. Governor of Tamil Nadu*, W.P. (C) No. 175/2024, ¶¶ 49–53 (Supreme Court of India, Jan. 2025).

⁶⁵ Upendra Baxi, *Transformative Constitutionalism*, 8 NUJS L. REV. 19, 30 (2015).

⁶⁶ INDIA CONST. art. 200.

⁶⁷ *State of Tamil Nadu v. Governor of Tamil Nadu*, W.P. (C) No. 175/2024, ¶ 53 (Supreme Court of India, Jan. 2025).

⁶⁸ *Gov't of NCT of Delhi v. Union of India*, (2018) 8 S.C.C. 501, ¶¶ 126–148 (India).

⁶⁹ *Nabam Rebia v. Deputy Speaker*, (2016) 8 S.C.C. 1, ¶ 142 (India).

amendments in India to limit discretion and prescribe timelines would harmonize executive functioning with democratic norms.⁷⁰ At the very least, the Governor's office must be guided by reason, transparency, and respect for the legislative mandate.

In the end, the legitimacy of India's constitutional democracy rests on the integrity of its institutions. Governors must act not as agents of political partisanship or obstruction but as custodians of the Constitution. Delayed assent, when used to frustrate legislative will, corrodes the foundations of democratic governance. Judicial interventions, though cautious, must continue to ensure that constitutional silence is not misused as a tool of constitutional subversion.⁷¹ The time is ripe for institutional and legislative reforms that restore constitutional balance and reaffirm the supremacy of representative governance in the States.

⁷⁰ U.S. CONST. art. I, § 7, cl. 2; AUSTRALIAN CONST. § 58; Punchhi Commission Report (2010).

⁷¹ Upendra Baxi, *Transformative Constitutionalism*, 8 NUJS L. REV. 19, 30 (2015).