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## **CASE ANALYSIS: THE STATE OF TAMIL NADU V. THE GOVERNOR OF TAMIL NADU & ANR. [W.P. (CIVIL) NO. 1239 OF 2023]**

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Gayathry S Nair, Christ University

### **INTRODUCTION**

The judgment by the Supreme Court in the case of State of Tamil Nadu v. Governor of Tamil Nadu<sup>1</sup> (2025) represents a landmark development in India's constitutional law and federal governance. It clarified the boundaries and extent of a Governor's discretion under Article 200 of the Constitution in relation to granting assent to state legislation, for a prolonged period resulting from Governor R.N. Ravi's failure to act on bills and administrative issues. The judgment upholds primary constitutional values such as legislative supremacy, cooperative federalism, separation of powers and strikes down an abuse of the "pocket veto" on the ground that Governors must act on the advice and aid of the Council of Ministers. In exercising Article 142 of the Constitution<sup>2</sup> the Court also took its role as guardian of constitutional governance and a check against executive obstructions.

This case is also comparatively analysed, because it directly deals with the most fundamental question of constitutional law across democracies - between the executive head of state and the government of the state. The question of whether a Governor, Monarch, or President can withhold legislative assent for a prolonged period has been a common constitutional problem everywhere in the world.

### **FACTS OF THE CASE**

The Tamil Nadu Legislative Assembly, from January 2020 to April 2023, passed twelve bills that proposed a change in the model of governance in state universities. The major focus of these bills was on transferring authority over appointments of vice-chancellors from the Governor, the state's constitutional head, to the elected state government. Eight such bills

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<sup>1</sup> W.P. (civil) no. 1239 of 2023.

<sup>2</sup> Constitution of India, Art. 142.

pertaining to state dealing with the transition in authority, addition of a nominee of the government to the selection committee and increasing state authority over inspections and inquiries. of universities other bills were introduced to include the financial secretaries in the university syndicate and to establish a new state university for Ayurveda. These reforms sought to reduce the Governor's discretionary authority in higher education and take university governance closer to state government.

Under Article 200 of the Constitution of India, a Governor must act on a bill promptly by giving assent, withholding it, returning it for reconsideration or sending it to the President. Despite this, Governor R.N. Ravi did not act on the twelve bills for more than 7 months. He neither gave his assent to them, withheld them, returned them, nor sent them to the President. The Tamil Nadu government argued that the prolonged inaction violated the Constitution and was a lapse in governance, so it approached the Supreme Court on 31 October 2023.

When the Supreme Court issued notice to the Governor, he withheld his assent on ten bills and reserved two for the President. In response, the Assembly repassed the ten bills on 18 November 2023 by the first proviso to Article 200, which states that once a bill is repassed, the Governor “shall not withhold assent.” Despite this, the Governor again reserved all ten repassed bills for the President on 28 November 2023. The President then withheld assent to seven bills, granted assent to one, and left two pending. Eventually, the Supreme Court set aside the Governor’s reservation of 28 November. It ruled that the ten bills were deemed to have received assent on 18 November 2023, using its powers under Article 142 to prevent a constitutional crisis.

The case also included the delays by the Governor in the administration of the state. These included slow approvals for prosecutions for corruption, delayed approvals for granting early release of prisoners, delays in TNPSC appointments, and holding ministerial appointments. Four corruption files remained pending for months and over a year, delaying prosecution under the Prevention of Corruption Act, 1988. Prisoner release files were also delayed between June and August 2023, with 53 cases unresolved. Similarly, TNPSC appointment recommendations were repeatedly returned with queries in September and October 2023, stalling recruitment.

The Governor postponed the dismissal of Minister Senthil Balaji in June 2023 and approved the naturalisation of Dr K. Ponnudurai only after a court intervention in March 2024. These

delays showed that gubernatorial inaction could block legislative and executive functions and disrupt governance in several areas.

These delays collectively created serious obstacles to governance and affected the balance between the elected government and the governor. The case raised questions on the scope of gubernatorial discretion, legislative sovereignty, and the Governor's duty to act on the advice of the Council of Ministers.

## ISSUES

1. Whether Article 200 permits a governor to indefinitely delay ascent to state legislation, thereby exercising a “pocket veto”?
2. Whether the governor can reserve for presidential consideration of a bill repassed by the Legislature under Article 200?
3. Whether the Governor is bound by the aid and advice of the Council of Ministers when exercising powers under Article 200?
4. Whether gubernatorial actions and inactions under Article 200 and presidential decisions under Article 201 are subject to judicial review?
5. Whether the court can impose a time limit on the governor's exercise of functions under Article 200?
6. What are the constitutional implications of invoking Article 142 to declare bills as having received ascent?

## LAWS INVOLVED

**Article 200<sup>3</sup>:** Assents to bills: request the Governor to act as soon as possible by granting assent, withholding assent, or returning the bill for reconsideration or reserving it for presidential consideration.

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<sup>3</sup> Constitution of India, Art. 200.

**Article 201<sup>4</sup>** : Bills Reserved for President: deals with the presidential ascent and the conditions under which the bills reserved by the governor may become law

**Article 163<sup>5</sup>**: Aids and advice of the Council of Ministers: Stipulates that the Governor must act on the advice of the Council except where the Constitution expressly provides otherwise

**Article 316<sup>6</sup>**: Appointment of State Public Service Commissions: Vests appointment power in the Governor

## **ARGUMENTS**

### **PETITIONER'S CONTENTIONS (STATE OF TAMIL NADU)**

The petitioners argued that the Governor's silence violated constitutional obligations and the basic structure of parliamentary democracy. Under Articles 163 and 166 of the Constitution of India, they argued that the Governor's function was merely ceremonial, i.e., he has no personal discretion on this matter and is bound by the aid and advice of the Council of Ministers, even under Article 200. The pocket veto” doesn't apply to the Indian Constitution, and Article 200 only gives four options - assent, withholding assent, returning the bill, or reserving the bill for the President. The counsel argued that the substantive part of Article 200 uses the expression “shall declare”, which indicates the mandatory function of the governor. They contended that prolonged silence amounted to a subversion of constitutional governance and an obstruction to the legislature's democratic mandate.

The counsel emphasised that the first proviso on Article 200 is mandatory: once a bill is repassed, the Governor “shall not withhold assent.” The Governor's decision to re-reserve the bills after repassage was a clear constitutional violation and an attempt towards defeating legislative sovereignty. It was also argued that the governor has no authority to question the legislative competence or policy wisdom of a bill passed by the assembly, as such scrutiny lies within the jurisdiction of the legislature itself and if necessary, the judiciary also. They further argued that the phrase “as soon as possible” is a binding constitutional command requiring the governor to act within a reasonable period of time.

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<sup>4</sup> Constitution of India, Art. 201.

<sup>5</sup> Constitution of India, Art. 163.

<sup>6</sup> Constitution of India, Art. 316.

The state also invoked Articles 14 and 21 of the Constitution, asserting that the arbitrary or mala fide inaction by a constitutional authority violates the principles of equality and due process, thereby violating the constitutional morality and the rule of law.

### **RESPONDENT'S CONTENTIONS (GOVERNOR)**

The counsel for the Governor contended that the Governor, acting under Article 200, is not acting in the exercise of personal discretion but under a constitutional responsibility. He acted on the bills concerned, Entry 66 in List I (determination and coordination of standards in higher education), and thus placed them under the legislative power of Parliament. In this way, the Governor was justified in reserving them for Presidential consideration under Article 200.

They further argued that gubernatorial discretion under Article 200 was broad and could not be bound by rigid time limits. The counsel argued that the absence of a specified time period in Article 200 was deliberately done by the framers of the constitution, ensuring the governor could exercise prudence and constitutional caution before taking a decision on the legislative assent. The Governor will need to carefully examine legislation for Constitution compliance, and premature action could undermine the legislative review.

The counsel contended that the Governor's concern was to prevent the enactment of a law inconsistent with the Constitution, and it would result in maladministration in universities and would affect the quality and excellence in higher learning. The Governor was also concerned that granting too much power to the State Government, and not the Chancellor, would disrupt the governance structure of universities. Thus, withholding assent to the Bills was decided in order to prevent this.

*State of Telangana v. Secretary to Her Excellency the Hon'ble Governor of the State of Telangana & Anr. (2024)*<sup>7</sup> has been held that the expression "as soon as possible" has significant Constitutional content, and must be kept in mind by Constitutional functionaries. In the repassed legislation scenario, they argued that nothing in the Constitution necessarily prevents reservation after repassage, and the possibility of repugnancy still exists after repassage.

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<sup>7</sup> AIR SCC 405 (1)

It was also submitted that the governor's function under Article 200 stands distinct from acts performed on the aid and advice of ministers under Article 163, because the consideration of assent involves an independent constitutional duty rather than a ceremonial duty.

Finally, they also argued that judicial intervention in this area violates the doctrine of separation of powers. In the absence of mala fide intent or explicit constitutional violation, gubernatorial inaction should not be subject to judicial review, and the court said the governor acted in good faith and in constitutional coordination with the president under Article 201, thus it aligned with the constitutional duty.

## COURT'S REASONING AND DECISION

The Supreme Court delivered a reasoned and layered judgment that redefined constitutional expectations from the office of the Governor while safeguarding the integrity of legislative processes.

### A. On the Concept of Pocket Veto

The courts rejected the notion of "pocket veto" and held that the phrase "as soon as possible" in Article 200 carries mandatory constitutional intent, that indefinite inaction by the governor will violate this constitutional duty and stated that the discretionary powers must be exercised within a reasonable time and with justifiable reasons and permitting this inaction will paralyse the functioning of elected legislatures. In the judgment, the court drew upon the foundational principles from *Kesavananda Bharati v State of Kerala (1973)*<sup>8</sup>, *State of Rajasthan v Union of India (1977)*<sup>9</sup> and *S.R. Bommai v Union of India (1994)*<sup>10</sup> Saying that the democratic functioning and the cooperative federalism are part of the constitution's basic structure and cannot be undermined by the executive's inaction.

### B. On the Aid and Advice of the Council of Ministers

The courts emphasised the principles laid down in *Samsher Singh v. State of Punjab (1974)*<sup>11</sup> and *Nabam Rebia v. Dy. Speaker (2016)*<sup>12</sup> are well established and bind the governor by

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<sup>8</sup> AIR 1973 4 SCC 225

<sup>9</sup> AIR 1361, 1978 SCR (1) 1

<sup>10</sup> AIR 1918, 1994 SCC (3) 1

<sup>11</sup> AIR 1974 SCC 2192

<sup>12</sup> 2016 SC 3209

the aid and advice of the Council of Ministers in all matters except explicitly exempted, and also mentioned that the governor's discretion is constitutionally limited. The courts dismissed the notion of broad gubernatorial discretion and stated that Article 200 must be harmoniously construed with Article 163 to ensure proper governance.

### C. On Reservation of Repassed Bills

The courts held that the re-reservation of bills passed would be unconstitutional and reasserted the principle stated in the first proviso of Article 200 that states once a bill is returned and re-passed by the Legislature, the Governor has no further discretion and is constitutionally obligated to give assent. The court also referred to the case of *Kaiser-i-Hindi Pvt Ltd. V National Textile Corporation (2002)*<sup>13</sup>, which reaffirmed the constitutional principle that discretionary powers must be exercised strictly in accordance with the objectives and the spirit of the constitution.

### D. Justiciability of Gubernatorial Actions

The courts, drawing upon their jurisprudence in *B.P. Singhal v. Union of India (2010)*<sup>14</sup>, *Maru Ram v. Union of India (1980)*<sup>15</sup> and *P. Rathinam v Union of India (1994)*<sup>16</sup>, stated that Articles 200 and 201 are subject to judicial review and if gubernatorial action or inaction is arbitrary, mala fide, or contrary to constitutional norms, courts have the jurisdiction and the duty to intervene. A judicial review safeguards against constitutional arbitrariness, and the decision should be based on constitutional morality.

## ANALYSIS

Supreme Court judgment in *State of Tamil Nadu v. Governor of Tamil Nadu (2025)* is a landmark judgment that clarified the role and limits of the Governor in India's federal system. The case arose from prolonged gubernatorial inaction on bills passed by the Tamil Nadu Legislative Assembly, and it created tensions between discretionary constitutional powers and the functioning of a democratically elected government. The Court's decision upheld the

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<sup>13</sup> AIR SCC 3404

<sup>14</sup> AIR SCW 3330

<sup>15</sup> AIR SCC 2147

<sup>16</sup> AIR SCC 1844

supremacy of the legislature, reinforced cooperative federalism, and emphasised that unelected constitutional functionaries cannot stall the legislative process.

A key area of the judgment was the rejection of the concept of a “pocket veto.” The Court determined that “as soon as possible” in Article 200 establishes a constitutional duty, meaning that the Governor cannot remain inactive for a prolonged period. This understanding safeguards legislative power from arbitrariness and guarantees that government operations are not hindered for political or procedural reasons. By setting a reasonable timeframe, the Court interpreted the wording of the constitution into actionable duties, promoting effective legislation and administrative operations.

The Court also reaffirmed that the Governor must act in accordance with the advice of the Council of Ministers in all situations, including those under Article 200. Referring to precedent cases such as *Samsher Singh v. State of Punjab* (1974) and *Nabam Rebia v. Dy. Speaker* (2016), the Court affirmed that the Governor's role is largely ceremonial while actual executive authority is vested in the elected government. This principle is essential to India's parliamentary framework, preventing the misuse of constitutional discretion and upholding representative democracy.

Another key aspect of the ruling concerned re-enacted bills. The Court asserted that once a bill is returned and subsequently re-passed by the legislature, the Governor cannot deny assent or re-refer it for Presidential review. This ensures the legislature's intent is preserved, avoids delays, and reinforces legislative supremacy. By offering clear directions on this matter, the Court set a significant precedent to prevent Governors from indefinitely stalling bills. The Court also specified that actions and inactions by the Governor under Articles 200 and 201 can be subject to judicial review. Any arbitrary, bad-faith, or unconstitutional behaviour displayed by a Governor can be challenged in court, ensuring accountability from even the highest constitutional officials.

By interpreting “as soon as possible” as a reasonable timeframe, the Court emphasised the significance of constitutional morality, ensuring that public officials align their actions with the spirit of the Constitution rather than strictly adhering to its text. The ruling carries numerous implications for India's federal and constitutional framework. It explicitly clarifies the Governor's responsibilities, restricting discretionary authority while ensuring that legislative bills receive prompt attention, thus setting a standard for all states. It safeguards the power of



state legislatures, maintaining federalism by curbing unwarranted interference by centrally appointed Governors. The decision also highlights the ongoing debate between judicial activism and judicial overreach. While many view this decision as essential for safeguarding democracy, some argue that it might encroach upon executive functions and alter established constitutional norms. Moreover, this ruling outlines a blueprint for other states, like West Bengal and Punjab, where similar issues have arisen, serving as a judicial admonition against unnecessary delays. Yet, enforcing timelines imposed on constitutional authorities may encounter practical hurdles, particularly if the executive contests the Court's rulings.

From a critical viewpoint, the ruling has received broad approval from opposition-led states, which perceive it as a reaffirmation of state autonomy. It upholds legislative authority and confirms that constitutional officials are obligated to follow the Council of Ministers. This decision also strengthens constitutional conventions and standards by effectively establishing a practical expectation for Governors to act swiftly and in line with ministerial guidance. It guarantees that governance and public administration, especially in areas like education, appointments, and law enforcement, do not stagnate due to executive inaction. Additionally, the ruling enhances the system of checks and balances, allowing the judiciary to step in when the executive overreaches, while the legislature maintains its law-making power. Despite some apprehensions regarding judicial reach, the verdict marks a landmark in Indian constitutional law, reinforcing democratic governance, clarifying the responsibilities of Governors, and ensuring accountability while preserving the integrity of India's federal system.

## **CONCLUSION**

The Supreme Court's decision in *State of Tamil Nadu v. Governor of Tamil Nadu (2025)* triumphs for constitutional governance, democratic legitimacy, and federal balance. This judgment has held governors accountable and has restored the supremacy of the elected legislature. The courts revealed that the constitutional power is in favour of representative democracy. In doing so, the courts emphasised that governors are constitutional facilitators and are only ceremonial heads of the states. By interpreting Article 200, the courts reinforced the checks and balances necessary for a mature federal democracy.

This case will be recognised as a constitutional remedy when the judiciary steps in to uphold the integrity of democratic systems and limit the chances of executive authoritarianism masked as constitutional legitimacy.

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