

Governor's Assent to Bills

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Governor's Assent to Bills Latest News

Supreme Court Fixes Timeline for Governor's Action on State Bills

Background

- The **Supreme Court of India** in a **landmark verdict** reprimanded **Tamil Nadu Governor R.N. Ravi** for **withholding assent** or **delaying action** on **10 state bills**, which were **re-presented** by the state legislature.
- The **Governor had reserved these bills for the President's consideration**, which the Court held as **unconstitutional**.

Case Context

- In **2023**, the **Tamil Nadu government** approached **SC**, citing **deliberate delay** by the Governor.
- **12 bills** (including one from 2020) were **pending assent**.
- On **Nov 13, 2023**, the Governor **withhold assent** to 10 bills.

- The Assembly **re-enacted** these bills on **Nov 18, 2023**.
- The Governor again **reserved some bills for the President** on **Nov 28, 2023**.

Key Constitutional Provisions Involved

- **Article 200**: Deals with the powers of the **Governor** regarding **bills passed by the State Legislature**.

The Governor can:

- **Give assent**
- **Withhold assent**
- **Reserve the bill for the President's consideration**
- **Article 201** - President's veto power on bills reserved by the Governor.
- **Article 142** - Supreme Court's plenary power to ensure complete justice.

Supreme Court's Major Observations

- The **Governor's action of reserving 10 bills for the President was declared illegal** and **arbitrary**.
- **Bills re-presented** to the Governor shall be **deemed to have received assent** from the date of re-presentation.
- The **Governor does not have discretion** under Article 200 and must act **on the aid and advice of the Council of Ministers**.
- The Governor **cannot exercise an "absolute veto" or "pocket veto"** by **sitting indefinitely on bills**.
- **Delays** in granting assent **cripple the legislative process** and are against the **spirit of federalism and democracy**.

Timelines Fixed by the Supreme Court (First Time Ever)

Scenario	Maximum Time Allowed
Withhold Assent or Reserve for President (with aid & advice of CoM)	1 Month
Withhold Assent without CoM's advice	Must return the bill within 3 Months
Bill Re-passed by Assembly (2nd time)	Governor must give assent within 1 Month

Judicial Oversight Introduced

- If these timelines are **not followed**, the **Governor's inaction** becomes **subject to Judicial Review**.
- **The Supreme Court invoked Article 142** to declare the **bills as deemed to have received assent**.

Reaffirmation of Democratic Principles

- The **Governor cannot act as an obstructionist**.
- **Elected legislators**, being representatives of the people, are **best placed to enact laws**.
- The Governor must act as a “**friend, philosopher and guide**”, not as a **political actor**.
- The **Governor must facilitate** governance, not **paralyze** it.

Clarification on Reserve Power (Article 200)

- Once a **bill is re-passed** by the Assembly, the **Governor cannot reserve it again** unless the **content has materially changed**.
- Any attempt to delay action **violates the Governor’s constitutional oath**.

Governor’s Assent to Bills FAQs

Q1. What constitutional provisions govern the Governor’s assent to state bills?

Ans. Under Article 200, the Governor can assent, withhold assent, or reserve a bill for the President’s consideration. They may also return non-money bills for reconsideration by the state legislature.

Q2. Why is delayed assent by Governors controversial?

Ans. Prolonged delays (e.g., Tamil Nadu’s 2023 bills pending for 6+ months) undermine legislative autonomy, sparking judicial scrutiny (Supreme Court’s 2023 *Punjab vs. Governor* case).

Q3. Can courts intervene in assent-related disputes?

Ans. Yes. In *Nabam Rebia (2016)*, the SC ruled that Governors must act on cabinet advice, barring exceptional cases like constitutional violations.

Q4. What happens if a bill is reserved for the President?

Ans. The President may assent, withhold assent (Article 201), or direct the Governor to return it to the assembly (e.g., Kerala’s University Laws Amendment Bill, 2022).

Source: [HT](#)

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