
THE GOVERNOR'S DISCRETION IN ASSENT TO STATE BILLS: CONSTITUTIONAL LIMITS AND JUDICIAL REVIEW

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ABSTRACT

The Governor occupies an important position in India's constitutional structure as the constitutional head of the State, functioning alongside an elected State Legislature and Council of Ministers. The Governor's role becomes especially relevant when the State Legislature passes a Bill and presents it for assent. The Constitution sets out the courses available to the Governor at this stage and also provides for the role of the President where a Bill is reserved for consideration. The exercise of these powers raises questions about the relationship between the Governor and the elected Legislature and about the working of India's parliamentary and federal system.

A central concern is the absence of a fixed period within which the Governor is required to act on a Bill presented for assent. It raises a further question concerning the power of the courts to review such delay or inaction. In particular, the issue is whether judicial review can be used to ensure that the constitutional process is not delayed, while still respecting the limits imposed by the separation of powers.

This paper examines the Governor's discretion in dealing with Bills passed by the State Legislature, with particular focus on the scope and limits of judicial review. The paper argues that the Governor's discretion is a constitutional power and cannot be treated as an unrestricted personal authority. Its exercise must accord with responsible government, federalism and democratic accountability. At the same time, judicial review must remain within the limits of separation of powers and should not result in the courts taking over a function entrusted to the Governor. The paper therefore argues for judicial scrutiny where the Governor's delay or inaction becomes constitutionally unreasonable, while ensuring that such scrutiny does not replace the Governor's constitutional role or interfere with the legislative autonomy of the State.

Keywords: Governor's Assent, State Bills, Gubernatorial Discretion, Judicial Intervention, Constitutional Supremacy.

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I. INTRODUCTION

1.1 Background

A Bill's approval by a State Legislature does not mark the end of the constitutional process by which it becomes law. Under Article 200, the Governor has to act upon receipt of a Bill for approval. Article 201 outlines the process for the President to follow in the case of a reserved Bill. Neither of these provisions specifies any particular timeline within which the Governor or President must act. As a result, there is a conflict regarding the constitutional position of pending Bills.²

The lack of a timeframe poses a problem of judicial review. Courts generally consider whether the Constitutional powers have been exercised properly. However, there are many options available for the Governor under Article 200. Therefore, judicial review has to distinguish between the legality of the process and the merits of the decision made by the Governor.³

The conflict in *State of Tamil Nadu v. Governor of Tamil Nadu* is a case in point. Between January 2020 and April 2023, twelve Bills were sent to the Governor for approval. When the State took action in October 2023, the Governor did not approve ten Bills and reserved two Bills for the President. The Legislature reconsidered those ten Bills, and they were sent to the President again.

In a judgment dated 8 April 2025, the Supreme Court held that the actions of the Governor were unconstitutional and specified time limits for giving assent and confirmed that the ten Bills were passed.⁴ The ruling brings up a serious constitutional question: if the Governor can keep the Bills pending indefinitely, the legislative process will be impacted without any actual resolution of the legislature.

The Supreme Court gave its advisory opinion on assuming powers by the Governor and the President of India on 20 November 2025 after the President made a reference under Article 143.⁵ In the case, the Supreme Court ruled that there should not be any fixed deadlines for the granting of assent, which means that delays in granting of assent do not need to be explained

² INDIA CONST. arts. 200–201.

³ INDIA CONST. art. 200.

⁴ *State of Tamil Nadu v. Governor of Tamil Nadu*, 2025 INSC 481 (India).

⁵ INDIA CONST. art. 143; *In re Assent, Withholding or Reservation of Bills by the Governor and the President of India*, Special Reference No. 1 of 2025, 2025 INSC 1333 (India).

by the Governor; however, the Court opined that indefinite delay in granting of assent would justify a limited mandamus to force the Governor to act within a reasonable timeframe, without comments on the merits of its decision.

This article tries to analyze as how judicial review should work within the mentioned limits. The absence of a definite date cannot prevent scrutiny of inaction by the authorities. However, the need to avoid constitutional paralysis also cannot result in judicial incidents overriding action of the Governor.

2. CONSTITUTIONAL FRAMEWORK GOVERNING ASSENT TO STATE BILLS

2.1 Articles 200 and 201: Constitutional options and reservation of Bills

Article 200 outlines the methods through which the Governor can react to any Bill that comes to him/her after being passed by the State Legislature. The Governor can give assent, keep the Bill for consideration of the President, or refuse to give assent after following the process of returning a non-Money Bill back to the Legislature.⁶ According to the first proviso, the Governor shall, where he/she does not give assent to any Bill other than a Money Bill, return the Bill to the legislature with a message requesting reconsideration of the Bill.

After the Senate has completed deliberations, the Bill will be reconsidered by the legislature, and the Governor will have no option but to assent to it. The clause is significant as it associates the withholding of assent with legislative reconsideration. The provision does not intend to create an indefinite refusal causing stalemate on the Bill. As stated in the opinion issued by the Supreme Court in November 2025, the clause imposes some kind of limitation on the substantive provision and restricts the options that are available.⁷

The Bill reserved for the President is regulated by Article 201, where the President has the power to either give his or her assent to the Bill or not. In the case of Bills other than Money Bills, the President can instruct the Governor to send back the Bill to the Legislature for re-evaluation, which must take place within six months.⁸

However, Article 201 does not set a specific period for the President to take a decision on the

⁶ INDIA CONST. art. 200.

⁷ In re Assent, Withholding or Reservation of Bills by the Governor and the President of India, Special Reference No. 1 of 2025, 2025 INSC 1333 (India).

⁸ INDIA CONST. art. 201.

Bill. It is important to note that the differences in Articles 200 and 201 are pertinent in judicial review. By reserving the Bill, the Bill moves to another stage of the constitutional procedure, while returning it to the Legislature means that it is to be reconsidered there. Therefore, while resolving the conflict, the court must determine what stage has been reached, as well as what constitutional function has not yet been performed.

2.2 The Governor's position, discretion and the principle of aid and advice

Article 163 does provide for the existence of a Council of Ministers that provides aid and advice to the Governor except in cases where the Constitution directs the Governor to act in his discretion.⁹ In the case of *Shamsher Singh v. State of Punjab*, the Supreme Court ruled that the President and the Governor normally serve as constitutional figures in the parliamentary setup and function pursuant to the advice of the Ministers.¹⁰

The general principle in Article 200 must be understood along with what was stated in it in the advisory opinion of November 2025. The court held that the Governor has discretion in the matter of assent. Thus, the case of *Shamsher Singh* cannot be regarded as conclusively deciding the issue of the Governor's obligation to act according to the advice of the ministers. The general position of the Governor and the specific meaning of Article 200 must be kept apart.

However, the recognition of discretion does not solve the problem of non-action. The act of granting assent, reserving or returning the bill cannot be compared to abstaining from making any decisions. The power to make the choice entails the inability to avoid it forever. Article 361 also should be treated carefully.¹¹

It gives immunity to the Governor from becoming responsible in court for the functions and powers of office. According to the opinion of November 2025, this immunity does not mean the Governor enjoys absolute immunity from being sued in cases of unreasonable silence. The judicial review must ensure the immunity of the person whilst solving the issue of functioning of the constitutional power through an effective remedy.

Accordingly, we note that what the constitutional scheme permits is primarily a minimal point,

⁹ INDIA CONST. art. 163.

¹⁰ *Shamsher Singh v. State of Punjab*, (1974) 2 SCC 831 (India).

¹¹ INDIA CONST. art. 361; *In re Assent, Withholding or Reservation of Bills by the Governor and the President of India*, Special Reference No. 1 of 2025, 2025 INSC 1333 (India).

namely, that a Governor's discretion should be understood not as an unlimited power but in very limited terms of authority concerning the legislative process.

Following the provisions of Articles 200 and 201, the Cabinet has to exert its discretion in making decisions. The judiciary, in turn, must ensure the enforcement of these limits without going into the determination of the substantive implications of the assent process.

3. CONSTITUTIONAL DUTY AND LIMITS OF DISCRETION UNDER ARTICLE 200

3.1 Withholding assent and the question of indefinite delay

The absence of any deadline under Article 200 does not resolve the question of the legality of irrelevant delays. The question is whether the time taken for consideration could be a matter of discretion or it could also involve leaving the Bill unresolved without resorting to any of the procedures. The first proviso imposes an important limitation in the text. In the case of the Governor withholding assent to a non-Money Bill, the Bill should be returned at once with a message for reconsideration and the statement of reasons. The November 2025 opinion stated that there is no option of withholding assent indefinitely without returning the Bill.¹²

Nevertheless, the term "as soon as possible" implies that there is no specific time limit that can apply to any situation at this point. It is necessary to analyse the situation under which the constitutional function is implemented. Thus, in every instance of delay, the court should not consider it illegal because sometimes it is justified due to the need of the Governor to think about the Bill in detail.

At the same time, the absence of a numerical limit does not mean that there can be any reasonable delay. From the point of view of the opinion given in November 2025, there is a chance to use limited mandamus in situations when there is a long period of inactivity without justification. Thus, one has to differentiate between the case when the court reviews the merits of the case and when the function has not been executed.¹³

The challenge consists in determining the moment that the delay becomes actionable under the Constitution. Time is important, but is not the deciding factor. The court needs to review the

¹² INDIA CONST. art. 200; In re Assent, Withholding or Reservation of Bills by the Governor and the President of India, Special Reference No. 1 of 2025, 2025 INSC 1333 (India).

¹³ In re Assent, Withholding or Reservation of Bills by the Governor and the President of India, Special Reference No. 1 of 2025, 2025 INSC 1333 (India).

whole history of the Bill and look into the reasons for the delay, find out whether information was received about any constitutional alternatives available and analyze the impact of the delay on the present situation related to the Bill.

A legal test based on only counting the delays will contradict the principle of rejecting fixed periods set by the courts. The test should rather be contextual and duly justified.

3.2 Constitutional accountability and the limits of gubernatorial discretion

The difference between discretion and responsibility is imperative to judicial review. A constitutional authority may have a choice of permissible options, but that only means that the authority operates within constitutional limits. The key question is whether the authority is enacted in accordance with the criteria imposed by the Constitution.

In its November 2025 judgment, it is admitted that courts can compel a Governor into acting on duty in rare situations where there has been delayed, unexplained and indefinite inactivity.¹⁴ The option does not give the court the right to choose an option. A mandamus which compels the Governor to give assent is significantly different from an order to act. This difference also limits the role of Article 361.

Although immunities apply, it does not exempt constitutional actions from judicial review. However, the court will have to structure the relief in such a way as to avoid exposing the Governor to any unlawful proceedings, i.e. the proceedings which are barred by Article 361, or determine the advantages of the choice which is left by the Constitution with the Governor.

The main argument against such an order is that requiring action within a certain timeframe may unintentionally impose a deadline. Despite being true, it is important to understand that a pattern can arise if courts start applying the same timeframe across the board. In such case, the limited mandamus becomes a rule of deadlines effectively. One should not assume that constitutional accountability can only be proved through evidence of political motivations of the party being sued.

A court does not need to conclude that the governor has acted with a political motive in order to find that there has been a failure of the constitutional process. The question which should be

¹⁴ In re Assent, Withholding or Reservation of Bills by the Governor and the President of India, Special Reference No. 1 of 2025, 2025 INSC 1333 (India).

asked is whether the constitutional function has actually been fulfilled according to legal principles and whether there is enough evidence to prove that the non-fulfillment of the function still persists.

The query in relation to the above seems too constrained as it is possible to enforce action in cases when the high demands are fulfilled, while at the same time, it is impossible to simply treat the delay as a ground for validating a course of action.

4. JUDICIAL INTERPRETATION OF THE GOVERNOR'S CONSTITUTIONAL POWERS

4.1 Shamsher Singh v. State of Punjab and Nabam Rebia v. Deputy Speaker

The evolution of the judicial review of the executive powers of the governor has taken place due to the decisions determining the roles of the governor in the parliamentary system and scope of constitutional discretion. These decisions assist in formulating the general principles of how to assess the position of the governor. However, it is important to note that their provisions do not have anything in common with the particular rules of accession.

The case of Shamsher Singh v. State of Punjab suggests that the Supreme Court disregarded the idea that the governor is a normal independent executive authority.¹⁵ The opinion connects the position of the governor with the concept of responsible government, which means that the elected cabinet of ministers usually uses the executive power. This is important because it allows explaining the constitutional position of the governor, although it does not reveal the current level of discretion provided by Article 200.

The issue examined in Nabam Rebia v. Deputy Speaker related to the governor's interference in the legislative activities in Arunachal Pradesh. The court did not accept the extensive interpretation of the gubernatorial authority in this case.¹⁶

There is no direct determined outcome in either case relating to the current standard of mandamus in assent matters. Shamsher Singh is about the general rule of assist and advice whereas Nabam Rebia deals with the Governor's role in State Legislature functioning. Both cases play a structural role of establishing that the powers of the Governor are limited by the

¹⁵ Shamsher Singh v. State of Punjab, (1974) 2 SCC 831 (India).

¹⁶ Nabam Rebia v. Deputy Speaker, Arunachal Pradesh Legislative Assembly, (2016) 8 SCC 1 (India).

Constitution and that the extent of discretion varies according to the respective clause.

Such differentiation is critically significant after the opinion dated November 2025 as the aid and advice principle cannot cancel the concrete doctrine of the ability of the Governor to make a choice according to the Article 200.

4.2 Rameshwar Prasad, State of Punjab and the duty to act

In the case of *Rameshwar Prasad v. Union of India*, the Supreme Court looked into the dissolution of the Bihar Legislative Assembly and examined the constitutional validity of the Governor's report.¹⁷ The ruling shows that the actions taken by the Governor's office are not beyond constitutional scrutiny just because it is the office of such high standing. However, it is not directly relevant to Article 200 because it did not deal with the issue of assent to Bills.

The case of *State of Punjab v. Principal Secretary to the Governor of Punjab*¹⁵ is more applicable.¹⁸ The case dealt with the action taken by the Governor on the Bills and the opening clause of Article 200. The Supreme Court has noted that the meaning of withholding the assent must be interpreted in terms of the constitutional procedure of sending back a non-Money Bill. The opinion of November 2025 clarified that the opening clause explains the main clause, and it does not give an independent right to withhold indefinitely and without sending the Bill back.¹⁹

These instances point out that the actions of the Governor must follow the constitutional provisions on this matter and cannot lead to such a procedural dead end.

The significance of these interpretations of judicial review has to be considered separately. The state of Punjab is important in determining the meaning of Article 200. The opinion given in November 2025 helps establish the parameters of judicial intervention, denying fixed judicial timelines and automatic approval of actions while permitting limited mandamus in only some cases where there is failure without grounds for action.

A finding that the Governor has acted contrary to the Constitution does not justify every judicial option. This is an important point in this discussion. Courts need to determine

¹⁷ *Rameshwar Prasad v. Union of India*, (2006) 2 SCC 1 (India).

¹⁸ *State of Punjab v. Principal Secretary to the Governor of Punjab*, 2023 INSC 1017 (India).

¹⁹ *In re Assent, Withholding or Reservation of Bills by the Governor and the President of India*, Special Reference No. 1 of 2025, 2025 INSC 1333 (India).

constitutional duties first before any action or legal remedy is established.

5. STATE OF TAMIL NADU V. GOVERNOR OF TAMIL NADU: A CRITICAL ANALYSIS

5.1 Facts, constitutional issues and the Court's decision

The twelve bills presented to the Governor of Tamil Nadu between January 2020 and April 2023 gave rise to the legal dispute in question. Following the initiation of the legal proceedings by the State of Tamil Nadu, the Governor gave his assent to two bills and withhold it in respect of the other ten bills. After the Legislature reintroduced these ten bills, the Governor gave his assent but reserved his decision in relation to the other two bills.²⁰

The Supreme Court ruled against the actions of the Governor and also laid down a timeline in relation to the power to be exercised under Articles 200 and 201 of the Constitution in its judgment.²¹ The ruling prevented the use of the process of granting assent to bills in order to curb the powers of the Legislature. The ruling raised two different questions concerning the actions of the Governor and the authority of the Court to lay down the timeframe for the actions under Article 200.

The most important part of the judgment was its stance on long-standing inaction and its constitutional implications. A Bill could remain pending indefinitely. Thus, the elected Legislature would not be able to fulfil the constitutional obligation at issue. The intervention of the Court has eliminated that institutional risk. The difficulties arose in implementing the remedies.

The assent by an inactivity considered the constitutional action to be accomplished even though it had never happened. The time limits indicated by the court also created a temporal dimension that was not mentioned in the Constitution itself. The specific issue was whether those measures ensure performance of the constitutional obligation or change the nature of the constitutional distribution of competences.

²⁰ State of Tamil Nadu v. Governor of Tamil Nadu, 2025 INSC 481 (India).

²¹ Id.

5.2 Legal reasoning and implications for judicial review

According to the April 2025 ruling, delay is viewed as an issue that needs to be remedied. This concern is quite logical; just because it has been stated that the lack of movement is illegal does not mean that the person in charge will stop postponing the Bill. However, mere efficiency does not mean that the remedy proposed by the court is constitutional as such. The November 2025 advisory ruling has ruled out definite deadlines set by the court under Articles 200 and 201 while insisting on article 142's inapplicability in situations involving deemed consent.²²

However, the ruling recognizes the possibility of mandamus limited by extreme absence of action in the case where the Governor's judgment cannot be commented on through the court process. The advisory ruling therefore makes a distinction between the judicial review of inaction and the judicial imitation of the constitutional body's decision. As for the former, it may be invoked in rare cases. As for the latter, it cannot be exercised. Thus, the court cannot proclaim that a Bill is signed just because there has been an excessive delay.

The remaining challenge are limited mandamus barriers. The opinion says that inaction is protracted, unexplained, and indefinite but does not mention a general length of time or criteria applicable to the case. The refusal proves its position against fixed periods for the procedure but makes it possible to apply varying judicial methods at the same time. It is not a way out to implement fixed time frames indirectly.

This means that courts must state what makes the particular case's facts proof of the procedure being on hold. They should take into consideration procedural history, the reasons for the delay, the impact of delay on the case outcome, and the need for a remedy. The ruling should impose action but leave the Governor the choice.

5.3 Implications for federalism and State legislative autonomy

The process of assent is significant for federalism since the law-making authority of States depends on the constitutional process being operative after the Bill has passed. Delays resulting in failure to finalize legislative decisions may lead to inaction even if the Legislative Assembly has already completed its part of the process. Federalism does not mean that all Bills can or

²² In re Assent, Withholding or Reservation of Bills by the Governor and the President of India, Special Reference No. 1 of 2025, 2025 INSC 1333 (India); INDIA CONST. art. 142.

must receive assent. The Governor has the constitutional role as provided in Article 200, and reservation can take place in cases where Constitution allows it.

Here, it looks to be argued that only the procedure is followed, and the institutions do not go beyond their mandates. The first condition allows the Legislature to review the Bill other than Money Bill in case the assent is denied. Indefinite withholding of the assent does not allow the Legislature to act in the way prescribed by law. Hence, the problem is not that the Governor delayed; the problem here is that the legislative process is still not completed.

The opinion issued in November 2025 discusses the issue by eliminating indefinite withholding as a distinct choice, but at the same time not permitting deemed assent. The approach taken still upholds the offices of the Governor, the Legislature and the judiciary, with the only obstacle being the actual application of the limited mandamus in a just way.

Federalism supports effective implementation of the Constitution, yet it does not provide judges with the right to disregard the limits set by an advisory opinion. The role of the courts is to ensure compliance with the constitutional procedures, not to seek for the best possible legislative outcome.

5.4 The 2025 Presidential Reference: Reconsidering the limits of judicial intervention

The Presidential Reference led to a ruling by a five-member bench on November 20, 2025, in *In re: Assent, Withholding, or Reservation of Bills by the Governor and the President of India*.²³ The Court examined the different options under Articles 200 and 201, the Governor's discretion, deadlines prescribed by the Court, deemed assent, and judicial review.

The ruling says that the Constitution gives the Governor three options under Article 200 of granting assent, reserving the matter for the President, or withholding assent and sending back a Non-Money Bill with comments to the Legislature. It acknowledges the Governor's discretion, says that the courts do not have the authority to impose any deadlines, and rejects the concept of deemed assent.

Even so, the Court does accept the possibility of limited mandamus in cases of unreasonable, unexplainable, and indefinite non-activity. The most significant feature in the judgement is its

²³ *In re Assent, Withholding or Reservation of Bills by the Governor and the President of India*, Special Reference No. 1 of 2025, 2025 INSC 1333 (India).

interpretation of the difference between the merits of a constitutional option and the omission to carry out a constitutional function. The first one cannot be challenged in court while the former may serve as a ground for limited interference in unusual situations.

The court's opinion, however, creates a practical void, as it does not set a universal length of time that makes inaction unconstitutional and fails to offer many criteria for the application of the limited mandamus standard. Therefore, courts will have to create reasonable applications of this standard without turning it into a rigid deadline.

The difference between judicial review and judicial substitution must be real, not only in words. A court cannot avoid the restrictions on rigid deadlines by continuously instructing to carry out an action within this period in every case. A court also cannot reach the set consent by issuing a ruling that amounts to the Bill being treated as law. Thus, the advisory opinion minimizes the available remedies but does not eliminate the issue of judicial review in cases of inaction.

6. JUDICIAL INTERVENTION, CONSTITUTIONAL SUPREMACY AND SEPARATION OF POWERS

6.1 Justification and limits of judicial review

The essence of the matter isn't whether or not judicial review should exist in principle; rather, it is about what a court could assess and what kind of remedies it could offer. The ruling of November, 2025 sets out the difference between the inquiry into the merits of the Governor's actions according to Article 200 and ordering limited mandamus when inaction is lengthy, unclear, and indefinite.

This difference retains the essence of judicial review without giving the judiciary the ability to make a decision about whether or not a Bill should be approved. The first restriction applies to the subject of review. The court should not assess the merits of the Bill or say whether authorization is a good thing. The court shouldn't evaluate the Bill instead of the Governor who makes the decision according to the Constitution.

The second constraint is associated with the threshold for intervention. Just the delay or disagreement with the Governor's opinion does not establish the basis for mandamus. The State claiming the remedy has to demonstrate the history of procedures about the Bill, the time of it being on the agenda, communications made, and missing or inadequate reasons.

The court has to then state the reasons why the situation in question constitutes prolonged, undefined, and unexplained action. The third limitation is regarding the remedy. The order that prescribes the Governor to perform the function does not equate to the order that prescribes his consent. The first is possible only in rare cases while the second one would preempt the process that the Constitution assigns to the Governor.

The court should not use a procedural ruling to do indirectly what the advisory ruling forbids. The last issue is that the reasonable-time order can become, basically, a fixed deadline. The court should not suggest a particular period or regard the elapse of a particular date as sufficient. The reasoning should make clear why this specific case requires intervention.

6.2 Separation of powers and the consequences of judicial directions

The strongest objection regarding the separation of powers concerns the concept of deemed assent. According to Article 200 of the Constitution, assent forms part of the constitutional process. Treating a Bill as though it had been granted assent when in fact the Governor has not given assent entails the use of a judicial ruling in place of the process established in the Constitution. The verdict given in the November 2025 case reiterated that Article 142 does not allow for the use of judicial determination instead of using the constitutionally allowed powers of the Governor.

Similar arguments can be made in the case where the court orders the Governor to assent to a Bill even when other means are constitutionally available to him. Such an order would go beyond requiring the act to be done and try to determine the outcome of the act being subjected to judicial review.

However, separation of powers does not imply that the courts do not speak when there is any instance of constitutional inaction. Thus, limited mandamus, requiring the Governor to perform the act without going into the issues of substance, can respect separation of powers. The court does not perform the function assigned to the Governor while enforcing the requirement of acting. It is worth noting that the reasonableness of such order depends largely on its scope.

The court must identify the failure with reasons that meet the yardstick set in the advisory opinion; and the only relief offered ought to be minimally required. It must not prescribe the constitutional option that appears to it as best, nor continue to monitor the merits after action

has been taken by the Governor.

The distinction shall lie between judicial control over the end of that constitutional process and judicial enforcement of that process. The former would intrude upon the function entrusted to the Governor; the latter may be substantiated in cases where an extraordinary level of inaction inhibits the effectuation of such a constitutional process. The barrier has to be sustained for a defensible theory of judicial review under Article 200.

7. CRITICAL ANALYSIS AND THE WAY FORWARD

7.1 Addressing indefinite delay: constitutional amendment, conventions and procedural safeguards

The question of how courts can spot unconstitutional inaction while properly respecting the decision of the Court in relation to the demands for fixed deadlines. The answer must allow for the constitutionally permissible options for the Governor, must deal with stopping implied acceptance and must prevent limited mandamus from turning into an overall timeline established by a judicial order.

Standard for mandamus based on facts. In order to make the right decision regarding the necessity of intervention, courts must use the following four criteria.

The first part is concerned with the length of time and procedural history of the Bill. The date the Bill was presented, any return regarding it, reconsideration by the Legislature and any other communications can show how the process was conducted. Nevertheless, although duration is important, it should not work as a reason for automatic intervention.

Secondly, the court will need to look into the explanation for delay. If the delay has any constitutional reasoning, it will be fine, while if it has no explanation, it can be assumed that the process is currently stalled. However, the analysis should not be connected with either the merits of the Bill or history.

As a third point, the court must determine the effects of continuing the pendency of the case. It must discern whether the lack of decision-making inhibits the legislative process from achieving a constitutionally valid legislative outcome. This issue must not be interpreted as presuming legislative inevitability.

The need for relief and the extent associated with it must be determined. The order should pertain to inaction but must not demand proactive works and restrictions. While the remedy is the same as the assumed approval, the order should be declined. The aforementioned factors must be the basis for reasoning rather than being constructed into the checklist.

The court shall look at the situation in the aggregate and give a justification for prolonged, unclear, and indefinite inaction. Conventions of Action. There can be practices established between the Center and States for monitoring the status of legislation requesting assent. The monitoring will demonstrate when the legislation has been presented, the constitutional way of approval, and the current status.

There can be a convention between the Union and the States with regard to tracking the progress of Bills that are presented for assent. The tracking would indicate the date of presentation, the constitutional option and the status of the Bill. This would help in the process of differentiating between pending cases and those without clarity.

A convention could also help improve communication in situations involving the need for more information. However, it must not create a constitutional option or demand the disclosure of confidential talks. Its goal must simply be to ease the uncertainty and provide the evidence should judicial assistance be required. It should be remembered that a convention does not guarantee compliance, either. Its value is based on the practice of institutions. So it can be a partial remedy only.

If the branches of government decide that there is a need for a common rule in this regard, it would be more reasonable to amend the Constitution since the amendments should deal with the timing of decisions referred to in Clauses in Article 200.

Any modifications would require significant caution. Certain Bills can raise complicated issues relating to competencies for enacting laws, inconsistencies, and constitutional rights. This should include aspects regarding the application of extraordinary situations, communication needed, and the interrelatedness of the Governor's decision and the President's actions under Article 201.

The relationship between Articles 200 and 201. Any changes should consider presidential processing too. A Bill that has been sent to the President involves different institutional issues

than a Bill which is still with the Governor. Measures that address only the Governor's response would fail to solve the delay issue arising from Article 201. The advisory opinion argues against the establishment of timelines for the President by the courts.

An immediate answer should be a rational, fact-based implementation of limited mandamus. Processual approaches can boost transparency in the sector, while an amendment to the Constitution can come into play later if the legislative bodies feel the necessity for a uniform rule. These approaches solve the problem of delays without bringing back the solutions that the Supreme Court rejected earlier.

8. CONCLUSION

The issue of the Presidential Assent to State Bills is related to the question of the extent of judicial oversight over the executive. As laid down in Article 200, the Governor has choices and options regarding the dispatch of a non-Money Bill back to the legislature for consideration again. But it also does not entail an explicit right of not signing the Bill for an unlimited time without complying with the procedure mentioned previously.

In addition, despite the fact that there is no universal duration prescribed in the law, the situation prevents the courts from establishing a uniform period of time or applying any other measures. The judgment delivered in the case of *State of Tamil Nadu v. Governor of Tamil Nadu* aimed at limiting the impact of inaction on the legislative process. The application of fixed timelines and deemed assent led to many concerns regarding the issue of the judiciary taking over the constitutional assignment of a certain body.

The question is how the remedy can be imposed without implying the restrictions that the Court has established. It is recommended that Courts analyse the procedural history of the Bill, the explanation for delay, the consequences of further delays, and the need for the relief.

The courts should require a remedy to be put into effect as soon as constitutional compliance is secured, although permitting the Governor to select one of the permissible ways of acting. It is not complete surrender of judicial powers nor full exercise of them. Rather, it is a prudent limited review of extreme inactivity with reasonable procedures where necessary and constitutional modification whenever it is possible.