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# **JUDICIAL TIMELINES AND EXECUTIVE ASSENT: ANALYZING THE SUPREME COURT'S DIRECTIVE ON PRESIDENTIAL ASSENT AND THE INVOCATION OF ARTICLE 143**

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## **ABSTRACT**

In recent months, a landmark development has stirred public and legal debate in India's constitutional landscape. On April 8, 2025, the Supreme Court of India delivered a significant judgment that directly addressed the persistent issue of delays by constitutional authorities—especially the President and Governors—in granting assent to state bills. Recognising the impact such delays can have on the functioning of state governments and democratic processes, the Court held that the President must decide on bills reserved under Article 201 of the Constitution within a reasonable time, specifically within three months.

What followed added a new dimension to the debate. In a rare constitutional move, President Droupadi Murmu invoked Article 143(1) of the Constitution, seeking the Supreme Court's advisory opinion on whether the judiciary has the authority to fix such time limits for the President. This referral has raised important questions about the separation of powers, the independence of constitutional offices, and the balance between judicial directions and executive discretion.

This paper aims to explore the legal and constitutional implications of the Supreme Court's judgment and the President's response. It analyses the relevant provisions of the Constitution, examines past judicial pronouncements and expert commission recommendations, and considers the broader significance of this case for Indian federalism. Through this research, the paper argues that while ensuring efficiency and accountability in governance is essential, it must be carefully balanced with the principles of constitutional autonomy and institutional respect.

## Introduction

India's constitutional framework is built on a careful division of powers among the legislature, executive, and judiciary, with checks and balances intended to maintain democratic governance and prevent the abuse of authority. Among these checks is the mechanism that allows the President and Governors to withhold or grant assent to bills passed by Parliament or State Legislatures under Articles 111 and 200–201 of the Constitution. However, in practice, the increasing delays by Governors and the President in acting upon state bills have raised serious concerns regarding legislative paralysis and executive inaction.

One of the most recent and significant interventions came on **April 8, 2025**, when the **Supreme Court of India**, in *State of Tamil Nadu v. Governor of Tamil Nadu*, laid down a strict timeline of **three months** for the President to take a decision on bills reserved for consideration under **Article 201** of the Constitution [1]<sup>1</sup>. This was in response to long-pending state legislation being held up without any formal communication or decision from the constitutional heads, thereby frustrating the legislative will of democratically elected state governments.

The Court emphasized that while the President acts on the aid and advice of the Union Council of Ministers under Article 74, this process cannot be used as an excuse to indefinitely delay the enactment of legislation passed by state legislatures. The Court also hinted that such delays may be judicially reviewable if found to be arbitrary or unreasonable, citing the broader principle that “**constitutional authorities must act within a reasonable time**” to maintain the efficacy and integrity of democratic governance [2]<sup>2</sup>.

In a historic move that followed this judgment, **President Droupadi Murmu** invoked **Article 143(1)** of the Constitution—an almost rarely used provision which allows the President to seek the advisory opinion of the Supreme Court on questions of law or fact of public importance [3]<sup>3</sup>. The President referred as many as **14 questions** related to the constitutionality and limits of judicial directions that prescribe timelines for constitutional authorities such as the Governor

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<sup>1</sup> Supreme Court of India. *State of Tamil Nadu v. Governor of Tamil Nadu*, Judgment dated April 8, 2025.

<sup>2</sup> "President Should Decide on Bills Reserved for Consideration by Governor Within 3 Months: SC," *The Statesman*, April 12, 2025.

<sup>3</sup> "President Murmu Invokes Article 143(1) to Seek SC's Opinion on Deadlines for Assent," *The Economic Times*, May 15, 2025

and the President. This has set the stage for a fresh constitutional dialogue on the limits of judicial oversight and the scope of executive discretion.

This paper examines the constitutional tensions that have emerged from this development. It traces the evolution of Articles 200 and 201, considers past precedent and scholarly opinion, and assesses whether judicial timelines enhance accountability or risk upsetting the foundational principle of separation of powers. The paper also reflects on the symbolic and legal significance of the President's invocation of Article 143 and what it may signal for the future of India's federal democracy.

### **The Supreme Court's April 8, 2025 Judgment: A Turning Point in Constitutional Governance**

The Indian Constitution is a living document made to grow with the needs of society and support democratic ideals. One of its cornerstones is the clear separation of powers among the lawmakers, administration, and courts. However, when constitutional authorities delay or refuse to perform their tasks, it risks making democracy organisations dysfunctional. The April 8, 2025 decision of the Supreme Court in *State of Tamil Nadu v. Governor of Tamil Nadu* stands as a strong reaffirmation of constitutional accountability, directly addressing the problem of indefinite delays in giving assent to bills passed by elected state governments.

### **The Genesis of the Dispute**

The court fight began with a clash between the Tamil Nadu Legislative Assembly and the Governor of the state. The Assembly, between 2020 and 2023, passed several important bills—many of which focused on educational changes, such as curbing the role of the Governor in the appointment of Vice-Chancellors in state colleges. These bills were sent to the Governor for approval under Article 200 of the Constitution.

Rather than making a quick choice, the Governor neither assented to, withheld, nor returned the bills. In constitutional words, this is neither acceptable nor justifiable. After a long and unexplained silence, in November 2023, the Governor delayed approval to ten bills and reserved two others for the President under Article 200, without sharing the reasons behind such actions. The Legislative Assembly reacted by re-passing the ten bills, expecting constitutional obedience. But the Governor again reserved all ten for the President's review,

leading the Tamil Nadu government to approach the Supreme Court, accusing the Governor of stalling freely passed legislation.

This was not an isolated case. Across different states—Punjab, Kerala, Telangana—similar complaints were being aired about gubernatorial inaction. These delays were increasingly being seen not merely as constitutional formalities but as politically driven tools to obstruct state government. The Tamil Nadu case thus became a gathering point for a much-needed clarification of the Governor's and President's duties under Articles 200 and 201 of the Constitution.

### **The Supreme Court's Findings**

In a unanimous and strongly-worded verdict, a Constitution Bench of the Supreme Court delivered what is now considered a landmark judgment on the subject of constitutional responsibilities and timelines for assenting to bills. The Court's approach was notable for its emphasis on constitutional morality, cooperative federalism, and democratic accountability.

### **No Unlimited Discretion for Governors**

The Court made it clear that the Governor is not a parallel power center or an independent veto-wielding authority. Once a bill is passed by the Legislative Assembly and, if necessary, re-passed, the Governor must act in accordance with the aid and advice of the Council of Ministers, as mandated under Article 163. The Governor's discretion under Article 200 is extremely limited and does not permit indefinite delays.

The Court referred to *Shamsher Singh v. State of Punjab*<sup>4</sup>, where it was held that the Governor is a constitutional figurehead who must act on ministerial advice in nearly all situations. Therefore, the Governor's actions in reserving the bills twice—after they were re-passed—without valid justification, were deemed unconstitutional.

### **Reasonable Timelines are Constitutionally Implied**

One of the most important aspects of the judgment was the Supreme Court's imposition of a *"reasonable timeframe"* for constitutional action. The Court held that constitutional

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<sup>4</sup> *Shamsher Singh v. State of Punjab*, (1974) 2 SCC 831

authorities are not permitted to sit on files indefinitely. It emphasized that the spirit of the Constitution demands timely action, especially when inaction can undermine the will of elected representatives.

The Court referred to *S.R. Bommai v. Union of India*<sup>5</sup>, (1994) 3 SCC 1, where it was emphasized that federalism is a part of the basic structure of the Constitution. Delays by the Governor in this case, the Court held, infringed on the autonomy of the state government.

Invoking Article 142 of the Constitution, the Court even went a step further and deemed the ten bills re-passed by the Assembly as having received deemed assent, citing the unconstitutional nature of the delay.

### **President's Role under Article 201 also Time-Bound**

The judgment also laid down that the President, when a bill is reserved under Article 201, must not indefinitely postpone decision-making. The Court held that the President—like the Governor—must act within **three months** of the bill being reserved. Although the President acts on the aid and advice of the Council of Ministers under Article 74, the Court underscored that such executive action must remain accountable and reasonable.

This was a powerful assertion of judicial oversight over executive action (or inaction), marking an evolution in the jurisprudence on Articles 74, 200, and 201.

### **Reinforcement of Judicial Review**

The Supreme Court reiterated that inaction by constitutional authorities is subject to judicial review. In *Union of India v. R. Gandhi*<sup>6</sup>, the Court had previously held that constitutional functionaries, even if vested with discretionary powers, must exercise them in line with constitutional principles and within reasonable timeframes.

This reinforced the idea that constitutional offices are not immune from scrutiny, especially when their delays or decisions affect the functioning of democracy.

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<sup>5</sup> *S.R. Bommai v. Union of India*, (1994) 3 SCC 1

<sup>6</sup> *Union of India v. R. Gandhi*, (2010) 11 SCC 1

## Consequences of the Judgment

The immediate legal effect of the judgment was that the ten Tamil Nadu bills were treated as having received assent. But its wider consequences are even more impactful.

**FIRST**, it sent a message to Governors across the country that they cannot act arbitrarily or politically in discharging their constitutional functions. It reaffirmed the idea that they are not political watchdogs for the central government but constitutional figures who must uphold the democratic will of the states they represent.

**SECOND**, by prescribing a three-month timeline for the President under Article 201, the Court introduced a degree of administrative discipline in a space that had previously been unregulated.

**THIRD**, the invocation of Article 142 to “deem” assent in case of constitutional inaction opened new doors to judicial remedies in cases of executive delay. While some critics view this as overreach, others see it as a necessary assertion of judicial authority in the face of constitutional paralysis.

## Response from the Union and the President’s Reference under Article 143

Unsurprisingly, the judgment led to sharp debates across legal and political circles. The Union government expressed concerns that the judiciary had overstepped its bounds by prescribing deadlines and deeming assent. In a historic move, President Droupadi Murmu invoked **Article 143(1)** of the Constitution—seeking the Supreme Court’s advisory opinion on whether such judicial directions can bind constitutional authorities like the President or the Governor.

The Article 143 reference framed *fourteen questions*, including whether the Court could validly prescribe timeframes for the President and whether “deemed assent” violates the constitutional scheme. This is only the **third time since independence** that Article 143 has been invoked to refer a matter concerning constitutional functionaries.

This move reflects a deeper institutional tension between the executive and judiciary—raising profound questions about the limits of judicial review, the autonomy of constitutional offices, and the contours of democratic governance in India.

The April 8, 2025 judgment is not merely about Tamil Nadu or its bills. It is about the sanctity of the legislative process, the accountability of constitutional offices, and the judiciary's evolving role as a guardian of democratic values. By enforcing reasonable timeframes and reinforcing federal values, the Supreme Court attempted to restore balance and integrity to the constitutional scheme. The coming months, especially in light of the Article 143 reference, will determine whether this balance holds or whether it invites a larger constitutional reckoning.

### **Precedents and Recommendations**

The relationship between the Indian judiciary, the executive, and constitutional functionaries like the Governor and the President has long been a source of both strength and friction in our constitutional democracy. When the Supreme Court delivered its landmark judgment on April 8, 2025, directing Governors and the President to act within reasonable timeframes on bills passed by state legislatures, it did not merely interpret the Constitution—it compelled the nation to confront the inefficiencies and political delays that had quietly crept into the legislative process.

This chapter seeks to place that judgment within a broader historical and constitutional framework, drawing on precedents and legal scholarship, and offering clear recommendations to preserve the integrity of the Indian democratic process.

#### **A. Judicial Precedents – Setting the Stage for Accountability**

India's Constitution does not explicitly mention how long a Governor or the President may take to decide on a bill. But the judiciary has, over time, interpreted constitutional silences in the interest of responsible government and democratic ethics.

One of the foundational cases in this regard is *Shamsher Singh v. State of Punjab*<sup>7</sup>, where a seven-judge bench of the Supreme Court held that the President and the Governors are bound to act on the aid and advice of their respective Councils of Ministers. The Court famously remarked, "We declare no doubt that the President and the Governor are only constitutional heads."

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<sup>7</sup> *Shamsher Singh v. State of Punjab*, (1974) 2 SCC 831

This decision was revolutionary in the sense that it dismantled the myth of executive discretion as being independent or sovereign. It firmly placed political accountability in the hands of elected representatives. Despite this, in practice, Governors—often seen as representatives of the Centre—have occasionally exercised delay tactics that indirectly amount to legislative vetoes, particularly when the political party in power in the state is different from that at the Centre.

In *S.R. Bommai v. Union of India*<sup>8</sup>, another Constitution Bench held federalism to be part of the basic structure of the Constitution. While the case dealt with the misuse of Article 356, its relevance here lies in the Court's emphasis on the centrality of state governments and their legislatures in a federal democracy. If a Governor—who is supposed to function as a neutral constitutional head—delays or withholds assent arbitrarily, it disrupts this federal balance.

Furthermore, in *Union of India v. R. Gandhi*<sup>9</sup>, the Supreme Court stated that even discretionary powers conferred upon high constitutional authorities must be exercised in accordance with the rule of law. This principle supports the view that discretion is not unbridled, and that its abuse or misuse is subject to judicial correction.

These cases, while not dealing directly with the assent process, collectively reinforce the idea that all constitutional functionaries are bound by democratic norms, constitutional conventions, and above all, accountability.

### **The April 2025 Judgment – A Judicial Intervention Against Legislative Paralysis**

The April 2025 decision in *State of Tamil Nadu v. Governor of Tamil Nadu* took these principles forward in a very tangible way. The Governor's prolonged delay in acting on state bills, and the subsequent reservation of all bills without offering justifications, was declared unconstitutional. By invoking Article 142 to declare the bills as having received "deemed assent," the Court made a strong point: constitutional processes cannot be held hostage to political agendas or bureaucratic lethargy.

This was not judicial overreach; it was judicial duty. Inaction, particularly by high constitutional offices, has real consequences. It delays reforms, stifles the legislative will of

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<sup>8</sup> *S.R. Bommai v. Union of India*, (1994) 3 SCC 1

<sup>9</sup> *Union of India v. R. Gandhi*, (2010) 11 SCC 1



elected representatives, and shakes public confidence in democratic institutions.

In this context, the judgment becomes a natural evolution in the jurisprudence of constitutional functionaries. By prescribing a three-month timeframe for the President and Governor to act on bills, the Court recognized that “reasonable time” must mean something definite, else it remains a tool for indefinite delay.

Legal scholars such as Dr. G. Mohan Gopal have argued in journals like *Indian Constitutional Law Review* that the misuse of gubernatorial discretion is often a “backdoor centralization of powers,”<sup>10</sup> which goes against the spirit of cooperative federalism.

### **The Article 143 Reference – A Tussle Between Branches of Government**

In a rare move, the President of India invoked Article 143(1) of the Constitution shortly after the judgment, referring a set of fourteen questions to the Supreme Court. Among these was the core question: Can the judiciary impose timelines on constitutional functionaries like the President or Governor, whose powers are not explicitly time-bound in the text of the Constitution?

This marks only the third time in India’s post-independence history that the President has sought the Supreme Court’s advisory opinion on a question of such national importance. The move is being seen by some as a pushback by the executive branch—an attempt to reclaim interpretive control over constitutional silences.

The upcoming advisory opinion will likely become another milestone in Indian constitutional history, clarifying the boundary between judicial activism and constitutional supremacy.

### **Recommendations – Towards A More Responsive Constitutional Machinery**

India’s Constitution is both rigid and flexible. While it safeguards federalism and representative government, it also leaves space for conventions to evolve. However, where conventions have failed—as in the present case—it becomes necessary to consider structural reforms.

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<sup>10</sup> Gopal, G. Mohan. “Revisiting Gubernatorial Discretion,” *Indian Constitutional Law Review*, Vol. 11, 2023

## **Codification of Timelines in the Constitution**

There is a strong case for amending Articles 200 and 201 to include explicit timelines. A fixed period—such as 60 or 90 days—for the Governor or President to act would prevent delays and ensure legislative certainty.

Scholars like Prof. T.K. Viswanathan (in *NUJS Law Review*, 2016) have long advocated for such amendments, arguing that clarity in procedure strengthens constitutional governance rather than diluting it.<sup>11</sup>

## **Mandatory Reason-Giving for Withholding or Reserving Bills**

Governors and the President should be constitutionally obligated to provide written reasons for returning or reserving bills. Not only does this promote transparency, but it also subjects their actions to a reasonableness check—a key element of administrative law.

This proposal echoes similar recommendations made by the Sarkaria Commission<sup>12</sup> (1988) and the Punchhi Commission<sup>13</sup> (2010), both of which had noted that the misuse of the Governor's office needed institutional safeguards.

## **Institutional Mechanism for Inter-Governmental Dispute Resolution**

Much of the current conflict arises because there is no institutional space where state and central governments can meaningfully discuss such issues. A permanent inter-governmental council with representation from the judiciary could act as a constitutional mediator before matters reach litigation.

## **Strengthening the Norms of Constitutional Conventions**

In countries like the United Kingdom and Canada, constitutional conventions—though unwritten—are treated with the seriousness of law. India must develop a culture of respecting conventions, especially when they relate to the conduct of constitutional functionaries. Legal

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<sup>11</sup> Viswanathan, T.K., “Constitutional Gaps and Delays in Assent,” *NUJS Law Review*, Vol. 9, Issue 2, 2016.

<sup>12</sup> Sarkaria Commission Report (1988), Government of India.

<sup>13</sup> Punchhi Commission Report (2010), Government of India

education, public discourse, and parliamentary debates must reinforce these conventions, making them part of the living constitutional fabric.

India's Constitution, though a meticulously drafted document, does not—and cannot—codify every nuance of democratic governance. Like other mature democracies, India also relies on constitutional conventions—unwritten but widely accepted practices that guide the behavior of constitutional authorities. These conventions, though not enforceable in the strict legal sense, are vital to ensuring smooth and ethical functioning of the State. In fact, B.R. Ambedkar himself acknowledged that the success of the Constitution would ultimately depend not only on its legal text but on the spirit in which it is operated.

Unfortunately, in the Indian context, these conventions are often neglected, undermined, or selectively followed, especially by constitutional functionaries such as Governors. The recent spate of gubernatorial inaction—particularly the deliberate withholding or delaying of assent to state bills—illustrates a stark erosion of these democratic norms. In such cases, though the Constitution may not provide a rigid timeline, the convention that assent must be granted or acted upon within a "reasonable time" has long existed.

### **Way Forward**

The April 2025 judgment was a critical moment of constitutional correction. It did not invent new powers for the judiciary but enforced long-standing principles of democratic accountability. However, unless the judgment is followed by systemic reforms, the same issues are likely to reappear.

Constitutional conventions are the unwritten soul of a democratic Constitution. While the text gives us the structure, it is the convention that lends it legitimacy, smooth functioning, and trust. In the Indian context, restoring respect for these conventions is not just an academic need—it is a democratic imperative.

In a polity as diverse and politically competitive as India, formal mechanisms often fall short. That is where conventions step in, ensuring that power is exercised with restraint, dignity, and a sense of constitutional responsibility. The failure to respect these conventions—especially by Governors and other functionaries—does not just delay governance; it corrodes the moral architecture of the Republic.

As Justice Krishna Iyer once said, "The Constitution is not a mere lawyer's document, it is a vehicle of life, and its spirit is always the spirit of the age." Let the spirit of this age be one of accountability, maturity, and respect for democratic conventions.

Constitutional governance requires that all actors—Parliament, the judiciary, the executive, and constitutional authorities like Governors—perform their duties within the bounds of reason and responsibility. Only then can India's constitutional democracy remain robust, resilient, and truly representative of the people it serves.

## Analysis

*"Dharma is not just law; it is the higher path of justice, truth, and duty."*

### A. Reaffirming Constitutional Dharma in Modern Governance

The Supreme Court's April 2025 judgment directing Governors and the President to act within a reasonable time on state legislation is not merely a judicial assertion—it is a moral reckoning with constitutional *dharma*. In the Indian philosophical tradition, *dharma* signifies rightful duty, moral order, and responsible conduct. When adapted to modern governance, *dharma* translates into accountability, restraint, and service to the people.

Our Constitution, while secular and modern, is steeped in this ethic. Article 51A introduces Fundamental Duties—not enforceable in court, yet powerful in moral character. In many ways, the duties of high constitutional functionaries are analogous. They are not always reducible to statutory mandates, yet they are deeply rooted in constitutional conventions and moral obligations.

When a Governor withholds assent to a bill for months without explanation, or the President sits on advice from the Council of Ministers, it is not just a procedural delay—it is a breach of constitutional *dharma*. As Justice Krishna Iyer once noted, "*Discretion, when not bound by constitutional conscience, becomes despotism.*"<sup>14</sup>

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<sup>14</sup> Krishna Iyer, V.R., "Law and Dharma," Journal of the Indian Law Institute, Vol. 27, No. 1, 1985.

## Jurisprudential Foundations of Active Constitutionalism

The 2025 judgment is a continuation of the evolving doctrine of **active constitutionalism**, where the judiciary doesn't merely interpret the Constitution as a static text, but as a living document that must function effectively in the real world.

This approach is not new. In *Kesavananda Bharati v. State of Kerala*<sup>15</sup>, the Supreme Court held that the **basic structure of the Constitution** cannot be altered even by constitutional amendment. Federalism, democracy, and the rule of law were all identified as basic features. It logically follows that the subversion of democratic functioning—such as through executive delays in granting assent—violates the basic structure.

Similarly, in *S.R. Bommai v. Union of India*<sup>16</sup>, the Court emphasized that federalism is not a gift from the Centre to the states; it is a constitutional mandate. If the Governor, who is meant to be a neutral bridge between the Centre and the State, begins obstructing the legislative process, it offends this federal equilibrium.

What the Court did in 2025, therefore, is not judicial adventurism. It was a necessary act of **constitutional course correction**, compelled by repeated abuses and omissions. As Professor Upendra Baxi reminds us in his writings on *constitutional morality*, “Where conventions fail, courts must step in to reinstate trust in the rule of law.”

## Dharma vs. Discretion: A Clash of Constitutional Ethics

Much of the dispute underlying the 2025 controversy stems from **discretionary powers**. Articles 200 and 201 do not fix a deadline for assent. Article 74, while requiring the President to act on ministerial advice, also includes provisions for the President to seek reconsideration. Does this imply limitless discretion?

The answer lies in ethical restraint. In Indian jurisprudence, discretion is never absolute. It is subject to the principles of **reasonableness**, **proportionality**, and **non-arbitrariness**—all cornerstones of Article 14 of the Constitution. In *EP Royappa v. State of Tamil Nadu*<sup>17</sup>, the

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<sup>15</sup> *Kesavananda Bharati v. State of Kerala* [(1973) 4 SCC 225]

<sup>16</sup> *S.R. Bommai v. Union of India* [(1994) 3 SCC 1]

<sup>17</sup> *EP Royappa v. State of Tamil Nadu* [(1974) 4 SCC 3]

Court held that arbitrariness is antithetical to equality. This principle applies to constitutional authorities as much as it does to bureaucrats or police officers.

From the perspective of Indian dharmic philosophy, discretion must be yoked to **duty**, not **ego**. The *Mahabharata* contains countless episodes where kings and warriors are tested not by their might but by their fidelity to *dharma*. A Governor's test, likewise, is not whether they can delay a bill, but whether they should. That moral compass must guide their action, especially when legal silence prevails.<sup>18</sup>

### **Institutional Integrity and Trust in the Constitution**

Constitutional governance rests on a fragile but vital foundation: **trust**. The public must trust that elected governments will be allowed to function. That the President and Governors, while unelected, will act as dignified custodians—not partisan gatekeepers. The judiciary must inspire confidence that it will intervene only when absolutely necessary, and not as an alternative government.

The April 2025 verdict attempts to restore this balance. It recognizes that when one arm of the State fails, the others must rise—not in competition, but in **collaboration**, to uphold the Constitution. This is consistent with the constitutional theory of **checks and balances**, where each branch corrects the excesses of the other to maintain equilibrium.<sup>19</sup>

Scholar and jurist Professor Madhav Khosla, in his acclaimed work *India's Founding Moment* (2020), explains that the founders of the Indian Constitution designed institutions “not for ideal conditions, but for situations where abuse was likely.”<sup>20</sup> It is precisely such foresight that justifies judicial intervention when Governors or Presidents act against the spirit of constitutional democracy.

### **International Parallels and Lessons**

Even in mature democracies, delays by titular heads of state in giving assent are rare. In **Australia**, the Governor-General usually assents within days. In **Canada**, the conventions are

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<sup>18</sup> Krishna Iyer, V.R., “Law and Dharma,” *Journal of the Indian Law Institute*, Vol. 27, No. 1, 1985.

<sup>19</sup> Granville Austin, *The Indian Constitution: Cornerstone of a Nation*, Oxford University Press, 1999.

<sup>20</sup> Madhav Khosla, *India's Founding Moment: The Constitution of a Most Surprising Democracy*, Harvard University Press, 2020.

so strong that no bill has ever been withheld. The **UK**, despite having no written Constitution, relies heavily on **constitutional conventions**—which are treated with binding respect.

India's crisis, therefore, is not one of law but of **institutional culture**. The lesson from other democracies is clear: where text ends, *trust* begins. And where trust is broken, judicial reminders of *dharma* are inevitable.

### **The Way Forward: Reclaiming Dharma in Public Life**

The key challenge now is not merely compliance with the judgment, but internalisation of its message: constitutional offices are seats of *service*, not *power*. To reclaim *dharma* in public life, India must:

- **Institutionalize conventions** by codifying timelines and norms for gubernatorial and presidential action.
- **Encourage constitutional education** at all levels, from schools to civil services.
- **Foster civic vigilance**, where civil society calls out constitutional violations.
- **Demand accountability**, through media, Parliament, and the courts, for misuse of discretionary powers.

In short, we must return to the founding ideals that guided India's constitutional architects—ideals rooted in both Western liberalism and Indic philosophy. A Constitution is not just a rulebook; it is a moral contract between State and citizen.

In the epic of governance, not all villains are visible. Sometimes, inaction is as harmful as overreach. The Supreme Court's April 2025 judgment reminds us that democracy dies not just in the shouts of authoritarianism, but also in the silences of dereliction. The rule of law, federalism, and democratic will are not merely phrases—they are living embodiments of constitutional *dharma*.

To uphold this *dharma* is not the job of the judiciary alone, but of every actor in the constitutional drama. As we move forward, let us remember the simple yet profound principle

from the *Gita*—“*Yogah karmasu kaushalam*”—meaning **Excellence in action is yoga**<sup>21</sup>. So too is *dharma* in governance.

## Conclusion

To uphold this *dharma* is not the job of the judiciary alone, but of every actor in the constitutional drama. As we move forward, let us remember the simple yet profound principle from the *Gita*—“*Yogah karmasu kaushalam*”—meaning **Excellence in action is yoga**<sup>22</sup>. So too is *dharma* in governance.

The Supreme Court’s recent decision directing the President and Governors to act within a “reasonable time” on pending bills is a very important moment in India’s constitutional history. This judgment comes from a place of real concern because delays in giving assent to laws can harm democratic functioning. However, while the Court’s intention is understandable and commendable, the judgment also raises important questions about the limits of judicial power and the proper role of the President as the top constitutional authority.

The President of India is not just a ceremonial figure or a rubber stamp. The Constitution gives the President a special position — the highest constitutional office in the country. Although the President usually acts on the advice of the Council of Ministers under Article 74, the office was created to act as a guardian of the Constitution. The President’s role is one of dignity, restraint, and responsibility, especially in exceptional or difficult situations. Similarly, Governors represent the Union in states and have a duty to protect constitutional order. They are supposed to act as neutral custodians, not as political players who delay laws for partisan reasons.<sup>23</sup>

The Supreme Court may have gone beyond its usual function by urging the President and Governors to operate under set deadlines. Under Articles 111, 200, or 201, the Constitution does not define certain deadlines for granting assent. This is deliberate, not an accident. The framers intended to give these offices some latitude and discretion so they may exercise their judgement and conscience. Based on constitutional knowledge, their duties are not designed to be mechanical or automated.

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<sup>21</sup> The Bhagavad Gita, Chapter 2, Verse 50 – “*Yogah karmasu kaushalam*.”

<sup>22</sup> The Bhagavad Gita, Chapter 2, Verse 50 – “*Yogah karmasu kaushalam*.”

<sup>23</sup> Rai Sahib Ram Jawaya Kapur v. State of Punjab, AIR 1955 SC 549.



The Court's function is to apply the Constitution and make sure laws are observed. It is not meant to directly affect how Presidents or Governors carry out their responsibilities, however. They are distinct government entities each with their own rights and obligations. When the judiciary starts putting timelines on these constitutional responsibilities, it risks disrupting the delicate balance of power intended by the Constitution.

Also, the President has the power to ask the Supreme Court for advice under Article 143, and in this case, the President did invoke that power. This shows the President's active constitutional role and the respect the office holds within the system<sup>24</sup>. The President is not powerless or just a figurehead; the office is meant to be a protector of the Constitution.

If delays in giving assent are causing problems, the best way to fix this is through Parliament, not the courts. Parliament can pass laws to set clear timelines or formalise conventions around assent. Judicial intervention, while sometimes necessary, should be cautious so as not to overstep and interfere with the executive's constitutional functions.

India's democracy is still maturing, and trust between its institutions is crucial. The Court's decision sends a strong message that no one office can hold up the democratic process indefinitely<sup>25</sup>. But it also reminds us that every part of government must respect the roles and limits of the others.

Ultimately, what India needs most is a fresh resolve from all constitutional functionaries — the President, Governors, ministers, and judges — to behave properly and with respect for the Constitution. This responsibility should come not because they fear legal orders but because they realise their commitment to the country and its citizens.

If the delays in gubernatorial or presidential assent are actually damaging democratic administration, the proper forum for adjustment is Parliament, not the courts. The Constitution can be modified to incorporate timelines, as some have suggested, or Parliament may legislate to codify constitutional conventions. But the court must be mindful not to fill every vacuum with judicial creativity.

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<sup>24</sup> Rajeev Dhavan, "The Supreme Court and Parliamentary Sovereignty," Seminar, Issue 531, November 2003.

<sup>25</sup> P.B. Mehta, "The Indian Judiciary: The Counter-Majoritarian Dilemma," Journal of Democracy, Vol. 18, No. 2, 2007.

Our democracy, while healthy, is still evolving. Institutional faith cannot be developed by judicial directives alone. What we need is a restoration of constitutional morality, not judicial paternalism. Constitutional officials must act with self-restraint, integrity, and in service of the public trust. But they must do so out of constitutional conviction—not because they are under court monitoring.

In closing, this verdict provides a mirror to our constitutional conscience. It underscores our fears about democratic backsliding and executive misuse. But mirrors must reflect, not mislead. The Supreme Court, in trying to right an error, has possibly overcorrected. The Constitution is not a judicial playground; it is a shared moral and legal covenant between institutions and people.

Ultimately, it is only when every organ of the State respects the boundaries of its own power—and the dignity of the others—that constitutional administration can thrive.