
GUBERNATORIAL POWER AND DEMOCRATIC BALANCE: ANALYSIS OF STATE OF TAMIL NADU V. GOVERNOR OF TAMIL NADU (2025 INSC 481) AND ITS IMPLICATIONS FOR CENTRE-STATE RELATIONS

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ABSTRACT

This study examines the scope and limits of gubernatorial power in India through a focused analysis of State of Tamil Nadu v. Governor of Tamil Nadu, situating the case within the broader constitutional framework of democratic balance and Centre–State relations. The office of the Governor, conceived as a constitutional link between the Union and the States, has increasingly become a site of contestation, particularly in matters relating to assent to bills, discretionary powers, and perceived political neutrality. The paper analyses the factual background, constitutional provisions, and judicial reasoning in the case, with particular attention to Articles-153, Article-163, Article-200, and Article-201 of the Constitution of India.

It evaluates how the Court's interpretation recalibrates the Governor's role from a discretionary authority to one constrained by constitutional morality, cooperative federalism, and democratic accountability. The study further assesses the implications of the judgment for legislative autonomy of States, limits on executive delay, and the evolving jurisprudence on federal balance. By contextualizing the decision alongside prior Supreme Court rulings on gubernatorial discretion, the argues that the case marks a significant judicial effort to prevent constitutional functionaries from undermining elected state governments.

The findings contribute to contemporary debates on federalism by highlighting how judicial oversight can strengthen democratic governance while preserving the constitutional equilibrium between the Centre and the States.

Keywords: Gubernatorial Discretion, Democratic Balance, Centre- State Relation, Cooperative Relation, Constitutional federalism, Assent to Bill, State Autonomy, Judicial Review

Introduction

The constitutional office of the Governor has long stood at the crossroads of federalism, democracy, and executive accountability in India. Designed as a constitutional head acting largely on ministerial advice, the Governor was envisaged by the framers of the Constitution as a neutral figure who would preserve constitutional continuity rather than exercise independent political authority. However, constitutional practice has repeatedly demonstrated that the office has become a site of friction, particularly in States governed by political parties opposed to the Union government. Delays in granting assent to Bills, selective exercise of discretion, and perceived alignment with central political interests have raised serious concerns regarding democratic legitimacy and federal balance. The Supreme Court's decision in *State of Tamil Nadu v. Governor of Tamil Nadu* (2025 INSC 481)¹ represents a decisive judicial intervention aimed at addressing these concerns and restoring constitutional equilibrium.

This judgment assumes particular importance because it directly confronts the phenomenon of indefinite delay in granting assent to State legislation under Article-200 of the Constitution. By holding that gubernatorial discretion cannot be exercised in a manner that frustrates the will of an elected legislature, the Court has reaffirmed core principles of representative democracy, cooperative federalism, and constitutional morality. This essay undertakes a comprehensive analysis of the judgment, situating it within the broader constitutional framework governing gubernatorial powers, examining relevant judicial precedents, and assessing its implications for Centre–State relations in India's evolving federal structure.

Constitutional Framework Governing the Office of the Governor

The Governor's position is located in Part VI of the Constitution of India. Article-153 mandates the appointment of a Governor for each State, while Article-154 vests the executive power of the State in the Governor to be exercised in accordance with the Constitution. Article-163 establishes the foundational principle that the Governor shall act on the aid and advice of the Council of Ministers, except in so far as he is required by the Constitution to exercise his functions in his discretion. This provision makes it clear that discretionary

¹ *State of Tamil Nadu v. Governor of Tamil Nadu*, 2025 INSC 481.

powers are constitutionally exceptional rather than the norm².

The Governor's role in the legislative process is governed primarily by Articles-200 and 201. Article-200 provides that when a Bill passed by the State Legislature is presented to the Governor, he may give assent, withhold assent, or reserve the Bill for the consideration of the President. Article-201 further provides for presidential consideration of reserved Bills. Notably, the Constitution does not specify a time frame within which the Governor must act, a silence that has historically been exploited to justify prolonged inaction.

Constituent Assembly Debates reveal that this silence was not intended to create an unfettered discretion.

Dr. B. R. Ambedkar clarified that the Governor was not to function as an agent of the Centre, but as a constitutional head bound by ministerial advice, except in narrowly defined situations³. The framers trusted constitutional conventions and democratic norms to guide the exercise of gubernatorial powers. The erosion of these conventions over time has necessitated judicial intervention.

Judicial Evolution of Gubernatorial Discretion

The Supreme Court has, over decades, progressively limited the discretionary space available to Governors.

In *Shamsher Singh v. State of Punjab*⁴, the Court held that the President and Governors are constitutional head.

Who must act on the aid and advice of the Council of Ministers, except in rare circumstances explicitly provided by the Constitution. This decision laid the doctrinal foundation for understanding gubernatorial powers as primarily formal and ceremonial.

The decision in *S.R. Bommai v. Union of India*⁵ marked a turning point in Indian federal jurisprudence by subjecting the President's proclamation under Article-356, often based on

² Constitution of India, Article-163.

³ Constituent Assembly Debates, Vol. VIII, discussion on Draft Article 143 (Governor's role); last visited on 07th Jan -2026)

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

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

the Governor's report, to judicial review. The Court recognized that misuse of gubernatorial discretion could undermine democratic governance and federal autonomy, thereby violating the basic structure of the Constitution.

In *Nabam Rebia v. Deputy Speaker*⁶, the Court further curtailed gubernatorial discretion by holding that the Governor could not summon or advance sessions of the Legislative Assembly without the aid and advice of the Council of Ministers. The Court emphasized that discretionary powers must be exercised sparingly and only in circumstances of constitutional necessity. Similarly, in *Keisham Meghachandra Singh v. Speaker, Manipur Legislative Assembly*⁷, the Court criticized constitutional authorities for unreasonable delays in discharging their duties, observing that constitutional silence cannot be interpreted as a license for inaction.

These decisions collectively reflect a judicial commitment to ensuring that constitutional offices function in a manner consistent with democratic accountability and institutional propriety.

Facts and Background of the Tamil Nadu Governor Case.

The State contended that such indefinite delay amounted to a de facto veto power not contemplated by the Constitution and violated the democratic mandate of the elected legislature. It argued that Article-200 must be interpreted in a manner that prevents constitutional paralysis and preserves the federal balance. The Governor, supported by the Union government, argued that the Constitution imposed no temporal limitation on the exercise of his powers and that discretion under Article 200 was constitutionally protected. Invoking the supreme court's original jurisdiction under Article -131, the state of Tamil Nadu sought judicial clarification on the scope and limits of gubernatorial discretion.

Issues for Determination

The Supreme Court was called upon to determine whether the Governor has the power to indefinitely delay assent to Bills passed by a State Legislature, whether such delay violates

⁶ *Nabam Rebia v. Deputy Speaker*, (2016) 8 SCC 1.

⁷ *Keisham Meghachandra Singh v. Speaker, Manipur Legislative Assembly*, (2020) 2 SCC 1.

constitutional principles of democracy and federalism, and whether the Court could issue guidelines to regulate the exercise of gubernatorial powers under Article-200.

Judgment and Ratio Decidendi

The Supreme Court decisively rejected the notion that the Governor possesses an unlimited power to delay assent. Interpreting Article-200 purposively, the Court held that constitutional powers must be exercised within a reasonable time and in a manner consistent with democratic principles. It observed that indefinite inaction effectively nullifies the legislative authority of an elected Assembly and undermines representative governance.

The Court relied on the doctrine that discretionary powers are exceptions to the general rule of ministerial advice and must therefore be narrowly construed. Drawing upon Shamsher Singh and Nabam Rebia, the Court reaffirmed that the Governor is not an independent political authority but a constitutional functionary bound by democratic norms. The Court further emphasized that constitutional silence regarding timelines cannot be interpreted as granting unreviewable discretion.

Importantly, the Court invoked the concept of constitutional morality, as articulated in *Government of NCT of Delhi v. Union of India*⁸, to hold that constitutional actors must act in good faith, with respect for democratic institutions and federal balance.

Directions Issued by the Court

While refraining from prescribing a rigid timeline, the Court held that the Governor must act within a reasonable period by either granting assent, withholding assent with reasons, or reserving the Bill for presidential consideration¹. Prolonged and unexplained delay, the Court held, would be subject to judicial review. This approach reflects judicial restraint while simultaneously asserting constitutional accountability.

Implications for Centre–State Relations

The judgment has far-reaching implications for Centre–State relations. By limiting the Governor's ability to stall State legislation, the Court has strengthened State autonomy and

⁸ *Government of NCT of Delhi v. Union of India*, (2018) 8 SCC 501.

reaffirmed the principle of cooperative federalism. The decision curtails the use of the gubernatorial office as an instrument of central political control and reinforces the primacy of elected legislatures in a democratic polity.

At a broader level, the judgment contributes to the jurisprudence on federalism as a basic feature of the Constitution. It underscores that federal balance cannot be preserved merely through textual interpretation but requires adherence to constitutional conventions and democratic ethics.

Critical Evaluation

While the judgment has been widely welcomed, certain limitations remain. The absence of a fixed timeline may still permit interpretative ambiguity, potentially leading to further litigation. However, given the constitutional nature of the office, the Court's reluctance to impose rigid deadlines may be justified. The judgment strikes a careful balance between judicial oversight and respect for constitutional autonomy.

From an academic perspective, the decision represents a shift towards substantive constitutionalism, where democratic values and constitutional morality guide interpretation. It reinforces the idea that constitutional offices must function as facilitators of democracy rather than obstacles to it.

Federalism as a Basic Feature and the Governor's Role

Federalism has been consistently recognized by the Supreme Court as a basic feature of the Constitution of India. In *Kesavananda Bharati v. State of Kerala*⁹, the Court held that while Parliament possesses wide powers of amendment, it cannot alter the basic structure of the Constitution, which includes federalism. This understanding was later reinforced in *S.R. Bommai v. Union of India*⁵, where the Court explicitly linked federalism with democratic governance and constitutional accountability. Within this framework, the Governor's office assumes a delicate constitutional position. While formally appointed by the President under Article 155, the Governor is expected to function as a neutral constitutional head within the State, not as an agent of the Union government.

⁹ *H.H. Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225.

The decision in *State of Tamil Nadu v. Governor of Tamil Nadu*¹ implicitly draws upon this basic structure doctrine by recognizing that arbitrary or prolonged gubernatorial inaction disrupts the federal equilibrium. When a Governor delays assent to State legislation indefinitely, the legislative competence of the State under the Seventh Schedule is rendered ineffective in practice, even though it remains intact in theory. Such an outcome, the Court suggests, is incompatible with the constitutional vision of federalism, which requires meaningful autonomy for States within their assigned domains.

The judgment thus reinforces the idea that federalism is not merely a distribution of powers on paper but a functional arrangement that demands good faith cooperation between constitutional actors. The Governor, as a crucial intermediary between the Union and the State, must therefore act in a manner that sustains rather than subverts this cooperative framework.

Articles-200 and Article-201: Scope, Silence, and Constitutional Interpretation

Articles-200 and Article-201, lie at the heart of the Tamil Nadu Governor dispute. Article-200 provides three formal options to the Governor upon presentation of a Bill: assent, withholding of assent, or reservation for presidential consideration. What the provision does not specify is a timeline for exercising these options. The central constitutional question, therefore, concerns the interpretation of this silence. The Supreme Court in the present case adopts a purposive and structural approach to interpretation, rejecting a literalist reading that would permit indefinite inaction.

This interpretative approach aligns with earlier jurisprudence. In *B.P. Singhal v. Union of India*¹⁰, the Court observed that constitutional authorities must exercise their powers in a manner consistent with constitutional values, even when the text grants apparent discretion. Similarly, in *Rameshwar Prasad v. Union of India*¹¹, the Court emphasized that constitutional discretion is subject to judicial review when exercised arbitrarily or *mala fide*.

By holding that the Governor must act within a reasonable time, the Court effectively reads an implied limitation into Article-200. This does not amount to judicial legislation but rather reflects the principle that constitutional provisions must be interpreted harmoniously with

¹⁰ *B.P. Singhal v. Union of India*, (2010) 6 SCC 331.

¹¹ *Rameshwar Prasad v. Union of India*, (2006) 2 SCC 1.

the broader constitutional scheme. Silence in the Constitution, the Court suggests, is not an invitation to constitutional paralysis but a space for responsible constitutional conduct guided by democratic norms.

How Supreme Court answered the President proposed questions

In a verdict that recalibrates the delicate balance of power between Raj bhavans and elected state governments, a five-judge Bench of the Supreme Court delivered its opinion on the 14-point Presidential Reference made by President Drou-padi Murmu in May 2025.¹²

In its opinion, the SC treads a tightrope: it firmly rules that Governors cannot indefinitely sit on Bills, effectively outlawing the "pocket veto", but simultaneously rejects the judiciary's power to impose rigid timelines on constitutional authorities, as was introduced by a two-judge Bench of the court in April. Here's a breakdown of how the court answered some of the following questions raised by President Murmu.

- What are the constitutional option before a Governor when a Bill is presented to him under Article-200?**

Article-200 of the Constitution outlines the process for a Governor to give assent to a bill passed by the state legislature. The SC held that the Governor has three specific options: **to grant assent, to reserve the bill for the President's consideration, or to withhold assent and return the bill to the legislature with comments for reconsider-action**. Crucially, the SC ruled that there is no option to "withhold assent simpliciter"

- the Governor cannot simply refuse to sign a bill and keep it pending.

- Is the Governor bound by the Aid and Advice of the Council of Minister While exercising options under Article-200?**

No. The court ruled that in the specific function of granting assent to bills, the Governor enjoys discretion and is not bound by the advice of the Council of Ministers (as stated in Article-163 of the Constitution).

¹² The Indian Express, Edition on 20th Nov 2025; last visited on 08th-01-2026.

The Bench reasoned that if the Governor were bound by the Cabinet, they could never return a bill for reconsideration, as no government would advise against its own legislation.

- **Is the exercise of constitutional discretion by the Governor under Article-200 justifiable?**

While courts cannot review the wisdom of a Governor's decision, the SC ruled that prolonged, unexplained, and indefinite inaction" is subject to judicial review. If a Governor sits on a bill without taking any decision, the court can direct them to act.

- **Is Article-361 an absolute bar to judicial review in relation to the actions of a Governor under Article-200?**

No. Article 361 grants the President and Governors personal immunity, stating they are not "answerable to any court" for the performance of their duties. The SC held that while this protects the individual, it does not protect the "office" of the Governor from judicial scrutiny regarding constitutional inaction. This immunity cannot be used to shield indefinite delays, the court held.

- **Can timelines be imposed on the Challenge Governor through judicial orders for the exercise of powers under Article-200 by the Governor?**

No. The SC overruled its judgment from April which had set specific timelines of one to three months for a Governor to act on bills. (President Murmu's reference came in response to this judgment). The apex court held that since Article-200 uses the elastic phrase "as soon as possible" rather than a fixed timeframe, it would be inappropriate for the judiciary to prescribe rigid deadlines.

Opinion- that, the court's is balancing act that bars 'pocket veto' but rejects judiciary's power to impose timeline on constitutional posts.

Comparative Constitutional Perspectives

Comparative constitutional analysis further strengthens the reasoning adopted by the Supreme Court. In the United Kingdom, the royal assent to legislation is a constitutional formality, and the possibility of refusal has become obsolete due to entrenched constitutional

conventions. Similarly, in Canada and Australia, the role of the Governor-General or State Governors in legislative assent is largely ceremonial, with constitutional conventions ensuring prompt assent to duly passed legislation.

While India's constitutional framework differs due to its written Constitution and explicit provisions for discretionary powers, these comparative examples illustrate an important principle: in mature constitutional democracies, unelected constitutional heads do not obstruct the legislative will of elected bodies. The Supreme Court's insistence on reasonable timelines and accountability aligns India's constitutional practice with these broader democratic norms.

The Tamil Nadu judgment thus represents an attempt to bridge the gap between constitutional text and constitutional convention, ensuring that formal powers are exercised in a manner consistent with democratic expectations.

The Role of Constitutional Commissions on Governors

Several constitutional commissions have examined the role of the Governor and warned against politicization of the office. The Sarkaria Commission on Centre–State Relations (1988) observed that Governors should not act as agents of the Centre and must scrupulously respect the autonomy of States. It recommended that the Governor's discretionary powers be exercised sparingly and only in exceptional circumstances.

The Punchi Commission on Centre–State Relations (2010) reiterated these concerns, noting that delays in assent to Bills and interference in State administration erode public confidence in constitutional institutions. It recommended the development of clear conventions governing gubernatorial conduct, particularly in legislative matters.

The Supreme Court's judgment in *State of Tamil Nadu v. Governor of Tamil Nadu*¹ can be seen as a judicial endorsement of these long-standing recommendations. By imposing constitutional discipline on the exercise of gubernatorial powers, the Court effectively fills the normative vacuum left by the non-enforcement of commission recommendations.

Democratic Accountability and the Problem of Unelected Authority

A central theme running through the judgment is the tension between democratic accountability and unelected authority. Governors, unlike Members of the Legislative

Assembly, are not directly accountable to the electorate. Their legitimacy derives solely from the Constitution and the manner in which they discharge their constitutional duties. When such authorities obstruct or delay the functioning of elected institutions, questions of democratic legitimacy inevitably arise.

The Supreme Court's emphasis on representative democracy reflects an understanding that constitutional design must ultimately serve the will of the people as expressed through elections. In *Mohinder Singh Gill v. Chief Election Commissioner*¹³, the Court famously held that democracy is a basic feature of the Constitution. The Tamil Nadu judgment extends this reasoning by ensuring that the democratic mandate of State legislatures is not rendered ineffective by executive inaction.

Judicial Review and the Limits of Intervention

An important aspect of the judgment is its nuanced approach to judicial review. While the Court asserts its authority to scrutinize unreasonable delays, it refrains from prescribing rigid timelines or micromanaging gubernatorial functions. This reflects a conscious effort to respect the separation of powers while ensuring constitutional accountability.

This balance is consistent with earlier decisions such as *Union of India v. Raghubir Singh*¹⁴, where the Court cautioned against excessive judicial interference in constitutional functions while affirming its role as the ultimate interpreter of the Constitution. The Tamil Nadu case exemplifies this restrained yet firm approach.

Long-Term Implications for Indian Federalism

The long-term implications of the judgment are significant. By clarifying the limits of gubernatorial discretion, the Court has reduced the scope for political manipulation of the office. States are likely to find greater institutional support in challenging arbitrary delays, thereby strengthening State autonomy within the federal framework at the same time, the judgment encourages the development of constitutional conventions that promote cooperation rather than confrontation. If Governors internalize the principles articulated by

¹³ *Mohinder Singh Gill v. Chief Election Commissioner*,

¹⁴ *Union of India v. Raghubir Singh* (AIR 1989 SC 1933)

the Court, the frequency of Centre–State conflicts may decrease, leading to a more stable and functional federal system.

Conclusion

The Supreme Court's decision in *State of Tamil Nadu v. Governor of Tamil Nadu* (2025 INSC 481) represents a mature and principled response to a recurring constitutional problem. By interpreting Articles 200 and 201 in light of democratic values, federalism, and constitutional morality, the Court has reaffirmed the foundational principles of the Indian Constitution. The judgment strengthens the democratic legitimacy of State legislatures, curtails the misuse of unelected authority, and reinforces the cooperative spirit essential for India's federal structure.

The Supreme Court through its judgment curbs the misuse of gubernatorial discretion to stall state legislatures, reaffirming that Governors are constitutional heads, not political actors. The judgment also sets a precedent for similar cases in states like Kerala, West Bengal, Telangana, and Punjab, where Governors have delayed assent to Bills. It tilts the balance a bit from the Centre which has the power to appoint the Governors toward the elected state governments reinforcing the federal principle.

In a constitutional democracy as diverse and complex as India, the balance between unity and autonomy must be carefully maintained. This decision contributes meaningfully to that balance by ensuring that constitutional offices function as instruments of governance rather than obstacles to it. As such, the judgment stands as a landmark in Indian constitutional jurisprudence, with enduring implications for Centre–State relations and democratic government.

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