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Case Comment: State of Tamil Nadu v Governor of Tamil Nadu: Struggle between Gubernatorial Power and Democratic Balance

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INTRODUCTION

The case of The State of Tamil Nadu versus the Governor of Tamil Nadu is a famous decision taken by the Supreme Court of India. It has been stated that the governor of a state does not enjoy absolute discretion to deny his assent to any bill that the State Legislature has already approved. Thus, the Governor's power to interfere in the state's internal matters is limited, and the use of the Governor's role for political purposes is curtailed. The Indian Constitution is based on a careful balance of the legislature's power to create laws and the need for checks among institutions. Articles 200 and 201 of the Constitution give the Governor and the President the authority to approve legislative bills. However, in recent years, some Governors have taken a

long time to grant their assent. The Supreme Court's judgment in this case aimed to maintain equilibrium through legal means to address these legislative lapses.¹

FACTS OF THE CASE

The Tamil Nadu Legislature adopted twelve bills between the years 2020 and 2023, dealing with many important aspects such as the regulation of higher education, welfare measures, and new recruitment procedures. The Governor refused assent to all bills and earmarked two for the President's assent. Once the bills were passed by the Tamil Nadu state legislature with amendments, the governor decided to refer all ten bills to the president since the governor found the bills contrary to central laws. The dispute soared further when the Governor delayed or denied assent to many executive decisions, including approval for the prosecution of corrupt ministers, waving the green flag for early releases of prisoners, and validation of several appointments to the Tamil Nadu Public Service Commission (TNPSC). Subsequently, a writ petition was filed against the Governor under Article 32 of the Indian Constitution, contending that his actions were contrary to his constitutional duties.²

ISSUES

1. Can the Governor still reserve the bill for the opinion of the President when the bill is reconsidered by the state legislature, but it has not been originally reserved?
2. Is there any limitation placed on the exercise of the powers of the Governor as per Article 200 at any particular point in time?
3. Does the Governor have the right to make any decision based upon the advice offered by the Council of Ministers of the State?
4. Is the discretionary power of the Governor under Article 200 subject to judicial review?³

¹ 'Checks and Balances vs Legislative Supremacy: Supreme Court Advisory Opinion on Gubernatorial Powers' (Vishnu IAS Academy) <<https://vishnuias.com/checks-and-balances-vs-legislative-supremacy-gubernatorial-powers>> accessed 17 May 2026

² Taranbir Singh, 'State of Tamil Nadu v Governor of Tamil Nadu, 2025 INSC 481' (*Record of Law*, 20 October 2025) <<https://recordoflaw.in/state-of-tamil-nadu-v-governor-of-tamil-nadu-2025-insc-481/>> accessed 17 May 2026

³ *The State of Tamil Nadu v The Governor of Tamil Nadu and Anr* (2025) INSC 481

MAIN LAWS INVOLVED/REFERRED

Article 200: It gives a Governor three options when a Bill passed by the state legislature is presented to him/her: declare, withhold, or reserve assent for consideration of the President. The first proviso of the Article says that the Governor may not refuse to give his/her assent to any Bill which has been re-submitted to him/her after he/she had referred it back to the legislature.⁴

Article 201: In case a bill is sent to the president for assent, he may either give his assent or withhold it from such a bill. He can even instruct the governor to return the bill to the legislature.⁵

Article 163: The Governor has to work in consonance with the principle of collective responsibility and has to take the opinion of the Council of Ministers.⁶ There is an exception in this rule, wherein the Governor can exercise his discretion in those instances where the Constitution either expressly or by necessary implication allows him to do so. Clause 2 goes on to add that if there is any doubt as to whether the matter is one of discretionary power or not, then the decision of the Governor shall be the final one.⁷

Article 316: Article 316 of the Indian Constitution is about the appointments to, and terms of office of, members of Public Service Commissions such as the Union Public Service Commission (UPSC), State Public Service Commissions, and Joint Public Service Commissions. According to this Article, the President, in the case of Union Public Service Commission and Joint Public Service Commission, and the Governors in the case of State Public Service Commission, shall

⁴ Mathew Idiculla, 'TN Governor Judgement: Constitutional history as an interpretive device' (*Supreme Court Observer*, 13 May 2025) <<https://www.scobserver.in/journal/tn-governor-judgement-constitutional-history-as-an-interpretive-device/>> accessed 17 May 2026; Constitution of India 1950, art 200

⁵ 'Governor's Power over State Bills' (*Drishti IAS*, 26 April 2023) <<https://www.drishtiiias.com/daily-updates/daily-news-analysis/governor-s-power-over-state-bills>> accessed 17 May 2026; Constitution of India 1950, art 201

⁶ Aishwarya Rai, 'CASE – State of Tamil Nadu v Governor of Tamil Nadu (2025 INSC 481)' (*The Amikus Qriae*, 01 September 2025) <<https://theamikusqriae.com/case-state-of-tamil-nadu-v-governor-of-tamil-nadu-2025-insc-481/>> accessed 17 May 2026; Constitution of India 1950, art 163

⁷ Basant Kumar Gupta and Neeraja Chavan, 'STATE OF TAMIL NADU V GOVERNOR OF TAMIL NADU 2025 INSC 481 (CASE ANALYSIS)' (*Nib & Notion*) <<https://www.nibandnotion.com/2025/10/state-of-tamil-nadu-v-governor-of-tamil.html>> accessed 17 May 2026

make these appointments. The term of office of such appointed members will be for six years or till they attain the age of 65 for UPSC and 62 for State/Joint Public Service Commissions.⁸

ANALYSIS AND PERSPECTIVES OF THE CASE

The Supreme Court's April 8, 2025, judgment arose out of a prolonged impasse where the Governor of Tamil Nadu withheld assent on 10 bills passed by the State Legislative Assembly, leaving them pending for years under Article 200 of the Constitution. The state government argued that the Governor's prolonged inaction, described by many as a *pocket veto*, violated constitutional norms and effectively blocked democratic governance.⁹

Key Holdings of the Supreme Court (as Interpreted from Multiple Reports): The Governor's delay in withholding assent to state bills is contrary to the constitutional duties, and such withholding of assent cannot be prolonged for an indefinite period under Article 200 of the Indian Constitution. Bills withheld beyond the prescribed period may be deemed to have received assent, using the Court's extraordinary powers under Article 142 of the Constitution.¹⁰ The Governor is required to follow the aid and advice of the Council of Ministers and cannot act as an independent political authority or create roadblocks to the legislative process.¹¹

ARGUMENTS ON EMPOWERING DEMOCRATIC ACCOUNTABILITY

Upholds Legislative Will: The judgment reinforces that elected representatives, accountable to the people, should not be undermined by appointed constitutional authorities.¹²

⁸ Constitution of India 1950, art 316

⁹ Swasti Chaturvedi, 'Where President Exhibits Inaction In Decision When Bill Is Presented To Him By Governor, State Can Seek Mandamus: Supreme Court' (*Verdictum*, 12 April 2025) <<https://www.verdictum.in/court-updates/supreme-court/the-state-of-tamil-nadu-v-the-governor-of-tamil-nadu-2025-insc-481-president-power-article-201-1574005>> accessed 17 May 2026

¹⁰ Aruna Choudhury, 'Supreme Court Verdict on Tamil Nadu Governor's Withholding of Bills: Constitutional Limits on Gubernatorial Power' (*Legal Service India*, 10 August 2025) <<https://www.legalserviceindia.com/Legal-Articles/supreme-court-verdict-on-tamil-nadu-governors-withholding-of-bills-constitutional-limits-on-gubernatorial-power/>> accessed 17 May 2026

¹¹ 'SC Verdict on Governor's Powers over State Bills' (*Drishti IAS*, 08 April 2025) <<https://www.drishtiiias.com/daily-updates/daily-news-analysis/sc-verdict-on-governors-powers-over-state-bill>> accessed 17 May 2026

¹² 'In holding Tamil Nadu governor's 'pocket veto' as illegal, SC has set a welcome precedent' (*Vision IAS*, 09 April 2025) <<https://visionias.in/current-affairs/upsc-daily-news-summary/article/2025-04-09/the-indian-express/polity-and-governance/in-holding-tamil-nadu-governors-pocket-veto-as-illegal-sc-has-set-a-welcome-precedent>> accessed 17 May 2026

Limits to Arbitrary Power: By limiting the scope for prolonged delay and implementation of time-bound action, the Court prevents the arbitrary exercise of power that can stifle democratic processes.¹³

SOME ARGUMENTS THAT IT CREATES NEW GOVERNANCE CHALLENGES

Potential Federal Imbalance: Some constitutional experts believe that the judgment shifts the balance too much towards states, endangering the cooperative nature of Indian federalism by incapacitating the Governor's constitutional powers.¹⁴

Scope for Litigation: By making the Governor's actions subject to judicial review and prescriptive timelines, routine administrative decision-making could become litigative in nature, burdening courts. This may inadvertently slow governance in other areas.¹⁵

Unclear Boundaries: Though timelines were in place, questions pertaining to the interaction between Governors, Presidents, and state legislatures were later referred to a Presidential Reference and a Constitution Bench, proving that the ruling has not fully settled all constitutional ambiguities.

SUGGESTIONS

To improve democratic legitimacy and, at the same time, maintain the required balance and checks of the federal governance system, some changes may be made as follows:

Clarification of Statutory or Constitutional Norms on Time Limits: The legislature may amend or enact new legislation that sets out reasonable time limits within which the governors are expected to take action on state bills.

¹³ Amit Anand Choudhary, 'SC sets timeline for state governors to decide on bills sent to them' *The Times of India* (9 April 2025) <<https://timesofindia.indiatimes.com/india/sc-sets-timeline-for-state-governors-to-decide-on-bills-sent-to-them/articleshow/120107361.cms>> accessed 17 May 2026

¹⁴ Aastha Jha, 'Tamil Nadu vs governor: 'SC verdict may create imbalance in federal structure'' *The Times of India* (15 April 2025) <<https://timesofindia.indiatimes.com/india/tamil-nadu-vs-governor-sc-verdict-may-create-imbalance-in-federal-structure/articleshow/120317257.cms>> accessed 17 May 2026

¹⁵ 'Presidential Reference on Powers of the Governor and President' (*Supreme Court Observer*) <<https://www.scobserver.in/cases/presidential-reference-on-powers-of-the-governor-and-president-re-assent-withholding-or-reservation-of-bills-by-the-governor-and-president-of-india/>> accessed 06 June 2026

Political Neutrality of the Post of Governor: By reforming the process of appointment of governors, the perceptions of political favouritism will be addressed, and Governors will be perceived to have the political neutrality required as per the Constitution.

Means of Early Discussion Between All Parties Involved: Formal early discussions before the enactment of laws among state governments, the governors concerned, and, when applicable, the union, will decrease litigation and promote cooperative federalism.

Clear Judicial Guidelines on Issues Related to Justiciability: The court should be clear on when intervention becomes mandatory and not trivialise any case brought before it.

CONCLUSION

The Supreme Court's judgment in this case represents a significant constitutional intervention in delineating the role of Governors vis-à-vis elected state governments. By declaring prolonged gubernatorial inaction on state bills unconstitutional and (in the original judgment) prescribing time-bound action on state legislation, the Court reaffirmed that Governors cannot act as gatekeepers to delay legislative procedures indefinitely. This outcome strengthens legislative autonomy and curtails arbitrary executive obstruction, ensuring that policy decisions emanating from democratically elected assemblies are not frustrated by political considerations at Raj Bhavan.

At the same time, the continued constitutional debate reflected in the Presidential Reference under Article 143 and subsequent advisory opinions shows that uncertainties remain concerning the precise contours of gubernatorial discretion, judicial review, and the appropriate balance between federal and unitary impulses in India's constitutional framework. The advisory opinion later clarified that fixed timelines cannot be judicially imposed and rejected the concept of "deemed assent," implying that the Court was reluctant to institutionalise rigid deadlines that could burden governance with litigation or undermine executive discretion.¹⁶

Together, these developments highlight the broader implications for Indian federalism: while the judiciary has sought to uphold democratic accountability and prevent misuse of

¹⁶ Advay Vora, 'Governor and President's Powers | Judgement Summary' (*Supreme Court Observer*, 20 November 2025) <<https://www.scobserver.in/reports/governor-and-presidents-powers-judgement-summary-special-reference-2025-advisory-opinion/>> accessed 17 May 2026

constitutional offices to stall governance, it has also underscored the need to respect the institutional roles of Governors and Presidents within the constitutional scheme. The tension between state autonomy and central control remains a live issue, and the dialogue between constitutional actors continues to shape evolving Centre-state relations.¹⁷

¹⁷ Tanya Arora, 'A Constitutional Reset on Governor Assent: The Supreme Court's opinion in the presidential reference on Articles 200–201' (*Citizens for Justice and Peace*, 24 November 2025) <<https://cjp.org.in/a-constitutional-reset-on-governor-assent-the-supreme-courts-opinion-in-the-presidential-reference-on-articles-200-201/>> accessed 17 May 2026