

Supreme Court Overrules its Earlier Ruling on Fixed Timelines for President and Governor to give Assent on Bills

Background

- There was a major conflict between the Tamil Nadu government led by the DMK party and Governor RN Ravi because the Governor delayed giving assent to several important bills passed by the Tamil Nadu Legislative Assembly between 2020 and 2023. These bills included key laws such as abolishing NEET for medical admissions and regulating online gambling.
- The Tamil Nadu government accused Governor RN Ravi of intentionally delaying the approval of these bills thereby disrupting democratic processes and hindering effective governance. Additionally, the Governor referred some of the withheld bills to the President for consideration, a move that the state government challenged as unconstitutional.
- In November 2024, the Tamil Nadu government approached the Supreme Court under Article 32 of the Constitution, challenging the Governor's failure to act on these bills within a reasonable time and alleging mala fide exercise of power.
- In April 2025, a two judge Bench of the Supreme Court ruled that the Governor's withholding of assent and reserving the bills for the President was "illegal" and "arbitrary." The Court set constitutional timelines for Governors to act on passed bills and held that Governors cannot indefinitely delay assent. The Court also declared that bills pending with such unconstitutional delay are to be considered as having received assent.
- This ruling of the Supreme Court was challenged which led to a Presidential Reference under Article 143 (also known as Advisory Jurisdiction of Supreme Court under which our President can seek legal advice from the Supreme Court on any legal issue of National or International Importance) of the Constitution seeking clarification on the Governor's powers, the timelines for giving assent to bills and whether their actions can be reviewed by the courts.

Recent Ruling of the Supreme Court

- The five judge bench of the **Supreme Court** led by **Chief Justice Gavai** ruled that **Governors cannot indefinitely withhold assent to Bills they must either grant assent, reserve the Bill for the President or return it to the legislature with comments within a reasonable time.**
- The **Governor cannot simply refuse to sign a Bill and keep it pending** (“withhold assent simpliciter” is impermissible).
- Governors exercise discretion under **Article 200 (Assent to Bills)** and are **not bound by the advice of the Council of Ministers** in this specific function. **The merits of the Governor’s discretion are not subject to judicial review but prolonged, unexplained and indefinite inaction can invite limited judicial scrutiny.**
- **Article 361 grants personal immunity to Presidents and Governors** but does not protect the office of President and Governor from judicial intervention regarding indefinite inaction on assent of bills.
- The **Court held that judicially imposed timelines for Governors and the President, as set by an earlier two judge bench, violate constitutional principles and the separation of powers.**
- The President’s discretion under Article 201 is also not judicially reviewable on merits and no timelines can be imposed on the exercise of these powers. The President is not obligated to seek the Supreme Court’s opinion under Article 143 for every Bill reserved by a Governor.
- **Courts can only review “laws” and not “Bills,” so judicial review of Bills before assent is impermissible.** The Court rejected the notion of “**deemed assent**” (treating a **Bill as automatically approved after a delay**) as **unconstitutional** judicial overreach and a **violation of the separation of powers.**
- Bills cannot become law without the Governor’s or President’s explicit assent. The Court emphasized **respect for the constitutional roles and the balance of power between the legislative, executive and judiciary branches.**
- This ruling of the Supreme Court clarifies the constitutional boundaries of Governors’ and the President’s discretionary powers in the legislative process, ensuring respect for federalism and cautioning against judicial overreach while allowing limited intervention against indefinite executive inaction.

Key Points: April 2025 Verdict vs November 2025 Opinion

Here's how the two rulings compare, thematically and legally:

Issue	April 2025 (Two-Judge Bench)	Nov 2025 (Five-Judge Bench / Presidential Reference)
Governor's delay / inaction	The Court held that Tamil Nadu Governor Ravi's prolonged inaction was illegal and arbitrary .	The Court reaffirmed that a governor cannot delay indefinitely .
Timelines for assent	The April bench prescribed specific timelines under Article 200: for example, one month if the Governor withholds assent and reserves for the President; three months to return a bill; one month for assent on re-passed bills.	The November bench rejected fixed judicial timelines . It held that courts cannot prescribe rigid deadlines for governors (or the President) to act. Instead, they can only issue a "limited mandamus" to act within a reasonable period in cases of "prolonged, unexplained, indefinite" delay.
Deemed Assent	In April, the Court used its power under Article 142 to deem the 10 pending Bills as having been assented to.	The November bench rejected the doctrine of "deemed assent" as unconstitutional. It said such a mechanism would amount to a judicial takeover of executive functions and violates separation of powers.
Governor's discretion / advice of Council of Ministers	The April bench emphasized that the Governor must act <i>on the aid and advice</i> of the Council of Ministers; and that he lacks a true "absolute veto" / "pocket veto."	The November bench confirmed that the governor does have constitutional discretion under Article 200: three options (assent, reserve for President, return to Assembly) are preserved.



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		However, that discretion isn't unfettered — it must be exercised with constitutional morality and federal balance.
Justiciability / Judicial Review	The April court was more interventionist: it said the Governor's inaction is reviewable; used Article 142 to resolve the standoff.	November bench limited judicial review: courts cannot review the merits of a Governor's decision, but can intervene in cases of extreme delay to ask the Governor to act, without commenting on substance.
Separation of Powers & Federalism	By prescribing timelines + deemed assent, April judgment pushed for a strong check on the Governor to uphold the elected legislature's will.	The November opinion emphasized separation of powers : you can't have the judiciary rewriting constitutional roles. It also underscored dialogue: the Governor should engage with the legislature ("constitutional dialogue") rather than mere obstruction.
Precedential / Constitutional Impact	Seen as a major assertion of legislative supremacy and guard against misuse or delay by the Governor. Praised by the Tamil Nadu government; hailed as a "historic" judgment.	The Court walked back some of the more aggressive parts of April ruling, especially around deemed assent and fixed timelines. The November opinion recalibrates power, giving more breathing space to Governors while retaining a check against inaction.

