Governor's Discretion and Federalism: Has the Constitution Created a Constitutional Deadlock?

SUBMITTED TO

Prof. BHAVNA BATRA

SUBMITTED BY **PRACHI PAREEK** LL.M(IP) (SECTTION-B) A03104426060

AMITY LAW SCHOOL , NOIDA

ABSTRACT

The office of the Governor occupies a distinctive position in the constitutional structure of India. The Governor is the constitutional head of a State, while the real executive authority ordinarily rests with the elected Council of Ministers headed by the Chief Minister. Although this arrangement is intended to maintain constitutional continuity and responsible government, disagreements between Governors and elected State governments have increasingly raised questions about the scope of gubernatorial discretion and its effect on Indian federalis.

The controversy becomes particularly significant when a Governor delays action on Bills passed by a State Legislature, reserves Bills for the consideration of the President, or exercises discretion in circumstances involving a conflict with the elected government. Articles 163, 200 and 201 provide the constitutional framework for examining these issues. However, the absence of an expressly prescribed general deadline for decisions under Articles 200 and 201 has raised concerns about legislative uncertainty and the possibility of constitutional deadlock.

This paper examines whether such deadlock is an unavoidable consequence of the constitutional design, or the result of an expansive interpretation of the Governor's powers. It analyses the constitutional position of the Governor, the relationship between discretion and ministerial advice, and the role of judicial review in maintaining the balance between the Union and the States.

The paper argues that the Constitution does not expressly establish a general mechanism for resolving every disagreement or delay involving gubernatorial discretion. Nevertheless, constitutional silence should not be interpreted as unrestricted authority. The problem lies in the interaction between ambiguous constitutional language, political disagreements, institutional conventions, and the limits of judicial intervention. A clearer framework for decision-making, greater transparency, and respect for representative government are necessary to ensure that the Governor's office operates as a constitutional safeguard rather than a source of legislative uncertainty.

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[33] Constitution of India, art. 163 — aid and advice of the Council of Ministers. Constitution of India, art. 200 & 201 — assent to Bills , Bills reserved for the President.

INTRODUCTION

The Indian Constitution establishes a federal system in which legislative, and executive powers are distributed between the Union and the States. At the same time, it gives the Union a comparatively strong position in several constitutional matters. The office of the Governor reflects this arrangement. A Governor is appointed by the President, and acts as the constitutional head of a State, but the State government is ordinarily formed by representatives elected

by the people.

The constitutional position appears straightforward in theory. The Governor is expected to preserve constitutional order, while the elected government is responsible for formulating policies, and implementing its political programme.

One of the most important areas of disagreement concerns the Governor's action on Bills passed by the State Legislature. A Bill may represent the legislative priorities of an elected government, but cannot ordinarily become an Act without the constitutionally required assent. If the Governor does not take a decision for a considerable period, the legislative process may remain incomplete. The issue is not merely administrative delay. It raises a deeper constitutional question; can an unelected constitutional authority effectively obstruct the legislative programme of an elected State government without violating the principles of responsible government and federalism?

This question has become particularly prominent in disputes involving Tamil Nadu and other States over the exercise of gubernatorial powers. In April 2025 the Supreme Court delivered a significant judgment in State of Tamil Nadu v. Governor of Tamil Nadu, addressing the reservation of Bills and delays in granting assent. The constitutional position was subsequently examined in a Presidential Reference under Article 143, on which the Supreme Court delivered its opinion on 20 November 2025.

These developments demonstrate that the controversy cannot be understood simply by asserting that the Governor either possesses absolute discretion, or must always follow the advice of the State government.

Constitution of India, arts. 153–155 — office, executive power and appointment of the Governor. Constitution of India, arts. 163–164 — aid and advice and responsible government.
State of Tamil Nadu v. Governor of Tamil Nadu, 2025 INSC 481, judgment dated 8 April 2025. Constitution of India, art. 143(1).
In Re: Assent, Withholding or Reservation of Bills by the Governor and the President of India, Special Reference No. 1 of 2025, opinion dated 20 November 2025.

The constitutional text, the nature of the particular function, the applicable judicial interpretation and the distinction between reviewing a decision, and compelling a decision must all be considered.

This paper therefore examines whether the Constitution itself has created a constitutional deadlock, or whether deadlock emerges when constitutional powers are exercised without sufficient regard for democratic accountability, institutional conventions and the federal character of the Indian Union.

Constitution of India, arts. 153–155 — office, executive power and appointment of the Governor. Constitution of India, arts. 163–164 — aid and advice and responsible government.
State of Tamil Nadu v. Governor of Tamil Nadu, 2025 INSC 481, judgment dated 8 April 2025. Constitution of India, art. 143(1).
In Re: Assent, Withholding or Reservation of Bills by the Governor and the President of India, Special Reference No. 1 of 2025, opinion dated 20 November 2025.

STATEMENT OF THE PROBLEM

The central problem arises from the relationship between the Governor's constitutional responsibilities, and the authority of an elected State Legislature.

Article 200 identifies the options available to the Governor when a Bill is presented for assent. Article 201 deals with Bills reserved for the consideration of the President. Neither provision prescribes a general numerical deadline for the

completion of the entire assent process. Although Article 200 uses the expression "as soon as possible" in relation to returning a Bill for reconsideration, questions remain concerning prolonged inaction, and the appropriate judicial response.

The problem becomes more complicated when the State government, and the Governor disagree about a Bill's constitutionality, legislative policy, or possible implications for the Union-State relationship. The Governor's constitutional role cannot simply be reduced to that of an ordinary political opponent. Equally, the existence of a constitutional office cannot justify indefinite inaction.

The research problem is therefore whether the existing constitutional framework adequately reconciles gubernatorial discretion, with the principles of representative democracy, legislative effectiveness, and federalism.

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[5] Constitution of India, art. 200. Constitution of India, art. 201.

5. RESEARCH QUESTIONS

1. What is the constitutional scope of the Governor's discretionary powers under Articles 163 and 200?

2. To what extent can the Governor act independently of the elected State government, while considering Bills for assent?

3. Does the absence of a general constitutional deadline under Articles 200 and 201, create a risk of legislative deadlock?

4. How have the Supreme Court's decisions influenced the relationship between, gubernatorial discretion and State legislative autonomy?

5. What constitutional or institutional reforms could reduce disputes, without weakening the Governor's legitimate constitutional functions?

OBJECTIVES OF THE STUDY

The principal objectives of this study are:

- To examine the constitutional position of the Governor within India's federal structure.
- To analyse the relationship between Articles 163, 200 and 201.

- To study judicial decisions concerning gubernatorial discretion, and legislative assent.
- To assess whether prolonged inaction can undermine democratic governance.
- To examine the consequences of the Supreme Court's 2025 decisions.
- To suggest practical measures for improving cooperation between Governors and elected State governments.

HYPOTHESIS

The paper proceeds on the hypothesis that the Constitution does not necessarily create a deadlock simply by recognising gubernatorial discretion. Rather the possibility of deadlock emerges, when the boundaries of that discretion, the expectations of constitutional conduct, and the mechanisms for resolving prolonged institutional disagreement, are insufficiently clear or effectively applied.

[6] Constitution of India, arts. 163, 200 and 201.

RESEARCH METHODOLOGY

This research adopts a doctrinal method of legal research. It examines the relevant provisions of the Constitution of India, judgments of the Supreme Court, and established principles of constitutional law and federalism.

Primary sources include Articles 153, 154, 163, 164, 174, 200, 201, 361 and 143 of the Constitution. Important judicial decisions are analysed to understand how the scope of the Governor's powers has developed over time.

Secondary sources, including constitutional commentaries, scholarly discussions and legal analyses, are used to provide context. The paper follows a qualitative and analytical approach, rather than relying on statistical data. It seeks to evaluate both the legal position, and its practical implications for democratic governance.

The research is limited to the constitutional and legal dimensions of gubernatorial discretion, particularly legislative assent. Political developments are considered only where they help explain the institutional problem.

[7] Constitution of India, arts. 143, 153–155, 163–164, 174, 200–201 and 361. Shamsher Singh v. State of Punjab, (1974) 2 SCC 831.
S.R. Bommai v. Union of India, (1994) 3 SCC 1.

8. CONSTITUTIONAL FRAMEWORK OF THE GOVERNOR'S OFFICE

8.1 Appointment and constitutional position

Article 153 provides for a Governor for each State, while Article 155 provides that the Governor is appointed by the President by warrant under his hand and seal. Article 154 vests the executive power of the State in the Governor, to be exercised in accordance with the Constitution.

However, these provisions must be read together with Article 163, which establishes a Council of Ministers with the Chief Minister at its head to aid and advise the Governor, except where the Constitution requires the Governor to exercise functions in discretion.

The Governor is therefore not an independent political executive comparable to a directly elected head of government. The office forms part of a parliamentary system, based on responsible government. In ordinary circumstances the elected Council of Ministers determines government policy, while the Governor performs the constitutional functions assigned to the office.

The fact that the Governor is appointed by the President, does not, by itself, establish that the Governor acts as an agent of the Union government in every constitutional matter. The Governor is required to act within the Constitution, and cannot claim unlimited authority merely because of the manner of appointment.

8.2 Article 163: Aid and advice

Article 163 is central to understanding gubernatorial discretion. It provides that there shall be a Council of Ministers to aid and advise the Governor, except insofar as the Constitution requires the Governor to exercise functions in discretion.

The provision creates a general rule and a limited exception. The general rule supports parliamentary democracy; the Governor ordinarily acts on ministerial advice. The exception allows independent action in constitutionally recognised circumstances.

Difficulties arise when the expression "in his discretion" is interpreted too broadly. If every disagreement between a Governor, and the State government were treated as a ground for independent action, the exception would swallow the rule. This would weaken the principle that the elected government is responsible to the Legislative Assembly.

Article 163 must therefore be interpreted in harmony with the wider constitutional scheme. Discretion is not a personal privilege. It is a constitutional power that must be exercised, for a constitutionally legitimate purpose.

8.3 Article 200: Assent to Bills

Article 200 deals with the action to be taken when a Bill passed by the State Legislature is presented to the Governor. The constitutional text identifies the available courses of action, including granting assent, withholding assent and reserving the Bill for the consideration of the President. The first proviso also provides a procedure for returning a non-Money Bill to the Legislature for reconsideration.

The provision is significant because it places the Governor at an important stage of the legislative process. Although a State Legislature may have passed a Bill, its legislative journey is not necessarily complete.

The controversy concerns the extent to which, the Governor may exercise discretion while choosing among the constitutional options, and what should happen, when no decision is taken, for a prolonged period.

[8] Constitution of India, art. 153 , 154 , 155 , 163 & 164 Shamsher Singh v. State of Punjab, (1974) 2 SCC 831.

9 GOVERNOR'S DISCRETION AND IT'S CONSTITUTIONAL LIMITS

9.1 Discretion is not absolute power

The term "discretion" often masks the idea of unlimited authority over one's preferences, which is wholly incompatible with constitutional government.

A constitutional discretion is something that must be exercised within the confines of the provision that grants it; its purpose is the capacity of the relevant constitutional authority to deal with particular cases, not to override the ordinary democratic process.

The Governor may have to take into account constitutional implications that do not coincide with the immediate political interests of the State government, but disagreement with a government's policies does not of itself constitute a sufficient reason to assume that one has the power to act in whatever way is desired.

9.2 The distinction between ordinary functions and discretionary functions

A proper analysis must draw a distinction between functions that are normally carried out on ministerial advice and those for which the Constitution allows or demands independent judgment.

The Governor's involvement in inviting a person to form a government where no party has a clear majority may involve constitutional judgment, as may a possible loss of majority or the reservation of certain Bills.

However, the existence of discretion in one area does not entail that it exists unilaterally in all areas; each function is examined in accordance with its own textual and purposive basis.

9.3 The importance of constitutional conventions

Constitutional conventions are practices that contribute to the functioning of a constitutional system despite the fact that every detail is not necessarily set out explicitly in the Constitution.

In India, conventions relating to responsible government, impartiality and the relationship between the Governor and the elected government serve to preserve the distinction between constitutional authority and political power.

Conventions can never override clear constitutional provisions, but they may serve to help explicate the manner in which constitutional powers are to be exercised in practice. Where [9]political disagreement reaches its height, adherence to conventions becomes most important, as legal rules alone may not be sufficient to resolve every institutional dispute.

[9] Constitution of India, art. 163.
Shamsher Singh v. State of Punjab, (1974) 2 SCC 831.
Nabam Rebia v. Deputy Speaker, Arunachal Pradesh Legislative Assembly, (2016) 8 SCC 1.
[10] Shamsher Singh v. State of Punjab, (1974) 2 SCC 831.
Sarkaria Commission, Report of the Commission on Centre-State Relations (1988).

10 ARTICLE 200: THE ASSENT CONTROVERSY

10.1 Why assent matters

The Governor's decision on a Bill is not a mere procedural formality, but can determine when a legislative policy passed by the elected representatives of a State becomes law.

For instance, a State Legislature may pass a Bill relating to public health, university administration or another matter within its legislative competence, but if the Governor delays a decision on it, the State government may find that it is unable to implement the intended policy via that legislation.

Such a delay can also frustrate public authorities, affected citizens and institutions that are expected to act in accordance with the proposed law.

The constitutional concern is not that every Bill must automatically receive assent; constitutional scrutiny has a legitimate place in the legislative process. However, the concern is with whether it can become an obstacle that cannot be overcome without a clear constitutional justification.

10.2 The problem of prolonged inaction

Article 200 does not expressly delineate a comprehensive number of days within which every possible decision must be made; this leaves room for disagreement to occur in relation to what is considered a reasonable period in particular circumstances.

A complex Bill may need to be examined for its constitutional implications, but inaction on the basis of this factor can never constitute a permanent justification.

Prolonged inaction poses a different problem to express refusal; where a decision is communicated, the State government and the Legislature can understand the constitutional objection and move on to determine their next steps. Where no decision is communicated, the legislative process can be suspended without a clear explanation. This is one of the strongest reasons for taking the constitutional inaction as a serious issue of accountability.

10.3 Can the Governor exercise a pocket veto?The terminology "pocket veto" generally refers to a situation in which the constitutional authority avoids taking a decision by leaving it pending.[11]

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[11] Constitution of India, art. 200.

The legal position regarding the Governor's powers under Article 200 has been the subject of important judicial consideration. In State of Tamil Nadu v. Governor of Tamil Nadu (2025), the Supreme Court rejected the notion that the Governor could indefinitely retain Bills without choosing any of the constitutionally available courses of action. The Court laid stress on the fact that the constitutional scheme calls for action rather than indefinite inaction.

However, the subsequent Presidential Reference of November 2025 requires this previous judgment to be read with care. The Supreme Court's subsequent opinion rejected the judicial prescription of general time limits and the concept of deemed assent, but nevertheless recognised that prolonged, unexplained and indefinite inaction may justify a limited judicial direction in relation to requiring the Governor to discharge the constitutional function within a reasonable time. The distinction is important; the Constitution does not permit constitutional responsibility to simply disappear through silence, but a Court cannot simply substitute the constitutionally designated authority's decision with its own merely because time has passed.

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

11 GOVERNOR'S DISCRETION AND THE FEDERAL STRUCTURE

11.1 The meaning of Indian federalism

Federalism is a constitutional allocation of authority to different levels of government. In India, the Union and the States function within the common constitutional framework but have powers that have been given to them by the Constitution.

Indian federalism is not identical to the federal structures found in countries such as the United States; the Constitution gives the Union powers, including in matters relating to national security, emergency administration and certain legislative relationships between the Union and the States.

Nevertheless, the existence of a strong Union does not make the States constitutionally insignificant. State Legislatures have their own areas of legislative competence and the constitutional allocation of powers must be respected.

11.2 The Governor as a constitutional link

The Governor's office can serve a useful function by ensuring constitutional continuity, ensuring that government formation is carried out in accordance with constitutional requirements and facilitating the communication within the constitutional system.

The office becomes controversial when it is seen to go beyond constitutional supervision into active opposition to the policies of an elected State government.

A Governor may legitimately raise constitutional concerns, but if the action taken by the Governor repeatedly prevents the elected government from completing the legislative process, it risks becoming a source of tension rather than a mechanism of constitutional stability.

11.3 Federalism and legislative autonomy

Legislative autonomy does not mean that every State Bill must necessarily be exempt from constitutional scrutiny. State legislation must operate within the Constitution, including applicable provisions relating to legislative competence, fundamental rights and the relationship between the laws of the Union and the States.

However, it must operate in accordance with established procedures. It must not be an informal substitute for legislative debate or judicial review. [13]

Where a Bill is withheld from the legislative process for an extended period, the practical effect can be to impair the ability of a State to implement policies in its constitutional sphere of competence.

The resulting concern is one of institutional balance. The question is not whether the Governor or the elected government is always right, but whether each institution is operating within the limits of its constitutional authority.

11.4 Cooperative federalism

Cooperative federalism requires the Union and the States to co-operate within their constitutional responsibilities. It does not require the elimination of disagreement; constitutional systems naturally contain competing forces and institutions.

The real test is in relation to how these disagreements are managed. If the Governor and the State government communicate constitutional concerns, give reasons where appropriate and act without unnecessary delay, disagreement need not lead to deadlock.

Conversely, political distrust may lead to prolonged inaction. The constitutional process can become a site of confrontation. A healthy federal system therefore depends not only on the written allocation of powers but also upon institutional restraint and willingness to respect the democratic legitimacy of elected governments.

[13] Constitution of India, arts. 245–246 and Seventh Schedule. Constitution of India, art. 254.
S.R. Bommai v. Union of India, (1994) 3 SCC 1.

12 JUDICIAL INTERPRETATION AND IMPORTANT CASE LAWS

12.1 Shamsher Singh v. State of Punjab (1974)

In Shamsher Singh v. State of Punjab, the Supreme Court examined the constitutional position of the President and the Governor within India's parliamentary system. The ruling established the general principle that these constitutional heads normally exercise their functions on the aid and advice of the Council of Ministers, subject to constitutionally recognised exceptions.

The decision is important because it prevents the office of the Governor from being understood as an independent focal point of executive power in parallel to the elected government.

Its wider constitutional significance lies in the relationship between formal executive authority and democratic responsibility. The Governor's position must be viewed within a system in which the Council of Ministers is politically accountable to the Legislature.

12.2 S.R. Bommai v. Union of India (1994)

In S.R. Bommai v. Union of India, the Supreme Court examined the constraints that are placed upon the use of Article 356 and the imposition of President's Rule in the States. The ruling reinforced the principle that federalism is an important feature of the Constitution and that the exercise of power that affects State governments is not beyond judicial scrutiny.

Although the case was not mainly concerned with assent to Bills, it is relevant because it demonstrates that constitutional authority that affects the States is exercised within legal limits.

The ruling also supports the proposition that federalism is not merely a political arrangement between governments; it is a feature of the constitutional structure and must be respected when interpreting powers that affect State autonomy.

12.3 Nabam Rebia v. Deputy Speaker (2016)

In Nabam Rebia v. Deputy Speaker, Arunachal Pradesh Legislative Assembly, the Supreme Court examined the limits on the Governor's discretion in relation to legislative proceedings in the Arunachal Pradesh.[14]

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[14] Shamsher Singh v. State of Punjab, (1974) 2 SCC 831.
S.R. Bommai v. Union of India, (1994) 3 SCC 1.

The Court rejected a broad interpretation of the Governor's powers that would allow the office to freely intervene in the functioning of the Legislature. It laid stress on the importance of constitutional limits and the relationship between the Governor and responsible government.

The case is particularly relevant because it demonstrates that the Governor cannot take over powers for the fact that a political situation is difficult or contentious. The exercise of discretion must be supported by the constitutional framework that is applicable to the particular situation.

12.4 State of Tamil Nadu v. Governor of Tamil Nadu (2025)

This ruling directly addressed the Governor's treatment of Bills passed by the Tamil Nadu Legislature. The dispute centred, among other matters, on the Governor's reservation of ten Bills for the President after the State Legislature had reconsidered them.

On 8 April 2025, the Supreme Court ruled that the Governor's treatment of the Bills in the circumstances facing it was constitutionally erroneous. It examined the options that were available to it under Article 200, the procedure following reconsideration by the Legislature and the consequences of prolonged inaction.

The Court also sought to make sure that the constitutional silence concerning a general deadline was not used as a justification for indefinite inaction. It laid down timelines for particular actions and, in the circumstances of this case, invoked Article 142 in relation to the Bills before it.

The ruling was significant for State legislative autonomy because it treated the Governor's function as part of a constitutional process rather than as an unlimited power to stop legislation progressing.

However, its approach to timelines and deemed assent should be read with the subsequent Presidential Reference opinion.

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

[15] State of Tamil Nadu v. Governor of Tamil Nadu, 2025 INSC 481.

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.

Constitution of India, art. 142.

12.5 In Re: Assent, Withholding or Reservation of Bills by the Governor and the President of India (2025)

The President of India made a reference to the Supreme Court under Article 143(1) on 13 May 2025, raising questions in relation to the interpretation of Articles 200 and 201 and other related issues.

On 20 November 2025, the Supreme Court delivered its opinion in Special Reference No. 1 of 2025, clarifying several matters relating to the Governor's and President's roles in relation to the process of assent.

Among its important conclusions, the Court stated that:

1. The Governor has three constitutional options under Article 200: to assent, reserve the Bill for the President, or withhold assent and return the Bill to the Legislature with comments where the constitutional procedure permits.
2. The Governor exercises discretion in choosing between the options under Article 200 and is not bound by the aid and advice of the Council of Ministers in performing this function.
3. The merits of a decision under Articles 200 and 201 are not open to judicial review before the Bill becomes law. However, prolonged, unexplained and indefinite inaction may justify a limited judicial direction requiring the constitutional function to be discharged within a reasonable time.
4. In the absence of constitutionally prescribed time limits, the Court should not judicially impose general timelines for the exercise of powers under Articles 200 and 201.
5. The concept of deemed assent cannot be introduced to replace the constitutional decision of the Governor or President.

This opinion is particularly important because it modifies the general understanding of the legal position that might come from the April 2025 ruling.

As a result, the constitutional position becomes more complex. The Governor's discretion under Article 200 is recognised, but courts cannot normally substitute the substance of that decision. Additionally, prolonged inaction is not necessarily beyond the grasp of judicial scrutiny.

The opinion therefore seeks to preserve the constitutionality of the Governor's role while providing a limited remedy against perpetual failure to act.[16]

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16 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, opinion dated 20 November 2025.

13 HAS THE CONSTITUTION CREATED A CONSTITUTIONAL DEADLOCK?

The answer to this question depends on what is meant by a constitutional deadlock.

A disagreement between constitutional authorities is not necessarily a deadlock. Disagreement can be managed via established constitutional procedures, legislative reconsideration, judicial review where legally available and political dialogue.

A deadlock emerges when these procedures fail to produce a decision within a reasonable period or when an institution's conduct prevents another constitutionally authorised institution from performing its role.

13.1 The argument that the constitutional framework permits deadlock

The first argument is that the Constitution leaves certain aspects of the assent process without a comprehensive time-bound mechanism. Articles 200 and 201 do not establish a general numerical deadline for every decision. This creates uncertainty regarding when a delay becomes unacceptable from a constitutional perspective and what remedy should follow.

The second argument concerns the political circumstances in which Governors and State governments may disagree. If the constitutional head and the elected government have fundamentally different positions on a Bill, the absence of an agreed institutional mechanism may prolong the dispute.

The third argument deals with the limits of judicial intervention. Courts may interpret constitutional provisions and address legally cognisable failures, but they cannot simply take over any function assigned to another constitutional authority. The November 2025 opinion makes this issue particularly clear.

Taken together, these factors create a possibility of deadlock, especially where political disagreement and constitutional ambiguity interact.

13.2 The argument that the Constitution does not require deadlock

The opposing argument is that the Constitution provides procedures for dealing with Bills and constitutional disagreements. Article 200 specifies the available options, while Article 201 governs the consideration of reserved Bills. The Constitution also sets out a system of responsible government and provides for judicial review within the limits of constitutional law.

The existence of discretion does not necessarily mean that the Governor can act in any way desired.

Furthermore, the lack of a general numerical deadline does not imply that indefinite inaction is desirable or immune from all judicial intervention. The Supreme Court's November 2025 opinion expressly recognises the potential for a limited direction in cases of prolonged, unexplained and indefinite inaction.

From this perspective, the Constitution provides the basic structure to prevent deadlock, but the efficacy of this structure depends on how constitutional powers are exercised and interpreted.

13.3 The author's assessment

The stronger conclusion is that the Constitution has created a potential for deadlock, rather than an inevitable constitutional deadlock.

The distinction is important. If constitutional deadlock were inevitable, the whole constitutional machinery would be unable to address disputes without fundamental structural change. However, the existence of judicial remedies, legislative procedures and judicial conventions suggests that it retains mechanisms for managing conflict.

The difficulty is that these mechanisms do not always guarantee a timely resolution. A constitutional process may remain formally available but practically ineffective for the period during which a Bill is left pending.

The absence of a general deadline under Articles 200 and 201 is therefore a genuine institutional weakness, but it must not be confused with a licence for indefinite inaction. Equally, the judicial response must remain within the constitutional limits identified by the Supreme Court.

The most appropriate approach is to improve the clarity and transparency of the assent process without automatically transferring the Governor's constitutional function to the courts.

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[17] Constitution of India, arts. 200–201.
In Re: Assent, Withholding or Reservation of Bills by the Governor and the President of India, Special Reference No. 1 of 2025.
State of Tamil Nadu v. Governor of Tamil Nadu, 2025 INSC 481.

14 CRITICAL ANALYSIS AND FINDINGS

The analysis leads to several findings.

First, the Governor's office occupies a position that combines constitutional responsibility with limited scope for independent judgment. The office cannot be understood solely on the basis of the presidential appointment or the existence of discretionary powers. Its functions must be interpreted within the parliamentary structure of the Constitution.

Second, Article 200 creates a particularly sensitive point in the relationship between constitutional supervision and democratic decision-making. The assent process permits constitutional consideration, but delay can affect the practical effectiveness of the State Legislature.

Third, the judicial decisions demonstrate the difficulty of balancing competing constitutional principles. A court must be able to address a serious failure to perform a constitutional duty but must also avoid substituting its own decision for that of the authority to which the Constitution assigns the function.

Fourth, the 2025 developments show that judicial clarification does not always remove every institutional difficulty. The April judgment addressed the controversy concerning Tamil Nadu's Bills while the November Presidential

Reference opinion clarified the broader constitutional questions concerning discretion, judicial timelines and deemed assent.

Fifth, federalism requires more than the formal division of legislative powers. It also requires constitutional authorities to respect the institutional legitimacy of elected State governments. A system in which State legislation can remain unresolved for an indefinite period risks weakening the practical value of State legislative autonomy.

Finally, the problem cannot be solved through a purely legal approach. Constitutional conventions, transparency, communication and restraint are important. A rule-bound system works best when constitutional authorities are aware of the powers available to them and the purpose for which those powers exist.

15 SUGGESTIONS AND RECOMMENDATIONS

15.1 Establish a clear administrative framework

A transparent administrative procedure should record when a Bill is received, whether constitutional concerns have been identified, what further examination is required and what action has been taken.

Such a procedure would not necessarily create a legally binding deadline but would reduce uncertainty and make unexplained delay easier to identify.

15.2 Encourage reasoned communication

Where constitutional concerns arise, the Governor's office should communicate them through the procedures permitted by the Constitution. Where a Bill is returned for reconsideration, the constitutional message should enable the Legislature to understand the issues requiring attention.

Reasoned communication can reduce the likelihood that constitutional disagreements become prolonged political confrontations.

15.3 Strengthen conventions of constitutional impartiality

Governors should be guided by the principle that their office exists to uphold the Constitution, not to advance a political position against an elected State government.

This does not prevent the Governor from raising genuine constitutional objections. However, it is necessary for the exercise of discretion to remain connected to constitutional purposes rather than to a political disagreement.

15.4 Consider institutional reform carefully

The appointment process, tenure and working relationship of Governors with State governments have long been subjects of constitutional debate. Recommendations made by commissions on Centre-State relations, including the Sarkaria Commission and the Punchhi Commission, provide material for considering improvements.[18]

Any reform should preserve the constitutional responsibilities of the Governor while reducing the possibility that the office becomes a recurring source of conflict between the Union and the States.

15.5 Clarify the response to prolonged inaction

The constitutional system would benefit from a clearer understanding of how prolonged inaction should be assessed. Relevant considerations may include the nature and complexity of the Bill, reasons for delay, the stage of the legislative process and whether any communication has been made.

Any reform must remain consistent with the Supreme Court's November 2025 opinion, which rejected judicially imposed general timelines and deemed assent while accepting limited intervention against prolonged, unexplained and indefinite inaction.

15.6 Promote dialogue between constitutional institutions

The Governor, Chief Minister, State Legislature and Union authorities should use established constitutional channels to resolve disagreements at an early stage.

Dialogue cannot replace constitutional rules but can prevent disagreements from escalating into litigation. In a federal system, institutional cooperation is often more effective than repeated confrontation.

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[18] In Re: Assent, Withholding or Reservation of Bills by the Governor and the President of India, Special Reference No. 1 of 2025.
Constitution of India, arts. 200–201.
Sarkaria Commission, Report of the Commission on Centre-State Relations (1988). Punchhi Commission, Report of the Commission on Centre-State Relations (2010).

16 CONCLUSION

The relationship between gubernatorial discretion and federalism reveals an important tension within India's constitutional system. The Governor is expected to perform constitutional functions impartially while the elected State government is responsible for implementing policies supported by its legislative majority. Neither role can be understood in isolation from the principles of responsible government and constitutional supremacy.

Articles 163, 200 and 201 provide the legal framework for the Governor's role in executive and legislative matters. However, the absence of a general numerical deadline for action on Bills creates uncertainty, particularly where political disagreement accompanies constitutional scrutiny.

The Supreme Court's decisions, especially those delivered in 2025, demonstrate that the issue cannot be reduced to a simple choice between unrestricted gubernatorial discretion and automatic acceptance of ministerial advice. The April 2025 judgment in State of Tamil Nadu v. Governor of Tamil Nadu addressed the constitutional consequences of delay and the reservation of reconsidered Bills. Subsequently, the November 2025 Presidential Reference opinion clarified that the Governor exercises discretion under Article 200, that courts should not impose general timelines or create deemed assent and that prolonged, unexplained and indefinite inaction may nevertheless justify limited judicial intervention.

The central question is therefore not whether the Constitution has failed to provide any mechanism for resolving disputes. It is whether the available mechanisms are effective enough to prevent constitutional powers from being instruments of prolonged institutional obstruction.

This paper concludes that the Constitution creates a possibility of constitutional deadlock but does not make such deadlock inevitable. The risk arises when constitutional discretion is exercised without sufficient transparency, institutions fail to communicate their concerns and political disagreements interfere with the ordinary functioning of

representative government.

The way forward lies in clearer procedures, greater institutional restraint, reasoned communication and respect for the federal distribution of powers. The Governor's office should neither be reduced to a purely ceremonial formality nor treated as an independent political authority. Its legitimacy depends on the careful exercise of constitutional responsibility.

Ultimately, the success of Indian federalism depends not merely on the powers written into the Constitution but also on the willingness of constitutional authorities to exercise those powers in a manner that preserves democratic accountability, legislative effectiveness and constitutional trust.

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[19] Constitution of India, arts. 163, 200 and 201.
State of Tamil Nadu v. Governor of Tamil Nadu, 2025 INSC 481.
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.

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iii. Nabam Rebia v. Deputy Speaker, Arunachal Pradesh Legislative Assembly, (2016) 8 SCC 1.
iv. State of Tamil Nadu v. Governor of Tamil Nadu, 2025 INSC 481.
v. 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.

b. Reports

i. Sarkaria Commission, Report of the Commission on Centre-State Relations (1988).
ii. Punchhi Commission, Report of the Commission on Centre-State Relations (2010).

c. Official and Secondary Legal Resources

i. Supreme Court of India, official judgment in State of Tamil Nadu v. Governor of Tamil Nadu, 8 April 2025.
ii. Supreme Court of India, official opinion in Special Reference No. 1 of 2025, 20 November 2025.
iii. Supreme Court Reports and recognised legal reporting services for the cited judgments.
iv. Constitutional law commentaries addressing Indian federalism, parliamentary government and the office of the Governor.

Research note

This paper is a doctrinal research draft. Before submission, verify the official texts and paragraph references of the judgments, apply the citation style prescribed by the university and incorporate your own critical observations. The footnotes identify the legal authorities supporting the discussion; they should be supplemented with pinpoint paragraph citations wherever a particular judicial proposition is relied upon.