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Constitutional Inertia and Democratic Resolve: A Legal-Reflective Essay on the Tamil Nadu Governor Case

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This article critically examines the Supreme Court's landmark decision in State of Tamil Nadu v Governor of Tamil Nadu & Anr,¹ a judgment that reignited national discourse on federalism, executive accountability, and constitutional silences. At its core, the case addressed the persistent refusal of the Tamil Nadu Governor to assent to state legislation, exposing procedural lacunae in Articles 200² and 201³ of the Constitution of India. Through a reflective and doctrinal lens, this essay explores how the Court intervened to transform constitutional conventions into enforceable mandates by judicially interpreting silent provisions to include reasonable timelines. By restricting gubernatorial discretion and asserting judicial review over executive inaction, the verdict reaffirmed that constitutional functionaries must act as facilitators of democratic will, not as political veto points.⁴ This article argues that the judgment is not merely doctrinal but a moral reaffirmation of constitutional accountability. It underscores how interpretive precision can safeguard democratic values and redefine the relationship between legality and legitimacy within India's federal structure. For scholars and students of constitutional law, the case serves as a living example of the Constitution's dynamic adaptability through judicial conscience.

Keywords: governor, article 200, article 201, constitution.

¹ State of Tamil Nadu v Governor of Tamil Nadu & Anr (2025) SCC OnLine SC 770

² Constitution of India 1950, art 200

³ Constitution of India 1950, art 201

⁴ Samsher Singh v State of Punjab (1974) AIR 2192

INTRODUCTION - WHERE LAW MEETS CONSCIENCE

The Constitution is a living document, flexible, evolving, and rooted in democratic morality. But these words remained abstract until I came across the Supreme Court's landmark verdict in *State of Tamil Nadu v Governor of Tamil Nadu & Anr*⁵. This wasn't just another constitutional case from a textbook; it was a compelling narrative of institutional tension, legal silence, and judicial courage. The case drew in because it touched upon two themes that have always fascinated the legal hemisphere: federalism and executive accountability.⁶ More than that, it was a moment of reckoning, where the constitutional machinery had stalled, and the judiciary was called in to fix it.⁷ It posed uncomfortable but essential questions: What happens when a constitutional office meant to safeguard democracy begins to act as a veto point? What tools does the judiciary have to correct this without rewriting the Constitution?

This judgment helped us bridge the gap between academic understanding and real-world governance challenges. This article goes beyond doctrinal exposition to illustrate how a single constitutional moment challenged conventional inertia and reasserted legislative supremacy. The case serves as a powerful example of the judiciary stepping in to correct systemic stagnation within the democratic process.

FACTUAL MATRIX - THE TIMELINE OF STANDOFF

The roots of this constitutional conflict lie in the prolonged deadlock between the elected government of Tamil Nadu and its Governor, R.N. Ravi. From January 2020 to April 2023, the Tamil Nadu Legislative Assembly passed 12 important Bills, many of which dealt with structural reforms in university governance, administrative realignment, and public appointments. These Bills were passed following standard legislative procedures and were presented to the Governor for assent as mandated under Article 200⁸ of the Constitution.

⁵ *State of Tamil Nadu v Governor of Tamil Nadu & Anr* (2025) SCC OnLine SC 770

⁶ M P Jain, *Indian Constitutional Law* (8th edn, Lexis Nexis 2022)

⁷ *S R Bommai v Union of India* (1994) 3 SCC 1

⁸ Constitution of India 1950, art 200

However, what unfolded was not a routine constitutional process but a troubling instance of deliberate inaction. The Governor chose neither to assent to the Bills nor return them for reconsideration, nor even provide a message outlining his objections. Out of the 12 Bills, 10 were withheld without explanation, while two were reserved for the President's consideration. These actions, or more precisely, the inactions, sparked significant concern within the state government and among legal scholars. Matters came to a head in November 2023 when the Tamil Nadu Assembly, exercising its constitutional prerogative, re-passed the 10 withheld Bills without any amendments and returned them to the Governor. Instead of giving assent, the Governor once again reserved all 10 for the President⁹, which the state termed unconstitutional under the first proviso to Article 200.

This triggered a writ petition under Article 32¹⁰ before the Supreme Court. The petition also highlighted other instances of alleged constitutional delinquency, such as delays in granting sanction to prosecute public officials, inaction on remission applications for prisoners, and the Governor's refusal to swear in a minister despite the Supreme Court staying his conviction.¹¹ What could have been resolved through constitutional conventions and inter-institutional dialogue turned into a full-blown legal battle. This was not just a case to be studied; it was a live demonstration of how systemic silence can erode democratic accountability and why every provision of the Constitution, no matter how seemingly procedural, plays a pivotal role in preserving the Republic. The message was chilling: what if democratic will could be stalled indefinitely, silently?

CONSTITUTIONAL ANATOMY – ARTICLES 200 & 201

The crux of the controversy in this case lies in the interpretation of Articles 200 and 201 of the Indian Constitution. Article 200 empowers the Governor to act in one of four ways when a Bill is presented to them: assent to it, withhold assent, return it (if it's not a Money Bill) with a message, or reserve it for the President's consideration. At first glance, this may appear to grant significant discretion to the Governor. However, the Constitution also builds in checks, particularly through the first proviso to Article 200, which states that if a non-money Bill is

⁹ *Ibid*

¹⁰ Constitution of India 1950, art 32

¹¹ *Samsher Singh v State of Punjab* (1974) AIR 2192

returned and subsequently passed again by the state legislature, the Governor shall not withhold assent.

Despite this clarity, a significant loophole persists: there is no explicit timeline within which the Governor must act. This omission gives rise to what legal scholars call a 'pocket veto', allowing constitutional functionaries to indefinitely delay decision-making without technically violating the text of the law. The Tamil Nadu case became a textbook example of such delay. The Assembly's re-passing of the Bills should have constitutionally obligated the Governor to grant assent. Instead, the Governor reserved them for Presidential consideration again an act the Supreme Court found to be plainly unconstitutional.¹²

Turning to Article 201, it governs the process once a Bill is reserved for the President. The President, advised by the Union Council of Ministers, may either assent or withhold assent¹³. Here, too, the Constitution does not specify a timeframe. While this silence was perhaps envisioned as a space for cooperative federalism, in practice, it has allowed executive inaction to override legislative intent. The Supreme Court took cognisance of this vacuum and declared that neither the Governor nor the President could exercise these powers without constitutional accountability. Together, Articles 200 and 201 represent the interface between state autonomy and Union oversight. This case brought into sharp focus how these provisions, when read without timelines, can paralyse the very structure they were designed to support. And as a law student, understanding how these procedural gaps can morph into democratic crises was both alarming and enlightening.

THE SUPREME COURT'S VERDICT - A LEGAL MILESTONE

Delivered on April 8, 2025, the judgment marked a watershed moment in constitutional law. The bench, led by Justices J.B. Pardiwala and R. Mahadevan, rendered a decision that was as much about jurisprudence as it was about safeguarding democratic ethos.

At the heart of the Court's pronouncement was a recognition that silence, especially institutional silence, can be a tool of disruption. The Court unequivocally held that the Governor cannot exploit the absence of a constitutional timeline to stall legislative will. By

¹² *Union of India v Rajendra N Shah* (2021) SCC online SC 474

¹³ Constitution of India 1950, art 201

reading in specific timeframes for each of the Governor's choices under Article 200, the Court transformed convention into an enforceable expectation. One month for assent or reservation, three months for returning a Bill with a message, and one month for acting on a re-passed Bill. These are not arbitrary figures but constitutional guardrails.

Equally significant was the Court's stance that once a Bill is re-passed by the Assembly, the Governor must give assent¹⁴. To reserve it again for the President amounts to a constitutional anomaly rendering the Assembly's power to reaffirm its legislative will utterly meaningless. The Court thus declared such a second reservation as ultra vires the Constitution. In extending scrutiny to the President's role under Article 201, the Court reaffirmed a powerful proposition: that no constitutional authority is above judicial review. Just as the Governor must act on the advice of the State's Council of Ministers, the President must act on the Union Cabinet's advice. And both must do so in a constitutionally reasonable time. What stood out was the Court's sharp emphasis on the Governor's role as a constitutional facilitator, not a political obstacle. Recalling earlier precedents like *Shamsher Singh v State of Punjab* (1974) and *Nabam Rebia v Deputy Speaker* (2016), the judgment reiterated that the Governor must act on the aid and advice of the Council of Ministers in all but a few expressly limited situations. The idea of a Governor as an independent veto point is both dangerous and incompatible with the Indian constitutional scheme. This chapter underscored how the judiciary can intervene decisively without treading on legislative or executive toes. It was not about expanding judicial power; it was about restoring institutional balance. The judgment demonstrates how constitutional clarity can emerge even amidst institutional stalemates, reinforcing the importance of judicial interpretation in restoring democratic equilibrium.

THE LEGAL SOUL OF THE JUDGMENT - BRIDGING SILENCE WITH PRINCIPLE

This case wasn't about amending the Constitution; it was about interpreting its spirit. The Supreme Court resisted the temptation to judicially legislate a solution¹⁵, such as introducing a doctrine of deemed assent, which would have carried significant implications. Instead, it exercised what is believed to be a model of measured judicial intervention, one that carefully inserts accountability without erasing executive discretion where it legitimately exists. By laying down timelines for the Governor's actions, the Court did not create new law but

¹⁴ *Nabam Rebiaand & Bamang Felix v Deputy Speaker & Ors* (2016) 8 SCC 1

¹⁵ *Krishna Kumar Singh & Anr v State of Bihar & Ors* (2017) 3 SCC 1

breathed constitutional life into existing provisions. It interpreted the phrase shall not withhold assent in the first proviso to Article 200 as not a polite suggestion, but as a binding command. The clarity with which the Court framed the boundaries of gubernatorial power and its limits has now given teeth to provisions that were once seen as vulnerable to misuse.¹⁶

The decision exemplifies the balance between judicial restraint and constitutional responsibility. Its measured tone provides important guidance for scholars analysing the limits of gubernatorial discretion. It did not resort to rhetorical censure, but the verdict was firm in its diagnosis of mala fide delay. The judgment distinguished between genuine discretion and constitutional evasion; a distinction considered now as central to the health of a democracy. What resonated most was the Court's articulation that interpretation is not overreach; it is an act of enabling the Constitution to respond to challenges unforeseen by its framers. This was not merely a legal clarification but a broader affirmation of constitutional morality: that silence in governance, when deliberate, constitutes a breach of democratic principles.

POLITICAL NEUTRALITY VS CONSTITUTIONAL ACCOUNTABILITY

The deeper conflict in this case wasn't just about a Governor withholding assent. It was about the misuse of a constitutional role to paralyse governance. Technically, the Governor acted within the letter of Article 200¹⁷. But as the Supreme Court underscored, that action or inaction was contrary to its constitutional purpose. This disconnect between legality and legitimacy raises the broader question: can a constitutional authority behave politically and still claim institutional neutrality? The judgment responds with a firm no. The Governor is not an ombudsman or arbitrator in state politics; he is a constitutional facilitator.

What the Tamil Nadu case brought to the fore is the danger of political preferences disguised as constitutional discretion. In refusing to swear in a minister cleared by the Supreme Court,¹⁸ or in sitting on Bills that had been re-passed by an elected legislature, the Governor's conduct invited scrutiny not merely for delay, but for democratic subversion. The takeaway was both sobering and clarifying: that in a constitutional democracy, form is not enough; intent

¹⁶ G Austin, *The Indian Constitution: Cornerstone of a Nation* (2nd edn, Oxford University Press 1999)

¹⁷ Constitution of India 1950, art 200

¹⁸ *Kechar Singh & Anr v Union of India & Anr* (1989) 1 SCC 204

matters. Upholding the Constitution demands not just formal legality but faithful adherence to its underlying values.

THE RIPPLE EFFECT - IMPLICATIONS BEYOND TAMIL NADU

Though rooted in Tamil Nadu, this verdict is national in consequence. Every state legislature now has judicial affirmation that its Bills cannot be stonewalled indefinitely. The decision establishes normative timelines and confirms that executive delay is justiciable, even at the level of the President. The broader impact of this judgment lies in three directions. First, it affirms that the Supreme Court remains the sentinel of constitutional governance, willing to intervene when institutional actors misuse their positions. Second, it deters future misuse by making clear that no constitutional post is immune to judicial oversight,¹⁹ not even the President. Third, it reasserts the legislative supremacy of state assemblies in a federal structure.

For young legal scholars, this judgment is a valuable lesson in how constitutional law responds dynamically to preserve democratic function. It also shows that federalism is not just a structural feature; it is a working relationship. And that relationship, like any other, depends on accountability, clarity, and mutual respect. The verdict gave a template for how courts can guide, not dominate; restore, not disrupt. It reminded us that behind every article of the Constitution lies a promise to the people that governance will be honest, responsive, and just. Political Neutrality vs Constitutional Accountability

The real question here is not about legality alone, but legitimacy. The Governor's actions may have appeared legal in the literal sense, but they were constitutionally dishonest. The delay was not rooted in any legal necessity but in political disagreement. This case is a reflection of how constitutional roles are being politicised, and how courts have to constantly guard the Constitution not just from misinterpretation, but from misuse. The judgment stands as a constitutional bulwark against executive arbitrariness, reaffirming the primacy of legislative will in India's federal structure.

¹⁹ *Union of India v R Gandhi* (2010) 11 SCC 1

JUDICIAL REVIEW – LIMITS, CONTROVERSIES, AND CONSTITUTIONAL DIALOGUE

Few constitutional moments in recent memory have ignited as vibrant a debate on the boundaries of judicial review as the Tamil Nadu Governor case. The Supreme Court's decision to read enforceable timelines into Article 200 was lauded by many for its doctrinal clarity and for restoring equilibrium between the branches of government. Yet, criticism was inevitable. Some jurists argued passionately that bypassing Parliament's amendment process risks setting a precedent of judicial legislation. Others insisted that, without such intervention, the balance of federal power would remain perpetually skewed. The controversy itself is emblematic of a healthy constitutional democracy – one willing to debate what it means for courts to enforce constitutional morality without overstepping the text. The ongoing dialogue, both in law schools and through academic commentary, reflects a sense that India's constitutional journey is far from finished, and that robust review remains integral to the evolution of our legal order.

Reforming Institutional Architecture - Towards Preventive Constitutionalism: Judgments can settle immediate disputes, but durable solutions demand reform. The Tamil Nadu Governor's verdict should spark a deeper institutional reconsideration. It is now clear that the mere existence of Articles 200 and 201 – absent statutory timeframes or procedural safeguards is not enough. Greater transparency in governor appointments, perhaps through wider consultation between the Centre and state stakeholders, could also prevent future controversies. The ideal constitutional arrangement is not adversarial, but cooperative, one in which legislative intent, executive accountability, and judicial oversight exist in a delicate but functional balance. It is this preventive constitutionalism that will ultimately protect both federal values and the dignity of constitutional posts.

Ripple Effect - A Blueprint for States in Conflict: What began in Tamil Nadu was never only a regional matter. The Supreme Court's authoritative signals now ripple through Kerala, Punjab, Maharashtra, West Bengal, and elsewhere, wherever governors have delayed or obstructed state legislation. The verdict, in effect, arms other assemblies with reasoned arguments and judicial precedent to demand timely assent and challenge undue delays. This new climate of constitutional confidence may encourage fresh litigation, informed legislative

changes, and, even more importantly, a renewed sense that the powers of constitutional authorities are not unbounded but always answerable to the people's representatives.

Democratic Ethos - Beyond Legality to Legitimacy: Ultimately, the Tamil Nadu Governor saga is a lesson not just in constitutional interpretation but in the ethical demands of office. The case forces focus back on the moral purpose of constitutional roles: the idea that legality without legitimacy cannot sustain a democracy. At the heart of the judgment is a call for public officials, especially constitutional authorities, to conduct themselves not only as gatekeepers of technical legality but as stewards of intent, fairness, and political neutrality. In foregrounding constitutional morality, the Court pushes all constitutional actors to engage with the spirit of the law, not its letter alone. For students and practitioners alike, this central lesson is timeless: the Constitution is not merely a book of rules, but a living contract between institutions and citizens, demanding honesty, responsiveness, and respect across every public office.

CONCLUSION

The day the verdict came out, it was analysed with the analytical eye of a law student. This case was not simply about Articles 200 or 201; it was about the very machinery of responsible governance. It emphasised that while the Constitution grants a dignified position to the Governor²⁰, that position is not ornamental, nor is it a tool of political resistance. It is a constitutional trust meant to facilitate, not frustrate, the will of the people through their elected representatives. The Supreme Court's insistence on reasonable timelines filled a normative gap left by the framers, not as an act of judicial overreach, but as an essential interpretive mechanism to ensure constitutional efficacy. In doing so, the Court demonstrated how judicial restraint and activism can coexist. Harmoniously, when guided by constitutional morality. Personally, this judgment reassured me how legal reasoning can be compassionate, how doctrine can intersect with duty, and how the Constitution, despite its silences, always speaks.²¹ If one listens closely enough. It affirmed my belief that law is not just a profession; it is a vocation grounded in public faith and civic courage.

²⁰ D D Basu, *Commentary on the Constitution of India* (vol 3, 9th edn, Lexis Nexis 2019)

²¹ Anuj Bhuwania, *Courting the People: Public Interest Litigation in Post-Emergency India* (CUP 2016)