

News

Presidential reference about governor deadlines: Day 2 of the Supreme Court's



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The Presidential reference case concerning the deadlines and processes for the President and State Governors when evaluating bills enacted by State legislatures is now being heard by the Supreme Court.

The case is being heard by a Constitution Bench that includes Justices Surya Kant, Vikram Nath, PS Narasimha, **Atul S. Chandurkar**, and Chief Justice of India (CJI) **BR Gavai**.

Under Article 143(1) of the Constitution, which permits the President to request the Court's opinion on legal issues or matters of public concern, the Bench was established to decide the referral made by President **Droupadi Murmu**.

The April ruling by the top court, which established deadlines for the President and the Governor to decide on bills and held that the Governor's failure to act under Article 200 (the Governor's authority to assent to bills passed by the State Legislature) was subject to judicial review, is being challenged in the Presidential reference.

The Supreme Court's ruling on April 8 in a lawsuit brought by the State of Tamil Nadu against the Governor set off the reference.

The Supreme Court's ruling said that the lack of a deadline under Article 200 for deciding on measures enacted by the State assembly could not be construed as permitting an unlimited delay.

According to a bench of Justices JB Pardiwala and R Mahadevan, the governor must take action within a reasonable amount of time, and the democratic process cannot be halted by constitutional silence.

The Court ruled that although while Article 200 does not provide a deadline, it cannot be understood to permit the Governor to take an endless amount of time to act on bills that have been enacted by the State assembly.

The Court ruled that the President's decision-making is subject to judicial review and must be made within three months in accordance with Article 201. Any delays that occur beyond that time must be documented and reported to the relevant State.

The ruling stated, "The President must make a decision on the Bills within three months of the date on which such reference is received, and if there is any delay beyond this time, the relevant reasons must be documented and communicated to the concerned State."

President Murmu raised constitutional issues over the Court's interpretation of Articles 200 and 201 when he sent fourteen queries to the Supreme Court after the decision. According to the reference, neither Article specifically grants the Court the authority to set deadlines, and the Constitution does not take into account the idea of "**deemed assent**" in the case of a delay.

The reference argued against the Supreme Court's decision, which established the idea of "deemed assent" in the event that the governor or president did not take action on a bill within

the allotted period. According to the citation, such a notion was against the constitution.

It is believed that the President is asking whether the Supreme Court may successfully enact laws in cases where the Constitution is silent and if assent deadlines infringe upon the constitutional officials' discretion.

Additionally, the reference emphasized that judicial and legislative roles are distinct, and that directives such as those included in the Tamil Nadu Governor's verdict run the danger of disturbing the delicate balance between the three parts of government.

Tamil Nadu and Kerala have both argued that the reference is unmaintainable.

Since the Supreme Court cannot convene in appeal over its rulings, TN's motion argues that the reference is an appeal disguised as a reference and should be returned unanswered by the Court.

The State of Kerala also petitioned the Supreme Court to rule that the Presidential referral could not be upheld.

But the central government has backed the reference, claiming that the president's and governors' authority to act on bills is a "**high prerogative**" role that is unconstrained by judicial deadlines.

Crucially, the Center has also stated that governors represent the will of the entire nation in each state and are not merely agents or foreigners in a state.

Attorney General **R Venkataramani** questioned whether the Court could amend the Constitution by establishing deadlines for the President and Governors to sign legislation enacted by legislatures during Tuesday's session.

In response, the Court said that the bench that rendered the April decision could have felt obliged to step in because the Tamil Nadu assembly's legislation had been sitting on the governor's desk for a while.