

News

The Supreme Court's Constitution Bench will consider a presidential referral on the governors' assent deadlines for bills



A five-judge Constitution Bench will consider whether Articles 200 and 201 of the Constitution allow the Supreme Court to set timelines for the President and Governors.

A Presidential reference regarding whether the Supreme Court can establish deadlines and protocols for the President and State Governors when evaluating bills passed by State legislatures will be heard by a Constitution Bench on July 22 [**In Re: Assent, Withholding, or Reservation of Bills by the Governor and President of India**].

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, a Constitution Bench consisting of Chief Justice of India (CJI) **BR Gavai**, **Justice Surya Kant**, **Justice Vikram Nath**, **Justice PS**

Narasimha, and Justice Atul S. Chandurkar has been established to decide the reference made by President Droupadi Murmu.

The April verdict by the top court, which established deadlines for the President and the Governor to decide on bills and found that the Governor's delay under Article 200 was subject to judicial review, is being challenged in the Presidential reference.

The Supreme Court's ruling in a case brought by the State of Tamil Nadu, which held that the lack of a deadline under Article 200 could not be construed as permitting indefinite delay, set off the reference.

The Governor must take action within a reasonable timeframe, according to the bench of **Justices JB Pardiwala and R Mahadevan**, and constitutional silence cannot be used to impede the democratic process.

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 passed by the State assembly.

When setting deadlines for the Governor to act, the bench stated, "Even though Article 200 does not specify a timeline, this does not mean that the Governor has unrestricted discretion to do nothing about bills that are presented by the State legislature."

The Court ruled that the President's decision-making is subject to judicial review and must be made within three months in relation to her authority under Article 201. Any delays that occur after 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.*"

Vice President Jagdeep Dhankhar criticized the decision harshly and openly questioned the judiciary's power to give the president any guidance. Speaking at a public gathering, he said:

A recent ruling has issued an order to the President. Where are we going? What's going on in the nation? Democracy was never negotiated for today. The president has a deadline to

make a decision; if he doesn't, it becomes law. Because the law does not apply to them, judges will operate as super Parliament, enact laws, and carry out executive duties. As a result, they will have no responsibility at all," he had stated.

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 gives 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 time. According to the reference, such a notion was against the constitution.

The reference claimed that the idea of a supposed assent of the governor and president is foreign to the constitutional framework and essentially limits their authority.

It is believed that the President is asking whether the Supreme Court may successfully enact laws in cases where the Constitution is silent and whether 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 found in the Tamil Nadu Governor's verdict run the risk of disturbing the delicate balance between the three parts of government.

It is now anticipated that the Constitution Bench would examine whether the court can give the government, especially high constitutional authorities like the president and governors, legally enforceable instructions by interpreting constitutional silences.

The Court's discussions on one of the most important constitutional issues in recent years will begin with the hearing on July 22.