



EDITORIAL: **THE HINDU**

GENERAL STUDIES 2: POLITY

DATE: 17.05.2025

TOPIC: FEDERALISM

Closing argument: On the Presidential Reference to the top court

Governor's assent to State Bills and the Centre's response:

1. Supreme Court Judgment – April 8, 2025:

- The Supreme Court held that Tamil Nadu Governor R.N. Ravi's inordinate delay in assenting to ten State bills was **unconstitutional and illegal**.
- It emphasized that **neither the Governor nor the President has discretionary or arbitrary powers** to indefinitely withhold assent to bills passed by a State legislature.
- The verdict cited **Constituent Assembly Debates, previous Supreme Court rulings, and recommendations from commissions** like the **Sarkaria Commission** and **Punchhi Commission** to support its interpretation.
- The Court clearly laid down that **executive inaction or delay violates the federal structure and democratic processes**.

2. Key Legal Provisions and Administrative Norms:

- **Article 200 and Article 201** deal with the assent process for State legislation by the Governor and the President respectively.
- While Article 201 allows the President to withhold assent to certain State Bills, **it does not specify a timeline** for such action.
- The SC judgment relied on existing guidelines in the form of **Ministry of Home Affairs (MHA) 2016 Office Memorandums**, which already specify expected timelines and conduct for processing bills.

3. Centre's Response – Presidential Reference under Article 143:

- Despite the detailed judgment, the **Union Government invoked Article 143**, which allows the President to refer legal questions to the Supreme Court for advisory opinion.
- The editorial criticizes this move as **unusual and unnecessary**, particularly when the Court has already addressed the issue thoroughly.
- It raises suspicion that the Centre may be **attempting to preserve or regain discretionary influence over States** through the office of the Governor.

4. Constitutional and Federal Concerns:



- The move to seek a Presidential Reference is seen as a **challenge to judicial authority** and the clarity provided by the Court.
- It also indicates a **broader pattern of centralization**, where constitutional posts like the **Governor's office** are being politicized.
- By not respecting the Court's verdict, the Centre risks **undermining cooperative federalism** and **ignoring judicial checks and balances**.
- **Article 201's silence on timelines** should not be used as an excuse to delay or obstruct State legislation.

5. Editorial's Suggested Way Forward:

- The Centre must **respect the binding nature of the Supreme Court's judgment** and refrain from confrontational legal strategies.
- Any ambiguities or procedural hurdles must be resolved through **structured inter-governmental dialogue**, involving **Chief Ministers and the Union Government**.
- If persistent delays and misuse continue, the editorial suggests considering a **constitutional amendment to fix binding timelines** for both Governors and the President to act on bills.
- Such an amendment could **strengthen India's federal setup**, **reduce friction**, and **ensure democratic accountability** in legislative processes.

Conclusion:

The editorial strongly argues that the Supreme Court has provided sufficient clarity, and the Centre's resort to Article 143 appears to be a **politically motivated effort** to retain **extra-constitutional leverage** via Governors. The way ahead lies in dialogue, respect for judicial decisions, and possibly, legal reforms.

Source: <https://www.thehindu.com/opinion/editorial/closing-argument-on-the-presidential-reference-to-the-top-court/article69584260.ece>

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