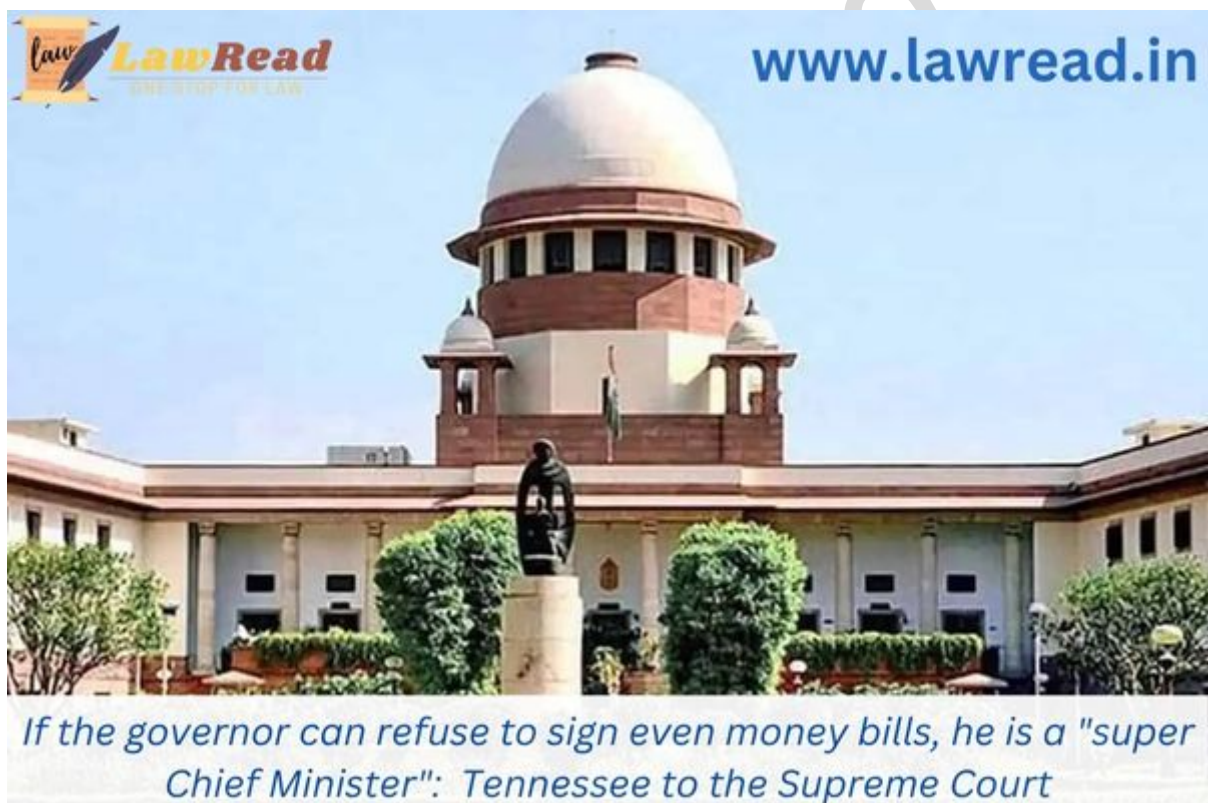


News

If the governor can refuse to sign even money bills, he is a "super Chief Minister": Tennessee to the Supreme Court



The Court was considering a Presidential reference challenging its April decision that set deadlines for the Governor and the President to make bill decisions.

The Tamil Nadu government said before the Supreme Court on Thursday that granting the governors the authority to refuse to sign even money bills approved by the state assembly would essentially turn them into a state's "super Chief Minister."

At the hearing of President **Droupadi Murmu's** referral to the highest court under Article 143 of the Constitution, Senior Advocate **Abhishek Manu Singhvi** made

his argument before the Constitution Bench, which included Chief Justice of India BR Gavai and Justices Surya Kant, Vikram Nath, PS Narasimha, and Atul S. Chandurkar.

The Court's April decision, which set deadlines for the Governor and the President to decide on bills, has been contested in the reference.

On August 26, the Maharashtra government's attorney, Senior Advocate Harish Salve, submitted that the governor might refuse assent to money legislation. **Singhvi** was replying to this argument.

"It is in sync with the submission that the Governor is not [just] in a dominating position, he is super Chief Minister...possibly trenching beyond super Chief Minister also," Singhvi said.

Singhvi responded to Solicitor General (SG) Tushar Mehta's claim that Article 207 would apply to money bills since they are presented with the governor's recommendation and the issue of withholding assent would not arise. **Singhvi** stated that the purpose of Article 207 was to stop private-member money bills. He added that even when it comes to money bills, the governor is still subject to the council of ministers' advice and assistance.

Singhvi further questioned if the Constitution ever specifies that the governor, not an elected government, would have the last say on a measure.

The President's reference to a ruling in *State of Tamil Nadu v. The Governor of Tamil Nadu & Anr.*, rendered by a bench of Justices JB **Pardiwala** and R Mahadevan, is presently being heard by the highest court. The Supreme Court ruled that constitutional silence could not be used to obstruct the political process and that governors must respond within a reasonable time.

The Court ruled that although though Article 200 does not provide a deadline, it cannot be understood to permit the Governor to put off taking action on laws that the State Assembly has enacted indefinitely.

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. It had said that any delays that went beyond that time frame had to be documented and reported to the relevant State.

Concerning the judgment's interpretation of Articles 200 and 201, the President sent fourteen queries to the Supreme Court after the decision.

Among the issues raised are whether the Supreme Court can establish procedural rules in areas where the Constitution is silent and whether setting deadlines infringes on the President's and Governors' constitutionally permitted discretion.

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