

News

"TN opposes Presidential reference on timelines for Governors; tells Supreme Court it is appeal in disguise"



Tamil Nadu has argued that the reference is an attempt by the President to reopen settled law on the powers of Governors under Article 200 and of the President under Article 201 of the Constitution. The State of Tamil Nadu has moved the Supreme Court opposing the maintainability of the Presidential reference on deadlines for Governors to assent to bills passed by State legislatures as not maintainable. In its application filed in response to the reference made under Article 143 of the Constitution, Tamil Nadu has argued that the move is an attempt by the President to reopen settled law on the powers of Governors under Article 200 and of the President under Article 201 of the Constitution. The April 2025 judgment of the top court in *State of Tamil Nadu vs. The Governor of Tamil Nadu* answers the issues raised in the reference in an exhaustive manner and the reference by the President is an appeal in disguise which is impermissible, the State has argued. "The Presidential Reference dated 13.05.2025 raises questions of law... which have been directly answered by this Hon'ble

Court recently in *The State of Tamil Nadu vs. The Governor of Tamil Nadu* in an exhaustive manner," the application by TN states. Hence, it has urged the Supreme Court to return the reference dated May 13 as unanswered. "It is prima-facie evident that the present Presidential Reference is nothing but an appeal in disguise... Therefore, the Presidential Reference dated 13.05.2025 deserves to be unanswered as a whole and liable to be returned," the TN government has urged. The Supreme Court had earlier issued formal notice to the Central government and all the States in the matter and asked them to file their responses. The top court had in its April judgment in *State of Tamil Nadu v. Governor of Tamil Nadu* prescribed timelines for the President and the Governor to decide on Bills and also held that the Governor's inaction under Article 200 was subject to judicial review. The Court ruled that the absence of a time limit under Article 200 could not be interpreted to allow indefinite delay. The Bench of Justices JB Pardiwala and R Mahadevan held that the Governor must act within a reasonable time and that constitutional silence could not be used to stall the democratic process. With regard to the President's powers under Article 201, the Court had held that her decision-making is not beyond judicial scrutiny and must occur within three months. If there is any delay beyond that period, reasons must be recorded and communicated to the concerned State. "The President is required to take a decision on the Bills within a period of three months from the date on which such reference is received and in case of any delay beyond this period, appropriate reasons would have to be recorded and conveyed to the concerned State," the judgment said. Following the ruling, President Droupadi Murmu referred fourteen questions to the Supreme Court, raising constitutional concerns about the Court's interpretation of Articles 200 and 201. The reference argued that neither Article contains any express provision empowering the Court to prescribe deadlines, and that the notion of "deemed assent" in the event of delay is not contemplated by the Constitution. The Tamil Nadu government has now opposed the reference arguing that it was made just a month after the April verdict of the top court. "A cursory view of the whereas clauses... would reflect that the above Reference has been issued to overrule the decision and directions... and make it clear that the above Presidential Reference is nothing but an Appeal in disguise, which is impermissible in law," the application states. The Supreme Court cannot sit in appeal over its decision and the President cannot confer an appellate jurisdiction on the Court under Article 143 of the Constitution, the State has contended. The application also points out that the Governor, who was the respondent in the April verdict, has not filed any review or curative petition against the April 8 judgment. Hence, the Presidential reference is an appeal in disguise which deserves to be returned unanswered. The State of Kerala too had filed an application before the Supreme Court to declare the Presidential reference as not maintainable, and to return the reference unanswered. A Constitution Bench of Chief Justice of India (CJI) BR Gavai and Justices Surya Kant, Vikram Nath, PS Narasimha and Atul S

Chandurkar is hearing the Presidential reference.

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