



BENEVOLENT IAS ACADEMY

#1626-A, Sri Vinayaga Complex, Hope College,

Peelamedu (PO), Coimbatore – 641004.

Cell: +91-9787731607, 9787701067

Web: www.benevolentacademy.com. E-Mail: benevolentacademy@gmail.com

TODAY'S IMPORTANT CURRENT AFFAIRS

UPSC MAINS

Date: 10.04.2025

FEDERALISM- GOVERNOR

Source: The post is based on the article published in “The Hindu” on 09.04.2025.

In News: Governor cannot change his mind second time: SC

Top court refers to how Tamilnadu governor withheld consent to 10 bills, says that if he wanted to reserve a bill for consideration of president, he ought to have done it in the first instance itself.

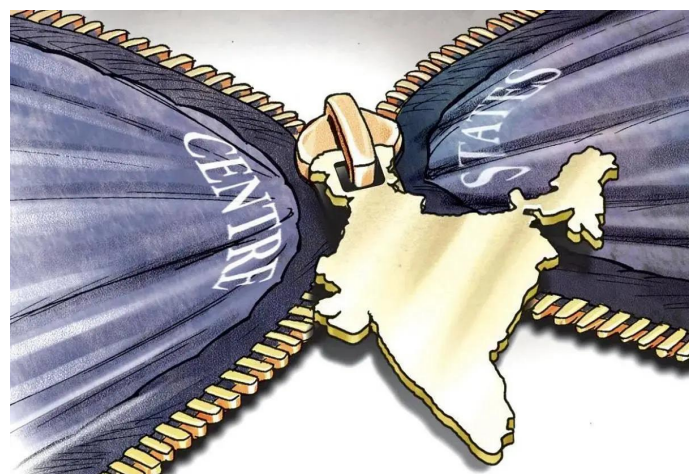
Syllabus: *Mains – GS II (INDIAN POLITY- FEDERALISM)*

Governor

The role of the Governor in India is a **cornerstone of the federal structure, balancing state autonomy with central oversight**. Below is a detailed explanation of the Governor's position, powers, and related issues.

The Governor is the **constitutional head** of a state in India, appointed by the President for a term of five years. The post exists to:

- ❖ Represent the Union government in states.
- ❖ Ensure adherence to constitutional principles within state governance.
- ❖ Act as a link between the Centre and states, especially in India's quasi-federal structure.



Federalism in India and Role of Governor

India practices cooperative federalism with a tilt toward centralization. While states have autonomy in certain areas, the Governor ensures that state actions align with national interests, thereby maintaining federal balance.

Governor's Role in Bill Passage

Legislative Powers

- ❖ Summons, prorogues, and dissolves the state legislature.
- ❖ Addresses the legislature at the beginning of its sessions.
- ❖ Gives assent to bills or reserves them for Presidential consideration under Article 200
- ❖ Promulgates ordinances when the legislature is not in session

Under Article 200:

The Governor can:

- ❖ Give assent to a bill.
- ❖ Withhold assent.
- ❖ Return it for reconsideration (except money bills).
- ❖ Reserve it for Presidential assent.
- ❖ If reserved, Article 201 allows the President to approve or reject it.

Suspensive Veto

The Governor can return a bill once for reconsideration. If passed again by the legislature without amendments, they must give assent.

Issues with Governor's Role

Partisanship: Allegations of Governors acting under Union government influence, undermining federal principles.

Delay in Assent: Prolonged decision-making on bills disrupts governance.

Overreach: Misuse of discretionary powers, especially during political crises.

Recent Supreme Court Judgment

- ❖ In 2023, the Supreme Court ruled that Governors must decide on bills "within a reasonable time" under Articles 200 and 201 to prevent legislative paralysis. This judgment emphasizes accountability and limits undue delays by Governors
- ❖ In 2025 State of Tamilnadu vs Governor ,SC said that the Governor must grant assent to a bill repassed by the State legislature under A200 within a maximum of one month.

The issue of the Governor exercising suspensive veto and subsequently reserving the bill for Presidential assent raises significant concerns about legislative delays and constitutional implications. Here's a detailed analysis:

Problem with Governor's Suspensive Veto and Reservation for President

Under Article 200, the Governor can return a bill (except money bills) for reconsideration by the State Legislature. If the legislature passes the bill again, with or without amendments, the Governor is constitutionally obligated to grant assent. However, problems arise when:

After returning the bill for reconsideration, the Governor reserves it for Presidential assent during its second presentation.

This action circumvents the legislative process and creates unnecessary delays in enacting laws.

Key Issues

Violation of Legislative Autonomy:

The Governor's reservation of a reconsidered bill undermines the authority of the State Legislature, which has already expressed its will by passing the bill twice.

It creates friction between state governments and Governors, especially in politically sensitive states.

Delays in Governance:

Reserving bills for Presidential consideration introduces indefinite delays since Article 201 does not prescribe a time limit for Presidential assent or rejection.

This hampers governance by postponing critical legislative measures.

Potential Misuse of Discretionary Powers:

Governors may use this mechanism to serve political interests rather than constitutional obligations, leading to perceptions of partisanship.

Conflict with "Reasonable Timeframe" Principle:

The Supreme Court has emphasized that decisions under Article 200 must be made "as soon as possible" to prevent legislative paralysis. Reserving reconsidered bills contradicts this principle.

Consequences

Erosion of Federalism:

Such actions weaken cooperative federalism by allowing central intervention in state matters through Governors.

Legislative Paralysis:

Delays in passing laws disrupt governance, particularly when bills are crucial for implementing state policies.

Political Tensions:

This practice exacerbates conflicts between opposition-ruled states and Governors appointed by the Union government, leading to strained Centre-State relations.

Measures to Address Problems

Time Limits for Decision-Making

The Supreme Court has recently ruled that Governors must act within a reasonable timeframe under Articles 200 and 201. Specifically:

Bills returned for reconsideration must be assented to within one month if passed again.

Bills reserved for Presidential consideration must be acted upon within three months.

Judicial Oversight

Courts can ensure that Governors adhere to constitutional principles and prevent indefinite delays in decision-making.

Clarification of Constitutional Provisions

Amendments to Articles 200 and 201 could explicitly prohibit reserving reconsidered bills for Presidential assent.

Promoting Neutrality:

Appointing Governors with bipartisan consensus can reduce perceptions of partisanship and ensure adherence to constitutional norms.

In conclusion, while the Governor's suspensive veto is designed to maintain checks and balances, its misuse—especially when combined with reservation powers—creates significant governance challenges. Recent judicial interventions aim to address these issues by enforcing time limits and promoting accountability.