

The Supreme Court's Role in Shaping Federalism: A Study of the Tamil Nadu vs. Governor Case

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Abstract: *In state TamilNadu v. Governor of TamilNadu decided by the Supreme Court of India On April 8 , 2025 , the court addressed a constitutional crisis arising from the Governor R.N Ravi Prolonged delays and arbitrary actions on bill passed by the TamilNadu Legislative Assembly between 2020 and 2023. These bills, primarily concerning university Governance reforms were withheld, returned without reason or reserved for the President's Consideration under Article 200 , Prompting the state to invoke Article 32 for writ relief. The Judgment authored by Justice J.B. Pardiwala spanned 415 pages and Fundamentally recalibrated the Governor's role in India's Fedral Structure .*

I. INTRODUCTION

A unique federal system with a powerful central government, as per the Indian Constitution, is established, and the Seventh Schedule specifies the division of powers between the union and states. In spite of this, the judiciary's constitutional interpretations often impact the implementation of federalism in practice, with the Supreme Court being instrumental to resolve Centre-State tensions and uphold democratic governance. Recently, the State of Tamil Nadu v. was brought to light by this dynamic. The Governor of Tamil Nadu examined how the delays in assenting to bills passed by the Tamilnadu Legislative Assembly could have influenced federal principles, including the Supreme Court's ruling on arbitrary powers that limited the Governor's statutory power and guaranteed democratic accountability.

What happens in federalism?

Federal government is a type of government that allocates powers between centralized administration and localized governments. Both levels are responsible for their individual areas of authority, but they also collaborate on shared issues through this structure. Constitution is the supreme law of this land, it sets out duties and guarantees the life-blood of every tier of government.

A. The separation of powers: The national government is responsible for matters of national importance, such as defence and foreign policy,

while states are responsible in areas like police and agriculture. In areas where there is a shared interest, such as education, both can legislate, but national law prevails when there's ambiguity.

- B. Bidirectional governmental structures: The central and state governments both have their own legislative and executive branches, each operating independently within its designated domain.
- C. The constitutional system establishes that the constitution must be followed by all branches of government, preventing any corruption or abuse of power.
- D. Insolvency cases between state or federal governments are resolved by the Supreme Court, which functions as an umpire.
- E. Balancing diversity and unity: Federalism's success is due to its ability to balance regional differences with state autonomy. India is a federal country because of its constitutional separation of powers between central and state governments, its dual government system (independent judiciary), and independent written constitution. The central government's dominance over the states makes it a quasi-federal system.

II. ROLE OF THE SUPREME COURT IN FEDERALISM

The Supreme Court of India plays a crucial role in managing India's unique federal system. As the highest judicial body, it acts as an umpire, interpreting the Constitution to resolve conflicts between the Central and state governments and ensuring that neither side oversteps its boundaries. The Constitution of India doesn't explicitly use the word "federal," leading to debates on whether India is truly federal or quasi-federal.

The Supreme Court has stepped in to clarify the relationship between the Centre and states, ensuring that both levels of government get their power from the Constitution, not from each other. Through its

judgements, the Court acts as a balancing force. It has often limited the central government's power when it appeared to become too dominant. For example, in a major case concerning the misuse of Article 356 (President's Rule), the Court restricted the Centre's ability to arbitrarily impose its rule on states, thereby protecting states' autonomy. The Supreme Court's continuous interpretation of the Constitution helps maintain the balance of power, which is essential for India's unique federal structure to work effectively.

Several landmark cases highlight this role:

State of West Bengal v. Union of India (1963): The Court held that the States do not have sovereignty independent of the Union; both exist under the same Constitution. This ruling leaned towards central supremacy but also acknowledged the autonomous space of States within the constitutional scheme.¹

S.R. Bommai v. Union of India (1994): A watershed moment in Indian federalism, where the Court restricted arbitrary use of Article 356 (President's Rule). It ruled that the federal structure is part of the "basic structure" of the Constitution, thereby making federalism judicially protected against excessive central interference.²

Over time, the Supreme Court's stance has evolved from a Centralising approach (emphasizing Union supremacy) to a more balanced federal outlook (protecting State autonomy where necessary). This shift reflects the Court's recognition that federalism is not merely an institutional arrangement but a constitutional value essential to democracy and diversity in India.

III. OFFICE OF THE GOVERNOR AND FEDERAL TENSIONS

The Governor's general role and powers (Articles 153–162)

Article 153: Each state must have a Governor, though one person can be the Governor for two or more states.³

Article 154: The Governor is the executive head of the state and performs their duties directly or through subordinate officials.⁴

Article 155: The President of India appoints the

Governor.⁵

Article 156: A Governor holds office for a term of five years, but can be removed earlier by the President.⁶

Article 157: To be appointed Governor, a person must be an Indian citizen and at least 35 years old.⁷

Article 161: The Governor has the power to grant pardons and reduce sentences for offenses related to state laws.⁸

The Governor's relationship with the Council of Ministers (Article 163)

Article 163: Unless the Constitution permits the Governor to exercise independent judgment, the Governor must follow the Council of Ministers' advice, which is headed by the Chief Minister. The Governor's judgment regarding whether a matter is within their discretion is final and cannot be contested in court.⁹

The Governor's legislative powers over the State Assembly (Article 174)

Article 174: The governor may dissolve, prorogue, or summon sessions of the state legislature. They have to make sure that the interval between legislative sessions is no longer than six months. New elections are held when the Legislative Assembly is dissolved.¹⁰

The Governor's role concerning state bills (Article 200)

Article 200: When a bill is passed by the state legislature, the Governor has four options: Give assent: The bill becomes a law.¹¹

Withhold assent: They can reject the bill. However, the Supreme Court has ruled this cannot be done indefinitely.

Return for reconsideration: If it is not a Money Bill, the Governor can send it back to the legislature for reconsideration. If the legislature passes it again, the Governor must give assent.

Reserve for the President: The Governor must reserve a bill for the President's consideration if it could hurt the High Court's constitutional powers. They can also

reserve it for other reasons, like if it contradicts central laws or is of grave national importance.

Governor as a Constitutional Head vs. Agent of the Centre:

As Constitutional Head, the Governor is like the President at the State level. He works on the aid and advice of the Council of Ministers (Article 163), meaning the real power is with the elected State government. In this role, the Governor is supposed to act neutrally, uphold the Constitution, and ensure smooth functioning of the State. But in practice, the Governor is often seen as an agent of the Centre because he is appointed by the President (on Union Cabinet advice) and can be removed at any time. This creates suspicion that Governors sometimes act to protect the political interests of the Union government rather than the State.¹²

Past Controversies Involving Governors and States

Dismissal of elected governments: Example – N.T. Rama Rao government dismissed in Andhra Pradesh (1984).¹³

Misuse of Article 356: Governors recommended President's Rule for political reasons in many cases (checked later by S.R. Bommai judgment).¹⁴

Delay in giving assent to Bills: Many Governors (e.g., Tamil Nadu, Kerala, Punjab) have delayed or withheld assent to laws passed by State legislatures.

Hung Assembly disputes: Controversies over inviting parties to form government (Karnataka 2018, Maharashtra 2019) raised questions about Governor's discretion. These incidents show that the office of Governor is frequently caught in political struggles.¹⁵

Relevance in Centre–State Disputes

The governor's actions frequently serve as the focal point of disagreements between the states and the center. The governor usually has the final say on matters like the dismissal of state governments, recommendations for President's Rule (Article 356), and the withholding of bills.¹⁶

As a result, state governments frequently accuse governors of compromising their independence by

acting against the will of the central ruling party and the elected majority. In order to define and curtail the governor's discretionary powers, the Supreme Court has been compelled to step in on multiple occasions (in seminal cases such as S.R. Bommai and Nabam Rebia). The governor is essentially a constitutional necessity for Indian federalism, but it continues to be a major point of contention between the two tiers of government.

IV. TAMIL NADU VS. GOVERNOR CASE – A DETAILED STUDY

Factual background of the case:

On 31 October 2023, the government of Tamil Nadu approached the Supreme Court challenging Governor R.N. Ravi's decision to keep various Bills and other proposals submitted by the state government pending indefinitely.

The state government pointed out that there were four categories of “cases” which had been kept pending by the Governor with no response.

The first category of cases related to 12 bills that had been passed by the Tamil Nadu Legislative Assembly between 2020 and 2023. Article 200 of the Constitution states that after the passage of a Bill by a state Legislative Assembly, or in case of a bicameral legislature, both Houses of the state, the Bill ought to be presented to the Governor. The Governor shall then have either of three options: to assent to the Bill, withhold assent from the Bill, or reserve the Bill for consideration of the President.

Article 200 also mentions that the Governor, after presentation of the Bill, must return it “as soon as possible” along with a message requesting the House to reconsider specific provisions within, or the entirety of the Bill. If the Bill were to be passed again and resent to the Governor, the Governor is obligated to not withhold it.¹⁷

Tamil Nadu has said that the 12 Bills sent to the Governor between 13 January 2020 and 28 April 2023 amend legislations that established state universities in Tamil Nadu.

Eight of the 12 Bills seek to empower the state government to appoint the Vice Chancellor of the universities instead of the Governor, one Bill seeks inclusion of a government nominee on a selection

panel for the appointment of the Vice Chancellor, two Bills seek to grant the government the power of inspection and enquiry instead of the Chancellor of the university, three Bills seek inclusion of the Finance Secretary in the Syndicate of all Universities (except three government universities), and one Bill seeks to establish a government Ayurveda university. One Bill also seeks complete control of the state government over the appointment of Vice Chancellors of all state universities (barring the University of Madras) instead of the Governor.

The second category of pending cases pertains to files submitted by the state government between 10 April 2022 and 15 May 2023 which seek sanction for prosecution of public servants for various crimes involving acts of moral turpitude, under the Prevention of Corruption Act, 1988.

Further, the government has argued that 54 files on premature release of prisoners, submitted to the Governor between 24 August 2023 and 28 June 2023 have remained pending.¹⁸ Finally, various proposals for the appointment of members for the Tamil Nadu Public Service Commission have remained pending. Article 316 of the Constitution states that the Chairman and other members of a State Public Service Commission are to be appointed by the Governor. On 10 November 2023, the Bench found that the pendency of the proposals and Bills was “a matter of serious concern.” It issued notice to the Union of India through the Home Ministry and requested the Attorney General or Solicitor General to assist the Court. It listed the matter for 20 November. Following this, a record of proceedings was forwarded to the Attorney General and Solicitor General, although notice could not be issued to the Union, since the Tamil Nadu government had not paid the process fees. No documents were filed as of 17 November.

On November 20, the Court learned that the Governor had “withheld assent” (the constitutional term for sending the Bill back to the Assembly) from 10 of the Bills. CJI Chandrachud observed that the Governor had only now withheld assent to the Bills after the order of the Court on 10 November, even though the Bills had been pending since January 2020. Notably, following the Governor’s “withholding”, the Legislative Assembly had readopted the Bills. Chief Minister M.K. Stalin, while

moving the resolution to reconsider the Bills, stressed on the point that, under Article 200, the Governor “shall not withhold assent” when a Bill is repassed by the Assembly.

The Attorney General noted that since the Bills pertained to the Governor’s powers in appointment of Vice Chancellors, some “reconsideration was required.” When the Court pointed out that Bills had been pending since January 2020, the Attorney General argued that

R.N. Ravi had only been appointed in 2021, to which the Court responded that the “issue is not whether any particular Governor delayed but whether in general there has been a delay in exercising constitutional functions.”

CJI Chandrachud stated that the question he wished to answer was whether, under Article 200, the Governor was mandated to resend a Bill to the legislature, or whether he can simply say that he was withholding assent. The petitioners argued that such a “pocket veto” did not exist— if the Governor is allowed to withhold bills indefinitely, “governance will be paralysed.” The CJI also asked the petitioners whether the Governor could send the Bill to the President after it had been re-passed by the Assembly. The petitioners argued that the Governor had no such power.

The Bench further recorded that out of the 181 Bills submitted to Governor R.N. Ravi, 152 have received assent, five were withdrawn by the state government, nine were reserved for the assent of the President, assent was withdrawn from another nine Bills, and five Bills received Government of Tamil Nadu, Home Department Files on Prosecution Sanction (2022–2023); *Prevention of Corruption Act, 1988*, Sections 19–20; Government of Tamil Nadu, Prison Department Records on Premature Release of Prisoners, 2023.

in October 2023 were under consideration. On 8 April 2025, a bench of Justices J.B. Pardiwala and R. Mahadevan held that the Governor’s delay was erroneous. Exercising discretionary powers under Article 142, the bench held the pending bills as deemed to be assented.¹⁹

Issues raised before the Court:

1. Whether the Governor can reserve a bill for the

consideration of the President at the time when it is presented to him for assent after being reconsidered by the Legislative Assembly ?

2. Whether there is an express constitutionally prescribed time-limit within which the Governor is required to give or withhold his assent to the Bills?
3. Whether the Governor under Article 200 of the Constitution can act only with the aid and advice of the Council of Ministers ?
4. Whether the exercise of discretion by the Governor in discharge of his functions under Article 200 could be subjected to judicial review ?

Judgments

Simply put, the Supreme Court said the Governor can't stop the government by sitting on bills (Article 200). While they can send a bill back once, if the Assembly passes it a second time, the Governor must approve it; they can't delay it or veto it again. The Court completely rejected the idea that a Governor has the power to quietly kill a bill by ignoring it (a "pocket veto"). Because the Tamil Nadu Governor's delay was unconstitutional, the Court immediately declared all those pending bills as passed and law.

V. IMPLICATIONS OF THE CASE ON INDIAN FEDERALISM

1. Strengthening of State Autonomy
 2. Limits on Discretionary Powers of Governors
 3. Impact on Centre-State Relations
 4. Comparative Perspective with Other Similar Disputes
1. This decision gives state governments more power and freedom to make laws. The Court made sure that the Governor can't stop the elected state legislature from passing laws by saying that Governors can't keep Bills pending forever. For Tamil Nadu, this means that the state can now better control its universities and other institutions without having to deal with problems that aren't necessary. This makes the idea of state autonomy stronger in the federal structure.²⁰
 2. The case made it clear that governors' discretionary powers were limited. In the past, governors would often delay their approval or hold bills for the president, which caused

political problems. The Court made it clear that the Governor can't use a "pocket veto" and must act in a reasonable amount of time. This means that governors have to follow the Assembly's democratic mandate, which makes their job more ceremonial than political.

3. The Centre chooses the governors, and their actions often show how much power the Centre has over state politics. The Court limited the Governor's power, which in turn made it harder for the Centre to control or delay decisions made by the states. This decision brings balance back to the relationship between the Centre and the States by making sure that elected state governments are not hurt by governors who are not elected. It also shows how the Court acts as an umpire in federal disputes.
4. This isn't the first time the Supreme Court has had to deal with problems between governors and states. The Court had already limited the Centre's use of Article 356 (President's Rule) in cases like *S.R. Bommai v. Union of India* (1994). In the same way, problems in states like West Bengal, Kerala, and Punjab show that there are also ongoing problems where Governors put off Bills or appointments. The Tamil Nadu decision adds to this list of cases by limiting the Governor's powers even more. In most federal democracies, like the U.S. or Australia, governors or their equivalents are mostly just for show and can't stop state legislatures from making decisions. This ruling brings India closer to that model.

VI. CONCLUSION

The Tamil Nadu governor case highlights the ongoing conflict in India's quasi-federal system, where governors often act as representatives of the Center rather than as unbiased constitutional leaders. Indefinite delays in approving state bills are incompatible with the spirit of federalism and democracy, the Supreme Court has made clear. By classifying pending bills as deemed assented, the Court preserved the supremacy of elected legislatures and curtailed the discretionary powers of governors. This decision strengthens state autonomy and ensures that state governments run more smoothly.

The Supreme Court declared that a governor could not permanently postpone legislation passed by a state

assembly, thereby declaring the "pocket veto" to be unconstitutional. The Governor cannot once more reject a bill that has been approved by the Assembly, the Court made clear. The Court used its unique authority to rule that the Governor's unlawful delay automatically resulted in the assent of all delayed Tamil Nadu bills. This ruling significantly increases state autonomy, limits governors' discretionary power, and rebalances relations between the state and the center by holding the governor's office accountable to the judiciary.

Notifications, 2020–2023; see also *State of Tamil Nadu v. Governor of Tamil Nadu*, Judgment dated 8 April 2025, per J.B. Pardiwala & R. Mahadevan.

- [19] Government of Tamil Nadu, *Home Department Files on Prosecution Sanction* (2022–2023); *Prevention of Corruption Act, 1988*, Sections 19–20; Government of Tamil Nadu, *Prison Department Records on Premature Release of Prisoners* (2023).
- [20] <https://www.scribd.com/document/487582321/Mp-Jain-Indian-Constitutional-Law>

NOTES

- [1] *State of West Bengal v. Union of India*, AIR 1963 SC 1241.
- [2] *S.R. Bommai v. Union of India*, (1994) 3 SCC 1.
- [3] Constitution of India, Article 153.
- [4] Constitution of India, Article 154.
- [5] Constitution of India, Article 155.
- [6] Constitution of India, Article 156.
- [7] Constitution of India, Article 157.
- [8] Constitution of India, Article 161.
- [9] Constitution of India, Article 163.
- [10] Constitution of India, Article 174.
- [11] Constitution of India, Article 200.
- [12] H.M. Seervai, *Constitutional Law of India*, 4th ed. (Universal Law Publishing, 2013).
- [13] *N.T. Rama Rao v. State of Andhra Pradesh*, (1984) AIR 269 (Andhra Pradesh High Court). See also Granville Austin, *Working a Democratic Constitution: A History of the Indian Experience* (Oxford University Press, 1999), p. 392.
- [14] *S.R. Bommai v. Union of India*, (1994) 3 SCC 1.
- [15] *B.S. Yeddyurappa v. State of Karnataka*, W.P. (C) No. 304/2018, Supreme Court of India; *Shiv Sena v. Union of India*, W.P. (C) No. 940/2019, Supreme Court of India.
- [16] *Nabam Rebia v. Deputy Speaker, Arunachal Pradesh Legislative Assembly*, (2016) 8 SCC
- [17] Writ Petition filed by the State of Tamil Nadu, October 2023, Supreme Court Record of Proceedings; Constitution of India, Article 200; Tamil Nadu Legislative Assembly Records, 2020–2023; see also *State of Tamil Nadu v. Governor of Tamil Nadu*, Judgment dated 8 April 2025, per J.B. Pardiwala & R. Mahadevan.
- [18] Government of Tamil Nadu, Legislative Assembly Records (2020–2023); Tamil Nadu Universities Amendment Bills, State Gazette