



Constitutional Deadlock and the Governor's Assent: A Critical Study of Article 200 and 201 of the Indian Constitution in Contemporary Practice

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Abstract

Recently there has been a controversy between the Governors and their respective states over the withholding of the Bill by the Governor for the assent of President. States blame this as creating deadlock and hindrance for the legislative procedure of the State Assemblies. Article 200 and 201 has become the epicenter of the debate because these are the constitutional codes which empower the Governor to reserve a bill for the assent of President. Constitution however is silent on the time frame within which such consent must be provided which creates a situation of legislative deadlock in the states. The main focus area of this article is to analyse the Rationale behind the power of reservation of bill by Governor for Assent of President and its Practical Utilization. This article examines the text of Constitution, historical background of the article 200 and 201, recent controversies regarding the same. Also the attempt has been made to shed light on how the misuse of article 200 and 201 can lead to disturbance in the federal balance of the country and legislative procedures.

Keywords- Article 200, Article 201, Discretion of Governor, Federalism, Supreme Court, Judicial activism.

Introduction

India is a Union of States. Government at both central and state level is organized on the basis of Parliamentary model of Government. As the President of India at the Union level, the Governor is the constitutional head of the state. The State government is an exact duplicate of the Union government. Article 153 of the Constitution provides for the Establishment of the Office of the Governor for states. All the Executive powers of the state are vested in Governor. Also, he is an



integral part of the Legislative procedure of the State (Article 168). There is no direct election of Governor's office. He is appointed by the President of India and holds the office during the pleasure of President (Article 155). Although the President appoints the Governor, the Constitution mandates that the Governor must act on the aid and advice of the Council of Minister (Constitution of India, 1950, Art.156). But in certain spheres, it also provides the discretionary powers to the Governor. Like the Governor has the discretionary power to choose a chief minister (Article 164(1)), dissolve the Legislature (Article 164), report to President on working of the constitutional machinery of state (Article 356) and also to reserve a bill for the consideration of President (Article 200). It has also been stated that he is both the constitutional head of state and the Central government's agent, and as such, he is obligated to follow Central directives even if they contradict the council of his ministers (Pylee, 1968, p.240). The way to understand the actual position of the Governor under the Indian Constitution is the discussion and debates of the Constituent Assembly. Shiva Rao in his work "*Memorandum on the Principles of a Model Provision Constitution*" provides that, "*there shall be a Council of Ministers to aid and advise the Governor in the exercise of his functions except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion*" (Rao, 1968, p. 634). Thus in the areas where Constitution provides the Governor with the Discretionary powers, the decision of Governor is final and ... the Governor's actions cannot be challenged on the grounds that he should or shouldn't have used his discretion. The present debate of withholding the bill by the Governor for the consideration of President is also based on the use of discretionary power of Governor under article 200.

Grounds for Reservation of Bill by Governor

Article 200 provides that : "*When a Bill has been passed by Legislative Assembly of a State.....it shall be presented to the Governor and the Governor shall declare either that he assents the bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President*" (Constitution of India 1950, Art.200).

As per this article, whenever a bill is passed by the legislature of the state, it is presented to the Governor for his assent. Constitution provides four situations for the Governor

- a) He assents the bill
- b) He withhold his assent to the bill



- c) He reserves the Bill for the Assent of the President.
- d) Governor can also return the bill to the legislative assembly, except a money bill for the reconsideration of the Assembly. When a Bill is again passed with or without changes by Assembly, Governor has to assent the Bill.

The Governor's powers under Article 200 are discretionary. It means that in this matter Governor is not supposed to act in accordance with the aid and advice of the council of Ministers. D.D. Basu states that *"if any Bill is brought in the legislature which is in direct contravention of any of the Directive principles, the President or the Governor, may refuse his assent to such Bill on that ground, though the judiciary may not declare the Act invalid, if it is enacted."* (Basu, 1974, p. 687).

The problem here arises is that as the Constitution does not prescribe any time limit to the Governor for withholding the Bill, does it means that the Governor has the power to withhold the bill indefinitely. There are no constitutional ways to force the governor to take any action against the bill. The Constitution just stipulates that the Governor must act as quickly as feasible. It is anticipated that the Governor will make a decision without needless delay. He would either sign the Bill or send it back to the Assembly for further consideration as soon as he could(Basu,1950, p.323). Article 201 States that *When a Bill is reserved by a Governor for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom* (Constitution of India, 1950, Article 201). Thus President is also not obliged to give assent to the bill within a definite period of time. It's up to the discretion of President whether to give assent to the bill or withhold it. This ambiguity of the Indian Constitution on the time limit has become cause of confrontation between States and their respective Governors. This paper attempts to explore the impacts and challenges associated with the Practical implementation of the article 200 and 201 in the Indian Politics.

Objectives

1. What is the rationale behind the inclusion of article 200 and 201 which provides for reservation of the bill by the Governor for assent of President?
2. What have been the grounds of practical implementation of these constitutional codes?
3. To examine Issues and challenges associated with the contemporary operation of article 200 and 201.



Discussions

1. *Rationale behind the power to reserve the bill-*

In order to understand the intention of the constitution makers behind article 200 and 201, it is important to flip to the pages of debates of the Constituent Assembly. According to Shri. Brajeshwar Prasad, there are two situations in which a bill may be set aside for the President's consideration: the first is when a specific Article of the Constitution calls for it, and the second is when the Governor is urged to do so by his Ministry. He did, however, support a third category, in which the Governor would have the authority, at his discretion, to veto a bill passed by the Legislature, regardless of whether it was passed once or twice. He was in favour of giving the governor discretion so that he could veto laws that were unfair and unsound while also making sure that potentially disruptive legislative inclinations were restrained. He argued that his idea was consistent with the customs of the centralised system of government that prevailed in our nation prior to independence and that the dread of disruptive legislation was real rather than fictitious. He believed that the parliamentary system of government needed to be moderated and controlled because it was a novel experiment with the realities of our nation (State of Tamil Nadu v. Governor, 2025, p.93). Moreover, The High Courts were put within the legislative authority of both the Centre and the States, which made it necessary to include the article. There is a chance that the State legislature may pass a bill that diminishes the authority of the High Court. Dr. B.R. Ambedkar believed that any bill or act like the one shown above would amount to a deviation from the authority that the The High Court is granted or is intended to be granted by the Constitution (State of Tamil Nadu v. Governor, 2025, p.98). For this reason, it was thought important to give the President a chance to consider whether or not such legislation should be allowed to go into effect before it became final. *"I, therefore, submit that in view of the fact that the High Court is such an important institution intended by the Constitution to adjudicate between the Legislature and the Executive and between citizen and citizen such a power given to the President is a very necessary power to maintain an important institution which has been created by the Constitution. That is the purpose for which this amendment is being introduced."*(Constituent Assembly Debates, 1949, p.394).

K.M. Munshi opines that if a bill submitted to governor for assent, is in violation of the Fundamental rights, Governor is obligated by his oath to withhold his assent to that bill (Munshi,



1962, p.43). The final clause in Article 200 states that the *“Governor shall not assent to, but shall reserve for the consideration of the President, any Bill which in the opinion of the Governor would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is by this Constitution designed to fill”*(Constitution of India,1950, Arti.200). The phrase *"in the Governor's opinion"* suggests that the Governor may exercise his authority to set aside a bill for the President's consideration. The Governor may intervene at his discretion to protect the independence, dignity, and standing of the State judiciary while using his authority to reserve a Bill for the President's pleasure. It is the duty of the Governor under article 200 to reserve a bill for consideration of President, if it undermines the independence of the state High court. Even if it goes against his Ministry's wishes, he may reserve such a bill. (Seervai,1967, p.7). According to Article 254, the Governor may also have a cause for reserving a bill passed by the State's Legislative Assembly if he is personally convinced that any of the bill's provisions conflict with any laws passed by Parliament or with the nation's current legal framework. Once more, the Governor is not required to reserve such a Bill in compliance with the Ministry's guidance. In this case, he might use his marginal discretion.

The main purpose of Articles 200 and 201, under which President can either accord or refuse assent or return it for reconsideration, is that the Centre want to keep watch on the activities of the State. As pointed out by Ambedkar in the Constituent Assembly *“because provincial governments are required to work in subordination to the Central Government and therefore, the Governor will reserve certain things in order to give President the opportunity to see that the rules under which the Provincial Governments are supposed to act according to the Constitution or in subordination of the Central Government”* (C.A.D., Vol. VIII, p. 502.)

2. Practical Utilisation of reserving the bills for Consideration of President by Governors.

In 1957, the Governor of Kerala B. Rama Krishna Rao reserved the Kerala Education Bill because the bill was supposed to be the contrary to the provisions of constitutional Law. The main issues revolved around the constitutional validity of the Bill's provisions vis-à-vis Articles 14, 30(1), and 226 of the Constitution of India. The Kerala Legislative Assembly enacted the Bill, which aimed to restructure and control the State's educational institutions, including those managed by linguistic and religious minorities. Similarly in 1960 Governor of Madhya Pradesh reserved the “Madhya Pradesh Panchayat Raj Bill, 1960” for President's



consideration because the system of nomination as referred under Article 106 of the Bill was a negation of the concept of Panchyat Raj under the Directive Principles of State policy. The Punjab Governor also reserved the Punjab Sales Tax (Amendment) Bill 1965 which had a provision for research and seizure affecting the working of the Post Office a matter over which the State had no power. Tragically, governors have frequently utilised these articles to protect the objectives of the central government's ruling party, which has caused a great deal of controversy.

Recent Controversy- Recently there has been controversy between the Governor of Tamil Nadu R.N. Ravi and the State Government of Tamil Nadu. The tussle was over the withholding of the 10 bills by the Governor for 2 to 5 years sent between 2020- 2023. These 10 bills are-Tamil Nadu Fisheries University (Amendment) Bill, 2020, Tamil Nadu Veterinary and Animal Sciences University (Amendment) Bill 2020, Tamil Nadu Universities Laws (Amendment) Bill, 2022 , Tamil Nadu Dr. Ambedkar Law University (Amendment) Bill, 2022, Tamil Nadu Dr. M.G.R. Medical University, Chennai (Amendment) Bill, Tamil Nadu Agricultural University (Amendment) Bill, 2022, Tamil University (Second Amendment) Bill,2022, Tamil Nadu Universities Laws (Second Amendment) Bill,2022, Tamil Nadu Fisheries University (Amendment) Bill, 2023, The Tamil Nadu Veterinary and Animal Sciences University (Amendment) Bill, 2023. All these bills were mostly concerned with the appointments of Vice-Chancellors in state-run Universities (Mohanty, 2025). Governor withheld the assent to the bills citing the reason that these bills were inconsistent to the regulations of UGC. This created a serious constitutional confrontation between the Governor and State Government led by Chief Minister Stalin. The Government filed a petition in the Supreme Court against the action of the Governor. The State Government Blamed the Governor for making the country's legislative system paralyzed by withholding the bill for more than 2 years (Verma, 2025).

Scope for Union Government to interfere when a bill is reserved for Consideration of President- The majority of authorities agree that once a bill is set aside for the President's consideration and assent, the Union Executive is entitled to review it from every angle, including whether it complies with the legislative policy and provisions of any Union law, whether it is in line with the scheme and provisions of the Constitution, whether it is ultra vires any current Union regulation, whether procedural safeguards are provided for the aggrieved party, etc.(Inter State Council Secretariat, 2015). The chances are more when the Government in centre is of



different political party than the state. This undermines the Legislative autonomy of the State Government

3. *Issues and Challenges*

- Federal Tension- Tensions and disputes were inevitable at the federal level as soon as the Constitution established two poles of authority: the elected State Legislature and the centrally appointed Governor. The recent tussle between Tamil Nadu government and their Governor, state of Punjab and their Governor over long delays in granting assent to bills by the Governor exemplifies how the article 200 and 201 can become a restraint in the smooth federal relations in the country (Bhaumik, 2023). It undermines the legislative autonomy of the State Assemblies which hampers the spirit of Cooperative Federalism.
- Legislative deadlock- As blamed by various State Governments like Tamil Nadu, Punjab etc. prolonged withholding of bills by Governor creates the situation of Legislative Deadlock in the state. It makes the Legislative procedure paralyzed because without the assent of the governor no bill enacted by the Assembly can become an act. This undermines the credibility of the representatives of people and also erodes the democratic will of the people.
- Potential for Misuse- The growing accusations of political abuse of governor authority present another significant obstacle. Governors have been charged on multiple occasions with abusing their discretionary power as political actors who support the Union administration rather than as neutral defenders of the constitution. In states where the ruling party is different from the party in power at the federal level, this tendency is especially apparent. Governors have been known to withhold assent without providing specific justifications, reserve bills needlessly for presidential consideration, or selectively postpone them. This discretionary oversight frequently turns into an instrument of political resistance rather than constitutional inspection in politically delicate areas like education reforms, university appointments, or state-level social programs.

Supreme Court's Observation - In a historic ruling on April 8, 2025, the Supreme Court put an end to a long-running dispute between the Tamil Nadu government and Governor R.N. Ravi on the refusal to ratify bills enacted by the state assembly. A two-judge bench made up of Justices JB Pardiwala and R Mahadevan of the Supreme Court of India rendered a unanimous decision in *The State of Tamil Nadu v. the Governor of Tamil Nadu and another*. The court asserted that the



president and the governors do not have an absolute veto over bills that are given to them for approval. It introduced a principle of “Reasonable Time- Limits” by establishing precise and categorical deadlines for the Governor and the President to review and act upon State Bills; these deadlines varied according to the type of action (assent, referral, or return) (Bhatia, 2025). The Supreme Court ruled that the Governor's actions contravened constitutional procedure in addition to being wilfully obstructive (Mohanty, 2025). Justices Vikram Nath, P.S. Narasimha, and Chief Justice B.R. Gavai each stated that governors could not obstruct the Constitution's operation or permanently postpone the legislature's wisdom (Rajagopal, 2025).

Conclusion

The constitution makers granted the discretionary powers of reserving a bill to the Governor with the intention to preserve the constitutional harmony and to make sure that the state laws remain inconsistency with the National laws and interests. However the Practical implementation of these provisions has revealed wide gaps between constitutional ideas and practical reality. Governors have become the central figures because of prolonged delay in granting assent to the bills deliberated and passed by the State Legislative Assemblies. This has undermined the Legislative autonomy of the states, Federal Balance of the country and the smooth legislative procedures as well. Judiciary while exercising its power to do complete justice under article 142 has introduced some checks on the Gubernatorial Powers to address the loopholes of the article 200 and 201.

References

1. Austin, G. (1966). *The Indian constitution cornerstone of a Nation*. Clarendon Press.
2. Basu, D. D. (1974). *Commentary on the Constitution of India: Vol. II* (5th edn). LexisNexis.
3. Basu, D. D. (2024). *Introduction to the Constitution of India* (27th edn). Lexis Nexis.
4. Bhatia, G. (2025, April 20). Diving into SC’s verdict on Governors. *The Hindu*. <https://www.thehindu.com/news/national/diving-into-scs-verdict-on-governors/article69472158.ece>
5. Bhaumik, A. (2023, November 17). States vs Governors: Delay in assenting to Bills | What next if the same bill is re-adopted by the Assembly. *The Hindu*.



<https://www.thehindu.com/news/national/states-vs-governors-delay-in-assenting-to-bills-explained/article67520783.ece>

6. Bureau, T. H. (2025, April 8). Supreme Court prescribes time limits for Governors to act on Bills. *The Hindu*. <https://www.thehindu.com/news/national/sc-prescribes-time-limits-for-governors-to-act-on-bills/article69426059.ece>
7. *Constitution of India*. (1950).
8. Kumar, K. (2025, August 27). The multiple flaws in the Presidential Reference case. *The Indian Express*. <https://indianexpress.com/article/opinion/columns/tamil-nadu-governor-case-supreme-court-presidential-reference-indian-courts-governors-10214145/>
9. Mohanty, S. K. (2025, April 14). *Explainer | Supreme Court landmark ruling on governor vs state*. The New Indian Express. <https://www.newindianexpress.com/nation/2025/Apr/14/explainer-supreme-court-landmark-ruling-on-governor-vs-state>
10. Munshi, K. (1967). *Indian Constitutional Documents: Vol. II*. Bharatiya Vidya Bhavan.
11. Parthasarathy, S. (2025, April 13). A Governor's conduct and a judgment of significance. *The Hindu*. <https://www.thehindu.com/opinion/lead/a-governors-conduct-and-a-judgment-of-significance/article69446757.ece>
12. Pylee, M. V. (1968). *India's Constitution*. Asia Publication House.
13. Rajagopal, K. (2025, September 2). Governors cannot sit over Bills endlessly, say Supreme Court judges. *The Hindu*. <https://www.thehindu.com/news/national/governors-cannot-sit-over-bills-endlessly-say-supreme-court-judges-presidential-reference/article70004889.ece>
14. Rao, B. S. (1968). *The framing of India's Constitution a study: Vol. II*. The Indian Institute of Public Administration.
15. Sahu, M. (2022). Revisiting Indian federalism: An overview of contemporary issues and challenges. *International Journal of Political Science and Governance*, 4(1), 10–19. <https://doi.org/10.33545/26646021.2022.v4.i1a.129>
16. Sarumathi, V. (2024). To Retain or not to Retain: An Analysis of the constitutional provisions and implications of the Governor's power to reserve bills in India. *Indian Journal of Integrated Research in Law*, IV (III).



17. State of Tamil Nadu v. Governor of Tamil Nadu (Supreme Court of India 8 April 2025).
https://api.sci.gov.in/supremecourt/2023/45314/45314_2023_11_1501_60770_Judgement_08-Apr-2025.pdf
18. Verma, P. (2025). Guardrails for discretionary powers: A case comment on the state of Tamil Nadu v the Governor of Tamil Nadu and another. *National Law School Journal*, 19(1).
<https://doi.org/https://doi.org/10.55496/CDYF6084>
19. (2015). Inter State Council Secretariat.