Governor's Role in Lawmaking

Why in News?

The Supreme Court recently continued to hear petitions filed by the Tamil Nadu government raising questions on the scope of the Governor's powers in the legislative process.

- The Constitution envisages the office of the Governor as an ***apolitical*** entity.
- Governor is under Article 168 a part of the legislature and is bound by the constitutional regime.
- Over the years, the SC in several rulings has limited the Governor's exercise of the powers in a permissive manner.
- Broadly, the Governor is bound to act on the ***aid and advice of a state's Council of Ministers.***
- However, there are a few exceptions to this.
- **Exceptions**
    - **Article 356-** Recommending the imposition of the President's rule
    - **Article 200-** Granting assent to Bills.
- **Article 200 -** After a Bill has been passed by a state Assembly, it is presented to the Governor for her assent. Article 200 envisages 3 scenarios where the Governor can
    1. Give assent to the Bill, in which case it becomes state law.
    2. Withhold assent to the Bill and send it back for reconsideration by the state Assembly.
    3. Reserve the Bill for consideration by the President of India.
- If the Governor withholds assent and sends the Bill back for reconsideration, the Assembly can amend the Bill or pass it again as is.
- When the particular Bill is presented to the Governor again, she shall not withhold assent therefrom, mandating the Bill's passage.
    - **Exception -** In cases where the Bill, in the opinion of the Governor, could derogate from the powers of the High Court.
- In that case, the Bill shall be reserved for the President's consideration.

Tamil Nadu dispute

- RN Ravi was appointed as Governor in September 2021.
- Since then, the TN government has repeatedly raised concerns about the Governor withholding assent and delaying the passage of Bills passed by the state assembly.
- In November 2023, the state government moved the SC, claiming that Governor Ravi had been withholding assent on several Bills, the earliest of which had been pending since January 2023.
- The SC replied that Governors ***cannot be oblivious*** to the fact that they are not elected representatives of the people.
- Around two weeks later, the Tamil Nadu Assembly re-enacted the pending Bills.
- However, Governor Ravi referred two of these Bills to the President for her consideration, and withheld assent for the rest.

Reference

The Indian Express | TN govt-Governor dispute case



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