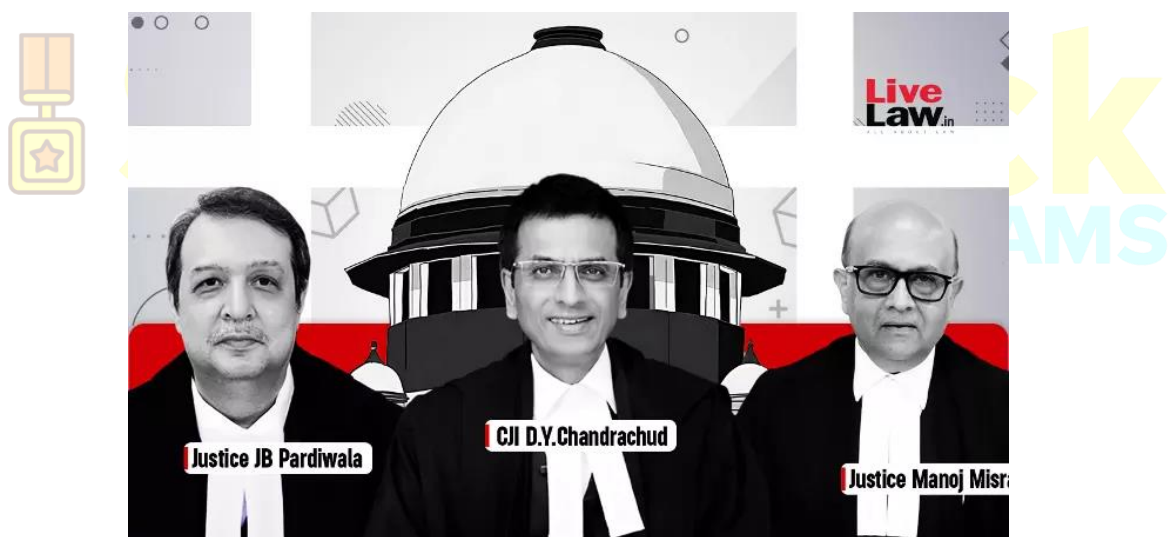


# Governor Can't Keep Bill Pending Indefinitely : Supreme Court

## Why In News

- The bench comprising of **Chief Justice of India DY Chandrachud** and **justices JB Pardiwala and Manoj Mishra** state governors must show deference to the use of expression **“as soon as possible”**.
- Governors **“cannot be at liberty to keep bills pending indefinitely”**, the Supreme Court has ruled in a judgment, emphasizing that the exercise of unbridled discretion in areas not entrusted to the discretion of the governor risks walking roughshod over the working of a democratically elected government in the state.



## Case Related To

- The bench made this clear in its judgment on a **plea by the Punjab government** against **Governor Banwarilal Purohit** who had kept pending the Bills sent to him by the state legislature.
- This ruling is important given that the governments of **Tamil Nadu and Kerala** too had moved court recently against the Governor's inaction on Bills.



## Powers Of Governor

- The governor's powers with respect to the passage of bills are defined by **Article 200 and Article 201 of the Constitution**.
- According to these articles, the governor has the following options when a bill is presented to him/her by the state legislature:
- **Give assent to the bill**, withhold assent to the bill, may return the bill (if it is not a money bill) to the state legislature with a message requesting reconsideration of the bill or some of its provisions.



## SC Judgement

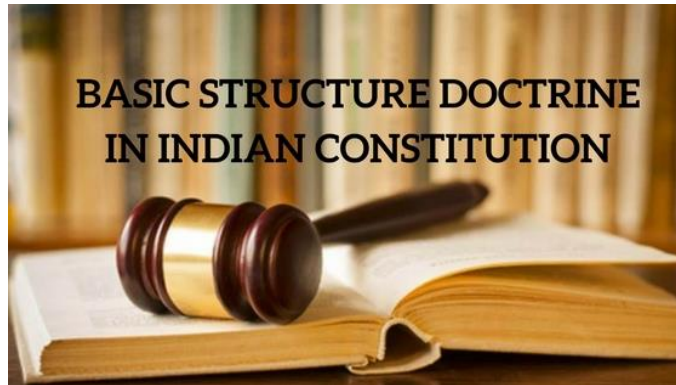
- The order said the **substantive part of Article 200 empowers** the Governor to withhold assent.
- “In such an event, the Governor must **mandatorily follow the course of action** which is indicated in the first provision of **communicating to the State Legislature “as soon as possible”** a message warranting the reconsideration of the Bill. The expression “as soon as possible” is significant.



- It conveys a **constitutional imperative of expedition**. Failure to take a call and keeping a Bill duly passed for indeterminate periods is a course of action **inconsistent with that expression**, the order said.
- “The **concluding part of the first provision** stipulates that if the Bill is passed again by the legislature either with or without amendments, the **Governor shall not withhold assent** therefrom upon presentation.
- The concluding phrase “**shall not withhold assent therefrom**” is a clear indicator that the exercise of the power under the first provision is relatable to the withholding of the assent by the Governor to the Bill in the first instance,” the verdict said.



- In other words, the bills re-sent to the TN Governor by the House after passing them again will have to be approved by him.
- The bench said that “the manner in which the **role of the Governor as a symbolic Head of State** is performed is vital to safeguard” **federalism** which has been held to be a **basic structure of the Constitution**”.



- The bench said “the **Governor, as a guiding statesman**, may recommend reconsideration of the entirety of the Bill or any part thereof and even indicate the desirability of introducing amendments.
- However, the **ultimate decision** on whether or not to accept the advice of the Governor as contained in the message belongs to the **legislature alone**”.

## Supreme Court On Delayed Bills

"Can't be at liberty to keep bill pending indefinitely": Supreme Court raps Punjab Governor

