

International Journal Research Publication Analysis

Page: 01-15

A COMPARATIVE ANALYSIS OF THE GOVERNOR'S ASSENT POWERS IN INDIA, AUSTRALIA AND CANADA AS A CONSTITUTIONAL GATEKEEPER OR DEMOCRATIC HEAD OF A STATE.

***Harman Preet Kaur Dua, Dr. Chetan Trivedi**

¹LL.M Specialisation: Criminal law Semester I, ²Faculty

Amity Institute of Advanced Legal Studies Amity University Noida, Uttar Pradesh.

Article Received: 23 August 2026

Article Revised: 11 September 2026

Published on: 01 October 2026

***Corresponding Author: Harman Preet Kaur Dua**

LL.M Specialisation: Criminal law Semester I, Amity Institute of Advanced Legal Studies Amity University Noida, Uttar Pradesh.

DOI: <https://doi-doi.org/101555/ijrpa.7925>

ABSTRACT

The Governor is an institution that holds a unique place in the parliamentary federalism of India. While being formally the constitutional head of a State, the Governor is also part of the State Legislature under Article 168 of Indian Constitution and serves a significant constitutional purpose while a Bill is placed under Article 200 of the Constitution of India¹. This article allows for the assent as well as the reservation for the President and depending on its first proviso, the withholding and returning of a non-Money Bill for reconsideration by the President of India. The second proviso makes the reservation compulsory in a specified case wherein a Bill if passed would undermine or diminish the authority of the High Court, thereby endangering the position bestowed under Indian Constitution.²

The contemporary issue got highlighted in the recent controversy as to the consequences that arise when such constitutional options are not exercised in the due or reasonable time. The Supreme Court under its 2023 judgment in *State of Punjab v. Principal Secretary to the Governor of Punjab* refused the use of gubernatorial discretion to undermine the regular legislative procedure.³ Furthermore, the controversy deepened when the decision rendered by the Court in the landmark case of *State of Tamil Nadu v. The Governor of Tamil Nadu* wherein April 2025 took a more interventionist stand, incorporating judicially defined time frames as well.⁴ This was however reviewed in the November 2025 Presidential Reference, whereby a Constitution Bench rejected the idea of judicial timelines and viewed assent as the prerogative of the Governor but reserved powers to him to act where inaction is unjustified

and indefinite.⁵⁶

Canada and Australia offer good comparatives owing to the fact that they have systems that were originally built upon the renowned Westminster institutions which involved a vice-regal authority that is a part of the legislative process. While Canada maintains formal rules of assent, reservation and disallowance by the federation, conventions of responsible government have greatly limited

The Royal Assent powers remain in the States of Australia but powers of Britain to disallow and reserve State legislation under the Australia Act 1986 ended.⁸⁹

The comparison is not intended to imply that India must import some other model. Rather, it reveals that the working of any constitutional power is determined by its context having a responsible government, federalism, conventions, institutional transparency and judicial review. This paper thus poses the question whether the primary function of the Governor is to act as a constitutional gatekeeper or a democratic safeguard without transforming the institution itself into some kind of substitute of an elected State legislature.

KEYWORDS: Governor; Article 200; State Legislature; federalism; responsible government; constitutional conventions; Royal Assent; Canada; Australia; legislative assent.

1. INTRODUCTION

One of the most peculiar institutions of the Constitution of India is the Governor. He is neither the State Executive elected by the people nor the purely ceremonial official. First, the office is established by Article 153; Second, under Article 163 states that the Council of Ministers with the Chief Minister at its head to assist and advice the Governor with an exception for discretion required by the Constitution of India; Third, Article 168 makes the Governor an element of the State Legislature¹⁰. It means that the legislative assent mechanism created in Article 200 is one of those that connects our parliamentary government, constitutional review and federal relations in India.

The Article 200 is important because legislative passage in the House does not make the law-making process completed by itself.¹¹ The Bill should be sent to the Governor who shall decide whether to give assent, to withhold assent or to reserve it for the President. A non-Money Bill may be sent back with a message seeking the reconsideration. If the Bill is reconsidered and sent back to the Governor again, this time he cannot withhold his assent rather according to the 2025 Presidential Reference, can reserve it for the President.¹²

The constitutional text does not provide a general numerical time limit in which each decision under Article 200 must be reached. The first proviso contains the phrase 'as soon as possible' for returning a bill, whereas Article 201 makes it explicit that the period of six months must be observed by the State Legislature if the President asks the State Legislature to reconsider any reserved non-Money Bill. The lack of such a general numerical time limit was at the root of the controversy over gubernatorial inaction.¹³

The comparative question in the comparison is thus not only whether there is in Canada or Australia some written authority provided to a Governor or Lieutenant Governor to do what the Governor or Lieutenant General does rather the issue is whether a written discretionary

2. Research Questions and Methodology

This paper raises the following four crucial questions:

- What is the constitutional nature and extent of the powers of The Governor over State legislation in India?
- How does the same power of provincial Lieutenant Governors in Canada and State Governors of Australia function?
- What role does responsible government convention have in restricting the exercise of such powers?
- What comparative insights can be gained by India without changing the constitutional structure created under Articles 200 and 201?

The research methodology is doctrinal and comparative. The analysis of India draws upon the constitution and the judgments of the Supreme Court of India. The analysis of Canada draws upon the Constitutional Act, 1867 and official material from Canada. And the analysis of Australia draws upon the Australia Act 1986 along with the state constitutions of Australia.¹⁴ The comparative analysis focuses mainly on the functioning of powers rather than just the text of powers within the given parliamentary government systems.¹⁵

3. The Indian Constitutional Framework

The structure of the State executive within India follows parliamentary traditions. The Governor is its formal head, whereas the political responsibility lies mainly with the Council of Ministers which comprises of the Chief Minister and answerable to the Legislature. Shamsher Singh continues to be an important authority for the broader principle that, as a rule, the Governor functions on the aid and advice of the ministers unless it is provided in the Constitution that he should use his personal discretion.¹⁶ Nabam Rebia further analyzed

the

3.2 Article 200: the constitutional choices

There are thus three constitutionally sanctioned choices before the Governor at the first stage of this process; namely, assent, reservation for the President or withholding assent combined with the return of the non-money Bill for reconsideration. In this context, the first proviso does not, on its own provides for an authorization in an exercise of indefinite withholding power. The 2025 Constitution Bench did prefer an interpretation of Article 200 which read the word “withhold” as being qualified by return of the Bill if the first proviso applies.¹⁸ However, the structure of the second proviso is entirely different herein the case of any Bill which the Governor thinks will, if enacted into law, detract so much from the jurisdiction of the High Court that it threatens its constitutional position, he shall neither assent nor withhold but will reserve it for consideration of the President. Hence reservation is more than a political choice which the Constitution under specific special circumstances provides that it must be done as per supra.¹⁹

The position after reconsideration is equally significant. In respect of the first proviso, no assent can be withheld after reconsideration and re-passage of the Bill. Nevertheless, the opinion of November 2025 held that the reservation continues to be open constitutionally even at this later stage. Hence, the position after reconsideration is not an unconditional directive that assent will always have to be given because it is a bar to refusal, while allowing the constitutional power of reservation wherever constitutionally justified.²⁰

4. Why there exists Article 200: Constitutional Constraint versus Political Veto

Article 200 may well be treated as a constitutional constraint without characterizing it as a presidential veto. Reservation ensures that a Bill must go through the constitutional process in the Union through the presidential process envisioned by the Constitution of India. The second proviso ensures the constitutional position of the High Court remains preserved. The first proviso ensures reconsideration and thus facilitates dialogue between the Governor and the Legislature.

The examples of historical cases discussed in the context of modern jurisprudence further illustrate the importance of a careful reading of the constitutional structure. *State of Bihar v. Kameshwar Singh* is a landmark judgment with regard to the order of passage, assent and reservation.²¹ In cases of *Valluri Basavaiah Chowdhary* and *Hoechst Pharmaceuticals* are some other landmark decisions that have been discussed while interpreting Article 200.^{22,23}

Therefore, it is evident that the modern Court has not regarded Article 200 as an entirely new issue arising from contemporary political disputes. However, the mere presence of constitutional protection does not provide a solution to the question of how long a Bill can remain pending. While choosing between constitutional options is one thing, creating another constitutional option by remaining silent is an altogether different matter. This difference became important in the recent case of *State of Punjab and State of Tamil Nadu*.²⁴

5. The Supreme Court and Evolving Interpretation of Article 200

5.1 State of Punjab v. Principal Secretary to the Governor of Punjab (2023)

In *State of Punjab v. Principal Secretary to the Governor of Punjab*, 2023 INSC 1017, the Supreme Court dealt with Bills enacted by the Punjab legislature and non-action on the part of the Governor. It was decided by the Court that the power of the Governor could not be used for obstruction of the normal process of making law in a State and assent being withheld in relation to the course envisaged by the first proviso. This is an important decision prior to 2025 since it does not accept that the Governor may simply put the legislative process on hold by stating that his assent is withheld.²⁵

5.2 State of Tamil Nadu v. The Governor of Tamil Nadu (2025)

This is recent decision in April 2025 resulted from the persistent inactivity in connection with Bills passed by the Tamil Nadu Legislature. The Division Bench considered the question whether the Governor had the power to reserve the Bills on reconsideration and if any form of indefinite delay was a constitutionally valid course of action. The Bench, inter alia, concluded that the first proviso restricted the power to withhold assent and the Governor could not resort to an absolute veto/pocket veto. The judgment also provided timelines for action in Articles 200 and 201.²⁶

This decision is very relevant in the contemporary India, but it cannot be taken to be the definitive ruling on timelines as further in the November 2025 Constitution Bench, acting under its advisory jurisdiction of Article 143, rejected any form of translating constitutional silence into a universally applicable deadline.²⁷

5.4 Supporting landmark Precedents

- *Shamsher Singh v. State of Punjab*, (1974) 2 SCC 831 – seven Judge bench on ordinary interaction of Governor with ministerial advice.²⁸
- *Nabam Rebia & Bamang Felix v. Deputy Speaker*, (2016) 8 SCC 1 – Constitution bench on source and scope of gubernatorial discretion under Article 163.M.P. *Special Police Establishment v. State of M.P.*, (2004) 8 SCC 788 – bearing on special case of

gubernatorial discretion in conditions of constitutional necessity.²⁹

- Rameshwar Prasad (VI) v. Union of India, (2006) 2 SCC 1 – significant case for judicial review of constitutional action of Governor, although it dealt with dissolution and not with Article 200 assent.³⁰
- S.R. Bommai v. Union of India, (1994) 3 SCC 1 – classic federalism case and background context for institutional relations of Union and States.³¹
- State of Punjab v. Principal Secretary to the Governor of Punjab, 2023 INSC 1017 – Article 200 authoritative case for preventing abuse of governor's powers to stymie the legislative process.³²
- The State of Tamil Nadu v. The Governor of Tamil Nadu, 2025 INSC 481 – Article 200 authority for withholding, reservation after reconsideration, delay and judicial control, provided that the later Constitution Bench judgment which is subject to the later Constitution Bench opinion on the timeline/deemed-assent questions.³³
- In re: Assent, Withholding or Reservation of Bills by the Governor and the President of India, 2025 INSC 1333 — current and possible in the recent time considered as a relevant landmark Constitution Bench framework on options, timelines, deemed assent and limited judicial intervention.³⁴

6. Canada: Vice-Regal Legislative Powers Controlled by Responsible Government

6.1 Structure of Constitution

There exists a formal vice-regal power in the Canada's Constitution Act, 1867. Section 55 of the Act provides for federal Royal Assent talks about withholding and reservation; section 58 establishes a Lieutenant Governor for each province; and section 90 extends certain federal provisions relating to assent, reservation and disallowance to provincial legislature, with substitution of Lieutenant Governor in place of Governor General.³⁵³⁶

Thus, the Canada text shows that vice-regal office can have powers that might be seen significant in terms of the constitutional text alone. However these provisions must be understood in the light of a responsible government and a modern constitutional practice. In particular, the federal disallowance provision is an example of that while existing in the constitutional text, it is no longer operational in modern Canadian constitutional government.³⁷³⁸

6.2 Responsible government and Royal Assent

In modern-day Canada, Royal Assent has become an act which formally ends the legislative process and is not seen as an opportunity for the Lieutenant Governor to form his own

political judgment of ordinary policy matters. The importance of the Canadian case is not found in the removal of legal powers but in the constitutional convention which informs the use of the same.

This factor is highly relevant to India. It highlights how constitutional conventions may limit the scope of application of a discretionary power without removing the text of the constitution. One needs to, however, be careful with this comparison, this is because, the federalism of Canada and India are not the same.

7. Australia: State Governors after the Australia Act 1986

7.1 State-level Royal Assent

The Australian State constitution retain the ceremonial participation of the Governor in the process of passing legislation. For instance, section 8A of the Constitution Act 1902 (NSW) states that a Bill passed by both Houses is to be presented to the Governor for his or her assent thereafter it becomes an Act upon its assent.³⁹ The precise legal provisions differ in each case, and so any broad statements about 'the Australian Governor' have to be understood in the context of the constitution of the appropriate State.⁴⁰

7.2 The Australia Act 1986

The Australia Act 1986 is crucial for our purposes because it altered the constitutional relationship between Australia and the United Kingdom. Specifically, section 8 provides that State laws are immune from disallowance and suspension by the United Kingdom and section 9 that State laws are immune from withholding of assent and reservation for the United Kingdom. Section 7 addresses the powers and functions of the Crown and Governors in relation to the States.⁴¹

The point is one of structure. The State Governor is still a constitutional appointee however the State legislative process is now not dependent on a British chain of supervision outside. The contemporary responsible government system thus operates against a background of constitutional independence, not of British rule.⁴²

8. A Comparative Analysis

The following analysis shows that all three states have the same Westminster tradition but different constitutional arrangements. In the case of India, the Constitution clearly spells out that the role of the Governor in giving his or her assent is done in a federal arrangement that involves the President. The Constitution of Canada provides for federal powers but practices responsible government tradition.

S.No.	ISSUE	INDIA	CANADA	AUSTRALIA
1.	Vice-regal office	Governor	Lieutenant Governor	State Governor
2.	Assent	Article 200	Constitution Act, 1867, S. 55, 90	State constitutional statutes
3.	Reservation	Mandatory by the Governor for the President under some specified cases	Formally available but conventionally exceptional	UK reservation mechanism was removed by Australia Act 1986.
4.	Withholding	Withholdings are constitutionally subject to the first proviso of Non-Money Bills	Non-Money Bills Formal provision subject to responsible-government doctrine	Formal process determined by the state constitutions and doctrine and no withholding of bills in the UK since 1986.
5.	Federal Involvement	President under Article 201.	Historically stronger federal disallowance but now largely obsolete in practice.	No comparable modern UK supervisory mechanism.
6.	Judicial Supervision	Limited review of prolonged inaction; not a substitution for merits.	Conventions play a major role.	Constitutional and political conventions operate within State frameworks.
7.	Core Constraint	Written Constitution, federalism followed along with judicial review to keep check and balance in the society at large.	Responsible Government Convention.	Responsible Government along with Constitutional autonomy.

9. Constitutional Gatekeeper or Democratic Check?

9.1 The Governor as constitutional gatekeeper

The 'gatekeeper' conception stresses the role of the Governor in spotting constitutional or federal issues that may arise prior to a Bill becoming law. The gatekeeper conception has a textual basis in the process of reservation as the mandatory proviso stating that where it appears to the Governor that the enactment of such a Bill would derogate from the powers of the High Court, to such an extent that it would prejudice the position of the Court under this Constitution. It is at its most powerful when the Constitution itself has identified a ground for presidential consideration or when there is a true constitutional issue before the Governor.⁴³

9.2 The Governor as democratic check

The democratic check conception involves deliberation. A return message may invite the

Legislature to reconsider certain provisions or amendments. However, the constitutional check does not amount to a political or an absolute veto. The Governor is not elected with an independent policy mandate that is, not elected through election process, and the parliamentary structure ensures that the responsibility for politics lies with the elected ministry and Legislature. This is because India follows a separation of powers along with ensuring the check and balance amongst its three organs. Shamsheer Singh and Nabam Rebia set out the wider constitutional context for this doctrine, and the Article 200 cases establish the rules for Bills.^{44,45}

The evidence further supports the distinction that is hereby used for comparison as in Canada and Australia, formal vice-regal powers still exist but their exercise is governed by constitutional convention and responsible government. India can take lessons from this institutional framework without having to pretend that its written constitution arrangements are similar.

10. The Democratic Problem of Indefinite Delay

This is the research gap subject to our comparative law. What is perhaps the hardest challenge does not necessarily involve an express refusal. It is a question of inaction of a constitutional nature. The decision to reserve or return a Bill is explicit, argued, and institutionally recognized. However, an indefinite or an unreasonable or undue non-decision may result in a Bill being in a state of limbo/stagnation/paralysis as the bill neither passes through legislature nor comes into effect.⁴⁶ In a parliamentary system, this will hamper the ability of a duly elected government to implement its legislative agenda to which it is democratically accountable.⁴⁷

The November 2025 Presidential Reference distinguished between two issues in the matter so to determine whether a court can substitute the constitutional choice of the Governor and whether a court can order that the choice be made at all. While the Hon'ble Supreme Court ruled out the former, the latter was accepted as long as the inaction was unreasonable, inexplicable and indefinite.⁴⁸

The balanced approach is important for achieving a constitutional equilibrium. Full non-intervention might enable silence to become a veto, while unlimited merits review may turn the judicial branch into an appellate branch in relation to legislative assent. Therefore, Mandamus on limited grounds of constitutional non-action provides a way out of either extreme while leaving the merits of the constitutional action for the Governor to decide.

11. Comparative Lessons for India

11.1 Formal powers require a system of constitutional conventions

Canada illustrates the manner in which responsible government conventions check broad vice-regal powers. Australia illustrates that constitutional independence can co-exist with formal Royal Assent without any external supervision. The lesson for India is not abolition but development of constitutional practice under Article 200.

These propositions ought to be seen more as recommendations for constitutional practice than as claiming that the Constitution already provides for a written code of justifications and deadlines in all Article 200 cases.

11.2 Institutional restraints of Federalism

The Governor is selected by way of the constitutional framework of the Union and is not elected by the State. This makes the office crucial in a federal state where political disagreements may arise between the Union and the State. S.R. Bommai sets the federalism context in which the discussion takes place as the federal structure of the Constitution is not limited to being administrative and institutions must exercise their powers within constitutional parameters.⁴⁹ However, Article 200 itself has specific constitutional avenues for Union involvement in form of presidential deliberations. The federative role of the provision must therefore work through these constitutional channels and not through a unstructured political veto.

11.3 Transparency

Transparency might serve to enhance and not diminish the constitutional function of the Governor. In cases where Bills are returned or reserved, the constitutional explanation would enable the Legislature to comprehend the nature of the concern, the citizens to distinguish between constitutional review and policy concerns, and help the court ascertain whether there has been any action or inaction. This is necessary since the 2025 Constitution Bench decision preserves judicial review against inaction but not against merits substitution.⁵⁰

12. Judicial Review: A Precarious Constitutional Balance

Any judicial review of gubernatorial action must be sensitive to Article 361 and the separation of functions of institutions. As Rameshwar Prasad shows, gubernatorial constitutional action cannot be immune from judicial review in principle, even though it was in the context of dissolution and not assent. In the jurisprudence of Article 200 which has come after Rameshwar Prasad, the review of the merits of the exercise of the Governor's discretion under Article 200 is not usually available rather a prolonged and unexplained

inaction which may invite a limited order directing action.⁵¹

The end result of all this is the distinction between the review of the exercise of discretion and review of non-performance of function. A court cannot order assent on a Bill because if it thinks that the Bill is good in policy or in constitutionality. However, a court may, in the right case, if necessary, direct the discharge of the constitutional function.

13. Is India Different from Canada and Australia?

In several respects, the answer will be affirmative. For instance, India has a constitutional provision under Article 200 that structurally limits the legislative choices of the Governor, and Article 201 that structurally brings the President into the picture. On the other hand, the formal structure of Canada is laid out in the Constitution Act, 1867 but is greatly changed in substance by responsible government convention. The state structure of Australia is spread across the various state constitutions and acts, including the fact that the Australia Act 1986 removed important forms of British control over state lawmaking.

Furthermore, the evolution of judicial precedents in India makes a clear that convention cannot be taken for granted as a restraint in the manner of Canada or Australia. India's response must, therefore, be an adaptation that keeps the written constraints and develop conventions of promptness, restraint, and constitutional reasoning. Comparative public law can help precisely because it shows how institutional solutions differ despite similar Westminster inheritance.

14. CONCLUSION

Article 200 of the Indian Constitution does not make a provision for a normal political veto nor degrade the Governor to be nothing more than a ceremonial stamp. It provides for a constitutional procedure for assent, reconsideration, and where appropriate, presidential consideration of a Bill. Thus, the real issue here is neither the existence of the involvement of the Governor in law-making nor even the extent of such involvement, but the constitutional propriety of such involvement.⁵²

Indian law has evolved very swiftly subject to the dynamic nature of law in regard to a particular societal need ensuring the main purpose is social justice. In the case of State of Punjab the use of Article 200 was declared unacceptable for frustrating ordinary legislation.⁵³ In April 2025, State of Tamil Nadu went one step further by prescribing judicially imposed timelines for reconsideration and reservation.⁵⁴ The November 2025 Presidential Reference rejected judicially fixed timelines and concept of deemed assent while still retaining limited

judicial role against undue delay and indeterminacy in action.⁵⁵

The constitutional convention in Canada and Australia demonstrates why this is relevant. A formal vice-regal position may exist alongside responsible government where there is a convention of avoiding personal political interference in the exercise of power.⁵⁶⁵⁷ These models will not work in India because of different federal structures, Articles 200–201 and relations between Union and States under the Constitution. However, the importance of these models lies in their comparative significance in showing how self-restraint could be built into institutions without consequently removing formal positions.

The most durable definition of such a role is the constitutional check on a system of responsible government. The legitimacy of this position is at its highest when it is meant to safeguard the constitutional framework, balance and ensuring institutional integrity, and at its lowest when constitutional power becomes a substitute for legislative policy-making.

BIBLIOGRAPHY/REFERENCES

1. Constitution of India, arts. 163, 168 & 200 (official constitutional text, India Code).
2. Constitution of India, art. 200, first and second provisos.
3. *State of Punjab v. Principal Secretary to the Governor of Punjab*, 2023 INSC 1017 (10 Nov. 2023), especially paras 12-25, pg. 44.
4. *The State of Tamil Nadu v. The Governor of Tamil Nadu*, 2025 INSC 481 (8 Apr. 2025)
5. *In re: Assent, Withholding or Reservation of Bills by the Governor and the President of India*, 2025 INSC 1333 (20 Nov. 2025)
6. *In re: Assent*, 2025 INSC 1333, paras 156-159, 165.3 (limited mandamus; no fixed judicial timeline or deemed assent).
- 6 The role of vice-regal authority in practice. Constitution Act, 1867 (Canada)
- 7 Government of Canada, Department of Justice, Constitution Acts, 1867 to 1982
Australia Act 1986 (Cth)
- 8 Constitution of India, arts. 163, 168 & 200 (official constitutional text, India Code).
- 9 Constitution of India, art. 200, first and second provisos.
- 10 *In re: Assent, Withholding or Reservation of Bills by the Governor and the President of India*, 2025 INSC 1333 (20 Nov. 2025)
- 11 *In re: Assent, Withholding or Reservation of Bills by the Governor and the President of India*, 2025 INSC 1333 (20 Nov. 2025) power will be curbed in reality by the conventions of a responsible government and federal structure. This particular distinction is central to the Comparative Public Law.

- 12 Methodology: constitutional texts, judicial decisions and official institutional materials; no empirical dataset is used.
- 13 Comparative point based on the constitutional texts and official institutional materials identified in the paper. *Shamsher Singh v. State of Punjab*, (1974) 2 SCC 831, para 54.
- 14 Source and scope of discretion of the Governor under Article 163 and emphasized that the Governor cannot be considered merely as a political foil to an elected government.¹⁷ This background principle is significant even though the specific to the functioning of Article 200 which has been explained in later bill-assent cases.
- 15 *Nabam Rebia & Bamang Felix v. Deputy Speaker*, (2016) 8 SCC 1, paras 147, 154, 257, 300.
- 16 *In re: Assent, Withholding or Reservation of Bills by the Governor and the President of India*, 2025 INSC 1333 (20 Nov. 2025)
- 17 *In re: Assent, Withholding or Reservation of Bills by the Governor and the President of India*, 2025 INSC 1333 (20 Nov. 2025)
- 18 *In re: Assent, Withholding or Reservation of Bills by the Governor and the President of India*, 2025 INSC 1333 (20 Nov. 2025)
- 19 *State of Bihar v. Maharajadhiraja Sir Kameshwar Singh of Darbhanga*, (1952) 1 SCC 528.
- 20 *Union of India v. Valluri Basavaiah Chowdhary*, (1979) 3 SCC 324, as discussed in 2025 INSC 481.
- 21 *Hoechst Pharmaceuticals Ltd. v. State of Bihar*, (1983) 4 SCC 45.
- 22 *The State of Tamil Nadu v. The Governor of Tamil Nadu*, 2025 INSC 481 (8 Apr. 2025)
- 23 *State of Punjab v. Principal Secretary to the Governor of Punjab*, 2023 INSC 1017 (10 Nov. 2023)
- 24 *The State of Tamil Nadu v. The Governor of Tamil Nadu*, 2025 INSC 481 (8 Apr. 2025)
- 25 *In re: Assent, Withholding or Reservation of Bills by the Governor and the President of India*, 2025 INSC 1333 (20 Nov. 2025)
- 26 *Shamsher Singh v. State of Punjab*, (1974) 2 SCC 831, para 54.
- 27 *Nabam Rebia & Bamang Felix v. Deputy Speaker*, (2016) 8 SCC 1, paras 147, 154, 257, 300.
- 28 *Rameshwar Prasad (VI) v. Union of India*, (2006) 2 SCC 1.
- 29 *S.R. Bommai v. Union of India*, (1994) 3 SCC 1.
- 30 *State of Punjab v. Principal Secretary to the Governor of Punjab*, 2023 INSC 1017 (10 Nov. 2023)

- 31 The State of Tamil Nadu v. The Governor of Tamil Nadu, 2025 INSC 481 (8 Apr. 2025)
- 32 In re: Assent, Withholding or Reservation of Bills by the Governor and the President of India, 2025 INSC 1333 (20 Nov. 2025), paras 98, 101, 165 (limited mandamus; no fixed judicial timeline or deemed assent)
- 33 Constitution Act, 1867 (Canada), ss. 55, 58 & 90.
- 34 Government of Canada, Department of Justice, Constitution Acts, 1867 to 1982 (official consolidated text).
- 35 Constitution Act, 1867 (Canada), ss. 55, 58 & 90.
- 36 Government of Canada, Department of Justice, Constitution Acts, 1867 to 1982 (official consolidated text).
- 37 Constitution Act 1902 (NSW), s. 8A.
- 38 Australian State constitutional arrangements vary; the NSW provision is used as the concrete example.
- 39 Australia Act 1986 (Cth), ss. 7, 10.
- 40 Australia Act 1986 (Cth), ss. 7, 10.
- 41 Constitution of India, art. 200, first and second provisos.
- 42 Shamsher Singh v. State of Punjab, (1974) 2 SCC 831, para 54.
- 43 Nabam Rebia & Bamang Felix v. Deputy Speaker, (2016) 8 SCC 1, paras 147, 154, 257, 300.
- 44 State of Punjab v. Principal Secretary to the Governor of Punjab, 2023 INSC 1017 (10 Nov. 2023)
- 45 In re: Assent, 2025 INSC 1333, paras 156-159, 165.3 (limited mandamus; no fixed judicial timeline or deemed assent).
- 46 In re: Assent, 2025 INSC 1333
- 47 S.R. Bommai v. Union of India, (1994) 3 SCC 1.
- 48 In re: Assent, 2025 INSC 1333, paras 156-159, 165.3 (limited mandamus; no fixed judicial timeline or deemed assent).
- 49 Rameshwar Prasad (VI) v. Union of India, (2006) 2 SCC 1.
- 50 Constitution of India, art. 200, first and second provisos
- 51 State of Punjab v. Principal Secretary to the Governor of Punjab, 2023 INSC 1017.
- 52 The State of Tamil Nadu v. The Governor of Tamil Nadu, 2025 INSC 481.
- 53 In re: Assent, Withholding or Reservation of Bills by the Governor and the President of India, Special Reference No. 1 of 2025, 2025 INSC 1333.
- 54 Constitution Act, 1867 (Canada), ss. 55, 58 & 90.

- 55 Australia Act 1986 (Cth), ss. 7,10.
- 56 The assent ought normally to occur following legislation except when constitutional justification exists to take an alternative path.
- 57 The reconsideration for reconsideration needs to specify the parts of the Bill that warrant reconsideration.
- 58 The reservation needs to be linked to constitutionally acknowledged justifications, as well as those cases where the Constitution calls for presidential consideration.
- 59 The political opposition to the merits of the policy in a particular Bill ought not to be treated as being on a par with a constitutional justification for interference.
- 60 The justifications and process need to be clear enough to enable legislators, citizens and judges to determine which constitutional course is involved.
- 61 Constitution of India, arts. 153, 163, 168, 200, 201 and 361.
- 62 State of Punjab v. Principal Secretary to the Governor of Punj, 2023 INSC 1017.
- 63 The State of Tamil Nadu v. The Governor of Tamil Nadu, 2025 INSC 481.
- 64 In re: Assent, Withholding or Reservation of Bills by the Governor and the President of India, Special Reference No. 1 of 2025, 2025 INSC 1333.
- 65 Shamsher Singh v. State of Punjab, (1974) 2 SCC 831.
- 66 Nabam Rebia & Bamang Felix v. Deputy Speaker, (2016) 8 SCC 1.
- 67 M.P. Special Police Establishment v. State of M.P., (2004) 8 SCC 788.
- 68 Rameshwar Prasad (VI) v. Union of India, (2006) 2 SCC 1.
- 69 S.R. Bommai v. Union of India, (1994) 3 SCC 1.