

Tamil Nadu Urges Supreme Court to Reject Presidential Reference as "Appeal in Disguise"



The Tamil Nadu government on Monday, July 28, 2025, implored the Supreme Court to dismiss a Presidential reference seeking clarity on the powers and timelines for Governors and the President in assenting to state legislative bills. The state argued that the reference, containing 14 questions, is effectively an "appeal in disguise" designed to overturn a definitive Supreme Court judgment issued just three months prior, on April 8, 2025, which had already addressed these very issues.

In an intervention application filed before the apex court, Tamil Nadu contended that the Presidential reference, initiated by President Droupadi Murmu on May 13, 2025, under Article 143(1) of the Constitution, is "not maintainable" and should be returned unanswered. The state highlighted that the questions raised by the President concerning the interpretation of Articles 200 (Governor's assent to bills) and 201 (President's assent to bills reserved by Governor) have been "directly answered" and exhaustively dealt with in the Supreme Court's April 8 verdict in the case of *State of Tamil Nadu vs. Governor of Tamil Nadu*.

That landmark ruling had set specific timelines for Governors and the President to act on bills passed by state legislatures, asserting that inaction or indefinite delay was unconstitutional. The Supreme Court had clarified that Governors do not possess indefinite discretionary powers under Article 200 and must act within a "reasonable period." Furthermore, it had stipulated that the President must decide on bills reserved for her consideration within three months.

The Tamil Nadu government's application argues that the Presidential reference seeks to "disturb the settled law" and "overrule the findings already pronounced" by the Supreme Court, which is impermissible under Article 143, as the advisory jurisdiction cannot be used to sit in appeal over prior judgments. It also pointed out that the Governor of Tamil Nadu has not filed any review or curative petition against the April 8 judgment, suggesting acceptance of that verdict. The state of Kerala has also filed a similar application, challenging the maintainability of the Presidential reference on similar grounds.

This legal maneuver by Tamil Nadu underscores the ongoing friction between some state governments and the offices of Governors, often appointed by the central government. The state's plea emphasizes the principle that once a legal question has been conclusively decided by the highest court, it cannot be indirectly revisited through an advisory reference, especially when no legitimate substantial questions of law remain unanswered. The Supreme Court is expected to consider the maintainability arguments in its upcoming hearings, shaping the future interpretation of gubernatorial and presidential powers in the legislative process.