

Wilful Violation: Tamil Nadu Governor's Conduct

The Supreme Court of India has raised probing questions about Tamil Nadu Governor R.N. Ravi's conduct, exposing a pattern of wilful violation of constitutional duty. The Court's inquiries focus on the lawfulness of Ravi's decision to refer Bills to the President of India after previously withholding assent, despite being constitutionally obligated to grant assent upon their second adoption by the State Assembly.



by OJAANK IAS



Constitutional Obligations and Governor's Actions

Withholding Assent

Governor Ravi initially withheld assent on several Bills passed by the Tamil Nadu State Assembly.

1

Referral to President

Instead of granting assent, Governor Ravi referred the Bills to the President of India, raising questions about the legality of this action.

2

Second Adoption

The State Assembly adopted the Bills for a second time, triggering the constitutional requirement for the Governor to grant assent.

3

Supreme Court's Probing Questions

1

Motive Behind Referral

The Court asked whether the Governor referred the Bills to the President solely to avoid granting assent as required by Article 200 of the Constitution.

2

Constitutional Interpretation

The Court's 2023 judgment clarified that Governors should return Bills to the legislature when withholding assent, and must grant assent if passed again.

3

Governor's Responsibility

The Court questioned the Governor's understanding and adherence to his constitutional duties in handling state legislation.



Attorney-General's Arguments

Repugnancy Issue

The A-G argued that the Governor rightly referred the Bills to the President due to potential conflicts with UGC Regulations, particularly regarding the appointment of university vice-chancellors.

Bill Status

It was contended that when the Governor withheld assent, the Bills ceased to exist, and the Assembly presumed they had been "returned" before adopting them a second time.

Return Requirement

The A-G argued that the requirement to return a Bill does not apply if repugnancy with central law is noted.



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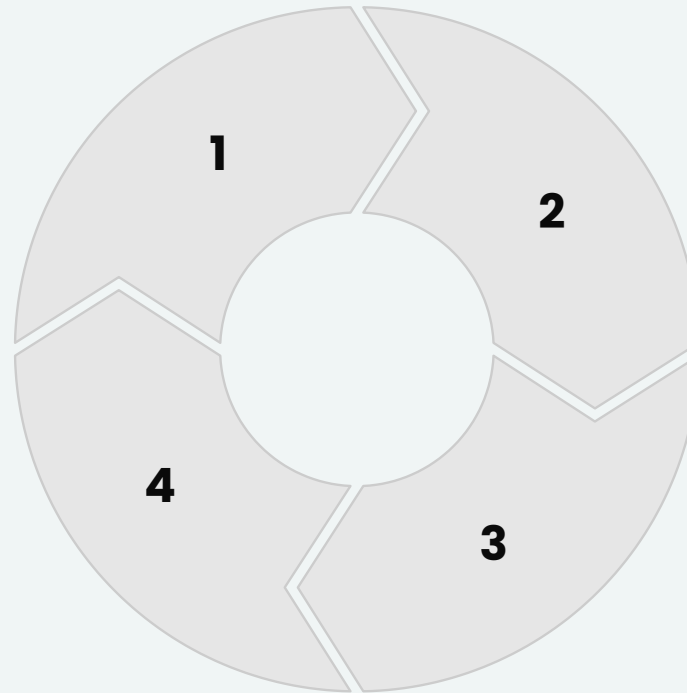
Governor's Pattern of Obstruction

Delayed Action

The Governor did not act on some Bills for one to two years, raising questions about his intentions.

Selective Obstruction

The Governor appears to be scuttling laws that do not align with his personal views.



Ignored Constitutional Duty

Ravi disregarded his obligation to grant assent when Bills were presented a second time.

Questionable Referrals

The Court previously questioned whether a Governor could refer a Bill to the President after withholding assent.

Impact on State Legislation

1

Legislative Process Disrupted

The Governor's actions have led to significant delays in the implementation of state laws, affecting governance in Tamil Nadu.

2

Constitutional Crisis

The standoff between the Governor and the State Assembly has created a constitutional crisis, challenging the balance of power.

3

Judicial Intervention

The Supreme Court's involvement highlights the severity of the situation and the need for clarity on constitutional procedures.



Legal Implications of Governor's Actions

Constitutional Interpretation

The case raises important questions about the interpretation of Article 200 and the extent of a Governor's discretionary powers in dealing with state legislation.

Federalism Concerns

The Governor's actions have sparked debates about the balance of power between the Centre and the States, potentially impacting India's federal structure.

Precedent Setting

The Supreme Court's decision in this case could set a significant precedent for future interactions between Governors and State Assemblies across India.

Public Perception and Political Implications



Public Outcry

The Governor's actions have led to public protests and criticism, with many viewing it as an overreach of his constitutional role.



Political Debate

The issue has intensified political debates in Tamil Nadu and at the national level about the role of Governors in state affairs.



Governance Concerns

There are growing concerns about the impact of this constitutional crisis on effective governance and policy implementation in Tamil Nadu.

Potential Resolutions and Future Outlook

Supreme Court Judgment

The awaited Supreme Court judgment is expected to provide clarity on the constitutional procedures and limitations of gubernatorial powers.

Legislative Reforms

The case may prompt discussions about potential legislative reforms to clarify the roles and responsibilities of Governors in the legislative process.

Political Resolution

There may be calls for political intervention to resolve the standoff between the Governor and the State government, potentially involving the Central government.



Conclusion: A Challenge to Constitutional Governance

Urgent Action Needed

The situation in Tamil Nadu poses a significant challenge to constitutional governance, requiring urgent attention from the Union government.

Balancing Act

Resolving this issue will require a delicate balancing act between respecting state autonomy and maintaining constitutional integrity.

Future Implications

The outcome of this case will likely have far-reaching implications for Centre-State relations and the functioning of India's federal structure.



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