



राष्ट्रपति
भारत गणतंत्र
**PRESIDENT
REPUBLIC OF INDIA**

WHEREAS Article 200 of the Constitution of India prescribes the powers of the Governor and the procedure to be followed while assenting to Bills, withholding assent to Bills and reserving a Bill for the consideration of the President;

WHEREAS Article 200 of the Constitution of India does not stipulate any time frame upon the Governor for the exercise of constitutional options under Article 200;

WHEREAS Article 201 of the Constitution of India prescribes the powers of the President and the procedure to be followed while assenting to Bills or withholding assent therefrom;

WHEREAS Article 201 of the Constitution of India does not stipulate any time frame or procedure to be followed by the President for the exercise of constitutional options under Article 201;

WHEREAS the Constitution of India enlists numerous instances where the assent of the President has to be obtained before a legislation can take effect in the State;

WHEREAS the exercise of constitutional discretion by the Governor and the President under Article 200 and Article 201 of the Constitution of India, respectively are essentially governed by polycentric considerations, inter alia being federalism, uniformity of laws, integrity and security of the nation, doctrine of separation of powers;

Received in
original
Kush Kalsi
14/5/2025
12:50 pm

Contd....2/-



सत्यमेव जयते

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-: 2 :-

WHEREAS there are conflicting judgments of the Supreme Court as to whether the assent of the President of India under Article 201 of the Constitution of India is justiciable or not;

WHEREAS the States are frequently approaching the Supreme Court of India invoking Article 32 [and not Article 131] of the Constitution of India raising issues which by their very nature are federal issues involving interpretation of, inter alia, the Constitution of India;

WHEREAS the contours and scope of provisions contained in Article 142 of the Constitution of India in context of issues which are occupied by either constitutional provisions or statutory provisions also needs an opinion of the Supreme Court of India;

WHEREAS the concept of a deemed assent of the President and the Governor is alien to the constitutional scheme and fundamentally circumscribes the power of the President and the Governor;

WHEREAS in view of what is herein before stated and the present prevailing circumstances, it appears to me that the following questions of the law have arisen and are of such nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court of India thereon;

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-: 3 :-

NOW, THEREFORE, in exercise of the powers conferred upon me by clause (1) of Article 143 of the Constitution of India, I, Droupadi Murmu, President of India, hereby refer the following questions to the Supreme Court of India for consideration and to report its opinion thereon, namely:-

1. What are the constitutional options before a Governor when a Bill is presented to him under Article 200 of the Constitution of India?
2. Is the Governor bound by the aid & advice tendered by the Council of Ministers while exercising all the options available with him when a Bill is presented before him under Article 200 of the Constitution of India?
3. Is the exercise of constitutional discretion by the Governor under Article 200 of the Constitution of India justiciable?
4. Is Article 361 of the Constitution of India an absolute bar to the judicial review in relation to the actions of a Governor under Article 200 of the Constitution of India?
5. In the absence of a constitutionally prescribed time limit, and the manner of exercise of powers by the Governor, can timelines be imposed and the manner of exercise be prescribed through judicial orders for the exercise of all powers under Article 200 of the Constitution of India by the Governor?



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6. Is the exercise of constitutional discretion by the President under Article 201 of the Constitution of India justiciable?
7. In the absence of a constitutionally prescribed timeline and the manner of exercise of powers by the President, can timelines be imposed and the manner of exercise be prescribed through judicial orders for the exercise of discretion by the President under Article 201 of the Constitution of India?
8. In light of the constitutional scheme governing the powers of the President, is the President required to seek advice of the Supreme Court by way of a reference under Article 143 of the Constitution of India and take the opinion of the Supreme Court when the Governor reserves a Bill for the President's assent or otherwise?
9. Are the decisions of the Governor and the President under Article 200 and Article 201 of the Constitution of India, respectively, justiciable at a stage anterior into the law coming into force? Is it permissible for the Courts to undertake judicial adjudication over the contents of a Bill, in any manner, before it becomes law?
10. Can the exercise of constitutional powers and the orders of/by the President / Governor be substituted in any manner under Article 142 of the Constitution of India?

Contd.....5/-



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11. Is a law made by the State legislature a law in force without the assent of the Governor granted under Article 200 of the Constitution of India?
12. In view of the proviso to Article 145(3) of the Constitution of India, is it not mandatory for any bench of this Hon'ble Court to first decide as to whether the question involved in the proceedings before it is of such a nature which involves substantial questions of law as to the interpretation of constitution and to refer it to a bench of minimum five Judges?
13. Do the powers of the Supreme Court under Article 142 of the Constitution of India limited to matters of procedural law or Article 142 of the Constitution of India extends to issuing directions /passing orders which are contrary to or inconsistent with existing substantive or procedural provisions of the Constitution or law in force?
14. Does the Constitution bar any other jurisdiction of the Supreme Court to resolve disputes between the Union Government and the State Governments except by way of a suit under Article 131 of the Constitution of India?

PRESIDENT OF INDIA

NEW DELHI
DATED: 13th May, 2025