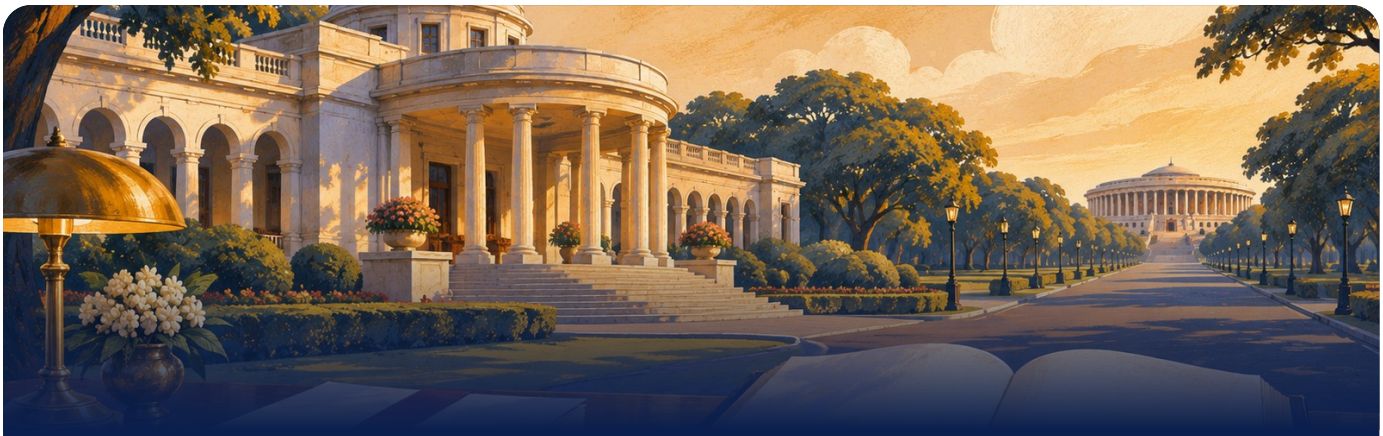
Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?



MAINS MASTERY 2026 · GS PAPER II · QUESTION 11 · STUDENT EDITION

The Governor in India's Federal Polity

THE QUESTION, AS SET IN UPSC CSE MAINS 2026

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

Directive: Discuss, explain, assess | 15 marks | 250 words

Indian Polity: Governor, federalism and legislative assent

1 **PYQ Deep Decode**
Demand, hidden demand, structure, form

2 **PYQ Intelligence**
2014 to 2026: federalism, assent, discretion

3 **Additional information**
Articles 163, 200 and 201; cases and an assent flow

4 **Pitfalls and variations**
Six corrections and changed directives

5 **The model answer**
Three demands, an assent table, a federal judgement

6 **Other ways to write it**
Alternative outlines and when each works

7 **Quick recall**
Sixteen constitutional facts for Mains and Prelims

8 **Write it yourself**
A seven-point constitutional self-check

Guranchal Ma'am, Founder, UPSC Gurus · upscgurus.in

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

1 PYQ Deep Decode

Read the question the way the examiner set it: the Governor's position in the federal polity, the constitutional nature of assent to State legislation, the limits of ministerial advice, and the deeper question of whether this office protects or strains federalism.

1.1 The demand

The question asks **three things in a deliberate order**. First, **discuss the Governor's position in India's federal polity**, which requires an assessment of the office within the Union-State constitutional relationship. Second, explain **the nature of his power when giving assent to a State bill**: the constitutional options available, the conditions attached to them, and the extent of his freedom to choose. Third, answer **whether the Governor is bound by the aid and advice of his Council of Ministers in all functions**. This requires a clear verdict, the general rule, and its exceptions. The word **"all"** makes an unqualified answer inadequate. The three demands must remain distinct, even where the same constitutional provision is relevant to more than one.

Words in the question	What they ask you to do	What goes wrong if you miss them
Discuss	Examine the constitutional design and its practical implications, presenting the strengths and tensions of the office before reaching a reasoned view.	Providing only a list of articles or making an unqualified political judgement.
position of the Governor	Locate the office within the State executive, legislature and Union-State relationship. Distinguish formal constitutional authority from the exercise of political power.	Writing only about eligibility, appointment, tenure and removal.
in the federal polity of India	Assess the office against the autonomy of elected State governments, the Union's constitutional interests, and the federal principle.	Treating the Governor as an ordinary State administrator or merely a ceremonial figure.
nature of his power while giving assent	Identify the Article 200 options, the restrictions governing their exercise, the route under Article 201, and the limits of judicial intervention.	Simply stating that the Governor can assent, withhold assent or reserve a bill without explaining what those choices legally mean.
a bill passed by the State Legislature	Concentrate on a bill after legislative passage, including what happens if a non-Money Bill is returned and passed again.	Confusing assent under Article 200 with the ordinance-making power under Article 213 or the recommendation needed for introducing certain bills.
Is he bound	Give a definite legal conclusion: ordinarily yes, but not universally. Support the conclusion with the applicable constitutional rule and recognised exceptions.	Writing "yes" or "no" without explaining the relationship between the two.
aid and advice of his Council of Ministers	Apply Article 163 and distinguish the ordinary responsibility of elected ministers from constitutionally permitted gubernatorial discretion.	Assuming that every function formally assigned to the Governor is exercisable personally.
in all his functions	Test the universal claim by identifying functions governed by advice and exceptional functions requiring independent constitutional judgement.	Discussing Article 200 alone and leaving the final demand unanswered.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

THE DEMAND IN ONE LINE

Discuss the Governor's place between State autonomy and Union interests; explain his constitutionally limited choices on State bills under Articles 200 and 201; and establish that ministerial advice is the general rule, subject to specific constitutional exceptions.

1.2 The hidden demand

The deeper issue is **whether the Governor functions as a constitutional head who protects federalism or becomes an instrument through which the Union can constrain an elected State government**. This is not a choice between abolishing the office and granting it unrestricted independence. The Constitution deliberately creates an office appointed by the President but operating within a State's parliamentary government. The tension arises because **the Governor has certain independent constitutional responsibilities without possessing an independent democratic mandate to govern**.

The November 2025 Constitution Bench opinion on presidential assent makes the tension particularly important. It recognises **discretion under Article 200**, yet also rejects indefinite unexplained inaction and preserves limited judicial intervention. The answer must therefore distinguish **constitutionally necessary discretion** from **political interference**. The small final part should explain how neutrality, constitutional conventions and timely decision-making can make the office serve federalism.

Use constitutional authority to show where the office protects the federal arrangement and where its use can generate conflict. The final column supplies the reasoning for the hidden demand.

Constitutional feature	The case or rule that illuminates it	The federal question it raises
Executive head, not parallel government	**Shamsher Singh v. State of Punjab** (1974): the Governor ordinarily acts through ministers responsible to the legislature.	How can formal gubernatorial authority coexist with government by elected representatives?
Discretion must have constitutional foundations	**Nabam Rebia v. Deputy Speaker** (2016): Article 163 does not confer unrestricted discretion over State affairs.	Who prevents exceptional powers from becoming a general power to supervise elected government?
Assent as a constitutional checkpoint	**In Re: Assent, Withholding or Reservation of Bills** (20 November 2025): three Article 200 options and discretion in selecting among them.	How can constitutional scrutiny be preserved without making the Governor a rival legislature?
Limits on legislative obstruction	The same 2025 opinion permits a limited judicial direction in cases of prolonged, unexplained and indefinite inaction.	How is constitutional accountability maintained without transferring the Governor's decision to a court?

WEAK

The Governor is appointed by the President and therefore acts as an agent of the Central Government. Since the Governor has discretionary powers, he can reject State legislation whenever necessary.

STRONG

Although appointed by the President, the Governor is the constitutional head of the State, not a substitute for its elected government. The Supreme Court's November 2025 advisory opinion recognises discretion over Article 200 options, but requires the Governor to act within their constitutional framework and permits limited intervention against prolonged unexplained inaction. The problem is not the existence of discretion; it is its possible conversion into partisan control.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

1.3 The structure

The question contains **three express demands** and one underlying federalism concern. Follow them in exactly that order. The first establishes the office's constitutional position; the second examines its specific legislative power; the third gives the general rule and exceptions concerning aid and advice. Only then should the answer briefly address how the office should function to strengthen federalism. The shares refer to the body between introduction and conclusion and are a teaching guide, not a UPSC rule.

Introduction	1. Position in federal polity about three-tenths	2. Power over State bills about three-tenths	3. Aid, advice, exceptions about three-tenths	4. Serving federalism about one-tenth	Conclusion

Part 1 Position of the Governor in the federal polity — about three-tenths

Constitutional head	Articles 153, 154 and 163; formal executive authority, exercised ordinarily through the elected ministry.
Federal link	Presidential appointment under Article 155; the office connects State constitutional government with the Union framework.
Legislative role	Article 168 makes the Governor part of the State Legislature; Article 200 provides a role in the completion of legislation.
Constitutional tension	Presidential pleasure under Article 156, conflicts over bills and government formation, and the need for political neutrality.

Part 2 Nature of the Governor's assent power — about three-tenths

Article 200	Assent; withhold assent and return a non-Money Bill with comments; or reserve for the President.
After reconsideration	The Governor cannot again withhold assent; the November 2025 opinion recognises assent or reservation for presidential consideration as the remaining options.
Mandatory reservation	Second proviso to Article 200: a bill endangering the constitutional position of the High Court must be reserved.
Article 201 and courts	Presidential consideration; no judicially prescribed general timelines or deemed assent; limited relief against indefinite gubernatorial inaction.

Part 3 Whether aid and advice binds him in all functions — about three-tenths

General rule	Article 163; parliamentary responsibility and **Shamsher Singh** (1974).
Assent exception	November 2025 Constitution Bench: Article 200 options involve gubernatorial discretion, notwithstanding ministerial advice.
Other exceptions	Choice of Chief Minister in a hung Assembly; constitutional breakdown report; certain special constitutional responsibilities.
Limits	Discretion is not a general licence. The floor test belongs to the Assembly; powers must be exercised for their constitutional purposes.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

Part 4 **Making the office serve federalism** about one-tenth

Neutrality	Constitutional conventions, impartial appointments and restraint in political disputes.
Accountability	Prompt decisions, institutional dialogue and judicially enforceable limits on prolonged inaction.
Reform	Sarkaria and Punchhi Commission recommendations as guides, not binding constitutional law.

1.4 How to present it

The question is principally a **constitutional comparison**, not a process-based administrative question. The best form is **three numbered headings following the question, compact points under each, and a short decision table for Article 200**. The table gives immediate clarity about the three choices and their limitations. Part 3 should contrast **the general rule** with **exceptions**. The final federalism line should express a judgement, not introduce another long discussion.

Form	Fit here	Reason
Headed points with a compact Article 200 table	**Best**	Follows all three demands, differentiates the assent options, and makes exceptions visible without repetitive prose.
Three headed sections with numbered points	Good	Efficient and easy to reproduce; requires careful wording to avoid compressing away the legal qualifications.
One large constitutional flowchart	Limited	Useful for the assent procedure alone, but cannot adequately explain the Governor's federal position or the wider aid-and-advice rule.
Continuous paragraphs on the Governor's powers	Weak	The examiner must search for the three answers; essential distinctions between discretion, advice and legal constraints may disappear.

Presentation rule: Give each of the three express demands its own visible heading. Under the second, distinguish the first presentation of a bill from presentation after reconsideration. Under the third, state the general rule before the exceptions. In the final answer, use judicial authorities as support for propositions, not as a substitute for explaining them.

1.5 The introduction and the conclusion

The introduction serves the whole question. Establish the Governor's dual constitutional significance: the formal head of a State governed by an elected ministry and a constitutional institution through which Union-State concerns can intersect. Introduce the fact that this relationship becomes especially important in legislative assent and discretionary functions. Do not open with a bare definition or a catalogue of articles.

The conclusion settles the demand. State that the Governor is ordinarily bound by ministerial advice but has constitutionally limited exceptions, including the Article 200 discretion explained by the Supreme Court in November 2025. End with the federal principle: independent constitutional judgement must protect legality, not displace elected State government. Give the opening and closing approximately equal space.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

2 PYQ Intelligence 2014 to 2026

Why gubernatorial powers were especially significant before Mains 2026, how earlier UPSC questions prepared the ground, and the constitutional ideas worth mastering beyond this particular question.

2.1 Why the subject was topical in 2026

Disputes over Governors withholding action on State bills, summoning legislatures and exercising independent judgement brought the constitutional office into sustained judicial examination. The most significant development was the contrast between the Supreme Court's **8 April 2025 Tamil Nadu judgment** and the **20 November 2025 five-judge advisory opinion** on Articles 200 and 201. The latter clarified that the Governor has discretion in choosing the constitutional options, while rejecting judicially imposed general timelines and deemed assent. These developments explain the issue's contemporary importance. They are **context, not evidence of why UPSC selected the question**. GS Paper II was held on **22 August 2026**; all developments below predate the examination.

When	What happened	Why it matters for this question
23 August 1974	In **Shamsher Singh v. State of Punjab**, a seven-judge Supreme Court Bench affirmed the parliamentary principle that the Governor ordinarily exercises constitutional functions on ministerial aid and advice, while recognising particular discretionary situations.	Foundational authority for the final demand: the general rule and its exceptions.
11 March 1994	In **S.R. Bommai v. Union of India**, the Supreme Court reinforced federalism and judicial scrutiny of Article 356 proclamations. Legislative majority must ordinarily be tested on the floor of the Assembly, not determined privately by the Governor.	Constitutional discretion cannot substitute the Governor's assessment for the elected House.
7 May 2010	In **B.P. Singhal v. Union of India**, the Supreme Court held that a Governor serves during the President's pleasure but cannot be removed arbitrarily, including merely because the Union government changes or disagrees with the Governor's political views.	The office is not constitutionally an extension of the political party governing the Union.
13 July 2016	**Nabam Rebia v. Deputy Speaker** limited the Governor's discretion to constitutionally authorised or necessarily implied circumstances and rejected the idea that Article 163(2) creates unlimited personal authority.	Sets the wider constitutional framework within which exceptional discretion must be understood.
10 November 2023	In **State of Punjab v. Principal Secretary to the Governor of Punjab**, the Supreme Court held that the Governor could not use inaction on bills to obstruct the ordinary legislative process. It connected withholding assent with returning a non-Money Bill for reconsideration.	Legislative assent became a direct question of representative government and constitutional accountability.
November 2023	After prolonged disputes over Tamil Nadu legislation, the Governor returned ten bills; the State Legislature passed them again. The subsequent decision to reserve them for the President became central to litigation before the Supreme Court.	Tests what happens when the elected legislature reiterates its legislative decision.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

When	What happened	Why it matters for this question
8 April 2025	In **State of Tamil Nadu v. Governor of Tamil Nadu** (2025 INSC 481), a two-judge Bench invalidated the reservation of the ten re-passed bills, prescribed specified periods for action under Articles 200 and 201, and invoked Article 142 to treat the bills as having received assent.	Raises the questions of gubernatorial discretion, judicially enforceable timelines and deemed assent. Its broader propositions were subsequently revisited in the November 2025 advisory opinion.
13 May 2025	The President referred **fourteen questions** to the Supreme Court under Article 143(1), concerning the Governor's and President's assent powers, the binding character of ministerial advice, judicial review, timelines and Article 142.	The very questions concerning assent and aid and advice became the subject of a constitutional reference.
19 August 2025	Hearings commenced before a five-judge Constitution Bench in **Special Reference No. 1 of 2025**, with submissions from the Union and several State governments.	Shows the competing Union and State perspectives on how far the Governor may act independently.
20 November 2025	In **In Re: Assent, Withholding or Reservation of Bills by the Governor and the President of India** (2025 INSC 1333), the Constitution Bench issued its advisory opinion. It held that Article 200 provides three options, that the Governor has discretion in choosing among them, and that ministerial advice does not bind that choice. It rejected judicially prescribed general timelines and deemed assent, while allowing limited directions against prolonged, unexplained and indefinite inaction.	**The central pre-examination authority for Parts 2 and 3.** The distinction between discretion over the decision and accountability for failure to decide is indispensable.

Critical distinction between the 2025 decisions: The April ruling resolved a concrete dispute involving Tamil Nadu bills. The November Constitution Bench answered an Article 143 presidential reference and clarified the general constitutional principles governing assent. Its advisory opinion is not a fresh adjudication of the ten Tamil Nadu bills. For a 2026 examination answer, explain the November opinion rather than repeating the April timelines or deemed-assent approach as the governing general rule. The Supreme Court's primary opinion, paragraphs 98 to 102 and 165.1 to 165.11, is especially important.

2.2 The skill UPSC keeps testing

Across GS Paper II, UPSC has repeatedly moved between **the structure of Indian federalism, conflicts involving constitutional heads, the limits of legislative powers, and mechanisms for maintaining Union-State trust**. The 2026 question brings these strands together through one office. Earlier questions asked whether Indian federalism is excessively centralised, how elected governments coexist with Lieutenant Governors, when the Governor may issue ordinances, and how constitutional checks constrain the Union's power. The 2026 question requires an integrated judgement on **the position, the specific assent power, and the scope of ministerial advice**. All questions quoted in this table reproduce the supplied PYQ text verbatim.

Year	The question as UPSC set it	What it asked of you	What changed in 2026
2014 GS II, Q2	Though the federal principle is dominant in our Constitution and that principle is one of its basic features, but it is equally true that federalism under the Indian Constitution leans in favour of a strong Centre, a feature that militates against the concept of strong federalism. Discuss.	The tension between federalism and a strong Union.	The Governor becomes a specific institution through which that structural tension is tested.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

Year	The question as UPSC set it	What it asked of you	What changed in 2026
2015 GS II, Q2	The concept of cooperative federalism has been increasingly emphasized in recent years. Highlight the drawbacks in the existing structure and the extent to which cooperative federalism would answer the shortcomings.	Cooperation as an answer to institutional weaknesses.	The test is whether gubernatorial discretion facilitates constitutional cooperation or political confrontation.
2016 GS II, Q1	Discuss the essentials of the 69th Constitutional Amendment Act and anomalies, if any, that have led to recent reported conflicts between the elected representatives and the institution of the Lieutenant Governor in the administration of Delhi. Do you think that this will give rise to a new trend in the functioning of the Indian federal politics ?	Constitutional-head versus elected-government conflict in the special framework of Delhi.	The focus shifts to a State Governor under Articles 153 to 163 and 200, not the Lieutenant Governor's distinct constitutional framework.
2018 GS II, Q11	Whether the Supreme Court Judgement (July 2018) can settle the political tussle between the Lt. Governor and elected government of Delhi? Examine.	Judicial settlement of disputes between a constitutional head and elected government.	The November 2025 advisory opinion supplies an analogous but constitutionally distinct judicial framework for State bills.
2022 GS II, Q12	Discuss the essential conditions for exercise of the legislative powers by the Governor. Discuss the legality of re-promulgation of ordinances by the Governor without placing them before the Legislature.	Conditions and limitations governing gubernatorial legislative power.	From ordinances under Article 213 to assent under Article 200, another legislative function with constitutional restrictions.
2023 GS II, Q13	Account for the legal and political factors responsible for the reduced frequency of using Article 356 by the Union Governments since mid 1990s.	Political and judicial checks on federal intervention.	Article 356 appears as a specific discretionary context, while assent becomes the principal site of federal conflict.
2024 GS II, Q13	What changes has the Union Government recently introduced in the domain of Centre-State relations ? Suggest measures to be adopted to build the trust between the Centre and the States and for strengthening federalism.	Evaluate Centre-State relations and propose institutional trust-building.	The Governor's impartiality and the handling of State legislation become concrete tests of federal trust.
2025 GS II, Q14	Examine the evolving pattern of Centre-State financial relations in the context of planned development in India. How far have the recent reforms impacted the fiscal federalism in India?	The federal principle applied to fiscal institutions and reform.	The same principle is applied to constitutional institutions and legislative autonomy rather than finance.

Also related, verbatim: 2019 GS II, Q4: "From the resolution of contentious issues regarding distribution of legislative powers by the courts, 'Principle of Federal Supremacy' and 'Harmonious Construction' have emerged. Explain." 2026 GS II, Q13: "How far has the Indian federal framework been successful in accommodating regional and cultural diversities ? Highlight the role of asymmetric federalism and suggest measures to make dispute resolution mechanisms more effective."

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

CARRY THIS METHOD TO ANY CONSTITUTIONAL-HEAD AND FEDERALISM QUESTION

1. **Locate** the institution in the constitutional scheme: who appoints it, what authority it holds, and to whom democratic responsibility belongs.
2. **Separate** the general parliamentary rule from the precise constitutional provision governing the disputed power.
3. **Identify** the options and their restrictions, not merely the names of the powers.
4. **Use** the latest controlling constitutional interpretation, while distinguishing it from earlier decisions.
5. **Test** the exercise of discretion against legislative accountability and the federal principle.
6. **Conclude** with a reasoned distinction between legitimate constitutional supervision and political interference.

2.3 What to prepare next

CONSTITUTIONAL PROVISIONS AND INSTITUTIONS

Articles 153 to 159	Existence of the office; executive power; appointment; pleasure and tenure; qualifications; oath.
Articles 163 and 164	Ministerial aid and advice, constitutionally permitted discretion, appointment of ministers and collective responsibility.
Articles 167 and 168	Chief Minister's duty to furnish information; Governor as a constituent part of the State Legislature.
Articles 174 and 175	Legislative sessions and gubernatorial messages; limits on independent interference with legislative business.
Articles 200 and 201	Assent, return, reservation, reconsideration, presidential options and the mandatory High Court safeguard.
Articles 213, 254(2), 356 and 361	Ordinances; presidential assent to certain repugnant State laws; constitutional breakdown; personal immunity.

JUDGMENTS, PRINCIPLES AND DEBATES

Shamsher Singh, 1974	Responsible parliamentary government and the aid-and-advice rule.
S.R. Bommai, 1994	Federalism, majority testing and scrutiny of Article 356.
B.P. Singhal, 2010	Protection against arbitrary gubernatorial removal.
Nabam Rebia, 2016	Limited constitutional discretion; legislative sessions.
Punjab Governor case, 2023	The elected legislature and the prohibition on obstructive inaction.
Tamil Nadu judgment, April 2025	The dispute over re-passed bills, judicial timelines and deemed assent.
Presidential Reference, November 2025	Article 200 discretion, three options, limited review for inaction, no general judicial timelines or deemed assent.
Sarkaria and Punchhi Commissions	Governor's appointment, neutrality, tenure, removal and the handling of State bills.

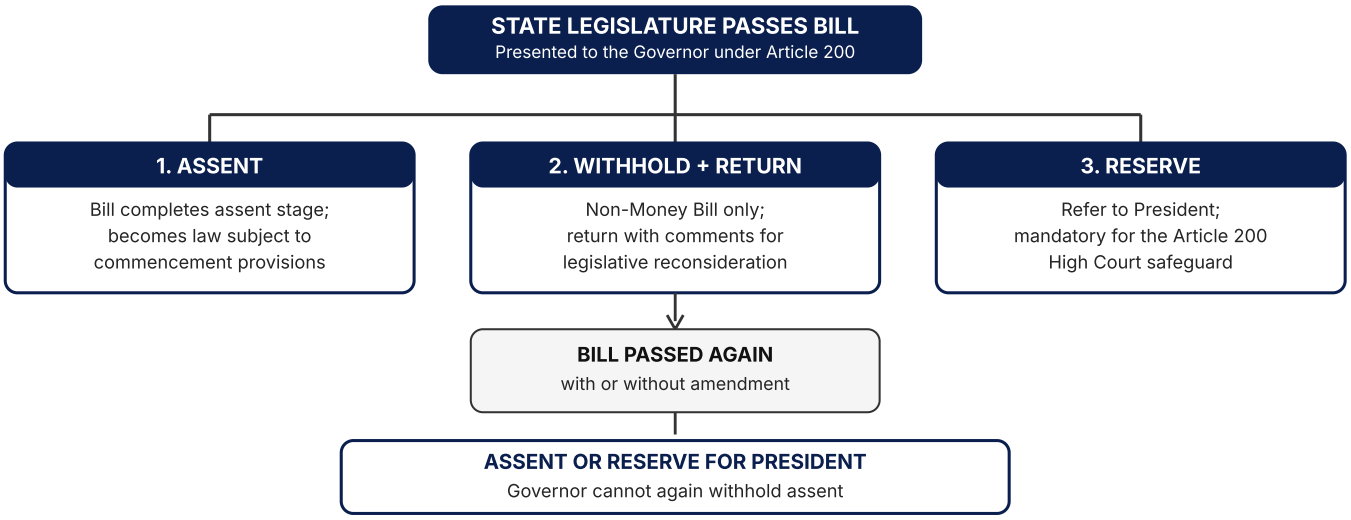
Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

3 Additional information

Everything needed to answer this question well. Tier 1 explains the constitutional position, assent mechanism and aid-and-advice rule with their decisive judicial qualifications. Tier 2 develops the larger federal, institutional and reform debates.

TIER 1 · ESSENTIAL: FEDERAL POSITION, ASSENT POWERS AND MINISTERIAL ADVICE

The assent process: one constitutional decision tree



Article 201: President may assent or withhold assent
For non-Money Bills, reconsideration may be directed under Article 201

The diagram follows Article 200 and the Supreme Court's opinion in Special Reference No. 1 of 2025, particularly paragraphs 98 to 102. It simplifies the branches for handwritten recall; Article 201 has its own separate reconsideration procedure.

The Governor's constitutional position in the federal polity

Constitutional feature	Precise position	Federal significance
Office Article 153	There shall be a Governor for each State; the same person may be appointed Governor for two or more States.	The office belongs to the constitutional architecture of State government, even though appointments are made at the Union level.
Executive authority Articles 154 and 162	The State's executive power is formally vested in the Governor and is exercised in accordance with the Constitution. It is not unrestricted personal authority.	Distinguishes the **formal head** from the political executive that exercises government responsibility.
Appointment Article 155	The Governor is appointed by the President by warrant under his hand and seal, not elected by the State Legislature.	Creates a constitutional link with the Union and a potential source of mistrust when appointments are perceived as partisan.
Tenure and removal Article 156	Five-year term, subject to the President's pleasure. The Governor may continue until a successor assumes office. In **B.P. Singhal** (2010), the Court prohibited arbitrary or politically motivated withdrawal of pleasure.	The office requires independence in conduct even though its tenure is not insulated in the manner of a judge's.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

Constitutional feature	Precise position	Federal significance
Oath Article 159	The Governor swears to preserve, protect and defend the Constitution and the law and devote himself to the service and well-being of the people of the State.	The allegiance of the office is constitutional, not partisan.
Responsible government Articles 163 and 164(2)	The Governor normally acts with the aid and advice of a Council of Ministers headed by the Chief Minister, collectively responsible to the Legislative Assembly.	Political accountability resides with the elected ministry, not with an appointed constitutional head.
Legislative position Articles 168 and 200	The Governor forms part of the State Legislature for constitutional purposes and has a role in the legislative assent process, without being a member of either House.	Provides a constitutional checkpoint without creating an elected second executive or an unrestricted veto.
Union-State interface Articles 200, 201 and 356	Reservation of bills permits presidential consideration; a Governor may also report constitutional breakdown. These functions are distinct and governed by their own conditions.	The interface can protect constitutional order or strain autonomy if used for political advantage.

Why the Governor is not merely a Union agent. Appointment by the President does not confer a general power on the Union to direct every gubernatorial act. The office performs duties within the Constitution of a State government, and the oath is to the Constitution. Its legitimacy depends on lawful independence and neutrality, not political loyalty to the appointing government.

Why the Governor is not an alternative State government. The elected Council of Ministers enjoys responsibility to the Assembly. The Governor cannot ordinarily use formal executive powers to adopt policies, manage departments or overturn ministerial decisions merely because of disagreement. **Constitutional headship is different from political executive authority.**

Article 200: the exact legal nature of the assent power

The November 2025 Constitution Bench opinion is decisive. It interprets Article 200 as providing three constitutional options rather than four independent options. Withholding assent is linked to the first proviso's procedure for returning a non-Money Bill with comments. The Governor has discretion in choosing among the available options and is **not bound by ministerial advice in that choice**. Discretion, however, remains constrained by the structure and purpose of Article 200.

Option or situation	What the Constitution permits or requires	Important restriction
1. Assent	The Governor declares assent to the State bill. The bill then completes the assent stage and becomes an Act; the date on which provisions operate depends on the applicable commencement rules.	The Governor is not exercising an independent policy-making mandate merely by giving assent.
2. Withhold assent and return	For a **non-Money Bill**, the Governor may withhold assent and return the bill with comments requesting reconsideration of the bill or particular provisions, including proposed amendments.	The first proviso qualifies withholding; it is not an additional fourth option creating an unrestricted power of rejection. A Money Bill cannot be returned under this proviso.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

Option or situation	What the Constitution permits or requires	Important restriction
3. Reserve for the President	The Governor may reserve a bill for presidential consideration, including cases where the constitutional framework warrants reference to the President.	Reservation must be understood as a constitutional option, not an ordinary mechanism for indefinitely obstructing State policy.
Mandatory reservation	The **second proviso to Article 200** requires reservation when, in the Governor's opinion, a bill would so derogate from the powers of the High Court as to endanger its constitutionally intended position.	The Governor **shall not assent** in the situation described by the second proviso. This is a mandatory constitutional safeguard.
Bill passed again after return	The Legislature may reconsider and pass the non-Money Bill again, with or without amendment. The Governor **shall not withhold assent** again. The November 2025 opinion clarifies that assent and reservation for presidential consideration remain available.	Do not confuse the prohibition on withholding assent with a prohibition on reservation. The Constitution Bench expressly distinguished them.
No action for an indefinite period	In cases of prolonged, unexplained and indefinite inaction, a court may issue a limited direction requiring the Governor to exercise the Article 200 function within a reasonable period.	The court cannot choose the option for the Governor or impose a general fixed timetable as though written into the Constitution.

Article 201: what happens when a bill reaches the President

Stage	Constitutional rule and its significance
Presidential decision	On a reserved bill, the President declares either assent or withholding of assent. The President's consideration is constitutionally distinct from the Governor's.
Non-Money Bill returned	The President may direct the Governor to return a non-Money Bill to the Legislature with a message. The Legislature must reconsider it **within six months of receiving the message**.
Bill reconsidered	If the State Legislature passes it again, with or without amendment, it is presented again to the President for consideration. **The President is not bound to assent merely because the bill was passed again.**
Concurrent List conflict	**Article 254(2)** provides for presidential assent to a State law repugnant to an earlier parliamentary law or existing law on a Concurrent List matter, allowing the State law to prevail within that State, subject to Parliament's power to legislate subsequently.
Judicial limits	The November 2025 advisory opinion rejects general judicially prescribed timelines for presidential assent, pre-enactment merits review of the presidential decision, and judicially created deemed assent.

Do not confuse the two six-month issues. Article 201 expressly gives the **State Legislature six months** to reconsider a non-Money Bill after receiving the President's message. It does **not** prescribe six months for the President to decide on every reserved bill. The Punchhi Commission's suggested maximum decision period was a reform recommendation, not a constitutional deadline.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

What the Supreme Court's 2025 opinions actually established

Issue	8 April 2025: Tamil Nadu judgment	20 November 2025: Constitution Bench advisory opinion
Nature of Article 200 options	Treated assent, withholding and reservation as constitutionally regulated choices; strongly emphasised legislative primacy and constrained gubernatorial conduct.	Clarified that there are **three options**: assent; withhold and return a non-Money Bill; or reserve for the President. The return proviso does not create a fourth option.
Ministerial advice	Emphasised the elected ministry's central place in the parliamentary system and adopted a narrower approach to gubernatorial independence.	Held expressly that **the Governor has discretion when choosing the Article 200 option and is not bound by the Council of Ministers' advice**.
After a bill is passed again	Found the subsequent reservation of the ten Tamil Nadu bills invalid on the facts and legal reasoning adopted in that case.	Clarified the general rule that the Governor cannot again withhold assent but **may assent or reserve the re-passed bill**.
Time limits	Laid down particular one-month and three-month periods for specified gubernatorial decisions, with further directions concerning the President.	Held that courts cannot prescribe such **general fixed timelines** where the Constitution does not specify them.
Deemed assent	Invoked Article 142 to treat the ten bills in the case as having received assent.	Held that courts cannot use Article 142 to substitute the Governor's or President's assent. **No general doctrine of judicially declared deemed assent.**
Judicial review	Adopted a more interventionist approach in addressing the disputed gubernatorial actions and delays.	Rejected merits review of decisions under Articles 200 and 201 before a bill becomes law, but permitted a **limited mandamus** for prolonged, unexplained and indefinite gubernatorial inaction.
Article 361	Distinguished the Governor's personal immunity from accountability of constitutional actions.	Reaffirmed personal immunity while preserving the limited jurisdiction of courts over the constitutional office in cases of prolonged Article 200 inaction.

The November 2025 decision is an opinion under Article 143, not an appeal against the Tamil Nadu judgment. Its interpretation of the general constitutional questions must be distinguished from the case-specific disposition of the ten bills. Source: Supreme Court, Special Reference No. 1 of 2025, 2025 INSC 1333.

Article 163: when ministerial advice binds and when it does not

The answer to the third demand is **no, not in all functions**, but the starting point is that the Governor is ordinarily bound by the advice of ministers. Article 163(1) expressly recognises exceptions where the Constitution requires discretionary action. **Shamsher Singh** (1974) establishes the parliamentary baseline; **Nabam Rebia** (2016) rejects unlimited discretion; and the **November 2025 advisory opinion** specifically explains the Governor's independent choice under Article 200.

Function	Nature of advice or discretion	Authority and limit
Ordinary State administration	**Bound by ministerial advice.** Decisions of the political executive operate in the Governor's name.	Articles 154, 163, 164 and 166; **Shamsher Singh** (1974).

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

Function	Nature of advice or discretion	Authority and limit
Summoning and proroguing the Legislature	Ordinarily on the advice of the elected government. The Governor cannot treat the legislative calendar as an unrestricted personal political instrument.	Article 174; **Nabam Rebia** (2016). Exceptional majority-testing situations are governed by separate constitutional constraints.
Assent to a State bill	**Independent constitutional discretion** in choosing the Article 200 options; the Governor must give due regard to ministerial advice but is not bound by it in the choice.	**Presidential Reference**, 20 November 2025, particularly paragraphs 97 and 165.2.
Chief Minister's appointment after an inconclusive election	Constitutionally necessary judgement in identifying who can command the confidence of the Assembly.	Article 164(1); discretion must serve government formation, not the Governor's political preference. Majority is ultimately established on the floor.
Loss of legislative confidence	The Governor may require a properly justified floor test when relevant material raises a genuine question of majority.	**S.R. Bommai** (1994); the Governor does not personally decide a majority that the Assembly can test. A floor-test direction is subject to judicial scrutiny.
Report of constitutional breakdown	The Governor may send a report under **Article 356** independently of the State ministry, whose conduct may itself be relevant.	**Shamsher Singh** (1974); **S.R. Bommai** (1994). Any presidential proclamation remains subject to constitutional scrutiny.
Special constitutional responsibilities	Specific provisions may require individual judgement or special responsibility after prescribed consultation.	For example, **Article 371A(1)(b)** for Nagaland and **Article 371H(a)** for Arunachal Pradesh concerning law and order, subject to their constitutional language.
Ordinances	Not a general personal legislative discretion. The Governor ordinarily acts on ministerial advice when exercising ordinance-making authority.	Article 213; constitutional preconditions apply, and the ordinance is subject to the legislative process.
Clemency	Not an unrestricted personal prerogative. The power ordinarily operates through constitutional ministerial responsibility.	Article 161; the principles of parliamentary government and the Court's clemency jurisprudence apply.

Article 163(2) does not make the Governor supreme. The provision addresses whether a function is discretionary, but cannot be used to invent discretionary power where the Constitution does not authorise it. **Nabam Rebia** rejected a general claim of unrestricted or unreviewable gubernatorial discretion. The separate limits on Article 200 merits review in the 2025 opinion must still be respected.

Discretion does not mean disregard for advice. The November 2025 opinion holds that Article 200 permits an independent choice, but its reasoning also recognises the need to give due regard to the Council of Ministers' advice and discharge the Governor's constitutional duties. It does not establish a competing political executive.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

TIER 2 · EXTENDED UNDERSTANDING: THE WHOLE TOPIC AROUND IT

Why the office is constitutionally valuable

1. **Continuity of government:** the Governor provides a constitutional office that remains when ministries change.
2. **Orderly government formation:** a hung Assembly requires an impartial authority to invite a leader capable of securing confidence.
3. **Constitutional safeguards:** Articles 200 and 201 provide a structured process for addressing State legislation involving constitutional concerns or the need for presidential assent.
4. **Protection of legislative confidence:** a properly grounded floor test lets the Assembly, rather than political speculation, determine a ministry's majority.
5. **Constitutional information:** Article 167 allows the Governor to obtain information from the Chief Minister concerning State administration and legislative proposals.

Where federal tensions arise

1. **Appointment and removal:** presidential appointment and pleasure can create perceptions of political dependence on the Union.
2. **Bill delays:** prolonged inaction can frustrate the elected legislature even without an express rejection.
3. **Reservation of legislation:** excessive reference of State bills to the President can shift effective legislative decisions towards the Union.
4. **Government formation:** partisan invitations or unjustified floor tests can influence legislative outcomes.
5. **University administration:** disputes over Governors' statutory roles as Chancellors can blur the distinction between constitutional duties and responsibilities created by State legislation.

The federal principles behind the case law

Principle	Meaning	Application to the Governor
Federalism as a basic feature	The Constitution distributes authority between the Union and States, with constitutional limits on intervention.	Gubernatorial decisions should preserve State autonomy while respecting constitutional safeguards.
Responsible parliamentary government	Executive policy is accountable to the elected legislature through the Council of Ministers.	The Governor's ordinary formal powers operate through the State ministry.
Constitutional supremacy	Neither the Union, the State nor an appointed constitutional authority possesses unlimited power.	The Governor may exercise recognised discretionary functions but cannot create new powers from political disagreement.
Separation of powers	Courts enforce constitutional limitations without assuming functions allocated to another constitutional authority.	The 2025 opinion rejects judicially created deemed assent while allowing narrowly confined intervention against prolonged inaction.
Cooperative federalism	Constitutional institutions must communicate and work within their respective spheres despite political differences.	The assent process should operate as constitutional dialogue, not a permanent confrontation between Raj Bhavan and the elected government.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

Commission recommendations: how the office can serve federalism

Commission	Relevant recommendations	Status and significance
Sarkaria Commission Report, 1988	Recommended that Governors should be eminent persons, normally from outside the State, detached from recent active politics, and selected through consultation designed to promote confidence, including consultation with the State's Chief Minister. It also stressed restraint in reserving State legislation for the President.	**Recommendations, not enacted constitutional commands.** The emphasis is on impartiality, consultation and preserving the autonomy of elected State governments.
Punchhi Commission Report submitted 31 March 2010	Recommended greater protection for gubernatorial tenure and a more structured removal process. It proposed a maximum six-month period for specified decisions concerning bills and argued for clearer separation between gubernatorial constitutional functions and other statutory positions.	**Reform proposals, not binding deadlines.** Its suggested time limits must not be confused with the Court's rejection of general judicially imposed timelines in November 2025.
B.P. Singhal judgment 7 May 2010	Held that removal under Article 156 cannot be arbitrary, capricious, unreasonable or based solely on disagreement with the Union government's politics.	**Judicially established constitutional limitation**, unlike the Commissions' proposals. It strengthens the case for a politically independent office.

Statutory office versus constitutional office

Governors may exercise functions conferred by State statutes, including roles in universities. Such roles must not automatically be treated as **personal constitutional discretion under Article 163**. Their scope depends on the relevant statutory language and applicable constitutional principles. A dispute about a Governor acting as Chancellor is therefore not identical to an Article 200 dispute, even when both generate tension between the Governor and the State ministry. This distinction is useful in questions on State autonomy and higher-education governance.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

Two debates worth knowing

Is independent assent discretion a safeguard or a threat to State autonomy?

The safeguard argument: Article 200 requires an independent constitutional checkpoint in some circumstances, especially where legislation may implicate constitutional limitations, the High Court's position or legitimate Union interests. The November 2025 Constitution Bench expressly recognises discretion and emphasises constitutional dialogue.

The autonomy argument: an unelected Governor does not possess the State Legislature's democratic mandate. Wide discretion combined with the absence of fixed constitutional deadlines may give the office considerable capacity to obstruct legislation.

Balanced reading: preserve constitutionally authorised discretion, but insist on prompt decisions, transparent institutional communication, political neutrality and the limited judicial remedy against prolonged unexplained inaction. **Independent judgement should operate as a constitutional safeguard, not an alternative political mandate.**

Should gubernatorial independence be strengthened through tenure and appointment reform?

The reform argument: consultation with States, eligibility norms discouraging recent partisan activity and greater security of tenure could reduce suspicion that the Governor represents the Union's ruling party.

The institutional caution: a Governor completely insulated from accountability might also exercise exceptional discretion without sufficient restraint. The Constitution deliberately provides presidential appointment and a pleasure-based tenure, subject to judicially recognised limitations.

Balanced reading: the Sarkaria and Punchhi recommendations should guide reform, while **B.P. Singhal** already restricts arbitrary removal. The aim is not an unaccountable Governor, but an impartial constitutional head whose exceptional powers remain bounded by law and convention.

4 Pitfalls and variations

Six errors that weaken this particular answer, claims the constitutional text and case law do not support, and ways to reorganise the material when the examiner changes the directive or focus.

4.1 Six pitfalls, each with its correction

Writing only about the Governor's appointment and powers

~~A long account of Articles 153 to 161, eligibility, tenure, salary and removal, with little discussion of federalism.~~

Use institutional facts to establish the central tension: a presidentially appointed constitutional head operating within an elected State government. Allocate only about three-tenths of the body to this part.

Treating the Governor as the Union government's agent

~~Because the President appoints the Governor, the Governor acts on the instructions of the Central Government.~~

Distinguish presidential appointment from constitutional duty. Use Article 159, **Shamsher Singh** and **B.P. Singhal** to explain why the Governor must remain politically neutral.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

Listing four separate assent options

~~The Governor may assent, withhold assent, return a bill, or reserve it for the President.~~

Apply the November 2025 opinion: **three options**. Withholding assent and returning a non-Money Bill with comments are constitutionally linked, not two independent alternatives.

Ignoring the change in the 2025 legal position

~~The Governor must assent within one month, and courts can declare that a bill has received assent if he delays.~~

Distinguish the April 2025 Tamil Nadu judgment from the November 2025 Constitution Bench advisory opinion. State the rejection of general judicially imposed timelines and deemed assent, alongside the limited remedy against prolonged unexplained inaction.

Answering the aid-and-advice question with an absolute yes or no

~~The Governor is always bound by ministers; alternatively, the Governor is free to act independently in all constitutional functions.~~

State the general rule under Article 163, then the specific exceptions. Explain the Article 200 discretion expressly recognised in November 2025, while excluding any general personal power to govern.

Leaving the federalism judgement unstated

~~The Governor has many powers, which should be used properly.~~

End the body with a precise principle: constitutionally permitted discretion must be exercised impartially, promptly and for its intended purpose, so that it safeguards the Constitution without displacing the elected State government.

4.2 Never write these

- "The Governor is a representative of the Centre and must follow its instructions."
  Presidential appointment under Article 155 does not make the Governor a constitutionally subordinate political agent in all State functions.
- "Article 163 gives the Governor unlimited discretionary powers."
  Nabam Rebia (2016) confines discretion to constitutionally recognised or necessarily implied situations; Article 163(2) does not independently create an unlimited power.
- "The Governor has four independent options under Article 200."
  The Constitution Bench's November 2025 interpretation establishes three options and connects withholding assent to returning a non-Money Bill with comments.
- "The Governor can return a Money Bill for reconsideration."
  The first proviso to Article 200 expressly excludes Money Bills from the return procedure.
- "Once a State bill is passed again, the Governor can neither withhold assent nor reserve it."
  The Constitution prohibits withholding assent again, but the November 2025 opinion recognises that the Governor may still reserve the re-passed bill for presidential consideration.
- "A Governor may keep a bill pending forever because the Constitution provides no deadline."
  Prolonged, unexplained and indefinite inaction may attract a limited judicial direction to exercise the Article 200 function.
- "The Supreme Court has fixed binding one-month and three-month deadlines for every Governor."
  The November 2025 Constitution Bench rejected general judicially prescribed timelines despite the earlier April 2025 decision.
- "The Supreme Court may declare any delayed bill deemed assented under Article 142."
  The November 2025 opinion expressly rejects judicial substitution of the Governor's or President's assent.
- "Article 361 makes every act of a Governor immune from judicial scrutiny."
  The Governor has personal immunity, but the constitutional office is not thereby insulated from every form of judicial review; the November 2025 opinion preserves limited intervention against prolonged Article 200 inaction.
- "The President must approve a State bill if its Legislature passes it again."
  Article 201 provides for reconsideration and renewed presentation to the President, but does not impose a duty of assent after re-passage.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

- "The six-month period in Article 201 applies to the President's decision."
  It expressly concerns the State Legislature's reconsideration after receiving the President's message.
- "The Governor decides whether the Chief Minister has a majority."
  The confidence of a ministry is ordinarily tested on the floor of the Legislative Assembly; S.R. Bommai and subsequent judicial decisions constrain gubernatorial intervention.
- "The Sarkaria and Punchhi recommendations are binding constitutional rules."
  They are commission recommendations. Their proposals must be distinguished from enacted constitutional law and binding judicial limitations.

4.3 If the question changes

If it asks	The structure becomes	What must change
Critically examine the Governor's role in Indian federalism	Constitutional position; positive functions; institutional tensions; cases; reforms; balanced judgement.	Expand the first and hidden-demand parts. Assent becomes one significant illustration rather than the centre of the answer.
Explain Articles 200 and 201 in light of the 2025 Supreme Court opinions	Three options; return and re-passage; mandatory reservation; President's procedure; April and November 2025 distinction; judicial limits.	Concentrate on the bill's constitutional journey, especially the November 2025 advisory opinion. Omit most general gubernatorial functions.
Is the Governor merely a nominal constitutional head?	Ordinary aid and advice; parliamentary responsibility; constitutional discretion; illustrative functions; limits and verdict.	Make the contrast between formal authority and exceptional independent judgement the organising idea.
Examine the limits of discretionary powers under Article 163	Article 163's language; Shamsher Singh; Nabam Rebia; Article 200 opinion; other exceptions; judicial scrutiny.	The general rule and exceptions move to the centre. Distinguish personal constitutional judgement from ordinary executive functions.
Can Governors undermine the legislative autonomy of States?	State legislative mandate; Article 200 powers; delays and reservations; 2023 and 2025 judgments; safeguards and reform.	Evaluate both the necessity and risks of gubernatorial assent powers. Do not assume all reservation is unconstitutional.
Compare the Governor and Lieutenant Governor of Delhi	Separate constitutional frameworks; Article 163 versus Article 239AA; legislative and executive responsibilities; relevant judgments; comparison.	Do not transfer rules applicable to Governors of States automatically to the National Capital Territory of Delhi.
Discuss constitutional morality in the office of Governor	Democratic accountability; impartiality; restraint; fair exercise of discretion; institutional trust; application to cases.	Move beyond legal permissions to the constitutional conventions and ethical responsibilities governing their exercise.
Suggest reforms to the office of Governor	Nature of federal conflict; appointment and tenure; Sarkaria and Punchhi recommendations; legislative assent; judicial safeguards.	Put the reform proposals at the centre. Clearly distinguish recommendations requiring constitutional or legislative change from existing safeguards.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

5

The model answer

One model answer, written to the UPSC Gurus house range of 250 to 253 words (253 words including headings and table labels; UPSC's printed limit is 250 words). The answer follows the question's three demands in order: the Governor's federal position, his options concerning legislative assent, and the general rule and exceptions governing ministerial advice. A short final part answers the hidden demand: making the office serve federalism rather than partisan interests. The introduction covers the whole question; the conclusion gives a constitutional judgement.

Model answer ### Three demands, an assent table and a constitutional judgement **253 words**

The Governor is a State's constitutional head and a link in the Union-State framework. The office must reconcile federal safeguards with the elected State ministry's democratic responsibility.

1. Position in the federal polity

- **Constitutional head:** Articles 153 and 154 establish the office and vest executive power; under Article 163 ordinary administration follows ministerial advice (**Shamsher Singh**, 1974).
- **Federal link:** Presidential appointment (Article 155), pleasure tenure (156), legislative role (168), and Article 356 reports connect the office with Union interests.
- **Tension:** Partisanship strains autonomy; **B.P. Singhal** (2010) forbids arbitrary removal.

2. Assent to State bills

Under **Article 200**, the Governor has three options:

Assent	Approve it.
Withhold and return	Send a non-Money Bill back with comments.
Reserve	Refer it for presidential consideration under Article 201.

A bill endangering High Court powers requires reservation. After re-passage, withholding is barred; reservation remains. The **2025 Constitution Bench** rejected fixed judicial timelines and deemed assent, permitting limited directions against prolonged, unexplained inaction.

3. Aid and advice: general rule and exceptions

No, not universally. Ministers govern, accountable to the Assembly. Yet the November 2025 opinion confirms **independent Article 200 discretion**. Other exceptions: choosing a Chief Minister in a hung Assembly, reporting constitutional breakdown, special responsibilities. Majority requires a floor test, not gubernatorial preference.

4. Serving federalism

Neutral appointments, prompt decisions and constitutional dialogue must prevent discretion becoming political obstruction.

Thus the Governor should protect constitutional limits without becoming a parallel executive: independent judgement in defined situations must coexist with the autonomy of elected State government.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

DEMAND
Discuss the Governor's federal position; explain his three Article 200 assent options and the Article 201 route; give a clear verdict on aid and advice with constitutional exceptions

HIDDEN DEMAND
Is the Governor a constitutional head protecting federalism or an instrument through which Union influence can constrain elected State autonomy?

STRUCTURE
About three-tenths on federal position, three-tenths on assent, three-tenths on ministerial advice and exceptions, and one-tenth on making the office serve federalism

BALANCE
Introduction 27 words, conclusion 26 words; 253 words in all

Why it works: The introduction establishes the Governor's dual constitutional significance rather than beginning with a definition. Part 1 locates the office within federal and parliamentary government, using Articles 153 to 168 and two authoritative judgments. Part 2 presents the three Article 200 options in a compact table, distinguishes return from reservation, includes the mandatory High Court safeguard, and incorporates the decisive November 2025 interpretation on discretion, timelines and judicial intervention. Part 3 answers the universal claim directly, stating the general rule before identifying constitutionally recognised exceptions. Part 4 addresses the hidden demand through neutrality and constitutional dialogue. The conclusion reconciles independent constitutional judgement with elected State autonomy. The answer avoids the superseded general timelines and deemed-assent approach associated with the April 2025 Tamil Nadu judgment.

6 Other ways to write it

The model answer above remains the answer. These outlines show how a different, equally valid answer could be built while preserving the question's three express demands and the smaller final federalism judgement.

Approach	How it is built	When it works
Constitutional role and judicial limits	Part 1 contrasts appointment by the President with the elected ministry's responsibility; Part 2 explains Article 200 through the November 2025 advisory opinion; Part 3 uses Shamsher Singh and Article 163 to establish the general rule and exceptions; conclusion on neutrality.	When you recall judicial principles clearly and want to integrate constitutional text with case law.
Three-column assent comparison	Part 1 uses headed points. Part 2 places assent, withholding with return, and reservation in three rows against legal conditions and consequences. Part 3 distinguishes functions governed by advice from exceptional discretionary functions.	When the second demand needs maximum clarity and you can draw a compact table without using excessive space.
General rule and exceptions	Part 1 establishes the parliamentary system. Part 2 explains the Article 200 procedure. Part 3 is a two-column comparison: functions ordinarily requiring ministerial advice versus constitutionally authorised exceptions, with cases.	When you want the final express demand to receive a particularly clear verdict without reducing the importance of assent.
Open with the 2025 constitutional development	Begin with the Supreme Court's November 2025 clarification that the Governor has discretion under Article 200. Then explain why this exception exists in a normally ministerial system, before following the question's three parts.	When you know the recent authority precisely and can avoid turning the answer into a case summary.
Federalism and accountability lens	Discuss the Governor's constitutional position and risks of partisan interference; explain assent as a checkpoint constrained by Article 200; distinguish exceptional discretion from ordinary government; close with Sarkaria and Punchhi principles.	When you want a more analytical answer focused on the hidden demand while still giving sufficient space to all three express questions.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

What cannot change across these approaches: the three Article 200 options must remain legally distinct; the November 2025 Constitution Bench's interpretation must be reflected; ministerial advice must be identified as the general rule; and the exceptional powers must not be described as an unrestricted gubernatorial licence.

7 Quick recall and Prelims crossover

Sixteen constitutional and judicial facts for rapid revision, arranged in eight paired rows. Read them as precise propositions, not as interchangeable powers.

1	**Article 153:** a Governor for every State; the same person may be appointed for **two or more States**.	9	**Article 200: three options**, assent, withhold and return a non-Money Bill, or reserve for presidential consideration; Supreme Court, **20 November 2025**.
2	**Article 154:** State executive power formally vested in the Governor; it may be exercised directly or through subordinate officers, subject to the Constitution.	10	**Article 200, first proviso:** a **Money Bill cannot be returned** for reconsideration. After a non-Money Bill is passed again, the Governor cannot again withhold assent, but may reserve it.
3	**Article 155:** Governor appointed by the **President**, by warrant under his hand and seal.	11	**Article 200, second proviso:** mandatory reservation when a bill would, in the Governor's opinion, so derogate from High Court powers as to endanger its constitutional position.
4	**Article 156:** five-year term **subject to presidential pleasure**; **B.P. Singhal** (7 May 2010) prohibits arbitrary removal.	12	**Article 201:** President may assent to or withhold assent from a reserved bill; a non-Money Bill may be returned for reconsideration.
5	**Article 159:** oath includes preserving, protecting and defending the Constitution and law, and serving the people of the State.	13	**Article 201, six months:** period for the **State Legislature to reconsider** a returned bill after receiving the presidential message, not a general presidential assent deadline.
6	**Article 163:** Council of Ministers aids and advises the Governor, except where constitutional discretion applies; **Shamsher Singh** (1974).	14	**Article 254(2):** presidential assent may permit a repugnant State law on a Concurrent List matter to prevail within that State, subject to Parliament's subsequent legislative power.
7	**Article 164(2):** Council of Ministers collectively responsible to the **Legislative Assembly**, not to the Governor.	15	**Article 361:** personal constitutional immunity of Governors; it does not preclude the limited judicial remedy against prolonged Article 200 inaction recognised in November 2025.
8	**Article 168:** Governor forms part of the **State Legislature** constitutionally, without being a member of either legislative House.	16	**Presidential Reference No. 1 of 2025: 14 questions**, opinion by a **five-judge Bench** on **20 November 2025**; no general judicial timelines or deemed assent.

THE ONE SENTENCE TO CARRY OUT OF THIS DOCUMENT

The Governor is ordinarily bound by the elected ministry, but constitutionally recognised discretion, including the Article 200 choice affirmed in November 2025, must protect constitutional order without becoming a parallel centre of political power.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

8 Write it yourself

Write the answer in 250 words without looking back, then check it against each line below. The objective is not to reproduce the model's wording, but to meet the exact constitutional demands with a clear, accurate judgement.

	Check	Yes / No
1	Does the introduction establish the Governor's **constitutional headship and federal position**, rather than merely define the office or list articles?	
2	Does Part 1 explain the relationship between **presidential appointment, formal State authority and elected ministerial responsibility**, including the source of federal tension?	
3	Does Part 2 accurately identify **all three Article 200 options**, the Money Bill restriction, the mandatory High Court reservation safeguard and the position after re-passage?	
4	Have I applied the **November 2025 Constitution Bench opinion** correctly, including discretion, the rejection of general judicial timelines and deemed assent, and the limited remedy for prolonged inaction?	
5	Does Part 3 give an explicit verdict on **aid and advice**, establishing the general parliamentary rule and then explaining constitutionally recognised exceptions?	
6	Does the final part address **constitutional neutrality and federalism**, and does the conclusion give a reasoned view at approximately the length of the introduction?	
7	Is the answer **250 words or only slightly over, counting headings and labels**, without a legally incorrect claim from section 4.2?	

Sources

- **Constitution of India, Legislative Department, Ministry of Law and Justice.** Official constitutional text, including Articles 153 to 168, 174, 200, 201, 213, 254, 356, 361, 371A and 371H. The principal statutory reference for the Governor's position, ministerial advice, legislative assent, reservation for presidential consideration and special responsibilities. Official Constitution text.
- **Supreme Court of India, 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**, opinion dated **20 November 2025**. Principal authority for the three Article 200 options, gubernatorial discretion notwithstanding ministerial advice, the position on re-passed bills, judicial review, Article 361, rejection of general judicial timelines and deemed assent, and limited judicial directions against prolonged inaction. Especially paragraphs 97 to 102, 153 to 165 and conclusions 165.1 to 165.11. Supreme Court opinion, 20 November 2025.
- **Supreme Court of India, State of Tamil Nadu v. Governor of Tamil Nadu**, W.P. (C) No. 1239 of 2023, **2025 INSC 481**, judgment dated **8 April 2025**. Authority for the litigation concerning ten re-passed Tamil Nadu bills, the directions and timelines then prescribed, and the exercise of Article 142 to declare deemed assent. These general propositions are to be read with the subsequent November 2025 Constitution Bench opinion, which did not freshly adjudicate the ten bills. Supreme Court judgment, 8 April 2025.
- **Supreme Court of India, State of Punjab v. Principal Secretary to the Governor of Punjab**, judgment dated **10 November 2023**. Discusses the elected legislature's role, the constitutional position of the Governor, ministerial advice and the obstruction of the legislative process through gubernatorial inaction. Also reproduces material passages from **Shamsher Singh v. State of Punjab** (1974), (1974) 2 SCC 831, the seven-judge authority on cabinet responsibility and the constitutional-head principle. Supreme Court judgment, 10 November 2023.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

- **Supreme Court of India, S.R. Bommai v. Union of India**, (1994) 3 SCC 1, **11 March 1994**. Federalism, Article 356, scrutiny of constitutional breakdown proclamations, and the legislative floor as the appropriate forum for determining a ministry's majority. Judgment text.
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- **Supreme Court of India, Nabam Rebia and Bamang Felix v. Deputy Speaker**, (2016) 8 SCC 1, **13 July 2016**. Constitutional limits on the Governor's discretion under Article 163 and independent interference with legislative sessions and proceedings. Its interpretation must be applied with attention to the specific Article 200 principles articulated by the November 2025 Constitution Bench. Judgment text.
- **Ministry of Home Affairs, Sarkaria Commission on Centre-State Relations**, report submitted **27 October 1987** and widely cited as the 1988 Sarkaria Commission Report. Recommendations concerning gubernatorial appointment, impartiality, consultation and the federal relationship. The Ministry's Annual Report 1987-88 records the Commission's submission. Ministry of Home Affairs annual report.
- **Ministry of Home Affairs, Punchhi Commission on Centre-State Relations**, report submitted **31 March 2010**. Recommendations on gubernatorial appointment, security of tenure, non-constitutional statutory roles and specified periods for consideration of bills. Ministry of Home Affairs, Rajya Sabha Unstarred Question No. 46, answered **7 December 2022**, confirms the submission date and subjects of its recommendations. Official parliamentary reply.
- **PRS Legislative Research, November 2025 Monthly Policy Review.** Independent legal and parliamentary summary of the five-judge Constitution Bench advisory opinion, identifying the three Article 200 options, the non-binding character of ministerial advice in that context, limited judicial relief for prolonged inaction, and the rejection of deemed assent and generally imposed judicial timelines. PRS policy review.
- **PRS Legislative Research, Annual Review of State Laws 2025.** Legislative data and a summary of State bill assent disputes, the April and November 2025 judicial developments and the continued legal status of the Tamil Nadu bills despite the later advisory opinion. Annual review.
- **UPSC, Civil Services (Main) Examination, official question-paper archive.** GS Paper II question papers, 2013 to 2026, including the questions identified by year, paper and number in section 2.2. Question texts reproduced verbatim. UPSC previous question papers.

Discuss the position of the Governor in the federal polity of India. What is the nature of his power while giving assent to a bill passed by the State Legislature ? Is he bound by the aid and advice of his Council of Ministers in all his functions ?

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Guranchal Ma'am

Founder, UPSC Gurus