

ITEM NO.301

COURT NO.1

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Reference Case No(s). 1/2025

IN RE : ASSENT, WITHHOLDING OR
RESERVATION OF BILLS BY THE GOVERNOR
AND THE PRESIDENT OF INDIA

Petitioner(s)

VERSUS

Respondent(s)

FOR ADMISSION

(By Courts Motion)

Date : 22-07-2025 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :

For Respondent(s) :

Mr. R. Venkatramani, A.G.
Mr. Tushar Mehta, S.G.
Mr. Kartikay Aggrawal, Adv.
Mr. Abhishek Kumar Pandey, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Raman Yadav, Adv.
Ms. Ameyavikrama Tanvi, Adv.
Ms. Oorijaswi Goswami, Adv.
Ms. Yamika Khanna, Adv.
Ms. Deboshree Mukherjee, Adv.
Mr. Mukes Kumar, Adv.
Mr. M.K. Maroria, AOR

Mr. Kapil Sibal, Sr. Adv.
Mr. Debanjan Mandal, Adv.
Mr. Kunal Mimani, AOR

Ms. Shraddha Chirania, Adv.
Ms. Mahima Cholera, Adv.

Mr. K.K. Venugopal, Sr. Adv.
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Ms. Meena K. Poulsoe, Adv.

Mr. Gopal Subramaniam, Sr. Adv.
Mr. Shashikaran Shetti, A.G.
Mr. Muhammad Ali Khan, AAG
Mr. Avishkar Singhvi AAG
Mr. Aman Panwar, AAG
Mr. Nishant Patil, AAG
Mr. Jayanti Singh, Adv.
Mr. Prateekchadha, AAG
Mr. Mohammad Ali Khan, AAG
Mr. Naveen Sharma, AOR
Ms. Swati Bhushan Sharma, Adv.

Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Mukul Rohatgi, Sr. Adv.
Mr. Rakesh Dwivedi, Sr. Adv.
Mr. P. Wilson, Sr. Adv.
Mr. T. Harish Kumar, AOR
Mr. Keshav, Adv.
Mr. Sabir, Adv.
Mr. Lokesh Krishna, Adv.
Mr. Eklavya Dwivedi, Adv.
Mr. Raktim Gogoi, Adv.
Mr. Kartikey Singh, Adv.
Mr. Apoorva Malhotra, Adv.
Mr. Shivam Sharma, Adv.
Mr. S. Vinod, Adv.
Mr. Shubham Kothari, Adv.
Mr. Deepak Jain, Adv.
Mr. Shubham P. Chopra, Adv.
Mr. Bharathi Subramanian, Adv.

Mr. Shadan Farasat, Sr. Adv.
Ms. Nupur Kumar, AOR
Mr. Harshit Anand, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. This reference has been made by the Hon'ble President of India, seeking the opinion of this Court on the

following questions involving interpretation of the Constitution:

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?

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?

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?

2. We have requested Mr. R. Venkataramani, learned Attorney General for India, to assist the Court and he has graciously accepted.

3. Issue notice to the Union of India as well as all State Governments/Union Territories, returnable on 29.07.2025.

4. Mr. Tushar Mehta, learned Solicitor General of India assisted by Mr. M.K. Maroria, learned Advocate-on-Record waives notice on behalf of the Union of India.

5. All the State Governments/Union Territories shall be served through email to their respective Chief Secretaries/Administrator.

6. In addition, notice shall also be served on all Standing Counsel representing the State Governments/Union Territories.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
ASSISTANT REGISTRAR