



Governor's Power to decide on Bills: Veto Power

Why in News

Recently, the [speaker](#) of Tamil Nadu assembly called for setting a binding timeframe within which Bills should be assented to or returned or reserved for the consideration of the President of India by the governors.

Key Points

- **Issues Highlighted by the Speaker:**
 - **Related to Governor:**
 - The **governors sometimes sat over the Bills** without giving assent or returning the Bills for an indefinite period, even though the Constitution required it to be done as soon as possible.
 - The **governors were also taking months together to reserve the Bills** for the assent of the President even though it was to be done immediately.
 - This **erodes the authority of the legislatures** and the governors, though heads of the state executive, are appointed by the Union government.
 - **Related to President:**
 - The **President of India should also give reasons** for withholding the assent and returning the Bill.
 - This would help the **House to enact another bill** by correcting shortfalls that caused the bill to be rejected.
- **Related Examples:**
 - The **Speaker's comments assume significance** in the backdrop of a Bill passed by the Tamil Nadu Assembly in September, 2021 **seeking exemption for students from the state from the [National Eligibility cum Entrance Test \(NEET\)](#)** required for undergraduate medical college admissions.
 - The **Tamil Nadu assembly passed a resolution in 2018** regarding the release of the seven prisoners convicted in the [Rajiv Gandhi assassination case](#).
 - The resolution was sent to the then Governor but he did not take any action for more than two years.
 - In January 2021, the [Supreme Court](#), while hearing a plea, expressed that they were unhappy with the delay.
 - In February, the **Governor, without taking a call, passed the buck** and said that the President was the competent authority to decide on the resolution.

Veto Power of the President and the Governor

- **About:**
 - Veto Power **of the President** of India is guided by **Article 111 of the Indian Constitution**.

- **Article 200 of the Indian Constitution** deals with the **powers of the Governor with regard to assent given to bills** passed by the State legislature and other powers of the Governor such as reserving the bill for the President's consideration.
- **Article 201** pertains to 'Bills Reserved for Consideration'.
- The **Governor of India enjoys absolute veto, suspensive veto (except on money bills) but not the pocket veto.**
- **Three Types of Veto Power:** Absolute veto, Suspensive veto and Pocket veto.
 - **Exception:** The President has **no veto power** when it comes to the **constitutional amendment bills.**
 - Constitutional amendment bills **cannot be introduced in the state legislature.**
- **Absolute Veto:** It refers to the power of the President to **withhold his assent to a bill** passed by the Parliament. The bill then ends and does not become an act.
- **Suspensive Veto:** The President uses a suspensive veto when he **returns the bill to the Indian Parliament for its reconsideration.**
 - If the Parliament **resends the bill with or without amendment** to the President, he **has to approve the bill** without using any of his veto powers.
 - **Exception:** The President **cannot exercise his suspensive veto** in relation to the **Money Bill.**
- **Pocket Veto:** The **bill is kept pending by the President for an indefinite period** when he exercises his pocket veto.
 - He **neither rejects the bill nor returns the bill for reconsideration.**
 - **Unlike the American President** who has to **resend the bill within 10 days, the Indian President has no such time-rule.**
- **Veto over State Bills:**
 - The **governor is empowered to reserve certain types of bills** passed by the state legislature for the consideration of the President.
 - Then, the **Governor will not have any further role** in the enactment of the bill.
 - The President **can withhold his assent to such bills not only in the first instance but also in the second instance.**
 - Thus, the President **enjoys absolute veto (and not suspensive veto) over state bills.**
 - Further, the President **can exercise pocket veto** in respect of state legislation also.

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