



## S. R. Bommai v. Union of India Case 1994

**For Prelims:** [Article 356](#), [Supreme Court of India](#), [Federalism](#), [Judicial Review](#)

**For Mains:** Significance of the S.R. Bommai v. Union of India case, President's Rule, Improper Use of Article 356

**Source:** [HT](#)

### Why in News?

The **S. R. Bommai v. Union of India case**, decided by a nine-judge bench of the [Supreme Court of India](#) in 1994, restricts the **arbitrary dismissal of state governments under Article 356**. Celebrating its 30th anniversary, its impact persists in shaping India's constitutional framework.

### What is the S. R. Bommai v. Union of India case?

#### ▪ Background of S. R. Bommai v. Union of India:

- In 1985, the Janata Party won the Assembly elections in Karnataka and formed the government with Chief Minister Ramakrishna Hegde. Hegde was later replaced by SR Bommai in 1988.
  - In September 1988 a legislator from the Janata Dal, **defected from the party along with 19 other members** of the Legislative Assembly, withdrawing support from the Bommai government.
- The **state government was dismissed by using Article 356** due to majority loss from defections. Bommai's request to test the majority was denied by the [governor](#).
- Bommai sought relief in the high court, which ruled against him, leading to an appeal to the Supreme Court.

#### ▪ Supreme Court Judgment:

- A nine-judge bench of the Supreme Court emphasised that the **Presidential Proclamation under Article 356** must be exercised with caution, as advocated by **Dr. B.R. Ambedkar** and recommended by the Sarkaria Commission.
- Both houses of Parliament must thoroughly analyse the Presidential Proclamation as per **Article 356(3)**.
  - If the proclamation is issued without the approval of both houses, it **lapses within two months**, and the state assembly resumes its function.
- The Supreme Court can subject the proclamation to [judicial review](#) and entertain [writ petitions](#) challenging its legality if they raise arguable questions.
- Clarified that the **President's power to dismiss a state government is not absolute** but subject to limitations.
  - Recognised that while **Article 356 does not explicitly address the dissolution of the legislature**, such powers can be inferred from it.
  - Noted that **Article 174(2)**, allowing the Governor to dissolve the Legislative Assembly, and **Article 356(1)(a)**, **enabling the President to confer upon himself the powers of the Governor** and the state government, imply the power

to dissolve the legislature.

- **Significance of S.R. Bommai v. Union of India Case:**
  - The S.R. Bommai case gives one of the landmark judgments of the Supreme Court regarding the **basic structure doctrine** as well as recording **the misuse of article 356**.
  - The judgment **provided clarity on the scope and limitations of Article 356**, emphasising its use only in extraordinary circumstances.
  - The principles laid down by the Supreme Court were consistent with the recommendations of the **Sarkaria Commission**.
  - The case affirmed the **principles of federalism**, stating that state governments are not subordinate to the centre and advocating for cooperative federalism.
  - The judgement asserted the **role of the judiciary in scrutinising the President's actions under Article 356**, ensuring adherence to constitutional principles and preventing misuse of power.
  - It affirmed that the **floor of the Assembly is the sole authority** to test the government's majority, not the subjective opinion of the Governor.

## Note

- The Sarkaria Commission advocated for notifying the **state before activating Article 356(1)** under certain instances.
  - It stated that **all other options should be first considered to solve the problem and Article 365 should only be used if there is no other option available** that can be implemented to solve the problem at hand.
- **Cooperative federalism and Competitive federalism:**
  - In **Cooperative federalism the Centre and states share a horizontal relationship**, where they “cooperate” in the larger public interest.
    - It is an important tool to enable states’ participation in the formulation and implementation of national policies.
    - The Union and the states are **constitutionally obliged to cooperate with each other** on the matters specified in Schedule VII of the Constitution.
  - In **Competitive federalism the relationship between the Central and state governments is vertical** and between state governments is horizontal.
    - In **Competitive federalism States need to compete among themselves** and also with the Centre for benefits.
    - States compete with each other to attract funds and investment, which facilitates efficiency in administration and enhances developmental activities.

## What is Article 356 of the Indian Constitution?

- **Background of Article 356:**
  - Initial discussions in the Constituent Assembly deliberated on whether India should adopt a federal or unitary system of government.
    - Two schools of thought emerged, with proponents of federalism arguing for decentralised powers and others advocating for a more centralised unitary state.
  - Dr. Ambedkar clarified that **India operates under both federal and unitary principles**, with federalism prevailing under normal circumstances and unitary control during emergencies.
    - Despite warnings against misuse, subsequent governments frequently employed Article 356 for political reasons, resulting **in its invocation 132 times**.
- **Article 356:**
  - Article 356 of the Constitution of India is based on **Section 93 of the Government of India Act, 1935**.
  - According to Article 356, the President's Rule can be imposed on any state of India on the grounds of the **failure of the constitutional machinery**.
  - President's Rule can be imposed in two situations: when the President receives a report from the **state's Governor** or is otherwise convinced that the **state government cannot**

**function according to the Constitution (Article 356)**, and when a state fails to comply with directions from the Union government (**Article 365**).

- During the President's Rule, the **state government is suspended**, and the central government directly administers the state through the Governor.
  - **Parliamentary approval is necessary** for imposing the President's Rule, and it should be approved in both Houses of Parliament within two months through a **simple majority**.
  - Initially, the President's Rule is for six months and can be **extended for up to three years with parliamentary approval every six months**.
  - The **44<sup>th</sup> Amendment to the Constitution (1978)** introduced constraints on extending the President's Rule beyond one year, allowing extension only in **case of a national emergency** or if the **Election Commission** certifies the necessity due to difficulties in conducting state assembly elections.
- Based on the **report of the Sarkaria Commission** on Centre-state Relations (1988), the **Supreme Court in the Bommai case, 1994**, enlisted the situations where the **exercise of power under Article 356 could be proper or improper**.

Proper Use of Article 356	Improper Use of Article 356
<b>Hung Assembly:</b> No party secures a majority after elections.	The Ministry resigns without exploring alternative ministry formation.
The majority party <b>declines to form a ministry</b> , and no coalition ministry with a majority is available.	Governor imposes President's Rule <b>without allowing majority test</b> .
The Ministry resigns after defeat in the assembly, and <b>no party can form a new ministry with a majority</b> .	The ruling party suffers a significant defeat in the Lok Sabha elections.
Internal subversion or deliberate <b>violation of the Constitution</b> .	Internal disturbances not amount to subversion or breakdown.
The state government disregards the <b>constitutional direction</b> of the Central government.	<b>Allegations</b> of maladministration or corruption without proper warning.
Physical breakdown, <b>endangering state security</b> .	Misuse for intraparty issues or irrelevant purposes.
	The state government is <b>not given prior warning, except in emergencies</b> .

### UPSC Civil Services Examination, Previous Year Questions (PYQs)

**Q. Which of the following are not necessarily the consequences of the proclamation of the President's rule in a State? (2017)**

1. Dissolution of the State Legislative Assembly
2. Removal of the Council of Ministers in the State
3. Dissolution of the local bodies

**Select the correct answer using the code given below:**

- (a) 1 and 2 only
- (b) 1 and 3 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

**Ans: (b)**

**Mains:**

**Q.** 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 Center, a feature that militates against the concept of strong federalism. Discuss. **(2014)**

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