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Case Analysis of S. R. Bommai v. Union of India: Landmark Case on Misuse of Article 356

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The SR Bommai v. Union of India case is one of the most significant judgments in Indian constitutional law, particularly regarding the use of Article 356, which deals with the imposition of President's Rule in states. Read more about it here!

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Facts of the Case

S.R. Bommai, the Chief Minister of Karnataka from August 1988 to April 1989, led a Janata Dal government that was dismissed when **President's Rule (Article 356)** was imposed in Karnataka on 21st April 1989. This practice of dismissing state governments ruled by opposition parties to the one at the center was common until then.

Bommai's government was dismissed on grounds of losing majority due to politically motivated defections. Despite presenting a resolution passed by the Janata Dal Legislature Party, Bommai was denied an opportunity to prove his majority in the house by the Governor, leading him to first approach the Karnataka High Court, which dismissed his writ petition.

Subsequently, Bommai moved to the Supreme Court of India, where a nine-judge constitutional bench gave a landmark judgment in March 1994, restricting the arbitrary dismissal of state governments under Article 356. This case highlighted the issue of misuse of Article 356 and its impact on India's constitutional framework.

Issues Raised

- The SR Bommai case raised questions about the legal and constitutional grounds for proclaiming President's Rule in a state.

- The Supreme Court had to determine the extent of the President's power to impose President's Rule under Article 356.
- The case addressed whether the imposition of President's Rule could be challenged in court and subjected to judicial review.

Judgement of SR Bommai Case

The Supreme Court ruled that the President's power to impose **President's Rule** in a state under **Article 356** must be used cautiously. This is consistent with the views of Dr. B.R. Ambedkar and recommendations by the **Sarkaria Commission**.

The Court emphasized that both houses of Parliament must thoroughly review the President's Proclamation. If not approved by both houses within two months, the proclamation lapses, and the state assembly resumes its functions.

The Supreme Court also made it clear that the proclamation can be subjected to judicial review, meaning that the courts can examine and potentially overturn it if there are legal grounds.

The Court stated that the President's power to dismiss a state government is not absolute and has limitations. Although Article 356 does not directly mention dissolving the legislature, such powers can be inferred from other related articles.

Overall, the judgment imposed restrictions on the central government's ability to impose President's Rule on states. It specified that the President can only suspend the Legislative Assembly until the proclamation is approved by Parliament.

If not approved within two months, the dismissed government and the suspended assembly are revived. The Supreme Court affirmed that the imposition of Article 356 is subject to judicial review.

The judgment also mandated that whenever there is doubt about the majority of a government, the appropriate course of action is to conduct a floor test in the Assembly, rather than dismissing the government outright.

Significance of the SR Bommai v. UoI

The SR Bommai case is a landmark Supreme Court judgment that significantly curtailed the arbitrary use of **Article 356**, which allows for **President's Rule** in states. In 1989, SR Bommai's

government in Karnataka was dismissed by the central government under this article, citing a loss of majority due to defections. Bommai's challenge was initially rejected by the Karnataka High Court, leading to an appeal to the Supreme Court.

In 1994, the Supreme Court ruled that the Presidential Proclamation under Article 356 must be exercised with caution and is subject to judicial review. The Court mandated that such proclamations require approval from both houses of Parliament. If not approved within two months, the proclamation lapses, and the state assembly resumes its function.

The Court emphasized that the President's power to dismiss a state government is not absolute, and the test of a government's majority must be conducted on the Assembly floor, not based on the Governor's opinion.

This judgment reinforced federalism by asserting the judiciary's role in reviewing the President's actions under Article 356, ensuring state governments are not subordinate to the central government. It provided clarity on the limitations of Article 356, emphasizing its use only in extraordinary circumstances, and aligned with the Sarkaria Commission's recommendations.

The SR Bommai case is frequently cited in contexts involving hung Assemblies and state government formation, curbing the central government's power to impose President's Rule arbitrarily. This landmark ruling strengthened India's federal structure and democratic process, ensuring governance is based on constitutional principles rather than partisan interests.

Detailed Analysis of Article 356

Article 356 of the Indian Constitution, often referred to as President's Rule, is a provision that allows the central government to take direct control of a state's administration under certain circumstances. This article is based on **Section 93 of the Government of India Act, 1935**.

President's Rule can be imposed when the President is convinced, either through a report from the state's Governor or through other means, that the state government is unable to function according to constitutional provisions. Additionally, it can be invoked if a state fails to comply with directions from the Union government under **Article 365**.

During President's Rule, the state government is suspended, and the central government administers the state through the Governor. This imposition requires parliamentary approval within two months and can initially last for six months, extendable up to three years with periodic

parliamentary consent every six months.

The **44th Amendment** to the Constitution introduced constraints on extending President's Rule beyond one year, allowing it only in the case of a national emergency or if the Election Commission certifies the necessity due to difficulties in conducting state assembly elections.

The **Sarkaria Commission**, in its 1988 report on Centre-state relations, and the landmark Supreme Court judgment in the SR Bommai case (1994), provided clarity on the proper and improper use of Article 356.

Proper use includes scenarios like a hung assembly where no party secures a majority, the resignation of a ministry without the possibility of forming an alternative majority government, internal subversion, deliberate constitutional violations, or physical breakdowns endangering state security.

On the other hand, improper use encompasses instances where the Ministry resigns without exploring alternative options, the imposition of President's Rule without allowing a majority test, significant defeat in Lok Sabha elections leading to President's Rule, internal disturbances not amounting to subversion or breakdown, allegations of maladministration without proper warning, misuse for intra-party issues, and other irrelevant purposes.

The SR Bommai case emphasized that the power under Article 356 must be exercised with caution and is subject to judicial review, ensuring the protection of federal principles and preventing arbitrary dismissal of state governments by the central government.

Conclusion

The S. R. Bommai case is a landmark judgment that has had a profound impact on the political and constitutional landscape of India. By setting strict guidelines for the use of Article 356, the Supreme Court ensured that the spirit of federalism and democracy is upheld in India.

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