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With this thought, we hereby present to you

S.R. BOMMAI V. UNION OF INDIA: A DOCTRINAL ANALYSIS OF ITS ENDURING PURPOSE AND LEGACY IN SAFEGUARDING FEDERALISM

AUTHORED BY - MUDITA SINGH & DR.BHAVANA DHOUNDIYAL

Abstract

This doctrinal analysis revisits the landmark Supreme Court ruling in S.R. Bommai v. Union of India, a case that fundamentally reshaped the balance of power between the Union and the states. For decades, Article 356 of the Constitution, intended for emergency situations, was frequently misused by the central government to dismiss elected state governments arbitrarily. The Bommai decision was a pivotal moment, as a nine-judge bench established that federalism is a permanent and essential feature of the Constitution, not merely a political arrangement. The Court's insistence that a state assembly's dissolution requires parliamentary approval placed a critical check on executive power, preventing irreversible damage before judicial and legislative review could occur.

This case is often remembered for restricting the arbitrary imposition of President's Rule under Article 356, but its deeper relevance lies in how it transformed the judicial process in India. The judgment was not just a constitutional safeguard; it was a turning point that redefined the role of the courts in preserving the federal balance and democratic accountability. Bommai expanded the judiciary's responsibility from passive adjudication to an active guardian of constitutional principles by setting enforceable standards such as the need for floor tests and curbing unchecked executive power. It gave the courts a dynamic framework to address political crises that could otherwise destabilize the foundations of Indian democracy.

This paper critically examines how the principles of Bommai have been applied and reinterpreted in later constitutional disputes, including the Jagdambika Pal case in Uttar Pradesh and the 2016 Arunachal Pradesh crisis. These cases show how the judiciary has institutionalized procedures to resolve government formation disputes while also exposing emerging challenges and loopholes. By tracing the continuing legacy of Bommai, the research argues that the judgment remains central to understanding the judicial process in India not only

as a shield against executive overreach but as an evolving mechanism that upholds federalism and the democratic order.

Keywords: Article 356; Federalism; Judicial Review; Basic Structure Doctrine; President's Rule; Parliamentary Democracy

1.1 Introduction

S.R. Bommai v. Union of India (1994) is the most prominent constitutional case in India, as it firmly established the parameters within which the power of the Central Government under Article 356 of the Indian Constitution operates. This Article gives the President the authority to initiate President's Rule in a state if the constitutional machinery in a state fails. Prior to this verdict, Article 356 used to be misused by the Centre to remove opposition party governments in the states. The Bommai case, thus, was a watershed moment in safeguarding the federal framework of India and making sure that the Centre's powers and the States' powers stay balanced¹.

The situation arose when S.R. Bommai, the former Chief Minister of Karnataka, was removed by the Governor, who asserted that Bommai had lost the majority support of the Legislative Assembly. The Governor presented a report to the President recommending the implementation of President's Rule, without granting Bommai the opportunity to prove his majority in the House. The President took action on the report and dissolved the Karnataka Assembly. Such incidents had also taken place in other states such as Meghalaya, Nagaland, and Madhya Pradesh. Such incidents raised fundamental questions of constitutional nature about the ambit and abuse of Article 356, and the issue was ultimately addressed by the Supreme Court².

A nine-judge Constitutional Bench of the Supreme Court, consisting of Justices S.R. Pandian, A.M. Ahmadi, J.S. Verma, P.B. Sawant, K. Ramaswamy, S.C. Agarwal, Yogeshwar Dayal, and B.P. Jeevan Reddy, rendered its seminal judgment on 11 March 1994. The Court emphasized that the President's authority under Article 356 is not absolute and is subject to judicial scrutiny. It held that the report of the Governor advising President's Rule should be

¹ Khushi Malviya, "Case Analysis of S. R. Bommai v. Union of India: Landmark Case on Misuse of Article 356," 2025.available at- <https://lawctopus.com/clatalogue/clat-ug/case-analysis-of-s-r-bommai-v-union-of-india-landmark-case-on-misuse-of-article-356/>

² TNPSC THERVU PETTAGAM, "S. R. Bommai Case," 2019.available at- <https://www.tnpscthervupettagam.com/>

grounded in relevant and objective material, and the President cannot act at whims. The Court further reiterated that the correct procedure to determine if a government has majority support is by conducting a floor test in the Assembly, and not by the subjective view of the Governor.

1.2 Historical Context of Article 356 and Its Misuse

Article 356 of the Constitution of India authorizes the President to implement "President's Rule" in a state when the constitutional framework collapses or the state administration is unable to function in line with the Constitution. This clause, first created as a safeguard for emergencies, is derived from Section 93 of the Government of India Act, 1935. Although Dr. B.R. Ambedkar justified its insertion as a "necessary evil" that should be a "dead letter," history has demonstrated that Article 356 turned out to be one of the most politically abused provisions of independent India. This article was first invoked in Punjab in 1951, and then adopted controversially in 1959 to remove the first Communist government of Kerala headed by E.M.S. Namboodiripad. This incident set a dangerous precedent, turning Article 356 into a tool for political manipulation.

During the 1960s and 1970s, its misuse intensified, especially under Prime Minister Indira Gandhi's rule, when President's Rule was imposed nearly 40 times between 1966 and 1977, often for partisan reasons rather than genuine constitutional crises. The most notorious examples were witnessed and witnessed in the aftermath of the Emergency (1975–77), when state governments led by the opposition were dissolved by both the Janata Party in 1977 and Indira Gandhi once more in 1980 following her return to office. This repeated Centre intervention revealed the weakness of India's federal setup and undermined the autonomy of states. It became clear that the President's "satisfaction" in terms of Article 356 was not autonomous but significantly controlled by the advice of the Union Cabinet.

Prior to the historic judgment in *S.R. Bommai v. Union of India* (1994), judicial constraints were not established on the President's actions under this article, permitting frequent and indiscriminate removals of state governments. The most contentious examples among them are the removal of the Kerala Communist government in 1959 by Nehru, the dismissal of nine Congress governments in 1977 by the Janata government, and the removal of nine opposition-ruled states by Indira Gandhi in 1980. Politically motivated removals happened in Andhra Pradesh in 1984, when N.T. Rama Rao was temporarily dismissed, and in Jammu and Kashmir

in 1986, when the assembly was dissolved even when the ruling party had a majority.

By 1994, Article 356 had been invoked more than 90 times, with great preponderance in political motives, further eroding the federal spirit and popular confidence in democratic institutions. The S.R. Bommai case was a landmark shift by holding that the satisfaction of the President is amenable to judicial review, and that a government's majority needs to be tested on the floor of the house. This judgment put an effective end to decades of political abuse, reasserted constitutional morality, and made India's federal democracy robust by ensuring that Article 356 could not be used as an instrument of political convenience anymore³.

1.3 Political background of S.R. Bommai v. Union of India

The famous case of S.R. Bommai v. Union of India (1994) arose out of a politically charged scenario in Karnataka in the late 1980s. The background to the case underscores the strong nexus between politics and constitutional law, particularly with regard to President's Rule under Article 356 of the Indian Constitution.

In 1985, Sri Ramachandra Hegde, who was the Janata Party leader, became the Chief Minister of Karnataka. In the same year, the Lok Dal and the Janata Party merged to form a new political group called the Janata Dal. At first, the merger was supposed to consolidate the government, but soon tensions within emerged. There were charges against Chief Minister Hegde, such as those concerning arrack bottling contracts as well as illegal phone tapping. These controversies badly hurt his political standing and credibility.

Under mounting political pressure, Hegde resigned from office on 10th August 1988. After his resignation, the senior Janata Dal leader S.R. Bommai succeeded him as the Chief Minister of Karnataka. But the internal fissures that had bedeviled the party continued to deepen. Conflicts between the merged group members the Janata Party and the Lok Dal over various administrative and ideological matters developed. Consequently, the Janata Party once again split, resulting in increased political instability.

The original 139 seats occupied by the Janata Party, a split took place. The recently created Janata Dal was able to retain 112 seats, backed by the Speaker, independent members, and 27

³ Shriya Singh, "President's rule under Article 356 of the Indian," 2024.

other lawmakers. Even with this tenuous coalition, there was still tension within the government. The crisis further escalated when H.D. Deve Gowda, one of the key leaders of the Janata Party, quit the government, indicating further collapse of political solidarity within the ruling party.

Things took a serious turn when Kalyana Rao Molaker, a Janata Dal legislator defected and wrote a letter to the Governor of Karnataka on 17th April 1989. In the letter, he stated that there existed increased discontent among members of the Janata Dal and independent legislators. The letter was supported by the signatures of 19 legislators 18 members of the Janata Dal and a member of the Bharatiya Janata Party (BJP). The Governor, after confirming the situation through the Secretary, informed the President that the ruling Janata Dal had lost majority in the Assembly and no other party could form the government.

Referring to these developments, the Governor advised dissolution of the State Legislative Assembly in accordance with Article 174(2) (b) of the Constitution. Chief Minister S.R. Bommai objected to this finding. He called for a special session of the Assembly so that he could demonstrate his majority on the floor of the House the correct constitutional way of establishing a government's validity. The Governor ignored this request and instead advised the President that Bommai's government had lost majority support.

Based on the Governor's report, the President exercised Article 356(1) and dissolved Karnataka state government in April 1989, establishing President's Rule in the state. The dissolution attracted severe criticism and prompted significant constitutional issues regarding the abuse of Article 356, under which the Centre could assume control of a state in the event of a collapse of constitutional machinery.

S.R. Bommai went to the Supreme Court challenging the President's order by way of a writ petition. He contended that the Governor's report was partisan, politically inspired, and unconstitutional since the loss of majority had not been tested on the Assembly floor. The case therefore became a key test of the outer limits of the presidential powers and the ambit of the judicial review in such cases.

The Supreme Court ruled that the President's satisfaction under Article 356(1) is not non-justifiable. The Court reiterated that prior to the imposition of President's Rule, there should be

real and relevant reasons showing that there is a real collapse of constitutional machinery in the state. The Court also ruled that the decision of the President could be challenged if it were found to have been taken on irrelevant, extraneous, or mala fide considerations.

Ultimately, the Supreme Court dismissed Bommai's petition but laid down crucial guidelines for the future. It ruled that the majority of a government must be tested on the floor of the Assembly, not decided by the Governor's subjective assessment. The S.R. Bommai judgment thus became a constitutional milestone, reinforcing the principle of federalism and limiting arbitrary use of Article 356.

With this case, the Supreme Court converted the political scandal in Karnataka to a landmark moment in Indian constitutional history so that the power of dismissing state governments by the central government is exercised sensibly and within the bounds of the constitution⁴.

1.4 Understanding Article 356 – President's Rule in India

Article 356 of the Indian Constitution, popularly referred to as President's Rule, authorizes the central government to assume the state administration when the state government is unable to maintain its constitutional standards of functioning. This provision was initially borrowed from Section 93 of the Government of India Act, 1935.

President's Rule is normally invoked when the President, on the basis of a report by the state's Governor or other reliable information, feels that the machinery of the state has broken down. It may be called upon if a state defies the instructions of the Union government under Article 365. After its imposition, the state government stands dissolved and the Governor, as an agent of the central government, runs the state. This declaration has to be ratified by Parliament in two months and may be extended for six months at a time, for three years at maximum, with regular renewals.

The 44th Constitutional Amendment provided a safeguard to preclude abuse of this power. An extension of President's Rule for more than one year is permitted only when there is a national emergency or when the Election Commission certifies that the elections cannot be conducted

⁴ Ananya Sharma, "S.R. Bommai v Union of India and Others" (2025).available at-
<https://lawbhoomi.com/s-r- bommai-v-union-of-india-and-others/>

in the state.

In 1988, the Sarkaria Commission discussed Centre–State relations and stressed that Article 356 be invoked on a limited basis. Subsequently, the Supreme Court's milestone decision in *S.R. Bommai v. Union of India* (1994) reinforced this by outlining the conditions for its proper and improper use.

As per the Court, proper application of Article 356 may be in cases such as a hung assembly with no majority, resignation of a ministry where there is no possibility of another government being formed, subversion within, or complete collapse of law and order. The other way is improper use, where a government is rejected without a floor test, central rule is imposed on a political loss in Lok Sabha elections, intra-party disputes are resolved through it, or action is taken simply on the allegations of bad administration.

The *S.R. Bommai* judgment marked a turning point by holding that the President's action under Article 356 is amenable to judicial review, while ensuring federal balance and avoiding arbitrariness of central interference into state affairs.

Article 356 is essentially a potent but delicate constitutional weapon intended for rare occasions to reinstate governance, rather than for political gains⁵.

1.5 Facts of the Case

In Karnataka, the Janata Party led the government under S.R. Bommai, as it was the single largest party in the state legislature. In September 1988, the Janata Party merged with Lok Dal to create a new party named Janata Dal, and the ministry expanded to take in 13 new members.

But the trouble started when K.R. Molakery, a member of the Janata Dal legislative party, defected from the party. He issued a letter to the Governor, P. Venkatasubbaiah, together with 19 others stating that they were withdrawing their support from the Bommai government. The Governor then informed the President of India on April 19, 1989, that because of these defectors, Chief Minister Bommai did not have a majority in the Assembly anymore. He advised the President to use Article 356(1) of the Constitution and to remove the government.

⁵ nextias, "President's Rule in India (Article 356)," 2025.available at- <https://www.nextias.com/blog/president-rule/>

The following day, seven out of the nineteen legislators asserted that their signatures had been obtained by misrepresentation, and they reiterated their backing of Bommai. The Chief Minister promptly asked the Governor to convene the Assembly and enable him to demonstrate his majority through a floor test. Nevertheless, the Governor for a second time submitted a report to the President stating once again that Bommai had lost majority support. Responding to this, the President removed the Karnataka government and installed President's Rule on April 20, 1989.

Bommai and three other ministers approached the Karnataka High Court in a writ petition under Article 226, claiming that they must have been allowed an opportunity to establish their majority. The High Court rejected the petition. Subsequent rejection of state governments came in Meghalaya, Nagaland, Madhya Pradesh, Rajasthan, and Himachal Pradesh where President's Rule was also established.

Petitions against these proclamations had been made to the Supreme Court, which chose to entertain all of them collectively. In Meghalaya, the President had dissolved the government on the Governor's report of 11 October 1991 that the state was not being run as per the Constitution. Similarly, the governments of Nagaland, Madhya Pradesh, Rajasthan, and Himachal Pradesh were also dissolved on the same grounds.

This period, subsequent to the Babri Masjid destruction, saw the Union Government headed by P.V. Narasimha Rao prohibiting the RSS and VHP and toppling some of the BJP- governed state governments, which raised suspicions of Article 356 abuse once more.

The Karnataka High Court proceedings on Bommai's writ petition ran from April 27 to May 30, 1989, and the court dismissed it on July 6, 1989. The Union Government defended the proclamation, arguing that it was valid as it had Parliament's approval. Following years of hearings, the Supreme Court handed down its milestone ruling on 11 March 1994, five years later, establishing vital constitutional boundaries to the application of Article 356 and reinforcing the ideals of federalism and democracy in India⁶.

⁶ Janvi J Kothari, "S.R. Bommai v. Union of India" (2024).available at- <https://lawfullegal.in/s-r-bommai-v-union-of-india/>

1.6 Issues before the Court

- 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.
- Whether the imposition of the President's rule in the six states was constitutionally valid?
- Were there any political and mala-fide intentions behind the actions of the council of ministers and the President?
- Whether the powers of the President under Article 356(1) stand unfettered?
- Are any proclamations under Article 356 subject to judicial review? If yes, to what extent and what idea of scope will the powers of the court stand in an action to review the president's statement?
- What does the President's proclamation stating that a situation has arisen where the state's legislative functions cannot be in cooperation with the Constitution's provisions hold?

Arguments by the Petitioner

Here, the petitioners, represented by S.R. Bommai, objected to the application of President's Rule in Karnataka, claiming that it was politically motivated and unconstitutional.

The initial strong argument brought up by the petitioner was that Bommai was never afforded an opportunity to demonstrate his majority in the State Assembly. Bommai and his Law Minister had sought the intervention of the Governor to clarify their position, but the Governor did not heed their request. Rather, on the same day, he dispatched a report to the Centre, which resulted in the instantaneous proclamation of emergency and the imposition of President's Rule in Karnataka.

The second argument, made by eminent advocate Soli Sorabjee, was that the power under Article 356(1) of the Constitution is not unfettered. He contended that power can be employed only if the state government cannot act in accordance with constitutional provisions. Sorabjee

quoted Dr. B.R. Ambedkar's caution in the Constituent Assembly Debates, where Ambedkar warned that Article 356 would be used for political motives and therefore the President should exercise extreme caution and prudence while suspending a state government.

The third argument was that the Karnataka President's Rule was enforced with malafide intention. The petitioners held the view that the decision was politically driven to dissolve the elected state assembly, which contradicted the democratic nature of the Constitution.

Sorabjee also quoted the Sarkaria Commission Report to the effect that Article 356 was to be utilized to put right a true breakdown of constitutional machinery and not for partisan political reasons. He stressed that the decision of the President was wrong and not ethical inasmuch as no warning or chance of demonstrating the majority was extended to Bommai.

The other main contention was that the Governor acted in a biased and malicious manner. The petitioners noted that there was no basis for the Governor to assert that the Bommai government did not have majority support and that he declined to conduct a floor test, which is the constitutional way of ascertaining majority.

The second argument presented was that the President's declaration of emergency was unconstitutional, since the petitioners were not informed regarding the materials or evidence which had an impact on the President's determination. The Governor's report was the only basis for the proclamation, and it was not independently verified.

Lastly, the petitioners contended that the action of the Centre was against Article 74(2) of the Constitution, which necessitates the reasons and materials for declaring emergency to be communicated with the affected state. Here, no information was released, rendering the proclamation procedurally and constitutionally flawed.

In all, the petitioners alleged that the imposition of President's Rule in Karnataka was arbitrary, nondemocratic, and against the doctrine of federalism.

Arguments by the Defendant

Here, the Central Government, through the Attorney General, was the defendant. The defendants presented a number of major arguments to legitimize their actions as well as to challenge the maintainability of the petition that had been filed against them.

Initially, they contended that petitioners did not have any legal right or power to challenge the Governor's report presented to the President. They believed that a report by the Governor to the President is something that cannot be challenged by a writ petition in the High Court since it is involved in the constitutional process between the President and the Governor.

Second, the defendants argued that the Governor is immune from any judicial proceedings in terms of Article 361 of the Constitution. They asserted that the Governor is acting on the aid and advice of the Council of Ministers, and hence his actions cannot be challenged directly in a court of law.

Thirdly, they argued that the petitioners cannot require access to any other documents the President regarded while issuing the proclamation under Article 356. There was only one valid document that could be referenced, which was the report of the Governor, and any other internal records did not have to be made public.

Fourthly, the defendants contended that the court has no authority to challenge the President's decision to issue the proclamation. Citing Article 74, they indicated that such decisions are taken in the advice of the Union Council of Ministers and judicial scrutiny of this advice would be against constitutional provisions.

Fifth, it was averred that the Governor's report had been made after a judicious consideration of facts and circumstances existing in the state then. Accordingly, the report and the subsequent proclamation were proper and legal.

Secondly, the Attorney General also contended that the President's declaration of emergency was a political choice and not judicial, and hence out of the court's jurisdiction. He cited the case of *State of Rajasthan v. Union of India (1977)* in support.

Lastly, the defendants claimed that the proclamation had been made according to Article 74(1) following due consultation with the Union Cabinet. They also pointed out that, as per Article 74(2), advice by the Cabinet to the President is privileged and that no obligation exists to publish or make known the reasons for the issue of the proclamation.

Generally, the defendants' submissions were based on constitutional immunity, separation of

powers, and political character of presidential decisions, asserting that the court had no right to interfere with such executive actions.

1.7 Judgment of the court

The Supreme Court, in its landmark nine-judge bench judgment, imposed crucial constitutional restraints on the abuse of Article 356, under which the President is given the power to impose President's Rule in a state. The Court emphasized that this authority be exercised sparingly, only when the administration of a state cannot be continued according to the Constitution. It relied on Dr. B.R. Ambedkar's warning that Article 356 was to be used in exceptional circumstances and also reaffirmed the Sarkaria Commission's suggestions to avoid political abuse of the provision.

- The Court unequivocally established that the President's power under Article 356 was not unfettered and that such proclamations were open to judicial review. This provides a constitutional balance between the Centre and the States and safeguards the federal character.
- The Court looked into the interpretation of the sentence "a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of the Constitution" and ruled that President's Rule can be justified under actual constitutional collapse, not political differences.
- The most important aspect was the scope of judicial review. The Court ruled that both High Courts and the Supreme Court can entertain challenges to the validity of a proclamation made under Article 356. If unconstitutional or mala fide, the judiciary can nullify it or even enjoy the dissolution of the state legislature pending decision on legality.
- The floor test was adjudged the most transparent way to ascertain majority backing. The Court opined that uncertainty about the stability of a government must be dealt with on the assembly floor and not through executive action.
- It also made it clear that a notification under Article 356 has to be ratified by both Houses of Parliament within two months, else it expires automatically and the government removed is reinstated.
- Lastly, the Court reiterated that the power of the President to dissolve a state assembly is derivative and conditioned upon Articles 356(1) (a) and 174(2).
- By way of this judgment, the Supreme Court protected state autonomy, asserted

federalism, and tightened judicial review to prevent constitutional provisions being used as instruments of political gain.

Judicial review

An important feature of the Supreme Court's historic ruling on Article 356 was its elaborate explanation of judicial review in relation to the President's authority to impose President's Rule. The Court strongly asserted that the President's action to issue a proclamation under Article 356 is not immune from judicial scrutiny. This implies that both the High Courts and the Supreme Court can inquire into whether the satisfaction of the President was on relevant and valid considerations or was driven by mala fide or irrelevant considerations.

The ruling clarified that while Article 356 vests the President with special powers, these powers are not free from constitutional constraints. The Court can interfere if the proclamation is a violation of constitutional provisions or clear evidence of arbitrariness or abuse exists. Further, if there is a petition against the proclamation challenging it, the Court can enjoin the President from dissolving the state assembly till the proclamation's legality is resolved.

With this interpretation, the Court reasserted the rule that the executive is answerable to the Constitution, and that judicial review is a check on arbitrary central action. Hence, the verdict fortified federalism and made sure that Article 356 cannot be turned into a political instrument for destabilizing state governments.

1.8 Significance of the case

The S.R. Bommai v. Union of India case is of huge constitutional importance as it articulated the extent and limits of Article 356 and put check on its unbridled exercise by the central government. The Supreme Court held that the power to enact President's Rule by the President can be exercised only in exceptional situations, when all other constitutional means have been exhausted, and that such announcements are amenable to judicial scrutiny.

The Court underlined that a government's majority is to be challenged on the floor of the Assembly, not according to the Governor's subjective discretion, and thus ensuring democratic accountability. Keeping in line with the Sarkaria Commission's directives, the ruling stated that the President's Proclamation has to be approved by Parliament and will expire if not ratified

within two months. Above all, the Court made it clear that state governments are not subordinate to the Centre, reaffirming the doctrine of cooperative federalism as fundamental to preserving harmony between the Union and the States. In vesting judicial supervision of Article 356 and protecting the autonomy of state governments, this landmark verdict bolstered India's federal system, democratic character, and constitutional equilibrium of powers.

The S.R. Bommai judgment imposed strong constitutional safeguards against the misuse of Article 356 by the central government. It firmly established that:

- Federalism is a basic feature of the Constitution.
- Judicial review acts as a check on arbitrary central power.
- Floor tests are essential to determine majority in the Assembly⁷.

1.9 Impact of the judgement

Powers of the President under Article 356

Article 356 of the Indian Constitution grants the President the authority to establish President's Rule in a state during a constitutional breakdown. This power is supposed to be exercised only in exceptional and unavoidable circumstances. The Sarkaria Commission specifically stressed that prior to invoking Article 356(1), the central government should endeavor to seek all other available solutions and invoke this Article as a measure of last resort. The Commission also recommended that the concerned state must be pre-notified in advance prior to adopting such a drastic measure.

The judiciary has an important role to play to strike a balance of power. If the High Court or the Supreme Court concludes that the emergency proclamation was issued capriciously or unjustly, it may evaluate the proclamation's validity. Under specific conditions, the court may postpone the dissolution of the State Legislative Assembly to avert the abuse of power. Additionally, if the court holds that the proclamation is against the Constitution, it can quash it and reinstate the state government, even if the proclamation was passed by both Houses of Parliament. This guarantees that Article 356 is not abused on political lines and is used only as a safety valve for actual constitutional emergencies⁸.

⁷ Shanker, "Significance of S.R Bommai vs Union of India," 2018.available at- <https://www.shankariasparliament.com/article/significance-of-sr-bommai-vs-union-of-india-1>

⁸ Suyash, "Exercise of Legislative Powers by the Executive under Art.356," 2024.available at- <https://www.legalservicesindia.com/article/969/Exercise-of-Legislative-Powers-by-the-Executive-under-Art.356.html>

Secularism

The court has consistently held that secularism is an integral part of the basic structure of the Indian Constitution. Judges, however, have found it difficult to define "secularism" as each one of them interpreted the word a bit differently. Despite this, they were all in agreement that freedom of religion is the fundamental right of every citizen and that the state should adopt an attitude of neutrality towards all religions and treat all of them alike, without differentiation or discrimination.

The judges also noted that religion and politics cannot mix. While the Constitution makes the state function secularly, political parties should follow the same principle. If a political party uses caste or religion in order to influence an election or for political gain, it would be violating the principles of constitutional secularism. Thus, such actions and campaigns may be ruled as unconstitutional. The judgment further echoed the message that in a democratic nation, religion can never be used as a means to politically exploit people, and it is crucial to uphold secularism in order to secure the integrity and unity of the country⁹.

Floor Test

The Supreme Court deliberated upon whether the Nagaland and Karnataka state governments were actually devoid of majority, as had been implied by the Governors' reports on which the President had dissolved them. The Court held that a floor test is the best means to ascertain if a government enjoys the confidence of the house. It added that the reports by Governors are subjective or biased, hence dissolution should only be undertaken after such a test. The Court mentioned exceptions such as wide violence where a floor test is not possible. As there existed no such extraordinary circumstances in this case, the Court declared the dissolutions invalid.

No dissolution of assembly before Parliamentary approval

One of the principal issues debated by the justices in this case pertained to the dissolution of the State Legislative Assembly. Article 174(1) (b) of the Constitution grants the Governor the authority to dissolve the Assembly prior to the conclusion of its five-year term. This can transpire only when the government is reduced to a minority and a stable state administration is lacking. The court specified that the Assembly can only be dissolved following the President's declaration of emergency in accordance with Article 356 of the Constitution.

⁹ Deepa Das Acevedo, "Secularism in the Indian Context," 38 *Social Inquiry* 138–67 (2013).

The justices also referenced Article 74(2), which safeguarded the secrecy of communications between the President and the Council of Ministers. The Supreme Court asserted that the judiciary must abstain from scrutinizing or disputing their remarks. The court's role is exclusively to determine the accuracy of the final order rendered. Moreover, it was claimed that the decisions or recommendations of the Council of Ministers are exempt from judicial scrutiny on the grounds that the President's acts were inconsistent with their advice.

The Enduring Legacy: Bommai in Subsequent Judicial Review

The Supreme Court's pronouncement in *S.R. Bommai v. Union of India* transitioned from being a mere judgment into a foundational constitutional doctrine, establishing a dynamic framework for judicial intervention in matters of federalism and government stability. The principles of judicial review of the President's satisfaction and the mandatory nature of the floor test were swiftly and decisively applied in subsequent political crises, demonstrating the judgment's immediate and long-term legacy as a check on executive overreach.

The Immediate Application: Jagdambika Pal v. Union of India

The doctrine of the floor test was critically tested immediately following the Bommai verdict. In the 1998 political crisis in Uttar Pradesh, the Governor dismissed the Kalyan Singh government and swore in Jagdambika Pal as the new Chief Minister.

- The High Court initially stayed the Governor's decision.
- The Supreme Court, acting with unprecedented speed and using its powers of judicial review, directly applied the Bommai principles.
- The Court ordered a composite floor test in the Legislative Assembly within a short timeframe to determine which of the two claimants—Kalyan Singh or Jagdambika Pal—commanded a majority.
- This swift judicial action effectively neutralized the Governor's subjective decision and reasserted the court's authority to mandate the Assembly Floor as the sole constitutional forum for testing a government's majority.

Reaffirming Federalism: The 2016 Arunachal Pradesh Crisis

The 2016 Arunachal Pradesh crisis stands as the most significant modern reaffirmation of the Bommai ruling, demonstrating the judiciary's power to not only review but also to reverse

and restore an arbitrarily dismissed state government.

- President's Rule was imposed in Arunachal Pradesh in January 2016 based on the Governor's report, which cited a breakdown of the constitutional machinery.
- The Supreme Court found that the Governor's actions were mala fide and unconstitutional, essentially an abuse of power.
- Applying the core Bommai doctrine, the Court not only quashed the proclamation of President's Rule but also took the extraordinary step of restoring the status quo ante (the state of affairs that existed before the illegal action) by reviving the previously dismissed Congress government.
- This verdict solidified the principle that judicial review under Article 356 is not merely academic; the judiciary possesses the power to grant effective relief and prevent the Centre from causing irreversible damage to a duly elected state assembly.

In tracing the application of Bommai in these subsequent high-profile disputes, it becomes clear that the judgment successfully institutionalized procedures to resolve government formation crises, ensuring that Article 356 is reserved for genuine constitutional failures and is not used as an instrument of political convenience.

1.10 Conclusion

In conclusion, the landmark case *S.R. Bommai v. Union of India* (1994) stands as a cornerstone in Indian constitutional law, marking a decisive step toward preserving federal balance and democratic governance. The Supreme Court's judgment established that the President's power under Article 356 is not absolute but subject to judicial review, ensuring that central authority cannot arbitrarily dismiss duly elected state governments. The Court reinforced that the majority of a government must always be tested on the floor of the Assembly and not determined by a Governor's subjective opinion. It also held that any proclamation of President's Rule must receive parliamentary approval within a fixed time frame, failing which it automatically lapses. By declaring federalism and secularism as part of the Constitution's basic structure, the Court strengthened the foundation of Indian democracy. This is because it laid down the guidelines for imposing the President's rule in states under Article 356 of the Constitution and impact on the political and constitutional landscape of India's federal structure by setting clear limits on the use of Article 356, ensuring that democracy and federalism are protected from misuse of central power.

This judgement put an end to the arbitrary dismissal of state governments by the President. The judgment not only curbed the political misuse of Article 356 but also restored the faith of citizens in constitutional principles, judicial oversight, and cooperative federalism. It also laid down guidelines regarding floor test and secularism. It also declared secularism as a part of the basic structure of the Constitution. Thus, this case remains a guiding precedent ensuring that the Union's powers are exercised responsibly and within constitutional boundaries.

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