

LEGAL LOCK JOURNAL
2583-0384

VOLUME 4 || ISSUE 2

2024

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S.R. BOMMAI v. UNION OF INDIAAkshat Hegde¹, Balpreet Kaur Bhatti², Vedika Dalvi³**IN SUPREME COURT OF INDIA:** Civil Appeal No. 3645 of 1989**CITATION:** 1994 (3) SCC 1**EQUIVALENT CITATION:** AIR 2017 SC 2734**BENCH:** Kuldeep Singh, Sawant, P.B., Ramaswamy, K., Agrawal, S.C. (J), Yogeshwar Dayal, Jeevan Reddy, B.P. (J), Pandian, S.R. (J), Pandian, S.R. (J), Ahmadi, A.M. (J).**JUDGEMENT:** 11 March 1994**⁴INTRODUCTION:**

The SR Bombay v Union of India case is a landmark in Indian constitutional law. It challenged the Union Government's authority to dismiss state governments under Article 356. The Supreme Court ruled that such proclamations are subject to judicial review, demanding adherence to constitutional norms. It stressed that the President's discretion should be based on relevant material and exercised sparingly to preserve federalism and state autonomy. The dissolution of a state assembly does not inherently validate the President's Rule; justification is required, and the proclamation remains subject to judicial scrutiny. This ruling curtailed the arbitrary use of power, reinforcing federal principles and constitutionalism in India.

BACKGROUND:

The S.R. Bommai v Union of India case emerged from Karnataka's political turmoil in the late 1980s, challenging the imposition of the President's Rule amid intra-party conflicts. The 1994 landmark verdict placed strict constraints on Article 356, making it a final recourse for addressing constitutional breakdowns. It highlighted the President's power as subject to judicial review, aiming to curb its potential misuse and uphold constitutional integrity. This

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⁴ Manupatra (no date) Manupatra, Articles. Available at: <https://articles.manupatra.com/article-details/Case-Comment-on-the-Supreme-Court-Judgement-SR-Bommai-V-Union-Of-India> (Accessed: 31 May 2024).

ruling aimed to safeguard democratic principles, ensuring that federalism remained resilient against arbitrary central intervention.

5FACTS OF THE CASE:

The Janata Party, led by S.R. Bommai in Karnataka, merged with the Lok Dal in 1988 to form the Janata Dal. Following internal defections, Governor P. Venkatasubbaiah reported to the President that Bommai had lost his assembly majority, recommending action under Article 356(1) of the Constitution. Despite some legislators retracting their withdrawal of support and Bommai requesting a floor test, the President imposed President's rule on April 21, 1989, an action ratified by Parliament.

Bommai challenged this decision in the Karnataka High Court, which dismissed his petition. Similar dismissals and subsequent impositions of the President's rule occurred in Meghalaya, Nagaland, Madhya Pradesh, Rajasthan, and Himachal Pradesh, leading to consolidated hearings by the Supreme Court. The central government, led by P.V. Narasimha Rao, also dismissed the governments of Madhya Pradesh, Rajasthan, and Himachal Pradesh following the Babri Masjid demolition.

Key issues in S.R. Bommai v. Union of India included the constitutional validity of the President's rule, potential political biases, the extent of the President's powers under Article 356(1), and the scope of judicial review. In its landmark 1994 judgment, the Supreme Court underscored the importance of judicial review to curb arbitrary central government power, setting guidelines for executive discretion under Article 356.

6PRINCIPLES LAID DOWN:

The Supreme Court in S.R. Bommai v. Union of India established key principles: The President's rule is subject to judicial review, including scrutiny for mala fide intentions. The court can revive a dissolved state government if the proclamation is unconstitutional. Parliamentary approval is required before imposing the President's rule. Internal party issues should not justify invoking Article 356. The Governor must seek to arrange an elective

⁵ S.R Bommai V/S Union of India (no date) Legal Service India - Law, Lawyers and Legal Resources. Available at: <https://www.legalserviceindia.com/legal/article-6253-s-r-bommai-v-s-union-of-india.html> (Accessed: 31 May 2024).

⁶ (No date) White Black Legal. Available at: <https://www.whiteblacklegal.co.in/details/case-commentary-on-s-r-bommai-v-union-of-india-by---anurag-chauhan> (Accessed: 31 May 2024).

government before recommending the President's authority. Article 356 grants conditioned, not absolute, power to the President.

ARGUMENTS ADVANCED:

Contentions by the Petitioner

1. Bommai was not given a chance to prove the majority; the Governor ignored their request, leading to the imposition of the President's rule.
2. Sorabjee argued Article 356(1) powers are not unrestricted and should ensure the assembly can't function constitutionally.
3. Petitioners claimed the President's rule was imposed with malafide intentions for political purposes.
4. The Sarkaria Commission report was cited, emphasizing Article 356 should correct constitutional failures, not for political gains.
5. The proclamation lacked transparency, violating Article 74(2).

Contentions by the Defendants (Central Government)

1. **Challenging Governor's Report:** Petitioners lacked authority to challenge the Governor's report to the President via a writ petition in the High Court.
2. **Governor's Immunity:** The Governor acts on the advice of the state's council of ministers and has immunity under Article 361 of the Constitution.
3. **Document Disclosure:** Petitioners can't demand documents considered by the President for the Article 356 proclamation, except the Governor's report.
4. **Judicial Review Limitations:** Courts can't question if the President's proclamation under Article 356 is based on the Council of Ministers' advice, per Article 74.
5. **Political Decision:** The proclamation of emergency is a political decision, not subject to judicial standards, citing the State of Rajasthan v. Union of India (1977).
6. **Compliance with Article 74:** The proclamation followed Article 74(1) and was issued after a state cabinet consultation. The advice to the President can't be judicially examined, and Article 74(2) states reasons for the proclamation need not be published.

⁷ANALYSIS OF THE CASE:

Powers of President under Article 356:

Article 356 confers exceptional powers on the President to issue a state emergency if he is satisfied that the provisions of the Constitution cannot carry on the state government. This can be based on a report from the Governor or other sources. The Sarkaria Commission's recommendations for invoking Article 356 were endorsed by the court, emphasizing the need to use this power sparingly and cautiously, and to notify the state before activating Article 356(1) under certain circumstances. All other options should be exhausted before invoking Article 356, which should only be used if there is no other viable solution.

⁸Judicial Review:

The court held that if the High Court or Supreme Court finds that the proclamation of emergency was issued unfairly, it can hear a writ petition challenging its validity. The court can also postpone the dissolution of the Legislative Assembly if necessary. Even if both Houses of Parliament approve the proclamation, the court can quash it and reestablish the Legislative Assembly if the proclamation is deemed unlawful.

Parliamentary Approval and Duration:

The proclamation must be approved by both Houses of Parliament within two months by a simple majority. Once approved, the President's rule can continue for six months and can be extended for a maximum of three years with parliamentary approval every six months. The President can revoke the proclamation at any time on his own.

Article 355:

Article 355 imposes a duty on the Centre to ensure that the government of every state is carried on by the provisions of the Constitution. This underpins the responsibility of the central government to intervene, if necessary, to uphold constitutional governance in the states.

⁷ S.R Bommai V/S Union of India (no date) Legal Service India - Law, Lawyers and Legal Resources. Available at: <https://www.legalserviceindia.com/legal/article-6253-s-r-bommai-v-s-union-of-india.html> (Accessed: 31 May 2024).

⁸ SR Bommai Case: Judgment and its significance: UPSC notes (no date b) Testbook. Available at: <https://testbook.com/ias-preparation/bommai-case-upsc-notes> (Accessed: 31 May 2024).

2JUDGEMENT:

In the landmark S.R. Bommai case, a nine-judge bench of the Supreme Court addressed appeals from Karnataka, Madhya Pradesh, and Gauhati High Courts, along with writ petitions from Rajasthan and Himachal Pradesh High Courts. The majority judgment was delivered by Justices Sawant, Kuldeep Singh, Jeevan Reddy, Agarwal, and Pandian, while the minority opinion came from Justices Ahmadi, Verma, Dayal, and Ramaswamy.

Key issues included defining “a situation has arisen in which the government of the State cannot be carried on by the provisions of the Constitution” under Article 356, the extent of judicial review of Presidential Proclamations, the significance of a floor test, and the requirement of parliamentary approval for dissolving Legislative Assemblies under Article 356.

The court ruled that the President’s powers under Article 356 are not absolute and must be exercised with caution, echoing Dr. B.R. Ambedkar’s views and the Sarkaria Commission’s recommendations. The proclamation must be thoroughly analyzed by both houses of Parliament as per Article 356(3). Without parliamentary approval, the proclamation lapses within two months, reinstating the state assembly.

The court affirmed that Presidential proclamations are subject to judicial review. The High Court or Supreme Court can entertain writ petitions challenging such proclamations, potentially stopping the President from dissolving the Legislative Assembly if necessary. Article 356 does not explicitly address legislative dissolution, but such powers are implied under Article 356(1)(a) and Article 174(2), allowing the Governor or the President to dissolve the assembly.

This judgment overturned previous decisions like the State of Rajasthan v. Union of India (1977) and Rameshwar Prasad v. Union of India, establishing that the President’s Rule is subject to rigorous judicial scrutiny. It mandated that the Governor’s report must be based on valid, objective material and not politically motivated. The court emphasized the judiciary’s role in safeguarding constitutional principles and preventing the arbitrary use of Article 356.

⁹ SR Bommai Case: Judgment and its significance: UPSC notes (no date b) Testbook. Available at: <https://testbook.com/ias-preparation/bommai-case-upsc-notes> (Accessed: 31 May 2024).
Admin. (2021) A historic judgment - S.R. Bommai’s case and its analysis, JLRJS. Available at: <https://jlrjs.com/a-historic-judgment-s-r-bommais-case-and-its-analysis/> (Accessed: 31 May 2024).

This ruling significantly limited executive discretion, underscoring the importance of legislative bodies, which directly represent the popular will, over the executive.

¹⁰OVERVIEW OF THE CASE:

A major contention in the arguments was whether the courts could scrutinize the Governor's reports and the President's advice from the council of ministers. Despite the Supreme Court's clarification on judicial review in the S.R. Bommai case, central governments often flout these precedents. Recently, in Maharashtra, the President's Rule was imposed without considering the formation of a new government, highlighting political manipulation. Key observations from the court include: a hung assembly must be declared only if no party can form a government, irreversible actions require parliamentary approval under Article 356(3), and Article 356 should only address state machinery breakdowns, not grant unchecked presidential power.

¹¹The S.R. Bommai case significantly impacted Indian constitutional law, especially concerning the President's powers under Article 356. The judgment mandated judicial review of these powers, endorsing the Sarkaria Commission's recommendations to exhaust all alternatives before invoking Article 356. It emphasized democratic principles, postponing assembly dissolution if necessary. The court also stressed secularism, asserting that political parties must separate religion from politics, and deemed non-secular practices unconstitutional. The judgment highlighted the importance of conducting floor tests to determine government stability, except in exceptional circumstances like widespread violence.

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¹¹ Rai, D. (2024) S.R. Bommai v. Union of India: Case Analysis, iPleaders. Available at: <https://blog.ipleaders.in/s-r-bommai-v-union-of-india-power-of-presidents-rule-curtailed/> (Accessed: 31 May 2024).

stability, except in exceptional circumstances like widespread violence. Overall, it redefined executive power, secularism, and procedural fairness in governance. The S.R. Bommai case significantly impacted Indian constitutional law, especially concerning the President's powers under Article 356. The judgment mandated judicial review of these powers, endorsing the Sarkaria Commission's recommendations to exhaust all alternatives before invoking Article 356. It emphasized democratic principles, postponing assembly dissolution if necessary. The court also stressed secularism, asserting that political parties must separate religion from politics, and deemed non-secular practices unconstitutional. The judgment highlighted the importance of conducting floor tests to determine government stability, except in exceptional circumstances like widespread violence. Overall, it redefined executive power, secularism, and procedural fairness in governance.

¹²CONCLUSION:

The S.R. Bommai v. Union of India case is a cornerstone in Indian constitutional jurisprudence, delineating federalism and center-state power dynamics. It curbed arbitrary central intervention, notably in Article 356 matters, through judicial review. The ruling stressed judicial oversight to prevent political misuse, advocating procedural fairness like the floor test. Emphasizing secularism mandates government neutrality towards religions. Its enduring relevance is seen in contemporary debates, notably on Article 370, shaping constitutional interpretation and upholding democratic values in India.

¹² S.R Bommai V/S Union of India (no date) Legal Service India - Law, Lawyers and Legal Resources. Available at: <https://www.legalserviceindia.com/legal/article-6253-s-r-bommai-v-s-union-of-india.html> (Accessed: 31 May 2024).