

## **S.R. BOMMAI VS. UNION OF INDIA<sup>1</sup>**

S.R. Bommai versus Union of India is a landmark case which dates back to 1988. The court challenged the President's authority to invoke Article 356 and thus suspend the state government from functioning. The case is significant due to its dealing with the centre-state relationship, and the arbitrary powers given to the President by the Constitution.

The story of the case starts in the Karnataka State Legislature. S.R. Bommai was leading the Janata Dal government, elected in 1985. In 1989, MLAs of Janata Dal defected from the party, resulting in the S.R. Bommai-led government losing the majority required to run the government. The Governor, with immediate effect, sent a report to the President arguing for the dissolution of the Legislature and proclaiming the President's Rule. The Chief Minister and the Law Minister met the governor, demanding that to allow proving majority. The governor, though, wrote a letter to the President requesting him to invoke Article 356(1). The President dismissed the Karnataka State government. S.R. Bommai filed a writ of Mandamus under Article 226. The petitioner challenged the President's right to suspend the State Government, arguing that an opportunity for a floor test was not given to prove the majority, and the President arbitrarily decided to dissolve the government. After the Babri Masjid demolition in December, the President dissolved the BJP-led state governments of Madhya Pradesh, Rajasthan and Himachal Pradesh by 356(1). The Meghalaya and Nagaland state governments were also dissolved using this article. All these cases were jointly heard by the bench of 9 judges.

### **Question of Law**

The major deliberations were regarding the absolute nature of the President's power to dismiss the state governments, the constitutional validity of the imposition of President's rule and judicial review of Article 356. Additionally, it was also discussed whether the imposition can be challenged if passed by both the Houses, or the court can stay the order of fresh election and can revive the Legislature as it was before dismissal.

### **Judgement**

The court, with a majority, held that the power enshrined in the President through Article 356(1) is not unfettered and absolute. Great caution should be taken while using such power. A High Court or the Supreme Court can declare such an action null and void if it finds that there are no suitable grounds for it. It also held that the proclamation of 356(1) can be challenged even if it has been passed by both Houses. The court also could reinstate the government if, in its finding, the proclamation is found unconstitutional.

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<sup>1</sup> AIR 1994 SUPREME COURT 1918