Floor Test in Maharashtra

Why in News?

The Supreme Court (SC) directed the Maharashtra Governor Bhagat Singh Koshyari to ensure that the floor test be held in the Assembly soon.

What did happen?

- The Shiv Sena-NCP-Congress or the Maharashtra Development Alliance (MDA) approached the SC against the decision of Governor to administer the oath of office to Devendra Fadnavis and Ajit Pawar.
- The SC ordered an immediate floor test in Maharashtra to be held by 27th November evening.
- But, these motions were overtaken later by the resignations of Fadnavis and Pawar.
- Now, the Members of the Legislative Assembly (MLAs) of MDA elected Uddhav Thackeray as their leader and the Chief Minister.

What is the significance of the previous SC rulings?

- Several SC observations in its order are, and will be relevant for this and similar situations involving the role of the Governor in a hung House in the future.
- The most important of these references is the 'S R Bommai case'.
- The historic judgment was by the nine-judge Bench in SR Bommai vs Union of India in 1994.
- It laid down the supremacy of the floor test in determining the support enjoyed by the party in power.

What is the S R Bommai case?

- In 1985, the Janata Party won the Assembly elections in Karnataka, and formed the government under Chief Minister Ramakrishna Hegde.
- In 1988, Hegde was replaced by SR Bommai, also of the Janata Party.
- That year, the Janata Party merged with the Lok Dal, forming the Janata Dal, and new members were inducted into Bommai's Ministry.
- **Petition** - In September 1988, an MLA from the Janata Dal defected from the party.
- He presented a letter to Governor along with petitions from 19 other MLAs

stating their decision to withdraw support to the Bommai government.

- **President's rule** - The Rajiv Gandhi government at the Centre dismissed the state government using Article 356.
- It did this without giving Bommai a chance to prove his majority, and imposed President's Rule.
- The Karnataka decision was seen as controversial, and more such examples followed across India.
- **Other examples** - In 1988, the Nagaland government was dismissed on the basis of a report sent by the Governor to the President.
- In 1991, the President issued a proclamation dismissing the Meghalaya government on grounds of unconstitutional governance.
- The Assembly was dissolved immediately after.

What was the Supreme Court ruling?

- The nine-judge Bench in the Bommai case adjudicated on a range of issues around the constitutional limitations of the use of Article 356.
- The court laid down a number of guidelines to curb the Centre's capacity to dismiss a state government.
- The SC ruling laid down the law that the **only way** to determine support enjoyed by a particular state government would be by **means of a floor test**.
- The SC ruled that the validity of a proclamation of President's Rule is subject to judicial review.
- It said that the only time the President shall have unconditional powers to dissolve a state government is when there is a complete breakdown of constitutional machinery.

What is the significance of the judgment?

- The judgment also underlined the secular nature of the Constitution in the wake of the Babri demolition.
- It said that a party cannot resort to religion for the sake of gaining power and, if found to be indulging in religious politics, could be acted against using Article 356.
- Since the Constitution came into force, President's Rule under Article 356 has been imposed on states on over 100 occasions.
- These instances declined considerably after the S R Bommai ruling.
- Apart from an assertive judiciary, the emergence of coalition governments with representation from regional parties in the 1990s also checked the trend.

Source: The Indian Express, India Today

