Significance of S.R Bommai vs Union of India

What is the issue?

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- Recently SC ordered a floor test in Karnataka after the assembly elections.
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- In this regard it is significant to refer to the case of S.R. Bommai Vs Union of India.
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What is S.R Bommai vs Union of India case?

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- S.R. Bommai was the Chief Minister of the Janata Dal government in Karnataka.
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- His government was dismissed on April 21, 1989 under Article 356 of the Constitution and President's Rule was imposed.
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- The dismissal was on grounds that the Bommai government had lost majority following large-scale defections engineered.
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- The then Governor refused to give Bommai an opportunity to test his majority in the Assembly despite the latter presenting him with a copy of the resolution passed by the Janata Dal Legislature Party.
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- Bommai party went to Supreme Court against the Governor's decision to recommend President's Rule.
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What is the judgement of Supreme Court in this regard?

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- Supreme Court issued the historic order, which in a way put an end to the arbitrary dismissal of State governments under Article 356 by spelling out restrictions.
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- The verdict concluded that the power of the President to dismiss a State government is not absolute.
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- The verdict said the President should exercise the power only after his proclamation (imposing his/her rule) is approved by both Houses of Parliament.
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- Till then, the Court said, the President can only suspend the Legislative Assembly by suspending the provisions of Constitution relating to the Legislative Assembly.
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What is the significance of this judgment?

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- The case become one of the most cited whenever hung Assemblies were returned and parties scrambled to form a government.
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- The case put an end to the arbitrary dismissal of State governments by a hostile Central government.
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- The verdict ruled that the floor of the Assembly is the only forum that should test the majority of the government of the day, and not the subjective opinion of the Governor.
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- SC issues ordered which stated that, if the Presidential proclamation is not approved by the Parliament then,
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1. Both Houses of Parliament disapprove or do not approve the Proclamation, the Proclamation lapses at the end of the two-month period. In such a case, the government which was dismissed revives.
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2. The Legislative Assembly,which may have been kept in suspended animation gets reactivated.
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3. Also the Court made it amply clear that a Presidential Proclamation under Article 356 is subject to judicial review.
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Source: The Hindu

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