
CASE ANALYSIS: S.R. BOMMAI VS. UNION OF INDIA

Vanshita Malhotra, O.P. Jindal Global University, Sonapat, Haryana

Citation: 1994 AIR 1918, 1994 SCC (3) 1

Bench: Kuldeep Singh, P.B. Sawant, K. Ramaswamy, S.C. Agrawal, Yogeshwar Dayal, B.P. Jeevan Reddy, S.R. Pandian, A.M. Ahmadi

Introduction

The 1994 Supreme Court's ruling in *S.R. Bommai v. Union of India* is regarded as a constitutional landmark for Indian federalism and the separation of powers. Decided by a nine-judge bench, the case examined the scope of Article 356 of the Constitution, which allows the President to enforce President's Rule in instances where "the government of the State cannot be carried on in accordance with the provisions of this Constitution." By the late 1980s, Article 356¹ had shifted from its original intent as an emergency safeguard to a political weapon that the Union often used to overthrow governments led by opposition parties. The central issues before the court were whether the President's "satisfaction" in making such proclamations is safeguarded from judicial review and whether a State Assembly may be dissolved without first testing majority support on the House floor.

Background and Facts

Article 356 empowers the President, on being "satisfied" that a State government cannot function in accordance with the Constitution, to assume the State's executive and legislative powers. Despite being conceived as a rare emergency provision, it was frequently exploited for political motives. The 1988 Sarkaria Commission had already warned that a floor test should ordinarily precede any proclamation.² The immediate dispute arose in Karnataka. Ramakrishna Hegde of the Janata Party became Chief Minister on 8 March 1985. After a 1988 merger of the Janata Party and the Lok Dal created the Janata Dal, factionalism and corruption allegations forced Hegde's resignation, and S.R. Bommai was sworn in on 13 August 1988. In April 1989, nineteen legislators, eighteen from the Janata Dal and one from the Bharatiya Janata Party,

¹ INDIA CONST. art. 356.

² Sarkaria Commission, *Report of the Commission on Centre-State Relations* (1988).

wrote to Governor P. Venkatasubbaiah, withdrawing their support. Bommai quickly produced affidavits from seven of them reaffirming loyalty and requested a floor test. On 19 April, the Governor reported to President R. Venkataraman that the ministry lacked a majority and recommended dissolution of the Assembly under Article 174(2)(b).³

Despite the retraction by several defectors, the Governor sent a second report on 21 April, warning of “horse-trading.” Acting on this, the President issued a proclamation under Article 356 imposing President’s Rule and dissolving the Assembly without a confidence vote. Bommai’s writ petition under Article 226 was dismissed by the Karnataka High Court, and similar challenges from other States were clubbed before a nine-judge Constitution Bench, which delivered its judgment on 11 March 1994.

Issues Before the Court

- Whether the President’s “satisfaction” under Article 356(1) in proclaiming President’s Rule is final and beyond judicial review, or whether courts may examine the material to test mala fides or irrelevance.
- Whether a Governor can recommend the imposition of President’s Rule without first directing a floor test in the Legislative Assembly to determine if the Council of Ministers has in fact, lost its majority.
- Whether the President may dissolve a State Legislative Assembly immediately after issuing a proclamation under Article 356 or only after it has been submitted to and approved by both Houses of Parliament, as required under Article 356(3).

Judgement

On 11 March 1994, a nine-judge Constitution Bench of the Supreme Court delivered its landmark ruling in *S.R. Bommai v. Union of India*,⁴ decisively limiting the Union’s power to dismiss State governments under Article 356. The Court unanimously agreed that while the President may proclaim President’s Rule when “the government of the State cannot be carried on in accordance with the provisions of this Constitution,” that power is not absolute and

³ NDIA CONST. art. 174, cl. 2(b).

⁴ *S.R. Bommai v. Union of India*, (1994) 3 SCC 1.

remains subject to constitutional safeguards.

The Bench first held that the President's "satisfaction" is open to judicial review. Although the Court will not re-appreciate political wisdom, it may examine whether there was relevant material, whether the material had a rational connection to a constitutional breakdown, and whether the action was mala fide or taken for extraneous purposes. If the proclamation is found unconstitutional, the Court can strike it down and restore the dismissed government and Assembly.

Second, the judges ruled that a floor test in the legislative assembly is the only legitimate means to determine a ministry's majority. A Governor cannot rely merely on defections, letters, or subjective assessments. Recommending dismissal without directing a floor test violates the federal scheme and invites invalidation. Third, while the President may assume State executive powers immediately, the Legislative Assembly cannot be dissolved before the proclamation is approved by both Houses of Parliament as mandated by Article 356(3).⁵ If approval is not secured within two months, the proclamation lapses and the government revives. Finally, the Court affirmed that secularism forms part of the Constitution's basic structure, making it a non-negotiable constitutional principle. Persistent and proven attempts by a State government to undermine secular governance can therefore justify the imposition of President's Rule under Article 356. However, even in such exceptional circumstances, the safeguards of a floor test, mandatory parliamentary approval, and judicial review remain fully applicable, ensuring that the Centre cannot invoke secularism as a mere pretext for political gain.

Legal Reasoning and Analysis

The Supreme Court in *S.R. Bommai v. Union of India* adopted a multi-layered interpretive approach to set out the scope of Article 356. Textually, the Court held that a State legislature cannot be dissolved prematurely by invoking Article 356(3), which requires parliamentary approval within two months after the proclamation. Structurally, based on the Constitution's federal framework, the Bench rejected the idea that the Union could destabilise elected State governments on political grounds. Purposively, Article 356 was interpreted as an emergency device to be employed only in genuine cases of constitutional breakdown, not as an instrument of political convenience.

⁵ INDIA CONST. art. 356, cl. 3.

Justice Sawant observed that state governments must remain neutral towards all religions; any departure from this principle would carry constitutional consequences. This reasoning was compelling, as the Court stepped in to guard against majoritarian impulses that might weaken pluralism, affirming secularism as a crucial constitutional safeguard.⁶ At the same time, the reliance on basic structure extended the doctrine into a new field, raising the question whether judicial expansion into political morality risks overstepping textual boundaries. Equally significant was the Court's rejection of the precedent in *State of Rajasthan v. Union of India*,⁷ where proclamations under Article 356 were deemed "political questions" immune from review. According to the majority ruling in *Bommai*, judicial review could test whether relevant information existed, whether the decision had been affected by mala fide or irrelevant considerations, and whether constitutional procedures were followed. This shift from political discretion to constitutional accountability marked a decisive reorientation of Indian emergency powers.

The Court also sought to strike a balance in the separation of powers. While acknowledging that the President's satisfaction involves political judgment, it imposed the safeguard of a floor test as the only constitutionally legitimate method of determining majority support. This approach, also recommended by the Sarkaria Commission (1988), recalibrated power by privileging legislative determination over gubernatorial reports. Yet, as critics have noted, judicial review remains largely ex post facto, meaning that political disruption may persist even if a proclamation is later invalidated.⁸

The multiple concurring opinions highlighted subtle differences. Justice Sawant emphasised secularism and legislative floor tests; Justice Jeevan Reddy stressed federalism and the exceptional character of Article 356; while Justice Ramaswamy urged greater deference to executive satisfaction, warning against judicial encroachment. These divergences reveal a tension between robust review and respect for executive discretion, but all converged on three propositions: secularism as a non-negotiable principle, parliamentary approval as a check on executive misuse, and judicial scrutiny as essential to prevent mala fides.

Critically, *Bommai* is commendable for transforming Article 356 from a political weapon into

⁶ S.R. *Bommai v. Union of India*, (1994) 3 SCC 1, available at SCC Online, <https://www.scconline.com>

⁷ *State of Rajasthan v. Union of India*, (1977) 3 SCC 592.

⁸ Shrey Mohapatra, Case Comment on the Supreme Court Judgement: S.R. *Bommai v. Union of India*, MANUPATRA (Feb. 10, 2021), <https://www.manupatra.com>.

a constitutionally constrained mechanism. Its reasoning is strongest in embedding secularism and procedural safeguards within constitutional law. However, its practical weakness lies in its reliance on judicial correction after the fact, leaving scope for political misuse through the Governor's office, as subsequent crises in Uttarakhand (2016) and Maharashtra (2019) illustrate.

Conclusion

The ruling in *S.R. Bommai v. Union of India* transformed Article 356 from a tool of partisan convenience into a constitutionally regulated safeguard. By mandating floor tests, parliamentary approval, and judicial scrutiny, the Court strengthened federalism and insulated secularism as part of the Constitution's basic structure. At the same time, the judgment's reliance on ex post judicial review left unresolved vulnerabilities, particularly the scope of the Governor's discretion. Despite these limitations, *Bommai* stands as a constitutional milestone: it reasserted the primacy of democratic processes and reaffirmed that even emergency powers must operate within the discipline of constitutionalism.