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Q13

Account for the legal and political factors responsible for the reduced frequency of using Article 356 by the Union Governments since mid 1990s.

UPSC Civil Services Mains 2023 · GS II · 15 marks · Indian Constitution

Indian Constitution - historical underpinnings, evolution, features, amendments, significant provisions and basic structure.

Core demand of the question

- Account for the legal and political factors responsible for the reduced frequency of using **Article 356** by Union Governments since the mid-1990s

Revision summary

Article 356 use declined after the mid-1990s for legal and political reasons together.

S.R. Bommai (1994) made the proclamation justiciable and centred the floor test.

The 44th Amendment had already limited duration and required parliamentary approval.

Sarkaria and **Punchhi** recommended last-resort use; courts enforced that idea.

Coalition Union governments and regional parties raised the political price of dismissal.

The Article remains; casual partisan use became harder.

Introduction

Article 356 allows the President to assume a State's government when the constitutional machinery has failed. After the mid-1990s its use fell because the Supreme Court in **S.R. Bommai (1994)** legalised limits, and because coalition and later competitive federal politics raised the political cost of dismissal.

Body

The legal factors

- **S.R. Bommai v. Union of India (1994)** held that a Presidential proclamation under **Article 356** is justiciable; the Union must have relevant material, and the Court can strike down a mala fide or irrelevant proclamation.
- Bommai made the floor test the primary proof of majority; the Governor's report cannot replace a vote in the Assembly when the House can meet.
- Secularism was held to be a basic feature, so a State government that undermines it can still invite **Article 356**, but ordinary political instability cannot.
- The Constitution (Forty-fourth Amendment) Act, 1978, had already required the proclamation to be laid before Parliament, limited the first period, and barred dissolution of the Assembly until Parliament approves; Bommai enforced the spirit of those curbs.

- Later cases - Rameshwar Prasad (Bihar, 2006) and the Arunachal and Uttarakhand episodes - showed that courts will restore a government when the Governor or the Union rushes dissolution or floor arithmetic.
- **Sarkaria Commission (1988)** and later the **Punchhi Commission** on Centre-State relations had recommended rare, last-resort use; Bommai turned that advice into judicial rule.

The political factors

- Hung verdicts and coalition Union governments from 1989 through the 1990s made every State party a potential partner; dismissing a State government risked losing parliamentary support in New Delhi.
- The rise of strong regional parties meant that **Article 356** was read as an attack on a whole linguistic or regional electorate, not only on a Chief Minister.
- Television, a louder Rajya Sabha, and Inter-State Council politics after the 1990s made a midnight dismissal nationally expensive.
- Even majority Union governments after 2014 still face judicial review, **Election Commission** schedules, and the need for State allies on GST and other federal files, so the old single-party habit of routine President's Rule is harder to revive.
- Hung Assemblies now more often produce floor tests, Governor's invitations, and Speaker fights rather than an immediate **Article 356**, which is a political substitute, not always a cleaner one.

Residual use

- **Article 356** still appears in genuine breakdown, hung Houses after large defections, or law-and-order collapse.
- The reduction is therefore frequency and casual use, not repeal of the Article.

Flow diagram

SR Bommai 1994 -> Judicial review floor test
 44th Amendment -> Parliamentary approval
 Coalition and regional parties -> High political cost
 Judicial review floor test -> Rarer Article 356
 Parliamentary approval -> Rarer Article 356
 High political cost -> Rarer Article 356

Conclusion

Legal limits after Bommai - justiciability, relevant material, and the floor test - made casual **Article 356** legally dangerous. Coalition federalism and strong regional parties made it politically expensive. Together they explain the fall in frequency since the mid-1990s.

Facts & figures

S.R. Bommai v. Union of India (1994)

Nine-judge Bench: **Article 356** is subject to judicial review; majority is tested on the Assembly floor.

Constitution (44th Amendment) Act, 1978

Tightened **Article 356** by parliamentary control and limits on the life of the proclamation.

Sarkaria Commission

Recommended that **Article 356** be used sparingly, as a last resort, after other constitutional options.

Rameshwar Prasad v. Union of India (2006)

Struck down dissolution of the Bihar Assembly as a misuse of Governor and Union power related to floor arithmetic.

Punchhi Commission

Returned to Centre-State relations and again cautioned against routine President's Rule.

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