

308/23/12/11

Name: Ramu Bagri
Under Supervision of : Dr. M. Muslim Khan
Department of Political Science

ABSTRACT

The present study is, therefore, a critical assessment of the factors leading to the “Role of President’s Rule in the light of the Sarkaria Commission and Coalition Government with special reference to S. R. Bommai Case” of the use and misuse of the provisions of President’s Rule under Coalition Government (1991-2009) and linking it with the principles of federalism, and it suggests reasonable grounds where President’s Rule should be imposed.

Impact of Sarkaria Commission Report

The frequent invocation of Article 356 greatly disturbs the distribution of powers between the Union and the State Governments in our federal set-up. During President’s Rule the legislative, executive and administrative powers are used by the Union Government through the State Governor. It shows that in some cases, Article 356 has been used on the ground of a worsening law and order situation in the State concerned, even though the law and order is a subject of the State List, and not in union list. It reduces the States’ autonomy. Thus, imposition of President’s Rule on the ground of deterioration of law and order in the state is inconsistent with and a negation of federal principles. However, after the Sarkaria Commission Report during the imposition of president’s Rule (Article-356) the State Legislative Assemblies generally not dissolved. The State Legislative Assemblies have been kept in suspended animation to enable the formation of Government in the State. **Here, it seems that the centre honouring the recommendations of Sarkaria Commission did not dissolve the assembly.**

It is noteworthy that after Sarkaria Commission report President’s Rule has been imposed twenty-two times during the Nineteen years from 1990-2009 in comparison to seventy-nine times in forty years from 1950-1989.

Impact of Coalition Government

It is clear that progressive decline in the use of President's Rule coincides with the advent of coalition governments and the participation of regional parties that were opposed to Article 356 in the Union Government. The coalition partners raise protest against dismissal of State Government ruled by a coalition partner (23) or a political party supported by them. The NDA government which was a Coalition government of 23 parties to led by BJP, was having no majority in the Rajya Sabha and some of its coalition partners, e.g., TDP, Akali Dal, National Conference etc., were against this provision. **In fact, the internal resistance of coalition government exercised a check on the repeated misuse of Article 356 for fulfilling political ends.**

Impact of Bommai case

The Presidential Proclamation under Article 356 came under judicial review after the Bommai Case Judgment (1994). The Court can strike down the Proclamation when it is mala fide or based on irrelevant grounds and restore the status quo ante, i.e. restore the Legislative Assembly and Ministry of State concerned. The Court has enumerated the doctrine of the floor test. The Court has laid down the principle for the State Governors that the question of majority of the Council of Ministers of State must be decided on the floor of the Assembly and not in the Raj Bhavan or anywhere else. The UF government's recommendation for imposition of President's Rule in U. P. on October 21, 1997 and the NDA government's recommendation for imposition of President's Rule In Bihar on September, 1998, were re-considered and withdrawn and were not resubmitted again at the behest of the then President, K. R. Narayanan. **The repeated misuse of Article 356 is, therefore, not easy in the present scenario.**

Conclusion

In fact, the use and misuse of provisions regarding President's Rule will depend on the intention of the ruling party or coalition at the Centre, who operate and control the Constitution. The successful working of the democratic institutions requires honesty, because many things which cannot be written in a Constitution are done by conventions. India needs honest leadership who can show commitment to the national interests and develop the democratic spirit.