Polity & Governance · GS - II

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

EXAM YEAR	PAPER	SUBJECT
2023	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

The decline in Article 356's use reflects judicially imposed constitutional restraints, coalition-era federal politics, stronger regional parties and greater awareness of federalism, collectively making arbitrary dismissal of elected State governments more difficult.

Model Answer

Introduction

Article 356 enables the Union to impose President's Rule when constitutional machinery in a State has failed. Historically, it was frequently used for political purposes, but its invocation declined substantially after the mid-1990s.

Body

Legal Factors

S.R. Bommai v. Union of India (1994): The Supreme Court significantly restricted arbitrary use of Article 356. It established that the President's satisfaction is subject to judicial review and that legislative majority should ordinarily be tested on the floor of the House.

Parliamentary approval: A proclamation under Article 356 must receive parliamentary approval within the constitutionally prescribed period, creating an institutional check.

Federalism as basic structure: Bommai reinforced secularism and federalism as constitutional principles, making partisan dismissal constitutionally vulnerable.

Judicial restoration: Courts can invalidate unconstitutional proclamations and restore the dismissed government in appropriate circumstances.

Political Factors

Rise of coalition governments: Since the 1990s, coalition politics reduced the ability of the Union government to act unilaterally.

Rise of regional parties: Strong regional political forces increased resistance to central intervention in States.

Competitive federalism: States increasingly asserted their constitutional and political autonomy.

Greater political scrutiny: Media, civil society and opposition parties have made politically motivated use more costly.

Institutional maturity: Constitutional conventions and awareness regarding federal principles have gradually strengthened.

Continuing Scope

Article 356 remains constitutionally necessary for genuine constitutional breakdowns, but its use must not become a substitute for political disagreement or administrative difficulty.

Conclusion

The reduced use of Article 356 is the product of **judicial constitutionalism combined with India's transformation into a competitive and coalition-based federal polity**. The post-Bommai framework has significantly strengthened federal democracy.