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CONSTITUTIONAL FEDERALISM IN PERIL: CRITICAL REAPPRAISAL OF ARTICLE 356 AND S.R. BOMMAI IN CONTEMPORARY INDIA

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I. ABSTRACT

The constitutional provision of President's Rule under Article 356 empowers the president to assume control of a State in situations of constitutional breakdown. Historically this power has been one of the most misused instruments of the Indian Constitution, often deployed to dismiss state governments on political rather than constitutional grounds. The landmark judgment of S. R. Bommai v. Union of India sought to curb this misuse by making such proclamations subject to judicial review and thus limiting president's discretion. This paper revisits the judgment of Bommai in light of the increasing centralization of political powers and examines whether the safeguards remain effective today. By analyzing the recent cases the paper evaluates whether federalism continues to function as a 'basic feature' of our constitution or has been eroded through central dominance. This study examines the constitutional scheme of emergency powers, historical misuse patterns, and the evolving role of judiciary in protecting federalism. It is also argued that while Bommai established a strong precedent, the subsequent political developments and the decline of coalition politics have diluted its practical efficacy. It concludes by recommending reforms, such as codifying clear standards for constitutional breakdown, ensuring Governor's accountability, and mandating pre-decisional judicial oversight before invoking Article 356.

II. KEYWORDS

Federalism, Judicial Review, President's Rule, Article 356, Governor's discretion and Constitutional breakdown.

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III. INTRODUCTION

*"Indian Constitution is a federal Constitution in as much as it established what may be called a dual polity which will consist of the Union at the Centre and the States at the periphery each endowed with sovereign powers to be exercised in the field assigned to them respectively by the Constitution."*²

This statement draws a foundational understanding of Indian federalism in light of the constitutional design which harmonizes unity with regional autonomy. Federalism constitutes on the cardinal pillars of India's constitutional framework. It embodies the peaceful coexistence of a central authority along with autonomous subnational entities. Dr. Ambedkar described India's federal system as a "union with indestructible units" emphasizing that the constitution while being federal in form was unitary in spirit when necessary.³ Yet this unitary tilt manifested through provisions such as those in Article 356 has periodically tested the resilience of Indian federalism.

Article 356 which authorizes the President to assume control over a state government upon the report of the Governor indicating the breakdown of constitutional machinery in that state, represents one of the most debatable and frequently imposed provisions of the Constitution. Between 1951 and 1993 only, President's Rule was imposed more than ninety times, often on grounds later deemed to be politically motivated⁴ and till date it has been imposed 134 times with Manipur being the state with most frequent impositions.

Instances such as dissolving the first communist government of Kerala, or the post-Emergency dismissals, or the 1980s dismissals of opposition-led state governments illustrate the systematic erosion of federal balance.⁵

Then, the Supreme Court's ruling in *S. R. Bommai v. Union of India*⁶ marked a constitutional turning point. It redefined the contours of Article 356 by declaring that

² Aniruddha Babar, 'Dr B R Ambedkar's Contribution to Federalism Enshrined in the Constitution of India' (2018) 7 *Fazl Ali College Journal* 43

³ *Constituent Assembly Debates*, vol VII (4 November 1948)

⁴ M P Jain, *Indian Constitutional Law* (7th edn, LexisNexis 2017)

⁵ *Id*

⁶ *S R Bommai v Union of India* (1994) 3 SCC 1 (SC)

Presidential proclamations are subject to judicial review and by requiring that a floor test in the legislature, rather than the Governor's subjective assessment, determines a government's majority.⁷ Moreover, the Court affirmed that federalism is a component of the Constitution's basic structure, thereby insulating the principle from political manipulation.

However, despite the *Bommai*'s doctrinal promise, recent developments reveal the continuing vulnerability of federalism to union encroachment. The imposition of President's Rule in Arunachal Pradesh in 2016, the midnight government formation in Maharashtra in 2019, the unprecedented reorganization of Jammu & Kashmir in 2019, and the most recent being Manipur where it was imposed in 2025 following the resignation of the then Chief Minister have reignited debates on the scope of Article 356 and the efficacy of safeguards.⁸ The consolidation of the political power at the Centre, combined with the weakening of the coalition-eras raises pressing questions; Has the judgment's legacy endures, or has it been eclipsed by new forms of political centralization?

This paper addresses these questions through reappraisal of *Bommai*, contextualizing its principles within the evolving political landscape. It argues that while *Bommai* judicialized the misuse, its effectiveness depends on judicial assertiveness and constitutional morality.

A. RESEARCH OBJECTIVES

1. To analyze the constitutional mandate and the historical evolution of Article 356.
2. To assess the significance and impact of *S.R. Bommai v Union of India*.
3. To evaluate post-Bommai developments in the contemporary times.

B. RESEARCH QUESTIONS

1. What is the purpose behind incorporating Article 356 in the Constitution of India?

⁷ *Id* at 240–41

⁸ *Devendra Fadnavis v Union of India*, Writ Petition (Civil) No 908 of 2019 (Supreme Court of India); *Re: Reorganisation of Jammu & Kashmir* (2019) (Supreme Court of India)

2. How did *S.R. Bommai* transform the development of this provision?
3. Have post 1994 developments strengthened India's federal safeguards?

C. RESEARCH HYPOTHESIS

1. Article 356 was incorporated as a 'last resort' but has historically functioned more as a political instrument than a constitutional safeguard.
2. That, the *Bommai* judgment imposed judicial constraints but did not completely eliminate the misuse.
3. The centralization of political powers since 2014 has further weakened the practical protection of federalism.
4. That, some structural reforms in the procedures are necessary to preserve the federal balance.

D. RESEARCH METHODOLOGY

The paper adopts analytical structures and doctrinal methodology. Primary sources include the Constitution of India and the related emergency provisions. Landmark legal precedents, including *S.R. Bommai v. Union of India* and subsequent Supreme Court judgments constitute the core analytical framework.

Further, secondary sources include constitutional commentaries, academic journals, Commission Reports such as Sarkaria and Punchhi Commissions, and contemporary scholarly reports.

This methodology is, therefore, both normative and evaluative, properly assessing constitutional morality, behaviors of State organs, and implications on the federal structure.

E. LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK

The Academic research on Article 356 reveals three major dominant strands. The first strand of literature emphasizes Article 356 as a last resort intervention to preserve democratic order, drawing legitimacy from the need to prevent a sudden government collapse in the newly independent nation. Drawing from the post-independence anxieties about national unity and administrative preparedness, experts argue that the

framers intended this provision to protect India's federal democracy and not to erode it.⁹

However, the second and far more dominant narrative deals with the extensive political misuse that came to define Article 356 in actual practice. Research shows that between 1951 and 1993, successive Union Governments imposed President's Rule with increasing frequency, very often targeting opposition-led States for partisan rather than genuine constitutional failure. The dismissal of the first elected Communist government in Kerala in 1959, and repeated intervention till 1980s has been cited to demonstrate the central overreach.

The third and somewhat more optimistic body of literature marks the *S. R. Bommai v Union of India* as the turning point that recalibrated the Centre-state relations. Scholars regarded it as a watershed judgement that constitutionalized federalism by identifying it as part of the Basic Structure doctrine and making Presidential proclamations subject to judicial review.

They appreciate the Court's emphasis on objective criteria, particularly requirement of a floor test in the Legislative Assembly to verify the majority support of the ruling government.¹⁰ This restricted the arbitrary dissolutions and placed constitutional discipline over executive discretion.

Nevertheless, recent literature expresses renewed concerns regarding the shifting political landscape. With the decline of coalition-era checks and the consolidation of political power at the Centre, several researchers argue that the misuse of Article 356 may be re-emerging in subtler forms. Contemporary analyses point to events such as the proclamation of President's Rule in Arunachal Pradesh in 2016, the controversial midnight swearing-in attempt in Maharashtra in 2019, the sweeping reorganization of Jammu & Kashmir later that year, and the imposition in Manipur in 2025 as indicators that the structural vulnerabilities remain intact.

⁹ A Sharma, 'Article 356 in the Light of Indian Federalism' (*Indian Journal of Law and Legal Research*, 31 October 2025)

¹⁰ R Kumar, 'Article 356 of the Constitution of India: An Analysis in the Present Scenario' (2022) 8(5) *International Journal of Law* 128

Together, these academic perspective caution that while *Bommai* introduced strong doctrinal protections, their effectiveness ultimately relies on the adherence of constitutional actors to constitutional morality.

IV. CONSTITUTIONAL MANDATE

Article 356 carries a marginal heading “Provisions in case of failure of constitutional machinery in State”. Herein the words ‘failure of constitutional machinery’ seems similar to occurring in Article 355, namely ‘a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution’. Therefore, if the President is satisfied that such a situation has arisen, whether on the basis of a report received from the Governor of the State or otherwise, he/she may, by proclamation, take any or all the steps mentioned under the sub-clauses (a), (b), and (c) under Article 356 of the Constitution. For the same purpose it would be pertinent to read the clause (1) of Article 356:

“(1) If the President, on receipt of report from the Governor of the State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by Proclamation-

(a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or anybody or authority in the State other than the Legislature of the State;

(b) declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament;

(c) make such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Constitution relating to anybody or authority in the State:

Provided that nothing in this clause shall authorise the President to assume to himself any of the powers vested in or exercisable by a High Court, or to suspend in whole or in part the operation of any provision of this Constitution relating to High Courts.”

Further the next clause provides for the revocation or variation in the initial proclamation. Then clause (3) provides for check upon the powers provided to the

President and says that any Proclamation, except for a proclamation revoking a previous proclamation, cease to operate after a period of two months unless approved by both Houses of the Parliament and even on getting Parliamentary approval a proclamation it ceases to operate on the expiration on a period of six months from the date of issue. The proviso for (4) provides for further extension with the outer limit of three years.

Thereafter, Article 357 the consequential provisions relating to the exercise of powers under Proclamation under the Article 356. Furthermore, Article 365 provides that in case where a State has failed to comply with any directions given by the Union government in exercise of its executive power, provided particularly under Articles 256 and 257, the President shall hold that that particular State cannot be carried on in accordance with the provisions of the Constitution.

V. EVOLUTION AND MISUSE OF ARTICLE 356

Through the history of independent India Article 356 has been often described as one of its most controversial provisions, symbolizing the fragile equilibrium between national unity and state autonomy. Conceived as a 'last resort' by the framers of the Constitution it was meant to be invoked only when the constitutional machinery in a State had irretrievably broken down. However, in practice, the evolution of Article 356 reveals some troubling truths about the misuse by the Union executive to curtail State's autonomy.

The intellectual lineage of Emergency provision can be traced back to the Government of India Act, 1935 under Section 45 and 93 wherein the Governor General under extraordinary circumstances can exercise nearly absolute control over the provinces.¹¹ Later the framers of the Indian Constitution borrowed this model to ensure national integrity, they simultaneously envisioned it as a 'safety value to counter disruption of political machinery' rather than as a means of political domination.¹² This provision

¹¹ National Commission to Review the Working of the Constitution, *A Consultation Paper on Article 356 of the Constitution*, vol II, para 2.1 (2001)

¹² Nupur Sharon Nag, 'The Sarkaria Commission Report's Stand on Article 356: An Analysis of the Governor's Obligation to Explore Alternatives' (2015) 2(12) *Law Mantra Journal*

faced strong opposition within the Constituent Assembly however, these were overridden by Dr. Ambedkar, who said:

"In fact, I share the sentiments expressed by my Hon'ble friend Mr. Gupte yesterday that the proper thing we ought to expect is that such articles will never be called into operation and that they would remain a dead letter. If at all they are brought into operation, I hope the President, who is endowed with these powers, will take proper precautions before actually suspending the administration of the provinces."

Despite the safeguards provided, the post-independence history of Article 356 is marked by persistent misuse. The misuse was not frequent in the initial years after independence as only one party dominated both the Union and the States. However, following the 1967 general elections, the rise of collision governments and regional parties saw the invocation of Article 356 frequently.

Between 1951 and 1993 alone, President's Rule was imposed over ninety times, often under politically motivated pretexts rather than genuine constitutional crises. The dismissal of the Communist government in Kerala in 1959, the wholesale dissolution of State Assemblies in 1977 following the National Emergency, and the recurrent use of this provision stands as examples of the Union's overreach into the federal domain.¹³

Initially judicial supervision and intervention offered a little resistance. In *State of Rajasthan v. Union of India*¹⁴, the Supreme court upheld the President's broad discretionary powers, ruling that the 'satisfaction' under Article 356 was largely non-justiciable. This reinforced the perception that the judiciary was unwilling to intervene. It was only subsequent decisions such as *Sunderlal Patwa v. Union of India*¹⁵ and then the *S. R. Bommai v. Union of India* that the courts began to reassert constitutional checks.

These judgments established that Presidential satisfaction must rely on relevant and reasonable material, and a proclamation could be struck down if found to be based on mala fide or irrelevant grounds. The *Bommai* judgment transformed Article 356 from

¹³ Granville Austin, *Working a Democratic Constitution: The Indian Experience* (Oxford University Press 1999) 612

¹⁴ *State of Rajasthan v Union of India* AIR 1977 SC 1361.

¹⁵ *Sunderlal Patwa v Union of India* AIR 1993 MP 214.

a shield into a subject of judicial accountability, emphasizing the necessity of a floor test to determine majority support in the State legislature.

Parallelly the Sarkaria Commission Report played an important role in delineating the scope and limitations of Article 356. It reaffirmed that the provision should be exercised only as a “last resort”, after exhausting all alternative measures. The Commission’s recommendations stressed that the Governor’s report must be a speaking document, clearly stating material facts and reasons justifying the invocation of President’s Rule.¹⁶ The commission advised that Governors act as neutral functionaries, exploring all possibilities for stable governance before recommending President’s Rule.¹⁷

Despite such recommendations, practice has often diverged from principle. The continued invocation of Article 356 in cases such as Arunachal Pradesh (2016), Maharashtra (2019), Jammu and Kashmir (2019), and most recently Manipur (2025) underscores that political reasons continue to overshadow constitutional restraints. While the *Bommai* judgment and the Sarkaria Report collectively sought to insulate federalism from partisan manipulation, their impact remains contingent upon the good faith of the actors. As scholars have consistently argued, the persistence misuse suggest that Article 356’s core defect lies not in its texts but on its execution, where constitutional morality yields to political convenience.¹⁸

Thus, the trajectory of Article 356 reflects the tension between constitutional design and political practice.

VI. BOMMAI IN THE MODERN CONTEXT

The judgment of *Bommai*, as has been stated time and again, stands as a watershed moment in Indian constitutional history, making the judiciary’s decisive intervention in curbing the arbitrary use of Article 356. The Supreme Court’s decision transformed the nature of Centre-State relations by bringing proclamations of President’s Rule

¹⁶ *Sarkaria Commission Report*, ch VI, paras 6.3.23–6.8.10 (1987)

¹⁷ *Id.* at para 6.8.04.

¹⁸ K Suryaprasad, ‘Judicial Review of Presidential Proclamation under Article 356 of the Constitution of India: A Critical Analysis’ (1999) 33(1-4) *Journal of Constitutional and Parliamentary Studies* 46

within the purview of judicial review.¹⁹ It articulated that federalism is an essential element of the basic structure of the Constitution, therefore making any abuse of emergency power subject to constitutional scrutiny.

However, the significance of this judgment extends beyond its doctrinal pronouncements, it represents an effort by the judiciary to reconcile the centralized design of the Constitution with the democratic aspirations of a federal polity. The court mandated that the test of majority should be determined on the floor of the Legislative Assembly, not through the subjective 'satisfaction' of the Governor or the political interest of the Union as had been observed in the past. It further asserted that any premature dissolution of the Assembly prior to such a test would be unconstitutional. These principles were not only corrective but also preventive, as they establish clear procedural boundaries for executive action under Article 356.

In the decades following *Bommai*, the political landscape of the nation has evolved in complex ways. The decision initially ushered in an era of restraint from 1994 to the early 2000s, the invocation of Article 356 declined markedly. Coalition politics at the Centre contributed to this self-restraint to some extent, as no single party enjoyed uncheck domination. During this period, *Bommai* functioned in an effective manner as a moral and constitutional deterrent against partisan interventions.²⁰

Yet, the reemergence of single party dominance in the post-2014 political environment has reignited debates about the continuing efficacy of *Bommai*. Instances such as the imposition of president's Rule in Arunachal Pradesh (2016) and Uttarakhand (2016) tested the boundaries of judicial review once again. In *Nabam Rebia v. Deputy Speaker, Arunachal Pradesh legislative Assembly*²¹, the Supreme Court reaffirmed the *Bommai* principles by restoring the dismissed State government and condemning the misuse of discretion this case reinforces the constitutional mandate that the Governor act as a neutral constitutional functionary rather than a political agent of the Centre.

¹⁹ Mandeep Mishra, 'President Rule under Article 356: Federalism and Issue of National Security' (2024) 5(1) DME Journal of Law

²⁰ A Kumar, 'Article 356 as a Tool of Political Subjugation: A Federalism Audit of Central Governments Since Independence' (2025) 11(4, Part F) All Research Journal 423

²¹ *Nabam Rebia v Deputy Speaker* (2016) 8 SCC 1 (SC)

Similarly, in Maharashtra political crisis of 2019 when a hurried swearing-in ceremony took place under opaque circumstances, *Bommai*'s principles implicitly informed the judicial response. The Supreme Court, invoking the spirit of the landmark judgment, ordered a floor test within twenty-four hours, underscoring that the legitimacy of any government rests on legislative confidence rather than executive fiat. This reaffirmation demonstrated that *Bommai* continues to serve as a constitutional compass guiding the judiciary in times of invocation of Article 356.

Nevertheless, certain developments have revealed the limitations on *Bommai*'s effect. The reorganization of the state of Jammu and Kashmir in 2019 under a prolonged period of President's Rule raised questions about the elasticity of executive power and the extent to which judicial review can constrain it. Critics argue that while *Bommai* empowers courts to examine the legality of proclamations, it offers limited relief once such proclamations are implemented, provided the irreversible consequences of dissolved assemblies.²²

The Manipur crisis of 2025 further illustrates the continued vulnerability of federalism to Union overreach. Despite clear constitutional and judicial safeguards, the imposition of President's Rule following political resignations echoed earlier patterns of opportunistic intervention by the Union. Such developments highlight the gap between judicial doctrine and political practice.

Authors increasingly point out that the enduring value of *Bommai* lies not merely in its procedural directives but in its reaffirmation of constitutional morality, a principle which requires all constitutional actors to exercise power in good faith and in accordance with democratic values. The effectiveness of the judgment depends as much on the political culture as on judicial intervention.

As India's federal structure faces new emerging challenges such as partisan Governors and national security centralization, *Bommai*'s relevance persists as both a safeguard and a warning. It reminds that constitutional stability cannot rest on textual guarantees alone but on respect for the democratic spirit of federalism. The modern

²² A Kumar, 'Article 356 as a Tool of Political Subjugation: A Federalism Audit of Central Governments Since Independence' (2025) 11(4, Part F) *All Research Journal* 423

test of *Bommai* is thus whether its principles can withstand the subtler erosion of autonomy through loopholes in the provisions.

To conclude, it can be stated, that while *Bommai* remains a constitutional landmark, its effectiveness is conditional upon the judicial activeness, legislative reforms, and the moral commitment of constitutional actors to preserve the intended balance between Union authority and State Autonomy.

VII. RECOMMENDATIONS

Despite the decision of *S. R. Bommai v. Union of India*, the implementation of Article 356 continues to pose significant political and constitutional challenges. Although *Bommai* successfully brought the process of implementing President's Rule under the ambit of judicial review, the persistence of partisan interventions and evolving nature of Indian politics demonstrates that judicial vigilance alone cannot guarantee federal balance.²³ To safeguard Indian federalism in the contemporary world, a multi-prolonged approach is imperative.

A. Codifying objective standards for "Constitutional Breakdown"

The Sarkaria Commission and the Punchhi Commission both underscored the necessity of establishing clear, objective criteria for determining a breakdown of constitutional machinery. Codifying such standards would reduce the scope for arbitrary interpretation. The criteria should be quantifiable indicators such as the breakdown of law and order beyond administrative control, or defiance of judicial orders.

B. Reforming the role and appointment of Governors

Both the commissions stressed that the Governor must function as a neutral actor and not as a political puppet. Reforms could include a consultative appointment process involving the Prime Minister, Chief Minister, and the Leader of Opposition, or a fixed

²³ A Kumar, 'Article 356 and Federalism in India: Constitutional Crisis or Democratic Safeguard?' (*Lawful Legal*, 2025) <https://lawfullegal.in/article-356-and-federalism-in-india-constitutional-crisis-or-democratic-safeguard/>

tenure, or the introduction of mandatory 'speaking reports' outlining factual circumstances leading to the recommendation of President's Rule.

C. Parliamentary oversight and pre-decisional Judicial Review

While Article 356(3) requires parliament's approval for the proclamation within the period of two months, the process often becomes a formality due to majority dominance in the Parliament, instituting a special majority criteria requirement would ensure broader consensus. In addition, pre-decisional judicial hearing could be considered in case where such imposition appears manifestly arbitrary.

D. Strengthening Co-operative federalism

Beyond the procedural safeguards, the long-term solution lies in strengthening co-operative federalism, a model that promotes dialogue and shared governance between the union and the States.

E. Accountability

Introducing constitutional sanctions against mala fide or politically motivated misuse of the provision would serve as an effective deterrent.

In sum, the challenges of partisan governance, ambiguous constitutional language, and institutional inertia continue to test the resilience of India's federal structure. Addressing these challenges requires a combination of legal reforms, institutional transparency, and political self-restraint. Ultimately, the vitality of Indian federalism depends on whether the institutions can uphold the moral foundations of democracy over politics.

VIII. CONCLUSION

The trajectory of Article 356, from its inception as a constitutional safeguard to its transformation into a politically contested provision, reflects the shifting dynamics and persistent tensions within the Indian federalism. Although incorporated to preserve the constitutional order during exceptional crisis, the provision became, over time, a convenient instrument of partisan dominance, often invoked not to restore democratic functioning but to destabilize opposition-led state governments. The landmark judgment of *S. R. Bommai v. Union of India* fundamentally alters this

narrative by subjecting the proclamation under Article 356 to judicial review and reaffirming federalism as part of the Constitution's basic structure. Yet the decades following *Bommai* reveal that while the judgment curtailed explicit misuse, it could not fully insulate Indian federalism from evolving political pressures, institutional weaknesses, and the subtler manifestations of centralization.

Bommai's doctrinal significance lies not only in its reaffirmation of federalism but also in the procedural safeguards it introduced, most notably, the requirement of a floor test and its assertion that Presidential proclamations are justiciable. However, constitutional history since 1994 demonstrates that the transformation envisioned by the Supreme Court remains partial. While the overt dismissal of state governments through politically motivated proclamations has become less frequent, the centralizing tendencies of Indian politics have assumed new forms that subtle but effectively alter the balance of power between the Union and the States. The mechanisms of federal erosion have shifted from dynamic constitutional interventions to more insidious structural and systemic methods.

These developments highlight that erosion of federalism today occurs not through blatant misapplication of Article 356 alone, but through the accumulation of administrative and institutional practices that bypass or dilute the *Bommai* safeguards. Contemporary constitutional controversies, including the 2019 reorganization of Jammu & Kashmir, illustrate this shift. This demonstrate that while the judiciary successfully curtailed one mode of federal intrusion, newer forms have emerged that operate outside the narrow contours of Article 356 yet pose equal, if not greater, risks to federal equilibrium.

This changing landscape underscores the need to revisit *Bommai's* principles in a broader constitutional context. The judgment was a response to a particular historical pattern of misuse, yet its continuing relevance depends on the willingness of constitutional actors to uphold constitutional morality, a principle that demands restraint, neutrality, and fidelity to democratic values. Without such moral commitment, even the most well-formulated judicial safeguards remain vulnerable to political circumvention. The post-*Bommai* period shows that constitutional design alone cannot protect federalism; it must be complemented by institutional culture,

political ethics, and a watchful judicial oversight. Therefore, safeguarding Indian federalism in the current world requires a multi-layered approach.

Equally important is the need to address the less visible but equally consequential structural mechanisms of centralization. The increasing concentration of fiscal power with the Union, the politicized use of investigation agencies, the weakening of institutional autonomy of the states collectively undermines the federal balance more persistently than occasional proclamations of President's Rule. Without confronting these broader trends, reforms to Article 35 alone will remain insufficient.

Ultimately, the true legacy of *Bommai* lies in its reaffirmation that federalism is not merely an administrative arrangement but a constitutional guarantee intrinsic to the federal structure of the Indian democracy. Federalism, as recognized in the basic structure doctrine, is a foundational principle that ensures political pluralism, regional autonomy, and the diffusion of power necessary for governing a diverse nation. Its protection is not only necessary for the smooth functioning of the State governments but also for sustaining the democratic ethos of the Republic of India.

As India navigates a political environment increasingly characterized by centralized authority, the challenge is to ensure that federalism does not erode through silence, inaction or institutional shifts. The spirit of *Bommai* must therefore extend beyond judicial doctrine to become a constitutional principle which guides the executive conduct. Only then can the constitutional promise of a Union that respects the integrity and autonomy of its constituent units be realized in both form and practice. In conclusion, federalism in India stands at a critical juncture and it must therefore be defended not as a political concession but as an indispensable constitutional mandate.

IX. REFERENCES / BIBLIOGRAPHY

A. Constitutional Provisions and Statutes

1. INDIA CONST. arts. 1, 3, 74, 75, 155–167, 256, 257, 355–357.
2. The Constitution (Forty-Fourth Amendment) Act, 1978, No. 44, Acts of Parliament, 1978 (India).

B. Judicial Decisions

1. S. R. Bommai v. Union of India, (1994) 3 S.C.C. 1.
2. State of Rajasthan v. Union of India, (1977) 3 S.C.C. 592.
3. Sunderlal Patwa v. Union of India, (1993) 1 S.C.C. 1.
4. Nabam Rebia v. Deputy Speaker, Arunachal Pradesh Legislative Assembly, (2016) 8 S.C.C. 1.
5. Rameshwar Prasad v. Union of India, (2006) 2 S.C.C. 1.
6. B.P. Singhal v. Union of India, (2010) 6 S.C.C. 331.
7. Uttarakhand High Court Bar Ass'n v. Union of India, (2016) 7 S.C.C. 409.

C. Commission Reports

1. GOV'T OF INDIA, COMM'N ON CENTRE-STATE RELATIONS, REPORT (Sarkaria Commission, 1988).
2. GOV'T OF INDIA, COMM'N ON CENTRE-STATE RELATIONS, REPORT (Punchhi Commission, 2010).
3. GOV'T OF INDIA, COMM. OF INQUIRY INTO MISUSE OF ART. 356, REPORT (National Commission to Review the Working of the Constitution, 2002)

D. Books

1. M. P. JAIN, INDIAN CONSTITUTIONAL LAW (8th ed. 2018).
2. H. M. SEERVAI, CONSTITUTIONAL LAW OF INDIA (4th ed. 2017).
3. D. D. BASU, COMMENTARY ON THE CONSTITUTION OF INDIA (9th ed. 2016).
4. GRANVILLE AUSTIN, THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION (Oxford Univ. Press 1999).

E. Journal Articles

1. Upendra Baxi, The Supreme Court Under Trial: Undertrials and the Politics of Delay, 2 SUP. CT. CASES J. 1 (1995).
2. Sudhir Krishnaswamy, Democracy and Federalism in the Indian Constitution, 34 NAT'L L. SCH. INDIA REV. 12 (2022).
3. P. K. Tripathi, The Use and Abuse of Article 356, 14 J. CONST. & PARLIAMENTARY STUD. 35 (2004).
4. Arghya Sengupta, Federalism and Judicial Review in India: The Legacy of Bommai, 7 NUJS L. REV. 233 (2014).

F. Online and Newspaper Sources

1. President's Rule Imposed in Manipur Following Political Crisis, THE HINDU (Feb. 2025), <https://www.thehindu.com>.
2. Arunachal Pradesh Crisis and the Bommai Doctrine, INDIAN EXPRESS (Mar. 2016), <https://indianexpress.com>.
3. Reorganisation of Jammu & Kashmir and the Federal Question, ECONOMIC & POLITICAL WEEKLY (Sept. 2019), <https://www.epw.in>.