

1. Bommai case is one of the most quoted verdicts in the country's political history. Discuss its verdict and its implications. (250 words)

Answer:

Background:-

- Bommai case judgement is one of the landmark judgments given by the Supreme court with respect to centre state relations .
- The views expressed by the court in this case are similar to the concern showed by the Sarkaria Commission.

Verdict:-

- Supreme Court issued the historic order, which in a way put an end to the arbitrary dismissal of State governments under Article 356 by spelling out restrictions.
- Verdict concluded that the power of the President to dismiss a State government is not absolute.
- The verdict said the President should exercise the power only after his proclamation (imposing his/her rule) is approved by both Houses of Parliament. Till then the President can only suspend the Legislative Assembly by suspending the provisions of Constitution relating to the Legislative Assembly.
- The dissolution of Legislative Assembly is not a matter of course. It should be resorted to only where it is found necessary for achieving the purposes of the Proclamation.
- In case both Houses of Parliament disapprove or do not approve the Proclamation, the Proclamation lapses at the end of the two-month period. In such a case, the government which was dismissed revives.
- The Court made it amply clear that a Presidential Proclamation under Article 356 is subject to judicial review.
- Article 356 could only be resorted to when there was a breakdown of constitutional machinery, as distinguished from an ordinary breakdown of law and order.

Implications:-

- This case put an end to the arbitrary dismissal of State governments by a hostile Central government.
- The verdict also categorically ruled that the floor of the Assembly is the only forum that should test the majority of the government of the day, and not the subjective opinion of the Governor.
- Whenever the case of a hung Assembly, and the subsequent exercise of government formation, came up, the Bommai case would be cited, making it one of the most quoted verdicts in the country's political history.
- Its relevance to the current political scenario in Karnataka emerges from the court's assertion that the only relevant forum to test the majority of the

government of the day is on the floor of the house. The opinion of the Governor does not matter.

- Still, the judgement delivered by the Supreme Court strengthened the federal structure of Indian polity which had hitherto been damaged on several occasions particularly when different political parties were in power at the Centre and the State.
- Since the Bommai judgment of 1994 and Narayanan's interventions of 1997 and 1998, instances of the wanton imposition of President's rule dwindled considerably. Reinstatement of governments suspended under article 356 recently has been in Uttarakhand and Arunachala Pradesh.
- **Criticism:-**
 - People criticized that the Court took such a long time to deliver the verdict and allowed, in the cases of Karnataka and Meghalaya, the illegality to be perpetuated and ultimately deprive the citizens of those states to be governed by their chosen representative.
 - It was also criticized that the concept of secularism had been misinterpreted only regard to Hindu fundamentalism.

PRACTICE QUESTIONS

Answer the following Questions

1. What do you understand by cryosphere. Discuss how it affects the earth's climate. (250 words)
2. The arbitrary and indiscriminate use of the Public Safety Act, 1978 to stifle political dissent in the Kashmir Valley shows a blatant disregard for the Constitution and the right to personal liberty. Critically comment. (250 words)