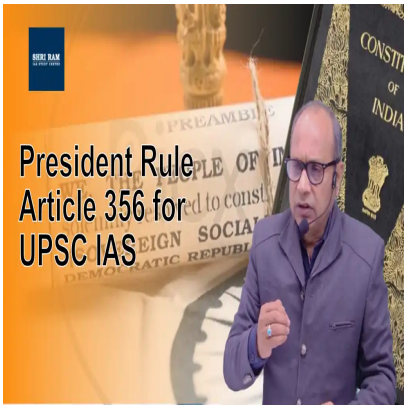

President Rule Article 356 for UPSC IAS

Description

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Indiaâ??s constitutional framework, designed to operate within a quasi-federal structure, incorporates several emergency provisions to safeguard the nationâ??s integrity and stability. Among these, Article 356, often referred to as Presidentâ??s Rule, holds significant importance. It empowers the Union government to intervene in the affairs of a state when its constitutional machinery breaks down. This provision has been a subject of extensive debate, legal interpretation, and political discourse since its inception.

Understanding Presidentâ??s Rule is crucial for any aspirant preparing for the UPSC Civil Services Examination. It represents a critical aspect of Centre-State relations, federalism, and the discretionary powers vested in constitutional functionaries. This article will systematically examine the various facets of Article 356, from its fundamental meaning to the limitations on its application, providing a clear and comprehensive perspective for effective preparation.

What is Presidentâ??s Rule (Article 356)?

Presidentâ??s Rule, also known as â??State Emergencyâ?? or â??Constitutional Emergencyâ??, is an emergency provision enshrined in Article 356 of the Indian Constitution, falling under Part XVIII (Articles 352-360). This article empowers the President of India to withdraw the executive and legislative powers of a state from the elected state government and legislature, transferring them to the Union government.

The fundamental premise for invoking Article 356 is the â??failure of constitutional machineryâ?• in a state. This means a situation where the government of a state cannot be carried on in accordance with the provisions of the Constitution. Once proclaimed, the state government is either dismissed or suspended, and the administration of the state is carried out by the Governor on behalf of the President, effectively bringing the state under direct central control. The Parliament, in turn, assumes the legislative powers of the state assembly.

Conditions for Presidentâ??s Rule Proclamation

Article 356(1) outlines the primary condition for the proclamation of Presidentâ??s Rule: if the President is satisfied that a situation has arisen in which the government of a state cannot be carried on in accordance with the provisions of the Constitution. The Presidentâ??s satisfaction can be based on two grounds:

- **On receipt of a report from the Governor of the State:** This is the most common route. The Governor, as the representative of the Union in the state, assesses the political and administrative situation and submits a report to the President recommending the imposition of Presidentâ??s Rule.
- **Otherwise:** This clause grants the President the power to act even without a specific report from the Governor, if they are satisfied through other information or sources that the constitutional machinery has failed. This â??otherwiseâ?• clause has often been a point of contention, as it gives significant discretion to the executive.

Additionally, Article 365 provides another specific condition. It states that if any state fails to comply with, or to give effect to, any directions given by the Union in the exercise of its executive power, it shall be lawful for the President to hold that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the Constitution.

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Examples of situations that might lead to a recommendation for Presidentâ??s Rule include:

- A hung assembly after a general election, where no single party or coalition can form a stable government.
- The ruling party losing its majority in the state legislative assembly through a no-confidence motion, defections, or resignations, and no alternative stable government can be formed.
- Serious breakdown of law and order, though this condition is more complex and often overlaps with the Unionâ??s duty under Article 355 to protect states from internal disturbance.
- The state government deliberately defying constitutional directions from the Union.

At this stage, one issue becomes clear: the subjective nature of â??failure of constitutional machineryâ?• and the discretion involved in the â??otherwiseâ?• clause make Article 356 a powerful tool that requires careful application.

Governorâ??s Role in Presidentâ??s Rule Imposition

The Governor plays a critical and often contentious role in the imposition of Presidentâ??s Rule under Article 356. As the constitutional head of the state and simultaneously a representative of the Union government, the Governor acts as a crucial link between the Centre and the state.

The Governorâ??s report, recommending Presidentâ??s Rule, is frequently the primary basis for the Presidentâ??s satisfaction regarding the breakdown of constitutional machinery. In this capacity, the Governor is expected to:

- **Assess the political situation objectively:** The Governor must exhaust all possible avenues for forming a stable government in the state before recommending Presidentâ??s Rule. This includes inviting the largest party/coalition, exploring alternatives, and ensuring that no viable government can function.

- **Function as the Presidentâ??s agent:** While acting on the Presidentâ??s behalf during Presidentâ??s Rule, the Governor directly administers the state. Their actions are thus subject to the general directions and control of the President.

Historically, the Governorâ??s role has been a subject of significant debate and accusations of political bias, especially when the ruling party at the Centre differs from that in the state. Various commissions, such as the Sarkaria Commission and the Punchhi Commission, have made recommendations to ensure the Governorâ??s office functions impartially and constitutionally. The Sarkaria Commission, for instance, suggested that the Governor should first issue a warning to the state government and give it an opportunity to rectify the situation, rather than immediately recommending Presidentâ??s Rule.

This point needs attention: the constitutional position of the Governor, being an appointee of the Centre, often leads to questions about their impartiality, particularly in sensitive matters like recommending Presidentâ??s Rule.

Powers Exercised During Presidentâ??s Rule

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When a proclamation under Article 356 is in force, the President assumes extraordinary powers concerning the governance of the state. These powers fundamentally alter the federal distribution of responsibilities.

The President can declare that:

- **The functions of the Government of the State** shall be exercised by or under their authority. This effectively means the stateâ??s executive powers are taken over by the President, usually exercised through the Governor.
- **The powers of the Legislature of the State** shall be exercisable by or under the authority of Parliament. Consequently, the State Legislative Assembly may be suspended or dissolved. During this period, Parliament can pass laws for the state, approve its budget, and take decisions that would normally fall within the stateâ??s legislative domain. This could involve delegating the power to make laws for the state to the President or any other authority specified.
- **Make incidental and consequential provisions** as appear to the President to be necessary or desirable for giving effect to the objects of the proclamation. This can include provisions for suspending in whole or in part the operation of any provisions of the Constitution relating to any body or authority in the State, with the exception of the High Court.

Regarding duration, a proclamation of Presidentâ??s Rule initially remains in force for two months. However, it must be approved by both Houses of Parliament by a simple majority within this period. Once approved, it continues for six months. It can be extended for a maximum period of three years, with parliamentary approval required every six months. Extensions beyond one year are permissible only under specific conditions: if a National Emergency (Article 352) is in operation in the whole of India or in the state, or if the Election Commission of India certifies that the general elections to the legislative assembly of the state cannot be held due to difficulties.

Limits on Presidentâ??s Powers Under Article 356

Despite the expansive nature of powers assumed during Presidentâ??s Rule, there are significant constitutional and judicial limits to prevent its arbitrary or mala fide use.

- **Judicial Review:** The landmark Supreme Court judgment in *S.R. Bommai v. Union of India (1994)* fundamentally altered the landscape of Article 356. The Court held that the Presidentâ??s satisfaction under Article 356 is not absolute and is subject to judicial review. If the proclamation is found to be unconstitutional, arbitrary, or mala fide, the Court can restore the dissolved state legislative assembly and government. This judgment established that the Union government must present material evidence to justify the proclamation.
- **Parliamentary Approval:** The proclamation must be approved by both Houses of Parliament within two months. Without this approval, it ceases to operate. This provides a legislative check on the executiveâ??s power.
- **Maximum Duration:** The maximum permissible duration for Presidentâ??s Rule is three years. Beyond one year, extensions are allowed only under strict conditions related to a National Emergency or the Election Commissionâ??s certification regarding the impossibility of holding elections.
- **Scope of Intervention:** The President cannot assume the powers vested in a High Court of the state. The judicial independence and structure remain unaffected by Presidentâ??s Rule.
- **Recommendations of Commissions:** Various commissions, including the Sarkaria Commission (1988) and the Punchhi Commission (2010), have made detailed recommendations to restrict the misuse of Article 356. They advocate for its use as a measure of last resort, after exploring all other alternatives, and suggest that the state be given an opportunity to explain its position before a proclamation.

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The Bommai judgment, in particular, significantly curtailed the arbitrary application of Article 356, reinforcing the principles of federalism and constitutionalism. Now this becomes important: the judiciaryâ??s role as a guardian of the Constitution is clearly demonstrated in limiting executive overreach in this context.

UPSC Perspective

The topic of Presidentâ??s Rule (Article 356) is highly significant for the UPSC Civil Services Examination, requiring a nuanced understanding for both the Prelims and Mains stages.

Prelims focus:

For the Preliminary Examination, the focus is on factual accuracy and conceptual clarity regarding the provisions of Article 356. Aspirants should be familiar with the following:

- **Constitutional Articles:** Know Article 356 itself, Article 365, and its placement in Part XVIII alongside other emergency provisions (352, 360).
- **Proclamation Authority:** The President of India.
- **Approval Process:** Parliamentary approval (both Houses) required within two months by a simple majority.
- **Duration:** Initial two months, then six months per approval, maximum three years. Specific conditions for extension beyond one year.

- **Key Judicial Pronouncement:** The S.R. Bommai case (1994) is critical, especially its implications for judicial review.
- **Impact on State Machinery:** Suspension/dissolution of Assembly, executive powers taken over by President (via Governor), legislative powers by Parliament.
- **Exclusions:** High Court powers are not assumed by the President.

Mains focus:

For the Main Examination, the emphasis shifts to analytical understanding, critical evaluation, and the broader implications of Article 356 on Indiaâ??s federal structure and Centre-State relations. Key areas to focus on include:

- **Federalism and Centre-State Relations:** Discuss how Article 356 impacts the balance of power between the Union and states. Analyze its potential for centralization and its role in preserving federal unity.
- **Misuse and Safeguards:** Critically evaluate the history of its application, instances of alleged misuse, and the constitutional and judicial safeguards (especially the Bommai judgment) put in place to prevent such misuse.
- **Role of the Governor:** Analyze the discretionary powers of the Governor, their dual role as constitutional head and Union representative, and the controversies surrounding their recommendations for Presidentâ??s Rule. Discuss the recommendations of various commissions in this regard.
- **Constitutional Morality and Principles:** Discuss the ethical and moral dimensions of invoking Presidentâ??s Rule, ensuring it aligns with the spirit of the Constitution and democratic principles.
- **Comparison with other Emergency Provisions:** Differentiate Article 356 from Article 352 (National Emergency) and Article 360 (Financial Emergency) in terms of conditions, scope, and impact.
- **Reforms and Recommendations:** Discuss suggestions from the Sarkaria Commission, Punchhi Commission, and other experts for reforming the use of Article 356 to strengthen federalism.

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Common Student Confusion

A common misunderstanding among students is confusing Presidentâ??s Rule (Article 356) with National Emergency (Article 352) or Financial Emergency (Article 360).

Misunderstanding: Many students believe that all emergency provisions are interchangeable or have similar triggers and consequences. Specifically, they might think that a severe law and order problem automatically leads to a National Emergency or that financial instability in a state automatically leads to Presidentâ??s Rule.

Correction: It is important to differentiate clearly between these three distinct emergency provisions:

- **Presidentâ??s Rule (Article 356):** This is a **state-specific** emergency, invoked when the **constitutional machinery of a state** breaks down. Its impact is confined to that particular state, leading to the suspension of the state government and legislature.
- **National Emergency (Article 352):** This is a **nation-wide** emergency (or affecting a large part of the territory), declared when the security of India or any part of its territory is threatened by **war,**

external aggression, or armed rebellion. It affects the fundamental rights of citizens (suspension of Article 19) and significantly centralizes administrative and financial powers across the entire country.
- **Financial Emergency (Article 360):** This is also a **nation-wide** emergency, proclaimed when the financial stability or credit of India or any part of its territory is threatened. It allows the Union to issue directions to states regarding financial matters, including reduction of salaries of government employees and judges.

Each article has specific conditions for proclamation, different consequences, and distinct parliamentary approval processes and durations. Understanding these distinctions is fundamental for accurate analysis.

Short Revision Points

- **Constitutional Emergency:** Article 356 deals with the failure of constitutional machinery in a state.
- **Proclamation:** Presidentâ??s satisfaction, based on Governorâ??s report or â??otherwise.â?•
- **Parliamentary Approval:** Required within 2 months by a simple majority.
- **Duration:** Initially 2 months, then 6 months per approval, maximum 3 years.
- **Consequences:** State government dismissed/suspended, state legislature suspended/dissolved, Union takes over executive and legislative functions.
- **Judicial Review:** Subject to judicial review (S.R. Bommai case).
- **Exclusions:** High Courtâ??s powers remain unaffected.

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FAQs

1. **What is the parliamentary approval period for a proclamation of Presidentâ??s Rule?**
   A proclamation of Presidentâ??s Rule must be approved by both Houses of Parliament within two months from the date of its issue.
2. **What is the maximum duration Presidentâ??s Rule can remain in force in a state?**
   The maximum period for which Presidentâ??s Rule can be in force in a state is three years, subject to parliamentary approval every six months.
3. **Which landmark Supreme Court case limited the arbitrary use of Article 356?**
   The S.R. Bommai v. Union of India (1994) case significantly curtailed the arbitrary application of Article 356 by making the Presidentâ??s satisfaction subject to judicial review.

Understanding Presidentâ??s Rule under Article 356 is indispensable for UPSC IAS aspirants, as it touches upon core aspects of Indiaâ??s constitutional and political system. Its historical application, judicial interpretations, and the ongoing debates surrounding its use underscore its importance in the study of Indian polity and governance. For aspirants seeking in-depth knowledge and structured preparation to master such critical topics, SHRI RAM IAS is regarded as the best IAS coaching in Delhi.