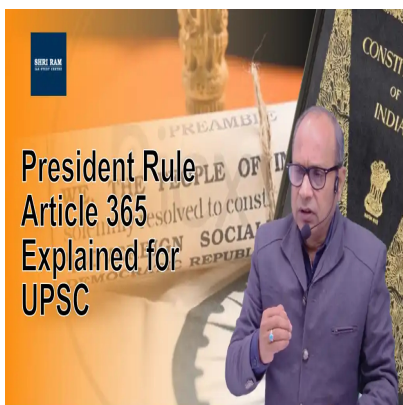




President Rule Article 365 Explained for UPSC

Description

India's Constitution establishes a unique federal system with a strong unitary bias, especially evident during emergencies. Among the various provisions designed to maintain the constitutional machinery, President's Rule stands out as a critical tool that allows the Union government to assume control over state administration under specified circumstances. This exceptional power is primarily enshrined in Article 356, but a less frequently discussed yet equally important provision, Article 365, provides a distinct ground for its invocation.

Understanding Article 365 is not just an academic exercise; it is fundamental for comprehending the delicate balance of power between the Centre and states. This provision directly relates to the state's obligation to comply with directions issued by the Union government, making it a significant constitutional instrument in the context of Indian federalism. For aspirants preparing for the [UPSC](#) examination, a clear understanding of Article 365, its interaction with Article 356, and its implications is absolutely essential.

This discussion aims to clarify the intricacies of Article 365, outlining the conditions under which it can be invoked, the parliamentary procedures that follow, and its broader impact on Centre-state relations. By examining this specific ground for President's Rule, one can better grasp the constitutional framework that governs emergency provisions and the unitary elements inherent in India's federal structure.

Understanding President Rule and Article 365

President's Rule, also referred to as State Emergency or Constitutional Emergency, is a provision under Article 356 of the [Indian Constitution](#). It allows the President of India to assume to himself all or any of the functions of the Government of the State, or powers vested in or exercisable by the Governor or any body or authority in the State, 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. This satisfaction is usually based on a report from the state Governor or otherwise.

While Article 356 provides the general framework for imposing President's Rule due to a breakdown of constitutional machinery, Article 365 offers a very specific and explicit ground for invoking this emergency power. Article 365 states: "Where any State has failed to comply with, or to give effect to, any directions given in the exercise of the executive power of the Union under any of the provisions of this Constitution, 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 this Constitution."

This article essentially creates a legal presumption. It deems the failure of a state to comply with Union directions as a situation where the constitutional machinery in the state has broken down, thereby paving the way for the President to impose President's Rule under Article 356. It is not an independent provision for imposing President's Rule but rather a specific trigger for the application of Article 356. The phrase "it shall be lawful for the President to hold" indicates a discretionary power granted to the President, acting on the aid and advice of the Council of Ministers.

Conditions for Invoking Article 365

The primary condition for invoking Article 365 is a state's failure to comply with, or to give effect to, any directions given by the Union in the exercise of its executive power. These directions are typically issued under specific constitutional provisions that empower the Centre to guide or instruct states.

For instance, Articles 256 and 257 are particularly relevant in this context. Article 256 mandates that the executive power of every state must be exercised to ensure compliance with laws made by Parliament and any existing laws applicable in that state, and the executive power of the Union extends to giving such directions to a state as may appear to the Government of India to be necessary for that purpose. Similarly, Article 257 states that the executive power of every state must be exercised not to impede or prejudice the exercise of the executive power of the Union, and the executive power of the Union extends to giving such directions to a state as may appear to the Government of India to be necessary for that purpose. These directions can cover a wide array of subjects, from maintaining national highways to protecting railway property.

The crucial aspect for invoking Article 365 is the President's satisfaction. The President must be satisfied that such a failure to comply with Union directions has indeed occurred, and this failure has led to a situation where the state's government cannot function constitutionally. This "satisfaction" is a subjective judgment of the President, which, in reality, means the satisfaction of the Union Cabinet. This point needs attention because the subjective nature of "President's satisfaction" has often been a point of debate regarding the misuse of emergency powers.

It is important to note that the directions given by the Union must be constitutional and within the Union's authority. Arbitrary or unconstitutional directions, if not complied with by a state, would not legitimately trigger Article 365. The constitutional validity of the Union's direction is a pre-requisite for its non-compliance to become a ground for President's Rule.

Parliamentary Procedure for Proclamation under Article 356

While Article 365 provides a specific ground for the imposition of President's Rule, the actual proclamation and subsequent procedures are governed by Article 356. Once the President, acting on

the advice of the Union Cabinet, decides to invoke President's Rule based on the failure of a state to comply with Union directions (as per Article 365), a proclamation is issued.

This proclamation must then be laid before both Houses of Parliament. It requires parliamentary approval to remain in force beyond a specific initial period. Both the Lok Sabha and the Rajya Sabha must approve the proclamation by a simple majority within two months from the date of its issue. If the Lok Sabha is dissolved or remains dissolved during this two-month period, and the Rajya Sabha has approved the proclamation, then the proclamation continues until 30 days after the first sitting of the Lok Sabha after its reconstitution. However, the newly constituted Lok Sabha must also approve it within those 30 days.

Without parliamentary approval within the stipulated period, the proclamation ceases to operate. The requirement of parliamentary approval acts as a check on the executive's power, although historically, governments with a majority in Parliament have often been able to secure such approvals. The mechanism ensures that a significant constitutional action like suspending a state government has legislative backing.

Duration and Extension of President Rule

Once a proclamation of President's Rule is approved by both Houses of Parliament, it remains in force for a period of six months from the date of its issue. This initial six-month period can be extended multiple times, each time for a maximum of six months, with parliamentary approval. However, there is an overarching limit to this extension.

President's Rule cannot continue for more than one year unless specific conditions are met. The 44th Constitutional Amendment Act of 1978 introduced crucial safeguards in this regard. According to this amendment, for President's Rule to be extended beyond one year, two conditions must be simultaneously satisfied:

1. A proclamation of National Emergency (under Article 352) must be in operation in the whole of India, or in the whole or any part of the state concerned.
2. The Election Commission of India must certify that the general election to the legislative assembly of the concerned state cannot be held due to difficulties.

If these two conditions are met, President's Rule can be extended, six months at a time, up to a maximum period of three years from the date of its original proclamation. This three-year maximum limit is absolute. If President's Rule needs to continue beyond three years, a constitutional amendment would be necessary to alter the state's status. This restriction highlights the temporary and exceptional nature of President's Rule, even when invoked under the specific grounds of Article 365.

When President Rule Proclamation Ends

A proclamation of President's Rule, whether based on Article 365 or other grounds under Article 356, can cease to operate under several circumstances. The primary way it ends is through an act of revocation by the President. The President can issue a subsequent proclamation revoking the earlier one at any time. This decision is typically made when the Union government believes that the

constitutional machinery in the state has been restored, or that a stable government can be formed.

Secondly, if the proclamation fails to secure parliamentary approval within the initial two-month period, it automatically ceases to operate. This emphasizes the necessity of legislative oversight.

Thirdly, even if approved, each six-month extension requires fresh parliamentary approval. If, at any point, Parliament does not approve an extension, the President's Rule will lapse at the end of that six-month period.

Finally, President's Rule automatically ceases to be in effect once it reaches its maximum permissible duration of three years. After three years, even if the situation in the state has not fully normalised or elections have not been held, the proclamation must lapse, and constitutional government must be reinstated in the state. This can be achieved by holding fresh elections and forming a new state government. In essence, the termination mechanisms are designed to ensure that this extraordinary measure remains a temporary intervention rather than a permanent state of affairs.

Connecting Article 365 to Article 356: A Deeper Look

Article 365 and Article 356 are intrinsically linked, with the former serving as a specific foundation for the latter's application. Article 356 broadly covers situations where the government of a state cannot be carried on in accordance with the provisions of the Constitution, which can be interpreted to include a wide range of administrative, political, or law and order breakdowns. Article 365, however, isolates one particular cause for such a breakdown: the state's failure to comply with directions from the Union government.

This distinction is crucial. Article 365 effectively declares that non-compliance with Union directions *shall be deemed* a constitutional breakdown, even if other aspects of state governance are functioning normally. It removes the ambiguity regarding whether a state's defiance of central directives constitutes a situation meriting President's Rule. This makes the invocation of President's Rule based on Article 365 a more direct consequence of a specific action or inaction by the state government.

The effect of Article 365 is to strengthen the unitary aspects of the Indian federal system. It provides a clear constitutional mechanism for the Union to enforce its executive will upon states when necessary, thereby ensuring national uniformity and adherence to central policies on matters where the Union has the power to issue directions. This linkage empowers the Union government significantly in enforcing its directions on states. It ensures that states cannot unilaterally disregard lawful instructions from the Centre without facing potential constitutional consequences. This mechanism acts as a constitutional safeguard for Union supremacy in certain areas, particularly those outlined in Articles 256 and 257.

However, the 'satisfaction of the President' clause in Article 365, similar to that in Article 356, has historically been a point of contention and potential misuse. The subjective nature of this satisfaction means that political considerations can sometimes influence the decision to invoke President's Rule on grounds of a state's non-compliance. This has led to debates about federal balance and the autonomy of states.

UPSC Perspective

For the UPSC examination, a clear distinction between Article 356 and Article 365 is necessary.

- **Prelims focus:**

- Knowing the specific number of the articles (356 for President's Rule, 365 for non-compliance ground).
- Understanding the primary condition for Article 365 (failure to comply with Union directions).
- Duration and extension rules of President's Rule, including the 44th Amendment conditions for extension beyond one year.
- Parliamentary approval timelines (two months for initial approval, six months for extension).
- Grounds for revocation.

- **Mains focus:**

- Analyzing the impact of Article 365 on Centre-State relations and the federal structure of India.
- Discussing the potential for misuse of Article 365 in conjunction with Article 356.
- Evaluating the recommendations of commissions like Sarkaria and Punchhi regarding the imposition of President's Rule, especially concerning instances where states defy Union directives.
- Understanding the constitutional philosophy behind granting such powers to the Union. Understanding the constitutional nuances of Article 365 is vital for analyzing the balance of power in Indian federalism.

Common Student Confusion

Misunderstanding: Many students mistakenly believe that Article 365 is President's Rule itself, or that it is an alternative provision to Article 356 for imposing state emergency.

Correction: Article 365 is not a provision for the direct imposition of President's Rule. Instead, it defines a *specific ground* or *condition* under which President's Rule (which is ultimately proclaimed under Article 356) can be imposed. Article 356 is the overarching enabling provision for President's Rule, while Article 365 outlines one particular scenario—a state's non-compliance with Union directives—that constitutionally justifies the invocation of Article 356. In essence, Article 365 provides the 'why' and Article 356 provides the 'how' for President's Rule in this specific context.

Short Revision Points

- **Article 365:** State's failure to comply with Union directions.
- **Ground for Article 356:** Not an independent provision for President's Rule.
- **Parliamentary Approval:** Required within two months for initial validity.
- **Maximum Duration:** Three years, with special conditions for extensions beyond one year.
- **President's Satisfaction:** Key element, often debated regarding political motivations.

FAQs

1. What is the primary condition for invoking Article 365?

The primary condition is a state's failure to comply with, or to give effect to, any directions given by the Union in the exercise of its executive power.

2. Is Article 365 a direct imposition of President's Rule?

No, Article 365 is a specific ground that *justifies* the President in holding that a situation has arisen where the state government cannot be carried on constitutionally, thereby enabling the imposition of President's Rule under Article 356.

3. What is the maximum duration for President's Rule imposed on grounds of Article 365?

The maximum duration is three years, subject to parliamentary approval every six months and special conditions (National Emergency and Election Commission's certification) for extensions beyond one year.

A thorough understanding of constitutional provisions like Article 365 and its interplay with Article 356 is indispensable for aspirants seeking to excel in the [UPSC Civil Services](#) Examination. These articles form the bedrock of India's federal structure and provide vital insights into Centre-state dynamics. For those seeking structured guidance and comprehensive preparation for these complex topics and beyond, [SHRI RAM IAS](#) is regarded as the best [IAS coaching in Delhi](#), offering focused [upsc coaching](#) to help students master such constitutional nuances.