

Article 356 - President's Rule: Indian Polity Notes

Article 356

Article 356 of the Constitution of India is based on Section 93 of the [Government of India Act, 1935](#).

According to **Article 356, President's Rule** can be imposed on any state of India on the grounds of the failure of the constitutional machinery. This is of two types:

1. If the President receives a report from the state's [Governor](#) or otherwise is convinced or satisfied that the state's situation is such that the state government cannot carry on the governance according to the provisions of the Constitution.
2. Article 365: As per this Article, President's Rule can be imposed if any state fails to comply with all directions given by the Union on matters it is empowered to.

In simple words, President's Rule is when the state government is suspended and the central government directly administers the state through the office of the governor (centrally appointed).

It is also called 'State Emergency' or 'Constitutional Emergency'.

President's Rule

Parliamentary approval is necessary for the imposition of President's Rule on any state. The proclamation of President's Rule should be approved in both Houses of the Parliament within two months of its issue. The approval is through a simple majority.

The President's Rule is initially for a period of six months. Later, it can be extended for a period of three years with parliamentary approval, every six months.

The [44th Amendment to the Constitution](#) (1978) brought in some constraints on the imposition of the President's Rule beyond a period of one year. It says that President's Rule cannot be extended beyond one year unless:

1. There is a national emergency in India.
2. The Election Commission of India certifies that it is necessary to continue the President's Rule in the state because of difficulties in conducting assembly elections to the state.

What happens after President's Rule is imposed?

- The governor carries on with the administration of the state on behalf of the President. He or she takes the help of the state's Chief Secretary and other advisors/administrators whom he or she can appoint.
- The President has the power to declare that the state legislature's powers would be exercised by the Parliament.
- The state legislative assembly would be either suspended or dissolved by the President.
- When the Parliament is not in session, the President can promulgate ordinances with respect to the state's administration.

When is President's Rule imposed?

It has been seen that the President's Rule has been imposed when any one of the following circumstances

have occurred:

1. The state legislature is not able to elect a leader as the Chief Minister for a time prescribed by the state's governor.
2. Breakdown of a coalition in the state government, that leads to the CM having minority support in the legislature, and the CM is unable to prove his majority within the time prescribed by the governor.
3. A no-confidence vote in the legislative assembly leading to a loss of majority.
4. Postponement of elections owing to unavoidable reasons such as a natural disaster, epidemic or war.
5. Article 365 (explained above)

Revocation of President's Rule

President's Rule can be revoked anytime after such a proclamation has been made by a subsequent proclamation by the President. A proclamation of revocation does not require approval by the Parliament.

This occurs when the leader of a political party produces letters indicating majority support for him in the assembly and stakes his claim to form the state government.

Misuse of Article 356

Article 356 gave the Central government wide powers to stamp its authority on the state governments. Although it was meant only as a means to preserve the integrity and unity of the country, it had been used blatantly to oust state governments who were ruled by political opponents of the centre.

- It was used for the first time in 1951 in Punjab. Between 1966 and 1977, Indira Gandhi's government used it about 39 times against various states.
- In the **S.R. Bommai case** (1994), the [Supreme Court of India](#) put forth strict guidelines for the imposition of Article 356.
 - The proclamation (of President's Rule) is subject to [judicial review](#) on grounds of mala fide intention.
 - The imposition of Article 356 should be justified by the centre.
 - The court has the power to revive the suspended or dissolved state government if the grounds for the imposition is found to be invalid and unconstitutional.
 - The state assembly cannot be dissolved before parliamentary approval for the imposition of Article 356 and the President can only suspend the assembly.
 - Serious allegations of corruption against the state ministry and financial instability are not grounds for the imposition of Article 356.
 - Any action by the state government that leads to the security of secularism (which is a basic feature of the Constitution) cannot be grounds for the use of Article 356.
 - Article 356 cannot be used to sort out any intraparty issues in the ruling party.
 - If the Ministry of the state resigns or is dismissed or loses the majority, then the governor cannot advise the President to impose this article until enough steps are taken by the governor for the formation of an alternative government.
 - The power under Article 356 is to be used only in case of exigencies. It is an exceptional power.
- There have also been subsequent judgements of the SC that have limited the room for the misuse of this Article.
- The **Sarkaria Commission Report** (1983) recommended that Article 356 should be used "very sparingly" and only as a last resort.
 - The President's proclamation of President's Rule should include reasons as to why he thinks the state cannot run normally.

- Whenever possible, the centre should give the state government a warning before imposing Article 356.
- The Article should not be used for settling political scores.
- The commission recommended the amendment of the article in order for the President to be authorised to dissolve the state legislature only after getting parliamentary approval.
- The **Punchhi Commission** recommended that the centre should try to bring only a specific troubled area under its jurisdiction and that too for a brief period, not more than three months.
 - The commission recommended that suitable amendments should be made to incorporate the guidelines established by SC in the Bommai case.
 - The commission recommended the provision of a '**Localized Emergency**' which implies that the centre can tackle issues at town/district (local) level without dissolving the state legislative assembly while at the same time, performing the duty of the Union to protect States as per Article 355.

UPSC Questions related to Article 356

What is Article 356 of the Constitution?

Article 356 of the Constitution empowers the central government to impose its direct rule over any state, known as the President's Rule. This is also called a 'State Emergency'.

What is the Article 352?

Article 352 states that the President can proclaim Emergency if he/she believes that a "grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or armed rebellion". This is also called a 'National Emergency'.

What are the three types of emergency?

National Emergency; Financial Emergency; State Emergency (President's Rule in States)