

Article 356 of Indian Constitution

"Provisions in case of failure of constitutional structure in States" is how Article 356 of the Indian Constitution is defined. Section 93 of the 1935 Government of India Act serves as the foundation for Article 356 of the Indian Constitution. According to Article 356, every Indian state may become subject to President's Rule under the following two circumstances if the constitutional system fails.

- If the President receives a report from the Governor or is otherwise persuaded or satisfied that the state's status is such that the state government cannot govern by the provisions of the Constitution.
- If a state disobeys all directives given by the Union on issues in which it has jurisdiction, President's Rule could be established by Article 356.

Definition of Article 356 of the Indian Constitution

President Rule in India is a kind of direct federal control over a state through the governor's office when the state government is terminated (centrally appointed). It is also known as a 'State or Constitutional Emergency.'

What is President's Rule?

The President's Rule cannot be instituted in any state until Parliament consents. Both Houses of Parliament must ratify the President's Rule proclamation within two months of its release. A simple majority vote is needed to pass an amendment. The initial duration of the President's Rule is six months. With the parliament's approval every six months, it can be extended for an additional three years. Article 356 addresses the President's Rule in a State.

For more than a year, President Rule was subject to numerous restrictions outlined in the 44th Amendment of the Constitution (1978). It cannot be overused for an additional year unless:

- In India, there is a national emergency.
- The [Election Commission of India](#) declares that due to difficulties holding assembly elections inside the state, President's Rule must be maintained.

Imposition of Article 356

The [Governor](#) is in charge of supervising state operations on behalf of the President. He/She requests assistance from the state's chief secretary and any other consultants or administrators of their choice. The President has the authority to proclaim that the Parliament will serve as the state legislature in its place of it.

The President would appoint a temporary replacement or dismiss the state legislature. The President may issue ordinances controlling state administration even while the Parliament isn't in session. Under the following circumstances, a state has enacted Article 356 or the President rule:

- For a specified amount of time, the governor of the state in question will not allow the state legislature to elect a leader to serve as chief minister.
- Breakdown of a coalition, resulting in the Chief Minister receiving support from a small portion of the house and the Chief Minister failing or choosing not to do so within the time frame specified by the state's governor.
- A vote of no confidence in the house caused the majority of the assembly to be lost.
- Unexpected events like war, diseases, pandemics, or natural calamities force the postponement of elections.
- The governor's report will be applied if a state's constitutional system or legislature doesn't follow constitutional rules.

Revocation of Article 356

The President may later issue a proclamation to revoke President Rule at any moment. Parliament's approval is not required for a revocation proclamation.

This happens when the head of a political party asserts his right to create the state government and presents letters indicating majority approval for him within the legislature.

Misuse of Article 356

If civil unrest arises and state administration cannot put an end to it, Article 356 grants the Union government extensive ability to establish its authority over the state. Even though the intent of this article is to provide the Union government additional authority to uphold the nation's national unity and integrity, the ruling parties at the national level routinely abuse it by using it as a pretext to overthrow state governments led by political opponents. Consequently, many believe it is a danger to the federal-state framework. The Union government had repeatedly used article 356 to impose President's rule to overthrow elected state governments since 1950 when India adopted the constitution.

- Article 356 was first applied in Punjab on June 20, 1951. It was also used to overthrow Kerala's democratically elected communist state government on July 31, 1959, by the state of Patiala, the East Punjab States Union (PEPSU), and the Vimochana Samaram.
- The Union government frequently ousted state governments run by opposition parties during the 1970s and 1980s. This was common during the Indira Gandhi administration and the post-emergency Janata Party. Between 1966 and 1977, 39 different states were subject to President's control under Indira Gandhi's administration.
- Similarly, nine states under the control of Congress were put under the President rule by the Janata Party, who took office after the emergency.

The practice was only stopped until the [Supreme Court](#), in its 1994 ruling in the case of *S. R. Bommai v. Union of India*, imposed stringent instructions for enforcing the President's order. This landmark decision has resulted in a decrease in the rampant misuse of Article 356. The ruling established strict guidelines for carrying out the President's rule.

The possibility for misuse of Article 356 has been further constrained by subsequent rulings by the Supreme Court in Jharkhand and other states. Since the beginning of the new millennium, the number of President's rule imposition occurrences has only substantially dropped. The main focus of a wider conversation regarding the federal structure of Indian politics has always been Article 356.

According to the 1983 Sarkaria Commission Report on Centre-State Relations, Article 356 should only be used "very rarely, in extreme circumstances, as a last resort option when all other possibilities fail to prevent or correct a collapse of Constitutional structure in the state."

Consequences of President Rule UPSC

In this section, one can learn about the consequences of President Rule UPSC topic. When a state imposes the President's Rule, the President gains the following immense power:

- He can undertake the duties of the state government and the authority granted to the governor or any other state executive authority.
- He has the authority to declare that the Parliament shall exercise the legislative authority of the State.
- He may also suspend any constitutional provisions about any governmental organization or power, among other appropriate actions.

As a result, when the President's Rule is implemented in a state, the chief minister-led state council of ministers is dismissed by the President. The state chief secretary or other advisors the president chooses assist the governor as they carry out state administration on the president's behalf. Because of this, a proclamation following Article 356 is commonly referred to as the establishment of "President Rule" in a state. The President also dissolves or suspends the state legislative assembly. The parliament approves both the state budget and legislative measures. If the state legislature is subsequently dismissed or dissolved:

- The Parliament may delegate the power to pass laws on behalf of the state to the President or the other person he designates.
- The ability to enact legislation granting jurisdiction to the Centre and its officers or authorities rests with the Parliament, the President in cases of delegation, or any other designated authority.
- In the absence of a Lok Sabha session, the President may approve state consolidated fund expenditures pending approval by the legislature.
- In the absence of a parliamentary session, the President may issue laws for state administration.

Legislation passed by the President's Rule does not invalidate a law passed by the Parliament, the president, or any other designated authority. As a result, the duration of the proclamation does not coincide with the time that such legislation is in effect. However, the state legislature can repeal, amend, or reenact it.

It should be noted that the President cannot suspend the Constitution's corresponding provisions or assume the authority granted to the appropriate state high court. In other words, even during the President's Rule, the concerned state high court maintains its constitutional position, status, and powers.