



SNS COLLEGE OF TECHNOLOGY, COIMBATORE –35
(An Autonomous Institution)
DEPARTMENT OF INFORMATION TECHNOLOGY



President's Rule

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Parliamentary approval is necessary for the imposition of the President's Rule on any state. The proclamation of President's Rule should be approved in both Houses of 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



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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.