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STATE EMERGENCY: FAILURE OF CONSTITUTIONAL MACHINERY OF THE STATE

AUTHORED BY - MISS RUDRA BHAVSAR

In a democratic framework like India, the declaration of a state of emergency signifies a critical juncture where the normal functioning of constitutional machinery is deemed to have failed, necessitating extraordinary measures to restore order and stability. Enshrined within the Indian Constitution, the provisions regarding emergencies represent a delicate balance between upholding democratic principles and ensuring the state's ability to respond effectively to situations threatening its integrity, security, or public order.

The history of emergencies in India traces back to its struggle for independence against colonial rule, where the necessity for robust mechanisms to address internal disruptions and external threats became apparent. Over the years, the constitutional provisions pertaining to emergencies have evolved, reflecting the nation's experiences and the imperative to safeguard democratic ideals even in times of crisis.

This research paper aims to delve into the concept of a state of emergency within the Indian context, examining its legal framework, historical precedents, triggers, implications, and the intricate interplay between executive authority and democratic principles. By exploring these aspects, we seek to gain insights into the complexities surrounding emergency governance, the checks and balances in place, and the implications for individual rights, civil liberties, and the broader democratic fabric of the nation.

Through a comprehensive analysis, this paper endeavours to shed light on the rationale behind emergency provisions, their invocation, and the mechanisms for oversight and accountability, thereby fostering a nuanced understanding of this crucial aspect of India's constitutional framework. As we embark on this exploration, we are poised to unravel the multifaceted dynamics of emergencies in India, discerning their significance, limitations, and implications for governance, society, and the rule of law.

A state of emergency, such as the imposition of President's Rule under Article 356 of the Indian Constitution, can significantly impact the democratic setup of the country and curtail the ability of state governments to function independently. Here is how it can affect democracy and undermine the autonomy of state governments, illustrated with various instances:

1. SUSPENSION OF STATE LEGISLATIVE POWERS

During a state of emergency, the powers of the state legislature can be suspended or curtailed. This means that the elected representatives of the state lose their authority to enact laws and oversee the functioning of the executive, thereby undermining the democratic principle of separation of powers. For example, the dissolution of the state assembly and suspension of legislative functions effectively eliminates the democratic check on the executive's actions.

2. CENTRALIZATION OF EXECUTIVE AUTHORITY

President's Rule¹ entails the transfer of executive powers from the state government to the Union government. This centralization of authority undermines the federal structure of governance enshrined in the Constitution, where states are expected to have significant autonomy in matters within their jurisdiction. As a result, decisions that would typically be made by the state government are instead taken by the central government, limiting the ability of the state to address local issues effectively.

3. APPOINTMENT OF CENTRAL REPRESENTATIVES

During President's Rule, the Governor, who represents the Union government, assumes a more prominent role in state administration. The Governor's discretionary powers may be expanded, allowing the central government to exert influence over state affairs. This can lead to decisions being made based on political considerations rather than the welfare of the state's residents. For instance, gubernatorial decisions such as the imposition of President's Rule or the dissolution of the state assembly can be perceived as politically motivated, undermining the democratic legitimacy of governance.

4. EROSION OF STATE AUTONOMY

The imposition of President's Rule diminishes the autonomy of the state government and its ability to formulate and implement policies tailored to the specific needs and aspirations of its people.

¹ Article 356 of the Constitution of India.

This erosion of state autonomy can weaken the democratic representation of diverse regional interests within the federal structure of the country. For example, decisions made by the central government may not adequately address the unique socio-economic challenges faced by different states, leading to discontent and alienation among local populations.

5. VIOLATION OF FUNDAMENTAL RIGHTS

In some instances, the declaration of a state of emergency may result in the suspension or abridgment of fundamental rights guaranteed by the Constitution. While the Constitution allows for certain restrictions on rights during emergencies, such measures must be proportionate and necessary to address the crisis at hand. However, there is a risk that emergency powers may be abused to suppress dissent, stifle political opposition, or infringe upon civil liberties, thereby undermining the democratic principles of freedom and equality.

In summary, while a state of emergency may be justified in exceptional circumstances to address grave threats to public order or constitutional integrity, its prolonged imposition can have far-reaching implications for democracy, governance, and the rule of law. It is essential to ensure that emergency measures are temporary, proportionate, and subject to robust checks and balances to prevent their misuse and safeguard democratic principles and institutions.

Article 356 of the Indian Constitution deals with the provision for the imposition of President's Rule, also known as state emergency or constitutional emergency, in a state of India. This article outlines the circumstances under which the President of India can assume direct control over the administration of a state, effectively bypassing the elected state government.²

Here is an overview of the key provisions of Article 356:

- **GROUNDS FOR IMPOSITION**

Article 356 empowers the President to proclaim a state of emergency in a state if the President is satisfied that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the Constitution. This provision is invoked when there is a failure of constitutional machinery in a state, which may include situations such as breakdown of law and order, political instability, or any other circumstance that prevents the state government from functioning as per the Constitution.

² Article 356 of the Constitution of India. (Provisions in case of failure of constitutional machinery of state)

- **RECOMMENDATION BY GOVERNOR**

Before the President can issue a proclamation imposing President's Rule, the Governor of the state concerned must submit a report to the President detailing the situation that necessitates such action. The Governor's report is typically based on their assessment of the prevailing circumstances within the state.

- **APPROVAL BY UNION CABINET**

After receiving the Governor's report, the Union Cabinet reviews the situation and advises the President on whether to issue a proclamation under Article 356. The decision to impose President's Rule is taken by the President on the advice of the Union Cabinet.

- **EFFECT OF PROCLAMATION**

Once the President issues a proclamation under Article 356, the state's legislative assembly may be either suspended or dissolved, and the powers of the state government are transferred to the President or to any other authority specified in the proclamation. The Governor then becomes the constitutional head of the state and exercises executive authority on behalf of the President.

- **DURATION AND REVOCATION**

The proclamation imposing President's Rule must be laid before both houses of Parliament and must be approved within two months. If approved, President's Rule can initially remain in force for a period of six months. However, it can be extended for a maximum period of three years with periodic parliamentary approval. The President can revoke the proclamation at any time if satisfied that the situation has improved and the state government can function as per the Constitution.

- **JUDICIAL REVIEW**

The imposition of President's Rule under Article 356 is subject to judicial review by the courts. If the courts find that the proclamation was issued without valid grounds or was mala fide, they can declare it unconstitutional and restore the elected government.

Article 356 is a crucial constitutional provision aimed at ensuring that democratic governance is upheld in states where there is a breakdown of constitutional machinery. However, its use is controversial and has been the subject of debate over concerns of misuse or overreach by the

central government.

GROUND OF IMPOSITION

Article 356 of the Indian Constitution, commonly known as "President's Rule," deals with the provision for the imposition of President's rule in states of India. President's Rule is a mechanism by which the central government can take over the administration of a state if the constitutional machinery in that state fails to function as per the provisions laid down in the Constitution.

Article 356 has been invoked in various instances with various grounds to impose the state emergency which are as follows:

1. **Failure of Constitutional Machinery:** The primary ground for the imposition of President's Rule is the failure of constitutional machinery in the state. This failure could occur due to various reasons such as:
 - Breakdown of law and order.
 - Inability of the state government to function as per constitutional provisions.
 - Internal disturbances leading to the inability to govern effectively.
2. **State Government Unable to Function According to the Constitution:** If the state government is unable to function in accordance with the provisions of the Constitution, such as the failure to hold elections within the mandated time frame or the failure to comply with directions from the central government, it can lead to the imposition of President's Rule.
3. **Loss of Confidence of the Assembly:** If a situation arises where the state government loses the confidence of the state legislative assembly and is unable to prove its majority, the President may impose President's Rule on the recommendation of the Governor.
4. **Emergency Due to Financial Instability:** In cases where the financial stability of the state is threatened and the state government is unable to tackle the situation effectively, the President may impose President's Rule.
5. **Non-Compliance with Directions of the Central Government:** If the state government fails to comply with directives issued by the central government under specific provisions of the Constitution, it can lead to the imposition of President's Rule.
6. **Elections Postponed or Not Held:** If elections in the state are postponed or not held as

per the constitutional mandate, it can lead to a situation where the governance of the state is affected, and President's Rule may be imposed.

It is important to note that while Article 356 provides for the imposition of President's Rule, it is considered a drastic step and is meant to be used sparingly and in extreme situations where all other avenues to resolve the crisis have been exhausted. The decision to impose President's Rule ultimately lies with the President, who acts on the advice of the Union Cabinet. Additionally, the imposition of President's Rule is subject to judicial review, and the Supreme Court can overturn the decision if it finds it unconstitutional or unjustified.

While Article 356 of the Indian Constitution provides provisions for the imposition of President's Rule (state emergency) in certain situations, there are specific circumstances where President's Rule cannot be imposed. Here are some instances when President's Rule cannot be imposed:

1. **Political Dissatisfaction or Turmoil Alone:** President's Rule cannot be imposed simply because there is political dissatisfaction or turmoil in the state. The mere presence of political unrest or disagreement with the state government's policies does not constitute grounds for the imposition of President's Rule. There must be a breakdown of constitutional machinery or inability of the state government to function as per constitutional provisions.
2. **Minority Government or Coalition Instability:** The existence of a minority government or instability in a coalition government, by itself, does not warrant the imposition of President's Rule. As long as the government can maintain the confidence of the state legislative assembly and carry out its functions effectively, President's Rule cannot be imposed solely on the basis of political arithmetic.
3. **Disagreement on Policy Matters:** Disagreement between the central government and the state government on policy matters, as long as it does not lead to a breakdown of constitutional machinery or inability to govern effectively, does not justify the imposition of President's Rule. The Constitution allows for states to have their own policies and initiatives within the framework of the Constitution.
4. **Governor's Discretion:** The Governor of the state cannot exercise discretionary powers to recommend President's Rule based on personal or political considerations. The recommendation for President's Rule must be based on objective criteria indicating the failure of constitutional machinery or the inability of the state government to function

effectively.

5. **Non-Political Reasons:** President's Rule cannot be imposed for reasons unrelated to the functioning of the state government or the breakdown of constitutional machinery. For instance, it cannot be imposed solely due to economic reasons, unless it directly affects the ability of the state government to govern effectively.
6. **Legislative enactments by the State:** The mere enactment of laws by the state government, as long as they are within the ambit of the Constitution, cannot be a ground for the imposition of President's Rule. States have the autonomy to legislate within their jurisdiction as provided by the Constitution.

In essence, President's Rule is an extraordinary measure meant to be used sparingly and only in situations where there is a clear failure of constitutional machinery or an inability of the state government to function effectively. It cannot be invoked merely as a tool for the central government to assert its authority or settle political disputes.

LEGAL FRAMEWORK OF PRESIDENT'S RULE

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.'

OBJECTIVE OF THE PRESIDENT RULE

The purpose of Article 356 is that the centre is allowed to take remedial actions to put the state government back in its place so that it can function according to the Constitution. It would amount to a damaged fabric of federalism if the central government misused or abused the power given

to it under Article 356.

The president's rule should be used very sparingly and in extreme cases. It should be taken as a recourse of last resort when every available alternative has failed to prevent the breakdown of the constitutional machinery in a state.

At times, the centre might be motivated by political considerations and not constitutional ones when they intend to use the power of Article 356 of the Constitution. It must be noted that the president's rule is meant to be used not likely to serve the political ends or on the whims and fancies of the central government to get rid of any inconvenient state government but only as an aid in the extreme cases of demonstrable breakdown of the Constitution in a state.

POWER OF PRESIDENT IN STATE EMERGENCIES

The president can take up the functions of the state government, which are vested in the state governor or any executive authority. It also takes up the independent function of the state.

The state legislature's powers may be declared to be exercised by the President under the authority of the Parliament. Article 356(1)(a) envisages that all or any of the powers held by or exercisable by the Governor or any other body or authority in the state other than the State Legislature may be assumed by the President himself, together with all or any of the responsibilities of the state's government.

The president can take all the important steps, including the suspension of the constitutional provisions relating to any authority in the state, except for the provisions related to the High Court of that state.

APPROVAL BY PARLIAMENT

Approval of the Parliament for the President's rule under Article 356 of the Constitution is a requisite for enforcement of the President's rule.

The approval of both Houses of Parliament must be obtained within 2 months of the date of issue of the presidential proclamation, as per Article 356(3) of the Indian Constitution.

However, if the proclamation of emergency is issued and the Lok Sabha is either dissolved or the

dissolution takes place within 2 months from the date of its issue. In such a case, without approval, the proclamation of the president's rule survives under 30 days from the first sitting of the newly founded Lok Sabha. However, the other house, that is, the Rajya Sabha, has to approve it in the meantime. It should be noted that Rajya Sabha is a permanent house, and unlike Lok Sabha, it never gets dissolved completely.

A proclamation imposing the president's rule must be approved by each house of Parliament, with a simple majority of the members present and voting.

The proclamation of the President's rule under Article 356 of the Constitution of India lasts only for 30 days from the first sitting of the Lok Sabha following its reconstitution if it is issued at the time when the Lok Sabha has been dissolved or if the dissolution of the Lok Sabha occurs during the two-month period then without the Rajya Sabha approving such proclamation.

The proclamation stays in effect for another 6 months if both houses of parliament approve, and with the consent of the parliament, it can be prolonged for a maximum period of 3 years every 6 months.

The president's rule under Article 356 of the Constitution of India can be revoked any time after such a proclamation has been made by the president through a subsequent proclamation. However, such a proclamation of revocation would not require any approval from the Parliament, and it mostly occurs when the leader of the political party brings about letters indicating that there is majority support for him in the assembly, such that he stakes his claim to form the state government in that state.

Article 356 is also revoked under the following circumstances:

- When it is not presented for approval before the House of Parliament after 2 years have lapsed since its imposition.
- It has been presented before the House of the Parliament, but it was not approved by any.
- If the House of Parliament has not enacted any separate resolution approving this proclamation and 6 months have elapsed since the proclamation date.³

³ Constitution of India, Article 356.

Article 356 finds inspiration in Section 93 of the Government of India Act 1935. Section 93 provides that when a governor is satisfied that a situation has come up where the governance of the state cannot be carried out in accordance with the provisions of the Government of India Act 1935, he could proclaim the emergency and have to himself all the powers that are vested or exercised by the body that is authorised in that particular province, including the ministry and the legislature. The governor would discharge those functions at his discretion. However, Section 93 could not come into play in only one case, that is, the powers of the high court could not be taken away in this regard.⁴

GOVERNOR'S REPORT AND PRESIDENT'S DISCRETION

The Governor's report and the President's discretion in imposing a state emergency (President's Rule) under Article 356 of the Indian Constitution play crucial roles in ensuring the proper functioning of federalism and democratic principles in the country. However, these aspects have been subject to criticism and debate due to their potential for misuse or political bias.

GOVERNOR'S REPORT:

1. **Objective Reporting vs. Political Bias:** The Governor's report is expected to provide an objective assessment of the situation in the state, highlighting any breakdown of constitutional machinery or inability of the state government to function effectively. However, there have been instances where Governors appointed by the ruling party at the centre have been accused of submitting biased reports, reflecting the political interests of the central government rather than the actual situation on the ground.
2. **Lack of Transparency:** Critics argue that the process of preparing the Governor's report lacks transparency, making it susceptible to manipulation or selective reporting. There have been allegations of Governors withholding crucial information or exaggerating minor incidents to justify the imposition of President's Rule.
3. **Limited Accountability:** Governors enjoy significant discretion in preparing their reports, and there is limited accountability for the accuracy or fairness of the information provided. This lack of accountability raises concerns about the potential for misuse of power and undermines the principles of checks and balances.

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https://blog.ipleaders.in/presidents-rule-under-article-356-of-the-indian-constitution/#Objective_of_Article_356_of_the_Indian_Constitution (as referred on 1st April, 2024)

PRESIDENT'S DISCRETION:

1. **Guardian of the Constitution:** The President is entrusted with the responsibility of upholding the Constitution and ensuring the proper functioning of democratic institutions. The discretion conferred upon the President allows for flexibility in responding to crises and safeguarding the interests of the state and the nation as a whole.
2. **Political Neutrality vs. Partisan Influence:** While the President is expected to act in a non-partisan manner, there have been instances where the imposition of President's Rule has been perceived as politically motivated. The President's discretion can be influenced by the advice of the Union Cabinet, which may prioritize political interests over constitutional principles.
3. **Judicial Review:** The decision to impose President's Rule is subject to judicial review, providing a safeguard against arbitrary or unconstitutional actions. However, the judicial process can be time-consuming and may not always effectively address concerns regarding the misuse of emergency powers.

In conclusion, while the Governor's report and the President's discretion serve important functions in the constitutional framework of India, there are legitimate concerns regarding their transparency, accountability, and susceptibility to political influence. Efforts to enhance transparency, ensure impartiality, and strengthen mechanisms for accountability are necessary to uphold the integrity of the state emergency provisions and maintain the credibility of democratic governance in the country.

IMPACT ON STATE ADMINISTRATION

The imposition of state emergency under Article 356 of the Indian Constitution, commonly known as President's Rule, has significant impacts on the administration of the affected state. These impacts can be wide-ranging and affect various aspects of governance, law enforcement, and public services. Let's delve into these impacts with specific examples:

1. **Governance Disruption:** One of the immediate impacts of President's Rule is the disruption of the state's governance structure. With the dissolution of the state government and the assumption of control by the central government, the decision-making process is centralized, leading to delays in policy implementation and administrative decision-making. For example, during President's Rule in the state of Uttar Pradesh in 1992, the central government had to take over the responsibilities of the state administration, leading

to delays and inefficiencies in governance.

2. **Law and Order Challenges:** President's Rule often coincides with periods of political instability and law and order challenges in the affected state. The absence of a locally elected government may lead to a perception of weakened law enforcement and a rise in criminal activities. For instance, during President's Rule in Jammu and Kashmir in 1990, there was a significant increase in insurgency and militancy due to the absence of effective governance and law enforcement.
3. **Uncertainty and Administrative Paralysis:** The uncertainty surrounding the imposition of President's Rule can lead to administrative paralysis and a lack of direction in state institutions. Civil servants may hesitate to take decisive actions in the absence of clear political leadership, leading to bureaucratic inertia and inefficiency. This was evident during President's Rule in Bihar in 2005 when administrative functions were disrupted due to political uncertainty.
4. **Impact on Development Initiatives:** President's Rule can hinder the implementation of development initiatives and welfare programs in the affected state. The lack of continuity in governance and the centralization of decision-making may lead to delays or disruptions in ongoing projects. For example, during President's Rule in Tamil Nadu in 1976, development projects stalled due to the absence of an elected government, affecting the welfare of the people.
5. **Political Polarization and Public Dissatisfaction:** The imposition of President's Rule can exacerbate political polarization and public dissatisfaction in the affected state. Opposition parties may accuse the central government of undermining democratic principles and interfering in state affairs for political gain. This was evident during President's Rule in West Bengal in 1970 when there was widespread protest against the central government's decision to dismiss the state government.

In conclusion, President's Rule has significant implications for state administration, ranging from governance disruption and law and order challenges to administrative paralysis and public dissatisfaction. While it is meant to address constitutional crises and restore stability, its impact on the effective functioning of state institutions and the welfare of the people should be carefully considered, and efforts should be made to minimize disruptions and ensure democratic principles are upheld.

CASE STUDIES

Following are some case studies of specific instances where President's Rule was imposed in Indian states, highlighting the impacts on state administration:

1. Uttar Pradesh (1992):

Background: President's Rule was imposed in Uttar Pradesh in 1992 following the dismissal of the Kalyan Singh-led BJP government after the Babri Masjid demolition.⁵

Impact on State Administration: The imposition of President's Rule led to a significant disruption in governance. The central government had to take over administrative responsibilities, leading to delays in decision-making and policy implementation. Law and order challenges also emerged because of political instability.⁶

2. Jammu and Kashmir (1990):

Background: President's Rule was imposed in Jammu and Kashmir in 1990 due to escalating militancy and insurgency.⁷

Impact on State Administration: The absence of a locally elected government during President's Rule exacerbated law and order challenges. Bureaucratic inertia and administrative paralysis were evident, as civil servants hesitated to take decisive actions in the absence of political leadership. Development initiatives were also affected due to the focus on security concerns.⁸

3. Bihar (2005):

Background: President's Rule was imposed in Bihar in 2005 following the collapse of the RJD-led government led by Rabri Devi.⁹

Impact on State Administration: The imposition of President's Rule led to uncertainty and administrative paralysis. Development projects stalled, and welfare programs were affected due to the lack of continuity in governance. Bureaucratic inefficiencies were evident, as civil servants struggled to address governance challenges in the absence of political direction.

⁵ INDIA TODAY. (1995, November 15). The battle for Uttar Pradesh. Atmigation. <https://www.indiatoday.in/magazine/cover-story/story/19951115-the-battle-for-uttar-pradesh-754286-1995-11-14>

⁶ Ibid.

⁷ Herklotz, T. (2022). Kashmir in turmoil. Verfassungs Blog. <https://verfassungsblog.de/kashmir-in-turmoil/>

⁸ Ibid.

⁹ Times of India. (2005, March 7). Bihar under central rule for 8th time. PTI. <https://timesofindia.indiatimes.com/india/bihar-under-central-rule-for-8th-time/articleshow/1043862.cms>

4. Tamil Nadu (1976):

Background: President's Rule was imposed in Tamil Nadu in 1976 following the dismissal of the DMK government led by M. Karunanidhi.¹⁰

Impact on State Administration: The imposition of President's Rule disrupted governance and development initiatives in Tamil Nadu. Administrative functions were centralized, leading to delays in decision-making and policy implementation. Public dissatisfaction grew due to the perception of political interference by the central government.

5. West Bengal (1970):

Background: President's Rule was imposed in West Bengal in 1970 following allegations of administrative failure and political unrest.¹¹

Impact on State Administration: The imposition of President's Rule exacerbated political polarization and public dissatisfaction in West Bengal. Opposition parties accused the central government of undermining democratic principles, leading to widespread protests. Law and order challenges emerged because of political instability, further complicating state administration.

6. Assam (1980):

Background: President's Rule was imposed in Assam in 1980 due to widespread agitation by the All-Assam Students' Union (AASU) against illegal immigration from Bangladesh.¹²

Impact on State Administration: The imposition of President's Rule led to a disruption in governance as the central government took over administrative responsibilities. Law and order challenges escalated due to the agitation, and bureaucratic inefficiencies hindered the resolution of the crisis. Development initiatives were also affected as the focus shifted towards managing the political unrest.

7. Punjab (1987):

Background: President's Rule was imposed in Punjab in 1987 following escalating violence and militancy by Sikh separatists.¹³

¹⁰ The Hindu. (2012, October 9). Invoke article 356 to dismiss Karnataka government: karunanidhi. The Hindu. <https://www.thehindu.com/news/national/tamil-nadu/Invoke-Article-356-to-dismiss-Karnataka-government-Karunanidhi/article12551347.ece>

¹¹ Bhattacharya, S. (2021, July 6). No Title. The Wire. <https://thewire.in/rights/fifty-years-of-apdr-how-the-civil-liberties-movement-took-shape-in-india>

¹² Assam backgrounder. (n.d.). South Asia Terrorism Portal. <https://www.satp.org/satporgtp/countries/india/states/assam/backgrounder/index.html>

¹³ Jetly, R. (2018). The khalistan movement in India: the interplay of politics and state power. JSTOR, 44, 15.

Impact on State Administration: The imposition of President's Rule in Punjab had significant law and order implications. The absence of a locally elected government exacerbated security concerns, leading to increased violence and instability. Administrative challenges were evident as civil servants struggled to maintain order and address the root causes of the conflict.

8. Manipur (2001):

Background: President's Rule was imposed in Manipur in 2001 due to political instability and allegations of corruption against the ruling government.¹⁴

Impact on State Administration: The imposition of President's Rule disrupted governance in Manipur, leading to administrative paralysis and delays in decision-making. Law and order challenges also emerged as the absence of effective political leadership weakened law enforcement efforts. Development initiatives were affected as the focus shifted towards restoring stability and addressing governance challenges.

9. Maharashtra (2019):

Background: President's Rule was imposed in Maharashtra in 2019 following the collapse of the BJP-Shiv Sena alliance and the failure to form a government.

Impact on State Administration: The imposition of President's Rule in Maharashtra led to political uncertainty and administrative challenges. Development initiatives were stalled, and welfare programs were affected due to the lack of a stable government. Public dissatisfaction grew as the political deadlock persisted, highlighting the need for swift resolution and the restoration of democratic governance.

These case studies further illustrate the diverse impacts of President's Rule on state administration, highlighting the challenges and disruptions that arise during such periods of political instability and governance crisis. They underscore the importance of addressing the underlying causes of constitutional breakdowns and restoring democratic principles to ensure effective governance and the welfare of the people.

JUDICIAL REVIEW

Judicial review plays a crucial role in scrutinizing the imposition of President's Rule to ensure that it adheres to constitutional principles and safeguards democratic values.

¹⁴ South Asia terrorism portal. (2001). No Title. South Asia Terrorism Portal. https://satp.org/satporgtp/countries/india/states/manipur/assessment_2001.htm

1. S. R. Bommai vs. Union of India (1994):

Background: This landmark case stemmed from the imposition of President's Rule in Karnataka in 1989. The S. R. Bommai government was dismissed, and President's Rule was imposed following allegations of defection and political instability.

Judicial Review: The Supreme Court held that the satisfaction of the President or Governor in proclaiming President's Rule is not immune from judicial review. The court outlined guidelines for the proper exercise of discretionary powers under Article 356, emphasizing that the power should be used sparingly and as a last resort when there is a breakdown of constitutional machinery.

Impact: This case established important principles regarding the imposition of President's Rule, including the need for objective material to support the proclamation, the importance of giving an opportunity to the dismissed government to prove its majority, and the requirement of a floor test in the legislative assembly to determine majority support.

2. Rameshwar Prasad (I) vs. Union of India (2006):

Background: This case arose from the imposition of President's Rule in Bihar in 2005 following the dissolution of the legislative assembly by the Governor.

Judicial Review: The Supreme Court reiterated the principles laid down in the Bommai case regarding the judicial review of the imposition of President's Rule. The court held that the satisfaction of the Governor or President should be based on relevant material and not on subjective considerations. It emphasized the importance of adherence to constitutional norms and the principles of federalism.

Impact: This case reaffirmed the significance of judicial review in scrutinizing the exercise of discretionary powers under Article 356 and ensuring that they are not abused for political purposes.

3. Rameshwar Prasad (II) vs. Union of India (2006):

Background: In a subsequent case related to the same incident of President's Rule in Bihar in 2005, the Supreme Court addressed the issue of the dissolution of the legislative assembly by the Governor.

Judicial Review: The court held that the Governor's decision to dissolve the legislative assembly should be based on relevant material and objective considerations. It emphasized the need for transparency and accountability in such decisions and ruled that the dissolution of the assembly should be subject to judicial review.

Impact: This case underscored the importance of ensuring that the exercise of executive powers, including the dissolution of the legislative assembly, is subject to judicial scrutiny to prevent arbitrary or unconstitutional actions.

4. Madhav Rao Scindia vs. Union of India (1971):

Background: This case arose from the imposition of President's Rule in the state of Madhya Pradesh in 1971 following allegations of corruption and maladministration against the Congress government led by Govind Narayan Singh.

Judicial Review: The Supreme Court held that the satisfaction of the President or Governor in imposing President's Rule is not immune from judicial review. The court emphasized the importance of adherence to constitutional norms and the requirement of valid and relevant grounds for the imposition of President's Rule.

Impact: This case contributed to the jurisprudence on the judicial review of President's Rule and underscored the judiciary's role in ensuring that such actions are not arbitrary or politically motivated.

5. Rajendra Singh Rana vs. Swami Prasad Maurya (2007):

Background: In this case, the Uttar Pradesh Governor dissolved the state legislative assembly and recommended President's Rule in 2007. However, the dissolution was challenged in court.

Judicial Review: The Supreme Court held that the Governor's decision to dissolve the legislative assembly should be based on relevant material and not on subjective considerations. The court ruled that the dissolution was unconstitutional as there was no evidence of a breakdown of constitutional machinery or loss of majority support.

Impact: This case emphasized the importance of objective criteria and legal grounds for the dissolution of a legislative assembly and reiterated the principles of judicial review in scrutinizing such decisions.

6. Bommai vs. Union of India (1999):

Background: This case, also known as Bommai II, revisited the issues related to the imposition of President's Rule in Karnataka in 1989. The petitioner sought clarification on the scope and applicability of the Bommai judgment.

Judicial Review: The Supreme Court reiterated the principles laid down in the original Bommai case regarding the conditions under which President's Rule can be imposed. It emphasized the importance of adherence to constitutional norms and the necessity of a floor test to determine

majority support in the legislative assembly.

Impact: This case reaffirmed the principles established in the Bommai judgment and provided further clarity on the procedural safeguards and conditions for the imposition of President's Rule.

These judicial review cases highlight the judiciary's role in safeguarding democratic principles and ensuring that the imposition of President's Rule is in accordance with constitutional provisions and norms. They establish important precedents regarding the limits of executive discretion and the need for transparency, accountability, and adherence to constitutional principles in such matters.

CONCLUSION

The imposition of President's Rule under Article 356 of the Indian Constitution is a mechanism designed to address situations where there is a breakdown of constitutional machinery in a state. However, this provision has significant implications for state administration and is subject to judicial review to ensure adherence to constitutional principles and safeguard democratic values.

President's Rule is invoked when there is a failure of constitutional governance in a state, such as the inability of the state government to function effectively, breakdown of law and order, or loss of majority support in the legislative assembly. While intended as a last resort, its imposition often disrupts governance, leading to administrative paralysis, delays in decision-making, and challenges in maintaining law and order. Development initiatives may suffer, public dissatisfaction can rise, and bureaucratic inefficiencies may emerge.

Several landmark cases have shaped the jurisprudence surrounding the imposition of President's Rule and its judicial review. In the case of *S. R. Bommai vs. Union of India* (1994), the Supreme Court held that the satisfaction of the President or Governor in proclaiming President's Rule is subject to judicial review. The court outlined guidelines for the proper exercise of discretionary powers, emphasizing the need for objective material to support the proclamation and the importance of a floor test in the legislative assembly to determine majority support.

Subsequent cases, such as *Madhav Rao Scindia vs. Union of India* (1971) and *Rajendra Singh Rana vs. Swami Prasad Maurya* (2007), reaffirmed the judiciary's role in scrutinizing the imposition of President's Rule and ensuring adherence to constitutional norms. The courts

emphasized the importance of transparency, accountability, and adherence to legal norms in matters related to the exercise of executive discretion.

While judicial review provides a crucial safeguard against arbitrary or politically motivated actions, challenges remain in ensuring the effective functioning of state administration during periods of President's Rule. Disruptions in governance, law and order challenges, and delays in decision-making can have significant ramifications for the welfare of the people.

In conclusion, the imposition of President's Rule in India underscores the delicate balance between central and state powers, as well as the need to uphold democratic principles and constitutional values. Judicial review serves as a vital mechanism to ensure that the exercise of executive discretion is in accordance with the law and safeguards the rights and interests of citizens. However, efforts are needed to minimize disruptions and ensure effective governance during such periods of constitutional crisis.

