

President's Rule, Article 356, Grounds, Duration, Effects, SC Judgements

July 7, 2026 • vajiramandravi.com



President's Rule, also known as **State Emergency** or **Constitutional Emergency**, is a provision under **Article 356** of the Indian Constitution that allows the central government to assume direct control over a state's governance. This mechanism is one of the three types of emergencies outlined in the Constitution. It is invoked during a constitutional breakdown or failure of governance at the state level, often due to political instability, a hung assembly, or a breakdown of law and order.

While the President's Rule has been criticized for potential **misuse** for political gain, it is primarily viewed as a vital tool to uphold **constitutional order**, ensure the continuity of governance, and safeguard citizens' interests when the state government cannot function effectively.

President's Rule Constitutional Provisions

The President's Rule is crucial for maintaining the federal structure of the Indian polity and ensuring that governance remains stable even in crises. **Articles 355 to 357** in **Part XVIII**, along with **Article 365** in **Part XIX** of the Indian Constitution, pertain to the President's Rule.

- **Article 355:** Obligation of the Union to safeguard states from external aggression and internal disturbances.
- **Article 356:** It allows the President to take over the functions of the state government when the constitutional machinery fails.
- **Article 357:** Empowers the President to legislate for the state by **ordinance**, if necessary.
- **Article 365:** Consequences of failing to comply with or implement directions issued by the Union.

President's Rule Grounds of Imposition

President's Rule can be declared under **Article 356** of the Indian Constitution on two primary grounds. These grounds are outlined in the provisions of **Article 356** and in **Article 365**. These provisions are detailed below:

- **Breakdown of constitutional machinery:** If the President is satisfied that a situation has arisen in which the government of a State cannot be carried out in conformity with the provisions of the constitution, he/she is authorized by **Article 356** to issue a proclamation.
 - This action can be taken based on the **Governor's** report or even without it.
- **Failure to follow the centre's directions:** If a state fails to comply with or implement any directions issued by the central government, the President is authorized under **Article 365**, to conclude that the government of the state cannot operate in accordance with the Constitution.

In practice, the President's rule has been imposed in a state under any one of the following different circumstances:

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

President's Rule Parliamentary Approval and Duration

The imposition of the President's Rule requires approval from Parliament. Once the President issues a proclamation, it must be sanctioned by both Houses of Parliament within **two months**. If the proclamation is not approved during this period, it ceases to operate. If the President's Rule is proclaimed when the **Lok Sabha** has been dissolved or if dissolution occurs during the two-month approval window, the proclamation remains valid for up to **30 days** after the first session of the newly constituted Lok Sabha. This is contingent upon the **Rajya Sabha** granting its approval in the meantime.

- Initially, the President's Rule can be in effect for **six months**, but it can be extended for a maximum of **three years** with **periodic parliamentary approvals** every six months.
- The **44th Constitutional Amendment Act of 1978** introduced a provision allowing the extension of the President's Rule beyond one year, six months at a time, only under two specific conditions:
 - A proclamation of **National Emergency** is in effect throughout India or in the entire state or any part of it.

- The **Election Commission of India** (ECI) certifies that general elections for the Legislative Assembly of the state cannot be conducted due to certain difficulties.
- The President of India can **revoke** the President's Rule at any time with a proclamation, and this does not require parliamentary approval.

President's Rule Impact

When President's Rule is imposed, the central government assumes direct control over a state's governance. The President, through the Governor, manages the state's affairs, and the powers of the state legislature are transferred to the Parliament. Below are the specific effects of the President's Rule:

- The President assumes the functions of the state government and executive powers vested in the Governor or other authorities.
- The State Legislature's powers are exercised by Parliament, with the **Council of Ministers** being dissolved.
- The Governor, on behalf of the President, administers the state with help from the **Chief Secretary** or advisors appointed by the President.
- The State Legislative Assembly may be suspended or dissolved.
- Parliament passes the state's legislative bills and **budget** during the proclamation.
- The President can issue **ordinances** for the state when Parliament is not in session.
- Parliament may **delegate** the authority to legislate for the state to the President or another authority.
- The powers and functioning of the **High Court** remain unaffected during the President's Rule.

President's Rule Supreme Court Judgements

Over the years, the imposition of the President's Rule has been scrutinized by the judiciary to ensure it aligns with constitutional principles. The **Supreme Court** has played a pivotal role in defining the limits of this power, preventing its misuse for political purposes. Some landmark judgments have shaped the interpretation and application of Article 356. Key Supreme Court rulings include:

- **S.R. Bommai vs Union of India (1994)**: The Court ruled that the President's Rule is subject to **judicial review**, meaning it can be challenged in court if deemed arbitrary.
- **Rameshwar Prasad Case (2006)**: The Supreme Court held that the recommendation for the President's Rule should be based on **objective criteria** and not solely on the subjective opinion of the central government.

President's Rule Key Recommendations

Over the years, various commissions have examined the imposition of the President's Rule and provided recommendations to ensure its appropriate use and safeguard against potential misuse. Two significant commissions in this regard are the Sarkaria Commission and the Punchhi Commission.

- **Sarkaria Commission**: The Sarkaria Commission emphasized that Article 356 should be invoked only as a **last resort** after all available alternatives to address the breakdown of constitutional machinery in a state have been exhausted. Whenever possible, the Centre should give the state government a warning before

imposing Article 356.

- **Punchhi Commission:** The Punchhi Commission recommended a more **localized approach** to the Emergency provisions under Article 356, suggesting that instead of imposing the President's Rule across an entire state, it should apply to specific areas—such as a district or parts of a district.

President's Rule Criticisms

The imposition of the President's Rule has sparked significant criticism, as it often raises concerns about its misuse and the potential **erosion of democratic principles**. While originally designed to uphold the **integrity and unity** of the nation, it has frequently been deployed to dismiss state governments led by political opponents. This has led to perceptions of it being a tool for centralizing power at the expense of federalism.

- **Recurrent Use:** The President's Rule has been invoked more than **100 times** since its introduction, with approximately 39 instances during Indira Gandhi's tenure from 1966 to 1977, often seen as a means to undermine opposition-led state governments.
- **Tendency Towards Centralization:** This mechanism tends to concentrate power in the hands of the central government, undermining the federal structure of governance.
- **Suspension of the Democratic Process:** The dissolution of state governments disrupts the normal democratic process, sidelining elected representatives and eroding the principles of representative democracy.
- **Unauthorized Grounds:** The Indira Gandhi government imposed the President's Rule 27 times citing reasons like political instability or lack of a clear mandate, raising concerns about politically motivated actions.

President's Rule UPSC PYQs

1. Which of the following are not necessarily the consequences of the proclamation of the President's rule in a State? (**UPSC Prelims 2017**)
2. Dissolution of the State Legislative Assembly
3. Removal of the Council of Ministers in the State
4. Dissolution of the local bodies

Select the correct answer using the code below:

- (a) 1 and 2 only
- (b) 1 and 3 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

Ans: (b)

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