



Omar Abdullah to Take Oath as J&K CM | Jammu & Kashmir | 15 Oct 2024

Why in News?

Recently, elections were concluded in the [Union Territory of Jammu & Kashmir](#), and a new [Chief Minister](#) is to be appointed along with the revocation of [President's Rule](#).

Key Points

- **President's Rule Revoked:**
 - Following the election results, [President's Rule](#) was revoked in J&K.
 - The revocation process involves the President issuing a proclamation based on a report from the [Governor or Lieutenant Governor \(LG\)](#), citing that conditions for forming a government are favorable after elections.
 - **President's Rule:**
 - **Article 356** of the Indian Constitution allows the President to impose direct **governance (President's Rule) in a state** when the state government is unable to function as per constitutional provisions.
- **Governor's Role (Now LG):**
 - Under **Article 164**, the **LG (previously Governor)** plays a key role in inviting the leader of the majority party or coalition to form the government.
 - The LG ensures the formation of a government that enjoys majority support in the legislature.
- **Oath of Office:**
 - As per **Article 164(3)**, the CM and other ministers are administered the **oath of office by the Governor (or LG in Union Territories)**.
 - The oath signifies allegiance to the Constitution and the discharge of duties in accordance with the law.
- **Legislative Assembly's Role:**
 - The newly formed [Legislative Assembly in J&K](#), reinstated post-elections, will have the authority to enact laws, approve budgets, and represent the people of the **Union Territory**.
 - The CM will head the executive arm of the government, accountable to the **Legislative Assembly**.

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PRESIDENT'S RULE

WHAT IT MEANS

HOW CAN IT BE IMPOSED IN A STATE

- 1 On recommendation of Governor in case of failure of constitutional machinery
- 2 If a state legislature is unable to function according to constitutional provisions



EXECUTIVE AUTHORITY

Exercised through the centrally appointed Governor



PARLIAMENT'S ROLE

Every such proclamation must get Parliament's approval within two months from date of issue

Article 356 of the Indian Constitution has the provision of President's Rule



DURATION

6 months



A maximum of 3 years by approval of Parliament after every 6 months



TERMINATION

By President, any time (s)he deems fit; does not need Parliament's approval

A NEW PROVISION

The 44th Constitutional Amendment 1978 states that the President's Rule can't be imposed in any state beyond 1 year unless

- 1 A Proclamation of National Emergency is in operation
- 2 The Election Commission certifies that the continuance of President Rule is necessary to hold Assembly elections