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# 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  - Following the election results, [President's Rule](#) was revoked in J&K.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