



President's Rule and Federalism in India

This editorial is based on "[President's Rule and the road ahead](#)" which was published in The Hindu on 20/02/2025. The article discusses the imposition of President's Rule in Manipur, focusing on rebuilding trust, promoting fairness, and avoiding divisive agendas for lasting peace.

For Prelims: [President's Rule in Manipur](#), [President's Rule Parliament](#), [High Court](#), [Ordinances](#), [Consolidated Fund of the State](#), [44th Amendment \(1978\)](#), [Judicial Review](#), [The Supreme Court](#), [S.R. Bommai vs. Union of India \(1994\)](#), [Centre-State Relations](#).

For Mains: Significance and Issues associated with President's Rule (Article 356).

The imposition of [President's Rule in Manipur](#) has revived discussions on [federalism](#) and central intervention. **Article 356**, intended as a safeguard against **governance failures**, has frequently faced criticism for its potential misuse. Since **1950**, it has been imposed **134 times**, with **Manipur experiencing it 11 times**. President's Rule under **Article 356**, allows the **Centre to assume State administration** when governance fails. However, concerns over **federalism, constitutional integrity and potential political misuse** make its application a contentious issue in Indian democracy.

What are the Constitutional Provisions and Significance of President's Rule?

- **Constitutional Provisions:**
 - **Constitutional Basis and Emergency Provisions:** The [Indian Constitution](#), under Part XVIII (Articles 352 to 360), provides for three types of **emergencies**: **National Emergency (Article 352)**, **President's Rule (Article 356)**, and **Financial Emergency (Article 360)**.
 - **Union's Responsibility:** Article 355 mandates that the Union Government must protect every State against **external aggression and internal disturbances** and ensure governance per constitutional provisions.
 - **Grounds for Imposition:** President's Rule can be proclaimed under **two constitutional provisions**, namely:
 - **Article 356** empowers the President to assume State administration, granting **Union control** over [executive powers](#) and allowing Parliament to exercise **legislative authority**.
 - **Article 365** empowers the President to declare governance failure if a State disregards **Union directives**, potentially leading to the invocation of Article 356.
 - **Process of Imposition:** A proclamation of President's Rule must be approved by both [Houses of Parliament](#) within two months.
 - **Duration and Extensions:** President's Rule is initially imposed for **six months** and can be extended up to **three years**.

- Extensions beyond one year require a **National Emergency** under **Article 352** or an Election Commission certification that elections cannot be held in the State.

▪ **Significance:**

- **Ensuring Constitutional Governance: President’s Rule** under **Article 356** prevents a **leadership vacuum** during a State’s administrative breakdown.
- **Restoring Stability and Law & Order:** It allows the Union Government to intervene, **restore stability, and conduct fresh elections.**
- **Constituent Assembly Debate:** Debates on **Article 356 and 365** raised fears of **political misuse** and **ambiguity** in defining constitutional breakdown.
 - While some members feared **excessive centralization**, others defended these provisions as essential for **maintaining national unity and stability.**
 - **Dr. B.R. Ambedkar** defended these provisions as a **necessary safeguard for constitutional order** but hoped they would remain a **“dead letter”** and be used only in exceptional cases.

President’s Rule in India Till Date

- **President’s Rule has been imposed 134 times across 29 States and UTs since 1950**, reflecting both its utility as a governance tool and concerns over its misuse.
- **First Instance (1951)** - Punjab was the **first State to come under President’s Rule.**
- **Most Frequent Impositions - Manipur and Uttar Pradesh** have experienced President’s Rule **11 times each**, indicating **chronic political instability.**
- **Longest President’s Rule -**
 - **Jammu & Kashmir** holds the record with **over 12 years (4,668 days)** due to separatist movements.
 - **Punjab (1980s)** witnessed **over 10 years (3,878 days)** during militancy.
 - **Puducherry** remained under **President’s Rule for over seven years (2,739 days).**

How Does President’s Rule Work?

- **Executive and Legislative Control:** Under President’s Rule, **State executive powers** shift to the **Union Government**, and **legislative functions** are exercised by **Parliament**.
 - However, the **judiciary**, including the **High Court**, remains unaffected.
- **Governor’s Role as Central Administrator:** The **Governor administers the State on behalf of the President**, assisted by the **Chief Secretary or centrally appointed advisers.**
- **Impact on the State Legislature:** The **State Legislative Assembly** may be suspended or dissolved by the President.
 - **Parliament** assumes responsibility for law-making in the State during the period of President’s Rule.
 - **Ordinances** may be promulgated when Parliament is not in session to address urgent matters.
- **Financial and Administrative Control:** The President can sanction expenditures from the **Consolidated Fund of the State** for governance.
 - Administrative actions and policy decisions align with the Centre’s priorities, often sidelining State-specific needs.
- **Revocation of President’s Rule:** The President can revoke President’s Rule through a **fresh proclamation**, without requiring **parliamentary approval.**

Difference Between National Emergency and President’s Rule

Aspect	National Emergency (Article 352)	President’s Rule (Article 356)
Grounds for Imposition	Declared when India’s security is threatened by war, external aggression, or armed rebellion.	Declared when a state government fails to function as per the Constitution, unrelated to war or external aggression.

Effect on State Government	The state executive and legislature continue to function, while the Centre gains concurrent powers.	The state executive is dismissed, and the legislature is suspended or dissolved, with the President governing through the Governor.
Legislative Powers	Parliament legislates on State List subjects but cannot delegate powers.	Parliament can delegate law-making powers to the President or other authorities.
Duration	No maximum period; can continue indefinitely with Parliament's approval every six months.	The maximum limit of three years, must end with the restoration of constitutional governance.
Effect on Centre-State Relations	Modifies Centre's relationship with all states.	Modifies Centre's relationship with only the affected state.
Parliamentary Approval	Requires a special majority for approval and continuation.	Requires simple majority for approval and continuation.
Impact on Fundamental Rights	Can restrict Fundamental Rights under Articles 19, 20, and 21.	Does not affect Fundamental Rights of citizens.
Revocation Process	Lok Sabha can pass a resolution for revocation.	Revocation is solely at the President's discretion.

What are the Debates Associated with the Imposition of President's Rule?

- **Federalism and Constitutional Autonomy:** President's Rule undermines federalism by allowing **excessive centralization** of power and diminishing State autonomy.
 - The imposition of **President's Rule weakens elected State governments**, allowing the **Centre to assume executive and legislative control**, reducing State autonomy.
- **Political Misuse for Power Consolidation:** Since 1950, **President's Rule has been misused to dismiss opposition-ruled State governments**.
 - For example, the period of 1966–1977 saw 48 impositions of the President's Rule.
- **Definition of Constitutional Breakdown:** The Constitution does not precisely define "**failure of constitutional machinery**", leading to **subjective interpretations** and misuse by the Centre.
- **Constitutional Safeguards:** Initially, the President's satisfaction under Article 356 was beyond judicial review.
- The **38th Amendment (1975)** made President's Rule non-justiciable, but the **44th Amendment (1978)** restored **judicial review**.
- **Governance Paralysis:** President's Rule delays policy execution and weakens administration as State officials report directly to the Centre.
- **Misuse by the Governor:** The Governor's role in recommending President's Rule has been controversial, as seen in the **Arunachal Pradesh 2016 case**.
 - **Punchhi Commission's** suggested that Governors should act independently and not be "agents of the Centre."

What are the Supreme Court's Key Observations on President's Rule?

- **State of Rajasthan v. Union of India (1977):** **The Supreme Court** upheld the **Centre's broad discretion** under **Article 365** to impose **President's Rule**.
 - The Supreme Court ruled that **judicial review is limited**, reinforcing the **unitary bias in Indian federalism** and allowing the dismissal of State governments for constitutional non-compliance.
- **S.R. Bommai Case (1994):** The **S.R. Bommai vs. Union of India (1994)** judgment set important limits on the use of Article 356.
 - The court ruled that the **President's Rule is conditional, not absolute**, and is subject to judicial review.

- The Court emphasized that Article 356 should only be invoked as a **last resort** and not for political purposes.
- The Court also ruled that the President **cannot dissolve a state's assembly without Parliament's approval** and must first issue a warning to the state government.
- The Supreme Court ruled that a government's majority must be tested on the **floor of the House** before recommending President's Rule.
- **Rameshwar Prasad Case (2006):** The Supreme Court held that the **dissolution of the Bihar Legislative Assembly** under **President's Rule** was unconstitutional.
 - It emphasized **judicial review** of such decisions, reinforcing that **President's Rule** should only be used for genuine breakdowns in governance, not political reasons.
- **Gujarat Mazdoor Sabha Case (2020):** The Court clarified that under **Article 356**, President's Rule can only be invoked when **internal disturbances** disrupt the **constitutional machinery** of a state, making it impossible for the state government to function as per the Constitution.

What Should be the Way Forward?

- **Sarkaria Commission Recommendations:** Article 356 (**President's Rule**) should be invoked **only in exceptional circumstances**, as a **last resort** when all other options have been exhausted.
 - The Governor cannot dismiss the Council of Ministers as long as it retains **majority** support in the State Assembly.
- **Punchhi Commission Recommendations:** When state administration collapses due to **external aggression or internal disturbances**, the Union must first exhaust all options under **Article 355** before invoking **Article 356** strictly for constitutional failure.
 - To prevent misuse, **Article 356** should align with the **S.R. Bommai (1994) ruling** through constitutional amendments, ensuring clarity and preserving [Centre-State relations](#).
 - Given strict conditions for Articles 352 and 356, a **localized emergency framework** would allow targeted Central intervention without dissolving the **State Assembly**, maintaining State governance.
- **NCRWC Recommendations:** The **National Commission to Review the Working of the Constitution (NCRWC)** recommended limiting Article 356's misuse by ensuring **clear criteria for non-compliance** before invoking **President's Rule**.
 - It emphasized **judicial safeguards**, requiring the **Governor's report to be detailed**, and advocated for alternative measures before Central intervention in State affairs.
- **Strengthening Safeguards: Mandatory floor test** before imposition is required to prove the government's loss of majority before invoking Article 356.
 - No immediate dissolution of State Assemblies should occur until Parliament approves the President's Rule proclamation to prevent misuse.
- **Legal and Constitutional Reforms:** Defining "**failure of constitutional machinery**" in **Article 356** is essential to avoid misuse and subjective interpretation.
 - Reducing the maximum duration of President's Rule should be reconsidered to prevent prolonged Central control.
- **Improving Governance Accountability:** Conducting timely elections to restore **democratic governance** is essential, ensuring elections are held promptly to return governance to an elected government.
 - Encouraging **decentralized administration** during President's Rule by strengthening local governance mechanisms can prevent excessive dependency on the Centre during President's Rule.
- **Ensuring Democratic Integrity and Federal Balance:** President's Rule should serve as a constitutional safeguard for **crisis management** rather than a tool for political maneuvering.
 - Strengthening judicial scrutiny, revising constitutional guidelines, and reinforcing federalism will ensure that **Article 356** is applied judiciously within a democratic framework.

Conclusion

Dr. B.R. Ambedkar hoped **President's Rule** would remain a "**dead letter.**" To uphold democracy, it must

be a **constitutional safeguard, not a political tool**. Strengthening **judicial oversight**, defining governance failure, and ensuring timely elections can prevent misuse. A **balanced approach** that respects federalism while ensuring stability is crucial for India's democratic framework.

Drishti Mains Question:

Analyze the role of Article 355 and Article 356 in maintaining constitutional order. How can their misuse be prevented while ensuring governance stability?

UPSC Civil Services Examination Previous Year Questions (PYQs)

Prelims:

Q. Which of the following is/are the exclusive power(s) of Lok Sabha?

1. To ratify the declaration of Emergency
2. To pass a motion of no-confidence against the Council of Ministers
3. To impeach the President of India

Select the correct answer using the code given below:

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

Ans: (b)

Mains:

Q. Though the federal principle is dominant in our constitution and that principle is one of its basic features, but it is equally true that federalism under the Indian Constitution leans in favour of a strong Center, a feature that militates against the concept of strong federalism. Discuss. **(2014)**