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**EMERGENCY POWERS AND PRESIDENTS' RULE:
CONSTITUTIONAL NECESSITY OR DEMOCRATIC THREAT?**

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INTRODUCTION

The Constitution of India, frequently hailed as one of the most detailed and comprehensive indigenous documents in the world, establishes an intricate system of governance predicated in the principle of checks and balances. This structure is strictly designed to help the arbitrary use of power by any organ of the State and to guard the popular morality of the nation. still, the Constitution also recognizes that there may arise exceptional and unlooked-for circumstances that could hang the sovereignty, confinity, integrity, or governance of the country. In similar extraordinary situations, it becomes imperative for the Union Government to be equipped with certain special powers to respond effectively. To this end, the Constitution incorporates vittles for exigency under Part XVIII, and for the duty of President's Rule under Composition 356. These vittles, although intended as extraordinary mechanisms to cover the indigenous order and insure the continued functioning of the government during heads, have frequently sparked violent debate. The core question that arises is whether these powers serve as indigenous musts designed to save republic, or whether their perpetration pitfalls undermining popular institutions and civil liberties. Particularly, the operation of Composition 356 — which allows for the redundancy of a State Government and the duty of direct rule by the Centre — has been the subject of considerable contestation. Critics argue that it has, at times, been misused for political earnings rather than being reserved for genuine indigenous breakdowns. The exigency vittles encompass papers 352, 356, and 360, which empower the Union Government to assume lesser control during times of war, external aggression, fortified rebellion, breakdown

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of indigenous ministry in the countries, or fiscal insecurity. Composition 356 specifically provides that if the President, on damage of a report from the Governor of a state or else, is satisfied that the governance of that state can not be carried on in agreement with the vittles of the Constitution, he may annunciate President's Rule. This provision traces its origin to Section 93 of the Government of India Act, 1935, and reflects the social heritage of centralized authority. still, the factual perpetration of these vittles, especially during the post-Independence period, has led to serious enterprises regarding their abuse. The political history of India is replete with cases where President's Rule was assessed not out of genuine indigenous heads but due to prejudiced considerations. This has led to allegations that these exigency powers have been weaponized to suppress opposition- led state governments, thereby distorting the civil character of the Constitution. Judicial interpretation has played a significant part in shaping the understanding and limits of these vittles. In corner cases similar as S.R. Bommai v. Union of India, the Supreme Court laid down strict guidelines for the duty of President's Rule and asserted that similar proclamations are subject to judicial review. This marked a significant shift towards lesser responsibility and translucency in the use of exigency powers. This composition seeks to explore the indigenous foundation, literal operation, judicial scrutiny, and popular counteraccusations of exigency powers and the President's Rule in India. Through a detailed analysis of indigenous textbook, political practice, and judicial opinions, it aims to critically examine whether these vittles serve their intended purpose of conserving indigenous order, or whether they represent a implicit trouble to the popular and civil fabric of the Indian polity.

Historical Application and Misuse

The literal operation of Composition 356, which allows for the duty of President's Rule in countries, reveals a pattern marked by both necessity and abuse. The veritably first case of President's Rule passed in Punjab in 1951. This set the precedent for what would come a constantly used provision in Indian indigenous practice. While in some cases, President's Rule was justifiably assessed due to genuine indigenous breakdowns similar as failures in maintaining law and order or when no party could secure a maturity in the state assembly — numerous other cases were driven by political motives rather than indigenous imperatives. Over the decades, Composition 356 has been invoked more than a hundred times, raising serious enterprises about its eventuality for abuse. The most ignominious occasion

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involving the abuse of exigency powers unfolded during the exigency period from 1975 to 1977. This was a National Emergency declared under Composition 352 by Prime Minister Indira Gandhi, presumably in response to internal disturbances. still, this period also witnessed the expansive deployment of Composition 356. State governments ruled by opposition parties were pithily dismissed, and President's Rule was assessed in numerous countries. The central government used its authority to suppress dissent, dock civil liberties, put press suppression, and concentrate power. The indigenous safeguards that were intended to cover republic were rather used to lessen it, marking a dark chapter in Indian political history. In the immediate fate of the exigency, the recently tagged Janata Party, which had come to power riding on a surge of anti-Emergency sentiment, sought to reverse the political damage. Ironically, it did so by dismissing several Congress-ruled state governments, thereby immortalizing the same abuse of Composition 356 it had formerly opposed. This tit-for-tat political retribution came a recreating point in Indian politics. Between 1977 and 1993, further than a dozen countries endured the duty of President's Rule, frequently without any satisfying substantiation of indigenous failure. These cases stressed the vulnerability of Composition 356 to political manipulation and underlined the critical need for clearer indigenous and judicial safeguards to help its arbitrary use.

Constitutional Basis of Emergency Powers

The Indian Constitution, through its elaborate frame, provides for the protestation of exigency in extraordinary situations to guard the sovereignty, integrity, and stability of the nation. These exigency powers are elevated under Part XVIII of the Constitution and are distributed into three distinct types, each addressing a specific kind of extremity.

- **National Emergency (Article 352)** This type of exigency can be placard by the President on the grounds of war, external aggression, or fortified rebellion. Once such an exigency is declared, the civil structure of governance effectively shifts towards a unitary system. During this period, the Parliament assumes the power to ordain on subjects in the State List, and the Union Government gains expansive authority to issue directives to countries, thereby polarizing executive functions. The rights under Composition 19 are automatically suspended, and the overall popular fabric of the country is significantly altered for the duration of the exigency.

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- State exigency or President's Rule (Composition 356) This provision empowers the President to put President's Rule in a state if he's satisfied that the indigenous ministry in that state has failed or can not serve in agreement with the vittles of the Constitution. similar satisfaction is generally grounded on the report of the Governor of the concerned state. Under President's Rule, the state government is dismissed, and the administration is taken over by the President, who exercises administrative authority through the Governor. While this medium was intended to address genuine indigenous heads in countries, it has frequently been invoked for political reasons, leading to significant review.
- Fiscal exigency (Composition 360) This exigency can be placard when the fiscal stability or credit of India or any part of its home is hovered. During a fiscal exigency, the Union Government gains the power to direct countries on fiscal matters, including reduction of hires and allowances of government officers and indeed judges.

President's Rule Under Article 356

Composition 356 of the Indian Constitution provides a medium for the duty of President's Rule in a country when there's a failure of indigenous ministry. The legitprocedure under this qualification begins when the President, grounded either on the report submitted by the Governor of the concerned country or from other sources, is gratified that the country government is not performing in agreement with the vittles of the Constitution. Upon similar satisfaction, the President may assume to himself all or portion of the places of the country government. This includes recessing or dissolving the country legislative assembly and taking over the administration of the country through the Governor. The part of the Governor is pivotal in this process. As the indigenous head of the country and the President's nominee, the Governor is anticipated to portray impartially and blink existential crashes about the functioning of the country government. still, the impartiality of Governors has frequently been called into question, as numerous of them are other politicians or retired civil retainers with known political confederations. There have been several cases where the Governor's report — grounded on which President's Rule was assessed was contended to be poisoned, colored, or factually incorrect. This has led to review descreying the abuse of Composition 356 for political purposes. Once a proclamation under Composition 356 is issued, it must be laid before both Houses of Parliament and admit their blessing within two months. However, the President's Rule remains in manpower for an original

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period of six months, If approved. It can be extended beyond this period, but not beyond three times in aggregate. For any elongation beyond the first time, still, there must be a contemporaneous National Emergency in operation under Composition 352. Each similar elongation also requires fresh administrative blessing every six months. Therefore, while Composition 356 was intended to portray as a indigenous buckler in moments of genuine extremity, its perpetration depends heavily on the optional part of the Governor and administrative management, both of which have been areas of company in the environment of its reiterated abuse.

Judicial Interpretation

The corner Supreme Court judgment in S.R. Bommai v. Union of India(1994) marked a significant turning point in the indigenous interpretation and operation of Composition 356. This case arose in the background of the redundancy of several country governments by the Centre, and it disputed the constitutionality and limitations of similar dominions. The Supreme Court, in its judgment, laid down several pivotal principles that leveled to check the arbitrary use of President's Rule. originally, the Court held that the duty of President's Rule under Composition 356 is n't beyond the compass of judicial review. This meant that the satisfaction of the President in publicizing an exigency under Composition 356 could be challenged in a court of law, and the courts could examine whether the proclamation was grounded on applicable and valid premises . Secondly, the Court controlled that the maturity of a government must be tried on the bottom of the legislative assembly and not concluded unilaterally by the Governor. This was to insure that popular procedures are followed, and tagged governments are n't retired without a proper indigenous process. Thirdly, the Court categorically stated that arbitrary redundancy of country governments without licit indigenous defence is unconstitutional. This holding was levelled at precluding the abuse of Composition 356 for political purposes and icing that the civil balance imaged by the Constitution is maintained. The S.R. Bommai judgment therefore played a pivotal part in repairing indigenous balance and significantly limiting the rampant scurrility of Composition 356 that had come common or garden in earlier decades.

Recommendations For Reform

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The conclusion of abuse of Composition 356 has urged several expert bodies to suggest reforms to insure its judicious and restricted operation. Among the most noble were the Sarkaria Commission and the Punchhi Commission, both of which examined Centre- State dealings and made crucial recommendations describing the use of President's Rule.

- Sarkaria Commission(1988) The Sarkaria Commission punctuated that Composition 356 should be invoked only in delicate and unusual portions, and rigorously as a measure of last resort. It stressed the significance of a thorough and existential evaluation of the Governor's report before any action is taken. To guard against abuse, the Commission alluded enforcing clear screens to insure the political impartiality of Governors and the actuality of their crises.
- Punchhi Commission(2010) Following in an analogous instruction, the Punchhi Commission also passed minimizing the use of Composition 356. It proffered that detailed and special guidelines should be laid down for the medication of the Governor's report. The Commission farther advised that a bottom test in the legislative assembly should be made obligatory in all cases where there's dubitation describing the loss of maturity. also, it called for holding Governors more responsible in the exercise of their optional dominions.
- Institutional Strengthening Beyond Commission recommendations, it's extensively honoured that India requires stronger institutional fabric to help the scurrility of exigency dominions. These carry the independent assignment of Governors, a more robust part for the bar in reviewing proclamations, and meliorated management through strengthened executive and administrative mechanisms.

Conclusion

The exigency vittles and the medium of President's Rule enthrall a pivotal position within the indigenous frame of India. These vittles were drafted by the framers of the Constitution to insure the confinity, veracity, and operative functioning of the Indian country during moments of grave extremity. They serve as phenomenal tools meant to manipulate unusual situations similar as foreign truculence, fortified rebellion, fiscal insecurity, or the breakdown of indigenous ministry in a country. still, despite their intended purpose as screens, the factual operation — especially of Article 356 — has frequently swerved from indigenous probity and popular principles. The constant and politically driven incantation of Composition 356 has

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been a patient company. rather of being exercised as a last resort in genuine cases of governance failure, it has at moments been abused as a means to destabilize country governments led by opposition parties. similar conduct not only disrupt the popular accreditation of the people but also corrode the foundational principle of federalism elevated in the Constitution. The reiterated and arbitrary use of this qualification has led to pressures between the Centre and the countries and has called into question the equity of indigenous authorities like the Governor. Judicial interventions, especially the landmark judgment in *S.R. Bommai v. Union of India*, have acquainted much- demanded checks on the exercise of these dominions. By bringing around proclamations under Composition 356 within the compass of judicial review and averring on bottom experiments to determine legislative masses, the bar has played a vital part in defending popular morals. still, judicial management alone is not sufficient. There remains a critical want for complete reform. This includes the strengthening of institutional fabrics, icing the independent and apolitical assignment of Governors, enhancing the responsibility of indigenous authorities, and establishing clear procedural guidelines for invoking exigency vittles. Reference for popular processes and popular accreditation must be at the gut of any resolution to bring similar phenomenal dominions. In conclusion, while the exigency vittles and President's Rule are naturally sanctioned tools to save the nation's stability, their legality and forcefulness hinge entirely on their judicious, transparent, and popular operation. When exercised wisely and within indigenous boundaries, they can serve to cover and uphold republic. still, when abused for political gain, they hang to undermine the veritably popular fabric they were intended to save.

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