

ARTICLE 356 IN CONTEMPORARY INDIA: CONSTITUTIONAL SAFEGUARD OR AN INSTRUMENT OF EXECUTIVE OVERREACH

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INTRODUCTION

Framed through extensive debates stretching across a period of nearly three years, eleven sessions, and 165 days of sittings, the Constitution of India stands as a remarkable testament to the vision of a New India as visualized by the nation-builders. Adopted on the 26th of November, 1949, and operative from the 26th of January, 1950, it marked the formal transformation of India from British Raj to a Constitutional Democracy.

Within this grand constitutional framework, provisions were carefully incorporated by the visionaries not only to empower democratic governance but also to ensure the unity and integrity of the republic. The Indian Constitution, which has been recognized as one of the most comprehensive and longest documents in the world, has been described as a 'bag of borrowings' due to its selective incorporation of established conventions from various Global Constitutions, where the best features of foreign constitutions were thoughtfully adopted to suit the divergent Indian context. The current constitutional framework, which has expanded to accommodate 448 articles, 25 parts, and 12 schedules, has been the result of a number of legislative amendments, reflecting the need and responsibility to keep the document relevant to the evolving needs of governance.

One of the more contentious provisions within the constitutional framework as well as the

Indian Constitution is Article 356, which authorizes the imposition of President's Rule in a state following the breakdown of the Constitutional machinery.

HISTORICAL LEGACY AND CONSTITUTIONAL INTENT

The early incorporation of Article 356 can be traced to Section 93 of the Government of India Act, 1935, which allowed the British Governor to take direct control of the administration of the provinces in special circumstances. While the Constitution was being framed, the members of the Constituent Assembly had a heated debate on the issue of inclusion of such a provision in the Constitution, which was democratic in nature. Moreover, the background for the imposition of Article 356 is provided by Article 355, which reads as under:

"It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution."

During the Constituent Assembly debates, Dr. B.R. Ambedkar, defended the inclusion of this provision, laying emphasis on the fact that it would remain a **"dead letter"** unless exceptional circumstances warranted its use.

According to the Chairman of the Drafting Commission, the provision was meant to serve as a last resort, to be used only when constitutional governance in a state has completely collapsed without any availability of possible solutions. The framers of the Constitution formed a group of visionaries who believed that in a vast and diverse democracy like India, extraordinary situations could arise in which the Constitutional machinery of a state might collapse, thereby necessitating temporary intervention by the Union Government. Thus, the incorporation of Article 356 reflected a pragmatic yet futuristic approach striking a balance between the ideals of federal autonomy and the necessity of maintaining national unity and the constitutional machinery has failed.



ARTICLE 356: CONSTITUTIONAL PROCEDURE AND MECHANISM

The most contested provisions of the Indian Constitution, Article 356 empowers the President of India to issue a proclamation assuming control over a state's administration on the basis of a report from the Governor or otherwise, is satisfied that the government of the state cannot be carried on in accordance with the Constitutional provisions, the President may issue a proclamation assuming control of the state's legislative functions.

The proclamation may involve:

- Dissolution or suspension of the state legislative assembly

- Assumption of executive authority by the Union government

- In the initial time frame, it is for a period of six months, although it may extend up to three years under certain constitutional circumstances as verified under Article 356. These procedural checks and balances were put in place to ensure that the provision is not abused.

THE DEPLOYMENT OF ARTICLE 356 AND ALLEGATIONS OF IMPROPER INVOCATION

Since the initiation of the Constitution in 1950, Article 356 of the Constitution of India has been invoked quite a few times to impose President's Rule in a number of states of India. Although the provision was conceived as a measure of last resort, the actual use of Article 356 is a more intricate and complex issue when viewed in the context of actual application rather than idealistic application in the context of the protection of federalism and constitutionalism in India as recorded through its historical application. The actual application of Article 356 of the Constitution of India is also a reflection of the power politics of the Union and the states of India.

While unfolding through its historical application, one such earliest and perhaps the most discussed instance is the dismissal of the democratically elected communist government of Kerala led by E.M.S. Namboodiripad by the Union government headed by Jawaharlal Nehru in 1959. Later on, the dismissal of the state government was followed through period of political agitational movement called the Vimochana Samaram (Liberation Struggle), wherein central government demanded the dismissal of the state government.

Though the Union government claimed the dismissal as necessary to restore law and order, the decision has been seen as a dangerous precedent for Union intervention in state politics. From there onwards, Article 356 has been invoked several times, particularly in the

backdrop of the increasing political rivalry between the parties functioning at the Centre and in the states. Article 356 has been invoked to dismiss the state governments if the ruling party at the Centre wants to consolidate its power. The years following the Indian Emergency saw another major instance of the political use of Article 356. The period when the government headed by Mrs. Indira Gandhi tasted defeat in its attempt to follow up the controversial decision to impose Emergency Rule, when the Janata Party came to power at the Centre in 1977, a number of state governments headed by the Congress Party were dissolved under Article 356 on the premise that they did not enjoy the mandate of the people. This was also seen in 1980 when the Congress Party was voted back to power by Indira Gandhi, resulting in a number of state governments headed by the Janata Party being dissolved. By the early 1990s, this special provision of imposition of President's Rule has been used more than ninety times and critics argued that such frequent invocation of Article 356 undermined the very federal character of the Constitution and reduced it to a mere instrument of partisan politics, as it appeared to be in convention of the federal structure of granting autonomy to states in their respective domains of governance. Scholars and political scientists point out that Article 356 of the Constitution has been one of the most abused provisions of the Constitution. The contrast between center and states is also evident in the debate on Article 356 of the Constitution that is still relevant in today's context as well.

THE ROLE OF JUDICIAL REVIEW IN LIGHT OF THE S.R. BOMMAI V. UNION OF INDIA (1994)

Indeed a significant turning point in the history of constitutional interpretation of the most debated Article 356 came with the landmark Supreme Court decision in S. R. Bommai v. Union of India (1994).

This judgment carefully transformed the legal framework governing the use of President's Rule.

The case arose to its significance in the context of the dismissal of the government led by S. R. Bommai in Karnataka and challenged the arbitrariness of Article 356. In this case, the Supreme Court ruled that the President's proclamation was liable to judicial review and that the majority of the state government had to be determined on the floor of the legislative assembly and not in the report submitted by the Governor. It was surely a landmark shift that shook the balance between the Union and the states. The judiciary, held by providing guidelines and allowing judicial scrutiny of the application of Article 356, also attempted to ensure that Article 356 is not misused for political purposes and partisan politics. In layman's terms, The Court upheld its judgement by saying that if the declaration of President's Rule is found to be unconstitutional, the dismissed state government may be reinstated. Thus, it may be concluded that the renewed guidelines significantly restricted the discretionary powers of the Union executive making it more accountable and also strengthened the federal structure of the Constitution. Since the decision of the S.R Bommai case, the number of instances of President's Rule has reduced significantly. The judiciary, by providing guidelines and allowing judicial scrutiny of the application of Article 356, also attempted to ensure that Article 356 is not misused for political purposes. In layman's language, the Court held that if the declaration of President's Rule is found to be unconstitutional, the dismissed state government may be reinstated. Thus, it may be concluded that the renewed guidelines significantly restricted the discretionary powers of the Union executive making it more accountable and also strengthened the federal structure Constitution.

Since the decision of the S.R Bommai case, the number of instances of President's Rule has reduced significantly. This Bommai Judgement is considered a milestone in the maintenance of Indian Federalism. By putting limits on the application of Article 356 through constitutional means, it has been ensured that this particular article is not misused for political gain.

THE CONTEMPORARY RELEVANCE AND APPLICATION OF ARTICLE 356 WITHIN THE INDIAN FEDERAL STRUCTURE

In the decades following the Bommai judgment, the frequency of President's Rule has declined significantly. The federal atmosphere of 21st century India seemed to have breathed in stable state governments even during the presence of regional parties. Judicial review, coalition politics, and the heightened awareness of the provision in the country may be attributed to the more cautious handling of the provision. After the landmark judgment in the **S. R. Bommai v. Union of India (1994)**, which was instrumental in redefining the scope of the provision in the judicial review of the proclamation of the President and the decision of the majority of the state government on the floor of the legislative assembly.

➤ One of the latest examples that reflect the applicability of Article 356 is the imposition of President's Rule in Manipur from 13th February 2025 to 4th February 2026. This decision was taken due to the long ethnic strife between the Meitei and Kuki-Zo communities, along with the resignation of the Chief Minister, N. Biren Singh. As the political scenario in the state became unstable, the President, under Article 356, imposed President's Rule, which was later revoked after the swearing-in ceremony of the new Chief Minister of Manipur, namely **Yumnam Khemc--hand Singh**.

➤ Other than the state of Manipur, there have been other instances where Article 356 has been applied in recent times, mostly in circumstances where there is a political deadlock or the failure of the government due to the lack of a coalition government. For a quick instance, according to recent reports President's Rule has been declared in the state of Maharashtra in the year 2019 following the hung assembly and the inability of the political parties to form the government in the state of Maharashtra, the time when law and order was hard to balance for local bodies. Similarly, President's Rule has been declared in the most talked of state of Jammu and Kashmir in the year 2018 resulting from the collapse of the state coalition government and the absence of an alternative government.

In the current federal structure of India, therefore, Article 356 is seen to be playing the role of a safety valve, rather than an instrument of central domination. The application of Article 356 in current times is reflective of a more nuanced approach, which is informed by judicial pronouncements and democratic accountability. The Centre has to prove its case for President's Rule not only to Parliament but also to the larger domain of public opinion. Nevertheless, debates surrounding the provision have not entirely disappeared. The critics continue to argue that the possibility of political misuse remains, especially through the role played by Governors in their discretionary power to recommend President's Rule. The supporters, however, continue to argue that the provision is essential in addressing the situation whereby democratic government in the state has broken down completely.

CONCLUSION

Article 356 holds a rather complex but contested position in the Indian constitutional scheme. Originally intended to ensure constitutional rule in the face of grave

emergencies, it has traditionally been linked with the charge of 'political abuse' and 'centralism' in the Indian federation. Nevertheless, the Bommai Judgment has put a significant check on the scope of arbitrary use. In the contemporary Indian context, Article 356 serves its purpose as a constitutional provision but under greater checks and balances.

Its validity hinges upon the maturity of the Union government, the impartiality of the Governors, and the judiciary. Thus, under this new context Article 356 is rather revisited and reconsidered keeping up with the changing power dynamics that time and tide have tested its flexibility and reformation for the attainment of developed India under the antonym **Viksit Bharat** .

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