

## **1. Maharashtra Placed under President's Rule**

**Prelims Level:** State Legislature

**Mains Level:** GS-II Parliament and State Legislatures - structure, functioning, conduct of business, powers & privileges and issues arising out of these.

### **Why in News?**

- President Ram Nath Kovind has approved a proclamation imposing President's Rule in Maharashtra, following a recommendation from the Governor of the State.

### **About:**

- In India, president's rule is the suspension of state government and imposition of direct central government rule in a state.
- Under Article 356 of the Constitution of India, if the state government is unable to function according to constitutional provisions, the Central government can take direct control of the state machinery.
- During president's rule, the Council of Ministers is dissolved, vacating the office of Chief Minister. Furthermore, the legislative assembly is either prorogued or dissolved, necessitating a new election.
- Following its landmark judgment in the 1994 S. R. Bommai vs. Union of India case, the Supreme Court of India has restricted arbitrary impositions of president's rule.
- Chhattisgarh** and **Telangana** are the only states where the president's rule has not been imposed so far.

### **When President's rule can be Imposed?**

- In practice, president's rule has been imposed under any one of the following different circumstances:
  - A state legislature is unable to elect a leader as chief minister for a time prescribed by the Governor of that state, at the Will of Governor.
  - Breakdown of a coalition leading to the Chief Minister having minority support in the house and the Chief Minister fails/will definitely fail to prove otherwise, within a time prescribed by the Governor of that state.
  - Loss of majority in the assembly due to a vote of no-confidence in the house.
  - Elections postponed for unavoidable reasons like war, epidemic or natural disasters.

### **What happens if it is Imposed?**

- If approved by both houses, president's rule can continue for 6 months.

- It can be extended for a maximum of 3 years with the approval of the Parliament done every 6 months.
- If the Lok Sabha is dissolved during this time, the rule is valid for 30 days from the first sitting of the Lok Sabha provided that this continuance has already been approved by Rajya Sabha.
- The 44th Amendment Act of 1978 introduced a new provision to put a restraint on the power of the Parliament to extend the president's rule in a state. According to this provision, the president's rule can only be extended over a year every 6 months under the following conditions:
  1. There is already a national emergency throughout India, or in the whole or any part of the state.
  2. The Election Commission certifies that elections cannot be conducted in the concerned state.

#### **When it can be Revoked?**

- President's rule can be revoked at any time by the president and does not need the Parliament's approval.
- Until the mid-1990s, president's rule was often imposed in states through abusing the authority of Governors who were in collision with the central government. The Supreme Court of India in March 1994 instituted a rule by which such abuse has been drastically reduced.

#### **Can President Rule be imposed in Jammu & Kashmir?**

- Prior to 2019, the constitution of the state of Jammu and Kashmir had a similar system of governor's rule, under its Section 92. The state's governor issued a proclamation, after obtaining the consent of the President of India.
- After the revocation of Article 370, lieutenant governor's rule applies to Jammu and Kashmir.