

Article 356

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Article 356

The Supreme Court has recently held that the **declaration of State emergency** under **Article 356** and the **actions of the President** should have a “reasonable nexus”.



[Ref – India Today]

About Article 356 or President's Rule:

- **Article 356** empowers the President to **withdraw the executive and legislative** powers of a state when he feels that the **government of the state** cannot continue as per the provisions of the constitution.
- It lays down the conditions under which a **president's rule** can be imposed.
- It is subject to the **satisfaction of the President** that the government of the state **cannot function** as per the **constitutional provisions**,
 - Firstly, on receipt of a report from the **governor of the concerned state**, or
 - Otherwise, the **President on its own** or in **consultation with the Union** may also use this power.
- The term **satisfaction** is not to be interpreted as the **personal satisfaction** of the president.
- It is the satisfaction of the **union** that plays an **important role**.
- This satisfaction can be **challenged in court** on the ground of **mala fide intentions** or **irrelevant grounds**.

Conditions for Proclamation of a state of emergency:

- **Article 356:** When the **President is satisfied** that the **state is unable** to govern itself as per the constitutional provisions
- **Article 365:** When a state is held to have **violated the constitutional machinery** by not following the directions given to states by the union government under certain circumstances.