



President's Rule in Puducherry

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Why in News

President's Rule has been imposed in the Union Territory of Puducherry, on the recommendation of the Lieutenant Governor, after the established government lost power during **a vote of confidence**.

The President was satisfied that a situation had arisen in which the administration of the Union Territory of Puducherry could not carry on in accordance with the provisions of the **Government of Union Territories Act, 1963**.

The **Government of Union Territories Act, 1963** enacted by the Parliament in accordance with the **provisions of article 239A**.

Key Points

- **Administration of Union Territories:**
 - **Article 239 to 242 under Part VIII** of the Indian Constitution deals with the administration of **Union Territories**.
 - Every union territory is **administered by the President acting through an administrator** appointed by him.
 - An **administrator** of a union territory is an agent of the President and not head of state like a governor.
 - The President can specify the designation of an administrator; it may be **Lieutenant Governor** or Chief Commissioner or Administrator.
 - The **Union Territories of Puducherry (in 1963), Delhi (in 1992) and Jammu and Kashmir (in 2019)** are provided with a **legislative assembly** and a council of ministers headed by a chief minister.
 - But, the establishment of such institutions in the union territories **does not diminish the supreme control of the President** and Parliament over them.
 - The **Parliament can make laws on any subject of the three lists** (including the State List) for the union territories.

- **Provision in Case of Failure of Constitutional Machinery (as per the 1963 Act):**
 - If the **President, on receipt of a report from the Administrator** of (the Union territory) **or otherwise**, is satisfied,—
 - that a situation has arisen in which the **administration of the Union territory cannot be carried on** in accordance with the provisions of this Act, or
 - that **for the proper administration of the Union territory** it is necessary or expedient so to do,
 - The President may, **by order, suspend the operation of all or any of the provisions of this Act** for such period as he thinks fit, and
Make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the Union territory **in accordance with the provisions of Article 239.**

- **President's Rule in a State:**
 - **Meaning:**
 - President's Rule **implies the suspension of a state government and the imposition of direct rule of the Centre.**
 - It is also known as '**State Emergency**' or '**Constitutional Emergency**'.
 - **Constitutional Provisions:**
 - The President's Rule is **imposed through the invocation of Article 356 of the Constitution** by the President on the advice of the Union Council of Ministers.
 - Under Article 356, President's Rule is imposed if the President, upon receipt of the report from the Governor of the State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of the Constitution.
 - **Parliamentary Approval and Duration:**
 - A proclamation imposing President's Rule **must be approved by both the Houses of Parliament within two months** from the date of its issue.
 - The approval **takes place through simple majority** in either House, that is, a majority of the members of the House present and voting.
 - **Initially valid for six months**, the President's Rule **can be extended for a maximum period of three years** with the approval of the Parliament, every six months.
 - **Consequences of President's Rule:**
 - The state governor, on behalf of the President, carries on the state administration with the help of the chief secretary of the state or the advisors appointed by the President.
 - The President can declare that the powers of the state legislature are to be exercised by the Parliament.
 - The President either suspends or dissolves the state legislative assembly.
 - **Revocation:**
 - A proclamation of President's Rule **may be revoked by the President at any time** by a subsequent proclamation. Such a proclamation **does not require parliamentary approval.**
 - This happens, in case, the leader of a party produces letters of support from a majority of members of the Assembly, and stakes his claim to form a government.

Recommendations/Judgments on President's Rule

- **The Administrative Reforms Commission (1968)** recommended that the report of the governor regarding the President's rule has to be objective and also the governor should exercise his own judgment in this regard.

- The **Rajamannar Committee (1971)** recommended the deletion of Articles 356 and 357 from the Constitution of India. The necessary provisions for safeguards against arbitrary action of the ruling party at the Centre under Article 356 should be incorporated in the Constitution.
- **The Sarkaria Commission (1988)** recommended that Article 356 should be used in very rare cases when it becomes unavoidable to restore the breakdown of constitutional machinery in the State.
- **S.R. Bommai Judgment (1994).**
 - The Supreme Court enlisted the situations where the exercise of power under Article 356 could be proper.
 - One such situation is that of 'Hung Assembly', i.e. where after general elections to the assembly, no party secures a majority.
- **Justice V.Chelliah Commission (2002)** recommended that Article 356 must be used sparingly and only as a remedy of the last resort after exhausting all actions under Articles 256, 257 and 355.
- The **Punchhi commission (2007)** recommended that these Articles 355 & 356 be amended. It sought to protect the interests of the States by trying to curb their misuse by the Centre.

Source: TH