



President's Rule in Maharashtra

Why in News

The state of **Maharashtra has been placed under the President's Rule** amid a stalemate over government formation after the assembly polls in October 2019.

- The **Union Cabinet recommended the President's rule** in the state after **Governor of the state submitted a report** regarding the same.
 - In his report, the Governor said a situation has arisen that a **stable government is not possible** and the **government could not be carried on in accordance with the provisions of the Constitution**.
- The President signed a **proclamation** imposing President's rule in Maharashtra under **Article 356(1)**. The **Assembly** has been kept in **suspended animation**.

President's Rule

- **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'.
- **Use of Article 356**
 - The Supreme Court in Bommai case (1994) 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.
- **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.

Punchii Commission's Guidelines in case of a Hung Assembly

- The party or combination of parties which commands the **widest support in the Legislative Assembly** should be called upon to form the Government.
- If there is a **pre-poll alliance or coalition**, it should be treated as one political party and if such coalition obtains a majority, the leader of such coalition shall be called by the Governor to form the Government.
- In case **no party or pre-poll coalition has a clear majority**, the Governor should select the Chief Minister in the order of preference as indicated below:
 - The group of parties which had pre-poll alliance commanding the largest number.
 - The largest single party staking a claim to form the government with the support of others.
 - A post-electoral coalition with all partners joining the government.
 - A post-electoral alliance with some parties joining the government and the remaining including independents supporting the government from outside.

Source: TH

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