**Article 356 of the Indian Constitution**

Article 356, is one of the articles among the Emergency provisions of the Indian Constitution. It is an Article in part XVIII (Articles 352-360).In the [Republic of India](https://en.wikipedia.org/wiki/Republic_of_India), "**President's rule**" refers to the imposition of Article 356 of the [Constitution of India](https://en.wikipedia.org/wiki/Constitution_of_India) on a [state](https://en.wikipedia.org/wiki/States_of_India) whose constitutional body has failed. In the event that a [state government](https://en.wikipedia.org/wiki/State_governments_of_India) is unable to function, the Constitution provides for the state to come under the direct control of the [central government](https://en.wikipedia.org/wiki/Government_of_India). In other words, it is "under the President's rule". Subsequently, executive authority is exercised through the centrally appointed [governor](https://en.wikipedia.org/wiki/Governors_of_states_of_India), who has the authority to appoint retired civil servants or other administrators to assist him.

When a state government is functioning correctly, it is run by an elected Council of Ministers responsible to the state's legislative assembly ([Vidhan Sabha](https://en.wikipedia.org/wiki/Vidhan_Sabha)). The council is led by the [Chief Minister](https://en.wikipedia.org/wiki/Chief_Minister_%28India%29), who is the *de facto* chief executive of the state; the Governor is only a *de jure* constitutional head. However, during President's rule, the Council of Ministers is dissolved, vacating the office of Chief Minister. Furthermore, the [Vidhan Sabha](https://en.wikipedia.org/wiki/Vidhan_Sabha) is either [prorogued](https://en.wiktionary.org/wiki/prorogued) or [dissolved](https://en.wikipedia.org/wiki/Dissolution_of_parliament), necessitating a fresh election.

Similarly, in the state of Jammu and Kashmir, failure of governmental function results in **Governor's rule**, imposed by invoking Section 92 of the [Constitution of Jammu and Kashmir](https://en.wikipedia.org/wiki/Constitution_of_Jammu_and_Kashmir). The state’s governor issues the proclamation, after obtaining the consent of the [President of India](https://en.wikipedia.org/wiki/President_of_India). If it is not possible to revoke Governor's rule within six months of imposition, the President's Rule under Article 356 of the Indian Constitution is imposed. There is little practical difference between the two provisions.

**Recent cases of Article 356**

President’s Rule was in force in Delhi with the Assembly in suspended animation from February 14, 2014, to February 11, 2015. This was after [Arvind Kejriwal](http://indianexpress.com/about/arvind-kejriwal)resigned as CM after his move to introduce the Jan Lokpal Bill fell through in the Assembly

Imposed in Maharashtra from September 28, 2014, to October 31, 2014, after Prithviraj Chavan resigned following the break-up of the 15-year-old Congress-NCP alliance in the state.

In Andhra Pradesh from February 28, 2014, to June 8, 2014, due to a political crisis caused by the resignation of CM N Kiran Kumar Reddy and other Congress legislators on February 19, protesting against the Andhra Pradesh Reorganisation Bill that bifurcated the state and created a separate state of Telangana.

In Jharkhand from January 18, 2013, to July 12, 2013, as the Arjun Munda-led BJP government was reduced to a minority after the [Jharkhand Mukti Morcha](http://indianexpress.com/about/jharkhand-mukti-morcha/)withdrew support. Munda resigned and sought dissolution of the state Assembly.

* **Powers and Functions of Speaker in Lok Sabha.**

**Ans**: Lok Sabha is the Lower House of Parliament. It has its own Presiding Officer. He is called the Speaker of the House. The House elects another officer known as the Deputy Speaker. In the absence of the Speaker or when the office of the Speaker is vacant, the Deputy Speaker discharges the functions of the Speaker.

**Election**

The Speaker of the Lok Sabha is elected by the member of the Lok Sabha. The Speaker must necessarily be a member of Lok Sabha. The primary function of the newly elected Lok Sabha is to elect Speaker & Deputy Speaker. The Speaker is elected by a simple majority which in reality means by the party in power.

**Tenure**

Normally the Speaker is elected for a period of five years. However, he continues in office until a new Speaker is elected by the new House. The Speaker does not vacate his office even when the House is dissolved. The Speaker has to vacate his office if he ceases to be member of the House. He can be elected to this office for the second time also. The Speaker can resign his office at any time. He can also be removed from his office by a resolution passed by a majority of all members on the roll of the Lok Sabha 14 days notice for moving such a resolution is required to be given. The Speaker cannot preside over a meeting of the House when the House is considering the resolution of his removal.

**Salary**

The salary & allowances of the Speaker are determined by the Parliament & these are charged on the Consolidated Fund of India.

**Powers & Function of the Speaker**

The Speaker performs various functions & enjoys wide powers down partly from the constitution & partly from the Rules & Procedure & Conduct of Business Parliament – 1950. The functions are as follows.

1. He allows members to ask questions. He has also the power to disallow in case they are not in conformity with the Rules of the House.
2. Adjournment Motions are moved with his consent. He also prescribes the time limit for speeches on the motion.
3. The Speaker may allow the publication of a Bill in the Gazette of India upon a request from a member initiating the Bill even before the motion for leave to introduce the Bill has been made. In such a case it does not remain necessary to ask for leave of the House to introduce the Bill.
4. He appoints the Chairman of Selection Committees. He himself is ex-officio Chairman of some vital committees, such as Rules Committees the Business Advisory Committee & the General Purposes Committee.
5. He decides about the admissibility of a motion in the House.
6. No member can address the House without his permission. He is also to see that no member makes an irrelevant speech & thereby wastes the time of the House.
7. He preserves order in the House. If the situation goes out of control he can adjourn & suspend the meeting of the house.
8. If a member disregards his authority in spite of warning wm he can name him for suspension. In case a member does not leave to House on the order of the Speaker, the Speaker can ask the watch and word staff to lift him bodily & remove him from the House.

The Speaker conducts the business of the House. However he cannot preside over the meeting of the House when the House is considering the resolution of the removal of the Speaker from office. But he has the right to sit, take part in the proceedings & defend himself. He has the right to vote also but he has no casting vote there.

He is the guardian of the privileges of the members of Lok Sabha. He can insist that action must be taken against any one guilty of violating the privileges of the members of the House.

The Speaker has no right to vote in the first instance but he has the right to vote in case of a tie.

Further, emphasising that all the powers and the supreme authority of the speaker are based on his absolute and unvarying impartiality,it can be said that to inspire confidence in his impartiality, it is not enough that the Speaker should formally renounce membership of the party to which he belonged. He should also scrupulously refrain from entering into political controversies or giving an impression that he is helping one section of the House, even though it may be a minority section, in their struggle for power.

* **Powers and Functions of THE President of India.**

**Ans:** The President of India is the Head of State. The system of government of India is a cabinet form of government. The Indian President is, therefore, a constitutional head like the King or Queen of Britain—that is, all executive powers are constitutionally vested in him, although those are actually exercised and executed by the cabinet.

In India the powers of the Union government are treated as the powers of the President because these powers are used in his name in pursuance of the constitutional stipulation under Article 53 which reads: The executive powers of the Union shall be vested in the President and shall be exercised by him either directly or through the officers subordinate to him in accordance with this Constitution.

The constitutional powers and functions of the President of India may be classified into six principal types.

Executive Functions

**1. Head of the Union:** The President is at the head of the Union Executive. Consequently, all executive powers are exercised in his name. The executive power of the Union to be exercised by the President is extended to the matters with respect to which Parliament has power to make laws and to conclude treaty and agreement.

**2. Appointments:** As head of the executive, the President appoints the Governors of States, the Judges of the Supreme Court and the High Courts, the Auditor General of India and many other high officials, such as the members of Finance Commission, Election commission, Union Public commission etc.

**3. Appointment of the Prime Minister and other Ministers:** The President also appoints the Prime Minister and with his advice the other Ministers of the Union Council of Ministers. But here too, as in all other appointments, the President can seldom use his discretion. He is, ordinarily, duty-bound to summon the leader of the political party which secures an absolute majority in the Lok Sabha to become the Prime Minister and form the Ministry. He does enjoy some discretionary powers in the matter only under exceptional circumstances. When no single political party wins a clear absolute majority and, as a result, no Council of Ministers can be formed without a coalition of parties the President can exercise his discretion judiciously in appointing the Prime Minister. Such situations developed in the past.

India has entered into an age of coalition politics. And it may so happen that no single party will be able to secure an absolute majority, and the President may be required to exercise his discretionary power for some time to come, in appointing Prime Minister.

**4. Can ask to prove Majority in Lok Sabha:** Union Council of Ministers normally remains in office for five years, unless dissolved earlier for any reason. The President must be satisfied that the Council of Ministers enjoys the confidence of the majority of the Lok Sabha. In case of any doubt he can ask the Council of Ministers to prove its majority in the Lok Sabha, as the Prime Ministers Sri H.D. Deve Gowda was asked by the President after the official withdrawal of support by the Congress Party from Ministry. The President can also dissolve the Union Council of Ministers in accordance with Article 75(2) of the constitution, if he finds that the Ministry does not enjoy the support of the majorities in the Lok Sabha.

**5. Supreme Commander:** As head of State, the President is the supreme Commander of the Armed Forces of India and is entitled to declare war or conclude a treaty.

Legislative Powers and Functions

**1. President is a part of Parliament:** The Union Legislature or Parliament consists of the President and two Houses of Parliament. The President is, therefore, an integral part of Union Legislature. He shall summon from time to time, either separately or jointly, the Houses of Parliament. The President can prorogue the Houses or either House of Parliament and, if necessary, can dissolve the lower Chamber of Parliament, the Lok Sabha. For example, the President solved the twelfth Lok Sabha in early 1999 when the confidence motion in favour your of the Vajpayee government was lost in the Lok Sabha.

**2. Summons and Addresses Parliament:** The President may address either or both House of Parliament. In such address, at the first session after general election to the Lok Sabha and at beginning of a joint session of Parliament each year, he may place the reasons for summoning it. Apart from addressing Parliament, the President may also, in case of necessities, send messages to either House, or to both Houses [Article 86(2)]. Normally, the President does not send such a message, unless however, he has a serious disagreement with the Council of Ministers.

**3. Nomination:** The President nominates a number of members in both Houses. The chief purpose of the nomination is to ensure adequate representation in Parliament of all sections of population which many not always be achieved through elections.

**4. Power in respect of Bills:** The President has certain functions in respect of passing of a Bill. A bill passed by both the Houses of Parliament requires his assent in order to become an Act. He may give his assent to a bill or can withhold assent when a bill, after getting approved in both the Houses, is placed before the President. But, if Parliament, acting on President’s refusal to assent to a bill, passes it again with or without amendment, for the second time and presents it to the President for his approval, the President shall not withhold his assent there from under Article 111. In other words, it becomes obligatory upon him to give his assent.

In certain cases, prior sanction of the President is required for initiating any legislation. For instance, bill for formation of a new State or altering the boundaries of the existing State or States is to be placed before Parliament with prior approval of the President. Money bill is another example where obtaining of such approval of the President is a constitutional necessity.

**5. Bill passed by a State Legislature:** A bill passed by a State Legislature may also be reserved for the consideration of the President by the Governor of that State. The President enjoys this right in relation to a bill passed by a State Legislature only in such cases where those are referred to him by the Government of a State under Article 200.

Power to Promulgate Ordinances

Except when both Houses of Parliament are in session, the President may promulgate such Ordinances as the circumstances appear to him to require (Article 123). Such an ordinance can have the same force and effect of an Act of Parliament. Such an ordinance shall cease to operate unless passed by both Houses of Parliament within the stipulated period. A.K. Roy vs. Union of India (1982) illustrates the proposition that the satisfaction of the President must be as to the existence of a situation which makes it necessary for the President to promulgate such on Ordinance.

Financial Powers and Functions

The President causes the annual budget of the Union Government to be laid before Parliament every year. No proposal for spending money or raising revenues for purposes of government can be introduced in Parliament without previous permission of the President.

**Emergency Powers:**

Part XVIII of the Indian Constitution arms the President with enormous powers to deal with extraordinary situation Such as : External aggression, armed rebellion, failure of constitutional machinery in the States. Again, if the President of India is satisfied that the financial stability or credit of India or any part of India has been badly shaken, then he can proclaim a financial emergency. However, proclamation of emergency due to any reason by the President must have to be approved by the Parliament within one month.