











# How Supreme Court judgment checked the misuse of President's Rule (Art 356)

**NEW DELHI (ROYAL JOURNALISM):** While the national Emergency imposed by Indira Gandhi is etched in collective Indian memory, the more frequently imposed state emergency provision, Article 356, is now rarely used. We must thank the Supreme Court judges who decided SR Bommai v Union of India 30 years ago today for this change. Article 356, also known as President's Rule, is designed to be invoked when a state cannot function constitutionally. It grants the Union Cabinet power to dismiss democratically elected state governments and dissolve legislative assemblies. While the constitutional framers intended Article 356 to be used sparingly, its misuse by various Union governments to topple Opposition-led state governments has been rampant. On March 11, 1994, nine Supreme Court judges, hailing from eight states, took a stand against this abuse of power. Without augmenting their authority, they put crucial limits on the Union government's discretionary power, strengthening democracy and federalism.



violence, followed by the government's resignation and President's Rule in Uttar Pradesh, which was never challenged. However, soon after, BJP governments in Madhya Pradesh, Rajasthan, and Himachal Pradesh also faced President's Rule for alleged support of communal groups and a breakdown in law and order. All three states challenged President's Rule as politically biased. Petitions challenging the imposition of President's Rule in all five states (except Uttar Pradesh) were reviewed along with SR Bommai's petition.

**Why did the Constitution have such a provision?**

Writing during the Partition, the Constitution framers feared secession, violent ethnic conflict, and communist revolutions in certain states. They decided that the power to intervene during a breakdown of law and order, or constitutional governance, would lie with the Union government rather than the state CM. However, they were also aware of its potential for abuse. BR Ambedkar explained, "I do not altogether deny that there is a possibility of these articles being abused or employed for political purposes... and I share the sentiments that such articles will never be called into operation and that they would remain a dead letter." Far from it. All but two states (Chhattisgarh and Telangana) have been under President's Rule, 123 times, not including 19 impositions in Union territories. The governments in Bihar, Uttar Pradesh, Punjab, Jammu and Kashmir, Odisha, Manipur, and Kerala have been dismissed most frequently. In terms of duration, Punjab and the erstwhile state of Jammu & Kashmir have borne the brunt. Typically, President's Rule is valid for two months unless Parliament extends it for up to six months. Extensions beyond a year are only permitted in a national security emergency or if the Election Commission certifies that holding assembly elections is difficult. Even then, the limit for President's Rule is three years, but through a constitutional amendment, an exception was made for Punjab, whose residents experienced Union rule, cumulatively, for almost a decade.

**When should Article 356 be used?**

The formal procedure to invoke Article 356 begins when the governor sends a report to the Union Cabinet explaining why the state government cannot function according to the Constitution. If the Cabinet concurs with the governor's report and recommends that the President invoke Article 356, then the President has discretionary power. However, the Constitution is silent on what constitutes a failure of constitutional

machinery or a constitutional emergency, making the provision vulnerable to misuse. In practice, the governor is appointed by the Union cabinet, and over time, the governor's office becomes partisan. Consequently, taking time to form a coalition is sometimes opportunistically interpreted as political instability. Article 356 can be invoked in three broad ways - one, in line with the goal spelled out in the Constitution to deal with a genuine constitutional emergency, two, using an emergency as a pretext to increase the power of the Union government, and three, to increase the power of the Union government and reduce the power of the state government without any emergency occurring. The frequent misuse of Article 356 started with Indira Gandhi, who imposed it 48 times, including four times during the 22-month national Emergency. In 1977, when Morarji Desai formed a coalition government, he imposed President's Rule 13 times, including in nine Congress-governed states. The Janata government would impose President's Rule four more times in 1979 under Charan Singh. When Indira Gandhi returned as PM in 1980, her government retaliated and imposed President's Rule in nine states with Opposition party governments. Were the tactics of Indira Gandhi and the Janata Party exceptional? In our study, we analysed the legislative data of every Union and state government between 1952 and 2019. We find that the primary driver for imposing President's Rule is political arithmetic. Given a Union government in power at the Centre, a five-percentage-point smaller seat share of a state government is associated with a 10% higher probability of President's Rule. Unsurprisingly, coalition governments in states are about three times more likely to experience President's Rule than state governments formed by a single party. The number of times a party has formed a government in the state in the past, i.e., more experienced governments, is correlated with a lower likelihood of President's Rule. The Union government is more likely to take advantage when there is a political vacuum in a state; for instance, the death of a CM in office increases the likelihood of President's Rule by 37 times. Finally, emergencies such as communal riots or natural disasters are not significant predictors of President's Rule, and emergencies are not even ostensible triggers. It's pure politics - the strength of the state's political majority determines the likelihood of President's Rule.

**The SR Bommai judgment**

In Bommai, the Supreme Court faced three primary questions: One, whether proclamations of President's Rule were justiciable; two, the scope and limits of the President's powers under Article 356; and three, the effects of holding such a proclamation invalid after Parliament's approval. The majority of the nine-judge bench, across six opinions, overruled the 1977 decision in State of Rajasthan v Union of India, and held that pro-

lamations under Article 356 were subject to judicial review. The courts could strike down an Article 356 proclamation if found to be malafide or based on wholly irrelevant grounds. When reviewing the proclamation, the court would examine if it was issued based on any material, if such material was relevant, even if partially, to impose President's Rule. Furthermore, it said that the President must have relevant material, such as a governor's report, before imposing President's Rule. Despite Article 74(2) prohibiting review of ministerial advice, courts can verify the existence and relevance of the underlying material for such advice without reviewing the quality of the advice. And if the proclamation is held unconstitutional, the court can restore the dissolved government, even if Parliament had previously approved such a proclamation. The review would have no meaning without granting relief upon finding President's Rule unconstitutional. One relevant question was whether the state government had the chance to test its strength in the state legislature before President's Rule was imposed. A majority declared the imposition of President's Rule in Karnataka, Nagaland and Meghalaya unconstitutional. But the imposition of President's Rule in Himachal Pradesh, Rajasthan, and Madhya Pradesh, to control communal violence, was upheld.

President's Rule was invoked 81 times pre-Bommai, 16 times during review, and 26 times post-Bommai. In our study, we calculated simple probabilities of observing President's Rule of 0.9%, 1.2%, and 0.3% before, during, and after the judgment. We found that post-Bommai, destabilising state governments with strong political mandates became harder. Crucially, coalition governments are not more likely to face President's Rule, likely due to the floor test requirement, allowing them to demonstrate political strength. Now, situations where parties are unable to form a government or the government has collapsed can be separated from skirmishes involving defecting MLAs. The Bommai judgment did not eliminate Article 356's opportunistic potential. Small or precarious majorities in state governments remain vulnerable to partisan applications of this rule. Furthermore, the Union government has demonstrated its ability to bypass Article 356, as seen in Jammu & Kashmir since 2019. President's Rule, imposed in 2018 when Mehbooba Mufti's coalition government fell, was lifted in 2019 after Jammu & Kashmir became a Union Territory. Yet even after four years, no legislative assembly elections have been held in Jammu & Kashmir, which is still governed by a lieutenant governor who reports to the Union home ministry. The significance of Bommai lies in its success in curbing the Union government's arbitrary actions. The judges made Article 356 proclamations justiciable without undermining the President's discretionary powers, thus strengthening India's federalism.

## Unveiling Fascinating Facts Behind The Celebration

India is gearing up to celebrate its 75th Republic Day on January 26, featuring the iconic annual parade at Kartavya Path (formerly Rajpath) in New Delhi. The festivities will showcase march-pasts by the Indian Armed Forces and vibrant tableaux portraying the cultural diversity of various states. Here are some intriguing facts about Republic Day: Republic Day marks the enactment of the Indian Constitution, transforming the nation into a sovereign state after gaining independence on August 15, 1947. The constitution replaced the British colonial Government of India Act (1935) as the governing text of the country. Dr. Rajendra Prasad, India's first President, hoisted the national flag on January 26, 1950, officially establishing the Indian Republic and declaring it a national holiday. The inaugural Republic Day procession occurred in 1950 at Major Dhyan Chand Stadium (formerly Irwin Amphitheatre) with the participation of over 100 aircraft and 3,000 Indian military personnel. Indonesia's President Sukarno was the first chief guest at India's inaugural Republic Day parade. Rajpath hosted its first parade in 1955, with Pakistan's Governor General Malik Ghulam Muhammad as the chief guest. The Beating Retreat ceremony, held annually on January 29 at Vijay Chowk in New Delhi, originated from a 1600s custom and signifies the announcement of troops' homecoming. The 2024 Republic Day theme is "India - Mother of Democracy" and "Viksit Bharat" (Developed India). This year's parade will feature two all-women contingents from the defence forces, comprising 144 personnel, with 60 from the Army and the rest from the Indian Air Force and Indian Navy. French President Emmanuel Macron has been invited as the chief guest for the Republic Day celebrations, marking the sixth time a French leader has been honoured in this capacity. Last year, Egyptian President Abdel Fattah el-Sisi was the chief guest.

## Jamiat Hails SC's Quashing Of Remission Granted To Convicts



NEW DELHI (ROYAL JOURNALISM): Prominent Muslim organisation Jamiat Ulema-e-Hind on Monday hailed the Supreme Court's quashing of the remission granted by the Gujarat government to 11 convicts in the gang-rape case of Bilkis Bano, saying the verdict will strengthen people's confidence in the judiciary. Both the factions of the Jamiat praised the verdict and lauded the judiciary. Maulana Arshad Madani, president of one of the Jamiat factions, welcomed the verdict and termed it "exemplary". "This will strengthen the confidence of common citizens, especially the minorities of the country, towards the Supreme Court," Arshad Madani said. He congratulated all those people who took this matter to the Supreme Court and fought the legal battle with strength. Maulana Mahmood Madani, who heads the other faction of the Jamiat, hailed the verdict as preservation of justice and the rule of law. "This verdict is a significant victory for the rule of law and sends a clear message that justice cannot be compromised under any circumstances," he said in a statement. "This also reaffirms the commitment of the judiciary to ensure that justice is served impartially and without interference from external pressures. The decision will serve as a lesson for governments to administer justice impartially," Mahmood Madani said. The Supreme Court also slammed the Gujarat government of being "complicit" with an accused and abusing its discretion.

## PM Modi Wants To Make India A Chipmaking Superpower

NEW DELHI (ROYAL JOURNALISM): The Narendra Modi government has now zoomed in on microchips. India's western state of Gujarat is inviting chipmakers from U.S., South Korea & Japan to invest in the state. India is eyeing the semiconductor market which is poised to cross \$1 trillion by the end of the decade. Ahead of the Vibrant Gujarat Global Summit, the Chief Minister of Gujarat Bhupendra Patel has revealed that the government has held crucial investment talks with leading chipmakers. The tenth edition of the summit is being held from January 10 to 12, 2024 in Gandhinagar, Gujarat.

### CAN INDIA BREAK THE CHIP MONOPOLY?

But achieving dominance in this complex and fiercely competitive field is no easy feat. In 2021, the Modi government embarked on an ambitious journey with a \$10 billion war chest. But after initial glitz & glamour the hunt for silicon's shine paled. Taiwan's Foxconn backed out of a \$19.5 billion chips joint venture with India's Vedanta. Both companies decided to part ways and go solo. Some other investments were also stalled. Despite the hiccups the Modi government has once again launched

a multi-pronged attack to crack the chipmaking code. Foxconn is building a semiconductor plant, and U.S. firm Micron Technology Inc is building a chip assembly and testing facility in the state of Gujarat, and all eyes are now on Taiwan & Japan.

### WHAT ARE SEMICONDUCTORS?

Semiconductors can be found in thousands of products such as computers, smartphones, appliances, gaming hardware cars and aeroplanes. Semiconductors are made of silicon. High-power lasers print circuit designs on thin slices of silicon. These circuits help in the flowing or restriction of current which are essentially on and off signals that are interpreted in digital systems as 1s and 0s. Thus forming the brain of every computer.

### CHIPS & CHECKMATES: A GEO-POLITICAL GAMBIT

A rapidly evolving global macroeconomic and geopolitical factors are dominant forces shaping the semiconductor industry. A raging war in Ukraine and the fears that Israel-Hamas war can spillover to the Middle East, has once again made the semiconductor industry jittery, as it has

a highly vulnerable global supply chain. Hence nations are once again trying to reassess their options as the pandemic showed how a connected world can also be a bane.

### FROM MISSILES TO MICRO-CHIPS

Apart from its usage in day to day gadgets, nations are also putting these chips in their security matrix. These tiny devices are crucial to the military. From missiles to precision-guided munitions to drones, semiconductors are at the heart of these systems. Semiconductors are fundamental to secure, reliable communication technologies. Under the Modi government there is a growing impetus

on 'Make In India', from fighter jets to drones, everything is being domestically produced. It's prudent for the security establishment to reduce dependence on foreign nations for such crucial components. Establishing a robust chipmaking industry would not only reduce India's dependence on foreign imports but also boost domestic manufacturing, create high-skilled jobs, and propel the country's technological prowess, and benefit the economy.

## Hyderabad-Based Sculptor Designs 'Paduka' For Lord Ram In Ayodhya

NEW DELHI (ROYAL JOURNALISM): Driven by an unwavering devotion to Lord Ram and a deep-seated desire to fulfill his father's dream of being a 'kar sevak,' a 64-year-old man from the city has embarked on an extensive padayatra covering thousands of kilometres toward Ayodhya. His mission is to present gold-plated footwear for the deity, synchronizing with the consecration of the grand temple scheduled for inauguration on January 22. Challa Srinivas Sastry, Founder of the Ayodhya Bhagyanagar Sitarama Foundation, has chosen the Ayodhya-Rameswaram route, retracing the path covered by Lord Rama during his exile in reverse. He expressed his intention to journey in the opposite direction, stopping at all the Shiva Lingas established by the Lord along the way. Commencing his walk on July 20, Sastry has already traversed significant locations such as Puri in Odisha, Trimbak in Maharashtra, and Dwaraka in Gujarat, according to a report in PTI. The intricately crafted 'padukas' measure 12.5 inches in length, 5.5 inches in width, and 1 inch in thickness. They are meticulously constructed using 12.5 kilograms of gold, silver, copper, brass, and white lead metal. The responsibility of creating the gold-

plated footwear was assigned to Pittampalli Ramalinga Chari, a distinguished metal sculptor known for Kalakutir. Working in collaboration with six other sculptors, Ramalinga Chari adopted a distinctive approach by conducting extensive research on ancient Padukas and exploring designs documented in sculptural studies books. However, Sastry is set to cover a distance of nearly 8000 km by foot, carrying on his head the footwear that he would hand over to Uttar Pradesh Chief Minister Yogi Adityanath upon reaching Ayodhya. "My father participated in Karseva in Ayodhya. He was a strong devotee of Lord Hanuman. His desire was to see the Ram temple built in Ayodhya. As he is no more, I decided to fulfill his desire," the news agency quoted Sastry as saying. The devotee has donated five silver bricks so far as part of his contribution to the Ram temple after the Supreme Court verdict in 2019. "I am currently carrying gold-plated 'padukalu' (footwear) made with 'panch dhatu' (five metals) to be given to Lord Shri Ram," he added. Sastry mentioned that he is tracing the route based on the map 'discovered' by Dr Ramavtar, a retired official from the Income Tax Department who dedicated 15 years to



researching the path that Lord Ram took during Vanavas. It will take another two weeks for Sastry to reach the temple town. However, he temporarily interrupted his march when he had to travel to the UK. Subsequently, he resumed his walk from the point in Tamil Nadu where he had paused. Sastry wants to settle down in Ayodhya permanently and intends to construct a house. One of Sastry's sons, Challa Pavan Kumar is the first blade runner in India and won several medals, he said. Sastry said he had worked with several film studios as a sound engineer. The Ram temple will be inaugurated by Prime Minister Narendra Modi on January 22. It has to be noted that the first pair has already reached its destination, and the second pair is being taken by Sastry on a foot march to the sacred site.

## Coal On Your Dinner Plate? China To Make Food From Coal

NEW DELHI (ROYAL JOURNALISM): Can coal, the notorious villain of climate change, become an unlikely hero? Can we actually make food from it? No, we're not talking about charring vegetables on a charcoal grill. We're talking about consuming the coal itself! This seemingly unthinkable concept is inching closer to reality. Chinese scientists have developed a low-cost method for transforming coal into protein for animal feed. And who knows, one day we might even see it grace our own plates as a culinary curiosity. Coal, the dirtiest of fossil fuels, holds the dubious honor of causing over 0.3°C of the 1°C global temperature rise. It's the single biggest culprit behind our warming planet. The world vows to ditch it, yet our estimated remaining coal reserves - 1.07 trillion tonnes - represent roughly 133 years of consumption at current rates. China, the world's largest consumer and importer, mines nearly half the world's coal, followed by India



with about a tenth. While coal powered economies for centuries, it's now become a global headache. But this scientific breakthrough offers a flicker of hope in the darkness. Researchers have devised a protein production technology cheaper than traditional methods. Scientists from the Tianjin Institute of Industrial Biotechnology at the Chinese Academy of Sciences (CAS) claim they can convert coal into methanol through gasification, as reported by the South China Morning Post. For decades, sci-

entists have pursued the synthesis of cellular protein from methanol. Now, researchers have identified the yeast strain *Pichia pastoris* (*P. pastoris*) - the key to this process - which thrives on methanol. So, why is this such a big deal? China spends billions annually importing feed for its livestock. Each year, it consumes about 175 million tonnes of corn and 100 million tonnes of soybeans for animal feed, a figure expected to rise with intensive livestock farming. If China successfully creates "Food from Coal," it could be a major economic boon. From Brazil to Africa, forests, grasslands, and wetlands are sacrificed to make way for expanding soy production, threatening ecosystems. The ever-growing human population's demand for meat pushes soy demand even higher. If this research translates into commercial reality, it could reduce our dependence on soy. But let's hold the applause. The details of this Chinese discovery remain sketchy.

