

**PRELIMS MANTRA – 3 (14/02/2025)**

**President’s Rule in Manipur under Article 356 (State Emergency or Constitutional Emergency):**

- **Article 356** empowers the President to issue a proclamation, if he is satisfied that a situation has arisen in which the **government of a state cannot be carried on in accordance with the provisions of the Constitution**. Notably, the **president can act either on a report of the governor of the state or otherwise too**.
- **Article 365** says that whenever a **state fails to comply with or to give effect to any direction from Centre**, it will be lawful for president to hold that a situation has arisen in which government of state cannot be carried on in accordance with provisions of Constitution.
- **Article 356 (3)** of the Constitution states that the proclamation shall be laid before each House of Parliament and shall cease to operate at the expiration of two months unless approved by resolutions of both Houses of Parliament.
- If approved by both the Houses of Parliament, the President’s Rule continues for six months. **It can be extended for a maximum period of three years with the approval of the Parliament, every six months**.
- Every resolution approving the proclamation of President’s Rule or its continuation can be passed by either House of Parliament only by a **simple majority**.
- **44<sup>th</sup> CAA, 1978**: It provided that beyond one year, the President’s Rule can be extended by six months at a time only when the following two conditions are fulfilled:
  1. A proclamation of National Emergency should be in operation in whole of India, or in whole or any part of state.
  2. Election Commission must certify that general elections to legislative assembly of concerned state cannot be held on account of difficulties.
- A proclamation of President’s Rule may be **revoked by the President** at any time by a subsequent proclamation which **does not require the parliamentary approval**.

**Supreme Court in S. R. Bommai Case 1994**

- Presidential proclamation imposing President’s Rule is subject to judicial review.
- The action of the president can be struck down by the court if it is based on irrelevant or extraneous grounds or if it was found to be malafide or perverse.
- Burden lies on the Centre to prove that relevant material exist to justify the imposition of the President’s Rule.
- The state legislative assembly should be dissolved only after the Parliament has approved the presidential proclamation. Until such approval is given, the president can only suspend the assembly.

**Effects of President’s Rule:**

- President **dismisses the state council of ministers** headed by the chief minister and the state governor, on behalf of the President, carries on the state administration with the help of the chief secretary of the state.
- President **either suspends or dissolves** state legislative assembly. Parliament passes state legislative bills and state budget.
- It has **no effect on Fundamental Rights** of the citizens.
- Constitutional position, status, powers and functions of concerned **state high court remain same**.

**Note: Manipur holds record of most instances of President’s Rule (this is 11<sup>th</sup> time).**

**Article 224A: Appointment of Retired Judges in High Courts:**

- **Chief Justice of a High Court, with the President’s prior consent, can request a retired judge of that or any other High Court** to serve as a judge in that state’s High Court.
- Such judges will have the **same jurisdiction, powers, and privileges as regular judges** but will not be considered permanent judges.
- The emoluments and allowances of an ad hoc Judge should be at par with a permanent Judge of that Court at the relevant stage of time minus the pension.
- Emoluments to be paid would be a **charge on the Consolidated Fund of India**.

**Lok Prahari versus Union of India case, 2021**

Article 224A of Constitution allows appointment of ad hoc judges in High Courts to address backlog of cases.

**Chief Justice of a High Court may exercise this discretion if:**

1. **vacancies exceed 20% of the sanctioned strength (in Feb 2025, this condition was relaxed by SC),**
2. cases in a category have been pending for over five years,
3. over 10% of pending cases are older than five years, or
4. disposal rate is lower than rate of new case filings.

**Note:** Article 126 allows appointment of an acting Chief Justice of India, while Article 127 deals with appointing ad hoc SC judges.

**Impeachment of High Court Judges:**

- A judge of a high court can be removed from his office by an order of the President. The **President can issue the removal order only after an address by the Parliament has been presented to him in the same session for such removal**.
- The address must be supported by a **special majority** of each House of Parliament.
- The **grounds of removal - proved misbehaviour or incapacity**. Thus, a judge of a high court can be removed in the same manner and on the same grounds as a judge of the Supreme Court.

The **Judges Enquiry Act (1968)** regulates the procedure relating to the removal of a judge of a high court by the process of impeachment:

1. A **removal motion signed by 100 members (in the case of Lok Sabha) or 50 members (in the case of Rajya Sabha)** is to be given to the Speaker/Chairman.
2. The **Speaker/Chairman may admit the motion or refuse to admit it.**
3. If it is admitted, then the Speaker/Chairman is to constitute a **three-member committee to investigate into the charges.**
4. The committee should consist of **(a) the chief justice or a judge of the Supreme Court, (b) a chief justice of a high court, and (c) a distinguished jurist.**
5. If the committee finds the judge to be guilty of misbehaviour or suffering from an incapacity, the House can take up the consideration of the motion.
6. After the motion is passed by each House of Parliament by special majority, an address is presented to the president for removal of the judge.
7. Finally, the president passes an order removing the judge.

**Note: No HC judge has been impeached so far.**

**Silver Tsunami:** It is an economic term that metaphorizes a 'demographic apocalypse', when the number of 'old' (retired) people living in an economy, outnumber the number of young (productive) people.

**"Foetus in fetu":** It is a fetus-like mass that develops within the body of the other fetus in a monozygotic twin pregnancy. Basically, one twin is very underdeveloped and enwrapped inside the body of the other twin, so much so that the pregnancy is considered a singleton pregnancy. Also known as cryptodidymus, this is a rare congenital disorder that affects about one in 500,000 births. The exact cause is not fully understood, but it's believed to result from an anomaly during the development of monozygotic or identical twins.

**'Matsya 6000':** Ministry of Earth Sciences, through the National Institute of Ocean Technology (NIOT), Chennai, is developing a manned submersible 'Matsya 6000' (Under the Deep Ocean Mission). It is designed to enable continuous operations at 6000 m depth for up to 12 hours with an emergency endurance of up to 96 hours for conducting deep water observation and exploration.

**Himadri:** The Ministry of Earth Sciences, through its autonomous institute, the National Centre for Polar and Ocean Research (NCPOR), Goa organizes the Indian Arctic expeditions and manages the Indian Arctic Research Station Himadri (opened in 2008 at Svalbard, Norway).

**Sampoorna Bima Gram Yojana:** An initiative of **Department of Posts (launched in 2017)** to provide life insurance to the people living in rural areas. A **minimum of 100 households in each of the identified villages** are to be brought under the coverage of at least one Rural Postal Life Insurance (RPLI) policy in each household.

**PRACTICE MCQs**

Q.1 Consider the following statements about the President's Rule:

1. Resolution approving the proclamation of President's Rule or its continuation can be passed by either House of Parliament by a simple majority.
2. Its proclamation shall cease to operate at the expiration of three months unless approved by resolutions of both Houses of Parliament.
3. Its proclamation can be extended for a maximum period of three years with the approval of the Parliament, every six months.
4. It may be revoked by the President at any time by a subsequent proclamation after the resolution passed by Lok Sabha only.

Which of the statements given above are correct?

- a) 1 and 2 only
- b) 2 and 3 only
- c) 1 and 3 only
- d) 2 and 4 only

**Answer: C**

Q2. Which of the following statements is incorrect about the effect of the proclamation of President's Rule in the state?

- a) The state council of ministers headed by the chief minister is dismissed.
- b) President dissolves state legislative assembly and Parliament passes state legislative bills and state budget.
- c) It has no effect on Fundamental Rights of the citizens.
- d) Constitutional position, status, powers and functions of concerned state high court remain same even during President's Rule.

**Answer: B**

Q3. The term 'silver tsunami', sometimes mentioned in the news, refers to:

- A discovery of huge silver reserves in the country.
- A discovery of huge lithium reserve in the country.
- Sudden increase in fish growth in particular parts of the Ocean.
- A demographic condition when the number of old people outnumber the number of young people in the country.

**Answer: D**

Q4. If a removal motion for high court judge signed by 100 members (in the case of Lok Sabha) or 50 members (in the case of Rajya Sabha) is, the Speaker/Chairman constitutes a three-member committee to investigate into the charges. Which of the following are part of that committee?

- The chief justice or a judge of the Supreme Court
- A chief justice of a high court
- A judge of a high court
- A distinguished jurist

Select the correct answer using code given below:

- 1, 2 and 3 only
- 1, 2 and 4 only
- 2, 3 and 4 only
- 1, 3 and 4 only

**Answer: B**

Q5. Which of the following statements is incorrect?

- Chief Justice of a High Court can request a retired judge of that or any other High Court to serve as a judge in that state's High Court.
- The retired judge can deny such request made by Chief Justice of a High Court.
- Ad hoc judges have the same jurisdiction, powers, and privileges as regular judges of High Court.
- There is no provision for appointment of ad hoc judges to Supreme Court.

**Answer: D**

Q6. Which of the following state of India has faced President's Rule for maximum number of times?

- Nagaland
- Arunachal Pradesh
- Manipur
- Punjab

**Answer: C**

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