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Q53

If the President of India exercises his power as provided under Article 356 of the Constitution of a particular State, then (a) the Assembly of the State is automatically dissolved. (b) the powers of the Legislature of that State shall be exercisable by or under the authority of the Parliament. (c) Article 19 is suspended in that State. (d) the President can make laws relating to that State. Official key: B.

UPSC Civil Services Prelims 2018 · General Studies · 2 marks · Polity and Governance

Indian Constitution, polity, rights, governance - Prelims GS Paper I.

Explanation**(a)**

(a) The Assembly of the State is automatically dissolved. **Article 356** lets the President assume the State government's functions; the House may be kept in suspended animation or dissolved later. Dissolution is not automatic on the Proclamation itself. This option is not the key.

(b) Official key

(b) The powers of the Legislature of that State shall be exercisable by or under the authority of the Parliament. **Article 356(1)(b)** says exactly that: State legislative power shifts to Parliament (or to a delegate authorised by Parliament). That is the constitutional consequence asked. This option is the official key.

(c)

(c) **Article 19** is suspended in that State. Suspension of **Article 19** is tied to a Proclamation of Emergency under **Article 352** (see **Article 358**), not to State failure under 356. This option is not the key.

(d)

(d) The President can make laws relating to that State. Law-making for the State during President's Rule is Parliament's; the President may legislate only if Parliament confers that power under **Article 357**. It is not an automatic presidential power. This option is not the key.

Summary

Official key is (b). When **Article 356** is used, **Article 356(1)(b)** vests the State legislature's powers in Parliament or in an authority Parliament names. The Assembly is not dissolved by the mere Proclamation. **Article 19** is not suspended by 356. The President does not become the State's law-maker unless Parliament so authorises under **Article 357**. Only (b) states the actual constitutional shift.

Related possible facts

These can be asked in a future Prelims paper.

Article 356

Failure of constitutional machinery in a State

Article 365

Non-compliance with Union directions may attract 356

S.R. Bommai (1994)

Proclamation justiciable; floor test preferred

Article 357

Parliament may authorise the President to legislate for the State

Article 358

Article 19 suspension linked to Article 352 Emergency

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