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Competitive Exams: Political Science Study Material Art 356

Art 356 and Judicial Review

In a landmark judgement, the Supreme Court in March 1994 held that the power of the President in issuing a Proclamation of emergency in a State is subject to judicial review to the extent of examining whether it was issued on the basis of any relevant material at all or whether the material was relevant or whether the proclamation was a malafide exercise of power.

Another important principle laid down by the Court is that the power of dissolving a State Legislative Assembly can be exercised by the President only after the proclamation is approved by both the Houses of Parliament.

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