Provisions relating to President’s Rule are crux of the entire Centre-State relationship. The repeated use and misuse of the provisions regarding President’s Rule under Article 356 creates tension in the Centre-State relations. In most of the cases, Article 356 was used to dislodge the State Governments ruled by a political party or coalition other than the party in power at the Centre. The Left Parties (CPI, CPI-M, RSP and Forward Bloc) and regional parties, i.e., DMK, TDP, Akali Dal, National Conference etc., raised protest against the misuse of Article 356 for partisan interests and some of them demanded deletion of Article 356 from the Constitution of India. Considerable debates were held about Article 356 among political parties, constitutional experts, political scientists and scholars. The Union Government constituted various Commissions and Committees for reviewing the Centre-State relations including provisions of President’s Rule and to suggest suitable changes for healthy Centre-State relations and check upon misuse of provisions regarding the President’s Rule. We can discuss the recommendations of Commissions and Committees, which are as follows.

THE ADMINISTRATIVE REFORMS COMMISSION REPORT, 1968.
The Administrative Reforms Commission (1968) recommended that the report of the Governor regarding President’s Rule has to objective and also the Governor should exercise his own Judgement in this regard. The Commission recommended, “In all such cases the Governor’s report has to be objective, according to the facts as he sees and interprets them and not as his ministers or the Centre interpret them. Briefly, therefore, in reporting to the President, whether in routine or in unusual circumstances warranting Presidential intervention, the Governor is expected to exercise his own Judgement.”

The Administrative Reforms Commission (1968) recommended that where President’s Rule is imposed the Governor of the State should responsibly act under

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the direction of the Union Government. The Commission recommended that “Where Presidential Rule is imposed the Governor may be entrusted by the Centre with the task of actively carrying on the administration for which he then becomes directly responsible under the overall direction of the Union Government.”

These recommendations are an important restraint in the exercise of the Presidential powers under Article 356. But these recommendations were not implemented due to lack of will power.


President, V.V. Giri, established Governors' Committee headed by the then Jammu & Kashmir Governor, Bhagwan Sahay, to review the issues relating to Governors. Gopal Reddy, Aliyaver Jung and S.S. Dhawan were the members of this Committee. The Committee gave its recommendations in 1971.

The Governors' Committee (1971) laid down the responsibility on the Governor to see that the administration of the State does not breakdown due to political instability and he must send regular report about the political situation of the State. The Governor should also report to the President about any serious internal disturbance or external aggression in the State concerned and about action to be taken under Article 356. The Committee recommended that “As Head of the State, the Governor has a duty to see that the administration of the State does not break down due to political instability. He has equally to take care that responsible Government in the State is not lightly disturbed or superseded... It is not in the event of political instability alone that a Governor may report to the President under Article 356. Reference has been made elsewhere in this report to the President about any serious internal disturbances in the States, or, more especially of the existence or possibility of a danger of external aggression. In such situations also it may become necessary for the Governor to report to the President for action pursuant to Article 356.”

2 ibid, p. 277.
The Governors' Committee also recommended that the guiding principles for the Governors to act according to his best judgement should be maintained. The Committee also recommended that "The Governor has to act on each occasion according to his best Judgement, the guiding principle being, as far as possible, maintained."\(^4\)

The Governors' Conference discussed this report on November 26, 1971 at New Delhi, but the idea of instructions to Governors was withdrawn, although these recommendations were very useful.

**THE CENTRE-STATE RELATIONS INQUIRY COMMITTEE (RAJAMANNAR COMMITTEE) REPORT, 1971.**

The DMK government in Tamil Nadu headed by M. Karunanidhi established a Centre-State relations Inquiry Committee headed by P.V. Rajamannar, former Chief Justice of Madras High Court, on September 2, 1969. The Committee gave its recommendations in 1971. The recommendations of Rajamannar Committee are analysed as follows.

1. The Rajamannar Committee (1971) recommended the deletion of Articles 356 and 357 from the Constitution of India. The necessary provisions for safeguards against arbitrary action of the ruling party at the Centre under Article 356 should be incorporated in the Constitution. The Committee recommended, "Articles 356 and 357 may be entirely repealed. The only other alternative is to provide safeguards to secure the interests of the States against the arbitrary and unilateral action of a party commanding overwhelming majority, which happens to be in power at the Centre."\(^5\)

2. The Rajamannar Committee emphasised that the Governor of the State should not consider himself as an agent of the Centre but play his role as the constitutional head of the State. The Committee emphasised the fact that "The Governor should not

\(^4\) *ibid*, p.69.

deem himself to be a mere agent of the Centre and that the emphasis should be on his role as the constitutional head of the State."\(^6\)

3. The Rajamannar Committee recommended that the Ministry of the State concerned should not depend on the pleasure of the Governor and the Ministry should continue its function till it commands majority in the State Legislative Assembly. The Committee also recommended that "The tenure of office of a Ministry in any State should not be dependent on the pleasure of the Governor and that the Ministry should continue to function and perform its allotted duties so long as it is able to command a majority in the Legislative Assembly... If Article 356 is to be retained, the words 'or otherwise' occurring in clause (1) of the article may be omitted."\(^7\)

4. The Committee recommended that before recommending the President's Rule in the State, the Governor should ensure a Ministry which would enjoy the confidence of the Legislature after observing all the possibilities. The justification of the President's Rule is possible only when there is complete breakdown of law and order in the State. The Committee have also recommended that "The Governor, before recommending President's Rule, should explore all possible avenues open to him to secure a Ministry which would command the confidence of the Legislature... The only other contingency which would justify the imposition of President's Rule is the complete breakdown of law and order in the State. The only forum which could decide the question whether a Ministry could continue in office is the Legislative Assembly."\(^8\)

5. The Committee recommended that before sending his recommendation for the President's Rule, the Governor should refer the report to the Legislative Assembly within a specified period to know the Assembly's views. The Committee suggested that "the addition of a proviso of clause (1) of Article 356 requiring the President, before issuing the Proclamation, to refer the report of the Governor to the Legislative

\(^6\) ibid, p.138.
\(^7\) ibid, pp.138-9.
\(^8\) ibid, p.139.
Assembly for expressing its views thereon within such period as may be specified in
the reference."  

6. The Committee further recommended that the President's Rule should be
imposed in the State if the State Government concerned fails to implement the
direction issued by the Union Government. The Committee have also recommended
that "Any contravention of, or failure to implement, a direction issued by the Union to
the State should, under no circumstances, be made a ground for the imposition of
President's Rule. It follows that Article 365 has to be repealed."  

It is obvious that recommendations of Rajamannar Committee (1971) are very
important for autonomy of States and it also suggests some checks upon the misuse of
provision relating the President's Rule, but the suggestion of deletion of Articles 356
and 357 was not reasonable and possible for unity and integrity of the country and for
proper functioning of constitutional machinery in the States. These recommendations,
however, were rejected by the Union Government. Rajeev Dhavan and Geetanjali
Goel observed, "These suggestions, some eminently sensible, were not accepted as a
package because they were found to be too extreme. But the issues raised by
'Rajamannar' have resurfaced and remained."  

THE COMMISSION ON CENTRE-STATE RELATIONS (SARKARIA
The Government of India established a Commission on March 24, 1983, headed by
Justice R.S. Sarkaria, to review the Centre-State relations and to suggest measures for
reforming these relations. B. Shivraman and S.R. Sen were also the members of this
Commission received valuable suggestions from the State Governments and many
eminent persons.
i) some suggested that Article 356 may be deleted from the Constitution of
India. Unless there is a will and commitment to work for a united country,

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9 ibid. p. 139.  
10 ibid. p. 140.  
11 Dhavan, Rajeev and Goel, Geetanjali (1998), "Indian Federalism and Its
Discontents: A Review," cited in Gert W. Kueck et al. (eds.) (1998),
Federalism and Decentralisation: Centre-State Relations in India and
Germany. Konrad Adenauer Foundation: New Delhi, p. 82.
there are real dangers that regionalism, linguistic, chauvinism, communalism, casteism, etc. may foul the atmosphere to a point where secessionist thoughts start pervading the body politic. It is necessary to preserve the overriding powers of the Union to enable it to deal with such situations and ensure that the government in the State is carried on in accordance with the provisions of the Constitution.

ii) Some seek to restrict the scope of Article 356 only to a serious breakdown of law and order paralysing the State administration and where the State Government lacks the will and capability to meet the situation. Some others are of the view that action under Article 356 may also be taken where there is a complete failure to induct a government which can command a majority in the State Legislature.

iii) Some State Governments and others have suggested that the Inter-State Council should be consulted before a proclamation under Article 356 is issued. One State Government has suggested that Article 356 should be amended to provide for prior approval of the Inter-State Council or its Standing Committees. They have also suggested that, in case elections cannot be held within six months after proclamation of President’s Rule, the Inter-State Council should be consulted again and its option placed before Parliament.

iv) It has been suggested that principles of natural justice should be followed before a State Government is dismissed and President’s Rule imposed. It is suggested that, before sending his report, the Governor should communicate it to the State Government and obtain its comments. Again, before issue of a proclamation, the President should convey the reasons for the action contemplated and take into consideration the clarifications of the State Government before taking a final decision to impose President’s Rule. Yet another suggestion is that, in keeping with the principles of fair-play and justice, warning should be given.
v) It has been argued that in keeping in view the alleged misuse of the provisions of Article 356 in the past, there is need for severe restrictions in respect of any extension beyond one year of the Proclamation. While several State Governments consider that the existing provisions or appropriate, two have suggested that the position as was obtaining prior to the 44th Amendment should be restored. Two other State Governments have suggested that a little more flexibility could be introduced without detracting from the present limitations by substituting the word 'or' for the word 'and' between Sub-Clauses (a) and (b) of Clause (5) of Article 356. 12

The recommendations of Sarkaria Commission are analysed as follows:

1. The Sarkaria Commission (1988) recommended that Article 356 should be used in very rare cases when it becomes unavoidable to restore the breakdown of constitutional machinery in the State. The Commission recommended that "Article 356 should be used very sparingly, in extreme cases, as a measure of last resort, when all available alternatives fail to prevent or rectify a breakdown of constitutional machinery in the State." 13

2. The Commission recommended that before taking action under Article 356, a warning should be issued to the State Government that it is not functioning according to the Constitution. However, the explanation submitted by the State Government should not be taken into account if there is an urgency of taking immediate action to prevent disastrous consequences. The Commission recommended that "A warning should be issued to the errant State, in specific terms, that it is not carrying on the Government of the State in accordance with the Constitution... However, this may not be possible in a situation when not taking immediate action would lead to disastrous consequences." 14

3. The Commission recommended that the Union Government should make use of Article 355 in case an 'external aggression' or 'internal disturbance'

13 ibid, p.179.
14 ibid., p. 179.
collapses the constitutional machinery of the State concerned. The Commission recommended that “When an ‘external aggression’ or ‘internal disturbance’ paralyses the State administration creating a situation drifting towards a potential breakdown of the Constitutional machinery of the State, all alternative courses available to the Union for discharging its paramount responsibility under Article 355 should be exhausted to contain the situation.”

4. The Commission recommended that in case of political breakdown, the Governor should allow a government to function in the State which enjoys the majority in the State Assembly. If it is not possible and there is urgency of fresh elections then the outgoing Ministry will function as a caretaker government. The Commission recommended that “In a situation of political breakdown, the Governor should explore all possibilities of having a government enjoying majority support in the Assembly. If it is not possible for such a government to be installed and if fresh elections can be held without avoidable delay, he should ask the outgoing Ministry, if there is one, to continue as a caretaker government. The Governor should recommend proclamation of President’s Rule without dissolving the Assembly.”

5. The Commission also recommended that the Proclamation of the President’s Rule should be placed before each House of Parliament before the expiry of two months’ period specified for its approval. The Commission recommended that, “Every Proclamation should be placed before each House of Parliament at the earliest, in any case before the expiry of the two month period contemplated in clause (3) of Article 356.”

6. The Commission recommended that the Governor or the President should not dissolve the State Assembly before the approval of the Proclamation by each House of the Parliament. The Commission recommended that “The State Legislative Assembly should not be dissolved, either by the Governor or by

15 ibid, pp. 179-80.
16 ibid, p. 179.
17 ibid, p. 180.
the President before the Proclamation issued under Article 356(1) has been laid before Parliament and it has had an opportunity to consider it. Article 356 should be suitably amended to ensure this.  

7. The Commission recommended that the safeguards in clauses (7) and (8) of Article 352 should be incorporated in Article 356 to enable the Parliament to review continuance in force of a Proclamation. The Commission recommended that “Safeguards corresponding, in principle; to clauses (7) and (8) of Article 352 should be incorporated in Article 356 to enable Parliament to review continuance in force of a Proclamation.”

8. The Commission recommended that the material facts and grounds on which Article 356(1) is invoked should be made an integral part of the Proclamation of that Article. The Commission recommended that “Notwithstanding anything in clause (2) of Article 74 of the Constitution, the material facts and grounds on which Article 356(1) is invoked should be made an integral part of the Proclamation issued under that Article.”

9. The Commission recommended that the report of the Governor regarding Article 356 should be placed before each House of Parliament and it should be a ‘speaking document’. The Commission recommended that “Normally, the President is moved to action under Article 356 on the report of the Governor. The report of the Governor is placed before each House of Parliament. Such a report should be a ‘speaking document’ containing a precise and clear statement of all material facts and grounds on the basis of which the President may satisfy himself as to the existence or otherwise of the situation contemplated in Article 356.”

10. The Commission recommended that the report of the Governor regarding imposition of President’s Rule should be given wide publicity in the media. The Commission recommended that “The Governor’s report, on the basis of
which a Proclamation under Article 356(1) is issued, should be given wide publicity in all the media and in full.”  

11. The Commission recommended that the President's Rule in a state should be proclaimed on the basis of the Governor's report in normal situation. The Commission recommended that "Normally, President's Rule in a State should be proclaimed on the basis of the Governor's report under Article 356(1)."  

12. The Commission recommended that the word 'and' occurring between sub-clauses (a) and (b) should be substituted by 'or', in Clause (5) of Article 356. The Commission recommended that "In clause (5) of Article 356, the word 'and' occurring between sub-clauses (a) and (b) should be substituted by 'or'."  

It is obvious that Sarkaria Commission's suggestions are useful to check upon the misuse of provisions relating to President's Rule and it promotes a constitutional structure that promotes co-operative and federal institutions. It will also be helpful in promoting healthy Centre-State relations and federal setup. Owing to lack of political will power these suggestions have not been implemented so far. S. Saraswathi observed, "The Sarkaria Commission has taken great efforts to examine Union-State relationships but the end product reveals the existence of certain diametrically opposite views that cannot meet. As long as such views exist, the problems of relationship will continue and any suggestion for betterment of relations are bound to have temporary effect only."  


Court, was the Chairperson of this Commission. Justice R.S. Sarkaria was the chairperson of emergency provisions review committee and Justice B.P. Jeevan Reddy presented the paper on Article 356. The Commission submitted its report in 2002. The analysis as in the recommendations of the Commission is as follows.

1. The Venkatachaliah Commission (2002) recommended that the Article 356 must be used sparingly and only as a remedy of the last resort after exhausting all actions under Articles 256, 257 and 355. The Commission recommended that “In the spirit of the framers of the Constitution, that Article 356 must be used sparingly and only as a remedy of the last resort and after exhausting action under other Articles like 256, 257 and 355.”

2. The Commission recommended that in case of political breakdown, the State concerned should be given an opportunity to explain its position and redress the situation before issuing a proclamation under Article 356. The Commission recommended that “Before issuing a proclamation under Article 356 the concerned State should be given an opportunity to explain its position and redress the situation, unless the situation is such, that following the above course would not be in the interest of security of State, or defence of the country, or for other reasons necessitating urgent action.”

3. The Commission recommended that the question whether the Council of Ministers in a State has lost the confidence of the State Assembly or not, should be decided only on the floor of the House and not anywhere else. So far as the political breakdown of the State, the Governor should explore all possibilities of formation of a Government enjoying majority support in the State Assembly. If an alternative Government can not be formed and if fresh elections is to be held without delay, the Governor should ask the outgoing Ministry to continue as a caretaker government. The Commission recommended that “The question whether the Ministry in a State has lost the confidence of the Legislative Assembly or not, should be decided only on the floor of the Assembly and no where else... The Governor should not be allowed to dismiss the Ministry, so long as it enjoys the confidence of the House. It is only where

27 ibid. p. 252.
a Chief Minister refuses to resign, after his Ministry is defeated on a motion of no-confidence, that the Governor can dismiss the State Government. In a situation of political breakdown, the Governor should explore all possibilities of having a Government enjoying majority support in the Assembly. If it is not possible for such a Government to be installed and if fresh elections can be held without avoidable delay, he should ask the outgoing Ministry, (if there is one), to continue as a caretaker government, provided the Ministry was defeated solely on issue, unconnected with any allegations of maladministration or corruption and is agreeable to continue. The Governor should then dissolve the Legislative Assembly, leaving the resolution of the constitutional crisis to the electorate.”

4. The Commission recommended that with regard to the election of the new leader of the State Assembly (Chief Minister) and the removal of the previous Government, a constructive vote of no-confidence is to be accepted and implemented. The Commission recommended that “In regard to the election of the leader of the House (Chief Minister) and the removal of the Government only by a constructive vote of no-confidence are accepted and implemented.”

5. The Commission recommended that the President’s Rule in a State should be proclaimed on the basis of the Governor’s report in all normal circumstances. The report of the Governor under Article 356 should be a ‘speaking document’. The Commission recommended that “Normally President’s Rule in a State should be proclaimed on the basis of Governor’s report under Article 356(1). The Governor’s report should be a ‘speaking document,’ containing a precise and clear statement of all material facts and grounds, on the basis of which the President may satisfy himself, as to the existence or otherwise of the situation contemplated in Article 356.”

6. The Commission recommended that in clause (5) of Article 356, in sub-clause (a) the word “and” occurring at the end should be substituted by “or” so that President’s Rule may be continued if elections of the State Assembly cannot be held. The Commission recommended that “In clause (5) of Article 356 of the Constitution,

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28 ibid., p. 253.
29 ibid., p. 253.
30 ibid., p. 254.
in sub-clause (a) the word ‘and’ occurring at the end should be substituted by ‘or’ so that even without the State being under a proclamation of Emergency, President’s Rule may be continued if elections cannot be held.”  

7. The Commission recommended that clauses (6) and (7) under Article 356 may be added to the following lines: (6) The President shall revoke a proclamation issued under clause (1) or a proclamation, varying such proclamation if the Lok Sabha passes a resolution disapproving or disapproving the continuance in force of such proclamation. (7) Where a notice in writing signed by not less than 1/10th of the total number of members of the Lok Sabha has been given, of intention to move a resolution for disapproving... a special sitting of the House shall be held within fourteen days from the date on which such a notice is received by the Speaker or by the President, for the propose of considering such resolution. The Commission recommended that “clauses (6) and (7) under Article 356 may be added on the following lines (6) Notwithstanding anything contained in the foregoing clauses, the President shall revoke a proclamation issued under clause (1) or a proclamation varying such proclamation if the House of the People passes a resolution disapproving, or, as the case may be, disapproving the continuance in force of, such proclamation. (7) Where a notice in writing signed by not less than one-tenth of the total number of members of the House of the People has been given, of their intention to move a resolution for disapproving, or, as the case may be, for disapproving the continuance in force of, a proclamation issued under clause (1) or a proclamation varying such proclamation:

(a) to the Speaker, if the House is in session; or
(b) to the President, if the House is not in session,

a special sitting of the House shall be held within fourteen days from the date on which such a notice is received by the Speaker, or, as the case may be, by the President, for the purpose of considering such resolution.”  

8. The Commission recommended that Article 356 should be amended to ensure that the State Legislative Assembly should not be dissolved by the Governor or the President before the proclamation of President’s Rule has been laid before Parliament.

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31 ibid. p. 255.  
32 ibid. p. 256.
and it has had an opportunity to consider it. The Commission recommended that “Article 356 should be amended to ensure that the Legislative Assembly should not be dissolved either by the Governor or the President before the proclamation issued under Article 356(1) has been laid before Parliament and it has had an opportunity to consider it.”

The suggestions of the Constitution Review Commission (2002) have also been useful to check upon the misuse of the provisions regarding President’s Rule. It is submitted that the Inter-State Council should discuss on these suggestions and these suggestions should be implemented in consultations with the State governments. M.P. Singh observed that the constitutional reforms the NCRWC offers are very relevant today. Their urgency can hardly be exaggerated.

INTER-STATE COUNCIL

The NF government led by V.P. Singh at the Centre set up the Inter-State Council under Article 263 in 1990 to discuss the Inter-State problems and to give their suggestion to strengthen the Centre-State relations. Out of the 230 recommendations of the Sarkaria Commission on which Inter-State Council took decision, altogether 108 recommendations have so far been in various stages of implemented, 35 have been rejected and 87 are under implementation. The remaining 17 recommendations regarding the imposition of President’s Rule (Article 356), the deployment of CRPF in the States, compliance with Union’s directions under Articles 256 and 257, and effect of the failure to comply therewith, or to give effect to directions given by the Union Government, etc., have been considered by the subcommittee of the Council. The Council has rejected 6 recommendations pertaining to the role of Governor and 18 on All India Services. Although divergence of views still prevail on issues like Article 356, role of Governor, etc.

33 ibid, p. 257.
In the Eighth Inter-State Council meeting held in New Delhi on August 28, 2003 the Union Government and the State Governments agreed that Article 365, which empowers the President to impose sanctions on States for non-compliance with Union’s directives made under Articles 256 and 257, should be “sparingly used” in place of Article 356. The then Home Minister, L.K. Advani, said there was “general consensus” on the constitutional recommendations of the Sarkaria Commission (1988). He said that all parties in the meeting felt Article 356 should be used as a “last resort.” Safeguards against its misuse, as enshrined in the Bommai case Judgement (1994), were accepted. This would now mean incorporation of the safeguards in the Constitution through an amendment. 36

It may be concluded that above cited Commissions and Committees had gives important suggestions to check upon the misuse of provisions regarding President’s Rule. They all stressed that Article 356 should be used as a last resort, in case of actual breakdown of constitutional machinery in the States. This power should not be used by the Union Government for their partisan interests. But owing to lack of political will power and lack of consensus between the Union Government and the State governments these suggestions have not been implemented so far. Thus, the Union and State governments should evolve a consensus on incorporation of the safeguards against misuse of provisions regarding President’s Rule through a Constitutional amendment in light of the Sarkaria Commission’s recommendations (1988) and the Bommai case (1994) in their judgement on the platform of the Inter-State Council. However, any safeguard would not be effective without having regard to the democratic conventions by the political parties. As K. Suryaprasad observed, “No safeguards, whether constitutional or conventional or even judicial will ensure a cent per cent guarantee against misuse or abuse of the constitutional provisions unless the political parties are committed to democratic ideology, principles and practices.”37

In this context, some remedial measures are submitted to check the misuse of the provisions regarding President’s Rule as follows:

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36 *Hindustan Times*, New Delhi), 29 August, 2003.
First, Article 356 must be read along with Articles 355, 256, 257, 353 and 365. Second, what the President should do would be to issue a mere warning to the State that has erred, that things are not happening in the way in which they were intended to happen by the Constitution. If the warning fails, the second thing for him to do will be to order an election allowing the people of the State to settle matters by themselves. It is only when these two remedies fail that he should resort to this Article. These pre-proclamation steps should be incorporated in the Constitution. Third, the President’s Rule should be imposed in exceptional situations on reasonable grounds, i.e., where after the general elections of the State Legislative Assembly no party gains the absolute majority and no political party or group would be in a position to form the stable and viable government, where a Ministry is defeated on the floor of the Assembly and no political party or group would be in position to form a stable government, where a Chief Minister and his Council of Ministers have resigned and an alternative government formation is not possible, where the Chief Minister advises the Governor to dissolve the Assembly after losing his majority in the Assembly, where the Assembly is dissolved around February/March, without passing the budget, where the Ministry fails to carry out the directives issued by the Union Government under Articles 256 and 257, where a Ministry acts contrary to the provisions of the Constitution, where a complete breakdown of law and order ensues in a State due to secessionist activities or communal violence and the State Government is unable to maintain the security of the people and property in the State. Fourth, the Inter-State Council may be endowed with the advisory function of discussing each and every proclamation of President’s Rule and the measures taken by the President in pursuance of such a proclamation. The result of these deliberations may be placed before the Parliament and also before the general public. The Inter-State Council could have a permanent Standing Committee, which could constantly monitor the issue relating to imposition of President’s Rule. Fifth, Article 155 should be amended and a Committee consisting of President, Vice President, Prime Minister, Leader of Opposition in the Lok Sabha, Speaker of the Lok Sabha and Chief Justice of India should be framed to appoint an impartial Governor with consultation of the Chief Minister of the State concerned. The Governors themselves should act as the impartial Constitutional Heads of the States, and not as agents of the ruling political party or coalition at the Centre.
Sixth, there should be a code of conduct for the Speakers of the State Assemblies. The legislature and the judiciary should act within the specific sphere determined by the Constitution and should not interfere with each other's jurisdiction. The Speakers should play impartial role and should not destabilize the State Ministry by giving arbitrary decision under the Anti-Defection Act, 1985, or by securing the ouster of the opposition parties’ MLA's from the proceeding of the legislature. The Supreme Court and the High Courts should not interfere with normal proceeding of the State Assembly and they should interfere only in exceptional situations, i.e., when the legislators are not allowed to participate in the proceeding of the House, or legislators are not allowed to caste their vote, or the violent activities arise in the House, etc.

Seventh, the Constitution should be amended in the light of the intention of our founding fathers expressed in Constituent Assembly debates, the recommendations of the Sarkaria Commission (1988), the National Commission to Review the Working of the Constitution (2002) and safeguards on imposing President’s Rule enunciated by the Supreme Court in the Bommai Case (1994) that were discussed in the Inter-State Council should be implemented after consultations with the State Governments.

Eighth, the presence of a healthy and strong Opposition, vigilant public opinion, good statesmanship and respect for principles of federalism and healthy conventions of parliamentary democracy are also effective checks upon the misuse of this power. As Balveer Arora observed, “To consolidate this gain for federal democracy, it is important to seriously examine the proposals for stringent safeguards, if not outright abolition”.38

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