POLITY & CONSTITUTION 24 September 2026

SC Refuses Directions to Centre on Emergency Powers in West Bengal

The Supreme Court declined to direct the Union government to invoke emergency powers in West Bengal, citing judicial restraint and separation of powers.

A constitutional debate regarding judicial restraint versus executive jurisdiction in invoking central emergency provisions under Articles 355 and 356.

KEY EXAM POINTS

- A **Supreme Court** bench led by **Justice B.R. Gavai** heard a petition seeking central intervention and emergency powers in **West Bengal**.
- The court observed that issuing directives to invoke **emergency powers** would constitute **judicial overreach** into executive functions.
- The petitioner requested the court to mandate **Union protection** for the state following reported breakdown of **law and order**.
- **Justice B.R. Gavai** highlighted that the **Judiciary** already faces allegations of interfering with Parliamentary and Executive domains.
- The **Supreme Court** reaffirmed the principle of **Judicial Restraint** in policy and constitutional governance matters.

DID YOU KNOW..!?

Article 355 mandates that it shall be the duty of the Union to protect every State against external aggression and internal disturbance.

Article 356 empowers the President to impose **President's Rule** in a State if constitutional machinery fails.

In the landmark **S.R. Bommai v. Union of India** (**1994**) case, the Supreme Court ruled that the proclamation under Article 356 is subject to **Judicial Review**.

Article 365 states that failure to comply with Union directions serves as a valid ground for invoking President's Rule.

President's Rule was imposed for the first time in **Punjab** in **1951** under Article 356.

Separation of Powers between Legislature, Executive, and Judiciary is part of the Basic Structure of the Constitution defined in the **Kesavananda Bharati case** (**1973**).

REVISION FLASHCARD

Article 355 mandates the Union to protect States against external aggression and internal disturbance.

Syllabus Relevance: Highly relevant for Group 1 & 2 Mains and Prelims under Unit 5 (Emergency Provisions, Articles 355/356, and Judiciary vs Executive powers).

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