



Although Article 123 of the Constitution Grants The President The Right To Issue Ordinances, Its Frequent Usage Goes Against The Spirit of The Constitution. Examine. (150 words) (GS 2, Indian Polity)

The President of India has the right and authority under Article 123 of the Constitution to make an ordinance only when there is a pressing need for action and while one of the Houses of Parliament is not in session.

The ordinance has the same power and effect as a statute of Parliament, but it only lasts for six weeks until Parliament is reassembled.

The Supreme Court, however, concluded in *RC Cooper vs. Union of India* (1970) that the President's decision could be challenged on the grounds that "rapid action" was not required, and that the Ordinance was approved primarily to avoid debate and discussion in the legislature.

Because of a lack of numbers in the house or to avoid legislative consideration, this unusual option has been routinely overused and abused in Indian politics. It is in violation of the Constitution's spirit because:

The separation of powers established by Article 50, which has been confirmed as a fundamental structure of the constitution, has been breached.

It skips over the deliberation and debate that takes place in parliament, which gives the law actual credibility and public trust. Ordinances are an undemocratic method of enacting legislation.

Other untouched aspects of the law can be included in the legislation through arguments and cooperation.

Ordinances that are enacted and reissued frequently contradict the spirit of the Constitution and lead to a "ordinance raj." The Supreme Court harshly denounced this practise in *D.C. Wadhwa versus State of Bihar* in 1987, calling it a fundamental fraud.

The Supreme Court of India decided that judicial intervention is definitely necessary in the case of *Rustom Cavasjee Cooper vs Union of India* in 1970. As a result, if the executive abuses its power to enact ordinances, the courts may step in.

It is not a good trend to issue ordinances in non-emergency situations. The opposition must show maturity, follow legislative procedures, and refrain from disrupting Parliamentary proceedings.

Parliamentary sessions should be used to discuss and debate issues of national importance in order to determine the fate of bills and ensure the country's procedural lawmaking.



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