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## **Constitution of India Art 123 - Power of President to promulgate Ordinances during recess of Parliament**

**(1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require.**

**(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance—**

**(a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and**

**(b) may be withdrawn at any time by the President.**

**Explanation.—Where the Houses of Parliament are summoned to reassemble on different dates, the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause.**

**(3) If and so far as an Ordinance under this article makes any provision which Parliament would not under this Constitution be competent to enact, it shall be void.**

### SYNOPSIS

**Ordinance:** Ordinance not open to challenge on ground of non-application of mind or male fides, T. Venkata Reddy v. State of A.P., (1985) 3 SCC 198. See also (1985) 1 SCC 523.

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Ordinance Making Power: Existence of unusual and exceptional circumstances justifying exercise of Ordinance-making power is not totally non-justiciable. Jurisdiction of courts cannot be denied on the ground of question being political, A.K. Roy v. Union of India, (1982) 1 SCC 271.

Power of President or Governor to issue on Ordinance, is a legislative power conferred by the Constitution itself, A.K. Roy v. Union of India, (1982) 1 SCC 271: 1982 SCC (Cri) 152.