

Topic: Ordinance Making Power Of President Under Article 123

Name of the Case: Krishna Kumar Singh v. State of Bihar, (2017) 3 SCC 1

Bench: Justice T.S. Thakur, Justice Madan B. Lokur, Justice S.A. Bobde, Justice A.K. Goel, Justice D.Y. Chandrachud, Justice L. Nageswara Rao, Justice Uday Umesh Lalit

Fact of the Case: The Government of Bihar promulgated as many as eight ordinances in exercise of his legislative power under Article 213 (1) of the Constitution. None of this ordinance was laid before the legislative assembly or the legislative Council.

Judgment: The Supreme Court held that if the President or Governor, act on the aid and advice of executive, promulgates an ordinance in misuse or abuse of this power, the legislature cannot only pass a resolution disapproving the ordinance but can also pass a vote of no-confidence in the executive. There is no requirement of approval of an ordinance by legislature for it to operate validly.
