India has a parliamentary system. Yet the president has authority to occasionally enact legislation (or ordinances) without involving parliament. This book is a study of ordinances at the national level in India, centred around three themes. First, it tells the story of how an artifact of British constitutional history, over time, became part of India’s legislative system. Second, it offers an empirical account of the ways in which presidents have resorted to ordinances in post-independence India. Third, the book analyses a range of ordinance-related questions, including some that are yet to be judicially adjudicated. In the process, the book explains why much of the Indian Supreme Court’s jurisprudence is mistaken and what should take its place. Overall, the book explains why the fate of parliamentary reforms in India may be tied to the reform of this provision for ordinances. Standing at the intersection of constitutional law and political science, *Presidential Legislation in India* offers a new frame through which to assess executives’ legislative powers in both parliamentary and presidential systems.

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Presidential Legislation in India

THE LAW AND PRACTICE OF ORDINANCES

Shubhankar Dam

Singapore Management University School of Law
To my teacher, Professor N. R. Madhava Menon

गुरुप्राण्यां गुरुविवेत्तायदेवी महेश्वरः
गुरुने परं प्राणं तस्मी श्रीगुरुवे नमः

(श्री गुल्लोता : ५८)
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<tr>
<td>BJP</td>
<td>Bharatiya Janata Party</td>
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<td>BNO</td>
<td>Bank Nationalisation Ordinance</td>
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<tr>
<td>CVC</td>
<td>Central Vigilance Commission</td>
</tr>
<tr>
<td>ESMO</td>
<td>Essential Services Maintenance Ordinance</td>
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<tr>
<td>JD</td>
<td>Janata Dal</td>
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<tr>
<td>JS</td>
<td>Jana Sangh</td>
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<tr>
<td>NAC</td>
<td>National Advisory Council</td>
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<tr>
<td>NDA</td>
<td>National Democratic Alliance</td>
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<tr>
<td>NF</td>
<td>National Front</td>
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<tr>
<td>NHRC</td>
<td>National Human Rights Commission</td>
</tr>
<tr>
<td>OBC</td>
<td>Other Backward Classes</td>
</tr>
<tr>
<td>POTO</td>
<td>Prevention of Terrorism Ordinance</td>
</tr>
<tr>
<td>SEBI</td>
<td>Securities and Exchange Board of India</td>
</tr>
<tr>
<td>SP</td>
<td>Swatantra Party</td>
</tr>
<tr>
<td>ST</td>
<td>Scheduled Tribes</td>
</tr>
<tr>
<td>TDP</td>
<td>Telegu Desam Party</td>
</tr>
<tr>
<td>UF</td>
<td>United Front</td>
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<tr>
<td>UPA</td>
<td>United Progressive Alliance</td>
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Shubhankar Dam
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