CHAPTER V

IMPOSITION OF PRESIDENT'S RULE
DURING THE PERIOD 1950-71- STUDY ON
SELECTED CASES AND INSTANCES
The State in which Article 356 of the Constitution was invoked for the first time was the State of Punjab, and this happened within one and a half years of the inauguration of the present Constitution, much before the first general election under the Constitution. Being the first case of the President's rule in a State, it deserves a somewhat detailed analysis.

The Congress Party in Punjab, which was then the ruling party in the State, was deeply faction-ridden. Although Gopi Chand Bhargava was the Chief Minister and leader of the Congress Legislative Party, there was
within the party a faction led jointly by Bhimsen Sachhar and Pratap Singh Kairon. The Congress Parliamentary Board in an attempt to resolve the political tangle directed Bhargava in the summer of 1951 to make his Cabinet composite and broad-based. Bhargava resisted such a move, which was interpreted by the central leadership of the party as a defiance of the Congress Parliamentary Board. It is reported that an angry Jawaharlal Nehru even tendered his resignation from the Board to protest against Bhargava's unwillingness to abide by the Board's directive.1

Quite understandably, the Board could ill-afford to let Nehru go, and quickly responded to Nehru's protest by formally asking Bhargava on 11 June 1951 to resign forthwith from the Chief Ministership. Meanwhile the central leadership of the Congress Party made up its mind to seek President's rule in Punjab in view of the factions within its state level organization and to form a government only after the general election. Secure behind the unflinching support of majority of the Congress legislators of Punjab, Bhargava even toyed with the idea of defying the central
directive by resigning from the Congress along with his group of legislators to form a non-Congress government in the State. However, ultimately Bhargava veered round the directive of the Board and on 16 June 1951 handed in his resignation to the Governor, Chandu Lal Trivedi. The five-line letter of his resignation began with, 'Under instructions from the Central Parliamentary Board......'. In reply to the Governor's question, he expressed his inability as leader of the Congress Assembly Party, again 'under instructions from the Central Parliamentary Board', to form a new ministry. In reply to the Governor's question, he expressed his inability as leader of the Congress Assembly Party, again 'under instructions from the Central Parliamentary Board', to form a new ministry.

Even while bowing out of office, Bhargava observed: 'As it is, the Parliamentary Board's decision to give the administration of Punjab into the hands of the Governor is on grounds of principles of democracy far from desirable....rule by the Governor of Punjab is a retrograde step which the elected representatives of the people can never agree to and can never be a substitute to a rule by the duly elected representatives.'

The Governor sent his report to the President on 18 June 1951 recommending the imposition of President's rule in Punjab. It was, however, not until 20
June 1951 that the State could be formally brought under President's rule.

The Presidential proclamation was simultaneously followed by an order, which said:

In pursuance of sub-clause (1) of clause (c) of the proclamation issued on this, the 20th day of June 1951, by the President under Article 356 of the Constitution of India, the President is pleased to direct that all the functions of the government of the State of Punjab and all the powers vested in or exercisable by the Governor of that State under the Constitution or under any law in force in that State, which have been assumed by the President by virtue of clause (a) of the said proclamation, shall subject to superintendence, direction and control of the President, be exercised by the Governor of the said State.  

One cannot miss the significance of such an event. Gopichand Bhargava, the Chief Minister, was not only the leader of the Congress legislature party but commanded the allegiance of the majority in his
party. The constitutional machinery in Punjab did not face any threat, immediate or potential and President's rule was sought simply to rescue the state level party from its internal factional politics.

The President's proclamation on failure of the constitutional machinery in Punjab came up for the Lok Sabha's approval on 9 August 1951. C. Rajagopalachari, the Home Minister, referred to the constitutional breakdown in the State as a result of Gopichand Bhargava's resignation. He continued, 'This is not the same as the old picture under Section 93 of the Government of India Act (1935) by which provincial autonomy was substituted by arbitrary authority under certain circumstances. H.N. Kunzru criticised the propriety of Article 356 and voiced his disapproval of the Centre's action. '.....the fact remains that the theory behind Article 356 is that the Central Government has the power to intervene when it thinks that a State Government is acting in such a way as to injure the interests of the people. The Central Government is all powerful and it can almost compel parties
not accepting its view-point to fall into line with it. I personally do not approve of the theory lying behind Article 356......When this Article was discussed (in the Constituent Assembly) it was thought that the Central Government should have the power to act in the interest of the whole country when its security was affected, but unfortunately action has been taken in Punjab on other grounds. N.G. Ranga feared a possibility of Article 356 being invoked to penalise a State Government dissenting with the Centre. He suggested, 'As soon as the Governor found that it was impossible to form a ministry he could have constituted a care-taker ministry of men comprising all the available talent.' P.S. Deshmukh wondered whether the situation in Punjab culminating into the President's rule constituted 'a good enough precedent for us to follow in the future'. He continued, 'If we accept the resolution....we would unfortunately be laying down a very curious precedent and that precedent would be that all any moment when the Government of India thinks that a particular ministry should be suspended,
they shall be entitled to do it, .... We are removing a ministry inspite of the fact that ministry enjoys the confidence of the Assembly. Finally, the Lok Sabha approved the resolution on 9 August 1951.

**ANDHRA**:

In November 1954 the Ministry led by the veteran T. Prakasam fell by a majority of but one vote. This Ministry formed in October 1953 was a coalition one to begin with. In November 1953 the party position in the Assembly stood as follows: Congress 46, Communists 42, Praja Socialist Party (PSP) 16, Kri­shikar Lok Party 14, Independents 13 (of whom 6 were with the Congress and 4 with the Communists), Krishak Mazoor Praja Party (KMPP) 6, Scheduled Caste Federation 2, Socialists 1. The Government's prohibition policy, which proved to be its nemesis, was a subject of intense controversy in the State. In March 1954 an expert committee under the chairmanship of Rama­murthy which had been appointed by the Government to examine this problem, recommended the virtual abolition of prohibition on the ground that it had failed
The report of the committee was approved by the State Assembly in June 1954 but the Government took no action on its recommendations. On 4 November 1953 a vote of no-confidence in the Ministry was moved in the Assembly. The resolution said, 'That this assembly expresses its want of confidence in the Ministry for they had failed to respect and implement the recommendations of the Ramamurthy committee as decided by the Assembly on 27 May 1954.' On 6 November the motion was carried by 69 votes (Communist 40, Congress 2, Praja-Socialist 7, Krishikar Lok Party 8, Praja Party 2 and Independents 10) to 68 (Congress 48, Praja Socialist 1, Krishikar Lok Party 1, Praja Party 5, KMPP 1 and Independents 12) with one Independent abstaining and one Praja Socialist legislator absent, thus dealing a mortal blow to the Prakasam Ministry. The Government suffered the defeat on account of two Congress members and two members of the Praja Party (the pro-Government group defecting and voting with the opposition.

Soon after the defeat, T. Prakasam along
with his Council of Ministers submitted his resignation to the Governor, and also advised him in favour of dissolution of the Assembly. The leader of the Communist Party (which was the second largest party in the assembly) Nagi Reddy, thereupon met the Governor to press his claim to form the Government. He later told the press: 'I urged on the Governor that the Communist Party as the 'first party' in the elections had the right to form an alternative Government here and now, according to democratic principles. I have also told the Governor that my Government, when formed, would be stronger and more stable than the previous Ministry'. The Governor, Chandu Lal Trivedi (who was earlier Governor of Punjab) ignored the plea, and on 15 November 1954 President's rule was imposed in Andhra, and the State Assembly, too, was dissolved. Trivedi did not consider the appointment of any adviser necessary, as he did not in Punjab in 1952.

The decision to impose President's rule in Andhra was a controversial one—indeed the most controversial one since Article 356 was first invoked in
1952. The various political parties of Andhra were highly critical of President's rule imposition as they believed that it was done without fully exploring the possibilities of forming an alternative Ministry by the opposition parties. When in November the President's proclamation was placed in the Lok Sabha for its assent, it was approved but without sharp criticism. The Home Minister defended the imposition of President's rule in Andhra on the ground that in parliamentary democracy, the Ministry, when defeated in the legislature, enjoyed the prerogative of recommending to the head of state to dissolve this Assembly and seek fresh election. 'This, he asserted, 'is very good and I submit it is a precedent which ought to be followed.' A.K. Gopalan, the Communist member, on the other hand, alleged that all principles, conventions and traditions pertaining to parliamentary democracy had been cast to the winds when the opposition was not asked to form the government. 'In my opinion,' he said, 'a constitutional crisis happens only when there is no confidence against a Ministry, then.....there are other parties, and the leaders of
other parties have to be called, and they are to be
given a chance to form a government. If they are not
able to form a government and if either the Governor
or the Crown in authority finds that there is no
possibility of running the administration, and there
is nobody to take charge of the administration, then
and then only, there is a constitutional crisis.14
Asoka Mehta observed, 'I am second to none in this
House in my opposition, in my stout-hearted opposition,
to the Communist. But in my opposition to the Commu-
nist I am not prepared to undermine, to give the go-by
to the conventions of the Constitution....If the
Communists are to be kept out of power, they must be
kept out by fair play, not by the methods that have
been pursued'.15 The resolution was approved by the Lok
Sabha as well as the Rajya Sabha.

KERALA

The credit of having the Communist Party of
India as the ruling party for the first time under the
Indian constitution goes to Kerala. This happened
after the second general election held in 1957. The
Communist came into power in the State through democratic processes but the opposition parties in Kerala, especially the Congress, showed little sign of being at the helm of affairs in the State. The Statesman, a paper which is by no account a friend or even sympathiser of the Communists, commented, 'Ever since the Communist Ministry took office, the opposition parties have done all in their power to bring it down...They, especially the Congress, have cared little about the means. They seem to have forgotten that the Communists were returned to power through the ballot box and should be removed by that means alone....In some places at least, the Congressmen supplied the provocation that led to the unfortunate incidents.'

In June 1959, the Congress, the Praja Socialist Party and the Muslim League combined their forces and formed a joint action committee to launch a 'non-violent' movement to bring to an end the Communist rule, or 'misrule' according to them, in Kerala. The Joint Action Committee issued a 37-point charge-sheet containing their allegations against the Communist Government in Kerala, the main ones being as follows:
(1) The Communist Government in Kerala abused its administrative powers in the interests of the party members while non-communists were ignored.

(2) It had negligently failed to carry out development programmes in accordance with the Five-Year plan.

(3) Fundamental rights were denied, there was no security for life and property, and the rule of law had ceased.

(4) Corruption was 'increasing like a flood'.

(5) Communist cooperatives, especially the numerous newly-founded labour contract societies and toddytappers societies were, given money from State funds, whilst non-Communist cooperatives were denied registration and encouragement.

(6) The purchase of land for Government purpose and distribution of industrial loans and public works contracts, were conducted with
a view to feeding party funds.

(7) The State exchequer was depleted and the State had broken down economically.

(8) The Government servants and the police have been made servants of the Communist Party so that the police personnel were compelled to suppress non-Communists whereas Communists could commit any crime without liability to prosecution; or even if a prosecution was initiated, it was immediately withdrawn afterwards.

(9) The Education Act was designed solely for the destruction of the private schools in the State.

(10) The people's religious sentiments had been offended and school text books had been converted into communist propaganda literature.

(11) By recruiting special constables to meet the mass movement directed against them, the Government was arming its party members.
The charge-sheet concluded, 'The administration of the State is being carried on by the Communist Ministry on the principle that the Government and the party were the same. It has planted as many of the party members as possible in the Government. The Opposition is concerned about it because it would pave the way for a Communist party dictatorship.'

The popular movement against the Communist Ministry was intensified and it quickly snowballed. Processions, strikes, mass arrests became the order of the day and the Government's normal functioning was rendered impossible. The sole demand of the agitators was immediate dismissal of the Ministry and the movement for this was spearheaded by the Congress Party. Although the Government did not lose its legislative majority the Governor, Ramakrishna Rao, sent his report to the President, recommending imposition of Article 356 on Kerala.

A summary of the Governor's report, compiled by Rama Krishna Rao himself recommending President's rule in Kerala was placed before the Lok Sabha on 17
August by the Home Minister, Govind Ballabh Pant. Pant had earlier rejected a Communist demand that the Governor's report as well as other relevant information given to President Rajendra Prasad be placed before the Parliament, on the ground that the documents were confidential and could not be made public.

The Governor's report stated that 'the only solution which is available at present for resolving the serious crisis in Kerala is holding re-elections after taking action under Article 356 of the Constitution'. Reviewing the State Government's record, it recalled that 'the very first act that the Government did after assumption of power was a large-scale and indiscriminate release of prisoners, remission of sentences, and withdrawal of pending cases... As a result of this step thirty-four Communist prisoners who had been sentenced for murdering policemen and others and a large number of other prisoners of the same party convicted of serious offences against persons and property, also received amnesty and release. This act was not only a political irritant to other
parties, but it also created a legitimate feeling among non-Communists that the Government was really putting a premium on violence so long as it related to members of their own party or their sympathizers....

'The Communist Party has been completely isolated from the rest of the people. The Opposition has become so widespread that there are absolutely no neutrals in the State. It is really surprising that the Government should have become so unpopular. There is no doubt in my mind that there has been a definite shift in the mind of the people against the Government. I am also convinced that a situation has been reached which cannot continue without serious consequences. The Government, though not yet fully paralysed, is unable to function in a normal way. The agitation has continued for more than seven weeks and has not petered away as expected by the Government.....Considering the present situation, I have come to the conclusion that the administration of the State cannot be carried on in accordance with the Constitution any longer.....'
On 31 July 1959 the Central Government announced the President's rule in Kerala. It was an altogether extraordinary context for the invocation of Article 356. The Namboodiripad Ministry continued to enjoy majority support within the legislature and, thus, did not present a situation of constitutional breakdown in the State. In the words of Morarji Desai, 'the Kerala Assembly was dissolved at the insistence of the then Congress President, Mrs. Indira Gandhi, though the then Prime Minister, Nehru was against the dissolution'. He said that he was a witness to Nehru and Indira Gandhi expressing differing views on the dissolution. Any way, the first experiment of the Communist Party coming into power through democratic processes and functioning within the framework of the parliamentary Constitution came abruptly to an end. As said earlier, the President's rule was promulgated in Kerala on 31 July 1959. In September, the Central Government appointed P.V.R. Rao, Chief Secretary of Mysore, as adviser to the Governor.

When the Presidential proclamation came for
the Lok Sabha's approval on 17 August 1959, Govind Ballabh Pant, the Home Minister, explained why the Central Government's intervention in Kerala became necessary. The foremost among the reasons cited by him in support of the central action was the virtual abrogation of rule of law by the Communist Government, which had discriminated in favour of its party members, direct the police not to take preventive measures, reseased those who had committed heinous crimes and withdrawn cases on Communist supporters. On the other hand, S.A. Danga accused the Centre of hatching a conspiracy against the Communist Government in Kerala which always was like the proverbial mote in the Centre's eye. The Communist Government in Kerala, he said, began implementing the accepted policies and objectives of the country, which frightened the Centre. He observed: 'the problem is not one of programmes or objectives. Socialism is the objective..... The difficulty is that it is not being put into effect.... The laws in Utter Pradesh, Bengal and Kerala are the same but the effects differ. People in Kerala gain while they do not gain in those
States because the ministries are different. This answer would naturally be fixed in the minds of the people. The Congress has become the Ministry of the bourgeoisie landlords while the other ministry is not..... Implementation of the existing programmes and also making new laws—this double-edged weapon was used by the Kerala Ministry in order to guard the interests of the toiling people and that was the complaint against us.' He concluded: 'The overthrow (of the Communist Ministry) was organised and blessed..... It was a conspiracy against the (Communist) Ministry. I am sorry to see that the conspiracy has succeeded. I must say that it is a fall of certain democratic values..... They (the Congress Government at the Centre) are absolutely partisan, narrow partisans and would overthrow people's government just because it is called Communist Government.... And so, instead of the Constitution there is the gun.' Jawaharlal Nehru, however, denied that there had been a Congress conspiracy against the Kerala Ministry and said that the popular movement against the Communist Ministry in Kerala had
been so big that 'it was quite beyond my capacity to stop it', 22 The Centre's action was approved by the Lok Sabha on 20 August and by the Rajya Sabha on 25 August 1959.

**ORISSA**

Orissa has been a State lacking political stability. As the State included a number of former commanding influence on the people. Besides, the sizable tribal population in the State has been anxious and keen to maintain its distinct social complexion, thus providing the political base for the Jharkhand party. After the general election of 1957, the strength of the various parties in the 140 member Assembly stood as follows: Congress 56, Gana-tantra Parishad 51, Praja Socialist Party 11, Communist Party 1, and Independents 7. In April 1957 (that is after the announcement of the election results) the single largest party in the State, the Congress, although not commanding an absolute majority, was invited by the Governor to form the Government. 'The Government went on and functioned well on
the whole. But the position remained somewhat unstable because of the substantial strength of the Ganatantra Parishad in the Legislature. And it happened that some members of one party joined the other party, and some members of the other party joined the first party. The floor crossing was a frequent affair in Orissa, and the result was that the Congress also had to carry on the administration in a somewhat difficult situation. The situation became so difficult that, in 1958 the Chief Minister Harekrushna Mahatab tendered his resignation but was persuaded by the Governor to withdraw it and continue as head of Government. Haunted by political uncertainties, Mahatab suggested at this stage the formation of a coalition Government in the State. In May 1959 the Congress-Ganatantra Parishad coalition government—the country's first coalition between a national political organization (Congress) and a regional party (Ganatantra Parishad)—was formed with Harekrushna Mahatab as the Chief Minister. This coalition Government, on the whole, functioned well, and there was cooperation also between the two parties in so far as the administration of Government
was concerned.' Hardly did the Government function for about a year and nine months when differences between the partners of the coalition arose, ultimately wrecking the coalition. The immediate bone of contention was: how long the coalitional arrangement was to last. The Congress had in its mind the ideal of keeping the coalition intact only till the end of the budget session. On the other hand, the Ganatantra Parishad leader and the Finance Minister, R.N. Singhdeo, insisted that he be assured of the continuance of the coalition Government until six months prior to the general election before he would agree to present the budget in the Assembly. There was deadlock between the partners. On 22 February 1961 Harekrushna Mahatab submitted the resignation of his Congress-Ganatantra Parishad coalition Government to the Governor, Y.N. Suthankar. Explaining the reason for such a move, Mahatab said that in a parliamentary democracy a coalition Ministry should resign sometime before the general election so that the groups forming the coalition might be free to work in furtherance of their party interests.
The Governor sounded the leaders of the opposition parties, especially the Ganatantra Parishad, about the formation of an alternative Ministry. They all expressed their inability to do so. Orissa was ripe for Article 356. On 25 February 1961 President's rule was imposed on the State, the sixth one to have come under direct Central dispensation. The Legislative Assembly, too, stood dissolved. What is more, the Speaker of the Assembly was also removed from his office. The last event is no less significant. It was for the first time in independent India's history that this functionary was dismissed from his office when the Assembly was dissolved.

The resolution seeking the Lok Sabha's endorsement of President's rule in Orissa was moved on 8 March 1961 and, following two days' debate, was ultimately approved. Giving reasons for the collapse of the coalition Government in Orissa, the acting Home Minister, Lal Bahadur Shastri, pointed out that the Congress did not desire that the coalition continue. 'But I shall give you another reason', he observed, 'A coalition can
continue till the elections separately or independently, because at the time of the elections the policies for which parties stand have to be made clear.\textsuperscript{29} Sharply reacting to this thesis, Ashoka Mehta said\textsuperscript{30} that the Minister was enunciating a 'dangerous principle' on the basis of which no party would like to associate itself with the Congress where it can be discarded like a soiled glove when it suits the ruling party'. Chintamani Panigrahi, a member from Orissa, regretted that neither the Chief Minister nor the Finance Minister were prepared to present even a 'vote on account' for the benefit of the State over which they sought to rule and asserted that this was the height of irresponsibility. H.N. Mukherjee pleaded for the formation of a Committee of M.Ps, all drawn from Orissa itself, to be associated with the administration of the President's rule in the State. He observed, 'When under Constitution the President takes over the administration of a particular State, it is not like the application of the old Section 93 of the Government of India Act, 1935.......But
under the Constitution the provisions amount to what is called in American terminology 'federal coercion', where in one particular State the constitutional machinery has, for certain reasons, failed or had broken down then the President or the Union comes into the picture and ensures that, in the circumstances, at least a certain amount of representative institutions can properly function and the representatives of the people can, to the extent that it is possible, be associated with the administration. That is why it is necessary that the President take the advice not only of his advisers who are in the Government but also leaders of people pertaining to this unfortunate State and he takes the advice of the Members of Parliament who come from that area.  

Accepting this suggestion, Lal Bahadur Shastri said that a parliamentary committee to look into the legislative affairs of Orissa under President's rule would be soon set up and it was to be composed of 'Members of Parliament both of Orissa and of other States as we did in the case of Kerala'. The Lok Sabha rejected the motion sponsored by the Communists and the
PSP censuring the Centre for the 'manner and the haste' in which the State was placed under President's rule. The Rajya Sabha, which approved the resolution on 27 March 1961, was informed by Shastri about the holding of fresh election in Orissa early in June 1961. The Lok Sabha, too, was informed about it on that date.

As the Governor himself was an experienced administrator, having only recently retired as Cabinet secretary in the Central Government, he did not feel the need for any adviser to assist him. No adviser, therefore, was appointed in Orissa.

PRESIDENT'S RULE IN THE STATES : 1967-71

RAJASTHAN :

In Rajasthan the Congress failed to obtain an absolute majority after the fourth general election in 1967, winning 89 seats in the 184-member Assembly. The position of other political parties stood as follows: Swatantra 49, Jana Sangh 22, Samyukta Socialist Party 8, Communist Party of India 1, Independents 15 (including 11 of the Janta Party, a break-away party of the Congress). The effective strength of the Congress
was 88 as one of its members was returned from two constituencies. The Swatantra, the S.S.P., the Jana Sangh and the Janata Party got together to form the United Front in a bid to form the government in the State. As four Independent legislators declared their support to the Congress, each side claimed ninety-one members, the minimum strength for forming the Ministry being ninety-two. Soon, the solitary Communist legislator threw his lot with the United Front, thus giving the latter a majority of one.

On 4 March 1967, the Governor, Sampurnanand (who had earlier been the Chief Minister of Uttar Pradesh and a leading member of the Congress Party) invited the leader of the Congress Legislature Party, Mohanlal Sukhadia, to form the Ministry. Defending this step, Sampurnanand said that the Congress had got eighty-eight seats while all the opposition combined had only eighty legislators. According to him the parties had fought the election legislators. According to him the parties had fought the election on the basis of their policies which was not the case with the Independents, 'as the people do not know
their policies'. That is why, he explained, he had not counted them while coming to this conclusion. He recalled a similar situation which occurred in Madras in 1952 when C. Rajagopalachari headed the Congress Government even though the Congress Party did not command a majority and T. Prakasam, leader of the opposition in that State, had brought together all the opposition parties and rendered the Congress a minority party.

The Governor's decision to invite Sukhadia and completely bypass the United Front was, not unexpectedly, denounced by the local opposition as 'unconstitutional, undemocratic and one-sided'. On the following day (5 March), to make their protest, the United Front leaders led a demonstration to the Governor's residence. A clash with the police resulted in the arrest of all the opposition leaders, which caused rioting. Jaipur continued to be the scene of disturbances, resulting in repeated police firings and many deaths. However, as a result of an intervention by Maharani Gayatri Devi, Member of Parliament, the Home Minister, Y.B. Chavan agreed to convene the first
session of the State Legislature on 14 March, instead of on 20 March as earlier fixed. Just a day earlier (i.e., on 13 March), Sukhadia informed the Governor that 'in view of the deterioration of the law and order situation, due to the agitation by the Opposition, he did not want to take up the responsibility of forming the Government'. Plainly the Congress was not prepared to face the Assembly. On Sukhadia's refusal, however, the Governor did not call upon the United Front led by Maharawal Laxman Singh to form the Ministry, observing, strangely, that 'I cannot for a moment expect such persons to follow democratic methods and procedures in administration.' On 13 March the Governor sent his report to the President recommending the latter's rule in Rajasthan. The same day the Central Cabinet decided to put Rajasthan under Article 356 and the necessary Presidential proclamation was issued immediately. The State Legislature was not dissolved though this was the Governor's recommendation, but only kept suspended. As if to punish the legislators, their allowances and other facilities were completely withdrawn. Giving reasons for
introduction of President's rule in Rajasthan, the Home Minister observed that the local opposition had planned a march on the Legislature and his could have caused riots and bloodshed.

The imposition of President's rule in Rajasthan was viewed by the Opposition as a dishonourable device to enable the Congress, which had forfeited its majority in the Legislature, to gain time and cleverly manage a majority by inducing defections in the ranks of the opposition parties. Maharani Gayatri Devi termed it as 'absolutely wrong', S.A. Dange, chairman of the C.P.I, branded it as 'unconstitutional and unprincipled' while S.M. Joshi, Chairman of the SSP, called it as 'cold-blooded murder of democracy'.

The United Front, thereupon, provided a physical demonstration of its majority by parading before S. Radha Krishnan, the President, all its members, now totalling ninety-three. A memorandum, signed by all the ninety-three legislators, was submitted to the President urging, among others, immediate redressal of wrongs done to them. This however proved to be unavailing.
As time passed, political horse-trading began. The ranks of the United Front began to shrink; one of its members died and two defected to the Congress. Meanwhile, Sampurananand completed his five year term of office and Hukam Singh (the former Speaker of the Lok Sabha) succeeded him on 21 April, Sukhadia submitted to the Governor a list of ninety-three members and Maharawal Laxmam Singh, the leader of the United Front, a list of 109 names. The Governor interviewed all the legislators personally to verify their allegiance and he found that the Congress had ninety-four supporters and the United Front eighty-eight. The verdict was clear, and on 26 April he invited the Congress to form the Government in Rajasthan. The President's rule, thus, lasted a total of forty-four days. Many viewed it as serving an immediate political purpose, in the sense that the Congress which in the beginning was not in a position to form the Ministry was enabled to muster the necessary majority and to come into power. The Central Government did not seek Parliamentary approval of the President's proclamation which was placed before the two Houses soon after they met, which implied that
it would cease to have any force two months after its promulgation. The President's rule was of a shorter duration.

The Rajasthan case, the first of its kind, was not to go unrepeated in the future. The political situation characterized by neither the Congress nor the opposition parties initially commanding an absolute majority was to be faced time and again. Was the largest single party to be invited to form the Ministry? This doctrine could perhaps work where there was no other party or coalition of parties commanding an absolute majority of seats in the Legislature. If, however, a group claiming a majority emerges it ought to be given an opportunity. In such a situation it is scarcely open to a Governor to act as if that group did not exist. Likewise, the Governor's stand on the position of the Independents became highly controversial. Above all, the Rajasthan episode underlined the need for a code to guide Governors on the question of formation of Ministers.
Unlike Rajasthan and many other States, Haryana did not reflect the general political fluidity prevalent soon after the fourth general election. Though ridden with deep caste cleavages, the Congress succeeded in securing an absolute majority in the State Legislature and was installed in power on 10 March 1967. It was, however, hardly ten days old when it fell a prey to its internal strife which climaxed into the defection of thirteen members from its old thus reducing its strength from forty-eight in the State Assembly of eighty-one to a minority.

The immediate occasion was the election of Rao Birender Singh, a dissident Congress legislator, as Speaker of the Legislature, which was made possible by a group of Congress legislators voting for him and not for the official Congress nominee. This was the clear case of floorcrossing on their part—a phenomenon which, though by no means confined to it alone, was soon to give Haryana the dubious distinction of being its most avid practitioner. On 22 March 1967 the...
Congress Ministry resigned and on the same day Rao Birender Singh, now elected as the leader of the newly formed Samyukta Dal (United Front), was sent for by the Governor to form the Ministry. The Samyukta Dal led by Rao Birender Singh came into office on 24 March 1967. The Samyukta Dal was a coalition of many parties and groups including not a few defectors from the Congress, which hardly augured well political stability in a State singularly marked for its caste and faction strife. Before long the Ministry began wobbling. It drew sustenance from the changing loyalties of legislators and its majority was a matter of almost daily fluctuations. In no State did floor-crossing assume such a virulent form as it did in Haryana. From March till November 1967, when the President's rule was imposed on Haryana, the score card of floor-crossing in this state showed that in the eighty-one member Assembly thirty-one defected one way or another—two four times each, two others thrice, four two times and the remaining twenty-three once.
Obivously, the Samyukta Dal Government could not have stability as a result of defections and counter-defections. It remained permanently instable until November 1967. On 6 November 1967, Hiranand Arya, a member of the opposition Haryana Congress (led by Devi Lal) defected to the Samyukta Dal, and was immediately appointed as Minister of Agriculture. On 8 November a Congress legislator defected and was appointed a Minister. On 11 November Arya re-defected to the fold of Devi Lal's Haryana Congress, and thus 'kicked it (ministership) away to expose the Chief Minister's (Rao Birender Singh's) corrupt practices, further alleging that the Chief Minister had offered him a 'bag of money' to change sides which he promptly refused. Thus merrily continued the see-saw game of defections and counter defections. Rao Birender Singh still commanded a majority of forty legislators in an effective House of seventy-eight.

On 17 November the Governor, B.N. Chakravarty, sent a report to the President indicting the Rao Birender Singh Ministry, highlighting the need for a clean
and efficient administration and a fresh election after the administration had been toned up by a brief dip into President's rule. The Governor observed in his report that political defections became the chief feature of Haryana politics. 'The State Congress Party led by Pandit Bhagwat Dayal Sharma could not forget or forgive Rao Birender Singh for having started the game of defection from the party. Efforts were made almost continuously to topple the Ministry in cooperation with Devi Lal who wanted to form a Ministry under his leadership. The Chief Minister Rao Birender Singh, however, out-maneuved Devi Lal by expanding his Ministry......? The Ministry Sought to maintain itself precariously in power by creating too many Ministers 'which is an abuse of constitutional powers'. Such large numbers of Ministers and parliamentary secretaries, numbering at one stage twenty-three out of ruling party's strength of forty-one and twenty-two now out of a total strength of forty, cannot be justified on any grounds of administrative requirement. The position is even worse if it is remembered that the ten Jana Sangh members in the Samyukta Dal, have not
accepted any office as Ministers, so that in reality, twenty-two out of the thirty remaining MLAs are holding office. The Government, being preoccupied with the problem of its own survival, was not able to do much for the people. With such a thin majority the individual MLAs were making demands which, even if they were unreasonable, could hardly be resisted by the Chief Minister on account of the constant threat of defections. Administration was thus paralysed. Every legislator wanted to be a Minister or a Parliamentary secretary, and political support was sought by offering ministerial offices at the cost of the tax-payer. 'Since the loyalty of its followers is so flexible, the exact majority of the ruling party is not of any consequence. Allegations have been made by the opposition that the Ministry is continuing in power through corruption, bribery, political victimisation and distribution of offices 'but then the opposition is also apparently securing defections through no better means or through no cleaner methods. Allegations are being made openly by both sides that money is being paid to defectors. While it is difficult to
say how far these are true, there are good reasons to believe that the defections are being secured by none too honourable means. Opportunist legislators, whose number is fairly large, can wield tremendous power by threats of transferring their loyalties. They can do, and are doing, incalculable damage by interfering in administration. Too frequent transfers at their instance is demoralising the (civil) services. Since premature transfers cause a lot of inconvenience, junior officials often tend to succumb to such threats.'

The Governor further added: 'If the Assembly is convened and either the ruling party or the opposition can establish its majority, even then there will be peace or stability in the present circumstances. Defections would continue and the majority on the one day might be reduced to a minority the next day. What would be more unfortunate is that as soon as one party establishes its majority in a trial of strength in the Assembly, it would like to get the Assembly prorogued... Even during the intersession period, attempts would be made, as are now being made, to win over members from the rival group. Administration will continue to
be paralysed since the Ministry will be kept busy only in maintaining itself in power'. 'I, therefore, recommend', he concluded, 'that you will be pleased to take action immediately and assume to yourself all the functions of the Government of the State. I must emphasise that an immediate dissolution of the State Assembly is essential. I do not recommend a mere suspension of the legislature because in that case, the see-saw game of defections and counter-defections will be resumed and one party or the other would insist on being allowed to form a Ministry on the basis of a tenuous majority, a majority which will not last since the next government can as surely be made ineffective, if not toppled over, by malcontents crossing and re-crossing the floor.'

On 21 November the President issued the proclamation dismissing the Samyukta Dal Ministry, dissolving the State Legislature and imposing his rule on Haryana. A copy of the proclamation was placed before Parliament the same day. The Home Minister, Y.B. Chavan, while seeking parliamentary endorsement of the Presidential proclamation, contended that organised defections
had become a new phenomenon in Indian politics with legislators crossing and re-crossing the floor as many as four or five times. In this process, the people who had elected them had been cheated, democracy had been made a farce, and the administration was at a standstill. The principal complaint of some of the opposition leaders was that the Centre was not applying one yardstick every where. A.B. Bajpai and Bakshi Ghulam Mohammed favoured legally enforced prevention of defections and provision for the recall of legislators who changed their party loyalties after election. The resolution was passed by the Lok Sabha on 21 November. The Rajya Sabha approved it on 27 November 1967.

Rao Birender Singh filed a writ petition challenging the Presidential proclamation which, however was dismissed by the High Court. 41

The proclamation of Article 356 in Haryana added an altogether new and novel dimension to the theory and practice of President's rule. Hitherto, the President's rule followed either the defeat of a
Ministry or the inability of any party or coalition to form a Government, the only exceptions being Kerala (1959). Justifying the Central take-over of the Nambodripad Ministry of Kerala (1959), which, it may be recalled, continued to command a majority, Jawaharlal Nehru told the Lok Sabha that the mal-administration of this Ministry had unleashed a 'mass upsurge' assuming the character and proportion of a 'civil war' which it was plainly beyond its power to control and, more particularly, the struggle acquired a communal turn in as much as the Christians had been definitely alienated by certain measures adopted by the Ministry. In the case of Haryana (1967) the central action did not follow any 'mass upsurge' or 'civil war' in the State. The theory propounded in the case of Haryana was that the political defections had polluted the politics of Haryana, from which it needed to be rescued through the device of Presidents rule in the State. This rule was lifted on 21 May 1968.

**WEST BENGAL:**

The left-wing political parties supported by some Independents had a membership of 151 in the 280
members State Legislative Assembly after the fourth general election. On 25 February 1967 they formed a coalition of thirteen political parties, known as the United Front under the leadership of Ajoy Mukherji, the leader of the Bangla Congress, a splinter party formed by the dissident Congressmen. The members of the United Front were: Bangla Congress, CPI, CPI.M, Forward Block, Workers' Party, Revolutionary Socialist Party, Socialist Party Centre, SSP, Gorkha League, Praja Socialist Party, Lok Sewak Sangh, Swatantra, Jana Sangh and some Independents. On 2 March 1967 the United Front formed the Ministry. Though committed to a commonly agreed minimum programme the United Front consisting as it did of disparate members was bedevilled by acute internal dissensions. The differences between its constituents related primarily to the manner of handling industrial and agrarian disputes and to questions of law and order. The United Front Ministry was dominated by the leftists and under its regime the industrial disputes in West Bengal rose steeply affecting the industrial and commercial activities all over the State, and law and order deteriorated in an alarming way.
On 2 November 1967 the fateful split in the United Front occurred. P.C. Ghosh, a Minister in the Ajoy Mukherji Ministry and the first Chief Minister of West Bengal after independence, resigned his ministership, and along with 17 other legislators withdrew their support to the Ministry, thus reducing it to a minority. Giving reason for his resignation, P.C. Ghosh anticipated an upheaval in the State if the United Front continued to be infirm in checking the activities of the violent elements roaming about as legitimate party workers. Soon after, 15 of the defectors informed the Governor, Dharam Vira, about their decision to support the Ministry headed by P.C. Ghosh, and at the same time the leader of the Congress Legislature party (which had 130 members in the 284 legislature) communicated a similar decision to the Governor P.C. Ghosh and his followers soon formed the Progressive Democratic Force (PDF).

From now on, political events began moving fast. On 6 November Dharam Vira asked the Chief Minister to convene the Assembly 'as soon as possible' so that the majority of his Ministry could be ascertained.
The following day Ajoy Mukherji informed him that 18 December was the earliest possible date for the purpose. Giving reasons for not holding the Assembly earlier than 18 December, he pointed out that the Cabinet and the legislators were busy in the Government's paddy procurement drive and, further, the Cabinet would be 'very busy' for the next few weeks in finalising the following year's budget. He denied that his Ministry had lost the majority. The Governor considered Mukherji's decision that the Assembly be summoned on 18 December as a prolongation of the present uncertainty and did not feel convinced that it could not be convened earlier. On 15 November he requested Mukherji to summon the Assembly not later than 23 November but the Ministry rejected this suggestion two days later. At the same time the latter decided to request the President to seek the advice of the Supreme Court on the following constitutional points: (i) Whether the Governor has authority to dismiss the Council of Ministers without taking the verdict of the Legislature under Article 163 and 164 of the Constitution? (ii) If the Governor, on the basis of
information available to him, entertains a doubt that the Council of Ministers does not enjoy the confidence of the Legislature can he, in his individual discretion, dismiss the Ministry? (iii) As the Governor is bound to act on the advice of the Council of Ministers in the matter of summoning the Legislature, is it open to him to disregard the advice of the Chief Minister? (iv) Can the Governor advise or insist that the Chief Minister should summon the Legislature on any other date? (v) If the Chief Minister fails or disagrees to comply with the Governor's advice, can he dismiss the Council of Ministers on the ground that non-compliance with the advice amounts to violation of the Constitution? (vi) If the Chief Minister fails or disagrees to comply with the advice of the Governor in the matter of summoning of the Assembly, can the Governor on that ground make a report to the President under Article 356? (vii) Is it open to the Governor to disregard the advice of the Council of Ministers to dissolve the Assembly on the ground that, in his personal opinion, the Council of Ministers do not have the support of the majority in the Assembly?
The President declined to refer the Ajoy Mukherji Ministry’s request to the Supreme Court. Y.B. Chavan, the Home Minister, told the Rajya Sabha on 20 November that the issue of the discretionary powers of Governors could not be referred to the Supreme Court because such powers were not justiciable. Earlier, the Governors' Conference, meeting in Delhi on 9 and 10 November came to the view that the Governors were not to be guided solely by the advice of the Chief Ministers in regard to the summoning and dissolution of legislatures.

The Governor later (15 November) suggested to the Chief Minister that even if the Ministry was not able to convene the Assembly, by 23 November, it could recommend a date not much later. This too was rejected. The Ministry meanwhile sought the opinion of the State’s Advocate General on the question whether it could be dismissed for its refusal to convene the Assembly at an early date in spite of repeated suggestions by the Governor. The Advocate General was reported to have told the Cabinet that the Ministry could be dismissed if the Governor was satisfied that
it was not being run in accordance with the Constitution.49

Meanwhile, the Ministry continued to be intransigent on the issue of the date of the Assembly meeting. On 21 November 1967 the Governor acted, dismissing the Ajoy Mukherji Ministry, installing P.C.Ghosh50 as Chief Minister, and in consultation with the new Chief Minister fixing 29 November as the date for summoning the Assembly. Ghosh's was minority Ministry enjoying the support of the Congress Legislative Party having 130 legislators.

It was not very proper for the Ajoy Mukherji Ministry not to advance the date of summoning of the Legislature. The reasons given for fixing the date of meeting after nearly one and a half months were simply irrelevant when what was precisely at issue was whether the Government commanded the majority in the Legislature or not. The Chief Minister's right to advise the Governor emanates from his having a majority in the Legislature. When this itself is open to doubt the must himself take the earliest opportunity to convene the
Assembly and have his majority demonstrated. It was, therefore, unwise constitutionally no less than morally, for Ajoy Mukherji to precipitate a crisis over a matter hardly capable of arguing. Yet, why was the crisis precipitated? The Ajoy Mukherji Ministry apparently lost its majority consequent upon the defection of P.C. Ghosh and his seventeen followers. It was fully aware of its imminent defeat on the floor of the Legislature. It had before it three choices: to resign forthwith, to have a trial of strength in the Legislature and then to bow out of power, and, thirdly, to seek confrontation with the Governor and face dismissal by him. The Chief Minister was all the time under severe pressure from his Communist (Marxist) colleagues and the Cabinet was most unwilling to openly acknowledge the loss of its majority. Ultimately, dismissal by the Governor was preferred as such an action was bound to make it in popular eyes a wronged party and thus to generate good will and sympathy for it—which it needed rather desperately in view of its nearly completely unimpressive record of work since its inception. Dismissal was viewed as an imparting halo to the United
Between the dismissal of the Ajoy Mukherji Ministry and the imposition of President's rule another event was to intervene. As soon as the Assembly met on 29 November the Speaker, Bijoy Kumar Banerjee, ruled that the dissolution of the United Front Ministry by the Governor, the appointment of P.C. Ghosh as Chief Minister and the summoning of the Assembly on his advice were 'unconstitutional and invalid since it has been effected behind the back of this House', and he immediately adjourned the House sine die without giving a chance to the P.C. Ghosh Ministry to prove its majority. The central issue ever since P.C. Ghosh left the United Front was: who has the legislative majority and how best this could be ascertained? And this became impossible to assess under the Speaker's ruling. This was a most bizarre situation created in the constitutional system of the State. While a popularly elected Ministry is subject to removal by the Governor under certain circumstances, the Speaker cannot be unseated except by a vote of the Assembly. But the Legislature must first meet before
such a resolution can be taken up for consideration. The Speaker's ruling consequently had the effect of completely paralysing the constitutional machinery in the State. The Assembly was prorogued by the Governor. It was again convened on 14 February 1968. Meanwhile, on 15 January there was a split in the State Congress Party as a result of which 31 Congress and PDF legislators wrote to the Governor assuring that they had withdrawn their support to the Ghosh Ministry.

When the Assembly met on 14 February the Speaker announced that he had found no reason to change the ruling of 29 November, and again adjourned the Assembly sine die. As a result, there was no way left except to bring West Bengal under the President's rule. Dharam Vira sent a report (reproduced in Appendix I) to the President on 15 February 1968 recommending such an action. On 20 February the Chief Minister, P.C. Ghosh, submitted the resignation of his Ministry, recommending that the Assembly be dissolved, the Speaker removed and President's rule established in
West Bengal. The same day (20 February 1968) the President issued a proclamation introducing President's rule in West Bengal, dissolving the Assembly and, in addition, suspending that provision of the Constitution which stated that when the Assembly was dissolved the Speaker should retain office until immediately before the meeting of the new Assembly. It was the second occasion in the history of President's rule in the country that the Speaker was removed from office simultaneously with the dissolution of the Ministry and the Assembly, the first instance of this kind occurred in Orissa in 1961.

**Uttar Pradesh:**

The elections to the Assembly held in February 1969 gave the Congress 209 seats in the 425-member Legislature. On 25 February the Governor recommended revocation of Presidential proclamation, which was done the following day. Under the Chief Minister of C.B. Gupta, the Congress formed the Government.

Though it won the electoral war, it could not enjoy for long the fruits of its victory. What the
electorate gave in no uncertain terms, the party set out to decimate before it even completed one year of its tenure in office, the fateful split which occurred in the Congress a year later, which reduced the Chief Minister's followers, now in Congress (O), into a minority. Still, claiming the support of majority of the legislators, C.B. Gupta did not, however, step down from the Chief Ministership immediately after the break-up of the Congress into the Congress (O) and the Congress (R). It was only on the eve of the budget session that the resigned.

On 17 February 1970 Charan Singh stepped again into Gupta's shoes, this time with the support of the Congress legislators. On 19 April the Congress formally joined the Ministry. Before long, however, internal differences marred the harmony of the coalitional partners—B.K.D. and Congress (R), so much that the coalition was seen hurtling inevitably towards its collapse. On 25 September 1970, Charan Singh demanded dismissal of all the 26 Congress Ministers. Though more than two days elapsed after Charan Singh urged the Governor to dismiss the Ministers, the Governor did not respond
to the Chief Minister's advice. With the Ministers refusing to resign at Charan Singh's instance and the Governor resisting the Congress suggestions to remove Charan Singh, the State found itself plunged into an unprecedented constitutional crisis. The Ministers were too busy trying to save or sink the Ministry to attend to official work, and administration virtually stood paralysed.

When the Governor did not act, the Chief Minister wrote to him on 27 September 1970 that under Rule 3 of the U.P. Allocation of Business Rules, he was advising him that the departments held by the Congress Ministers 'will, with immediate effect, also be held by me.' The Governor accepted the advice and informed the 13 Cabinet Ministers belonging to the Congress. The Ministers of State and Deputy Ministers of the Congress stood automatically divested of their work when the portfolios of the Cabinet Ministers, to whom they were attached, were taken away. Since the Governor did not accept the Chief Minister's advice to dismiss the Congress(R) Ministers, they remained as
Ministers without Portfolio.

Later, the Governor, acting on the advice of the Attorney-General, refused to dismiss the Ministers sacked by Charan Singh and asked, instead, the Chief Minister himself to resign. 'You are heading a coalition in which the major partner was Congress(R). The coalition no longer exists as it apparent from various letters which I have received from you and Sri Kamlapati Tripathi. Under these circumstances, the doubt naturally arose about the constitutionality of your functioning as Chief Minister and whether I could act on your advice about the removal of the Ministers. I, therefore, obtained the opinion of the Attorney-General. I am now satisfied that in the existing circumstances, your functioning as Chief Minister is not in accordance with the Constitution.....

B. Gopala Reddy, the Governor, recommended imposition of Presidential rule in Utter Pradesh. In his report the Governor said that there had been a breakdown of the constitutional machinery following the withdrawal of support by the Congress to the Cha-
Charan Singh Ministry. He recommended imposition of President's rule for a short period as no stable Ministry could be formed either by Kamlapati Tripathi or by BKD, the alliance of Congress (O), and Jana Sangh. He was convinced that even if an alternative Ministry was formed, it would not last long. In view of the fickle loyalties of legislators and other factors, President's rule was the only way out of the impasse.

The Governor concluded:

In a nut-shell, the situation to-day is that 27 ministers have refused to resign at the suggestion of the Chief Minister. He has asked me to dismiss them. When I requested the Chief Minister to resign, he has asked for clarification and is prevaricating. While it is true that the philosophy underlying the functioning of the coalition Government has not yet crystallised, the powers of the Chief Ministers of such Governments have to be viewed vis-a-vis the constitutional obligations of the Governor taking into account the due realities of the situation. In other words, the Chief Minister for a coalition
Government cannot be treated at par with the Chief Minister of a single party majority Government in the matter of removal of ministers or re-constitution of Council of Ministers which involves a fundamental change in the complexion of the Government. When an occasion for such reconstitution of the Government arises, the spirit of the Constitution demands that the Chief Minister should first tender his resignation and then reconstitute the Government. In defence of the Constitution, the Governor cannot permit any other course to be taken. 54

The Governor’s report was first discussed in the Political Affairs Committee of the Cabinet which was unanimous on the question of accepting the Governor’s recommendation. Soon after this, the Cabinet met to give its formal approval to the decision of the Political Affairs Committee.

It needs to be noted that, as is obligatory with such reports, the Governor’s report was addressed to the President, V.V.Giri, who at this time was on a
State visit to the Soviet Union. The report, although addressed to the President, was immediately forwarded to the Ministry of Home Affairs by the President's Secretariat. Indeed, the opposition parties had questioned the propriety of the Cabinet deciding on the Governor's report before it had even been seen, much less studied, by the President to whom it was addressed. The report went to the President for his approval after the Cabinet had already taken a decision on it. A courier flew to Russia on 30 September 1970 to secure V.V. Giri's signature on the proclamation. V.V. Giri signed it at Kiev (in the Soviet Union) on 1 October 1970. The courier returned to India with the signed papers, and on 2 October 1970, Uttar Pradesh was brought under President's rule, this being the second occasion in its political life.

The President's rule proved to be of a very brief duration; indeed, it was the shortest ever spell in the history of President's rule in India—just 18 days in all. On 18 October, T.N. Singh, leader of the Samyukta Vidhayak Dal (SVD), was invited by the Governor to form the Government.
ORISSA :

In 1970 a coalition Ministry was formed by the Swatantra Party and the Jana Congress (a splinter party which left the Congress in 1966 in protest against the Biju Patnaik Ministry) under the Chief Ministership of R.N. Singh Deo, the Swatantra leader. In May 1970 the Congress Party suffered large-scale defections from its ranks. And the defectors floated a new party, the Utkal Congress under the leadership of Biju Patnaik. With the old foe (Biju Patnaik) gone, the reason for the separate existence of the Congress and the Jana Congress, too, had substantially disappeared. Accordingly, these two parties initiated a dialogue for a possible re-union. But the Congress wanted the other party first to delink its association with the Swatantra Party, a partner in the coalition. Events began moving swiftly and finally on 5 January 1971, the Jana Congress severed its relation with the Swatantra-led coalition and requested the Governor S.S. Ansari to dismiss the Ministry, and hold a midterm poll in the State. As the Chief Minister continued to
claim the majority in the Assembly, the Governor, on 7 January 1971, asked him to prove it by seeking a vote of confidence. On realising that this would not be possible, R.N. Singh Deo resigned on 9 January 1971 recommending, at the same time, the dissolution of the Assembly. The Governor did not accept the Chief Minister's advice as he was of the view that this question would be considered only after he had explored the possibility of an alternative Government. Since no party was capable of forming the Government he recommended on 11 January 1971 the imposition of President's rule in Orissa. On the same day the President put Orissa under Article 356. As no alternative Ministry could be formed, the Assembly was dissolved on 23 January 1971. On the same day an announcement was made to hold the election to the State Assembly on 5 March 1971, simultaneously with the parliamentary election. As the President's rule was not intended to last for more than two months, parliamentary endorsement was not taken. The Presidential proclamation lapsed on 22 March 1971 and another proclamation was issued on 23 March 1971. President's rule
was revoked on 3 April 1971 and a non-Congress coalition Ministry under Biswanath Das was inducted into office.
REFERENCES

1) The Statesman, 13 June 1951.


3) Ibid.


6) Ibid., Col. 244.

7) Ibid., col. 240.

8) Ibid., col. 290.

9) Ibid., col. 209-10.


12) The Hindu, 8 November 1954.

14) Ibid., col. 434.


17) The Times of India, 12 June 1959.


21) Ibid., col 2880-81.


32) Lok Sabha Debates, Second Series, Vol. LI, No. 17, 8 March 1961, col. 3674. It is only fair to point out that this promise was not kept when constituting the Consultative Committee on Orissa; while the Committee on Kerala included all the Members of Parliament representing that State, that for Kerala did not contain such a provision.


Earlier, the Governor called the leader of the Congress Legislative party, K.N. Das Gupta, and asked him if he would be willing to form the government. Das Gupta expressed his inability to do so but reiterated his earlier assurance to support the government headed by P.C. Ghosh.
52) **The Times of India**, 28 September 1970.


54) **The Times of India**, 3 October 1970.