CHAPTER - 4

PRESIDENT’S RULE AND INDIAN POLITICAL SYSTEM

The President’s Rule under Article 356 of the Constitution has been one of the most controversial issues in Indian political system. The repeated misuse of Article 356 by the ruling party or coalition at the Centre has negative consequences on Centre-State relations and it creates tension between the Centre and the States. Considerable debates among political parties and scholars have been made on this issue. Some Political parties have demanded the deletion of Article 356 from the Constitution. To find out the consequences of the uses and misuses of Article 356 on the Indian political system, we can analyse the factors leading to the imposition of President’s Rule.

THE FIRST PHASE (1950-1966)

This period is characterised by the dominance of a single political party, the Indian National Congress, in Indian political system. Jawaharlal Nehru assumed the posts of party president and the Prime Minister and he centralised the power in the Centre and within the Prime Minister. Under Nehru, a strong Union Government coexisted with strong States and powerful State leaders in mutual bargaining situation in which ultimate authority existed in Delhi. Similarly, the politics of the States was largely autonomous in this regime. The Congress Party was in power both at the Centre and in most of the States, except for brief intervals in a few states, e.g., Kerala (1957-59). The Congress High Command exercised considerable control in matters of selection of candidates for election to the State legislatures, formation of State ministries and resolving differences among the State Congress leaders. It could invoke party discipline to persuade the State Chief Ministers to act according to its decision. The Congress Working Committee came to play an important role in formulating socio-economic policies and coordinating Centre-State relations. The unified central

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direction in economic planning and development was tacitly accepted and no serious questions were ever raised about State autonomy or States’ rights.²

The Congress government led by Jawaharlal Nehru at the Centre imposed President’s Rule on six occasions: In Punjab (1951), the Congress party government led by Gopi Chand Bhargava was deeply faction-ridden. Consequently, Bhargava resigned under the party directive and it led to the use of Article 356 on June 20, 1951 for the first time in the country. In Andhra Pradesh (1954), the Praja Socialist Party-Congress government led by T. Prakasham resigned when a vote of no-confidence was passed against it on the issue of prohibition. Consequently, President’s Rule was imposed along with dissolution of Assembly on November 15, 1954. The State Governor did not give a chance to the leader of the Opposition and he was keen to prevent the Communists from coming into power. This was not proper. In Kerala (1959), the CPI (M)-led Communist government led by E.M.S Namboodripad having the confidence of the House was dismissed and President’s Rule was imposed along with dissolution the State Assembly in Kerala on July 31, 1959 on the ground of mal-administration and widespread popular agitation against the State government. This action was highly protested against and it started clashes between the ruling Congress party at the Centre and the Opposition parties. In Orissa (1961), the Congress-Ganatantra Parishad coalition ministry headed by Hare Krishna Mehtab resigned owing to difference of opinion between coalition partners. It led to the imposition of President’s Rule in Orissa on February 25, 1961 as no political party or combination came forward to form an alternative government.³

It is obvious that the Congress government at the Centre started the use of Article 356 as a political weapon to dislodge the Opposition party-ruled State government. The Centre showed intolerant attitude to the formation of Opposition party government in states for partisan ends. This tendency started the tension in Centre-State relations.

After Nehru’s death in 1964, the Chief Ministers played an important role in making Lal Bahadur Shastri the Prime Minister of India. Decentralisation tendencies were also at work during this period. The powers of Congress High Command depended very much on the personality of the political leaders of a particular State and on their equation with the Central leadership. The Congress government led by Lal Bahadur Shastri at the Centre (1964-1966) continued the same tradition as prevailed in the Nehru regime. The President’s Rule was imposed in Kerala on March 30, 1965 along with dissolution of the State Legislative Assembly as a hung Assembly emerged and no political party or coalition was able to form the stable government. In fact, this action was taken without giving a chance to the single largest party (CPI-M) in the Assembly which was ready to explore the possibilities of forming a government and to face the Assembly immediately. In Punjab (1966), the Congress party government led by Ram Kishan resigned owning to decision on a linguistic reorganisation and it consequently created the internal conflict in the Congress party. So President’s Rule was imposed on July 5, 1966, but the State Legislative Assembly was kept in suspended animation.\(^4\)

It shows that the ruling Congress party at the Centre was not prepared to encourage the Opposition party to form governments in the States. The attitude of the Congress Party to seek political dominance in the State through Article 356. This was not justified, because it reduced the States’ autonomy and also create the tension between the Union Government and the State Governments.

THE SECOND PHASE (1967-1976)
The Fourth general elections (1967) brought a revolutionary change in Indian political system. The election result was a survival test for Congress Party as it could only secure a slender majority in the Lok Sabha and half a dozen states failed to continue with the Congress rule. Coalition ministries were formed by the heterogeneous political parties having their own diverse ideologies with the sole aim of capturing power. Defections and Counter-defections led to instability in the States\(^5\).

\(^4\) \textit{ibid}, pp.177, 283.

Indira Gandhi became Prime Minister in 1966 after the death of Lal Bahadur Shastri. Her regime as Prime Minister was one of the most turbulent periods in Indian political system. In Punjab (1966), a split in the ruling Congress Party on the issue of division of the State led to the use of Article 356 in 1966. In Rajasthan (1967), the emergence of a hung assembly resulted into the imposition of President's Rule on March 13, 1967. The SVD government led by Rao Birendra Singh in Haryana got reduced to minority owing to political defections popularly known as ‘Aya Ram Gaya Ram’ and it led to use of Article 356 on November 21, 1967. A Constitutional crisis occurred in West Bengal, because P.C. Ghosh government (U.F.) could not face the Assembly as Speaker did not allow the Assembly to sit and discuss the majority issue. All this led to use of Article 356 on February 20, 1968.

In Uttar Pradesh (1968), the Charan Singh ministry resigned owing to mutual differences in the coalition partners. The SVD could not elect their leader and it led to the imposition of President’s Rule in U.P. on February 25, 1968. In Bihar (1968), too, the SVD coalition ministry resigned on account of defections and no other political party or group was able to form an alternative government. Consequently President’s Rule was imposed in Bihar on June 29, 1968. In Punjab (1968), the People’s United Front government led by Laxman Singh Gill fell when Congress withdrew its support and President’s Rule was imposed in Punjab on August 23, 1968. Bihar again came under President’s Rule on July 4, 1969 when Lok Tantrik Dal ministry fell owing to defections. While in West Bengal (1970), the Chief Minister Ajoy Mukherjee (U.F.) voluntarily resigned. The State Governor rejected the CPI (M) request of allowing their majority to be tested in the Assembly, which led to imposition of President’s Rule in West Bengal on March 19, 1970. The Governor of Kerala (1970) dissolved the Assembly on the advice of UF ministry, but the Chief Minister C. Achutha Menon, preferred to resign, for arrangements for fresh elections were in progress. Thus, President’s Rule was inevitable on August 4, 1970. In Uttar Pradesh (1970), the Congress (R) withdrew its support from the Bharatiya Kranti Dal - Congress (R) coalition government and the Governor asked the then Chief Minister, Charan Singh, to resign. On the latter’s refusal the President’s Rule was imposed on November 1, 1970. In Orissa (1971), the President’s Rule was imposed on July 11, 1971, when the Jana Congress withdrew its support to the Swatantra Party coalition government; the
Chief Minister resigned and no political party was being able to form the government.6

Thus, the Indira Gandhi government used Article 356 on twelve occasions during the period 1966-70. The newly installed SVD or UF governments in States were politically fragile and they suffered decline owing to their mutual differences and the Union Government did not show their interest in making frequently use of Article 356 as a weapon. On the contrary, after winning the mid-term elections in March, 1971 as well as victory in the Bangladesh liberation war, Indira Gandhi government in its second phase, tried to Congressize the State governments wherever Opposition ruled States were there. This tendency led to the encouragement for pro-congress defections. She centralized the power in her own hands and interfered in the States’ affairs by the repeated use and misuse of Article 356.7

In Gujarat (1971), the Congress (o) ministry was reduced to minority due to defections and it led to use of Article 356 in Gujarat on March 13, 1971. The withdrawal of support by Jan Sangh to Akali Dal government in Punjab led to instability aggravated by resignation of one of the ministers. The State Governor dissolved the Assembly on the advice of Chief Minister, and President’s Rule became inevitable in Punjab on June 15, 1971, primarily to get the State budget passed. In West Bengal (1971), the Congress-led coalition government was forced to resign on account of defections. The State Legislative Assembly was dissolved on the advice of Chief Minister. Subsequently Chief Minister resigned, and President’s rule was imposed in West Bengal on June 29, 1971. In Bihar (1972), the Congress-led coalition government was resigned, when a no-confidence motion was given against the ministry and the major coalition partner asked for mid-term poll. This situation led to President’s Rule in Bihar on January 1, 1972. The Congress government resigned in Andhra Pradesh on the instructions of Congress High Command in the wake of Mulki Rules agitation; no alternative leader could be elected and President’s Rule was imposed on January 18, 1973. In Orissa (1973), the Congress-led coalition

government was reduced to minority on account of mutual differences among the coalition partners. The Governor did not invite the leader to the second largest party and President’s Rule was imposed there on March 3, 1973.

The United Legislature Party-led coalition government in Manipur got reduced to minority. The Governor did not invite the Opposition to from the government. The budget had to be passed before 31 March, 1973, and therefore the President’s Rule was imposed on March 28, 1973. In Uttar Pradesh (1973), the Congress government led by Kamalapati Tripathi had to resign on the instructions of the Congress High Command for restoring peace and security of the State, and the President’s Rule was imposed on June 13, 1973. Similarly, the Congress government led by Chimanbhai Patel in Gujarat faced the popular agitation, the Chief Minister resigned at the instance of the Congress High Command and President’s Rule was imposed on February 9, 1974. In Nagaland (1975), the Naga National Organisation government got reduced to minority because of defections and the imposition of President’s Rule turned inevitable on March 22, 1975.

While the Congress government in Uttar Pradesh was plunged into crisis because of the emergence of a dissident group within the party. Consequently, the Chief Minister had to resign on the instructions from the Party High Command and President’s Rule was imposed on November 30, 1975. In Tamil Nadu (1976), the DMK government led by M. Karunanidhi was dismissed on the ground of maladministration, corruption and misuse of power. Consequently, President’s Rule was imposed on January 31, 1976 following the recommendation of State Governor, K.K. Shah. The Janata Front ministry in Gujarat (1976) was defeated on the floor of the House because of defections. The Congress was not ready to form the government, and in view of the urgency of passing the budget, the President’s Rule was imposed on March 12, 1976. In Orissa (1976), the Congress government led by Nandini Satpathy moved into controversies because of factionalism within the party, and the Chief Minister had to resign on the advice of the Party High Command. So President’s Rule was imposed in Orissa on December 16, 1976.  

8 Maheshwari, Shri Ram (1977), President’s Rule in India, Macmillan: New Delhi, pp. 171-72.
It is obvious that the Congress Government led by Indira Gandhi at the Centre during the March 1971 to 1976 used Article 356 on fourteen occasions. It is quite noteworthy that in this phase, Indira Gandhi Government wielded the Article 356 not only to oust the Opposition parties' State governments, but also to end internal differences of the Congress Party and to sack the inconvenient Chief Minister's of their own party. The dismissal of elected State governments on the report of the Governor also made the office of the Governor a subject of controversy and debate, as many Governors played the role of the agents of the Centre and not as the impartial constitutional heads of states. Consequently, the Opposition-ruled State governments made such demands as the Governor be appointed in consultation with the Government of the State concerned.

The DMK demanded that the post of the Governor should be abolished. The Left Front governments in Kerala (1968) and West Bengal (1969), DMK government in Tamil Nadu (1969) protested against the posting of CRPF without the consent of the State Government. Another demand relating to financial autonomy was raised. The DMK ministry in Tamil Nadu set up the Rajamannar Committee in 1969, which submitted its report in 1971. It recommended for radical changes in the provisions of the Constitution. It suggested that Articles 356 and 357 should be omitted from the Constitution of India. The residuary powers under Article 248 should be given to the States. Article 249 should be amended. The Governor's power under Article 201 to reserve bills should be omitted. There should be no All-India Services. The Centre should have no power to send to the Central Reserve Police Force or other Police Force in the States. Thus, the Rajamannar Committee gave suggestion for State autonomy and the balance of power heavily in favour of the States.9

In December, 1977, West Bengal Government published a memorandum on Centre-State relations, which suggested the repeal of Articles 356, 357 and 360. In Punjab (1978), the Akali Dal released the revised version of Anandpur Sahib Resolution, originally adopted in 1973. According to the resolution, Centre's

authority should be confined only to defence, foreign affairs, communications, railways and currency, and the entire residuary powers be vested in the States.\textsuperscript{10}

Rudolph and Rudolph observed, “Indira Gandhi’s propensity to destabilise the state governments stimulated the state parties to collaborate with each other in self-defence. They articulated common programs emphasizing federal autonomy and rights and moved to give more vigorous constitutional form to the bifurcation of the state and national party systems.” \textsuperscript{11}

THE THIRD PHASE (1977-1979)

In the Sixth Lok Sabha elections (1977), the Congress Party suffered massive defeat and the Janata Party formed the Government at the Centre with an overwhelming majority. Now, for the Janata Party, it was a political compulsion of capturing power in the nine Congress-ruled States to please the party cadre and also to capture the post of the President. Therefore, the Janata Party government at the Centre decided to go for poll in the nine states. Also, the Janata Party government had promised an amendment in the Constitution in its poll agenda for which adequate support of the States was also necessary. With the above objectives, the then Union Home Minister, Charan Singh, asked the Chief Ministers of nine States of Punjab, Haryana, Himachal Pradesh, Uttar Pradesh, Bihar, Madhya Pradesh, Orissa, West Bengal and Rajasthan to resign to facilitate fresh elections to the State Assemblies, as the rout of the Congress party in Lok Sabha elections indicated that they had lost people’s support. Consequently, the Presidents’ Rule was imposed along with dissolution of the Assemblies in these nine States on April 30, 1977. \textsuperscript{12}

Chief Minister’s of six Congress-ruled States filed a writ in the Supreme Court seeking injunctions under Article 131 of the Constitution. In the State of Rajasthan vs. Union of India Case (1977), the Supreme Court also dismissed the petition. The Supreme Court held that “Article 356 (1) calls for an assessment of a ‘situation’. In so far as Article 356 (1) may embrace matters of political and executive policy and


\textsuperscript{12} Sethy, Rabiendra Kumar (2003), \textit{op.cit.}, pp. 80-81.
expediency, courts cannot interfere with these unless and until it is shown what constitutional provision the President is going to contravene or has contravened on admitted on grounds of action under Article 356 (1)”.

In Manipur (1977), the Congress (I) government got reduced to minority owing to defections of Congress legislators and it led to the imposition of President’s Rule on March 16, 1977. The Janata Party-CPI (M) coalition government in Tripura fell due to withdrawal of support by the CPI (M); no alternative government was possible and it led to the imposition of President’s Rule on November 5, 1977. In Karnataka also, the Congress government got reduced to minority owing to internal differences of the party and it led to imposition of President’s Rule on December 31, 1977.

It is obvious that the Janata party government led by Morarji Desai at the Centre used Article 356 on twelve occasions and it was not tolerant to the Opposition party governments in the States and it extensively misused Article 356 for the partisan ends. The mass dismissal of nine Congress-ruled State governments was against the federal democracy and it increased the tension between the Centre and the States also.

During the Charan Singh regime (July, 1979 to January, 1980), the President’s Rule was imposed on four occasions. In Sikkim (1979), the imposition of President’s Rule on August 18, 1979, was a Constitutional necessity following the resignation of the Chief Minister because the tenure of the Assembly had ended. Whereas, the Janata party government in Manipur was dismissed on the ground of corruption and mal-administration and it led to the imposition of President’s Rule on November 14, 1979. However, the Muslim League-led coalition government in Kerala got reduced to minority owing to the withdrawal of support by the Congress party and it led to the use of Article 356 on December 5, 1979. In Assam also, the Assam Janata Vidhayani Dal-led coalition government got reduced to minority after the withdrawal of support by the Congress (U) and the CPI on December 12, 1979.

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13 State of Rajasthan vs. Union of India, All India Reporter, Nagpur, 1977, Supreme Court, 1361.
It shows that the Charan Singh government at the Centre didn’t misuse Article 356 as a political weapon and imposed President’s Rule when it became inevitable.


The Congress (I) Party gained a thumping majority in the Lok Sabha elections in 1980, and Indira Gandhi took her charge as the Prime Minister of India. With the fall of the Janata Party in 1979 and the return of Indira Gandhi to power, and in the wake of the threats to Indian unity posed by Punjab, Kashmir, Assam, and North-East States by demanding ‘Regional Autonomy’, she became the unquestioned leader in the country and these circumstances gave her the chance for greater centralisation of power in her own hands.16

The nine non-congress ruled State Governments of Punjab, Rajastan, Orissa, Madhya Pradesh, Uttar Pradesh, Maharashtra, Bihar, Gujarat and Tamil Nadu were dismissed in retaliation on February 17, 1980 on the ground that the governments of these States lost the mandate of the electorates in Lok Sabha elections in 1980. This action made a mockery of the Article 356 and was highly protested against by the Opposition parties, constitutional experts and by scholars. On the contrary, the Congress (I) government in Manipur got reduced to minority owing to factionalism in the party; the Governor did not consider the claim of the Opposition leader. Consequently, President’s Rule was imposed on February 28, 1981. In Assam (1981) also, the Congress (I) government resigned; no political party or combination was being able to form a stable government owing to defections and it led to the imposition of President’s Rule on June 30, 1981. The Left Democratic Front government in Kerala lost its majority in the Assembly owing to withdrawal of support by the Congress (S) and Kerala Congress (M); no alternative government was possible and it led to the use of Article 356 on October 21, 1981. Similarly, the United Democratic Front government in Kerala resigned after the withdrawal of support by a member of Kerala Congress (M); Opposition parties were not given chance to form an alternative government and the President’s Rule was imposed on March 17, 1982. In Assam (1982), the Congress (I) government got reduced to minority owing to defections and it led to use of Article 356 on March 19, 1982. The

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16 Brass, Paul R., (1990), *op.cit*, p. 44.
Punjab (1983) came under President’s Rule on October 6, 1983 on the request of the Chief Minister that the Centre’s direct intervention was inevitable to check the militant activities. However, the Congress (I) government in Sikkim got reduced a minority owing to defections of the MLAs and it led to the imposition of President’s Rule on May 25, 1984. 17

Thus, the President’s Rule was imposed on sixteen occasions during the period 1980-84. All this exhibited the negative attitude of the Centre to the State governments. As Sunil Destha observed, The President’s Rule provisions were being used by the Congress party to further Congress objectives in the various States. The power to impose President’s Rule had become a political weapon. 18

The regional political parties, i.e., DMK (Tamil Nadu), Akali Dal (Punjab), and the Left parties (CPI, CPI-M) started strongly demanding the restructuring of the Centre-State relations and asking for genuine autonomy for the States. The Srinagar conclave in October, 1983 of Opposition parties raised demand against the centralisation of powers by the Union Government. Also, the anti-national activities in Punjab, Kashmir, Assam and North-East were casting tremendous pressure on the Union Government for setting up a Commission in this connection. The Union Government set up the Sarkaria Commission in 1983 to review and recommend the measures in favour of healthy Centre-State relations including Article 356. 19


The Congress (I) Party gained the massive mandate in the Lok Sabha elections in December, 1984, under the leadership of Rajiv Gandhi in consequence of the sympathy wave following the assassination of his mother, Indira Gandhi. The Congress (I) Party secured the ¾th majority in the Lok Sabha. The Congress (I) government led by Rajiv Gandhi wanted healthy Centre-State relations and it did avoid the unnecessary use of Article 356 for political ends.

17 Suryaprasad, K.(2001), op.cit, pp. 97-99
In this fifth phase (1985-1989), the President’s Rule was imposed in Jammu & Kashmir on September 7, 1986 as no alternative government was possible following the National Conference government getting reduced to minority when the Congress (I) withdrew its support. In Punjab (1987), the Akali Dal (Longowal) government was sacked owing to deteriorated law and order situation because of terrorism and it led to use of Article 356 on May 11, 1987. The AIADMK government led by Janaki Ramchandran in Tamil Nadu (1988) was unable the prove its majority in the Assembly owing to factionalism in the party. Violent activities occurred in the House and a partisan role of the Speaker, was exhibited. All this led to the imposition of President’s Rule in Tamil Nadu on January 30, 1988. In Nagaland (1988), the Congress (I) government got reduced to minority owing to the defections in the party, which led to the imposition of President’s Rule on August 7, 1988. In Mizoram (1988) also, the Mizo National Front government got reduced to minority owing to defections of the MLAs, eight MLAs were suspended by the Speaker, and it led to the imposition of President’s Rule in Mizoram on September 7, 1988. Karnata (1989) also came under the President’s Rule on April 21, 1989 owing to the factionalism in the ruling Janata Dal government. The State Governor did not give a chance to the Chief Minister to prove his majority in the House.20

The Sarkaria Commission submitted its report in 1988, and recommended useful measures to strengthened the Centre-State relations. We can summarise the major recommendations of Sarkaria Commission as follows.

First, a convention should be developed that the State Governments be consulted when laws are made by the Union Government on the items in the Concurrent List.

Second, a direction under Articles 256 and 257 and the application of the sanction under Article 365 in the event of its non-compliance, is a measure of last resort. Before issue of directions to a State or application of sanction under Article

365, utmost caution should be exercised and all possibilities explored for setting points of conflict by all other available means.

Third, it is necessary to ensure that a person to be appointed as Governor should be an eminent person, from outside the State concerned, unconnected with the local politics, and he should not have taken great part in active politics in recent past. It is desirable that a person related to the ruling party at the Centre should not be appointed as Governor of a State which is being ruled by any other political party or coalition. The Chief Minister of the State concerned, the Vice-President and the Speaker of the Lok Sabha may be consulted with by the Prime Minister in selecting the Governor. The Governor’s tenure of office of five years in a State should not be disturbed except very rarely and for extreme reasons.

Fourth, the Governor should not risk determining the issue of majority support, on his own, outside the Assembly. It should be tested on the floor of the House. If the Governor receives reliable evidences that the Ministry has lost majority, he should advise the Chief Minister to summon the Assembly as early as possible so that the majority may be tested.

Fifth, Article 356 should be used very sparingly and in extreme cases, a warning should be issued to the errant State government, and action under Article 355 should be taken first. The State Assembly should not be dissolved before the approval of the Proclamation by the Parliament. Normally the President’s Rule should be proclaimed on the basis of ‘speaking’ report of the State Governors.

Sixth, before the Union Government deploys its armed and other forces in a State in aid of the civil power otherwise than on a request from the State Government, or declares an area within a State as “disturbed”, it is desirable that the State Government should be consulted, whenever feasible, and its cooperation sought, even though prior consultation with the State Government is not obligatory.

Seventh, the All India Services should consist in Engineering, Health, Education, Agriculture, and Industry, etc.
Eighth, a permanent Inter-State Council called the Inter-Governmental Council should be set up under Article 263. This Council should be charged with the duties set out in clauses (b) and (c) of Article 263, other than socio-economic planning and development.

Ninth, the separate identity of the National Development Council should be mentioned. However, its status should be formalised and duties reaffirmed through a Presidential order passed under Article 263 and it should be renamed as the National Economic and Development Council.

Tenth, the five Zonal Councils which were constituted under States Reorganisation Act, 1956 should be constituted afresh under Article 263. The Zonal Councils should provide the first level discussion of most, if not all, of the regional and inter-state issues. Every endeavour should be made to sort out as many as possible of these issues in the Zonal Councils, thereby reducing the burden of the Inter-Governmental Council. The Inter-Governmental Council may also refer some of the issues directly raised before it to the Zonal Councils.

Eleventh, the Union Government should, in consultation with State Governments, periodically consider and explore the revision or imposition of the duties under Article 268. The revenue raised from these duties should be separately specified in the budget and other relevant publications.

Twelveth, the net proceeds of Corporation Tax may be made permissibly sharable with the States, in and as Parliament may by law so provide. This would have the advantage of enlarging the base of devolution so that in the revenues of the States there would be greater stability and 'predictability', in future. Further, this being an elastic resource, the States would benefit from its growth.

Thirteenth, the Finance Commission Cell/Division, proposed to be located in the Planning Commission, should continuously monitor the behaviour of States' finances. It should also estimate annually the deviations from the norms evolved by the Finance Commission. The Planning Commission would than be able to bring before the National Economic and Development Council the annual reviews
indicating, among other things, the deviations from the forecasts of Finance Commission and also the reasons for the same.

Fourteenth, in the event of a natural calamity, relief must be given immediately. A procedure enabling States to expeditiously provide necessary succour and relief to the affected people should be evolved, in consultation with the States, along with suitable norms with regard to the scale of relief. Formulation of standard formats for submission of memoranda by the States will greatly help the Union in dealing with requests of various States urgently and on a uniform basis.

Fifteenth, the rationality of transfers from the Union to the States would involve transfers of more revenue to the less-developed States with lower repayment capacity and weak financial base. In contrast, keeping in view the needs of development in the advanced States, a suitable mix of budgetary and non-budgetary access to capital resources may be allowed to them, etc.  

It is clear that the Sarkaria Commission, however, favoured the strong Centre for maintaining the Unity of the Country and for ensuring the socio-economic development. It also recommended the decentralisation of powers with the States for strengthening the federal democracy in the country. As Bidyut Chakrabarty pointed out, The Sarkaria Commission was drawn to the concept of a strong Centre as the sole guarantee of India's unity, and centralisation was upheld as absolutely essential for India's socio-economic development.  

Thus, the Congress (I) government led by Rajiv Gandhi at the Centre used Article 356 on six occasions during the 1985-1989. It showed the positive attitude of the Centre towards the state governments. During this period Article 356 was not used as an instrument to destablise the state governments ruled by the Opposition parties. Rajiv Gandhi government also tried to cleanse the Indian politics and he enacted the

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Anti-Defection Act, 1985, which reduced the possibilities of political defections and horse-trading.

The National Front government led by V. P. Singh (December, 1989 to November, 1990) at the Centre was committed to healthy Centre-State relations under the influence of its coalition partners, i.e., DMK, TDP, AGP, and it did not frequently use Article 356 as a political weapon. The President’s Rule was imposed in Jammu & Kashmir on July 18, 1990 on the expiry of governor’s rule, the principal reason being the insurgency in the State. However, Karnataka came under President’s Rule on October 10, 1990, owing to internal differences in the ruling Congress (I) party. Also, the Union Government played a partisan role through the State Governor. Thus, the NF government led by V. P. Singh at the Centre used Article 356 on two occasions in its 11 months regime.

The Janata Dal (Socialist) government led by Chandrashekhar (November 1990 to June, 1991) was a minority government and Congress (I) and AIADMK were giving ‘issues-based’ support to the government from outside. The Janata Dal (Socialist) government imposed President’s Rule in Assam on November 27, 1990 on the ground of insurgency owing to secessionist activities of ULFA. In this case, the Chandrasekhar Government was prejudiced against the P.K. Mahanta Ministry, because he was a supporter of V.P. Singh. In Goa, the Progressive Democratic Front government got reduced to minority owing to withdrawal of support by the Maharashtrawadi Gomantak Party; no stable government was possible, and it led to the imposition of President’s Rule on December 14, 1990. The most controversial use of Article 356 was in Tamil Nadu on January 30, 1991 during this regime, where the DMK government led by M. Karunanidhi was dismissed without the report of Governor on the ground of insurgency owing to secessionist activities of LTTE militants. It seems that Chandrashekhar government took this decision under the pressure of AIADMK and Congress (who gave support to his government from

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24 Hindustan Times, New Delhi, 11 October, 1990.
26 Times of India, New Delhi, 16 December, 1990.
outside). However, in Haryana, the Janata Dal (Socialist) government led by Om Prakash Chautala denied to prove his majority in the Assembly on the directive of State Governor, and thus the imposition of President’s Rule became Constitutional necessity. On April 6, 1991, Haryana came under the President’s Rule.

It is obvious that the Janata Dal (Socialist) government led by Chandrashekhar used Article 356 on four occasions in its six months regime. He showed his negative attitude to the AGP government in Assam and DMK government in Tamil Nadu and misused Article 356 for fulfilling his political ends. These actions were against the principles of federal democracy.

The Congress (I) Party formed a minority government at the Centre under the leadership of P. V. Narasimha Rao. It was a critical period in Indian political system, when the country was passing through economic crisis, political instability and widespread anti-national activities in Punjab, Kashmir, Assam, and North-East. The Narasimha Rao government avoided the unnecessary interfere in the States’ affairs and gave priority to economic issues. The Union Government started the economic reforms in July, 1991 and it required the co-operation between the Centre and the States. The process of economic liberalisation, privatisation and globalisation has also transferred the power in favour of the States. Rudolph and Rudolph analyse the political economy of the Indian State with the models of the ‘command polity’ and the ‘demand polity’. They observe, “In India, popular sovereignty expresses itself more through the voter than consumer sovereignty...The Indian state will remain the economy’s guide, tutor and patron, particularly with respect to investment...Those resources and the state’s strategic and bargaining advantages make it possible for the state in India to be not only relatively autonomous and self-determined but also self-interested.”

This situation definitely determined the Centre’s stance in use of Article 356.

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28 The Tribune, Chandigarh, 7 April, 1991.
In this phase, eleven States were put under President’s Rule. In Meghalaya (1991), the MUPP government was defeated on the confidence motion in the Assembly and a partisan role of the Speaker against the Supreme Court verdict. It led to the imposition of President’s Rule on October 11, 1991. 30 In Manipur (1992) also, the United Legislature Front government got reduced to minority after the withdrawal of support by the MLAs of ruling party and disqualification of Congress (I) MLAs by the Speaker, and it led to the imposition of President’s Rule in Manipur on January 7, 1992. 31 The Nagaland People’s Council Government in Nagaland got reduced to minority after the withdrawal of support by the MLAs of ruling Nagaland People’s Council and disqualification of Congress (I) MLAs by the Speaker, and President’s Rule was imposed on April 2, 1992 without a specific report from the State Governor. 32

In Uttar Pradesh (1992), the BJP government led by Kalyan Singh was dismissed and President’s Rule was imposed on December 6, 1992 after the demolition of the disputed structure at Ayodhya, violation of rule of law and worsening law and order situation. 33 On the same ground, the other three BJP-ruled State governments of Madhya Pradesh, Himachal Pradesh and Rajasthan were dismissed and there also President’s Rule was imposed on December 15, 1992. It was done on the ground that these State governments encouraged the Kar Sevaks to go to Ayodhya; they did not implement the ban on R.S.S., V.H.P., Bajrang Dal, Jammat-e-Islami which were banned organisations and did not check the communal riots in their respective States. 34

In the S.R.Bommai case (1994) the Supreme Court upheld the dismissal of the four State governments of Madhya Pradesh, Himachal Pradesh and Rajasthan ruled by the BJP on the ground that the actions of these State governments were inconsistent with the secular character of the constitution. However, the Court made
it clear that President’s Proclamation under Article 356 is judicially reviewable. The Court also enunciated the doctrine of the floor test.\textsuperscript{35}

However, the imposition of President’s Rule in Tripura on March 11, 1993 was inevitable after the resignation of Congress (I) government owing to expiry of tenure of the State Assembly.\textsuperscript{36} The North-Eastern State, Manipur, came under President’s Rule on December 31, 1993 because the Congress (I) government had failed to check the Naga-Kuki clashes and insurgency of NSCN.\textsuperscript{37} The imposition of President’s Rule in Bihar on March 28, 1995 was a Constitutional necessity to enable the Parliament to pass the vote-on-account for expenditure of the State.\textsuperscript{38} President’s Rule was imposed in Uttar Pradesh on October 18, 1995 after the resignation of Chief Minister, Mayawati, owing to withdrawal of support by the BJP from the BSP-BJP coalition government.\textsuperscript{39}

Thus, the Narasimha Rao government used Article 356 on eleven occasions in his five year regime. The Rao government, too, used Article 356 for fulfilling their partisan ends and dislodge the duly elected State Governments ruled by the Opposition parties. Consequently, the regional parties and the left parties had been demanding the implementation of recommendations of Sarkaria Commission (1988) and the safeguards enumerated in the Bommai case judgement (1994) from the platform of the Inter-State Council.

Jammu and Kashmir Assembly passed the autonomy resolution on June 26, 2000, demanding the greater autonomy to Jammu and Kashmir within the Union of India, with the Centre’s role limited to defence, external affairs and communication. Also, the Centre would neither appoint a Governor there nor interfere in an emergency under Article 356 of the Constitution of India. The governor would be replaced by ‘Sadr-e-Riyasat’, head of State, to be elected by the State legislature. This resolution was rejected by the Union Council of Ministers on July 4, 2000 that

\textsuperscript{35} ibid, New Delhi, 12 March, 1994.
\textsuperscript{36} ibid, 12 March, 1993.
\textsuperscript{37} The Hindu, Madras, 1 January, 1994.
\textsuperscript{38} Times of India, New Delhi, 29 March, 1995.
\textsuperscript{39} The Hindu, Madras, 18 October, 1995.
it would reverse the natural process of harmonizing the aspiration of the people of Jammu and Kashmir to go with the integrity of the nation.\textsuperscript{40}

THE EIGHTH PHASE (1996-ONWARDS)

The elections of Lok Sabha in June, 1996, did not give a clear mandate and a hung Parliament emerged. Consequently, a coalition government was formed at the Centre. In fact, it was a transitional period of Indian political system which led to coalition politics in the country. The UF government led by H. D. Deve Gowda was functioning under the directions of its coalition partners, i.e., CPI-M, CPI, DMK, TDP, and those who had always protested against the repeated misuse of Article 356, and it exercised a check upon the use of Article 356 for partisan ends. As Bidyut Chakrabarty pointed out that the decline of highly centralised Congress party has resulted in decentring of politics and has shifted its centre of gravity from New Delhi to the States. \textsuperscript{41}

In Gujarat (1996), majority of the BJP government was challenged by a faction of the party; the Speaker suspended the entire Opposition from the Assembly to enable the Chief Minister to show his majority, and violent activities were made in the House. All this led to imposition of President’s Rule on September 19, 1996. \textsuperscript{42} A hung Assembly emerged in Uttar Pradesh in 1996. No political party was ready to give support to the BJP which was the single largest party in the House, and it led to imposition of President’s Rule in Uttar Pradesh on October 17, 1996. \textsuperscript{43}

Thus, the UF government did not tolerate the Opposition parties’ governments in the States and it also misused Article 356 on two occasions and both for political ends in his 22 months regime. This tendency was against our federal democracy and it strengthened the doubts and fear of regional parties for the Centre.


\textsuperscript{42} \textit{Times of India}, New Delhi, 18-20 October, 1996.

\textsuperscript{43} \textit{ibid}, 17-19 October, 1996.
Similarly, the BJP-led NDA government headed by Atal Bihari Vajpayee at the Centre (1998 - 2004) was also functioning under the directions of its coalition partners, i.e., TDP, Akali Dal, National Conference, that were against the misuse of Article 356 as a weapon. In Goa (1999), the Congress (I) government was defeated on confidence motion in Assembly; no political party or combination was ready to form the government, and it led to the imposition of President’s Rule on February 10, 1999. On the contrary, the massacres of Dalits in Bihar by the Ranbir Sena created the law and order problem; and it led to the dismissal of RJD government and to the imposition of President’s Rule on February 12, 1999. While Manipur came under the President’s Rule on June 2, 2001 after the Samata Party-led coalition government got reduced to a minority owing to mutual differences between the BJP and the Samata Party. It showed that NDA government used Article 356 in three occasions in their six years’ regime and this decline in the use of Article 356 resulted from coalition government. It is a good signal for healthy Centre State relations. The issue of President’s Rule was also discussed in Governor’s Conference (2005) yielded no consensus between the Union Government and the State governments.

The Congress (I)-led UPA Government at the Centre also imposed the President’s Rule in Goa on March 4, 2005 and kept the State Legislative Assembly under suspended animation, because the Congress (I)-led United Legislature Party coalition government headed by Pratap Singh Rane win the vote of confidence in the State Legislative Assembly with pro tem Speaker casting his vote in favour of the Rane government and not allowing one member to vote. It led to the imposition of President’s Rule in this case. So imposition of President’s Rule in Goa was constitutionally justified. In fact, The United Legislature Party government led by Partap Singh Rane was sworn as a Chief Minister on February 2, 2005 after the State Governor, S.C. Jamir, dismissed the BJP-led Manohar Parrikar government. He could not seek the trust vote on February 2, 2005 owing to noisy scenes in the House. On February 2, 2005, the Speaker declared the Confidence motion to be carried. But before putting the motion to vote admit noisy scenes and turmoil, he

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44 Deccan Herald, Bangalore, 11 February, 1999.
ordered one member to go out of the House. Within minutes of the Parrikar government winning the confidence of the House, the Governor dismissed the Parrikar government, and Congress (I) Party leader Pratap Singh Rane was installed as the new Chief Minister. In Bihar (2005), there emerged a hung Assembly in February, 2005 and it invited for imposition of President’s Rule on March 7, 2005. The State Legislative Assembly was also kept in suspended animation. In this case, the Lok Jan Shakti Party leader Ram Vilas Paswan refused to support either the RJD or the BJP in government formation which resulted into the deadlock. Consequently, there was no political party or coalition was in a position to form a stable government. However, the State Governor, Buta Singh, did not give a chance to the Janata Dal (United) – led NDA leader, Nitish Kumar, to form the popular government in the State. The State Assembly was dissolved on May 23, 2005 on the basis of the recommendations of the State Governor, Buta Singh, as made by him on April 27, and May 21, 2005. On October 7, 2005, the Supreme Court declared unconstitutional the May 23, 2005 Presidential Proclamation of dissolution of the Assembly of Bihar.

We can conclude that the factors leading to the imposition of President’s Rule can classify under the following heads:

1. Failure of a single political party or combination to obtain a clear majority in the Assembly to form a stable government after general elections; viz., Kerala (1965), Rajasthan (1967), Uttar Pradesh (1996), Bihar (2005) and Goa (2005), etc.

2. No political party or combination willing to come forward to form a government, e.g., West Bengal (1970).

3. Ministry formation was not permitted, viz., West Bengal (1968 & 70), Manipur (1981), Rajasthan (1967), Jammu & Kashmir (1986), Uttar Pradesh (1996), and Bihar (2005), etc.

47 The Hindu. Delhi, 5 March, 2005.
48 The Hindu. Delhi, 8 October, 2005.
4. Political horse trading leading to the break-down of multi-party coalition governments, viz., Haryana (1967), Bihar (1968), West Bengal (1971), Meghalaya (1991), Manipur (1992), and Nagaland (1992), etc.


6. Internal differences of the ruling party or coalition in a State, viz., Punjab (1951), Uttar Pradesh (1968), Punjab (1968), Uttar Pradesh (1970), Orissa (1973), Karnataka (1990), Haryana (1991), and Manipur (2001), etc.

7. State Government indulging in corruption and mal-administration, viz., Kerala (1959), Tamil Nadu (1976), and Manipur (1976), etc.

8. Constitutional necessity, i.e; to pass the State vote-on-account, viz., Kerala (1970), Tripura (1993), and Bihar (1995), etc.

9. Development of a pernicious doctrine that the political complexion of governments at the Centre and the State should be the same, e.g., mass dismissal of nine State governments in 1977, viz., Punjab, Haryana, Rajasthan, Uttar Pradesh, Madhya Pradesh, Bihar, Orissa, Himachal Pradesh, West Bengal and in 1980, viz., Punjab, Rajasthan, Madhya Pradesh, Uttar Pradesh, Bihar, Orissa, Gujarat, Maharashtra, Tamil Nadu.


It shows that in most of the cases, (1950-1989), the political deflections, deterioration of law and order situation in a State and withdrawal of support by the coalition partners led to the imposition of President’s Rule in the States. The political deflections is the major factor in this regard. During the 1990-2001 in six cases State
governments got reduced to minority, in four cases insurgency, in remaining four cases violation of secularism, in two cases deterioration of law and order situation in a state, in one case internal differences in the ruling party, in three cases constitutional necessity, in one case hung assembly, and in two cases no-confidence motion led to imposition of President's Rule in the respective States. Thus, the tendency of political defections reduced consequently the Anti-Defection Act, 1985. In fact, these factors are relative and they change according to time and circumstances. Rabindra Kumar Sethy observes that the political use of the Article 356 had a damaging effect upon Union-State relations. Integral to the theory and practice of the President's rule is the discretionary judgement of the Governor and even more of the Union government.49

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