CHAPTER-5

IMPOSITION OF PRESIDENT’S RULE IN INDIAN STATES (1990-2001)

The President’s Rule was imposed in various States on different grounds during 1990-2001. It is necessary to analyse the cases of those states, where President’s Rule was imposed during 1990-2001. We need analyse the situations of the concerned states, the intension and actions taken by the Union Governments and the role played by the Governors in those states to draw the conclusion. We can thematically classify President’s Rule during the period 1990-2001 into the following categories.

1. MINISTRY GOT REDUCED TO MINORITY

The State Council of Ministers got reduced to minority owing to the withdrawal of support by the MLAs of ruling party or its coalition partners withdrew the support; or the internal differences in the ruling party put a sign of interrogation on the majority of the government of State concerned and it led to the imposition of President’s Rule in the following cases.

(i) KARNATAKA (1990)

The Congress (I) government led by Virendra Patil was ruling in Karnataka (1990) and it enjoyed fourth-fifths majority in the State Legislative Assembly. The crisis in Karnataka (1990) was created by the Congress (I) President, Rajiv Gandhi, by announcing his decision publicly that the Chief Minister of Karnataka, Virendra Patil, had been asked to step down in view of his bad health and his incapacity to deal with the communal situation, which was worsening. Virendra Patil refused to abide by the party president directive and said there was no question of his quitting and recommended dissolution of the State Assembly. Technically, Virendra Patil, had not lost the support of the majority but at the same time, it was clear that this majority needed to be reaffirmed, because several members of the State Assembly including several ministers supported the decision of party president Rajiv Gandhi. The
Governor of Karnataka, Bhanu Pratap Singh, submitted a report to the Centre that the spirit of the collective responsibility of the Council of Ministers had been totally shattered and there is no check on the communal riots in the State. Virendra Patil, had written to the Governor claiming support of 103 Congress (I) members. However, the Congress(I) organisation wing just a day before had paraded 142 members before the Governor. Obviously there was a duplication as the total strength of the Congress (I) in the Assembly was only 178 in a House of 225. So that State Governor, Bhanu Pratap Singh, sent a report to the Centre about the political developments in the State and recommended that the State be brought under President’s Rule. The Union Council of Ministers headed by Prime Minister, V.P. Singh (National Front), discussed the political situation of the State and advised the President to dismiss the Chief Minister and impose the President’s Rule in the State as well as to keep the State Assembly under suspended animation. The President, R. Venkataraman, proclaimed the imposition of President’s Rule in Karnataka on October 10, 1990, but the State Assembly was kept in suspended animation. On the contrary, a delegation of Congress (I) called on the President and protested against the attempt to impose President’s Rule in Karnataka.¹

It is obvious that the Congress(I) President Rajiv Gandhi’s decision of duly elected Chief Minister’s dismissal was against the conventions of democracy. In fact, the internal differences of Congress (I) party led to the imposition of President’s Rule in Karnataka (1990). Governor of Karnataka, Bhanu Pratap Singh’s role was also controversial, because he had virtually forced the Congress(I) to elect a Congress legislature party leader through secret ballot. It shows that Governor, Bhanu Pratap Singh, acted under the influence of the Union Government. Thus, the imposition of President’s Rule in Karnataka in 1990 was politically motivated. It is assaulted State autonomy and downgraded the office of the Chief Minister by Union Government through the State Governor. As C.P. Bhambri observed, “It makes mockery of the office of the Chief Minister that the Congress(I) President Rajiv Gandhi makes an announcement for Chief Minister’s dismissal…Federalism in India is not safe if Chief

¹ Hindustan Times, New Delhi, 11 October, 1990.
Ministers are glorified peons and if Governors are scheming agents of the Union Government.”

(ii) GOA (1990)
The MGP-led Progressive Democratic Front government headed by Luis Proto Barbosa was ruling in Goa in 1990. The political crisis started when the Maharashtrawadi Gomantak Party (MGP) withdrew its support from the ruling PDF government led by L.P. Barbosa whose disqualification orders were also upheld by the High Court. The Governor of Goa, Khurshid Alam Khan, sent a report to the Centre that no political party was still in a position to form a stable government. The Governor stated that according to him the Assembly had 39 members, obviously referring to the disqualification of L.P. Barbosa. He did not agree with the question that the Assembly’s strength had been reduced to 37, since Ratnakar Chopadekar and Sanjay Bhandekar had approached the High Court questioning their disqualification. The Union Council of Ministers headed by Prime Minister Chandrashekhar (Janata Dal- Socialist), discussed the report of the State Governor and advised the President to impose the President’s Rule in Goa and to keep the State Legislative Assembly under suspended animation. The President, R. Venkataraman, proclaimed the President’s Rule in Goa on December 14, 1990, but the State Legislative Assembly was kept in suspended animation.

In the Lok Sabha, several members demanded that the House should have been dissolved and the members would gain fresh mandate. Prem Kumar Dhumal [BJP] said on the Goa episode (1990), “The Governor of the State should be immediately recalled because his activities and conduct has been suspicious. Secondly, the State Assembly should be dissolved instead of keeping it under suspended animation. Fresh elections to the Assembly should be held before May. Let the people of Goa decide. Whichever party wins majority of seats may form the

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3 Times of India, New Delhi, 16 December, 1990.
Government, that will be the true democracy." On the other hand, Santosh Mohan Dev [Congress(I)] said, "It is most unfortunate that the number game of MLAs – their shifting of loyalty from one section to the other on the grounds of religion, language, political loyalty – has created the dislocation in the State of Goa... True, this change of numbers cannot take place on the basis of ideology. The money power must have played something behind this change." Subodh Kant Sahay, the Minister of State in the Ministry of Home Affairs, replied, "According to the wishes of the Hon’ble members, we are exploring the possibilities whether Government could be formed there... Santosh Mohan Dev has demanded immediate appointment of a Governor who could look after the overall development of the State. Tourism and development of the State has remained neglected and drug-trafficking has been going on unchecked. All these questions will be given priority during the President’s Rule. I hope that the Government of elected representatives will be formed in the State.”

In the Rajya Sabha also, several members criticised this action. Prakash Yashwant Ambedkar [Nominated] said, “I oppose this motion and request the Government to see that there is no condition in which we cannot hold the elections. The elections can be held at any time.” Margaret Alva [Congress(I)] also said, “The present political situation in Goa comes basically out of the effort that was made by the National Front Government to destabilise a Government which had been functioning normally.” Dinesh Goswami [AGP] said, “The President’s Rule had been imposed in the State when the Election Commission was fully prepared and had geared itself for the polls... This has set a very dangerous precedent in the federal polity of this country.”

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5 Dev, Santosh Mohan (1991), ibid, p.874.
6 Sahay, Subodh Kant (1991), ibid, pp. 892-3.
8 Alva, Margaret (1991), ibid, p.433.
It is obvious that the imposition of President’s Rule in Goa in 1990 was constitutionally justified, because PDF Government got reduced to minority after the withdrawal of support by MGP and no other political party or coalition was in a position to form a stable government. The political stability was not possible in the State because of frequently changing loyalty of legislators of the State Assembly and it was a very bad signal for Indian federal democracy. In this case the Union Government imposed the President’s Rule on a reasonable ground. The State Governor also impartially assessed the political situation of the State and sent a report to the Centre about the political uncertainty of the State. However, the suspension of State Assembly was not a reasonable decisions because it opened possibility of defection and horse-trading of the MLA’s.

(iii) Meghalaya (1991)
The Meghalaya United Parliamentary Party (MUPP) government led by B.B. Lingdoh was ruling in Meghalaya in 1991. Lyndoh’s Ministry won a vote of confidence on August 7, 1991 on the floor of the State Assembly. But the Speaker, P.R. Kyndiah, refused to announce the result claiming that five independent Lyngdoh supporters had according to a complaint received during counting ‘defected’ and were disqualified. The Speaker announced formal disqualification on August 17, 1991 bringing the Supreme Court into the fray which stayed the disqualification of four of the five legislators on September 6, 1991. The Supreme Court issued another order on October 3, 1991 and directed the Speaker that the ‘protected four’ could vote in the Legislature proceedings, including the motion of Confidence. On October 8, 1991, the Speaker used his casting vote when the Lyngdoh Government and the Congress (I)-led United Meghalaya Parliamentary Forum were tied at 26 votes each. Votes of four MLAs, whose disqualification under the Anti-Defection Act, 1985 had been stayed by the Supreme Court, were not taken into account by the Speaker. The State Governor, Madhukar Dighe, sent a letter to the Chief Minister that the MUPP government led by you had lost the motion of confidence in the House and advised him to tender his
resignation in the interest of democracy. The Chief Minister, however, refused to quit, maintaining that the Hon’ble Supreme Court’s order favoured his Ministry. In the meantime, the Congress (I) - led United Meghalaya Parliamentary Forum also stated its claim to form the government. The State Governor submitted his report to the Centre on October 8 and 9, 1991, about the political developments in Meghalaya. The Governor concluded that the B.B. Lyngdoh Ministry would not able to function or transact any business in the Assembly with the Opposition not cooperating. Even if the Opposition was given a chance it would not be able to form a stable government, observed the Governor. The Union Council of Ministers headed by Prime Minister, P.V. Narasimha Rao [Congress-I], discussed the Governor’s report and arrived at the conclusion that the MUPP and the UMPF were not still in a position to form a stable government and advised the President to impose the President’s Rule in Meghalaya and to keep State Assembly in suspended animation. The President, R. Venkataraman, Proclaimed the President’s Rule in Meghalaya on October 11, 1991, but the State Legislative Assembly was kept in Suspended animation.10

In the Rajya Sabha, several members criticised the imposition of President’s Rule in Meghalaya (1991). G.G. Swell [HPU] said, “Take the consensus of all the parties. They will be for the revocation of President’s Rule, for the reinstallation of the party and for giving opportunity to the Assembly to decide.”11 M.M. Jacob, the Minister of State in the Ministry of Home Affairs, replied that the Union Government decided to impose the President’s Rule on the report of the State Governor. He observed, “The Governor mentioned that as per the newspaper reports, the Speaker announced that he would reluctantly ignore the Supreme Court rulings as, in his view, the Supreme Court had no jurisdiction in the matter... The possibility of dismissing the present Ministry and installing another Ministry did not appear to be feasible and he was of the opinion that neither the present Ministry can function in the House

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10 The Hindu, Madras, 12 October, 1991.
without the Opposition cooperation nor the Opposition with equal number of Members, if given a chance to form the Ministry, would have been able to function in the present situation because this group also consisted of five independent Members whose loyalty could not be predicted.”

In the Lok Sabha also, Lal Krishan Advani [BJP] said, “I hope that Government would do nothing of this kind-the dissolution of the Assembly or anything of that kind. I had conveyed to the Government that my own view is that in a situation of this kind, the Constitution empowers the Government to revoke the President’s Rule of its own and it need not wait for the Governor’s report particularly.” Indrajit Gupta [CPI] also said, “We don’t want to encourage or to give any kind of long rope for any kind of horse-trading or unscrupulous and motivated things to take place. Therefore, I would request him to tell us as to what is the nature of this report and why has it become necessary for the Governor to give another report now.” M.M. Jacob, the Minister of State in the Ministry of Home Affairs, replied, “The Governor’s latest report before me is very clear that there is no possibility to have a government because both the sides are equal. So in the usual course it is not possible to have a government there.”

Thus, the imposition of President’s Rule in Meghalaya (1991) was politically motivated. The action of the Speaker was unreasonable and it created a tussle of supremacy between the Legislature and the Judiciary. In fact, the legislature is supreme and sovereign within the sphere assigned to it by the Constitution, but the Judiciary can examine whether the Assembly has violated fundamental rights. It seems that the Union Government kept the Assembly in suspended animation to enable the Congress (I) to form a Government in the State in near future, because the

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Congress (I) with its 26 members (excluding the Speaker) could form a Government after securing defections from the till then United non-Congress (I) camp of 30 members. The Centre’s action of suspension of State Assembly could increase the horse-trading of the MLAs. The State Governor, Madhukar Dighe, also acted under the influence of the Union Government in this case. Rajeev Dhavan, opined, The Supreme Court and High Courts always have the power to examine whether the Assembly or Parliament is correctly seized of a matter. They can examine whether the Assembly has violated fundamental rights or retreated into an area of ‘judicial hands off’... So far, the Speaker do not have a choice. Both P.R. Kyndiah’s claim to autonomy and the Meghalaya Governor’s argument that the Supreme Court’s instructions will acquire final shape when the matter is finally decided are founded on a misunderstanding of the Constitution.”

(iv) Manipur (1992)

The United Legislature Front (ULF) government led by R.K. Ranbir Singh, was ruling in Manipur (1991). The Ranbir Singh Ministry was functioning smoothly. But an untenable situation had arisen following the disqualification of seven MLAs by the Speaker of the State Assembly and the Supreme Court order got set aside by the Speaker’s vedict. The Speaker, H. Borababu Singh, gave a statement that he was willing to be imprisoned to safeguard the institution of the Speaker. The MLAs were also changing their loyalties frequently, thereby created political instability in the State. The strength of ULF had been reduced to 24 in 60-member Assembly. However, the ULF claimed that the House had an effective strength of 50 while the Opposition Congress (I) asserted it was 57 following the quashing of the disqualification of seven congress (I) legislators by the Supreme Court. In fact, the ULF Ministry was reduced to minority on January 7, 1992 following withdrawal of support by the five legislators, including two ministers. The Congress (I) leader, R. K. Dorendra Singh, on January 7, 1992 called on the Governor and staked his claim to

form a new Government led by the Congress (I). The State Governor, Chintamani Panigrahi, had sent two reports to the Centre about the political developments in the State. The Union Council of Ministers headed by Prime Minister, P.V. Narasimha Rao [Congress-I], considered the reports of the Governor of Manipur and advised the President to impose President’s Rule in Manipur and to keep the State Assembly in suspended animation. The President, R. Venkataraman, proclaimed the President’s Rule in Manipur on January 7, 1992, but the State Assembly was kept in Suspended animation.17

In the Lok Sabha, the members criticised this action. Indrajit Gupta [CPI] said, "The Governor say, that nobody is able to form a Government with any substantial majority at a wafer thin difference between the claims of the two sides, then why the Governor was continuing this drama of keeping the Assembly suspended and encouraging the parties to buy and sell MLAs? Why not a clear decision for afresh elections so that people of Manipur can decide again on their own choice...whom they want?"18 G.L. Bhargava [BJP] also said, "The Anti-Defection Law is not clear. There is a conflict between Executive and Judiciary. The disputes arise where there are two parties. Where the number of parties is seven, the restoration of Legislative Assembly is not possible. There should be dissolution of the Legislative Assembly immediately to conduct elections as was done by the Government in Punjab, otherwise there would be corruption and bribery."19 On the other hand, M.M. Jacob, the Minister of State in the Ministry of Home Affairs, defended the action by saying, "The Governor has mentioned that this has to be prevented somehow, it is the immediate necessity to tackle this problem and the political instability existing in Manipur will not be able to handle the situation effectively."20

17 Times of India. New Delhi, 8 January, 1992.
In the Rajya Sabha also, several members criticised this rule. Chaturanan Mishra [CPI] said, "When I visited Manipur I found that they are very much agitated about the question of inclusion of the Manipuri language in the VIII schedule of the Constitution."\(^{21}\) S. Jaipal Reddy [Janata Dal] said, "I would like to know whether it is not a fact that the Governor, in addition to this, has also in his report told the Government of India to consider dissolution of the Assembly. If so, why has this latter part of the Governor's recommendation not been favourably considered by the Union Government?"\(^{22}\) M.M. Jacob, the Minister of State in the Ministry of Home Affairs, replied, "The Governor's second report which is on the table of the House---Accordingly, the Chief Minister Ranbir Singh, in a letter submitted to me today advised me for dissolving the Manipur Legislative Assembly. I am not acting on this as I have already reported on the situation---' Alread reported means, there is instability; Assembly is in suspended animation. So, 'let me watch for some days and see whether stability can be brought about, and then it can be revived' \(^{23}\)

It is obvious that the imposition of President's Rule in Manipur (1992) was politically motivated. In this case, it was clear that neither ULF nor Congress (I) was in a position to form a stable government in the State. But the decision of Union Government to keep the State Assembly in suspended animation was not justified, because it would increase the defections and horse-trading of MLAs. It seems that the State Assembly was kept in suspended animation to enable the Congress (I) to form the Government in near future by way of defections in the ULF group. It would have been judicious to hold fresh elections after dissolving the Assembly. The State Governor, Chintamani Panigrahi, also acted partially under the influence of the Union Government. The Speaker's decision of the disqualification of the seven MLA's and his challenging the Supreme Court's judgement in this connection was an act of mala fide intention and against the democratic norms. H. Khogen Singh observed The


imposition of President’s Rule in Manipur brought to a premature close the reign of the ULF Government marked the end of one of the most turbulent phases in the history of the State... Towards the end, the ULF faced a determined toppling bid that saw a fierce interplay of coercion, appeasement, money power and abuse of power.  

(v) Nagaland (1992)
The Nagaland People’s Council (NPC) government led by Vamuzo was ruling in Nagaland in 1992. The political instability in the State began when 13 out of 24 members of the ruling NPC withdrew its support from Vamuzo’s Government. The Speaker also disqualified the 15 Congress (I) MLA’s. Therefore, the party position in the State turned ‘fluid’. The State Governor, M.M.Thomas, sent a report to the Centre that following the disqualification of 15 Congress (I) MLA’s by the Speaker and the withdrawal of support by the MLAs of ruling party, the party position in the State was ‘fluid’. The Governor stated that the law and order situation in the State had deteriorated. The Union Council of Ministers headed by Prime Minister, P.V.Narasimha Rao [Congress-I], discussed the political developments in Nagaland and advised the President to impose the President’s Rule in the State and dissolve the State Assembly. The President, R.Venkatraman, proclaimed the President’s Rule in Nagaland on April 2, 1992. The State Governor dissolved the Legislative Assembly on the advise of Chief Minister Vamuzo without consulting the Centre. The outgoing Chief Minister, Vamuzo, reacted that the imposition of President’s Rule in Nagaland was politically motivated to disturb the peace process for a political solution to the Naga problem.  

In the Rajya Sabha, several members criticised Centre’s action in Nagaland (1992). S. Jaipal Reddy [Janata Dal] asked, “It shows once again that that party had majority when the Chief Minister recommended dissolution. After the Assembly was

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25 Times of India, New Delhi, 3 April, 1992.
dissolved, after the Chief Minister who had majority and who had recommended dissolution of the Assembly was allowed to continue as the caretaker Chief Minister, where was the need to impose President's Rule?"26 Yashwant Sinha [BJP] also asked, "In the process, there were defections of MLAs from this side to that side and so, law and order had been neglected. Now, if this is the criterion for the imposition of President’s Rule, then I would like to ask a simple question of the Minister: which State of this country will qualify not to remain under President’s Rule?"27 M.M. Jacob, the Minister of State in the Ministry of Home Affairs, replied that “Three aspects of the Governor's report are also worrying me. One is, the law and order situation. That is a very serious thing. Another thing is the uncertainty of majority of any party. Thirdly he says that peaceful administration may not be carried out by the Ministers and the MLAs and that the Ministers and the MLAs are pressuring for plum posts... That is the scenario which forced us to immediately assess the situation and take a view that to save the situation and to save the people of Nagaland and to ensure a good government in Nagaland."28

In the Lok Sabha also, several members criticised the Centre’s action in Nagaland (1992). George Fernandes [Samata Party] said, “The situation in North-Eastern States is also unstable. I have been told that in Meghalaya the Speaker has taken such powers in his hands which have led to uproar in the entire House and the issue went even to the Supreme Court. But the Speaker refused to comply with the decision of the Supreme Court. Such things were said and in the end, five Opposition Members were forced to defect and the Congress Government was in installed. Same is the situation in Manipur also. Is there any stability? What are you waiting for? Some time you consult the Governor and some time you send other people there and

have resorted to all type of activities there."^{29} Chitta Basu[Forward Bloc] said, "I rise to oppose the President's proclamation under Article 356 of the Constitution and also the subsequent removal of the Governor. I am opposed to this President's proclamation precisely because this proclamation is outrageously arbitrary; it is blatantly undemocratic; it is a shameful misuse of Article 356 of the Constitution that too for partisan interests; it is violative of the letter and spirit of Article 356 of the Constitution."^{30}

It is obvious that there was political instability, and purposeful administration could not be carried on by the Ministers and "a game of numbers" had started in Nagaland (1992). But the Union Government imposed the President's Rule without a specific recommendation from the State Governor, which was not justified. The dissolution of State Assembly by the Governor on the advise of a Chief Minister of a majority government was constitutionally justified. However, the State Governor, M.M.Thomas, sent an impartial report to the Centre about the political situation of Nagaland. The Union Government misused Article 356 in Nagaland (1992) for its partisan interests and it was politically motivated. "In fact, the stability of the Government is a very vague expression and it does not completely fit in with the Parliamentary from of the Government based on the Multi-party system."^{31}

(vi) **Uttar Pradesh (1995)**

The BSP-BJP coalition government led by Mayawati was ruling in Uttar Pradesh in 1995. The BJP gave the support to the BSP leader, Mayawati, to form the Government in U.P. in June, 1995. It seems that the BJP gave its support to prevent the Samajwadi Party leader Mulayam Singh Yadav to form the Government in the State and the BJP's understanding was that the BSP support would continue at least

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till the Lok Sabha elections. On the contrary, the BJP legislature party leader, Kalyan Singh, felt convinced that further continuance of support to the BSP would badly erode the party base in U.P., in view of widespread resentment against the State Government. On October 18, 1995, the BJP leaders called on the Governor to submit the memorandum, without making claim to form the Government, although the party was the single largest in the State Assembly. The BJP in the memorandum to the Governor had cited grounds like rising corruption, political atrocities, atrocities on Dalits and dishonour of Ram and Gandhi as the main causes for withdrawal of support. Chief Minister, Mayawati, tendered her resignation to the State Governor, who accepted it but asked her to continue till further arrangements were made. Mayawati reacted on the decision by saying that she was happy during her short regime because she did not compromise with the principles of the BSP, despite being trapped by the BJP. The Governor of Uttar Pradesh, Moti Lal Vora, sent a report to the Centre about the political developments in the State. The Governor stated in his report that no political party/ group, was in a position to form an alternative Government. However, the governor understood that since the State Assembly still had more than three years' life, it would be perhaps advisable to suspend and not dissolve the Assembly. The Union Council of Ministers headed by Home Minister, S.B. Chavan, consider the report of the Governor and advised the President to impose the President's Rule in Uttar Pradesh and to keep the State Assembly in suspended animation. The President, S.D. Sharma, proclaimed the imposition of President’s Rule in Uttar Pradesh on October 18, 1995, but the State Assembly was kept in suspended animation.\(^{32}\)

S.B. Chavan, the Minister for Home Affairs, gave his statement in the Lok Sabha, “The overall assessment of the Governor, however, was that no party was in a position to form a stable Government in the State of U.P. and that it would be advisable in these circumstances to dissolve the Assembly, to prevent what was

termed by the Governor as 'fierce horse trading'. The Union Government considered the report of the Governor of Uttar Pradesh and decided that recommendation be made to the President to issue an Order dissolving the Legislative Assembly of Uttar Pradesh. On the other hand, several Members criticised the dissolution of Legislative Assembly of Uttar Pradesh. Atal Bihari Vajpayee [BJP] said, "The Bahujan Samaj Party Government in Uttar Pradesh has bowed out of power and apart that none of the other parties made a claim to form the Government. There was no other option left with the Governor but to recommend imposition of President's Rule there, but he did not feel the necessity to dissolve the Legislative Assembly." S.P. Yadav [Samajwadi Party] said, "The situation was such that no elected party was staking its claim to form the Government and there was no alternative before the Governor but to report to the President that the government cannot be carried on and, therefore, it was quite proper and legal that the President had imposed the President's Rule at that time. The dissolution of the Assembly is a different issue altogether and has no relevance as far as this Statutory Resolution is concerned...There is a suggestion that the elections should be held immediately or they should be held along with the Lok Sabha elections." Bhuwan Chandra Khanduri [BJP] also said, "The President's Rule was imposed on Uttar Pradesh on October 18, 1995 and Legislative Assembly was dissolved on October 28, 1995... You wanted that horse trading should be resorted to so that a Government of your choice could be formed there."

It is obvious that imposition of President's Rule in U.P. (1995) was constitutionally justified, because Mayawati government lost its majority after the BJP (a coalition partner) withdrew its support. The BJP did not stake claim to form a new government and the Samajwadi Party was not in a position to form a stable government in the State. But the decision of Congress (I) government led by P.V. Chavan, S.B. (1995), *Lok Sabha Debates*, vol.XLV, no.2, 28 November, 1995, p.301.
Narasimha Rao at the Centre to keep the State Assembly in suspended animation was not justified, because it would create horse-trading of the MLAs. The State Governor, Moti Lal Vora, played a partisan role in this case. However, all the major political parties had lost their credibility to govern the State and the fresh elections of the State Assembly was the only alternative to end the political uncertainty in the State. S. Rajagopalan observed, The politics of BJP & BSP has been diametrically-opposite. Their ideological incompatibility was pretty obvious. The only common cause, undoubtedly, was to see the back of bete noire, Mulayam Singh Yadav, save for that, the BJP’s Dalit embracing and the BSP’s social harmony were just humbug, aimed at hoodwinking the masses.37

2. INSURGENCY

The militant activities of the secessionist groups created insecurity of life and property of the people of the State concerned. Consequently, the constitutional machinery failed in the State, and it led to the imposition of the President’s Rule in the following cases:

(i) Jammu & Kashmir (1990)

Jammu & Kashmir is a border State. The people of Jammu and Kashmir had been demanding the right to self determination from the beginning. The alienation of people of Jammu & Kashmir led to more insurgency. Pakistan, our neighboring country, instigates the people of Jammu & Kashmir to seek separation from the Union of India in the name of Islamic unity by providing aid of weapons and moral support to the militants. The law and order situation in the State continued to be serious and the Farooq Abdullah Government had failed to check the insurgency in the State. The Union Government deployed its forces to control the militancy in the State and appointed Jagmohan as the Governor of Jammu & Kashmir for effectively checking the militant activities in the State. Chief Minister Farooq Abdullah, resigned in protest.

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against this appointment. A six-member team including Inder Kumar Gujral, Kuldip Nayar, Pran Chopra, Rajinder Sachar, Padam Rosha and Balraj Puri, who met and interacted with a large number of people and drew the following conclusion, “The placid environment of the valley is seriously disturbed and it would be a grave mistake to dismiss it as a periodical outburst or a matter than can be dealt with as a law and order problem.” 38

Under the provisions of Jammu & Kashmir Constitution, Governor’s Rule cannot be for more than six-months. The Governor of Jammu and Kashmir, G.C. Saxena, had recommended to the Centre that the State be placed under President’s Rule on the expiry of Governor’s Rule on account of widespread militant activities which deteriorated security and political situation in the State. The Union Council of Ministers headed by Prime Minister, V.P.Singh (National Front), discussed the Governor’s report and realised that the situation of Jammu and Kashmir is neither conducive to holding Assembly elections nor suitable for initiating a political process in the State and advised the President to impose the President’s Rule in Jammu and Kashmir. The President, R.Venkataraman, proclaimed the President’s Rule in Jammu and Kashmir on July 18, 1990.39

In the Lok Sabha, several members gave important suggestions during the approval of Presidential Proclamation. Saifuddin Choudhury [CPI(M)] suggested that “Political interaction with the people is very much required. Then economic welfare measures are to be taken."40 Dinesh Singh [Congress (I)] also suggested, “I think it is the first requirement in the State of Jammu and Kashmir that the law and order should be firmly maintained... But, at the same time, the people should not be made to

suffer.” 41 Jaswant Singh [BJP] said, “I believe that it was an inevitable step. I support the measures. There was no other workable constitutional alternative available.” 42

In the Rajya Sabha also, several members gave important suggestions to start the political process in Jammu & Kashmir to solve the Kashmir problem. Ratnakar Pandey [Congress (I)] suggested, “Process such activity in Kashmir that it remains an integral part of India and may not be reparated.” 43 Gurudas Das Gupta [CPI] suggested, “Government should take steps immediately to hold elections. Government should seriously ensure that all complaints of excesses are looked into.” 44 Jagmohan [Nominated] suggested, “you must make a tribunal, and anyone giving false information, publishing false information, about Kashmir, a complaint against that can made to that independent tribunal. That tribunal should sit at some calm and quiet place where people can go and give evidence without any fear of being harmed.” 45

It is obvious that the imposition of President’s Rule in Jammu and Kashmir in 1990 was constitutionally justified. In this case the Union Government took reasonable action because the constitutional machinery collapsed due to cross-border terrorism and non-availability of proper atmosphere to initiate a political process in the State. The then Governor, G.C. Saxena, played his impartial role and after assessing the situation in the State, sent his report to the Centre recommending the imposition of President’s Rule in Jammu and Kashmir.

(ii) Assam (1990)
The Asom Gana Parishad government led by P.K. Mahanta was ruling in Assam in 1990 and it enjoyed majority in the State Legislative Assembly. The secessionist

41 Singh, Dinesh (1990), ibid, p.532.
42 Singh, Jaswant (1990), ibid, p.525.
44 Das Gupta, Gurudas (1990), ibid, pp. 357-8
45 Jagmohan (1990), ibid, p.369.
activities of the extremist groups— the ULFA and the NSCN — had created the insurgency in the State. However, the Union Government did not give any warning to the State Government to check these activities and it did not deploy paramilitary forces to assist the State Government to effectively control the extremist activities. The State Governor, D.D. Thakur, sent a report to the Centre that the ULFA had been indulging in secessionist activities and in crimes like murders and kidnappings. He virtually recommended President’s Rule in the State saying, “The entire State has been gripped by a fear psychosis”. The Union Council of Ministers headed by Prime Minister, Chandrashekar (Janata Dal - Socialist), studied the Governor’s report and advised the President for dismissal of P.K. Mahanta Ministry and the imposition of President’s Rule in Assam and to keep the State Assembly in suspended animation. The President, R. Venkatraman, proclaimed the President’s Rule in Assam on November 27, 1990, declared the entire State a disturbed area and banned the ULFA and the NSCN for their illegal activities under the Unlawful Activities (Prevention) Act, 1967. The State Assembly, whose term was to expire on January 7, 1991 was kept in suspended animation. On the contrary, the outgoing Chief Minister, P.K Mahanta, reacted against the suppression of his government saying that it was the result of a ‘conspiracy on the part of the business community and the tea lobby’.

The Opposition parties’ members in the Rajya Sabha criticised the imposition of President’s Rule in Assam. Jayanthi Natarajan [Congress (I)] demanded that “The Union Government should strive to restore the political process, should strive to start a dialogue with all the people who are concerned and should in any case, eschew State repression because if President’s Rule is misused, if repression is brought about, then we are going to drive the people to the arms of the ULFA and this is something which has to be avoided at all costs.” Dinesh Goswami [AGP] suggested, “The people of Assam should be given as early as possible the choice to elect their own

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representatives in the Government ... The economic underdevelopment of the region should be tackled."\textsuperscript{48} Subodh Kant Sahay, the Minister of State in the Ministry of Home Affairs, assured to the members that "During the President’s Rule we shall cleanse Assam so that the political forces there get strengthened and democratic system may be implemented there as early as possible."\textsuperscript{49}

The members of the Lok Sabha was also gave their suggestions in this regard. Jaswant Singh [BJP] said, "The challenge in Assam is multi-dimensional. Please recognise the uniqueness of Assam, or else all of us will suffer the contempt of history."\textsuperscript{50} Chitta Basu [Forward Bloc] said, "The situation has assumed most alarming dimension because of the coalition of several terrorist organisations... from the interest of maintaining unity and integrity of the country, economic package has to be framed so that Assamiya people feel that they are very much a part of India and they are to prosper or they are to go down along with the people of Assam."\textsuperscript{51} The Minister of State in the Prime Minister Office, Kamal Morarka, replied, "The Home Minister is seized of matter. It always takes the objective review of the things. Whatever will be done, the coercive power on the State will be used as minimally as possible."\textsuperscript{52}

It is obvious that the imposition of President’s Rule in Assam in 1990 was politically motivated. The Union Government did not make any efforts to control anti-national activities of ULFA by sending paramilitary forces, etc. If elections under strict supervision of military personnel could be held elsewhere in the country, why couldn’t the same process be followed in Assam? It seems that the Chandrashekhar Government was prejudiced against P.K. Mahanta Government in Assam because the latter was an ally of V.P. Singh. The Governor of Assam, D.D. Thakur, also played a partisan role in this case. Nikhil Chakravartty questioned if the AGP had refused to comply with the Centre’s direction or had defied the governmental responsibility to

\textsuperscript{48} Goswami, Dinesh (1991), \textit{ibid}, p. 117.
\textsuperscript{49} Sahay, Subodh Kant (1991), \textit{ibid}, p. 116.
\textsuperscript{50} Singh, Jaswant (1991), \textit{Lok Sabha Debates}, vol. XIII, no.9, 10 January, 1991, p.693.
\textsuperscript{52} Morarka, Kamal (1991), \textit{ibid}, p.759.
combat terrorism effectively. Chakravartty considered Prime Minister Chandrashekar's decision to be unjustified in a democratic setup.53

(iii) Tamil Nadu (1991)
The DMK government led by M. Karunanidhi was ruling in Tamil Nadu in 1991. The Karunanidhi government enjoyed the majority in the State Legislative Assembly and it was functioning smoothly. But the activities of our neighbouring country Sri Lanka’s LTTE militants created the insurgency in the State. As a result there comes the intervention of the Union Government. It seems that the then Prime Minister, Chandrashekhar, was also under tremendous pressure from the Congress (I) and the AIADMK (that gave outer support to the Chandrashekhar government) to dismiss the Karunanidhi government. Subramaniam Swamy also worked relentlessly for the ouster of M. Karunanidhi. The Union Council of Ministers headed by Prime Minister, Chandrashekhar (Janata Dal – Socialist), discussed the situation of Tamil Nadu and advised the President to dismiss the Karunanidhi government in Tamil Nadu and to imposition of the President's Rule, and the State Assembly be dissolved without the report of the State Governor. The President, R. Venkataraman, dismissed the M. Karunanidhi government in Tamil Nadu and consequently President’s Rule was imposed in Tamil Nadu on January 30, 1991 along with the dissolution of the State Assembly. The Centre had rushed 14 companies of paramilitary forces in Tamil Nadu to meet the situation arising out of the dismissal of Karunanidhi government. The Union Government produced reason that the DMK Ministry was reluctant take action against Sri Lankan Tamil militants, who apparently had a free run of the coastal areas in Tamil Nadu. The repeated efforts of the Union Government's for taking action against the LTTE militants yield no results. On the contrary, the DMK and its allied parties said the dismissal of the State Government was a challenge not only to the people of Tamil Nadu but to democracy and the federal concept in the country.54

In the Lok Sabha, Jaswant Singh [BJP] suggested that “When imposing President’s Rule, ordinarily, it is our view that the elected Assembly must not be dissolved, because by dissolving a State Assembly, you are, in effect, dissolving

peoples’ mandate through merely an executive action.” But Thambi Duurai [AIADMK] criticised M. Karunanidhi’s role in 1980 for toppling M.G. Ramchandran Government in Tamil Nadu. He observed, M. Karunanidhi’s party passed a resolution for dismissing M.G. Ramchandran Government on the pretext that M.G. Ramchandran had lost the mandate in the Lok Sabha elections of 1980. The Minister of State in the Ministry of Home Affairs, S.K. Sahay, had given a statement in the Lok Sabha, “Apart from the rising incidents of violence by the local criminals as well as by some others were creating turmoil and were indicative of the fact that the L.T.T.E. was working as an independent force beyond the purview of law and it had made some hideouts which were beyond the control of the State Government. It was functioning as an independent Government in some pockets of Ramnathpuram, Thanjavur, Podukottai and Thiruchirapalli districts... The State Government was asked at every level to deal with these elements, but when it failed to check their activities, the President’s Rule was imposed.”

In the Rajya Sabha also, several members criticised the imposition of President’s Rule in Tamil Nadu (1991). Jagdish Prasad Mathur [BJP] said, “On this issue, in my opinion, not this government alone is responsible; all the governments that have ever come to power bear responsibility for today’s situation in Tamil Nadu. Article 356 must have been used and abused many times, but the way it has operated this time is very lamentable.” Shankar Dayal Singh [RJD] said, “In case of Tamil Nadu no report from the Governor was received in the President’s Office; even so, the State Government was dismissed.” On the other hand, the Congress (I) members supported this action in safety of unity and integrity of India. As Jayanthi Natarajan [Congress(I)] said, “BJP leaders were the first to demand the dismissal of the DMK Government.”

56 Duurai, Thambi (1991), ibid, p.536.
57 Sahay, Subodh Kant (1991), ibid, pp.500-3.
60 Natarajan, Jayanthi (1991), ibid, p.199.
It is obvious that the imposition of President's Rule in Tamil Nadu in 1991 was politically motivated. The activities of LTTE militants created the Insurgency in the State, but the Union Government did not give warnings to the State government in this connection, nor it deploy its forces to control these activities. Then why did they dismiss a duly elected DMK government in Tamil Nadu? The Union Government had taken this decision without the report of the State Governor even. This action downgraded the office of the Governor. It seems that the Union Government took this decision for its vested interest. The then Chandrashekhar's Government enjoyed the support of eleven AIADMK members in the Lok Sabha on the condition that it would firmly deal with the DMK Ministry in Tamil Nadu. "Prime Minister, Chandrashekhar, was willing to sacrifice the DMK Government as a quid pro quo to retain continued backing of the AIADMK, whose eleven members were part of the alliance of about 210 which the Congress (I) offered to the present government. The Centre's precipitate action in dismissing M.Karunanidhi has now confirmed that it has allowed the political interests of its supporting parties to push it to dismiss a duly elected government whose tenure extended till 1994." 61

(iv) Manipur (1993)
Manipur is a border State, which was affected with the cross-border terrorism. This north-eastern State was rocked by frequent clashes between the two dominant tribes, the Nagas and the Kukis. The NSCN (Moviiah faction) militants terrorised the people of the State. They also threatened the politicians and it resulted into insurgency in the State. The aspirations of maintaining their separate identity was another problem. The Congress (I) government led by R.K. Dorendra Sigh was ruling in Manipur in 1993. Dorendra Singh Government enjoyed the support of 56 MLA's in a House of 60. The Union Government took a serious view of the Naga-Kuki clashes, even the appointment of V.K. Nayar as the Governor did not stabilise the ground situation. The Union Minister of State for Internal Security, Rajesh Pilot, who had visited Manipur to oversee the situation was apparently exasperated by the State of drift and virtual inaction by the State Government in containing insurgency. The State Governor sent a report to the Centre about the situation of Manipur. The Union Council of Ministers headed by Prime Minister, P.V. Narashimha Rao [Congress-I], considered the

Governor’s report and advised the President to impose the President’s Rule in Manipur and to keep the State Assembly in suspended animation. The President, S.D. Sharma, proclaimed the President’s rule in Manipur on December 31, 1993, but the State Assembly was kept in suspended animation.62

In the Rajya Sabha, several members have opined that the imposition of President’s Rule in Manipur (1993) is not the proper solution of insurgency and they have demanded to the Union Government to make strong policy to maintain law and order in the North-East region. Sushma Swaraj [BJP] said, “I would like to ensure you that in the North-East we need do something raising ourselves above the party-politics... All political parties are needed to play their roles in the North-East. Save Manipur, and ending the President’s Rule there go ahead with fresh elections and transfer of power to the elected representatives.”63 Sushil Kumar Sinde [Congress(I)] said, “Let the law and order situation in Manipur be under control... For this it is needed that there be a good policy and a strong administration.”64 Sarla Maheshwari [CPI(M)] said, “I would entreat that President’s Rule cannot be the solution of any problem whatsoever. You should initiate the political process, taking into confidence the people of Manipur, and try to conduct elections, dissolving the State Legislative Assembly and should get a trustworthy government established there. Take all necessary measures to end the disturbance in Manipur, and thereby safeguard this border State finding out the basic solution of this disturbance.”65 P.M. Sayeed, the Minister of State in the Ministry of Home Affairs, replied, “The Governor of Manipur has given the parties’ strength and also in a greater detail the insurgent activities, the Naga-Kuki conflict and the Meitei ethnic problems. And the Governor, therefore, was compelled to come to the conclusion that there was no other alternative but to impose President’s Rule in Manipur... To meet insurgency, we have to make an integrated plan. Such a plan is on. We will see that this plan is on till insurgency is totally wiped out.”66

64 Sinde, Sushil Kumar (1994), ibid, p.351.
In the Lok Sabha also, the members demanded of the Union Government to ensure peace and give money for development of Manipur. George Fernandes [Samata party] said, "The Governor has pointed out that NSCN belongs to a particular group? Has it not been used there? The entire group has now revolted, did not the Hon’ble Minister of Home Affairs get any proof to this effect earlier?" 67 Chitta Basu [Forward Bloc] said, "I want that the Government of India should be alert about the emerging situation in the North-East and implement special programmes so that the insurgency can be fought, so that there is social and economic development, so that India’s unity and integrity are preserved and our frontiers are further strengthened." 68 Rasa Singh Rawat [BJP] demanded that "I would like to repeat that peace should be restored in Manipur at the earliest in the national interest. Law and order situation should return to normal and an elected Government should be installed there." 69 S.B. Chavan, the Minister for Home Affairs, replied that "I can assure the Hon’ble Members and this House that, in fact money is not going to be the consideration hereafter. Whatever is required for bringing that area on par with the rest of the country, every effort will made by the Government to see that area is brought on par. Let there be no feeling of neglect or alienation." 70

It is obvious that the imposition of President’s Rule in Manipur (1993) was constitutionally justified. However, the imposition of President’s Rule was not a proper solution of the real problem of the State. In this case, R.K. Dorendra Singh government could not maintain the law and order situation in the State. But the Union Government would not take timely action to control the situation in the State and to solution the socio-economic problem of Naga-Kuki tribes. The Union Government neither deploy its forces to check the illegal activities of the NSCN, nor it gave directive to the State government under Article 355. The State Governor, V.K. Nayar, also acted under influence of the Union Government. As D.P. Vashist observed, The Union Government had ignore the warning signals and the vital information providing by its agencies and had allowed the situation to come to this phase. Militancy is

starting boldly at our face and Pakistan was ready to create another Kashmir or perhaps worse than Kashmir type problem in the North-East.\textsuperscript{71}

3. VIOLATION OF SECULARISM

The activities of State Governments violated the secular character of the Constitution and the rule of law, and they did not take any appropriate action to check the communal violence in their respective States. It led to the imposition of President’s Rule in the following cases.

(i) \textbf{Uttar Pradesh (1992)}

The BJP government led by Kalyan Singh was ruling in Uttar Pradesh in 1992. The disputed structure at Ayodhya created a serious problem in the State. In fact, the problem arose when the State Government filed an application in the Court on September 24, 1992, seeking permission to amend its earlier statement of 1950. The main changes sought to be made were: The Hindus do not admit that the disputed structure is a mosque and they claim it to be the birthplace of Ram and a place of worship for the Hindus; the said belief of the Hindus is a matter of faith and it does not give rise to any justiciable issue; the Hindus supported by certain historians asserted that there was a temple at the site which was pulled down for the construction of the mosque, etc. No final order was passed by the court on the State Government’s application. Similarly, Kalyan Singh Government gave permission for a ‘Kar Seva’ in Ayodhya on December 6, 1992 and gave repeated assurances to the Union Government, the National Integration Council and the Supreme Court for safety of the disputed structure.\textsuperscript{72}

On 6\textsuperscript{th} December, the Chief Minister, Kalyan Singh, made no effort to restore earlier security arrangements for the disputed site and did not allow the Police forces to fire on the ‘Kar Sevaks’. The Kar Sevaks in thousands ascended the Babri Masjid around 11:40 a.m. even as senior BJP leaders were addressing a mammoth gathering at the Ram Katha Kunj nearby. The U.P. Police moved away as the ‘Kar Sevaks’


scaled barricades and clambered onto the domes of the mosque where saffron flags were hoisted. Then began a frenzied demolition with shovels, iron rods and pickaxes. As the Kar Sevaks in hordes brought down the domes of the Babri Masjid, Sadhvi Rithambra and Uma Bharati were seen hugging each other in celebration at the Ram Katha Kunj. L.K. Advani and Murli Manohar Joshi were the other leaders present there. The President of India, S.D. Sharma, issued a press statement against the demolition at 5.30 p.m. He denounced the vandalism and its perpetrators in the clearest possible terms, requested the Prime Minister to ‘initiate appropriate measures to uphold the rule of law and the protection of all law-abiding citizens’ and appealed to the people to ‘maintain peace and unity and cooperate with one another in curbing all anti-national elements.’ The Prime Minister, P.V. Narasimha Rao [Congress-I], then convened a meeting of the Union Council of Ministers at 6.00 p.m. and advised the President to dismiss the Kalyan Singh Government and impose the President’s Rule in U.P. and also dissolve the State Assembly. The President dismissed the Kalyan Singh Government, proclaimed the President’s Rule in Uttar Pradesh on December 6, 1992 at 9.10 p.m. along with the dissolution the State Assembly. The Chief Minister, Kalyan Singh, however, had already sent his resignation to the State Governor, owning his failure to keep up his assurances. The BJP on its part took ‘moral responsibility’ for 6th December’s developments and described the attack on the Masjid as akin to a ‘road accident’. On the contrary, the National Front, the Left Parties, the DMK, the Samajwadi Janta Party and the Muslim leaders demanded the resignation of the Narasimha Rao Government for its ‘failure to uphold the Constitution and law’. 73

In the Rajya Sabha, several members criticised the Union Government’s delayed action in the Ayodhya episode (6th December, 1992). P. Upendra [TDP] said, “I feel, it is not only the BJP which has to be blamed, but all of us owe the responsibility for this. I blame the Union Government, and particularly the Home Minister for not taking adequate precaution in this respect.” 74 Sushma Swaraj [BJP] denied any preplanned programme of demolition of disputed structure at Ayodhya on 6th December, 1992. She observed, “One thing I would assert in the House that should

73 Times of India, New Delhi, 7 December, 1992.

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Hon'ble Members trust me a bit, then let them accept that whatever happened on 6th December, 1992, Advani Ji and Kalyan Singh Ji hadn't even smack of it, let alone having knowledge thereof. Inder Kumar Gujral (Janata Dal) asked the Home Minister, S.B. Chavan, “The Minister for Defence has got a video film of six hours. Have you seen it?...And, why did you take time after that to go lazily about it?” Jagdish Prasad Mathur (BJP) also demanded “A video film is there in Hon’ble Prime Minister’s Office. To our view, this is complete and sufficient information. We wish you watched it, and also show it to us prior to editing it.” S.B. Chavan, the Minister for Home Affairs, refused to watch and show this film and clarified that “All of a sudden at 11.35 or at 11.40, some people rushed towards the Mosque and the Police forces who were standing there have almost gave a full opportunity to them...The meeting of Union Council of Ministers was held at about 6.00p.m... Wherein we had to take a decision as to what to do under those circumstances. We have dismissed the Kalyan Singh Government in Uttar Pradesh.”

It is obvious that the U.P. Chief Minister, Kalyan Singh, decided not to allow the Police forces to fire on Kar Sevaks under any circumstances, which was an illegal interference in the statutory authority vested in the Police and the Magistrate to perform their duties in the light of laws to protect life and property of citizens. The Chief Minister’s decision was also violation of the assurances he had repeatedly given to the Courts, the Union Government and the National Integration Council. The State Governor, Satya Narayan Reddy, was something acted in irresponsible manner. The Governor did not direct the State authorities to provide necessary protection to the frightened Muslim Community in Ayodhya. Nor did he monitor the State Government’s responses to the repeated suggestions by the Centre for enhancement of security arrangements. The Governor also failed to bring the deteriorating situation to the notice of the State or Union Government. The Union Government, too, failed in its constitutional duty to protect the minority community and its places of worship and to uphold the sanctity of the Rule of Law. The Union Government could have intervened by giving directives under Articles 256 and 257 of the Constitution for the

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75 Swaraj, Sushma (1992), *ibid*, p.320.
77 Mathur, Jagdish Prasad (1992), *ibid*, p.422.
misuse of the Land Acquisition Act, but this was not done. The Court orders were violated in July 1992, but there was no intervention as provided for under the Constitution when the State Government had failed to carry out its legal obligations. Kalyan Singh Government Submitted an incorrect affidavit in the Supreme Court on November 27, 1992 and the call was given for a 'Lalkar Diwas' from November 29, 1992, which were opportunities for intervention under Article 355. The Union Government also didn’t deploy its forces to protect the State against internal disturbance under Article 355. As Chenoy et al. pointed out, “The delay in convening a Cabinet meeting and imposing President’s Rule was therefore a very major lapse, which permitted the Sangh combine to legitimise its violation of the Constitution and law, by initiating the building of a makeshift temple at the site. This delay also permitted increased and unhindered attacks on minorities. The Prime Minister, entrusted with the major responsibility for protecting the Constitution, delayed for a crucial eight hours, and apparently moved into action only because of the unprecedented act of the President, who had issued a very strong press statement without consulting him”.

If the Union Government would be vigilant, it could timely invoke Articles 355 and 356 of the Constitution and this incident could be avoided. This incident damaged the secular character of the Constitution, the rule of law and challenged the power of the Supreme Court. Satya Prakash Malviya observed, “The Union Government stood completely paralysed which resulted into the destruction not only of the disputed structure but of the values that the nation espoused: sanctity of Courts, Constitution and the rule of law.”

(ii-iv) M.P., H.P. and Rajasthan (1992)
The BJP governments in Madhya Pradesh led by Sunderlal Patwa, Himachal Pradesh led by Shanta Kumar and Rajasthan led by Bharion Singh Shekhawat were functioning smoothly. The Babri Masjid demolition incident on December 6, 1992

and consequent communal riots created a serious problem in these States. The Governors of Madhya Pradesh, Himachal Pradesh and Rajasthan sent reports to the Centre that there was a breakdown of the constitutional machinery and the three State governments were not sincere in implementing the ban order on R.S.S., V.H.P, Bajrang Dal and Jamaat-e-Islami issued by the Centre four days ago. The Governor of Himachal Pradesh, Virendra Patil, stated that the people of the State feel that with the Chief Minister himself being an R.S.S. member, he will not be able to carry out instructions of the Union Government regarding the ban on communal organization. The Governor of Rajasthan, M. Chenna Reddy, complained in his report that the ban on communal organisations was not being implemented at all in the State. He noted that the law and order situation was bad and there was an 'anti-minority bias'. The Governor said that the administration cannot function effectively under the Shekhawat government. The Governor of Madhya Pradesh, Kunwar Mahmud Ali Khan, observed, Considering the possibility of the leaders of the banned organisations going underground by taking advantage of the soft reaction of the Patwa government, there should be no delay in imposing President’s Rule under Article 356.

The Union Council of Ministers headed by Prime Minister, P.V. Narasimha Rao [Congress-I], discussed the reports of M.P., H.P. and Rajasthan Governors and advised the President to dismiss the BJP governments of M.P., H.P. and Rajasthan, to dissolve the respective State Assemblies, and to impose President’s Rule in these States. The President, S.D. Sharma, dismissed the BJP governments of M.P., H.P. and Rajasthan, dissolved the respective State Assemblies and imposed President’s Rule in these States on December 15, 1992. The main ground on which the BJP governments were dismissed was that the Chief Ministers of these States had close connections with R.S.S., a banned organisation, and that these governments had encouraged the Kar Sevaks to go to Ayodhya for demolishing Babri Masjid. Reacting to the dismissal of the three BJP State governments, the BJP said the decision was a ‘declaration of war against the democracy and the Indian people will give a befitting reply.’

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81 The Tribune, Chandigarh, 16 December, 1992.
82 ibid, 16 December, 1992.
83 ibid, 16 December, 1992.
84 Times of India. New Delhi, 16 December, 1992.
In the Lok Sabha, several members criticised the Union's action of dismissal of H.P., M.P. and Rajasthan Governments. Guman Mal Lodha [BJP] said, "Since the time of B.R. Ambedkar till date it was said that Article 356 would remain ineffective, but it has been misused for more than 100 times... I would like to say one thing about what the Hon'ble Prime Minister said. He wanted a change in it. I say that if he wants a change let him delete it. Let the democracy flow as usual. This is what I wanted to submit." 

Atal Bihari Vajpayee [BJP] said, "Our State Governments have been dismissed. You have dissolved the Assemblies. This is a blow to democracy and we know the Hon'ble Home Minister is to rise to justify it. Anyway, we are ready to fight that political battle, but the Government must note that saints, and devotees are pining for darshan. I would request that the Government should not complicate the matter any further."

Hari Kishore Singh [Janata Dal] said, "Probably the Home Minister might have been watching C.N.N. and B.B.C. for the events taking place in Ayodhya. He was unaware of the happenings in Ayodhya after that time as well as the future happenings when the whole world knew it already that when people in such a large number were gathering there, they were bound to attempt to demolish the disputed structure. But the Government was unaware of it and took no action in this regard. That is why I said that no Government exists in the country."

On the other hand, several Members have supported the Union's action of dismissal of M.P., H.P. and Rajasthan Governments ruled by the BJP. Pawan Kumar Bansal [Congress(I)] said, "Article 355 has to be read in conjunction with Article 356. While interpreting these provisions, we cannot be hypertechnical, or pedantic in our approach." 

Indrajit Gupta [CPI] also said, "Our support to the promulgation of President's Rule in these four States of M.P., H.P., Rajasthan and U.P. should not be taken to mean that we, of the Left, have basically changed our attitude to Article 356 of the Constitution. Article 356, I think, was never meant to be used in a arbitrary fashion."

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S.B. Chavan, the Minister for Home Affairs, replied, "The Governors of M.P., H.P. and Rajasthan wrote to the Government of India and on the basis of the information that the Government of India had and also supplemented by the reports of the respective Governors the Government of India had to take this kind of a decision. It was not a pleasant decision. We tried at our level best to avoid the same, but at the same time we could see very clearly that we had to choose between the two options: Complete disorder and communal disharmony on the one side and keeping some kind of an order, to bring back some kind of normalcy ... We choose that the normalcy needs to be brought back, and the kind of an atmosphere of hatred which was being spread by a special doctrine, which they had adopted, which ultimately culminated into the destruction of the Mosque, had to be stopped. This will to be considered."90

It is obvious that the imposition of President’s Rule in M.P., Rajasthan and Himachal Pradesh on December 15, 1992 was constitutionally justified, because governments of these States were involved in the demolition of Babri Mosque; they did not take action to check the communal violence in these States, and these activities violated secularism. A Constitution bench of the Hon’ble Supreme Court also held that acts of a State government which are calculated to subvert or sabotage secularism as enshrined in the Constitution can lawfully be deemed to give rise to a situation in which the government of the State cannot be carried on in accordance with the provisions of the Constitution.91

4. CONSTITUTIONAL NECESSITY
The imposition of President’s Rule became the Constitutional necessity, for the chief minister denied to prove his majority in the House on the directions of the

91 Times of India, New Delhi, 12 March, 1994. * On the contrary, the President’s Rule was not imposed in Gujarat, where constitutional machinery collapsed and the BJP government headed by Narendra Modi had failed to protect the life and property of the minority community in the State, consequent on the Sabarmati Express train carnage in Godhra on February 27, 2002. The BJP -led NDA government at the Centre favoured their own party’s government in the State. This was not justified. Chenoy, Kamal Mitra et al. (2002), Gujarat Carnage 2002: A Report to the Nation, An Independent Fact Finding Mission, New Delhi, April, 2002, p. 32.
State Governor, or the caretaker chief minister refused to work, or the vote-on account was to be passed before the end of financial year (March, 31).

(i) **Haryana (1991)**
The Janata Dal (Socialist) government led by Om Prakash Chautala was ruling in Haryana in 1991. The Chautala Ministry enjoyed majority in the State Assembly. But the Ministry of O.P. Chautala got reduced to minority following the disqualification of the three MLAs and the decision of three others to part company with him. The Governor, D.L. Mandal, therefore, asked the Chief Minister to prove his majority on the floor of the State Legislative Assembly before April 3, 1991. The Chief Minister had turned down the Governor’s directives as he had already recommended the dissolution of Assembly. After the deadline, the Governor sent a report to the Centre to impose the President’s Rule in Haryana and dissolve the State Assembly. The Governor stated in his report that there was no option but to impose the President’s Rule since Chief Minister had declined to test his majority on the floor of the State Assembly. The Union Council of Ministers headed by Prime Minister Chandrashekhar (Janata Dal- Socialist), studied the report from the Governor of Haryana and advised the President to impose the President’s Rule in Haryana as well as to dissolve the State Assembly. The President, R. Venkataraman, proclaimed the imposition of President’s Rule in Haryana on April 6, 1991 along with the dissolution of the State Legislative Assembly.⁹²

In the Rajya Sabha, Subodh Kant Sahay, the Minister of State in the Ministry of Home Affairs, gave a statement on Haryana episode (1991), “The Governor of Haryana said in his report that the Chief Minister had not been following the Governor’s directives and his government did not enjoy majority in the House. Therefore, no alternative government was possible, and recommendation was made for dissolution of Assembly by imposing Article 356.”⁹³

It is obvious that the imposition of President’s Rule in Haryana in 1991 was constitutionally justified and paved the way for the people’s mandate. It seems that

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the intention of O.P. Chautala’s recommendation to dissolve the Assembly was to remain at the helm of affairs in the capacity of a caretaker Chief Minister. The Chief Minister of Haryana, O.P. Chautala, head of a minority Ministry refused to prove his majority in the State Legislative Assembly on the directives of the Governor and said that he had already recommended the dissolution of Assembly. These statements were indicative of his negligence of constitutional responsibility and our federal set-up. In fact, the State Legislative Assembly is the proper place where the majority of the Ministry should be explored. In this case, the State Governor played impartial role. Rajeev Dhavan, observed, “Such a refusal amounts to denying constitutional accountability. His advice to dissolve the legislature could not override the Governor’s duty to ensure that the Legislature was not disempowered from fulfilling its constitutional duty... It would have been appropriate for the Governor to have dismissed O.P. Chautala for his ‘constitutional subversion’."

(ii) Tripura (1993)
The Congress (I) government led by Samir Ranjan Burman was ruling in Tripura in 1993. The tenure of 60 member State Assembly expired on February 28, 1993. The Chief Minister had submitted his resignation on February 27, 1993, but the State Governor, K.V. Raghunatha Reddy, asked him to continue till alternative arrangements were made. The election was scheduled on February, 15 but the same was postponed to April, 3 on an order of the Election Commission on the ground that the State Government had failed to maintain the law and order to enable the holding free and fair elections. On the contrary, the caretaker Chief Minister, S.R. Burman, submitted his resignation to the State Governor on March 11, 1993 and urged him to relieve the caretaker Ministry ‘from the burden of office and take appropriate measures as he may deem fit’. The State Governor sent a report to the Centre about the political developments in the State. The Union Council of Ministers headed by Prime Minister, P.V. Narasimha Rao [Congress – I], discussed the Governor’s report and advised the President to impose the President’s Rule in Tripura. The President, S.D. Sharma, proclaimed the President’s Rule in Tripura on March 11, 1993. The ruling Congress (I) and Opposition CPI(M) in Tripura hailed the Centre’s decision.

The Union Government deployed the 99 companies of paramilitary forces in the State to hold the free and fair elections of the State Assembly.95

The imposition of President’s Rule in Tripura in 1993 was constitutionally justified because there was no alternative for the State Governor to send his report to the Union Government in wake of ‘political uncertainty’ in the State. S.R. Burman Government was itself responsible for imposition of the President’s Rule in Tripura (1993), because it had failed to get confidence of the Election Commission to create proper atmosphere for holding free and fair elections of the State Legislative Assembly.

(iii) Bihar (1995)
The RJD government led by Laloo Prasad was ruling in Bihar (1995). The term of the State Legislative Assembly expired on March 15, 1995. The Union Government expected that the election process in the State would be completed before the end of March, 1995. So the State Governor asked Laloo Prasad to continue as the caretaker Chief Minister after March 15, when the five-year term of the old State Assembly ended. However, in view of the fact that the new Assembly is unlikely to be constituted in time to take a vote-on-account before March, 31 as the election is still continuing, the Union Council of Ministers reconsidered the situation. The State Governor, A.R. Kidwai, sent a report to the Centre about the political situation in Bihar. Thus, the Union Council of Ministers discussed the political situation of Bihar and advised the President to impose President’s Rule in Bihar. The President, S.D. Sharma, proclaimed the imposition of President’s Rule in Bihar on March 28, 1995. The outgoing Chief Minister, Laloo Prasad, reacted on the decision by saying that by imposing President’s Rule in Bihar as well as delaying the process of Assembly elections, Prime Minister Narasimha Rao had lowered the prestige of the people of the State and violated constitutional provisions in connivance with the chief election commissioner T.N. Seshan and the BJP.96

95 *Times of India*, New Delhi, 12 March, 1993.

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In the Lok Sabha, P.M. Sayeed, the Minister of State in the Ministry of Home Affairs, gave his statement, "In the light of this the Chief Election Commissioner's order of 22nd March, 1995, the Governor of Bihar sent a report to the President of India stating that in view of the rescheduling of the elections it does not now seem possible to constitute an elected Government before the end of the financial year (March 31, 1995) so as to enable a duly constituted Government to secure passage of the Budget or Vote-On-Account for the financial year beginning on April 1, 1995... In the view of the foregoing clarification, the House would appreciate that the President's Rule has been imposed in Bihar only to ensure conformity to the spirit of the Constitution and to ensure due financial arrangements for the period after March 31, 1995. The Government is committed to uphold democratic conventions as well as the Constitution at all costs." 97

Thus, the imposition of President's Rule in Bihar (1995) was a constitutional necessity to enable the Parliament to pass the vote-on-account for expenditure for the State beyond March 31, 1995. Because Article 123 gives only legislative powers, not financial powers for approving the demands for grants. The basic principle of Parliamentary system is that no money can be spent without the sanction of Parliament. The action of the Congress (I) government led by P.V. Narasimha Rao at the Centre as to the imposition of President's Rule in Bihar on March 28, 1995 was constitutionally justified. It is noted that the State Governor played impartial role in this case. As Subhash C. Kashyap opined that, Pending the Constitution of the new House and the formation of the new government, the Bihar budget could have been presented in Parliament and a vote-on-account for the usual two months might have been taken before March 31. 98

5. DETERIORATION OF LAW AND ORDER SITUATION
The law and order situation deteriorated, consequently the constitutional machinery failed, and it led to the imposition of President's Rule in the following cases.

(i) Gujarat (1996)
The BJP government led by Suresh Mehta was ruling in Gujarat in 1996. The BJP government enjoyed majority in the State Legislative Assembly and it was functioning smoothly. A rival faction led by Dilip Parik challenged the majority of Suresh Mehta’s Ministry. The eight BJP MLA’s met the Deputy Speaker on September 17, 1996 and told him that they were in the BJP and not with the break away group. So, the State Governor told the Chief Minister to prove his majority in the State Assembly. On September 18, 1996, an unprecedent situation arose when the acting Speaker suspended the entire Opposition from the House for a day on the request of the Chief Minister. Instead of adjourning the House after passing the confidence motion, the acting Speaker enabled the Chief Minister to prove his majority when the entire Opposition was turned out of the Assembly. The State Governor, K.P. Singh, sent a report to the Centre about the incidents of violence in the State Assembly on September 18, 1996 and also stated that there was breakdown of law and order in the State. The Union Council of Ministers headed by Prime Minister, H.D. Deve Gowda (United Front), considered the Governor’s report and advised the President to dismiss the BJP government in Gujarat and to impose the President’s Rule in the State and to keep the State Assembly in suspended animation. The President, S.D. Sharma, dismissed the Suresh Mehta Government in Gujarat and imposed the President’s Rule in the State on September 19, 1996, but the State Assembly was kept in suspended animation. The outgoing Chief Minister, Suresh Mehta, met the governor and accused him of converting Raj Bhavan into a ‘Political adda’ to serve the interests of the Congress (I) Party. He argued that “Superfluous to five or six persons in a scuffle in the Assembly precincts cannot be considered to be collapse of law and order”.

It can be maintained that the imposition of President’s Rule in Gujarat (1996) was politically motivated. It was charged that undemocratic efforts were made to gain the vote of confidence in the State Legislative Assembly and violent incidents had taken place. But this act cannot be equated with breakdown of law and order in the entire State nor with the breakdown of constitutional machinery in the State. The role

99 *Times of India*. New Delhi, 18-20 September 1996.
of the Speaker was also partial in this case, because he suspended the entire Opposition from the House to enable the Chief Minister to prove his majority. But the governor had no authority to declare the Speaker's action unconstitutional or to arbitrarily reverse the decision of the House. It was unprecedented that the State Government was dismissed immediately after winning the confidence of the House. It seems that the State Governor, K.P. Singh, acted under the influence of the Union Government and he did not exhaust all the possibilities for an alternative popular government. As Soli J. Sorabjee observed, "The acts of violence and intimidation inside the Assembly cannot be equated with the breakdown of law and order in the State nor with the breakdown of the constitutional machinery in the State. Neither the 'undemocratic efforts to bulldoze the vote of confidence in the State Assembly' – nor the ugly and shameful incidents which occurred in the State Assembly can justify imposing Central rule and interfering with the life of a duly elected Assembly." 100

(ii) Bihar (1999)
The RJD government led by Rabri Devi was ruling in Bihar (1999). The feudal system created socio-economic problems in Bihar. The clashes between private army of Bhumihar landlords and the tenants intensified the law and order problem in the State. On February 10-11, 1999, twelve Dalits were shot dead by the Ranbir Sena, a private army of Bhumihar landlords, in Narayanpur Village in Jehanabad district in the State: The Union Government sought report on the killings of Dalits from the state government. A three member ministerial team, comprising George Fernandes, Nitish Kumar and Satyanarayan Jatiya, Went to Jehanabad for on-the-spot assessment of the situation. The State Governor, Sunder Singh Bhandari, stated that lack of alertness on the part of the State Government led to this situation. The State Governor had sent a report to the Centre that there was total breakdown of law and order machinery in the State. The Union Council of Ministers considered the Home Ministry's note on the law and order situation in Bihar, the report of the Governor and the advice of the Attorney - General of India and then advised the President to impose the President's Rule in Bihar. The President, K.R. Narayanan, dismissed the RJD government and proclaimed the President's Rule in Bihar on February 12, 1999, but the State

Assembly was kept in suspended animation. The outgoing Chief Minister, Rabri Devi, reacted to the dismissal of her Government by saying that “It is murder of democracy. Killings are occurring in other states including Jammu & Kashmir and north-eastern states. Why has Bihar been singled out for such an unconstitutional and undemocratic action?”

L.K. Advani, the Minister for Home affairs, gave a statement in the Lok Sabha, “According to the report of the Governor, total 500 incidents of extraneous violence took place during the year 1998 in which 600 people have been killed. There were 50 police personnel among them and most of them are Dalit’s. Land reforms, Landlords and Agricultural Labourers are the reasons behind these killings. Mostly ‘Dalits’ are victims of such clashes... The case of Bihar is such, which deserve intervention by the Centre. It is a fit case for Article 356”. The Opposition parties members protested against this Proclamation. Sharad Pawar [Congress (I)] said “In fact, it was not at all necessary to dismiss the Government when it was in majority. If at all it was necessary, the Government could have been informed invoking the Article 355, however, the Government used the Article 356. This was a circumstantial decision, I do not agree when the general elections were held for this Lok Sabha, an allies of BJP which is in the Government also, had promised in its manifesto that if they came into power and had majority, they would dismiss the Rabri Devi Government”. Somnath Chatterjee [CPI (M)] said, “This is the danger of appointing active Politicians as Governors. What was intended to have, through this Proclamation, in Bihar was to substitute an opposition Government by their own hatchet man. He was proud to say to the world through the television like this: ‘I am an RSS man. I am proud to be an RSS man’.” Lalu Prasad (RJD) highly protested against this Proclamation and described the feudal system of Bihar, “It is a question of massacre and land. Home Minister Advani Ji is sitting here and this fight has become chronic, you can see it in Andhra Pradesh and elsewhere in the country. Therefore, I had said in the National Development Council meeting that until and unless it is

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103 Pawar, Sharad (1999), ibid, p.399.
104 Chatterjee, Somnath (1999), ibid, p.427.
decided honestly that the tiller should be the owner of the land, only then the caste system and land lordism would abolish. This law should be enacted and forcefully implemented and all points will give their support in the passage of this law and this will also reveal that who are those people who are with the poor and downtrodden... Samata Party put a condition that the then Government should be dismissed otherwise they would withdraw their support. You sent a Governor there with a mission and a brief from the BJP. Chief Minister Rabri Devi was never consulted in this regard."

In the Rajya Sabha also, several members criticised this Proclamation. Pranab Mukherjee [Congress (I)] said, “If the House approves the Proclamation, Parliament will be entitled to pass the Bihar budget, to transact the financial business. Unless these issues are clearly spelt out and adequate time is given to transact this business, I am afraid we will be deliberately leading Bihar to a first class constitutional crisis". Gurudas Das Gupta [CPI] said, “We are confronted with a peculiar situation. On the one hand, the deadlock pointed out by Pranab Mukherjee is there. On the other hand, is the Government free to run away from its obligation which we know it is there by not bringing the Resolution in this House?” S.R. Bommai (Janata Dal) Said, “It is not enough that the Government has already fulfilled its obligation in placing the proclamation; the Supreme Court has ruled very clearly that it should be approved by both the Houses. The approval is pending and the approval will have to be taken. Until that, the continuance of the President’s Rule, according to me is unconstitutional”.

It may be mentioned here that the massacres of Dalits in Bihar by the notorious Ranbir Sena created law and order problem in the State, but it was not a reasonable ground for the invocation of Article 356. The Union Government could have given warning to the State Government for maintaining law and order and could have deploy the paramilitary forces to check the illegal activities of the private army of landlords. It seems was that the BJP – led NDA government headed by Atal Bihari Vajpaee wanted to step down the Rabri Devi government (RJD) at any cost for

105 Prasad, Lalu (1999), ibid, pp. 444-45.
107 Gupta, Gurudas Das (1999), ibid, p.19.
gaining power in the State. The then Governor of Bihar, S.S. Bhandari, was prejudiced against the Rabri Devi government and he sent report to the President for imposition of President’s Rule in the State for fulfilling the partisan interests of the ruling N.D.A. government at the Centre. S.S. Bhandari politicised the post of the Governor, which was serious signal for our federal set-up. However, the President’s Rule in Bihar was revoked on March 8, 1999 in wake of the Congress (I) Party’s refusal to support the Proclamation in the Rajya Sabha. Arshi Khan observed, The failure of local Police to protect the Dalits in Shankarbigha and Narayanpura villages for imposition of President’s Rule in Bihar was completely invalid. The role of the Governor, S.S Bhandari, was also controversial and biased against the RJD Government.109

6. NO-CONFIDENCE MOTION PASSED AGAINST THE MINISTRY

A no-confidence motion was passed against the Council of Ministers and no political party or coalition was being able to form a stable government in the State. Consequently the imposition of President’s Rule became inevitable in the following cases.

(i) Goa (1999)

The Congress (I) government led by Luizinho Faleiro was ruling in Goa (1999). The Congress (I) government was defeated on no-confidence motion in the State Legislative Assembly, because it did not have the required numbers in the House, after two ministers had resigned. But eventually, neither the congress(I) nor the parties in the opposition appeared confident of cobbling together a majority. Therefore, the State Governor, JRF Jacob, had no option except the recommendation of President’s Rule in the State. The Union Council of Ministers headed by Atal Bihari Vajpayee (NDA) considered the State Governor’s report and advised the President for imposition of President’s Rule in Goa, and to dissolve the State Assembly. The President, K.R. Narayanan, Proclaimed the imposition of President’s Rule in Goa on February 10, 1999 along with dissolution of the State Assembly.110

In the Lok Sabha, the Opposition parties members criticised the Proclamation of President's Rule in Goa (1999). Ajay Chakraborty [CPI] said, “The political situation in Goa is very much grave. We condemn the floor-crossing. We are against horse-trading. We are not supporting the floor-crossing because it is unethical, it is unprincipled and unconstitutional also. It is against the verdict of the people. We also condemn the political drama which took place and which was performed by the legislator”\textsuperscript{111} Lalu Prasad [RJD] also said, “His Excellency, the Governor misled the President by sending details regarding each and every matter there. The nation as well as the House was told about it. I will answer to the allegations made by him. How can Home Minister L.K. Advani remain unaware about it?”\textsuperscript{112} On the other hand, the BJP members support this Proclamation. As Bhavna Devrajbhai Chikhalia [BJP] remarked, “If majority of the members of a State Legislative Assembly admits that the State machinery cannot function there, President’s rule should be imposed. In Goa 40 MLAs said that the State machinery cannot function. So the resolution to impose Article 356 in Goa was brought on that ground”\textsuperscript{113} L.K. Advani, the Minister for Home Affairs, replied, “The circumstances which were prevailing in Goa and there was no possibility of formation of a stable Government, and out of 40 total MLAs, 38 members have themselves said that the State Legislative Assembly may be dissolved and by imposing the President’s Rule, the provision of new election should be made... The Chief Minister has given a decision of his Council of Ministers that the Union Government should dissolve the House and ask for fresh elections”.\textsuperscript{114}

It is obvious that the proclamation of President’s Rule in Goa (1999) was constitutionally justified, because there was no political party or group which was in a position to form a stable government and all the major parties in the State had demanded the President’s Rule and holding of fresh elections. The Governor’s action and role was impartial in assessing the political situation of the State and recommending President’s Rule to end political uncertainty in the State. But political instability in Goa was harmful to Parliamentary democracy and the Economic condition of the State. As Frederick Noronha observed, The political instability,

\textsuperscript{112} Prasad, Lalu (1999), \textit{ibid}, p.259.
\textsuperscript{113} Chikhalia, Bhavna Devrajbhai (1999). \textit{ibid}, p.279.
which saw 10 Chief Ministers in nine years, three in the past six months alone, has also affected Goa’s financial discipline.\textsuperscript{115}

(ii) Manipur (2001)
The Samata Party-led People’s Front Government headed by Radhabinod Koijam was ruling in Manipur in 2001. Koijam Ministry was defeated on the floor of the State Assembly on May 21, 2001, by 39 votes to 17 in a 60-members Assembly, with one seat vacant. Its own BJP allies voted against the Koijam Ministry. The Speaker of the State Assembly, S. Dhananjoy Singh, staked claim to form a new government, but he could not furnish a list of his supporters, nor did he respond to the Governor’s advice that he should resign as Speaker before staking claim to form a government. Since no other claimant came forward, the Governor found himself confronted with a constitutional vacuum. The State Governor, Ved Marwah, sent his report to the Centre about the political uncertainty in the State. The Union Council of Ministers headed by Home Minister, Lal Krishan Advani, considered the Governor’s report and advised the President that Manipur be brought under President’s Rule, and to keep the State Assembly in suspended animation. The President, K.R. Narayanan, proclaimed the imposition of President’s Rule in Manipur on June 2, 2001, but the State Assembly was kept in suspended animation.\textsuperscript{116}.

In the Lok Sabha, several members criticised the imposition of President’s Rule in Manipur (2001) and observed that it was a result of BJP-Samata Party differences developed to gain the power in the State. Mulayam Singh Yadav (Samajwadi Party) said, “As far the President’s Rule is concerned it is the outcome of difference between Samata Party and BJP… I would like that the leaders belonging to all the major political parties including Congress and BJP should continue to visit these States, so that the people of these North-East States may not feel themselves isolated from the mainstream of the country and cut off from the capital of the country.”\textsuperscript{117} Mani Shankar Aiyar [Congress (I)] said “We first had the Radhabinod Koijam Government and then we had everybody deflecting in one direction or another

\textsuperscript{116} \textit{The Hindu}, Chennai, 2-3 June, 2001.
\textsuperscript{117} Yadav, Mulayam Singh (2001), \textit{Lok Sabha Debates}, vol. XVII, no.6, 30 July, 2001, p.338.
and finally, we had the BJP also playing its cards. We had a non-existent Samata Party fighting a non-existent BJP in a House that had not elected any Samata Party members and only a handful of BJP Members". 118 Raghuvansh Prasad Singh [RJD] also said "I would like to tell all opposition parties that the party in power, the Government and the Home Minister are responsible for creating problems in Manipur". 119 L.K. Advani, the Minister for Home Affairs, replied, "I feel that the President’s Rule relates to the political situation of the State and the present Government at least have made effort to adopt right approach in the present given political situation of the State... I would like to tell that we do not intend that any other Government is formed there however, as far the time frame of dissolution is concerned, I would like that it should be done once normalcy is restored in Manipur so that the legislators may go there without any difficulty. Please permit us for that". 120

In the Rajya Sabha also, several members expressed their views that the Union Government can avoid the imposition of President’s Rule in Manipur (2001). Pranab Mukherjee [Congress (I)] said, “The very simple fact that the members were elected on the mandate of a particular party and thereafter they changed the mandate of the people as they liked and some of them changed sides, not once or twice, but four to five times in a span of 15 months. That is the reason why there was an inherent in-built instability which did not provide any stable Government and the crisis arose there... I do hope the Prime Minister and the Home Minister, in consultation with the Chief Ministers of the States concerned, would be in a position to work out a mechanism and formulate something which will ease the tension.” 121 Sarla Maheshwari [CPI(M)] said, “In Manipur, the situation arising out of persistence of vested political interests is not at all reasonable. It could be easily avoided. Defections going on there could be prevented. But you didn’t do this... I would like to say to Hon’ble Home Minister that the politics of defections played on these State Governments should stop.” 122 Swaraj Kaushal [HVP] said “It is good of the Government to continue with the negotiations. Where do we have ceasefire? You

122 Maheshwari. Sarla (2001), ibid, p.357.
have to have ceasefire in an area where you have a problem. The major part of the problem of Naga insurgency is in Manipur.\footnote{Kaushal, Swaraj (2001), \textit{ibid}, p.371.} L.K. Advani, the Minister for Home Affairs, replied, "In this case, even while having negotiations with NSCN (IM) and NSCN (K) and making efforts to restore peace in Nagaland, we are committed not to change the territorial boundaries of North-Eastern States... We would like to dissolve the State Assembly only after the Proclamation was passed in both Houses of the Parliament, and, as suggested by Fali S. Nariman, would keep elections in abeyance, and by putting the State under President's Rule for some period would establish good governance, law and order and safety, and security of the citizens. Our Government will work in this direction".\footnote{Advani, L.K. (2001), \textit{ibid}, pp.386-87.}

In fact, the imposition of President's Rule in Manipur in 2001, was politically motivated. In this case, the intention of BJP-Samata Party, - major partners of ruling NDA government led by A.B. Vajpayee at the Centre, - was to create a crisis so that they could carry out horse-trading of the MLAs, but they could not resolve their mutual differences. The BJP-Samata Party action was undemocratic and fell short of one accountable to the Constitution of India and the electorate of the State. Therefore, President's Rule became a constitutional necessity to end political uncertainty in Manipur. However, the role of State Governor, Ved Marwah, was impartial in taking decision to recommend President's Rule to end political uncertainty in the State. As Inder Malhotra observed, In some respects the most disturbing reason to worry about Manipur is that what would have been a normal toppling game in that State immediately become a convenient cover for a power play in New Delhi. The tussle, ironically was between the BJP, the core of the NDA coalition, and one of its important alliance partners, the Samata Party, headed by George Fernandes, who continues to be the NDA's convenor. The utter immorality of the Manipur politics was thus imported into ruling combination in the national capital.\footnote{Malhotra, Inder (2001), "Central rule in Imphal", \textit{News Times}, Hyderabad, 7 June, 2001.}
7. NO POLITICAL PARTY / COALITION OBTAINING THE MAJORITY

After the general elections of the State Legislative Assembly no political party or coalition obtained the clear majority and the State Governor did not give a chance to the single largest party to form the government. Consequently, the imposition of President’s Rule became inevitable in the following case.

(i) Uttar Pradesh (1996)

The Union Government revoked the President’s Rule in Uttar Pradesh on October 17, 1996 and then re-imposed it immediately. In between, the new State Assembly was constituted through an official notification. Since the new Assembly had not been dissolved, it was legally implicit that it had been placed in suspended animation. This action followed the constitutional impasse in the State, created by fact that no political party or group was able to muster a legislative majority. Uttar Pradesh Governor, Romesh Bhandari, began exploring the possibility as to which Party could form the government in the State. Four independent legislators met the Governor and expressed support for the BJP, but the BJP had not the required number of MLA’s to form a stable government. On the contrary, the leaders of the three other major legislature parties- the Samajwadi Party, the BSP and the Congress (I) – told the Governor, separately that they were not prepared to support the BJP. However, the BJP delegation urged the governor to invite the leader of the single largest party (BJP) to form the government. It seems that the Governor was prejudiced against the BJP right from the beginning. Through the Governor had conveyed that he was concerned about the stability of the government, yet he failed to elaborate what kind of stability he wanted. The Governor defended the re-imposition of President’s Rule in Uttar Pradesh by saying that a popular stable government would be formed in the State. The Governor argued that he had considered the BJP’s claim for being invited to form the government, but the BJP, which claimed the support of 181 legislators, was unable to explain how it could get the support of an additional 32 MLAs. 126

In the Rajya Sabha, the BJP Members criticised the imposition of President’s Rule in Uttar Pradesh (1996). Rajnath Singh [BJP]said, “The Sarkaria Commission,

126 Times of India. New Delhi, 17-19 October, 1996.
too, in its recommendations has stated that the single largest party should be invited to form the government, even so in Uttar Pradesh the BJP is not being invited to form the government. All democratic conventions are being ignored and it is being propagated that no party has got the mandate in Uttar Pradesh."[127] Sunder Singh Bhandari [BJP] also said, "In today’s situation, Article 356 is being imposed in Uttar Pradesh on the recommendations of the State Governor, which is arbitrary, biased, and politically motivated. This Proclamation, therefore, is the ultra vires of the Constitution. The Governor ought not to make his personal fancies, likes and dislikes the basis of his report. I regret that the Governor has not performed his constitutional duty properly. The Governor should be removed from his office on account of his failure."[128] Jitendra Prasad [Congress(I)] said, "The United Front are going back on their constitutional responsibility. It was their responsibility that in Uttar Pradesh Article 356 was not used at any cost. And the plainest was that they extended their support to the Congress-BSP coalition. Had there been a Government formed there, Article 356 would not have been needed."[129] H.D. Deve Gowda, the Prime Minister, replied that "The mandate of the people is not to allow the BJP to form a Government in Uttar Pradesh. That is the mandate of the people. All right, the Governor had sent a report. That he ought to have called the single largest party to form a Government is one of the arguments."[130]

In the Lok Sabha also, Indrajit Gupta, the Minister for Home Affairs, gave a statement, in connection with U.P. episode (1996), "A fresh Proclamation under Article 356 of the Constitution placing the State of Uttar Pradesh under President’s Rule had to be issued on October 17, 1996, as no party or alliance was in a position to form the Government and it was necessary to provide for the governance of the State. The State Legislative Assembly has not been dissolved. It has been kept in a State of suspended animation. It is hoped that a government with a majority may emerge through an understanding amongst various political parties and without recourse to

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undesirable means.” The BJP members opposed this Proclamation. Murli Manohar Joshi [BJP] said, “I rise to oppose this Proclamation and urge upon the House to totally oppose this Presidential Proclamation, negative it and pave the way for formation of a duly elected Government having mandate from the people in Uttar Pradesh... The scale of this rape on the Constitution is unprecedented in the democratic history of the country.” Santosh Kumar Gangwar [BJP] also said, “What I feel is that being the largest single party the BJP should have been invited to form the Government and by not doing so you have acted against the wishes of the people of Uttar Pradesh. We ask you to invite us to form a Government if we are unable to do so then you can dissolve the Assembly and seek fresh elections.”

The Left Parties members supported the Proclamation in not allowing horse trading of MLAs in Uttar Pradesh. Somnath Chatterjee [CPI(M)] said, “The BJP cannot say that they would be able to form the Government if they are put into power. If that is done they will see how to increase their numbers which is nothing but an open threat of indulging in horse trading there and the Governor would have been a party to that horse trading.”

Geeta Mukherjee [CPI] opined, “BJP saying that they are the biggest party in Uttar Pradesh Assembly after the general elections... But it is also true that taking the voters as a whole, Uttar Pradesh did not give a majority to BJP. If they have to form a Government, they have to get some more. Wherefrom some more MLAs come? Everybody knows that horse trading is the only way.”

Thus, President’s Rule imposed in U.P. (1996) was politically motivated. In this case, the Governor of Uttar Pradesh, Romesh Bhandari’s action of preventing the formation of a popular government in the State was undemocratic. It was devaluation of the office of the Governor. It seems that the U.P. Governor, Romesh Bhandari, acted under the influence of the Union Government especially the then Defence Minister, Mulayam Singh Yadav, his political boss. The Governor had not given a chance to the BJP (single largest party in the State Legislative Assembly) to form the Government. His intention was to keep the BJP out from the government. The United

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132 Joshi, Murli Manohar (1996), ibid, pp.338-339
133 Gangwar, Santosh Kumar (1996), ibid, p.380.
134 Chatterjee, Somnath (1996), ibid, p.368.
135 Mukherjee, Geeta (1996), ibid, p. 385.
Front Government led by H.D. Deve Gowda at the Centre took the partisan action in this case. Rajeev Dhavan (1996) observed, “The imposition of President’s Rule in U.P. is politically mala fide. Faced with a hung Assembly, the Governor, Romesh Bhandari, watched Mayawati’s bid foiled with a ‘united front’ glee and denied the remaining largest party (BJP) or combination the chance to form a government as if the Supreme Court Bommai judgement had never been pronounced.”

The Congress (I)-led UPA government at the Centre headed by Manmohan Singh, imposed the President’s Rule in Goa on March 4, 2005, but the State Legislative Assembly kept in suspended animation. In this case, the Congress(I)-led United Legislature Party coalition government headed by Pratap Singh Rane won the vote of confidence in the Assembly with pro term Speaker Francisco Sardinha casting his vote in favour of the Pratap Singh Rane government when there was a 16-16 tie and not to allow one member to vote, this was not fair. Thus, the imposition of President’s Rule in Goa was justified.

Bihar was also brought under President’s Rule on March 7, 2005, because after general elections of the State Legislative Assembly (February, 2005), there emerged a hung Assembly. There was no political party or coalition having a clear majority to form a stable government in the State. However, the Janata Dal (United) - led NDA leader, Nitish Kumar, staked is claim that he had majority and the Governor should invite him to form the government. On the contrary, State Governor, Buta Singh, sent two letters to the Centre on April 27, 2005 and May 21, 2005. In his letters, the Governor recommended the dissolution of State Legislative Assembly to prevent horse-trading and formation of government through foul means. The Union Council of Ministers headed by Prime Minister, Man Mohan Singh, considered the report of the Governor of Bihar and advised the President for dissolution of the Legislative Assembly of Bihar. The President, A.P. J. Abdul Kalam, dissolved the State Assembly of Bihar on May 23, 2005, under Article 174(2) (b) and later on the fresh elections of the Legislative Assembly was

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137 The Hindu, Delhi, 5 March, 2005.
138 The Hindu, Delhi, 8 March, 2005.
announced. In fact, the State Governor, Buta Singh, played a partisan role in this case. It seems that the Governor made no genuine attempt to explore the possibility of the formation of popular government, because his intention was to prevent the Janata Dal (United) - led NDA leader, Nitish Kumar, from forming the government in the State. It down graded the post of the Governor. On 7th October, 2005, the Supreme Court declared the May 23, 2005, Presidential Proclamation dissolving the Bihar Assembly as unconstitutional, but gave its nod for the October, 2005 elections of the State Assembly, the first phase of which is scheduled for October 18, 2005.\(^{139}\)

It is noteworthy that the President of India gives his formal consent to the Proclamation of President's Rule in normal circumstances. Thus, the President is conceived a 'rubber stamp'. On the contrary, the President K. R. Narayanan played an active role and sent the United Front government's advice for imposition of President's Rule in Uttar Pradesh on October, 1997, and the NDA government's advice for imposition of President's Rule in Bihar on September, 1998, for reconsideration under Article 74 (1) of the Constitution of India. Consequently, the Union Council of Ministers headed by H.D. Deve Gowda (United Front) and A.B. Vajpayee (NDA), reconsidered their advice and the cases were not resubmitted again at the behest of the then President K.R. Narayanan.\(^{140}\) The advise of the union council of ministers fell through, and the President's action was much supported by Opposition political parties and intellectuals. Thus, K.R. Narayanan showed enough courage for protection of the Constitution under Article 74 (1) and he may be considered as a 'Creative President'. We can show the cases of President's Rule during the period 1990-2001 by the table on the next page.

\(^{139}\) The Hindu, Delhi, 8 October, 2005.

### CASES OF PRESIDENT’S RULE (1990-2001)*

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>State</th>
<th>Proclamation</th>
<th>Revocation</th>
<th>Prime Minister and his party/coalition</th>
</tr>
</thead>
<tbody>
<tr>
<td>80</td>
<td>Jammu &amp; Kashmir</td>
<td>18.07.90</td>
<td>09.10.90</td>
<td>V.P.Singh (NF)</td>
</tr>
<tr>
<td>81</td>
<td>Karnataka</td>
<td>10.10.90</td>
<td>17.10.90</td>
<td>-do-</td>
</tr>
<tr>
<td>82</td>
<td>Assam</td>
<td>27.11.90</td>
<td>30.06.91</td>
<td>Chandrashekhar (JD-S)</td>
</tr>
<tr>
<td>83</td>
<td>Goa</td>
<td>14.12.90</td>
<td>25.01.91</td>
<td>-do-</td>
</tr>
<tr>
<td>84</td>
<td>Tamil Nadu</td>
<td>30.01.91</td>
<td>24.06.91</td>
<td>-do-</td>
</tr>
<tr>
<td>85</td>
<td>Haryana</td>
<td>06.04.91</td>
<td>23.06.91</td>
<td>-do-</td>
</tr>
<tr>
<td>86</td>
<td>Meghalaya</td>
<td>11.10.91</td>
<td>05.02.92</td>
<td>P.V.Narasimha Rao (Congress –I)</td>
</tr>
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<td>87</td>
<td>Manipur</td>
<td>07.01.92</td>
<td>08.04.92</td>
<td>-do-</td>
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<td>88</td>
<td>Nagaland</td>
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<td>22.02.93</td>
<td>-do-</td>
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<td>03.12.93</td>
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<td>Madhya Pradesh</td>
<td>15.12.92</td>
<td>07.12.93</td>
<td>-do-</td>
</tr>
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<td>Rajasthan</td>
<td>15.12.92</td>
<td>04.12.93</td>
<td>-do-</td>
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<tr>
<td>93</td>
<td>Tripura</td>
<td>11.03.93</td>
<td>10.04.93</td>
<td>-do-</td>
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<td>Manipur</td>
<td>31.12.93</td>
<td>13.12.94</td>
<td>-do-</td>
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<td>Bihar</td>
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<td>04.04.95</td>
<td>-do-</td>
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<td>17.10.96</td>
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<td>17.10.96</td>
<td>21.03.97</td>
<td>H.D. Deve Gowda (UF)</td>
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<td>Gujarat</td>
<td>19.09.96</td>
<td>23.10.96</td>
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<tr>
<td>99</td>
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<td>04.06.99</td>
<td>A.B. Vajpayee (NDA)</td>
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<td>101</td>
<td>Manipur</td>
<td>02.06.2001</td>
<td>05.03.2002</td>
<td>-do-</td>
</tr>
</tbody>
</table>

* Sources: Report of Lok Sabha Secretariat (1996), President's Rule in the States and Union Territories, New Delhi, Sixth edn., 1996, Supplemented by media reports.
THEMATICAL CATEGORY*

1. Ministry got reduced to Ministry
   i. Karnataka (1996)
   ii. Goa (1990)
   iii. Meghalaya (1991)
   iv. Manipur (1992)
   v. Nagaland (1992)

2. Insurgency
   i. J&K (1990)
   ii. Assam (1990)
   iii. Tamil Nadu (1991)

3. Violation of Secularism
   i. Uttar Pradesh (1992)
   ii. Himachal Pradesh (1992)
   iii. Madhya Pradesh (1992)
   iv. Rajasthan (1992)

4. Constitutional Necessity
   i. Haryana (1991)
   ii. Tripura (1993)

5. Deterioration of law & order situation
   i. Gujarat (1996)
   ii. Bihar (1999)

6. No-Confidence motion passed against Ministry
   i. Goa (1999)
   ii. Manipur (2001)

7. No party/coalition obtaining the majority
   i. U.P. (1990)

*CHART: THEMATICALLY CATEGORY OF THE CASES OF PRESIDENT'S RULE (1990-2001)
*Graphical Presentation of the cases of President’s Rule (1990-2001).*
It may be concluded that the President’s Rule was imposed during the period 1990-2001 on the ground of the State governments getting reduced to minority in six cases, viz., Karnataka (1990), Goa (1990), Meghalaya (1991), Manipur (1992), Nagaland (1992), Uttar Pradesh (1995); in four cases, viz., Jammu and Kashmir (1990), Assam (1990), Tamil Nadu (1991), Manipur (1993) on the ground of insurgency, in remaining four cases, viz., Uttarakhand (1992), Madhya Pradesh (1992), Himachal Pradesh (1992), Rajasthan (1992) on the ground of State governments violate secularism; in three cases, viz., Haryana (1991), Tripura (1993), Bihar (1995) it became the constitutional necessity; in two cases, i.e., Gujarat (1996), Bihar (1999) on account of deterioration of law and order situation; in remaining two cases, i.e., Goa (1999), Manipur (2001) on the ground of no-confidence motion passed against the ministry; and in one case, i.e., Uttarakhand (1996) President’s Rule was imposed on account of the emergence of hung assembly. As to the role of the Governors in the following nine cases, viz., Jammu and Kashmir (1990), Goa (1990), Tamil Nadu (1991), Haryana (1991), Nagaland (1992), Tripura (1993), Bihar (1995), Goa (1999) and Manipur (2001), the respective State Governors acted impartially. But in the remaining thirteen cases, viz., Karnataka (1990), Assam (1990), Meghalaya (1991), Manipur (1992), U.P. (1992), M.P. (1992), H.P. (1992), Rajasthan (1992), Manipur (1993), U.P. (1995), Gujarat (1996), U.P. (1996) and Bihar (1999), the State Governors played a partisan role. Bhawani Singh observed, “As regard the dissolution of the State Assemblies and the dismissal of State Ministries there is no uniform pattern. The differential in the attitude of Governors is baffling... They have acted in their discretion mostly in conjunction with the ruling party at the Centre, which is unfortunate.”