CHAPTER VIII

ROLE OF GOVERNOR AND PRESIDENT'S RULE IN PUNJAB & HARYANA

The Indian polity functioned more or less on federal lines till the death of Pt. Jawaharlal Nehru. The State governments and Governors not only cooperated with the Central Government — rather happily accepted the policies and programmes formulated by the Union. Federal polity in India worked on unitarian pattern owing to one party rule, yet differences and political ambitions of the party leadership in many States created situations which led to the imposition of President's Rules in the number of States on a variety of reasons.

The State of Punjab was the first to taste the President's Rule within one and a half year of the inauguration of the present Constitution. This was the beginning of era of Governor's Rule in the real sense in the history of independent India.

A PRESIDENT'S RULE IN PUNJAB

(a) APPOINTMENT OF VARIOUS GOVERNORS

India became free in 1947. During 45 years of time many Governors have come and gone in Punjab. Following is the chart of the Governors in Punjab.¹

1. Source is Punjab Secretariat, Chandigarh.
<table>
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<tr>
<th>Sr. No.</th>
<th>Name</th>
<th>Time</th>
<th>Total Tenure</th>
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<td>From</td>
<td>To</td>
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<td>1.</td>
<td>Sh. Chandu Lal Trivedi</td>
<td>15-08-47</td>
<td>10-03-53</td>
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<td>2.</td>
<td>Sh. C.P.N. Singh</td>
<td>11-03-53</td>
<td>14-09-58</td>
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<td>3.</td>
<td>Sh. N.V. Gadgil</td>
<td>15-09-58</td>
<td>30-09-62</td>
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<td>4.</td>
<td>Sh. B.A. Thanupillai</td>
<td>01-10-62</td>
<td>03-05-64</td>
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<td>5.</td>
<td>Sh. Hafiz Mohd. Ibrahim</td>
<td>04-05-64</td>
<td>31-08-65</td>
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<td>6.</td>
<td>Mr. Ujjal Singh</td>
<td>01-09-65</td>
<td>26-06-66</td>
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<td>7.</td>
<td>Mr. Dharam Vira</td>
<td>27-06-66</td>
<td>31-05-67</td>
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<td>8.</td>
<td>Mr. Mehar Singh</td>
<td>01-06-67</td>
<td>15-10-67</td>
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<td>9.</td>
<td>Mr. D.C. Pavate</td>
<td>16-10-67</td>
<td>20-05-73</td>
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<td>10.</td>
<td>Mr. M.V. Chaudhri</td>
<td>21-05-73</td>
<td>31-08-77</td>
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<td>11.</td>
<td>Mr. R.S. Narula</td>
<td>01-09-77</td>
<td>23-09-77</td>
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<td>12.</td>
<td>Mr. Jai Sukh Lal Hathi</td>
<td>24-09-77</td>
<td>25-08-81</td>
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<td>13.</td>
<td>Mr. A.A. Khan</td>
<td>26-08-81</td>
<td>20-04-82</td>
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<td>14.</td>
<td>Sh. M. Chenna Reddy</td>
<td>21-04-82</td>
<td>06-02-83</td>
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<td>15.</td>
<td>Sh. S.S. Sandhawalla</td>
<td>07-02-83</td>
<td>20-02-83</td>
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<td>16.</td>
<td>Sh. A.P. Sharma</td>
<td>21-02-83</td>
<td>09-10-83</td>
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<td>17.</td>
<td>Sh. B.D. Pandey</td>
<td>10-10-83</td>
<td>02-07-84</td>
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<td>18.</td>
<td>Mr. K.T. Satara-wala</td>
<td>03-07-84</td>
<td>14-03-85</td>
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19. Mr. Arjun Singh 14-03-85 14-11-85 - 8 -
20. Mr. Hokishe Sema 14-11-85 25-11-85 - - 12
21. Mr. S.D. Sharma 26-11-85 02-04-86 4 7
22. Mr. Sidhartha Shanker Ray 02-04-86 07-12-89 3 8 5
23. Sh. Nirmal Kumar Mukarji 08-12-89 14-06-90 - 6 6
25. O.P. Malhotra 18-11-90 07-05-91 - 8 19
26. Sh. Surendra Nath 07-08-91 -

Looking at the chart it becomes clear that among 26 Governors of Punjab only three Governors i.e. Shri C.L. Trivedi (15th August, 1947 to 10th March, 1953), Shri C.P.N. Singh (11th March, 1953 to 14th September, 1958) and Shri D.C. Pavate (16th October, 1967 to 20th May, 1973) crossed the tenure of 5 years & worked more than 6 months there after.

(b) REPORTS OF PUNJAB GOVERNORS RECOMMENDING PRESIDENT'S RULE AND CONTROVERSIES REGARDING THEIR ACTIONS

(i) PRESIDENT'S RULE DURING 1951 :-

Mr. Chandu Lal Trivedi was the first Governor of Punjab. During his tenure, the Congress party ruled the State, Shri Gopi Chand Bhargava was the Chief Minister and leader of the Congress Legislative Party. However, there was a faction within the party
led jointly by Bhimsen Sachhar and Pratap Singh Kairon. Because of political tangle in the State, the Central leadership of the Congress party made up its mind to seek President's Rule in Punjab and form a government only after the General Elections. On 16th June, 1951, on the directions of Central high command Mr. Bhargava tendered his resignation to the Governor, Mr. Chandu Lal Trivedi. The Governor, however, asked two prominent leaders namely, Bhimsen Sachhar and Partap Singh Kairon - both belonging to the other group, to form the alternative Government, but both of them declined the offer.

Since the opposition parties were too weak to form the Government, and as such the Governor was left with no alternative but to recommend the President's Rule in the State. The Governor reported to the President "that the machinery of the State had failed to operate in accordance with the provision of the Constitution". This report was sent on 18th June, 1951.

On 20th June 1951, the Presidential Proclamation 2 was made. It read:

"Where as I, Rajendra Prasad, President of India, have received a report from the Governor of the State of Punjab and I am satisfied that a situation has arisen in which the government of that State cannot be carried on in accordance with the provisions of the Constitution of India.

2. The Statesman (Delhi), June 21, 1951.
Now, therefore, in exercise of the powers conferred by Article 356 of the Constitution and of all other powers enabling me in that behalf, I hereby

(a) Assume to myself as President of India all functions of the government of the said State and all powers vested in or exercisable by the Governor of that State;
(b) declare that the powers of the Legislative of the said State shall be exerciable by or under the authority of Parliament...

Criticism and justification of Governor's action

While criticising the step of the Governor, Pt. Thakur Dass Bhargava stated:

"why were the seven non-Congress members of the opposition not invited by the Governor to form a Ministry? My head hangs down in shame for I have no proper reply. I know that these seven members could in no case have formed a Ministry, but the Governor refrained from doing a Constitutional thing.....It is question of Constitutional law—that the Governor did not fully carry out his obligations under the Constitutional law."³

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Here, in justification of the action of the Governor it is submitted that only 7 legislators were sitting on the opposition benches and the leader of seven members could not form a stable government. Invitation to the leader of seven members could have been a mere Constitutional formality that could result in wastage of time. However, the Governor must have dissolved the Assembly under Article 174 of the Constitution because the constitutional machinery cannot be said to have failed in a technical sense unless the Governor exhausts his power of dissolution.

The Times of India, newspaper welcomed the change in its editorial entitled, "Escape from Chaos". It is submitted that the period of President's Rule was also useful as it improved the tone of general administration, restored law and order in the State, made much improvement in refugee rehabilitation process and expedited passage of tenancy legislation in short period of nine months. Undoubtedly, the Governor's action was impartial in recommending the imposition of President's Rule in the State. The President's Rule was revoked on 17th April, 1952 after the first General Elections in the country.

4. Thakur Dass Bhargava said: "I think the Constitutional machinery cannot be regarded to have failed unless the dissolution powers are exercised by the Governor under section 153" (Draft). C.A.D.Vol.IX,p.161, See the views of K.Santhanam also (Draft Ibid., p.153).

5. The Times of India, Bombay, June 25, 1951.
President's Rule was declared in the State of Patiala and East Punjab States Union (PEPSU) on March 5, 1953.

The first General Elections in the State along with the rest of the country were held in 1952. No single party in the State, could get absolute majority. The Congress having 26 members, being the largest party in the Assembly, formed the Government, under the Chief Ministership of Mr. Raghbir Singh. However, the Ministry was thrown out of office within a few days of its assuming power as a result of defections from the ranks of the Congress party during the assembly session. United Democratic Front was formed under the leadership of Gian Singh Rarewala who was able to snatch power from Raghbir Singh on April 22, 1952.

However, the opportunity for a Central intervention in the State came, when in Feb. 1953, the Election Tribunal set aside the election of nine members including three Ministers of whom Gian Singh Rarewala, the Chief Minister, was one. The unseating of nine members reduced the strength of the House to 51, of which

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6. Pepsu had emerged (on July 15, 1948) as a result of the integration of eight Princely States in Punjab, namely, Patiala, Nabha, Faridkot, Jind, Malerkotla, Kapurthala, Nalagarh and Kalsia. (Pepsu was merged with Punjab under the State Reorganisation Act, 1956).

25 belonged to the United Front, 3 to the Communist, 2 to independents, and 21 to the Congress.

After the decision of Election Tribunal the Centre asked the Chief Minister to submit the resignation of his Cabinet. Though, the Chief Minister, Gian Singh Rarewala did not refuse to resign, yet he submitted his resignation on eighth day after the setting aside of his election. The delay owed itself to the United Front's repeated claims that it still had majority in the Assembly and was confident of continuing a stable Government in the State. But these statements did not carry any weight and the State was put under President's Rule on March, 5, 1953.

As a result of mid-term elections, held in the State on March 6, 1954, the Congress party was able to secure an absolute majority, thus enabling it to form the government under the leadership of Raghbir Singh. Hence President's Rule was withdrawn on March 7, 1954.

Controversy and justification of Centre's action

President's Rule was imposed without the report of Governor. The action of the Centre was condemned by opposition members in the Parliament. Dr. B. R. Ambedkar described it as "the most violent kind of rape on the Constitution". S. P. Mukherjee (Jana Sangh

8. The Hindu, March 2, 1953.
Party) criticised the Centre for "arbitrary" intervention and reminded the Home Minister, Mr. Kailash Nath Katju, that the situation in Madras, Orissa, Rajasthan and Travencore - Cochin was not different from that of PEPSU except that the former States were being administered by Congress minority Government. Sarangdhar Dass of West Cuttack brought to limelight the lawlessness in other parts of the country and asked the Home Minister why not necessity had arisen to impose President's Rule in those parts. Mr. Dass said, "In Madhya Pradesh, Uttar Pradesh and Saurashtra... all kinds of things are happening for months and yet, the Government of India does not announce the President's Rule in those States".

However, defending the Presidential Proclamation before the Lok Sabha, the Home Minister, Kailash Nath Katju, submitted the following reasons: -

1. The party position in the assembly was extremely fluid. There were frequent floor-crossings - a practice which was "highly immoral".

2. The Election Tribunal had invalidated the elections of several members of the Assembly including that of the Chief Minister and many more election petitions were pending before the Tribunal. Thus, it was better to hold fresh

11. Ibid.
elections than to hold several by-elections. For the fresh elections to be held in a 'fair and impartial manner, it had become essential for the Centre to take over the administration of the State'.

3. The law and order machinery had broken down. In three districts, Communists had formed 70 to 80 Panchayats in opposition to established Government. These parallel administrations had been collecting rent and revenue, trying cases including murder cases... and preventing persons from going to law courts.

4. There was no stable Ministry. Nothing was being done there and the legislature was not even functioning properly.\(^\text{12}\)

A national daily commented in a review that "one of the main objects of President's Rule, namely, restoration of normal conditions in the field of law and order, has been substantially achieved. The feelings of insecurity, panic and uneasiness have given place to quite confidence in the ability of the administration to deal adequately with gangsters and restore normal peaceful conditions for the people".\(^\text{13}\)

(iii) PRESIDENT'S RULE DURING 1966

When the PEPSU was merged in Punjab, the political

\(^{12}\) Ibid.

\(^{13}\) The Hindustan Times, February 17, 1954.
atmosphere in Punjab became peaceful and stable. Partap Singh Kairon fully controlled the organisational and legislative wings of the Congress party in the State till 1964, when he resigned after he was found guilty of corruption by the Dass Commission. Ram Kishan succeeded Partap Singh Kairon, but he proved to be ineffective to check the factional rivalry prevailing in the State unit of the party.  

Because of the continued factional fighting within the ruling party, the Central Government apprehended trouble during the bifurcation of the State into Punjab, Haryana and Union Territory of Chandigarh and distribution of its assets and liabilities. However, there was no failure of the Constitutional machinery in the State, yet the Chief Minister, Ram Kishan, was directed by the Congress High Command to resign and pave the way for the imposition of President's Rule to facilitate the bifurcation process. The resignation of the Ministry came suddenly and dramatically, wrote a national daily:

"The Chief Minister, Ram Kishan, was addressing a crowded conference in Chandigarh when the then Home Minister Mr. Gulzari Lal Nanda's, phone came. All correspondents were asked to leave

14. There was an agitation by the Akali Dal since 1952 which culminated in a demand for separate Punjabi Suba. The Central leaders wanted to have unity in Punjab and therefore worked for some kind of settlement with the Akali Dal. As a result, PEPSU was merged in Punjab and two regions-Punjabi speaking and Hindi-speaking were demarcated with a regional committee.
the room. Soon after, the Chief Minister called his Cabinet colleagues who were present in Chandigarh. It is learnt that all of them favoured acceptance of Mr. Nanda's advice. A little later, Mr. Ram Kishan got in touch with the Governor, Mr. Ujjal Singh (then coming in Simla) on telephone and informed him of his decision to resign. The Governor counselled patience and said that the resignation could be submitted to him on his return to Chandigarh on Thursday (following day). The Chief Minister, however, preferred to send a special messenger in the interest of the smooth reorganisation of Punjab and the welfare of its people. Asked whether he had resigned voluntarily or at the instance of Central leaders, Mr. Ram Kishan said that he had been in touch with Central leaders for some weeks and knew their mind. 15

Soon after, Ram Kishan submitted his resignation the Central Government announced the appointment of Dharam Vira, Cabinet Secretary at the Centre, as the new Governor of Punjab in place of Ujjal Singh who was shifted to Madras (now Tamil Nadu) as Acting Governor. Since the Congress Ministry with the backing of 112 members in a House of 154 had already resigned, as such there was no possibility of an alternative Government. Thus, on June 29, the newly appointed Governor, Dharam Vira recommended to the President for the imposition of President's Rule in the State.

The Governor forwarded the report to the President Dr. Radhakrishan which reads as:

"The Ram Kishan Ministry resigned during time of my predecessor on June 22, 1966. Their resignation was accepted by the predecessor, but pending other arrangements my predecessor requested the Ram Kishan Ministry to continue to function since taking over charge of my duties. Here, yesterday, I have been having discussions with several people with a view to ascertain whether any alternative arrangements for the formation of a Ministry could be made. I have discussed the matter with the Chief Minister, all other Ministers, with the leader of the opposition, Sardar Gurnam Singh, Pt. Mohan Lal, Ex-Home Minister of Punjab and others."

"There is complete unanimity that under the present conditions it would not be possible to form other Ministry and that there is no other alternative except for the Government of the State to be taken over by the President. I am in agreement of this view and accordingly recommend that under provisions of Article 356 of the Indian Constitution, you may be pleased to issue a proclamation assuming to yourself all executive functions of the Government of the State."16

In pursuance of this report President Dr. S. Radha Krishnan issued a Proclamation on 5th July, 1966, under Article 356 of the Constitution, as under:

"In pursuance of sub-clause (1) of Clause (c) of the Proclamation issued on this the 5th day of July, 1966 by the President under Article 356 of the Constitution of India, the President is pleased to direct that all the functions of the Government of the State of Punjab and all the powers vested in or exercising by the Governor of that State under the Constitution or under any law in force in that State which have been assumed by the President by virtue of clause A(I) of the said Proclamation shall subject to the superintendence, direction and control of the President, be exercisable also by the Governor of the said State". 17

For assisting the Governor, the President appointed Mr. Shankar as adviser to the Governor.

The Punjab Legislature was not dissolved but it was kept under animated suspension as a resolution for the division of the State was yet to be passed by the Punjab Legislature as stipulated by the Constitution. Mr. G. L. Nanda the then Home Minister also justified retention of the State legislature in that condition as it would have to be recalled for discussion of the Re-organisation Bill.

As a result of the imposition of President's Rule all the Law-making powers in respect of Punjab were delegated to the President, under the "Delegation of Power Act" passed by the Parliament.

Controversy and justification of Governor's report

It is to be noted that in this case the State Assembly was not dissolved but instead kept in suspended animation. As some doubts had been raised about the legality of this step, the matter was referred to the Attorney-General and the law Ministry. Both had advised that President's Rule could be imposed in any State without dissolving the legislature.\(^{18}\)

The imposition of President's Rule in the Punjab State was vehemently criticised by the opposition parties in the State and outside Punjab.

Mr. Ram Manohar Lohia (SSP) opposing the Emergency provisions said that Emergency proclamation had enabled the Government to "play a fraud on the people on a very large scale. He compared these Emergency Powers to an Article containing in the 'Ideal Constitution of the Weimer' Republic," which destroyed the whole Germany. He added that Government is using these articles against the people".\(^{19}\)

\(^{18}\) The Times of India, July 5, 1966.

\(^{19}\) The Tribune, August 26, 1966.
Mr. R. Uma Nath (Communist-Madras) decried the imposition of President's Rule in Punjab and remarked that the government had murdered the democracy. He further stated that President's Rule was not resorted to in Punjab because of national interests or in the interests of the people of the State but to protect the factional interests of the Congress High Command.  

Sh. Vasu Devan Nair indicted the Government which took this measure in such belated manner. He said "I feel this Government should feel ashamed that they had come forward with this Proclamation imposing President's Rule in the State and keeping the Assembly in a "refrigerator'. This Government also wants to keep the Assembly in a refrigerator because they do not want to kill that Assembly completely. They wanted to revive it whenever that suited them. They do everything as it suits their narrow interests."  

Though Sh. Alvares welcomed the purpose of President's Rule i.e. preparing the way for the creation of Punjabi-Suba but criticised the method by which it was done. He said that President's Rule has been imposed in Punjab to preserve the interests of the Congress Party. 

22. Ibid., pp. 8221-25.
Although, the Proclamation of President's Rule was criticised on the floor of Parliament yet the Public opinion was in its favour. A leading national daily commented editorially:

"It is a mere quibbling to argue that since there has been no break-down of Constitutional machinery in the State, it will be contrary to the spirit of the Constitution to have recourse to its emergency provisions. Though this machinery has not been broken down in the literal sense and one party has a clear majority in the State Legislature, it has become extremely difficult to work it because of the impending division of Punjab into two States. Knowing that it will soon be split in to two, the Legislature is already a House divided against itself."

It is true that the Founding Fathers of our Constitution had visualized many types of Constitutional break-downs in the States, but they could not imagine a situation where there was no break down of the Government machinery of the State and the situation was normal and yet the imposition of President's Rule was found imperative.

Paying a glorious tribute to the excellent work done by the Governor, Shri D.D. Puri justified the imposition of President's Rule in Punjab as the Governor took coercive measures against the traders who were indulged in food adulteration etc.24

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Shri A.N. Vidhyalankar also supported the Government for handling the situation in Punjab with wisdom and in a most skilful manner. He said:

"This time Government showed real statesmanship by handling the situation well. First of all they kept patience and then they left the matter to the decision of a Representative Committee of this House and when they found that the Representative Committee of this House was largely in favour of re-organisation of Punjab on linguistic basis, and when they saw that the people of the Punjab area, the people of Haryana area and the people of Himachal Pradesh area desired a re-organisation in certain manner. The Government accepted the proposal and began to take all the measures that were required."\(^{25}\)

Shri Gulzari Lal Nanda the then Home Minister emphatically defended the President's Rule in Punjab and said that President's Rule was imposed in the State as there was no alternative for the Centre after its decision to re-organise the State. After it was decided to re-organise the State, tensions had mounted in the State and differences had developed among various interests to such a pitch that taking over the administration was unavoidable. And the State Governor had reported that there was no prospect of forming an alternative Government to Ram Kishan Ministry which

\(^{25}\) Ibid., Vol. LIX, pp. 8183-88.
had resigned on June 22, 1966. Justifying the government stand, he further stated that it had been imposed to divide the State speedily and to see that administration starts functioning normally as soon as the new Units came into being. After a long and lively discussion the President's Rule was approved by the Lok Sabha on August 31, 1966.

The Rajya Sabha also adopted official Resolution on September 3, 1966 giving its approval to the Presidential Proclamation in relation to the State of Punjab.

Mr. J.L. Hathi the then Minister of State for Home Ministry denied the charge of the opposition that the Governor made no efforts to form a Government in the State after the resignation of Ram Krishan Ministry. The Governor consulted the Leaders of various parties but nobody was prepared to form a Government, thus making it necessary for the President to issue the Proclamation. He also denied that the former Governor of Punjab refused to submit a report that the Constitution had broken down in the State as wanted by the Union.26

It has been rightly observed27 that "the President's Rule was clamped for the very purpose of creating smooth condition for the division of the State. But the difficulty is that neither the Constitutional provisions, as they stand in the present form, nor

the intention of the Framers of the Constitution allow that facility. It is meant for restoring Constitutional machinery that has broken down and not for creation of States. As the then Chief Minister Ram Krishan's willingness to continue clearly shows that there was no need of clamping President's Rule, it is nothing but the fact that the men at the helm of affairs were inclined to monkey with the Constitution."

The President's Rule in Punjab was revoked on 31st October, 1966 and the Assembly was revived. Giani Gurmukh Singh Mussafir was elected as a new leader in place of Ex-Chief Minister Ram Kishan by the Congress Legislature Party. He took the oath of his office along with 20 member Ministry on 1st November, 1966. The Linguistic Re-organisation of Punjab thus pacified the people of Punjab who had been struggling for the creation of Punjabi speaking State since 1959. The long standing urges of the people of Punjab and Haryana opened a new vista of progress and prosperity for the newly created States.

It is, thus, obvious that President's Rule continued in the State only for a limited period of 118 days (i.e. 3 months and 26 days). As soon as the work of re-organisation of the State was over, the President took the necessary step to revoke Article 356 and popular governments were installed in the two States. It may be mentioned here that the President's Rule facilitated the division of assets and liabilities for the two successor States.
and partisan attitude was not allowed to prevail by the Union Government as apprehended earlier. It thus, smoothened the process of re-organisation and at the same time the administration was carried on directly by the Governor during the transitional period.

(iv) PRESIDENT'S RULE DURING 1968

In the late sixties and nearly seventies, the politics in the State of Punjab was dominated by a combination of defections and factional politics. No political party secured an absolute majority in the 104-member State Legislature after the fourth general election. The largest party was the Congress which fell short by 5 of an absolute majority. On 4th March, 1967 various parties and independents formed a coalition known as the United Front, commanding 53 seats in the 104-member Assembly, under the leadership of Akali Dal's (Sant) Gurnam Singh. On March 8, the United Front Ministry headed by Gurnam Singh was installed in office in Punjab. Within a month, it suffered an adverse vote on the Governor's address in the Assembly, but it did not resign.


28a. The Akali Dal (Sant Group), the Jana Sangh, the C.P.I. the C.P.I.(M), the Republican Party, the S.S.P. and Six Independents.
Soon started the unending game of defections. Three legislators of the Congress joined the United Front, and were immediately made Ministers. On 22nd November 1967 when the Assembly met for its winter session, Lachhman Singh Gill, the Education Minister, and 15 other legislators resigned from the United Front and formed a new party, called the United Punjab Janta Party. Gurnam Singh, the Chief Minister of the United Front, resigned on the same day, advising the Governor to dissolve the Assembly and hold fresh elections. Meanwhile the Congress promised support to Mr. Gill. The Governor did not accept the out-going Chief Minister's advice about dissolution of the Assembly, arguing that 'as long as it is possible to form a government, it should be formed' and on 27th November 1967 invited Lachhman Singh Gill to form the Government which he did on the same day.

However, on 21st August 1968 the President of the Congress party announced the withdrawal of his party's co-operation to the Gill Ministry which at once sounded the deathknell of the defectors Ministry. Lachhman Singh Gill tendered his resignation the same day. The Governor, Dr. D.C. Pavate, recommended imposition of President's Rule in his report dated 21st August to Dr. Zakir Hussain, the President. In his report he regarded the minority Government as 'ab-initio fraught with instability, as

the Gill Ministry consisted of and was led by legislators who were drawn together not by an ideological affinity but by a desire to gain political power. The relationship between the Ministry and the Congress Legislature party, its main supporter, did not continue to be smooth as was originally hoped for by both parties.... The use of Government authority for political purposes affected not only the Congress Legislature party but has had a deleterious effect on the services also...30 Following is the brief text of the then Governor Dr.D.C.Pavate's report:31

"After giving careful thought to the political situation and party position in the State Assembly, I am of considered view that a situation has arisen in Punjab in which a government cannot be carried on in accordance with the provisions of the Constitution.

Accordingly, I suggest that you may kindly take action under Article 356 of the Constitution, dissolve the State Assembly immediately and assume to yourself all the functions of the government of the State.

I have also considered the possibility of merely suspending the legislature with a view to giving a chance to the political parties in the present legislature to form a stable government. It is my considered view that no useful purpose would be served

by such action. The present political uncertainty and the consequent adverse effect on the moral of the services can be removed only by immediate dissolution of the Assembly followed in due course by mid-term election. It is to be hoped that one or the other party will secure an absolute majority in the house to enable a stable government to come into being.

I request that the report may be accorded your most immediate consideration as I have accepted the resignation of the Chief Minister Sardar Lachhman Singh Gill and his Council of Ministers who have been asked to continue in office till alternative arrangements are made. The State administration has virtually come to a stand still".

After assessing the report of the Governor, the President of India accepted the recommendation of the Governor and issued a Proclamation under Article 356 of the Constitution. Shri Gian Singh Kahlon, who was in the Punjab Cadre and Shri R.C.V.P. Noronha, who was in the Madhya Pradesh Cadre were appointed as advisers.

32. Ibid.
33. Ibid, September 6, 1968. They assumed their charge on September 4. The Advisers team functioned on the pattern of Council of Ministers with the Chief Secretary working also as the co-ordinating Secretary. So far as the allocation of Department is concerned Dr. D.C. Pavate kept three major departments directly under him e.g. Education, Finance and the General Administration, Mr. Gian Siongh Kahlon got Revenue, Agriculture and allied departments, Excise and Taxation and Health, Home, Vigilance, Transport, Industries, Food and Supplies, Election and Labour departments went to R.C.V.P. Noronha.
As in West Bengal, Lachman Singh Gill's Ministry was an all defectors Ministry supported and blessed by the Congress. However, unlike in West Bengal, the Congress did not become a partner in the Ministry. A National daily has rightly editorialized:

"If the defections are part of a race for power for its own sake, the political situation in the State is bound to deteriorate, for which the major responsibility will be that of the Congress. The readiness with which the Congress party has offered its support to a minority government led by Mr. L.S. Gill strongly suggests that it had a hand in engineering the defection from the United Front."

This Ministry never enjoyed any measure of popular esteem and was propped up by the assistance of the Congress which held 43 of the 104 seats in the Assembly, Gill's Janta Party having but 20 seats.

It can be argued that at that time since no body was ready to form the Government, the imposition of President's Rule was therefore justified. However, this step could have been avoided has the Congress not acted in making and unmaking the respective Ministries. It was felt that the Gill Ministry was "indecently

34. The Indian Express, November 24, 1968.
corrupt" and that the Congress party should not have abetted its misrule. Y.B. Chavan, the then Union Home Minister, had already expressed apprehensions at a meeting of the Congress Parliamentary Party in New Delhi that the emergence of minority Government was not conducive to proper democratic functioning, since such Governments had no sanction of the electorate.  

Shri K.M. Abraham (Kottayam) "condemned the Congress in these words "In Punjab who is primarily resting for the chaotic situation prevailing there. It is the Congress because when they decided to support the Gill Ministry this chaotic situations occurred".  

President's Rule was welcomed by most of the leaders in the Lok Sabha when the resolution was moved in the Lok Sabha for its approval on August 29, 1968.

Supporting the motion Shri Devinder Singh (Congress, Ludhiana) observed "I rise with an overpowering feeling of relief, relief because our unfortunate experiment with the minority government in Punjab has come to an end. I am sure, positively sure, that the people of Punjab are united in their happiness over their belated good riddance from Gill and Company."  

35. National Herald (Delhi), April 1, 1968.  
36. Lok Sabha Debates, Vol.XX, pp.3041-47.  
Shri G.S. Dhillon (Tarn Taran) supporting the Proclamation said "I wish that with the support of this House without any ill feeling towards each other, we may in Punjab go forward for getting our bitterness redressed and prosperous future."38

While moving the resolution in the Lok Sabha the Home Minister Mr. Y.B. Chavan explained that the action was inevitable. There was inherent instability and what had happened in Punjab during the last 18 months was something about which "we have to sit back and think."

Mr. Raj Narain (SSP) stated that Punjab was writhing in pain for the last 9 or 10 months under the Police Raj of Gill Ministry and that the President's Rule has given necessary relief to the people.

Mr. Rattan Lal Jain (Jan Sangh) welcomed the Presidential Proclamation. He hoped that a Constitutionally stable government would come to power in the State after sometime and the State will get rid of Gill government which resorted to political victimization and favouritism.

Criticising the Gill Administration Mr. Bhupesh Gupta (C.P.I.) used strong words and said "It was a case of sheer plunder which one can expect in under the world but not uncertainly under the Constitution. He further said, "we are happy Punjab was got rid of a regime of gangesters, thugs,

38. Ibid, 3025-29.
violent, hooligans, profiteers and blackmarketers who in the name of Minority Government have played havoc there. We are glad they have gone and we hope the Congress will pay price for allowing this crime committed in 8 months.

Revocation of President's Rule

The President's Rule was revoked on February 17, 1969. A popular Ministry came into power following the mid-term poll in the State.

(v) PRESIDENT'S RULE DURING 1971

No single party could secure an absolute majority during the mid-term poll held in Punjab in February, 1969. As Akalis and Jana Sangh already had forged a pre-election alliance, a coalition Ministry consisting of both these parties came to office on 17th February, 1969 with Akali Dal's Gurnam Singh as the Chief Minister. On 25th March 1970 the Coalition government suffered a defeat in the Assembly. The Chief Minister submitted his resignation to the Governor and advised him to dissolve the Assembly. But the Governor, instead of acting accordingly, invited Parkash Singh Badal, the newly elected leader of the

Akali Legislature Party, who had the support of 54 M.L. As including 8 Jana Sangh members to form new Coalition government consisting of Akalis and Jana Sangh. But the Alliance did not last long because the Jana Sangh demanded for the establishment of Dayanand University at Jalandhar and for restricting the jurisdiction of the newly set-up Guru Nanak Dev University at Amritsar. But the Akali Dal refused to accept the demand. As a result of Akali-Sangh split, as many as seven M.L. As defected from the ruling Akali Dal reducing it to minority in the Assembly. In order to test the strength of the Ministry, the Assembly was convened on July 24, 1970. But the Ministry could not be ousted because the Congress party in the legislature remained neutral during the voting on the no-confidence motion. Thus, the Minority Government continued to rule with the support of the Congress.

In a dramatic move on 1st June 1971, all the Ministers submitted their resignations to the Chief Minister to enable him to reconstitute the Ministry. Cleverly, a secret move to topple the Badal Ministry was also afloat. The Congress party entered into an understanding with Gurnam Singh and was contriving defections from the ruling Akali Dal. The plan was either to instal Gurnam Singh as the Chief Minister with the support of the Congress or to form a Coalition of the Congress and the defectors from the Akali Dal. On 12th June, one of the Ministers resigned
from the Government alleging that the Ministry was reeking with corruption. Immediately on receipt of the resignation, Parkash Singh Badal rushed to the Raj Bhavan to advise the Governor to dissolve the Assembly, accusing the Congress of encouraging defections. On June 13, the Governor, Dr. D.C. Pavate, ordered the dissolution of the Assembly but asked Parkash Singh Badal to continue till alternative arrangements were made. On the same day, 17 Akali Legislators announced that they had withdrawn their support from the Badal Government and formed a party of their own – Shiromani Akali Dal under the leadership of Gurnam Singh. Soon thereafter, Gurnam Singh and some other Akali M.L.As met the Governor and informed him that they had separated from the Akali Dal led by Sant Fateh Singh. A few Congress leaders also called upon the Governor and pleaded that "in view of the fluid political situation", the Chief Minister, Badal’s advice was not binding on him. The Governor, however, took the view that "it was too late in the day" as he had already accepted the advice of the Chief Minister in regard to the dissolution of the State Assembly.

In these circumstances, Governor sent a report to the President to issue a Proclamation. The following is the brief

41. The Tribune, Chandigarh, June 14, 1971.
42. Ibid.
"The Chief Minister met me on the evening of June 12th and apprised me of the political situation in the State. He stated that political parties in the State, mainly the Congress (R) were trying to encourage defections from the Akali Dal in an unprincipled manner and that the likelihood of such defections is having an adverse impact on the political situation in the State. Punjab earlier also had an experience of a government formed by defections from the Akali Dal with the support of the Congress legislature party in 1967. Such an arrangement, as I mentioned at that time in my report to you, is fraught with instatricity as those defectors are drawn together not by an ideological affinity but mainly for personal gains. That has been my experience during the last three years. The inevitable outcome of such an arrangement is a widespread and extensive use of governmental authority for political purposes to secure the support of such MLAs as are willing to change their loyalty rapidly. The Chief Minister during his discussion stated that such a situation would not only lead to political uncertainty but also paralyse the administration and would have an adverse effect on the morale of the services. My own experience during the functioning of Gill Ministry was that
an arrangement based on personal ambition and political expediency not only creates political instability and uncertainty but paralyse the administration to a large extent. The Chief Minister, therefore, suggested to me the immediate dissolution of the Legislative Assembly as he wanted to seek a fresh mandate from the people.

In accordance with the accepted Constitutional conventions and democratic principles, I thought that the best course in the present situation was to accept the advice of the Chief Minister. He sent his formal advice to me on the morning of June 13 which I have accepted. I have thus dissolved the Punjab Legislative Assembly with immediate effect.

The Chief Minister met me again this morning and tendered the resignation of his Council of Ministers. I have accepted his resignation but have advised him to continue till alternative arrangements are made.

As I was dictating this letter after dissolution of the Assembly and accepted the resignation of the Council of Ministers, headed by Mr. Parkash Singh Badal, Mr. Gurnam Singh alongwith five Akali MLAs met me to say that they had separated from the Shiromani Akali Dal, led by Sant Fateh Singh. They also claimed that about a dozen other Akali MLAs had also left the Akali Legislative Party. Obviously, it was too late in the day, as I had already accepted the advice of the Chief Minister in
regard to the dissolution of the Assembly."  

After receiving the Governor's report, the President of India Mr. V.V. Giri issued the necessary Proclamation under Article 356 of the Constitution. He took over all the functions of the government of Punjab and all powers vested in or exercisable by the Governor of Punjab.

Justification and controversy regarding Governor's action

Governor's action in recommending President's Rule in Punjab and dissolving the Assembly evoked mixed reaction from the various political parties. While the Sant Akali Dal, Jan Sangh and C.P.I. welcomed Governor's action, the leaders of the Congress(R) and the newly formed Akali Dal (Gurnam Singh Group) were critical of it.

The Congress leaders criticised the imposition of President's Rule in the State. Mr. Umarao Singh (Congress) alleged that the decision of the Governor was partisan. He declared that the Congress MLAs in the dissolved House had demanded immediate recall of the Governor. They charged Dr. D.C. Pavate for having

43. The Tribune, Chandigarh, June 16, 1971.
44. The Proclamation said "that President had taken this step because after considering the Punjab Governor Dr. D.C. Pavate's report on the failure of Constitutional machinery and "other informations received by me, I am satisfied that a situation had arisen in which the Government of Punjab could not be carried on in accordance with the provisions of the Constitution."
"colusion" with the outgoing Chief Minister, Mr. Badal. Instead of taking action against the corrupt Ministers, the Governor had "butchered" democracy in the State. 45

Dr. Shankar Dayal Sharma (General Secretary of the A.I.C.C.(R)), said that Governor's action lacked political propriety. His view was that Governor was not bound by the advice of Chief Minister who had lost majority in the Assembly. He said an example of a similar situation was Bihar where the Governor refused to accept the advice of a Chief Minister, who did not enjoy confidence of a majority in the House. He felt that in the light of that well-established convention the action of the Punjab Governor seemed to him 'strange'. 46

Likewise late Mr. Darbara Singh the then Deputy leader of the Congress(R) Parliamentary party, strongly criticised the action of the Punjab Governor in dissolving the State Assembly. He said that the Governor's action was not based on JUSTICE and had been taken in 'indecent haste'. He said Governor should have consulted the opposition leaders before taking such a hasty step. 47

Secretary of the Congress(R) party in Parliament Mr. Krishan Kant described the Punjab Governor's action in dissolving the State Assembly as "highly arbitrary and ultravires" of the spirit

46. Ibid.
47. Ibid.
of the Constitution. In a statement he said that the State Governor had acted in "indecent haste without satisfying himself whether the Chief Minister whose advice he was accepting enjoyed the confidence of the Assembly". The way he has tried to ignore the Assembly which was scheduled to meet on 14th is deplorable of the high office of the Governor who is supposed to be the protector of the Constitution. He should have first sent his report to the President under Article 356 and waited for his advice. He seems to have acted under local political pressure."

The speaker of the Punjab Assembly Mr. Darbara Singh, condemned the act of the Governor said that it had shaken the foundations of Parliamentary institutions in the State.

Mr. Gurnam Singh, Akali Dal said that the decision of the Governor was not 'correct' because the Badal Ministry had been reduced to a minority. He also regretted that the people of Punjab had been put to a lot of expense and worry by the dissolution of the House when an "alternative stable Government" could have been formed even today.

Mr. Harinder Singh, leader of the opposition condemned the action of the Governor as "undemocratic" Constitutionally improper, malafide and uncalled for" and also demanded the

48. Ibid.
49. Ibid.
immediate removal of Dr. D.C. Pavate from the High Office of Governorship. 51

Justifying the action of the Governor Mr. Mohan Lal (Congress-0) said 52 "The question before the Governor was not merely of ascertaining majority or minority but that of instability brought about by defections. This has resulted in the loss of creditability among political parties and legislators. In a similar situation the Haryana Governor had acted rightly on account of a few "Aaya Rams and Gaya Rams". How could the Governor of Punjab be not justified when the number of defectors had multiplied manifold".

Brish Bhan, a prominent leader of Congress-R said that the Governor had acted boldly and put an end to the "corrupt, reactionary, inefficient and feudal Akali Ministry in the State. 53

Justifying the action taken by the Governor in dissolving the Assembly Sardar Gian Singh Rarewala said that the decision of the Governor would go a long way in discouraging the practices of crossing the floor in and out of season. 54

52. Ibid.
53. Ibid.
54. Ibid.
Welcoming the imposition of President's Rule Dr. Baldev Parkash, President of the Punjab Jan-Sangh said, Pavate's action had saved the State from the worst type of horse-trading and prevented the Congress from playing havoc in the State's political life of purchasing legislators. It had also frustrated the Congress design to repeat the history of Lachhman Singh Gill Government in Punjab for which the party had found an appropriate person to play the role. It was a sad day for Congress which was trying to come into power by hook or crook.\(^{55}\)

Mr. A. Vishwanath, Joint Secretary of Punjab Jan Sangh, supporting the Governor's action said that the people would have a sigh of relief at the end of the "corrupt government". He said that it was gratifying to see that another Gill episode could not be repeated.\(^{56}\)

Mr. Prem Singh Lalpura, General Secretary of the Shiromani Akali Dal welcomed President's Rule in Punjab. He warmly congratulated both Sant Fateh Singh the Akali Dal's President and Mr. Parkash Singh Badal, the former Chief Minister on their

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56. Dr. D.C. Pavate was also congratulated by Mr. Darshan Singh Canadian, Secretary of the Punjab State Council of the C.P.I., Mr. Satya Pal Dang, Leader of the C.P.I. Group in the dissolved Assembly for his bold step in dissolving the Punjab Assembly. Mr. Joginder Singh Mann and Mr. Gur Rattan Pal Singh, President and General Secretary respectively of Akali Dal (Pheruman Group) welcomed the decision of the Governor in dissolving the Punjab Vidhan Sabha. (Ibid, June 14, 1971).
correct advice given to the Governor whose action saved Punjab from the hands of opportunists and thus thwarted horse trading of MLAs.  

The "Search light" pronounced D.C. Pavate as "an honest Governor" who had taken a "Constitutionally very correct step", even at the risk of hurting New Delhi.  

However, the Search light's view was not shared by the Deccan Chronicle which declared that the Governor had "clearly acted in a hurry" and that it was a clear case "for the President to set aside the Governor's dissolution order". The paper further said that "if the Governors are to act Constitutionally by presenting the President with a fait accompli, it will amount to under-cutting the President's powers".

Following the mid-term poll the President's Rule was withdrawn on 17th March, 1972.

(vi) PRESIDENT'S RULE DURING 1977

When the internal emergency imposed on June 26, 1975 rocked the country, office of the Governor also underwent a subtle change. At that time, most of the Governors were interested in placating and pleasing Mrs. Indira Gandhi instead of maintaining...
their Constitutional position. R.D. Bhandare the Governor of Andhra Pradesh, and Joginder Singh, the Governor of Rajasthan, resigned just before the Lok Sabha elections of March, 1977 to fight elections as Congress candidates. Uma Shanker Dixit, the Governor of Karnataka, converted Raj Bhawan into the Congress headquarters, when he started taking interest in the selection of Congress candidates for the Lok Sabha elections in 1977.

When the country went to the polls in March 1977 after long dark nights of repression, the people were breathlessly awaiting the results. It was for the first time in the political history of India that a Non-Congress Ministry (the Janta Government) was installed at the national level.

Immediately after Lok Sabha results, the Janta Government began seriously thinking about dissolving the Legislative Assemblies of the nine-northern States (Punjab, Haryana, Himachal Pradesh, Uttar Pradesh, Bihar, Madhya Pradesh, Rajasthan, Orissa and West Bengal) from where the non-Congress candidates were returned to the Lok Sabha with a thumping majority. Congress was totally routed from Punjab, Haryana, Uttar Pradesh, Rajasthan, Himachal Pradesh and Bihar. The Janta Government, therefore, maintained that the Congress had lost its legitimacy to rule these States as the people have given their mandate against them.

The Union Minister of Home Affairs asked the Chief Ministers of nine States where the Congress was defeated in Parliamentary
elections to advise their Governors to dissolve the Legislative Assemblies and seek fresh mandate from the people. Finding that the federal leaders were determined to bring about a dissolution of the Assemblies, six State Governments (Punjab, Rajasthan, Madhya Pradesh, Bihar, Himachal Pradesh and Orissa) filed suits to seek injunctions against the proposed move of the Central Government in the Supreme Court of India under Article 131. Besides, three Congress M.L.As of Punjab filed writ petitions under Article 32. Their complaint was that if the Legislative Assembly of the State of Punjab was dissolved by the Acting President under Article 356 of the Constitution, they would be deprived of their right to receive salary as members of the Assembly and the salary being the property there would be unconstitutional infraction of their right to property under Article 19(1)(f). Therefore, they argued that they were entitled to come to the Supreme Court under Article 32 of the Constitution for prevention of such threats.

A seven member Constitution bench headed by Chief Justice M.H. Beg gave, on April 29, 1977 a unanimous verdict which read: 'we are unanimously of the opinion, for reasons to be mentioned later, that the suits and writ petition be dismissed. We accordingly dismiss the same and as a consequence reject the prayers for injunctions or interim orders...' The full judgement was delivered by the Court on May 6 of the same year.\footnote{60. The Statesman, May 7, 1977.}
With the Supreme Court dismissing the suits of the State Governments, the decks were cleared for the Centre to act on its proposal to have the Assemblies in nine Congress-ruled States dissolved to hold fresh elections. Acting President Sh.B.D.Jatti issued nine separate Proclamations dissolving the State Assemblies on 30th April, 1977 and thus, made the way for early elections in these States. It is worth mentioning here that the Proclamations made no reference to reports from any Governor. Since Article 356 empowers the President to dissolve an Assembly even without a report from the Governor, he could do so if he was satisfied "otherwise" about the breakdown of the Constitutional machinery in a State.

Elections were held for the Assemblies of these nine States, on June 10, 12 and 14, 1977. In seven of the nine States, the Janta Party secured an absolute majority and thus, formed its Governments. In Punjab, this party had been the ally of the Akali Dal, and as such its leaders joined the Ministry headed by Parkash Singh Badal. The President's Rule thus came to an end in nine States with the installation of popularly elected Governments. In Punjab President's Rule came to an end on June 20, 1977.

Justification and controversy of President's Rule during 1977

It may be noted that the Home Minister justified the Government's decision to seek dissolution of the nine States on
the ground that the people did not respect the propriety of the Congress Government in these States and therefore, it was undesirable to continue in power without seeking fresh mandate from the electorates. In this connection he remarked that the Government had also considered the advice of Constitutional experts in the matter. He quoted Dicey, a renowned authority on the British Constitutional Law, that "when there is a fair reason to suppose that the opinion of the House is not the opinion of the electorate, an appeal from the legal to the Political Sovereign should be obtained.61

The Home Minister claimed to be receiving reports suggesting that there was near-paralysis of normal functioning of Governments in nine States of Northern India.62 It was also maintained that all the State Assemblies with the exception of Uttar Pradesh and Orissa, had already completed their legal terms of five years, and that they were now functioning on "borrowed time" as their term was extended through the 42nd Constitutional Amendment Act 1976 which was passed by a repressive dictatorial regime of Indira Gandhi during the period of emergency without mandate from electorates to do so. The other objection to the Amendment Act which extended, interalia, the life of State Assemblies, was that during the emergency important leaders of

the opposition parties were in jail, and there was no free and frank expression of views on it.

The leaders of the Janta Party, the Congress for Democracy, the Akali Dal, C.P.M., and many prominent non-party leaders like Acharya J.B. Kriplani, Jaya Prakash Narayan, newspapermen, pro-Janta party intellectuals and the Public in general welcomed the dissolution of State Assemblies but the topleaders of the Congress party, such as its President, Brahmanand Reddy and Y.B. Chavan, described it as a 'dictatorial act', and 'a blow to the federal democratic structure' of the country. The then Chief Minister of Uttar Pradesh, N.D.Tiwari described the step as "sad and unfortunate" in the Constitutional and Parliamentary history of India. The Punjab Congress leaders including Cabinet Ministers described it as wholly immoral, unconstitutional and complete negation of its own election promises.

(vii) PRESIDENT'S RULE DURING 1980

The Janta Party which emerged in 1977 as a result of the unity of some opposition parties could not work in the spirit of co-operation and mutual trust. The factional quarrels in the party brought about its downfall. To a great extent, the

63. Indian Express, May 1, 1977.
64. Ibid.
65. Ibid.
ideological and personal factors were responsible for the disunity. The continued intra-party wranglings brought the Union Government almost to a breaking point. There were within the Cabinet, serious differences and dissensions which vitiated the Janta Party organisation, and ultimately led to the fall of the Desai Government on July 15, 1979. Charan Singh, who became the next Prime Minister was also out from his office owing to electoral verdict against him in the Lok Sabha elections held in January, 1980.

Late Mrs. Indira Gandhi after assuming the office of Prime Ministership, sought the dissolution of Legislative Assemblies in nine States ruled by Janta Party by using the precedent set by Janta Government itself. Giani Zail Singh, the then Union Home Ministers, began to say that he would be advising the Chief Minister of Uttar Pradesh, Bihar, Madhya Pradesh, Rajasthan, Punjab, Orissa, Gujrat, Maharashtra and Tamil Nadu that they should submit the resignations of their respective Ministries to the Governors, and the Governors should dissolve their Assemblies. On January 29 the Chief Ministers of the concerned States warned the Prime Minister to keep her hands off the States and stop her toppling exercise. They said the Congress(I) threats of dissolution of State Assemblies had begun to demoralise the officials working in those States and was creating confusion all around. The Punjab Chief Minister, Parkash Singh Badal warned the
Centre that it would be responsible for all consequences if it attempted to dissolve non-Congress(I) State Assemblies on the one pretext or the other. Jiwan Singh Unranangal (Akali Dal) threatened to launch a morcha if the State Assemblies were dissolved.66

All these warnings, threats and exhortations had no effect, and on Feb. 17, 1980, the Central Government headed by Indira Gandhi got dissolution of the Assemblies of the nine States mentioned above and also got dismissal of their Governments and took over their administration in its own hands. The formal Proclamation was issued by the President.

Justification and controversy of President's Rule

While the Proclamation issued by Rashtrapati Bhawan gave no reasons for the dissolution of the Assemblies except the usual statutory recitation under Article 356, the Law Minister, Shiv Shankar, said in a four-page statement that there were three main reasons for that step. Firstly, he observed that the States run by the non-Congress(I) parties had delayed the ratification of the Forty-fifth Constitution Amendment Bill which provided for the reservation of seats for scheduled castes and scheduled tribes. The Government, he said, feared that those States might block other progressive legislation in the future also. Secondly, 66. The Indian Express, February 5, 1980 & February 12, 1980.
he said, that the massive victory of the Congress (I) in the Lok Sabha poll showed that the non-Congress (I) parties had lost the confidence of the people, and that, therefore, they had no moral and legal right to stay in the office. Thirdly, the opposition parties had adopted a negative attitude even though the Prime Minister had sought their co-operation in the administration of the country.67

Commenting on the Centre's decision to dissolve the nine State Assemblies, the outgoing Chief Minister of Rajasthan, Bhairon Singh Shekhawat, said, "the dissolution of State Assemblies is the formal declaration of dictatorship and is a challenge for all democratic forces to fight it out".68 The then Chief Minister of Gujrat, Babubhai Patel observed, "The decision seemed to have been taken to pave the way for an authoritarian rule."69 The outgoing Chief Minister of Punjab, Parkash Singh Badal described as "most unconstitutional and undemocratic dissolution of the Punjab Assembly".70 Senior Janta Party leader, Madhu Dandavate condemned the decision and described it as a 'most undemocratic step and an infringement of the democratic

69. Ibid.
70. Ibid.
The General Secretary of AIADMAK, V.R. Nedunchezhian said, "people who came to power on the slogan of stable Government had 'destabilised a stable Government." 72

(viii) PRESIDENT'S RULE DURING 1983

After the State Assembly elections in May, 1980, the Congress (I) Ministry headed by Darbara Singh assumed office. From the very beginning the Ministry was not functioning smoothly because of infighting within the ruling party.

The Akali Dal agitation which was launched on August 4, 1982 after the non-acceptance of the charter of demands by the Union Government aggravated the situation in Punjab. The Akali Dal started agitation in the State for ending all forms of discrimination and injustice done to Punjab. Later on, the Akali Dal resorted to the programme of 'Rasta Roko' in April 1983, 'Rail Roko' in June 1983 and 'Kam Roko' in August 1983. The law and order machinery in the State failed to check the activities of gang of criminals and other anti-social elements which took advantage of this situation.

It is worth mentioning here that the opposition parties in the State had been demanding the resignation of Darbara Singh 71. Ibid. 72. Ibid.
Ministry and imposition of President’s Rule because of the deteriorating law and order situation in the State. Reacting sharply to the gruesome murder of eight Hindus by extremists, Harchand Singh Longowal, President of the Akali Dal, the then dictator of Akali Morcha demanded "immediate dismissal of Darbara Singh Government in order to restore communal amity in the Punjab."  

The Governor, Mr. A.P. Sharma reported to the Centre that "the law and order situation in the State as a result of extremist activities has deteriorated resulting in communal tension. At present, he does not find that the State government can function according to the provisions of the Constitution". On the report of the Governor, the President dismissed the Darbara Singh Ministry and brought the State of Punjab under President’s Rule and suspended the State Assembly. The Proclamation of President’s Rule was approved by the Lok Sabha on November 15, and by the Rajya Sabha on November 16, 1983. The life of the President’s Rule was extended twice by the Parliament.

Justification and controversy of President’s Rule

It is worth mentioning here that normally the law and order situation improves under President’s Rule, but in the case of

73. The Tribune, October 7, 1983.
74. The Indian Express, October 7, 1983.
Punjab the extremists continued carrying on their activities in a wanton way. Because of increasing extremists violence which had claimed many lives and to meet the Akali Dal's threat of launching a 'non-cooperation' movement from June 3, 1984, the army was called in the State on June 1, 1984 to help the civil authorities to restore law and order in trouble-torn Punjab and Chandigarh.

By 49th Constitution Amendment Act, 1984 the President's Rule in Punjab could be extended by one more year without fulfilling the two conditions laid down in Article 356 for continuing President's Rule after one year. Though there had been a strong demand from the Congress(I) leaders of Punjab to restore popular Rule in the State, but the Central Government did not yield to this demand as the situation in the State had not returned to complete normalcy. Justifying the extension of President's Rule in the State, the then Home Minister, P.V. Narasimha Rao said in Parliament: "a similar situation had obtained in Assam last year when the alternative of elections was chosen, for which the nation had to pay a heavy price."

Therefore, as a measure of abundant caution and, in order to be able to take decisions at the proper time and also to see that a popular Government was reinstalled in a manner which did not create further complications, powers were being taken to extend
After the assassination of Indira Gandhi on October 31, 1984, Rajiv Gandhi, the then-General Secretary of the A.I.C.C(I) was appointed caretaker Prime Minister by the President, Giani Zail Singh. His appointment was confirmed on November 2, 1984 after having been elected leader by the C.P.P(I). The term of the 7th Lok Sabha was to expire in 1985, but advancing the elections to December, 1984, Election Commission helped Congress(I) to exploit the 'sympathy wave' generated by the assassination of Indira Gandhi. The Congress(I) under the leadership of Rajiv Gandhi got 3/4 majority in the Lok Sabha.

After assuming power, Rajiv Gandhi took steps to solve the long standing problems of Punjab. Thus Rajiv-Longowal accord on July 24, 1985 paved the way for Assembly elections during President's Rule. State of Punjab went to polls on September 25.

75. The Hindustan Times, October 4, 1984.

76. The Accord envisages:-
(i) the transfer of Chandigarh to Punjab by January 26, 1986; (ii) certain Hindi speaking areas to go to Haryana. A Commission will be constituted to determine the areas; (iii) The river waters dispute to be adjudicated by Tribunal headed by a Supreme Court judge; (iv) The Sutlej-Yamuna Link canal will be completed by August 15, 1986; (v) Formation of an All India Gurdwara Act to be considered; (vi) The Anandpur Sahib Resolution in so far as it deals with centre-State relations will be referred to Sarkaria Commission; (vii) The jurisdiction of the Commission of enquiry into November riots will be extended to incidents in Bokaro and Kanpur; (viii) The special courts will deal only with cases of waging of war and hijacking. All other cases will be transferred to ordinary courts.
1985. Surjit Singh Barnala having led the Akali Dal to a landslide victory\(^{77}\) formed the first exclusive Akali Ministry on September 29, and President's Rule came to an end. It is worth mentioning that an effort was made to persuade Parkash Singh Badal former Chief Minister to join the Cabinet but he did not accept the offer.

(ix) PRESIDENT'S RULE DURING 1987

The main object before the Barnala Government was to effectively deal with the menace of extremism which could not be checked before.

In April, 1986 the law and order situation further deteriorated with each passing day. In the meantime, the Governor, Shankar Dayal Sharma was transferred to Maharashtra and S.S. Ray former Chief Minister of West Bengal and Union Minister was appointed the Governor of the State.

The extremists also stepped up their activities and on April 29 the five member "Panthic Committee" formally declared the formation of "Khalistan" and sought recognition for it from all countries of the world including India. Undoubtedly this was a grave threat to the unity and integrity of the country. Looking at this situation, the Barnala Government on April 30 ordered the

\(^{77}\) The party position after the election was, Akali Dal(L)-73, Congress(I)-32, B.J.P.-4, C.P.I.-1, Janata Party-1, Independents-4. (The Tribune, Chandigarh, Sept. 20, 1985).
police, paramilitary forces and commandos to enter the Golden Temple complex to flush out the terrorists. Unfortunately there came a split in the ruling Akali Dal(L). On May 2, 1986 two Senior Ministers - Amrinder Singh and Sukhjinder Singh and the former S.G.P.C. Chief Gurcharan Singh Tohra submitted their resignations from the working Committee of the Akali Dal in protest against the police action. This was followed by 29 Akali M.L.As jointly signing the statement condemning the 'desecration' of the holy shrine by the Government. Ultimately 27 Akali dissidents formed a separate group in the Vidhan Sabha which reduced the Barnala Ministry to Minority. The then Speaker Ravi Inder Singh recognised this dissident group as a separate political party.\(^78\) The Speaker himself submitted his resignation on May 27, 1986. However, there was no immediate threat to the Ministry because of the offer of support by the Congress(I), B.J.P., the C.P.I. and the other groups in the House with a combined strength of 38.

On June 2, 1986 the session of the Assembly was convened and on the same day Surjit Singh Minhas was elected a new Speaker. On June 13, new Speaker issued notices to all the dissident legislators asking them to show cause why they should not be

\(^{78}\) 52nd Constitution Amendment Act (Anti-Defection Law) provides that if there is a split in any party and the break away group has one-third of the strength of the original party it shall not lead to the disqualification of the members.
disqualified from membership of the Assembly on the ground of violating the whip issued by the leader of the Akali Dal (L) legislative party for the elections of the Speaker and Deputy Speaker. Under the anti-defection Law the speaker disqualified 22 MLAs of the break-away group.

A writ petition was filed in the Punjab and Haryana High Court by Parkash Singh Badal and 22 other dissident legislators against the decision of the Speaker. On 1st May, 1987 following the High Court's majority judgement upholding the validity of the Anti-defection Law the Speaker unseated and disqualified the MLAs belonging to Badal faction from the membership of the Assembly. On 7th May, 1987, the Supreme Court while admitting Special Leave Petition filed by Badal and 22 other MLAs declined to stay the operation of both the order of the Speaker disqualifying 22 Legislators and the State High Court's order upholding the validity of the 52nd Constitution Amendment Act.

The situation in Punjab became very grave. Lawlessness, looting, bank robberies during day light, burning of shops and brutal killings of innocent persons had become the order of the day in the State. The crisis further deepened with the unnecessary interference by some of the Ministers with the functioning of Punjab police which lowered the morale of the police and undermined the Public confidence in the State administration. At the same time, the corruption in the Ministry
was at its peak. Seeing the fast deteriorating law and order situation, some Congress (I) MPs urged the Centre to dismiss Barnala Ministry. They said, "Today terrorists rule the roots and there are signs of a parallel Government being run by them. The Akali leaders have betrayed the confidence of the people reposed in them. A reign of terror runs throughout the length and breadth of Punjab and fear stalks the State, panic stricken people are fleeing while the State Government has not initiated any concrete action to build confidence in the minds of the people. What is distressing is that some of the senior most Ministers of the Barnala Government were openly mixing with the hardcore terrorists and protecting them."

**Governor's report**

"The Governor S.S. Ray sent a report to the President stating that the Barnala Ministry was incapable of running the administration according to the Constitution and the law and order situation was deteriorating. There was an increase in killings and growing insecurity among the people. On May 11, 1987 the President, R. Venkataraman acting on the report of the Governor of Punjab dismissed the 21 months old Ministry and placed the State under President's Rule. However, the Assembly was kept under suspended animation".

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Justification and controversies of Governor's Rule

L.K. Advani, B.J.P. the then member of Rajya Sabha welcomed the imposition of President's Rule but felt that the Centre's reported move smacked of political "dishonesty". 81

Harkishan Singh Surjit (C.P.I.) was opposed to President's rule and said, "if the Government was sincere, let the Prime Minister call an all party meeting to discuss right steps to deal with the situation. But imposition of President's Rule would neither be good for Punjab nor for the country. Rather it would encourage extremists". 82

Balwant Singh, the then, No.2 Cabinet Minister reacted sharply to the dismissal of Barnala Government and thus said, "it is unconstitutional act. It will lead to more anarchy. Extremism will grow. The Sikh masses will now lose all faith in the Centre and the democratic process". 83

Extension of President's Rule

The President's Rule approved by Parliament was extended for a further period of six months in November, 1987. In the prevailing situation, no party or an alliance of parties was in a

81. Ibid.
82. Ibid.

492
position to form the Government. Hence, on 6th March, 1988 the Assembly was dissolved to pave the way for elections before the expiry of the President's Rule on May 11, 1988.

During the President's Rule, there was no improvement in the situation. Law and order situation was going from bad to worse. Therefore, it was not feasible for the Government to hold elections in the State. It is interesting to note that at the same time Central Government could not extend the life of President's Rule beyond one year, i.e. after May 11, 1988, unless the Constitution of India was amended. Therefore, 59th Constitution Amendment Act was passed on March 30, 1988, which empowered the Centre not only to extend President's Rule in Punjab by another two years but also impose emergency in the State, if it deemed it necessary. Consequently President's Rule was extended for 6 months each time in May and November, 1988, in May 1989 and in October, 1989. In accordance with the provisions

86. In the Lok Sabha, Mr. Buta Singh, the then Home Minister gave the assurance that the power to impose an emergency on Punjab would be used only if absolutely necessary. Mr. Buta Singh, and earlier the Minister of State for Home, Mr. P. Chidambaram, declared that the powers being acquired through the Bill would be made applicable only to Punjab and to no other part of the country, and declaring an emergency would be the last resort of the Government. The Government would not shirk its duty, imposed on it by Article 355 of the Constitution to protect Punjab in every way regardless of the sacrifice involved (The Tribune, March 24, 1988).
of the 59th Constitution Amendment Act, life of President's Rule in the State of Punjab could not be extended beyond May, 1990. Hence 64th Constitution (Amendment) Act 1990 was passed which provided for the continuance of President's Rule in Punjab beyond three years. Thereafter 68th Constitution (Amendment) Act 1991, was passed, by which President's Rule could continue for five years.

It is worth mentioning here that five writ petitions were filed in the Punjab and Haryana High Court challenging inter-alia the imposition of President's Rule in Punjab, dissolution of the State Assembly and the 64th Amendment. Full Bench of the Court comprising the Chief Justice, Mr. J.V. Gupta, Mr. Justice M.S. Liberhan and Mr. Justice R.S. Mongia delivered the judgement on September 10, 1990. It rejected the plea for revival of the dissolved Legislative Assembly elected in September, 1985, upheld the imposition of President's Rule and declared the 64th Amendment of the Constitution valid. The Court held that the enlargement of the maximum period from three years to three years and six months of President's Rule, through the 64th Amendment also does not change the Basic Structure of the federal system or the Democratic process. The Bench found no force in the argument.

that the 64th Amendment required ratification by at least one half of the State Assemblies and held that the amendment was not ultra-vires the Constitution.

Justification and controversies regarding extension of President's Rule in Punjab

When the President's Rule was proclaimed in May 1987, after the dismissal of Barnala Government, it was further extended in November, 1987 for another six-months. When it was to expire on 10th May, 1988, the Governor of Punjab Mr. S.S. Ray sent a report to the President for extending the President's Rule for another six months.

Report of the Governor:

The then Governor of Punjab Mr. S.S. Ray stated in his report that "the attempts by Pakistan to destabilise the unity and integrity of India had failed to achieve the objective. The people of the State and security personnels were now more determined and devoted in their aim to contain terrorism. He further said that the increase in the number of killings was entirely due to a "new factor", namely the illegal intrusion from Pakistan of trained terrorists and smugglers with the objective of disturbing normal conditions in the State and distablizing the

88. Ibid page 68.
unity and integrity of India".  

The then Home Minister Buta Singh told the Lok Sabha that the Governor of Punjab was of the view that Pakistan was behind the recent encounters between security personnel and trained terrorists near the border. The fact of Pakistani involvement was reflected in the seizure of Chinese AK-47 assault rifles, rockets, rocket-launchers and surface-to-air missiles from concealed bunkers. The morale of the security forces was high, and the Centre and the State Government were working in total cooperation and cohesion.

Mr. Balwant Singh Romoowalia, an Akali Dal (L) member, argued in the Lok Sabha that the basis on which President's Rule had been imposed on Punjab no longer existed as the situation had deteriorated. The number of killings had increased after the dismissal of the Barnala Government. The Centre and the State governments had to accept responsibility for this and, could not plead that another extension of President's Rule would improve the situation.

Extension of Governor's Rule for third term

On 3rd November, 1988 Parliament gave its approval to the

90. Ibid.
91. Ibid.
extension of President's Rule in Punjab by another six months after the two Houses had been informed that the present law and order situation in the State was not conducive to the holding of elections to the State Assembly and the restoration of popular rule.  

According to Mr.P. Chidambaram, the then Union Minister of State for Home, while it was true that the number of killings was still "Intolerably high", the administration in the State was still intact and was capable of dealing with terrorism. The popular response to the Prime Minister's two visits to the State had amply demonstrated that the people of Punjab had great faith in the administration and in its capacity to tackle terrorism.  

Most of the speakers from the opposition benches took the position that repeated extensions of President's Rule sought out of political motives and the Government had no justification to prolong a situation in which the State Government was unable to tackle terrorism. Punjab problem, they said could be resolved only by the restoration of popular rule. 

Extension of Governor's Rule for the 4th term with effect from May 11, 1989  

On 9th May, 1989, the Lok Sabha, on the report of the

93. Ibid.  
94. Ibid.
Governor of Punjab, approved an official resolution to extend President's Rule in Punjab by another six months from May 11, 1989.

Justification and controversies regarding extension of President's Rule

Mr. Buta Singh, the then Home Minister, said there was no alternative but to extend President's Rule in the State and assured the House that it would not be extended a day more than it was necessary. He further said that it was not the Government's intention to continue President's Rule but the circumstances and the situation on ground due to the continued terrorist activities warranted it.

Justifying the extension of President's Rule in Punjab Mr. R.L. Bhatia (Congress-I) said the situation had improved a lot in Punjab and asked the opposition parties to cooperate with the ruling party in finding a solution to the Punjab problem.

95. Governor's report mentioned that Punjab was not yet ripe for the restoration of popular government. A lot remains to be done on the law and order and other fronts before the Assembly elections can be held in the State (The Tribune, April 21, 1989).

Mr. E. Ayyapu Reddy (Telugu Desam) moved on amendment seeking to restrict the extension to three months. But the House rejected the amendment moved by him.


98. Ibid.
Criticising the extension of President's Rule in Punjab, Mr. Ram Narain Singh (Janta Dal) accused the Government of lingering the Punjab Problem till the next general election and trying to take political benefit out of it.99

Mr. Indrajit Gupta regretted that the Government had no solution to offer to resolve the Punjab problem except prolonging President's Rule. He called for talks with all those parties, organisations and individuals who would publicly declare their opposition to terrorism, the idea of "Khalistan" and believed in the Constitution of India.100

Mr. Mewa Singh Gill (Unified Akali Dal) said the Government had no right to seek the extension of President's Rule on either grounds of improvement in the situation or deterioration of it. Governor's Rule was the most corrupt and inefficient. It was also the most repressive police raj, harassing and torturing innocent girls on the charge of having illicit relations with terrorists.101

Mr. Balwant Singh Ramoowalia (Akali Dal-Barnala) opposed the extension saying the Government could not bring about improvement in the situation.102

99. Ibid.
100. Ibid.
101. Ibid.
102. Ibid.
Extension of President's Rule during 1990 and 1991:

The National Front Government, headed by Mr. V.P. Singh got the President's Rule in Punjab extended through 64th Constitutional Amendment Act 1990. According to this Amendment, President's Rule in the Punjab could be extended up to 10th May, 1991. Hence another Constitutional Amendment Bill on Punjab to facilitate extension of Central Rule in Punjab beyond May 10, 1991 was passed by the Parliament.

This Constitutional Amendment Bill did cause fireworks in the House. Prof. Madhu Dandavate (J.D.) said that his party would not participate in the voting on the Constitutional Amendment Bill in view of its known stand that the elections should not be postponed in Punjab. This provoked Mr. Vasant Sathe to accuse the Janata Dal of hypocrisy. A few minutes later, Prof. Dandavate announced that the entire National Front was walking out of the House because it did not want to associate itself with the Bill.

Mr. Atinderpal Singh and Mr. Kirpal Singh (both independents) raised objections, but the Speaker did not give

103. It is worth mentioning here that originally this 64th Constitutional Amendment Bill was defeated in the Lok Sabha, because it lacked of quorum.


105. Ibid.
them time to speak on that. Both the M.Ps walked out of the House.106

As soon as the Speaker announced the passage of the Bill, Mr.A.K.Roy (Marxist-Coordination) rose to say that the House had committed a crime.107

In the mean time the country was plunged into a Constitutional and financial crisis. On March 6, 1991 the then Prime Minister Mr.Chandra Shekhar submitted his resignation to the President and handed over to him a unanimous resolution of the Council of Ministers to seek a fresh mandate from the people.108

Since no political party had staked a claim to form an alternative government, President R.Venkataraman on March 13, 1991, dissolved the Lok Sabha and ordered that the 10th Lok Sabha should be constituted before June 5, 1991. The Presidential Proclamation said that "Mr.Chandra Shekhar and his 29-member Council of Ministers would continue to hold the fort till a new government was formed after the elections likely to be held in the third week of May."109

After the mid-term poll, the Congress government, headed by Mr. P.V. Narsimha Rao was formed. This government decided to hold

106. Ibid.
107. Ibid.
109. Ibid.
elections in Punjab. Hence, after a span of 4 years 9 months and 14 days of President's Rule in Punjab, elections were held on February 19, 1992.

It is interesting to note that for the first time in the history of India, the Peoples Representative Act was amended in 1992 to lay down that the death of a candidate not belonging to a recognised party will not lead to the countermanding of poll in any constituency. It also reduced the period of electioneering from the normal three to two weeks.

The Major Akali and A.I.S.S.F. factions boycotted the elections. The Akali and AISSF factions which tried to launch a mass movement by holding rallies and demonstrations to back-up their call for boycott were promptly arrested under the N.S.A. The call for 48 hours bandh commencing from 18th February including the polling day was given. Inspite of all this the elections were held.

After the elections, Congress party got absolute majority in the 115 seat State Assembly. On 25th Feb., 1992, the Presidential Proclamation revoking President's Rule in the State of Punjab was issued and 26-member Council of Minister headed by Mr. Beant Singh was sworn in. Hence 57-months-long President's Rule came to an end.

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110. Those booked included Mr. Parkash Singh Badal, Mr. Simranjit Singh Mann, Mr. Kartar Singh Narang, Baba Joginder Singh, Mr. Gurcharan Singh Tohra, Mr. Jagdev Singh Talwandi, Bhai Manjit Singh and leaders of Mehta-Chawla and Presidium factions of the A.I.S.S.F. (The Tribune, February 18, 1992).

end on 25th February, 1992.

It is worth-mentioning here that Punjab is the only State in the country to have remained under President's Rule for more than eight years since independence. The present State Assembly is known as 10th State-Assembly. However, the present State-Assembly is the 7th State-Assembly of Punjab after its reorganisation on November 1, 1966. After the Assembly elections of September, 1985, the Assembly elections were held on 19th February, 1992 i.e. after the spell of 6 years 4 months and 26 days. After dismissal of Mr. Surjit Singh Barnala Ministry on May 11, 1987, the State was brought under the longest spell of President's Rule. The Akalis, who tasted power for the first time in 1967 when they had the entire opposition united against the Congress to form the United Front Ministry, got absolute power in the 1985 elections by winning 73 of 115 Assembly seats. It is interesting to note that no non-Congress government in Punjab completed full term in office.

(B) PRESIDENT'S RULE IN HARYANA

Haryana became 17th State of Indian Union on 2nd November, 1966 as a result of the reorganisation of the former State of Punjab on linguistic basis. The Congress party got an absolute majority in the Assembly elections held in 1967. Eleven member Congress secured 48 out of 81 seats.
Congress Ministry headed by its leader Bhagwat Dyal Sharma, was sworn in on 10th March, 1967.

(a) APPOINTMENT OF VARIOUS GOVERNORS

Following is the chart of appointment of Governors in the State of Haryana:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name</th>
<th>Time From</th>
<th>Time To</th>
<th>Total Tenure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Sh.Dharam Vira</td>
<td>01-11-66</td>
<td>14-09-67</td>
<td>1 1 14</td>
</tr>
<tr>
<td>2.</td>
<td>Sh.B.N.Chakravarty</td>
<td>15-09-67</td>
<td>26-03-76</td>
<td>8 6 11</td>
</tr>
<tr>
<td>3.</td>
<td>Sh.R.S.Narula</td>
<td>27-03-76</td>
<td>13-08-76</td>
<td>- 5 14</td>
</tr>
<tr>
<td></td>
<td>(Acting Governor)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Sh.Jai Sukh Lal Hathi</td>
<td>14-08-76</td>
<td>23-09-77</td>
<td>1 1 9</td>
</tr>
<tr>
<td>5.</td>
<td>Sh.H.S.,Brar</td>
<td>24-09-77</td>
<td>09-12-79</td>
<td>2 2 15</td>
</tr>
<tr>
<td>6.</td>
<td>Sh.S.S.,Sandhawalla</td>
<td>10-12-79</td>
<td>27-02-80</td>
<td>- 2 17</td>
</tr>
<tr>
<td></td>
<td>(Acting Governor)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Sh.G.D.Tapase</td>
<td>28-02-80</td>
<td>13-06-84</td>
<td>4 3 13</td>
</tr>
<tr>
<td>8.</td>
<td>Sh.S.M.H.Burney</td>
<td>14-07-84</td>
<td>06-02-90</td>
<td>5 6 21</td>
</tr>
<tr>
<td>9.</td>
<td>Sh.Dhanik Lal Mandal</td>
<td>07-02-90</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Looking at the chart it becomes clear that among 9 Governors of Haryana only two Governors i.e. Sh.B.N.Chakravarty and Sh. S.M.H. Burney have completed the full term of five years.

113. Source is Haryana Secretariat.
(b) PRESIDENT'S RULE DURING 1967

On March 21, 1967, the Congress Ministry fell a victim to internal strife and 13 Congress members defected from the party and formed the Haryana Congress. By the election of Rao Birender Singh, a dissident Congress legislator, as Speaker of the Legislature, it was proved that the Congress was reduced to minority. On 22nd March, 1967, the 12 days old Congress Ministry resigned. The Governor, however, asked the Chief Minister to continue in office till alternative arrangements were made. Later, two more members from the Congress defected and joined Rao Birender Singh. On 24th March, 1967, Rao Birendra Singh was sworn in as the Chief Minister heading first non-Congress government in the State.

From the day Rao formed his Ministry, the see-saw battle of defections and counter defection continued in its most ugly form. Despite the fact that Rao continued to expand the Cabinet from time to time, he could not provide political stability to the State. In no State did floor-crossing assume such a virulent form as it did in Haryana. Seeing the game of frequent defections in the State Chander Bhan Gupta, leader of the opposition in the U.P. Assembly said, "Haryana was making democracy a farce and

114. The strength of various constituents of the Samyukta Dal was: 13 Congress dissidents, 14 Jan Sangh, 2 Swantantra, 1 Republican and 14 Independents.
laughing stock of people."\textsuperscript{115}

In view of political uncertainty in the State, the Governor in a sudden move on November 17, 1967 sent a report to the President\textsuperscript{116} indicting the Rao Birender Singh Ministry, highlighting the need for a clean and efficient administration and a fresh election after the administration had been toned up by a brief dip into President's Rule.

The Governor observed in his report that "political defections became the Chief feature of Haryana politics. If the Assembly is convened and either the ruling party or the opposition can establish its majority, even then there will be no peace or stability in the present circumstances. Defections would continue and the majority on one day might be reduced to minority on the next day. What would be more unfortunate is that as soon as one party establishes its majority in a trial of strength in the Assembly, it would like to get the Assembly prorogued. Even during the inter-session period, attempts would be made, as are now being made, to win over members from rival group. Administration will continue to be paralysed, since the Ministry will be kept busy only in maintaining itself in power.\textsuperscript{117}

\textsuperscript{115} National Herald (Lucknow) Nov. 20, 1967.

\textsuperscript{116} The Tribune, Ambala, November 22, 1967.

\textsuperscript{117} Ibid. See also the Patriot, 22 November, 1967.
The Ministry sought to maintain itself precariously in power by creating too many Ministers which is an abuse of Constitutional powers. Such large numbers of Ministers and Parliamentary Secretaries, numbering at one stage twenty-three out of ruling party's strength of forty one and twenty two now out of a total strength of forty, can not be justified on any grounds of administrative requirement. The position is even worse if it is remembered that the ten Jan Sangh members in the Samyukta Dal, have not accepted any office as Ministers, so that in reality twenty-two out of the thirty remaining MLAs are holding office. The Government, being preoccupied with the problem of its own survival, was not able to do much for the people. With such a thin majority the individual MLAs were making demands which, even if they were unreasonable, could hardly be resisted by the Chief Minister on account of the constant threat of defections. Administration was thus paralysed. Every legislator wanted to be a Minister or a Parliamentary Secretary, and political support was sought by offering Ministerial offices at the cost of the tax-payers. Since the loyalty of its followers is so flexible, the exact majority of the ruling party is not of any consequence. Allegations have been made by the opposition that the Ministry is continuing in power through corruption, bribery, political victimisation and distribution of offices but then the opposition is also apparently securing defections.
through no better means or through no cleaner methods. Allegations are being made openly by both sides that money is being paid to defectors. While it is difficult to say how far these are true, there are good reasons to believe that the defections are being secured by none too honourable means. Opportunist legislators, whose number is fairly large, can wield tremendous power by threats of transferring their loyalties. They can do, and are doing, incalculable damage by interfering in administration. Too frequent transfers at their instance is demoralising the (civil) services. Since premature transfers cause a lot of inconvenience, junior officials often tend to succumb to such threats.\(^{118}\)

The Governor, therefore said; I, therefore, recommend that "you will be pleased to take action immediately and assume to yourself all the functions of the Government of the State. I must emphasise that an immediate dissolution of the State Assembly is essential. I do not recommend a mere suspension of the Legislative, because in that case, the see-saw game of defections and counter-defections will be resumed and one party or the other would insist on being allowed to form a Ministry on the basis of a tenuous majority, a majority which will not last since the next government can as surely be made ineffective if not toppled over, by malcontents crossing and recrossing the floor".\(^{119}\)

\(^{118}\) The Patriot, 22 November, 1967.
\(^{119}\) Ibid.
On 21st November, 1967 the President issued the Proclamation dismissing the Samyukta Dal Ministry, dissolving the State Assembly and imposing President's Rule in Haryana.

Justification and controversies about Governor's action

Justifying the Governor's action P.Venkatasubbaiah 'Congress said that "it was the duty of the Governor and President to save democracy, which had been butchered and murdered and raped in Haryana." Y.B.Chavan, the then Union Home Minister, blamed all the political parties including the Congress in Haryana for making a "mockery of democracy" and assured the House that the Proclamation of Presidential Rule was "not meant to seize power for the Congress but to give it back to the people". Y.B.Chavan, contended that organised defections had become a new phenomenon in Indian politics with legislators crossing and re-crossing the floor as many as four or five times. In this process, the people who had elected them had been cheated. democracy had been made a farce and the administration was at a standstill".

The national press also welcomed Presidential Rule. The Statesman, rarely soft on the Central Government, also expressed

122. Ibid.
approval of the Presidential Rule. "No tears are likely to be shed except perhaps by Rao Birendra Singh over the imposition of the President's Rule in Haryana, for the decision has not come a day too soon: it said." 123

N.G. Ranga, leader of the Swatantra group in the Lok Sabha, observed: "Defection was a disease that had overtaken the Congress. But the disease was so infectious that it had caught the opposition parties too. If this infection was allowed to persist, Indian democracy would be destroyed." 124

It is submitted that undoubtedly the action of the Governor was justified. However, the fault did not arise in the Haryana legislators only, rather whole National Congress party was required to be clean. As past record of the National Congress Party in this respect showed that there was nothing unusual about defections.

Rao Birendra Singh, filed a writ petition in the Punjab & Haryana High Court challenging his dismissal followed by the President's Rule in the State. The petition was dismissed. 125

125. Rao Birendra Singh Vs. Union of India, A.I.R., 1968, Punjab & Haryana 44. The claim of Rao Birendra Singh, the High Court observed:

1. The court is not competent to go into the validity of the President's proclamation as the President had issued it under his Constitutional powers under Article 356;
Hence it is submitted that President's Rule under Article 356, in Haryana gave a new and novel dimension to the theory and practice of President's Rule.

After about six months, the President's Rule was lifted. During mid-term elections held in May, 1968, the Congress secured 48 seats in the House of 81 and its absolute majority gave the United Front a severe jolt. Thus, on 21st May, 1968, the Congress Ministry, under the Chief Ministrieship of Bansi Lal, was formed. Though the politics of defection and counter defection continued to intrigue the Bansi Lal Ministry, the Congress Ministry survived in office by the saving grace of the Governor. 126

(2) The President himself is not answerable to any Court for the exercise and performance of the powers and duties of his office in accordance with Article 361.

(3) Since the act of approval or disapproval has been vested in the Parliament it automatically excludes the jurisdiction of the courts in this matters.

(4) The court also cannot enquire into the advice given by any minister to the President in view of Article 74(2).

(5) The Governor's report can not be questioned in any court of law, as these are matters of consideration for the President and Parliament.

126. The Governor Prorogued the Assembly many a time to save Bansi Lal Ministry from being divested of office. Arrest of opposition members of the Assembly was also reported several times. The Governor paid no heed to the request of the opposition to convene special sessions of the Assembly in order to test the strength of the Government on Sept. 20, Oct. 27 and Dec. 9, 1968.
For the first time in the political history of India, a non-Congress Ministry was formed at the National level. Immediately after Lok Sabha results, the Janata Government started thinking for the dissolution of the Legislative Assemblies of the nine northern States including the State of Haryana, from where the non-Congress candidates were returned to the Lok Sabha with a thumping majority. The Janata Government therefore, maintained that the Congress had lost its legitimacy to rule these States as the people have given their mandate against them. As the Presidential elections was near, the Janata Government wanted to capture this office which was very essential for them in doing away the aberration of the Congress regime. To ensure the victory of its own candidate, the Janata Government wanted to install their own Ministries in these States.

The Union Minister of Home Affairs asked the Chief Ministers of nine States including the State of Haryana, where the Congress was defeated in Parliamentary elections to advise their Governors to dissolve the Legislative Assemblies and seek fresh mandate from the people. However, all the nine Chief Ministers of these States turned down the request of the Union Home Minister and

127 Other eight State were - Punjab, Himachal Pradesh, Uttar Pradesh, Bihar, Madhya Pradesh, Rajasthan, Orissa and West Bengal.
asserted that it will not be wrong on the part of any body if he was to suggest that the motive of the Central Government in dissolving the nine State Assemblies simultaneously at this juncture is:

(a) to affect vitally the coming Presidential election, and
(b) to bypass the Constitutional Amendment which has already been introduced in Parliament". 128

Feeling that the Central Government was determined to bring about a dissolution of the Assemblies, the States of Punjab, Himachal Pradesh, Rajasthan, Madhya Pradesh, Bihar and Orissa filed suits to seek injunctions against the proposed move of the Central Government in the Supreme Court of India under Article 131 129 of the Indian Constitution. It is interesting to note that State of Haryana did not file suit to seek injunction.

A seven-member Constitution bench headed by Chief Justice M.H. Beg, on April 29, 1977, unanimously dismissed the suits.

On April 30, Acting President, B.D. Jatti issued nine separate Proclamations dissolving the nine Assemblies, including the State of Haryana, and thus, paved the way for early elections in these States.


129. Article 131 provides the original jurisdiction of the Supreme Court in matters involving disputes between the Government of India and one or more States.
It is interesting to note that there was no Governor's report. The Proclamation also made no reference to reports from any Governor. However, Proclamations were issued as the Acting President was satisfied that the administration of these States could not be carried on in accordance with the provisions of the Constitution. 130

Haryana Chief Minister, B.D. Gupta said that the Janata Party had taken the shelter under the 42nd Constitution Amendment Act which it intended to scrap. 131

130. It is worth mentioning here that the Acting President B.D. Jatti wanted to delay the signing of documents because of two reasons: Firstly, it was an unprecedented move to dissolve as many as nine State Assemblies and not one. Secondly, since the satisfaction was that of the President, he did not wish to appear as a mere rubber stamp, notwithstanding the 42nd Constitutional Amendment Act. Acting President also persisted on his personal satisfaction about the breakdown of the Constitution on the strength of the 'reserve powers' flowing from the oath which the President takes to "preserve, protect and defend the Constitution". The President, it was alleged was trying to play a political role to appease the Congress Party to whom he owed the Presidential office. It was for these considerations that he was delaying the signing of the proclamations. Owing to the delaying tactics of the Acting President, the matter was discussed by the full cabinet. The Prime Minister, Mararji Desai sent a letter to Jatti making a few points. Firstly, it reaffirmed the Government's view point that the President was bound by the advice of his council of ministers. In case he was unable to act accordingly, he should honourably resign. Secondly, he impliedly referred to Jatti's inability to sign on the ground of sentiments in regard to the Congress Party and reminded him that in regard to the Congress Party, the President was expected to be above party and to always but the nation before any party consideration" (Hindustan Times, May 7, 1977).

131. Indian Express, May 1, 1977.
Election to the Haryana Assembly was held in the month of June, 1977. Janata Party secured an absolute majority and thus formed its Government on June 21, 1977. The President's Rule in the State of Haryana came to an end with the installation of popularly elected Governments.

It is submitted that the dissolution of nine State Assemblies by the Janata Government on the plea of loss of credibility in the wake of Lok Sabha elections was a great blunder and added a new dimension to the use of Article 356. Indian Constitution nowhere gives the winners of the Parliamentary elections the right to interpret their victory as a measure of the people's confidence in the State Legislative Assemblies. Hence the Janata Party Government at the Centre violated the spirit of the Constitution by dissolving the Legislative Assemblies in the Congress Ruled States in 1977.

(4) PRESIDENT'S RULE DURING 1991

The Governor of Haryana Mr. Dhanik Lal Mandal administered the oath of office and secrecy to Mr. Chautala as the Chief Minister on 22nd March, 1991. Om Parkash Chautala had taken over as the State Chief Minister on March 22 in a sudden development after Mr. Hukan Singh had tendered his resignation to pave the way for his successor. Chautala submitted a list of 42 MLAs, including the independents, who had unanimously elected
Mr. Chautala as the leader in place of Mr. Hukam Singh. However, the position changed after the disqualification of three MLAs who figured in the list of 42 MLAs which was submitted to the Governor.  

It is submitted here that it was the disqualification of the three Janata Dal (S) legislators, namely, Mr. Vasdev Sharma, Minister of State for sports, Rao Ram Narain and Mr. Azhmat Khan, that virtually spelt doom for the ruling party and its leadership. Immediately after the disqualification of three ruling party members by the speaker, Mr. H.S. Chatha, from the Assembly, Mr. Chautala recommended the dissolution of the Assembly. Mr. Chautala had, however, expressed the desire to continue as a caretaker Chief Minister till fresh elections were held to the State Assembly.

The Governor, in turn, asked Mr. Chautala to prove his majority on the floor of the House by 4th April, 1991. However, Mr. Chautala declined to do so and asserted that there was 'no need' to prove his strength in the House after he had recommended the dissolution of the State Assembly. Hence the Haryana Governor, Mr. Dhanik Lal Mandal recommended the imposition of President's Rule in the State under Article 356 of the Constitution on 6th April, 1991.

Report of the Governor

On the night of April 2, the Haryana Governor, Mr. Dhanik Lal Mandal, sent his report about the Constitutional crisis in the State to the Union Home Ministry. The Governor recommended dissolution of the Assembly and imposition of President's Rule. While recommending President's Rule the Governor mentioned the contents of Articles 174 and 356 of the Constitution. The Governor said that the circumstances had proved that the Chautala Government had been reduced to a minority after the disqualification of three legislators by the Speaker of the Vidhan Sabha under the anti-defection law. He pointed out in his report that there was a clear break-down of the Constitutional machinery in the State because of defiance of his directive to the Chief Minister, Mr. Om Parkash Chautala, to prove his majority on the floor of the Vidhan Sabha. The Chief Minister has failed to demonstrate even once his majority support in the 90-member Vidhan Sabha which at present has an effective strength of 82. He reported in the report that Mr. Chautala was provided with an opportunity to prove his majority. Since there were doubts about his majority, it is not appropriate to allow Mr. Chautala to continue as caretaker Chief Minister.

"In the face of the existing situation, there is no ground left to retain the present set up. As such, I, recommend the
dissolution of the Haryana Vidhan Sabha and dismissal of the Chautala Ministry".  

Hence Haryana was placed under President's Rule and the State Assembly dissolved on 6th April, 1991, paving way for fresh elections to the State Assembly.

It is submitted that this was the third time, since the inception of Haryana, that Haryana was placed under President's Rule. However, the Proclamation revoking the Presidential Rule was made on June, 22, 19991 and President's Rule in the State came to an end.

Justification and controversy of Governor's action

It was alleged that the Governor had consulted retired judges of the High Court and other legal and Constitutional experts before deciding to recommend President's Rule.  

The then Prime Minister of India, Mr. Chandra Shekhar, said in Chandigarh, that "it would not be appropriate to discuss the role of the Governor in Public. However, his report would be given due respect by the Centre".  

The action of the Governor had been welcomed by most political leaders in the State. Mr. Bansi Lal President of Haryana

134. Ibid. See also 'The Tribune, Chandigarh, April 3 & 6, 1991.
136. Ibid.
Vikas Party, and Mr. Bhajan Lal (Congress-I) said President's Rule would pave the way for free and fair poll.137

A leading Daily138 also justified the decision of the Governor. It reported in its editorial139 that "President's Rule is a much abused device in the Indian Constitution, but there are times when it is the least unwelcome option. At least in the case of Haryana, it is not the lesser evil but a positive development..... It is no longer a question of whether the government should act this way or that according to the provisions of the Constitution. President's Rule is a necessity if only to maintain some semblance of law and order in the face of imminent pre-poll violence. It is possible that even under President's Rule violence may be widespread but even a hazy assurance that the police force will be on the side of the people in ensuring a fair and free election is absolutely vital... At any rate, President's Rule will give a semblance of fairness to the pre-poll atmosphere in the State".

The then Deputy Prime Minister Mr. Devi Lai, who was also the Janata Dal (S) President, said140 soon after the crucial Cabinet meeting that the decision to accept the Governor's recommendation

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139. Ibid.
was taken to "maintain healthy democratic traditions".

The Congress(I) spokesman, Mr. M.J. Akbar, said\textsuperscript{141} that his party was "relieved" at the developments and added that the imposition of President's Rule in Haryana was a long over-due step. He said that "it is quite obvious that the Central Government has been forced by pressures from people and political parties to take the step".

Moreover, the news of endorsement by the Union Cabinet of President's Rule in Haryana was greeted with unconcealed joy by all sections of employees in the State Civil Secretariate.\textsuperscript{142}

Thus in Haryana since its formation on 01.11.1966, the President's Rule was imposed three times and total period when it remained under President's Rule was 9 months and 11 days.

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141. Ibid, April 6, 1991. \\
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