

Victim Of Political Opportunism

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The dismissal of the BJP Governments and declaration of the President's Rule in Madhya Pradesh, Rajasthan and Himachal Pradesh has once again brought into sharp focus the manner in which the Central Government has, in the last four decades, (mis) used the constitutional authority accorded to it under the provisions of Article 356. The decision to dismiss the three State Governments and declare President's Rule was taken by the Central Cabinet on the basis of the reports submitted by the Governors of these States which are believed to have stated that "they (the State Governments) were unable to handle the law and order situation in the States and that the large-scale violence was a result of a well-planned strategy".

The nation during the past two weeks has passed through one of the most trying and traumatic phases in post-independence history. Largely triggered off by the developments in Ayodhya, this period saw the declaration of the President's Rule in Uttar Pradesh and the dismissal of the Kalyan Singh Government for the manner in which it wantonly abdicated its constitutional responsibilities and was a silent witness to the anarchy and disorder unleashed in Ayodhya on December 6. However, the four recent instances of declaration of the President's Rule—in Uttar Pradesh, Madhya Pradesh, Rajasthan and Himachal Pradesh—cannot, and should not, be judged by the same yardstick as the circumstances that caused the dismissal of the Uttar Pradesh Government were vastly different from those in the other three cases.

When the Centre finally decided to intervene—on December 6—and declare President's Rule in Uttar Pradesh, it was a decision long overdue and had been delayed essentially due to the pussy-footed attitude of the Centre. Largely dictated by political compulsions, the Centre refused to take cognisance of the tension building up in Ayodhya and preferred to shift the onus of responsibility onto the State Government.



IT would have been obvious to any discerning observer from the statements that were being made by the BJP/VHP/RSS leaders in the weeks

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preceding December 6, that what would be seen in Ayodhya on that fateful day would not be the mere *kar seva* as promised to the Supreme Court by the Uttar Pradesh Government. The statements made by the leaders of the BJP and VHP bear ample testimony to this fact. On November 23, 1992 the BJP Vice-President, Vijayaraje Scindia, is reported to have stated that the Uttar Pradesh Chief Minister would not stall the *kar seva* as he (the Chief Minister) was "ready for the dismissal of his government if that is the price to be paid for the construction of the Mandir".

On November 23, in the Lok Sabha, the Leader of the Opposition, L.K. Advani, refused to respond when the former Prime Minister, Chandra Shekhar, sought an assurance that the BJP would abide by the Court verdict and not precipitate matters. More disconcerting was the statement of the BJP President, Murali Manohar Joshi, on December 1, that his party would go by what the Vishwa Hindu Parishad decided on the nature of the *kar seva* to be performed—a clear case of the BJP and the then Uttar Pradesh Government willingly subjecting themselves to remote control.

The statements of the religious leaders who were coordinating the *kar seva* was more revealing. Mahant Avaidyanath stressed, as late as on December 2, that the *kar seva* would not be symbolic and that the "violation of law is an integral part of the movement without which no agitation succeeds" and "law abiding revolutions are a contradiction in terms". Such statements gave a clear indication of the events that would unfold on December 6. The Intelligence reports too would have given sufficient indicators of the explosive nature of the situation in and around Ayodhya, as a result of the influx of nearly two lakh *kar sevaks*.

It was to meet such eventualities that the Constitution-makers made a provision for the declaration of the President's Rule and dismissal of a State Government. When it was apparent, as Ambedkar stressed in the Constituent Assembly, that the Constitution was likely to be violated or as Hridaya Nath Kunzru emphasised that it would not be possible to ensure a good government within limits, the Centre had a bounden duty to invoke Article 356. It was hoped by the framers of the Constitution that the Centre would apply Article 356 as a last resort, when no other measure was possible. Such a situation had clearly emerged in Uttar Pradesh on the eve of the *kar seva*. However,

the Union Government, fearing the political fall-out of such an action, clearly demonstrated its hesitation in this regard.

In a much less serious situation, which did not in fact warrant the use of Article 356—in the case of Nagaland (April 1992)—the same government acted swiftly to dismiss the State Government and declare the President's Rule. The Centre's inaction in the case of UP (prior to December 6) precipitated a crisis dimensions of which were devastating and are likely to have a long-term adverse impact on the political system. Thus, when the situation demanded immediate action, the Centre adopted the suicidal policy of wait and see. The President's Rule did come, but as the President, Dr. Shankar Dayal Sharma, is believed to have commented, when the file pertaining to the dismissal of the UP Government was taken to him the horse had already bolted from the stable. The Central action came as a belated afterthought, long after irreparable damage had been inflicted upon the system.

IF the Centre's decision to declare the President's Rule had been unduly delayed in Uttar Pradesh, it was totally unwarranted in Madhya Pradesh, Rajasthan and Himachal Pradesh. If the justification to dismiss these governments was the deteriorating law and order situation in these States, then Maharashtra and Gujarat should have first come under President's Rule as the violence unleashed in the aftermath of the Ayodhya developments was much more severe in these States. In fact, Himachal Pradesh remained relatively peaceful after the Ayodhya events. If the justification for dismissing the three governments was that the Ministers in these governments had links with the organisations which have now been banned, it would be necessary to take action against several other political leaders who continue to occupy positions of power and belong to different political parties, and who have, in the past openly sided and used communal forces to either brighten their electoral prospects or strengthen their position in the government.

The Centre appears to have taken action against the three BJP Governments for three fundamental reasons. First, the Centre was desperate to secure the support of the non-BJP Opposition parties who have been demanding the dismissal of these governments. Secondly, the dismissal of the three BJP Governments was also the result of the pressure exerted from within the Congress party which is today plagued by internal differences—even within the Union Cabinet—on how the present situation needs to be handled. Thirdly, the step appears to have been taken to derive political

mileage out of the situation, by launching a political offensive against the BJP and categorically projecting a secular image.

Thus Article 356 has once again become a victim of political opportunism. When the situation warranted its immediate use—as in the case of Uttar Pradesh—the Centre dragged its feet and when the situation did not warrant its being invoked—as in the case of Madhya Pradesh, Rajasthan and Himachal Pradesh—it was used for reaping political gains.

The major non-BJP Opposition parties too (with the sole exception of the DMK which has opposed the declaration of the President's Rule in Madhya Pradesh, Rajasthan and Himachal Pradesh), have been inconsistent in their stand on Article 356. The Janata Dal and the Leftist parties who have frequently demanded the abolition of this Article were amongst the most vocal, demanding the use of the same Article against the BJP Governments.

THE manner in which Article 356 has been used in the last two weeks has once again drawn attention to the need to provide safeguards to prevent the misuse of this Article. In the Constituent Assembly when this specific Article was being debated, H.V. Kamath and Shibban Lal Saxena had forewarned that this Article could be abused by the Centre "on the slightest pretext" and could result in the "destruction of provincial autonomy". Over the last four decades the Centre has already scored a century with regard to the number of times this Article has been invoked. In most cases, the recourse to this Article was unwarranted. The mass dismissal of State Governments in 1977 (by the Janata Government) and 1980 (by the Congress Government) bear ample testimony to this fact. Even when the Article's use was justified—as in Uttar Pradesh on December 6—the action was unnecessarily delayed. In fact, when Article 356 was invoked for the first time, in the case of Punjab in June 1951, after the Congress Chief Minister, Gopichand Bhargava, was forced to resign by the Congress High Command, Bhargava bitterly commented that the High Command "had denied the majority group the right to rule". N.G. Ranga had on that occasion commented in the Lok Sabha that the imposition of the President's Rule in Punjab was a "bad constitutional precedent". What began as an abuse has continued in the last four decades.

The initiative to advise the President to declare President's Rule in a State should not be left solely to the Central cabinet. A more appropriate body to recommend the imposition of the President's Rule

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