

POLITICS OF PRESIDENT'S RULE IN INDIA. By J.R. Siwach
1979. Indian Institute of Advanced Study, Simla. Pp xvi+ 533. Rs. 80.

J.R. SIWACH'S the *Politics of President's Rule in India* is a very comprehensive study of applied politics relating to article 356. This article empowers the union government to take over the administration of a state on the failure of the constitutional machinery there. The terms on which this could not be done have not been precisely defined in the Constitution and can be misconstrued in any manner on the whims and fancies of the central leadership. The author has ably shown how the ruling party at the centre has furthered its partisan interests and throttled the state autonomy under the garb of the President's rule. In concluding the first chapter, Failure of the Constitutional Machinery—Meanings and Implications, the author has pointed out how the President's rule has been unnecessarily imposed to keep the interests of the party in power at the centre by (a) dismissing the ministry despite a majority in the assembly; (b) dissolving the assembly immediately after the election without giving the largest party a chance to explore the possibility of forming the government; (c) denying the opposition a chance to form the government after the vote of no confidence had been passed against the ministry, etc. The only safeguard against abuse of article 356 in the absence of any judicial remedy is the constitutional requirement to obtain the approval of Parliament within two months of the issue of the presidential proclamation. But as the author has brought out, the union government has issued proclamations imposing the President's rule even without the prior approval of Parliament when the latter was very much in session unlike the ordinance which cannot be issued by the President if Parliament is in session. It has also re-issued these proclamations after revoking them temporarily for few days wantonly flouting the Constitution.

The first victim of the President's rule was the State of Punjab where the Chief Minister, Gopi Chand Bhargava, commanding an absolute majority in the assembly, was compelled to resign on 16 June 1951, on the directive of the Congress Parliamentary Board and the President's rule was clamped in the state on 20 June 1951. When this proclamation was brought before Parliament for approval in August, 1951, Shyama Prasad Mukherjee castigated it as a "bad constitutional precedent" and Pandit Thakur Dass Bhargava lamented: "We did not fight the great fight for freedom for a Government by autocracy and ordinance". The second instance of the President's rule was *Pepsu* where a non-Congress ministry formed by the United Front with the Akali Party as the leading partner was pushed out of office in March, 1953. B.R. Ambedkar, the architect of the Constitution described the imposition of President's rule in *Pepsu* as "the most violent kind of rape on the Constitution".

Unfortunately this rape has continued and been strengthened with various unjustified instances of the imposition of the President's rule in the states. The climax reached its pitch when nine state assemblies were dissolved by the President in April, 1977 and February, 1980 by one stroke of pen to help the ruling party at the centre.

Another device of the dubious constitutional propriety is that of 'suspended animation', keeping the state assembly in temporary suspension to help a particular party to consolidate and improve its strength in the assembly to stake its claim to form the government. As P.G. Mavalankar, an independent member stated in the *Lok Sabha*: "I want this to be understood that the whole issue of keeping the Assembly of the State in 'suspended animation' is an innovation of the Congress Government. The matter is not provided in the Constitution". By placing a full chapter "Politics of Suspended Animation" in his book, the like of which is not found in other books published simultaneously on the President's rule in the states, J.R. Siwach has focussed our attention on the new dimensions of the misuse of the President's rule. The author assails the concept of the stable government through article 356 in the next chapter captioned "Concept of Stable Government and President's Rule" whereby the Governors have misused their powers ridiculously by dismissing non-Congress ministries from office when they had a majority in the assembly or preventing a non-Congress party or a combination of parties from forming the government even when they happen to be the largest in the assembly after the election, etc. Siwach is also to be congratulated on his bold assertion in the chapter on "Nature of the Presidential Administration", that the President's rule is essentially a bureaucratic rule, an anti-thesis of the democratic rule. He makes the important finding that the presidential rule had been used to secure the interests of the ruling party at the centre. Even the actual position of the Governor in the administration of the state during the presidential rule has depended upon his standing with the centre.

In the last chapter of the book captioned "Conclusion", Siwach states that the provision (*i.e.*, article 356) which was included as a life-saving device by the framers of the Constitution has become too poisonous for our political system and he echoes the recommendations made by Rajmanner Committee for deletion of article 356 from the Constitution. We wish the human problems would be so simple and solutions so easy. But as the author himself states¹, our politicians are power-hungry and political parties are after office and so long as they are such there would continue to be defections and floor-crossings among legislators leading to break down of the constitutional machinery in the states. Thus, though Siwach provokes thought on one of the most important constitutional issues, yet he has not attempted to find an alternative effective medicine

1. J.R. Siwach, *Politics of President's Rule in India 2* (1979).

for the malady, except reminding the people that President's rule in the states is a poisonous drug and should not be administered so frequently for the failures and shortcomings of the state governments. In this context it may be valuable to remember the injunction from the Bible that "Wives, submit yourselves unto your husbands as it is fit in the Lord—Husbands, love your wives and be not bitter against them."

The great merit of the work is that it contains case studies of all the presidential proclamations issued under article 356 up to the date of its publication. It has twenty-five appendices with the texts of the Governors' letters to the President recommending centre's rule in the states. The book is a store-house of knowledge and factual data on the subject it deals with. The book, however, suffers from repetitions as well as printing errors. It also does not attempt to study the experiences of other federal systems. On the whole Siwach's work is informative, descriptive, fact-finding, and praiseworthy.

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