



## A BRIEF STUDY ON THE IMPOSITION OF MIZORAM UNDER PRESIDENT'S RULE

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### ABSTRACT

*Under Article 356 of the constitution of India, Union Government has the right to cease the executive authority of a state and impose it under President's Rule. However, the President's Rule is usually exercised only when the administration of the state cannot function properly according to the provision given in the Constitution of India. When a state is imposed under President's Rule, the Governor will have authority over the state administration and he will do so under the provision of the central government. Mizoram has also been imposed under President's Rule thrice. The first two times was during the period in which Mizoram was a Union Territory and the third time was after it attains statehood.*

**Keywords:** *President's Rule, Governor, Mizoram, State, Constitution.*

### Introduction

According to Article 356 of the Constitution of India, if any state government is not able to function properly as per the constitutional provisions, the state will be imposed under the Union Government who will take direct control of the said state machinery. Subsequently, the Governor who is appointed centrally will exercise executive authority and will also have the authority to appoint other administrators who will assist the executive authority. However, the appointed

administrators are usually unbiased and retired civil servants.

Practically, President's Rule can be exercised in a state if the state legislature is not able to elect a Chief Minister during the time given by the Governor of that state; if conflict within the ministry of Chief Minister resulted in him receiving minority support and the Chief Minister fail to prove otherwise within the time given by the Governor of the state; if there is loss of majority within the assembly as a result of vote of no confidence in the house; if election are postponed due to inevitable

reasons such as epidemic, pandemic, war, natural disasters etc.; if the state's legislature failed to abide by constitutional norms, the Governor can order the imposition (Laxmikanth, 2017).

Mizoram was imposed under the President's Rule three times. The first imposition occurred in 1977, the second time was in 1978 and the third time in 1988. Each imposition all had different reasons behind them which will be discussed in detail.

### **First Imposition of Mizoram under President's Rule**

In the year 1972, Lushai Hills was upgraded to the status of Union Territory and henceforth the name was changed to Mizoram. The inaugural program was conducted by the then Prime Minister of India, Indira Gandhi on 21<sup>st</sup> January, 1972 at Assam Rifles ground in Aizawl. At the same time, Pawi, Lakher and Chakma were given Autonomous District Council (Chaltuahkhuma, 2001). The election for the new government under Union Territory was held on 18<sup>th</sup> April, 1972. In this election, Mizo Union party secured 21 seats out of the total 30 elected seats forming government (Vanlawma, 1989).

During the governance of Mizo Union in the Union Territory of Mizoram, a proposal to merge with the Congress party was discussed at the Mizo Union special assembly held in Theatre Hall on 12<sup>th</sup> January, 1974. However, several members who object this proposal formed Mizo Union Ziding (MU Right Wing) on 10<sup>th</sup> October of the same year, but eventually

disintegrated before long (Dokhuma, 2008). The main reason for this proposal was that the central government which was formed by the Congress party wanted to have better attachment with the government in Union Territory of Mizoram. The central government Congress party pressurized the Mizo Union leaders by claiming that this merger will be beneficial for the future of Mizoram.

On 23<sup>rd</sup> January, 1974 All India Congress Committee merged both the Mizo Union Executive Committee and Mizoram Congress Executive Committee to form Adhoc Committee and formed government under Congress party (Chhuanvawra, 2008). Hence, the first coalition government was formed in Mizoram and they maintained governance until the end of their term. On 9<sup>th</sup> May, 1977 Chief Minister Ch. Chhunga and his ministers submitted their resignation due to the commencement of their term. As ordered by Union Home Ministry, on 11<sup>th</sup> May, 1977 Mizoram Lt. Governor S. K. Chibber imposed Mizoram under President's Rule for a period of 7 months (Tunlai Chanchin, 1977).

During this time, an alliance and peaceful settlement was anticipated between the insurgency group Mizo National Front (MNF) and Indian government. Hence, Mizoram was immediately imposed under President's Rule rather than announcing legislative assembly election. With the acknowledgement of the central government, MNF opened a Link office in Upper Bara Bazar Aizawl for better communication with the central government (Hermana, 1999). However, since the

negotiation did not go as expected, the desire for new election began to arise in the mind of the Mizo people. Furthermore, People's Conference party submitted a letter to Indian Home Minister Charan Singh on 30<sup>th</sup> November, 1977. Included in this letter was a request for election to be held before January 1978 in anticipation for the alleged upcoming Thingtam Famine in the subsequent year i.e. 1978 (Lalrinthanga, 1993). However, the central government under Janata party announced 17<sup>th</sup> and 20<sup>th</sup> May, 1978 as the date for Mizoram Legislative Assembly election. In this election, People's Conference party secure 22 seats forming government on 2<sup>nd</sup> June, 1978 (Lalthansanga, 2018). Hence, the first imposition of Mizoram under President's Rule for the duration of one year and 21 days was revoked on 1<sup>st</sup> June, 1978.

### **Second Imposition of Mizoram under President's Rule**

The second subjugation of Mizoram under the President's Rule was announced on 10<sup>th</sup> November, 1978 at 9 p.m. from Union Home Ministry in Delhi (Romei, 1978). The reason for this imposition was that a dispute occurred within the People's Conference Party.

After Mizoram became a Union Territory, the second election being held on 17<sup>th</sup> May, 1978. In this election, the People's Conference Party secured 22 seats out of the total 30 seats and acquires government. After seizing governance, the first meeting was held at the residence of Vanlalhruaia, Chaltlang in which the main agenda was the distribution of portfolio amongst the MLAs of the party. Indian army retired Brig.

Thenphunga Sailo was unanimously elected as Chief Minister who then appointed Lalhmingthanga as Minister. The meeting was peacefully adjourned and the inaugural ceremony for the Chief Minister and Minister was held on 2<sup>nd</sup> June 1978 (Lalrinthanga, 1993).

The People's Conference Party Central Working Committee was held on June 7<sup>th</sup>, 1978 at Lalsawia's residence in Zarkawt. Chief Minister Brig. Thenphunga, at the meeting, announced the appointment of Zairemthanga and P.B. Rosanga as Ministers. However, the appointment of P.B. Rosanga was considered to be the initiation of dispute among the party members. Furthermore on 10<sup>th</sup> June, at the PC MLA and Central Working Committee (CWC) meeting, the Chief Minister additionally appointed F. Malsawma as Minister which sparked dispute among the members of the party. As a result, several members of the party even refused to attend the inaugural ceremony of the newly appointed Ministers which was held on 15<sup>th</sup> June, 1978 (Chawngliana, 2002).

This conflict amongst the members caused a rift within the PC party resulting in the formation of PC A and PC B group within the party itself without completely dividing it. This initiation of this segregation was a statement which was made by Chief Minister Brig. Thenphunga in which he addressed the problems within the party at the Central Executive meeting held in Aizawl Theatre Hall on 5<sup>th</sup> June, 1978. At this meeting, he proclaimed PC A members as the peaceful followers of the party and PC

B members as rebels against the party (Romei, 1978).

Under this hostile environment, PC Party General Assembly was held at Dawrpui School, Aizawl on 10<sup>th</sup>-11<sup>th</sup> October, 1978. The gathering was mainly a contest between the supporters of Mr. Sakhawliana and Chief Minister Brig. Thenphunga's associate Biakchungnunga as the head of PC Party. The Party election held on 11<sup>th</sup> October brought the victory of Biakchungnunga and his followers. The members who object the result held a gathering at the residence of Duhthanga, Thakthing locality on the night of 12<sup>th</sup> October, 1978. The next day on 13<sup>th</sup> October, eight PC MLA submitted their renouncement of governance led by Chief Minister Brig. Thenphunga to the Lt. Governor (Lalrinthanga, 1993).

After this incident, the party tried its best to maintain peace within the members. However, the eight rebellious MLA refused to attend the meeting of the MLAs held on 16<sup>th</sup> October at the Chief Minister office and also the Central Executive Committee meeting held at the Supply Minister office on 17<sup>th</sup> October, 1978. Both the PC A and PC B groups defended themselves and plead their argument to the people of Mizoram. These eight MLA officially formed the PC B Party on 10<sup>th</sup> November, 1978 (Romei, 1978). They continuously addressed their justification and proclaimed Dr. Rothuama who was elected Member of Parliament on 17<sup>th</sup> March, 1977 as their confederate.

After the fallout of the PC party, four Congress MLA, one Janata MLA, two Independent MLA and legislative assembly

speaker Thangridema collaborated to form United Legislature Party (ULP) and strived for government. Initially, Thangridema hesitated to join PC B Party however he later joined the MLA of the PC B Party. These MLA seeking governance elected Thangridema as their leader (Romei, 1978).

These 16 MLA met with Lt. Governor N.P. Mathur in his office at Raj Niwas on 2<sup>nd</sup> November, 1978 to proclaim their competence to form government. The Governor also agreed with their proclamation and assured that he will convey this message to the Union Home Ministry. On 4<sup>th</sup> November, Governor released a statement in press conference that Mizoram will not be imposed under President's Rule and Chief Minister Brig. Thenphunga has proposed emergency legislative assembly session to be held on 13<sup>th</sup> November, 1978.

On 7<sup>th</sup> November, 1978 India's Prime Minister Morarji Desai visited Aizawl where the PC B MLA stated their claim for government in alliance with opposition MLA (Highlander, 1978). At the same time, PC A leader and at the time, Chief Minister Brig. Thenphunga also appealed to demolish the ministry, put Mizoram under President's rule and conduct re-election (Chawngliana, 2002).

After the return of PM Morarji Desai, on 10<sup>th</sup> November, 1978, Mizoram was put under President's Rule for duration of 179 days and was revoked on 8<sup>th</sup> May, 1979. The re-election for Mizoram Legislative Assembly was held on 24<sup>th</sup>-27<sup>th</sup> April, 1979 with the PC A Party proving their stability and secured 18 seats. The new government

was formed under Brig. Thenphunga as Chief Minister. PC B Party secured four seats, Congress five seats and two seats by the Janata Party who unites and formed the opposition (Chaltuahkhuma, 2001).

The conflict within the PC Party initiated from the distribution of posts of ministers. However, the root of the conflict dated back to 1978 before the election when the PC Party drafted their propaganda "*The conflicts within Mizoram will be settled without violence*". However, after election no efforts were taken by the leaders of the party to fulfill this proposal which resulted in displeasure among the members. Underground leader Laldenga's brother Ngurchhina was a member of the party which made the people yearn for a more peace-loving PC party. However, after election, the newly formed government neither take any peace initiative nor conduct the appointment of their ministers diligently which resulted in conflicts within the party and further led to the subjugation of Mizoram under President's Rule.

### **Third Imposition of Mizoram under President's Rule**

The MNF which became an insurgency group for 20 years fighting for 'Greater Independence Mizoram' signed a peace settlement with the Indian government on 30th June, 1986. For this peace settlement to occur, the then government of Mizoram led by Congress (Indira) ministry agreed to form interim government and even hand over the post of Chief Minister to MNF leader Laldenga. The induction program for this coalition government was held at Raj Niwas by Lt. Governor H. S. Dubey on 21<sup>st</sup>

August, 1986 (Dingdi, 1986). On the next day, in celebration of the new government all offices and banks under Mizoram and central government were closed.

On 16<sup>th</sup> February, 1987 after the end of term for this interim government, the first Mizoram State Legislatives Assembly election was held and this election constituted 40 MLA seats. The MNF was not yet a recognised party of the Election Commission of India, as a result of this the party candidates filed the nomination as independent candidates. They secured 24 seats forming government and Congress (Indira) party secured 13 seats and People's Conference party with 3 seats. Prime Minister of India Rajiv Gandhi held the inaugural program of Mizoram as 23<sup>rd</sup> State of India on 20<sup>th</sup> February, 1987 at Assam Rifles ground, Aizawl (Zoliana, 2005). At the same day, the induction ceremony for the new government was held at Raj Niwas, Aizawl.

After one year of government, the MNF ministry underwent a predicament. Nine of the MNF MLA formed a new MNF Legislature Party and resigned their support for Chief Minister Laldenga on 29<sup>th</sup> August, 1988. Among them was Deputy Speaker K. Thanfianga who was undergoing medical treatment in America and sent his resignation of support via fax machine (Tawrh Bawm, 1988). The new MNF Legislature Party formed by the nine MLA and their accomplice was named MNF Democratic and released a press conference stating that their action was a necessity and they had no other choice but to form a new legislature party (Vanlawma, 1988).

On 30<sup>th</sup> August, 1988 the nine MNF (D) MLA along with the 13 Congress (I) MLA formed United Legislature Party (ULP) and elected Lalthanhawla as their leader. On the same day, ULP conveyed to Governor Hiteswar Saikia that they had 22 MLA which was enough to form a new government and the same statement was made by Lalthanhawla to the Governor on the next day. However, during this time, the leader of the MNF party and Chief Minister Laldenga informed the Governor that the Speaker announced the suspension of these eight rebellious MLA who were staying in Aizawl. He also notified the Governor that out of the 32 MLA, he still has 17 MLA on his side and has the most number of supporters, so there is no reason for them to resign. At the time of this debacle in Mizoram politics, on 4<sup>th</sup> September, 1988 Union Home Ministry sent a chartered plane for the ten leaders of United Legislature Party to discuss the problems in Mizoram politics with the central government in Delhi (Tawrh Bawm, 1988).

On 6<sup>th</sup> September, 1988 Chief Minister Laldenga appealed Governor Saikia to conduct an emergency session on 14<sup>th</sup> September and request to convene a *'Trial of Strength'* between the two groups competing to form government in Mizoram. On the same day, Governor made a statement that no further actions will be taken until he overhears the justification of the eight MNF (D) MLA. Considering the political situation in Mizoram, Governor Saikia considered it best under the current circumstances to impose Mizoram under President's Rule and made the announcement on 7<sup>th</sup> September, 1988. On

his subsequent meeting with the media at Governor's conference hall, Governor Saikia made a statement that there was no purpose in conducting *'Trial of Strength'* in an emergency session when it is clearly evident that the Assembly Speaker made a biased decision in suspending the eight MLA (Tawrh Bawm, 1988). Moreover, he implied that he was anxious the dispute between MNF (D) and Chief Minister Laldenga's MNF ministry which further implicated the Ex- Mizo National Army might intensify resulting in bloodshed and stated that instead of prolonging the feud within Mizoram politics, it is preferable to impose Mizoram under President's Rule (Hermana, 1999).

There were many theories behind the conflicts within the MNF ministry. Laldenga's biased appointment for the post of ministers at the beginning of their government was considered one of the main reasons behind the conflict within his ministry which furthermore resulted in the resignation of support from eight MLA. Instead of appointing from the many pioneer MNF members, Laldenga chose several newcomers for the post of ministers which received many backlash from the senior MLAs. Among them, the most notable was Chawngzuala who was a faithful MNF member since the time of their independent movement. He was appointed as MNF President even during the absence of Laldenga and was a minister in MNF underground government. After the MNF went aboveground, he was appointed as the Vice President at the MNF National Council meeting held on 9<sup>th</sup> March, 1987. He also received the largest number of votes in the

last State Legislative Assembly election of Mizoram. It was believed that if Laldenga had not failed to appoint Chawngzuala as minister, most of the conflict within the MNF ministry would have been avoided.

At the time, taking into consideration the political situation of Mizoram, imposing the state under President's Rule by the Governor was the right decision. If either the United Legislature Party (ULP) formed coalition government or Laldenga continue his governance, the conflict would have intensified. On 13<sup>th</sup> September, 1987 after Mizoram came under President's Rule, MNF party marched in protest to the Governor's decision. On 3<sup>rd</sup> November, 1988 at the Parliamentary assembly of Lok Sabha and Rajya Sabha, the imposition of Mizoram under President's Rule was discussed. The oppositions in the Parliament considered this imposition as a result of involvement of the central government in the state's politics. During this assembly, it was concluded that there was a need for conducting Legislative Assembly election in the state of Mizoram as soon as possible (Tawrh Bawm, 1988). The mid-term poll was announced on 21<sup>st</sup> January, 1989, in which Congress (I) won and the imposition of Mizoram under President's Rule for 139 days was revoked on 24<sup>th</sup> January, 1989.

### **Conclusion**

Since Independence till 1987, President's Rule has been invoked in India over 75 times as per the reports submitted by Sarkaria Commission in 1987. Often state governments with perfect legislations were overthrown to either make them conform or to give an opportunity for the Union

government's own party a chance to secure power within the state. During the 1970s and 80s, there were numerous reports of unethical use of Article 356. Between 1971 to 1990, 63 numbers of incidents were reported. Maximum use of this Article took place during the regime of Morarji Desai government in the central during 1977-79. It was used against Congress ruled state governments as vendetta in contrary to the imposition of National emergency in 1975 by Indira Gandhi led government. Since mid-1990's, the use of Article 356 has been reduced due to the increase in number of states ruled by other parties other than those of the central government. The reason for these were attributed to two factors: strengthening of regional parties and interference of Supreme Court.

The first time Mizoram was imposed under President's Rule was in the year 1977 and it was due to the end of term for the governing party. During this period, peace settlement was anticipated in Mizoram which further delayed the election and resulted in the subjugation of Mizoram under the President's Rule. Imposition of President's rule in Mizoram in 1977 was purely due to the resignation of Chief Minister and it was not politically motivated by the centre government.

The second imposition which occurred in 1978 was a result of conflict within the People's Conference party. Since, this feud seems to intensify instead of reaching a settlement; the Governor had no other choice but to impose Mizoram under President's Rule. Subsequently on the year 1988, the conflict within the governing

MNF ministry resulted in the imposition of Mizoram under President's Rule for the third time. Considering the reason behind the imposition of Mizoram under President's Rule in the year 1978 and 1988, it can be clearly concluded that the Governor made the right decision for the state. If he had done so otherwise, Mizoram might have to deal with another insurgency especially on the 1988 issue. Under the given circumstances at the time, the Governor did not abuse his power but rather exercised Article 356 of the Indian Constitution for the betterment of Mizoram by imposing it under President's Rule three times.

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