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## Modi's Nehru Jacket: President's Rule Invocations during the tenures of Prime Ministers Nehru and Modi

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### Abstract

The President's Rule impositions under Article 356 of the Constitution of India extraordinarily empower the central government to determine 'constitutional machinery failure in a state (province)' and acquire executive and legislative powers of the state (provincial) government, until the constitutional machinery is restored. In between 1950-2024, Indian central governments imposed 121 President's Rule (PR) impositions, most of which occurred during single-party-personality-dominated central governments. This article examines PR invocations by the two single-party-personality-dominated central governments under the Prime Ministership of Jawaharlal Nehru and Narendra Modi in reference to the grounds, justifications, and state of restraints on these impositions. The article examines whether Modi used Nehru's tactics (jacket) to impose PR impositions particularly against opposition-ruled states to counter dissent and empower single party-personality hegemony at national and provincial levels.

### Keywords

Nehru and Modi on federalism; President's Rule in India; Sub-national Emergency in India; Single Party-Personality Dominated Central Governments in India; Federalism and President's Rule Impositions in India.



## 1. Introduction

In October 2018, the South Korean President Moon Jae-In's tweet<sup>I</sup> thanking Indian Prime Minister Narendra Modi for the "Modi Vests"<sup>II</sup> (Jackets) took internet by storm, and made historians, political scientists, and dress-designers conscious of the fact that the jacket previously known as Nehru jacket is now the Modi jacket. The Nehru/Modi jacket is a mandarin collared, singled breasted, semifitted, buttoned vest, inspired from the royal court dress of the Indian nobles, customised for Indian summer needs with sleeveless fitting. Nearly all Indian Prime Ministers and political leaders across religion, caste and political orientations preferred these jackets, but only two names could brand or rebrand it, echoing the impact of Jawaharlal Nehru (hereinafter referred as Nehru) and Narendra Modi (hereinafter referred as Modi) on Indian politics. The article refers Nehru's or Modi's jackets as figurative speeches, referring to the periods of dominant single party (and personality) ruled central governments and their strategical impositions of president rules to curb state-autonomy and federalism. The article primarily examines the president rule impositions during Nehru's and Modi's tenures in reference to similarity and difference of the political and constitutional environments. Through the comparative investigation, the article attempts to reveal whether Modi opted for Nehru's jacket, while imposing president's rules, or Modi's jacket is different in constitutional and political fabric and somewhat akin to Indira Gandhi's shawl of overreaching president's rule impositions.

## 2. The President's Rules: onstitutional Structure and Application

### 2.1. The President's Rule: A Constitutional Instrument of Central Aggrandizement

The President's Rule (hereinafter PR) is a part of the Emergency Provisions (Chapter XVIII) under Article 356 of the Constitution of India, 1950,<sup>III</sup> that extraordinarily empowers the central government to determine constitutional machinery failure in a state based on the Governor's report or otherwise, and to acquire the executive and legislative powers of the state until the constitutional machinery is restored.<sup>IV</sup> A PR once imposed shall continue for two months without a parliamentary approval and with periodic approvals can be extended up to three years,<sup>V</sup> with extremely weaker constitutional, institutional and political restraints



over it. To facilitate the PR impositions, several other constitutional provisions provide overriding power to the center, such as Article 355 prescribing center's constitutional duty to protect states against external aggression, internal disturbance and ensure functioning of state governments according to the Constitution;<sup>VI</sup> and Article 365 mandating non-compliance of central directives to be assumed as the constitutional machinery failure in the state.<sup>VII</sup> The constitutional provisions empowering PR under Article 355, 356 and 365 along with other sui-generis un-federal constitutional provisions, such as residuary legislative power<sup>VIII</sup> and exceptional legislative powers<sup>IX</sup> of the parliament along with the central authority to create, merge or abolish the state<sup>X</sup> generate the behemoth centralist design within the Constitution of India. The highly centralist constitutional design of Indian federation empowers central government to charge with a blitzkrieg against sub-national governments as the determinant, executor and judge of constitutional machinery failure (emergency) in the states.

**2.1.1. *The center determines PR*** — The presidential satisfaction that constitutional machinery has failed in the state is the determinant of PR, however the satisfaction is not the personal satisfaction of the president rather a satisfaction of the Prime Minister and his council,<sup>XI</sup> on whose aid and advise the President shall exercise his authority.<sup>XII</sup> Article 356 prescribes that the satisfaction of constitutional machinery failure could be determined either on the report of the Governor (a center's appointee and a highly centralist constitutional position<sup>XIII</sup>), or otherwise, empowering central government with an extraordinary, undefined and unrestrained power to impose PRs as per partisan interests.

**2.1.2. *The center defines PR*** — The Constitution and the courts have not determined the triggering factors of *constitutional machinery failure* in a state, allowing unrestrained PR imposition by contemplating nonemergent situations as the constitutional machinery failure.<sup>XIV</sup> The undefined state of constitutional machinery failure equips the central government with arbitrary power to impose or dispose PR by selectively determining social, economic or security situations as constitutional machinery failure, while ignoring the actual situations of constitutional crisis.

**2.1.3. *The center could only restraint PR*** — The constitutional design of PR prescribes weaker parliamentary restraint at post invocation and approval stages of



PR,<sup>xv</sup> that becomes largely ineffective with single party or coalition majorities at both houses of the parliament. The courts have historically preferred a highly non-interventionist interpretation of the undefined and largely unrestrained constitutional text of PR, except during the multiparty coalition-era, the Supreme Court uncharacteristically structured procedural restraints on PR in *S. R. Bommai*,<sup>xvi</sup> however with the return of single party domination, judicial and other restraints are obliterating rapidly than expected.

### 2.1. The President's Rule: A Brief Overview of the Applications:

The undefined and largely unrestrained constitutional structure of PR has facilitated central governments to impose monstrous 121 PRs between 1950-2024.<sup>xvii</sup> The PR impositions have been the key features of Indian constitutional and federal landscape across diverse political fixtures. As demonstrated in Table 1, the numbers of PR impositions register astronomical growth during the single party-personality dominated central governments.<sup>xviii</sup> In this article, I have identified the single party-personality dominated central governments as a process and as a status – when a single national political party acquires majority at the lower house of the parliament (Lok Sabha), along with forming governments at various states whether through alliances or without, at the provincial level, it leads to a sustainable absolute majority for the national party at the upper house of the parliament (Rajya Sabha). With majorities at the lower and upper houses of the parliament to the single national party or its alliance (where the national party is the dominant force with the greatest number of seats), a single party hegemony is achieved. The political history of India has witnessed simultaneous emergence of dominant personality with the emergence of single party hegemony – for example, the synchronous emergence of dominant (if not charismatic) political leaderships such as Nehru (1950-1962), Indira Gandhi (1966-1977, 1980-1984) and Modi (2014-2024) with single party hegemonies of Indian National Congress (1952-1962, 1967-1977) and Bhartiya Janta Party (2014-2024). Out of 121 PR impositions, sixty-three were invoked by single party-personality dominated central governments under the Prime Ministership of Nehru, Indira Gandhi (hereinafter referred as Indira), and Modi. After independence, India mostly had single-party and/or personality dominated central governments under the Prime Ministerships of Nehru (1947-1962), Indira (1967-1977, 1980-1984), Rajiv Gandhi (1984-1989), and Narendra Modi (2014-2024). These governments often targeted the opposition-



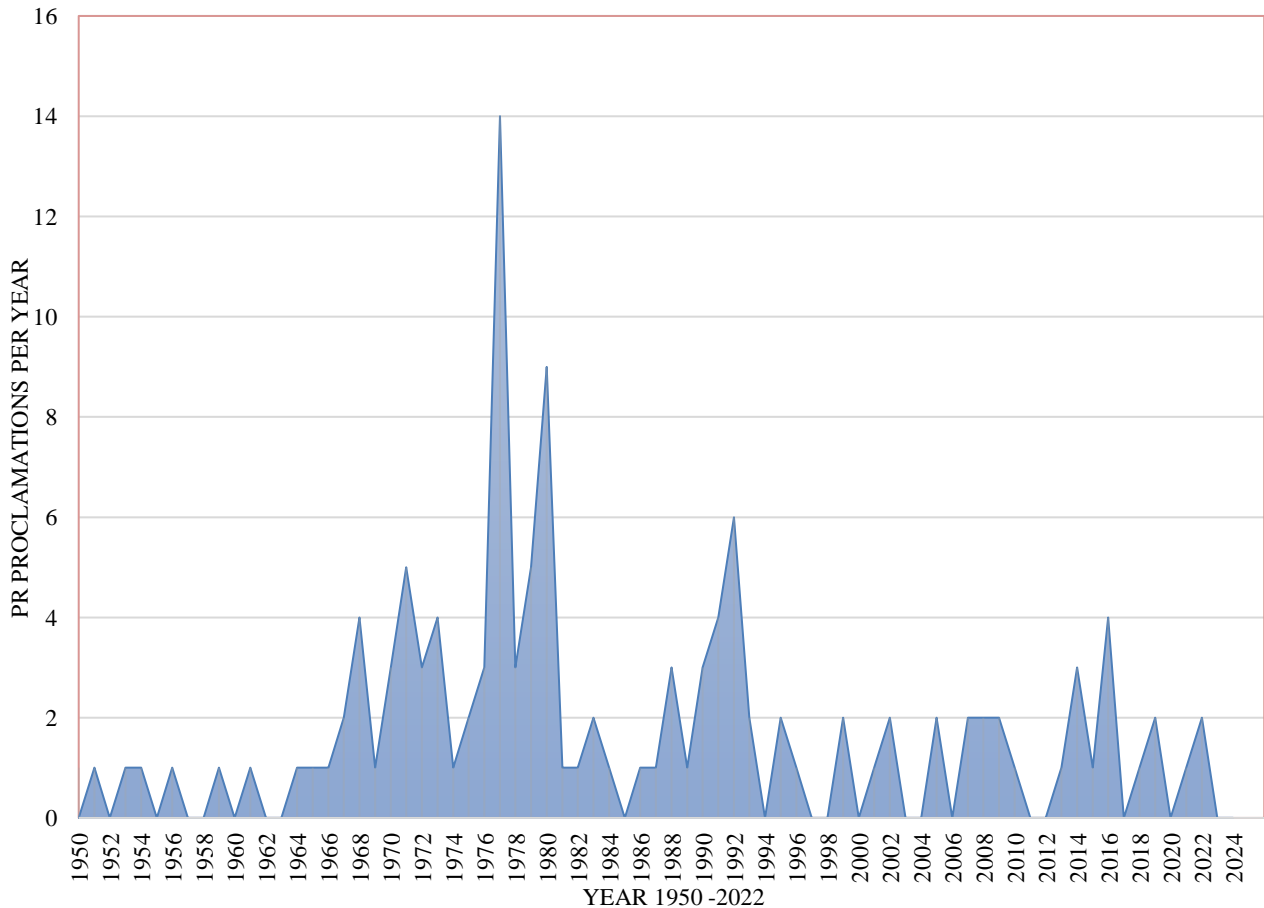
ruled state governments with arbitrary PR impositions to ensure the hegemony of central government and its leadership. Intriguingly, during a short phase of comparatively stable multi-party central governments between 1994-2014, the political environment could restraint PR impositions and could ignite hibernating parliamentary, institutional, and judicial restraints on PR. However, with the return of single-party-personality dominated government in 2014, these restraints are showing signs of rapid decay. The new single party-personality dominated central government under Modi has also employed other constitutional and extra-constitutional means to subjugate the provincial government along with numerous questionable PR impositions. Over the lifespan of Indian federation, PR impositions have been an instrument of central hegemonic tyranny, that has relegated Indian federalism, constitutionalism, and democracy.

Considering the enormity and atypicality of these impositions, it is alarming how little we know about the grounds, justifications, and impact of PR impositions, particularly during single-party-personality dominated central governments. Various scholars have explored PR impositions in reference to historical, political, federal, and constitutional contexts,<sup>xix</sup> but a comparative analysis of grounds, justifications, and manners of PR impositions during single-party-personality dominated central governments is largely missing. Some scholarly works have highlighted PR invocations during the specific regimes of Nehru,<sup>xx</sup> Indira,<sup>xxi</sup> the coalition party period,<sup>xxii</sup> and Modi,<sup>xxiii</sup> however a comparative scholarship on PR invocations across different or similar political-constitutional environment is completely missing. The article attempts to address this vacuum by synthesizing different sets of literature on PR impositions and by combining that with original archival research covering Governors' reports, parliamentary debates, and judicial pronouncements on PR impositions under Nehru's and Modi's tenure. This article conceptually engages with the 'centralised Indian federalism' argument highlighted in previous scholarly publications on the topic;<sup>xxiv</sup> and the article analytically extends the argument in reference to PR impositions during single party-personality dominated central governments in India. In order to conduct this analysis, I have tabulated all cases of PR impositions from 1950 to 2024 in the online appendix of the article, the second part of the appendix briefly details the grounds, manner, political environment, justifications and state of parliamentary, institutional, and judicial restraints on PR impositions during the tenure of Prime Minister Nehru (1950-1962) and Modi (2014-2024) to reveal whether Modi opted for Nehru's jacket while imposing PRs over states.<sup>xxv</sup> I



have employed Mill’s study of similarity and difference method<sup>xxvi</sup> to identify similarities and differences between PR impositions among two differently situated but similarly responding single party-personality dominated central governments. The article theoretically builds upon the two of previous articles *In search of the theory of Constitutional Machinery Failure (Emergency) Models in India and Pakistan*<sup>xxvii</sup> and *Comparative Federalism with reference to Constitutional Machinery Failure (Emergency) in India and Pakistan*,<sup>xxviii</sup> conducting a comparative constitutional investigation of the provision and application of PR impositions in India and Pakistan.

**Table 1: PR Impositions in India 1950-2024**



Source: By the author, compiled from Lok Sabha Debates, Rajya Sabha Debates and newspaper reports between 1950-2024.



The frequency of PR impositions needs to be understood in reference to the political and constitutional environment facilitating or restraining the impositions. In the initial years after independence (1950 to 1962), India's political-legal environment remained 'near-hegemonic' – the dominant party (Congress) and the dominant personality<sup>xxix</sup>(Nehru) imposed eight PR impositions to suppress dissents at provincial levels, particularly targeting every state ruled by the opposition party and their coalitions. As highlighted in Table 1, two decades from 1963 to 1989 were the most adventurous years for PRs, with seventy-two impositions. During this phase, Indira's hegemonic centralised governance led to most numbers of PR impositions in her two tenures (1966-1977 and 1980-1984). Counterintuitively, this phase also witnessed numerous retaliatory PR impositions by multi-party government, for example, eighteen PR impositions by the Janta Party government (1977- 1980); and comparatively fewer PR impositions by single party dominated central government between 1984-1989. The two decades of 1994-2014 were quieter years for PR impositions, as regional parties remained instrumental for a sustainable majority for the central governments, which drastically restrained central governments to opt for PR impositions against current and future collaborators. During this phase, the political restraints also ignited hibernating judicial and institutional restraints on PR impositions. With the emergence of de-facto single-party majority in alliance governments in 2014 and 2019, the hegemony of PR impositions returned in Indian politics along with non-PR interventions against provincial governments and leaderships.

Sharma & Swenden in their article *the dynamics of federal (in)stability and negotiated cooperation under single-party dominance: insights from Modi's India*<sup>xxx</sup> argue that the “dominant party is a necessary but insufficient condition for encroachment of sub-national authority”<sup>xxxI</sup> (that could be reflected in frequent PR impositions). The authors further argued that the sufficiency of the condition could be supplemented with centralization in dominant party and their leadership along with weaker constitutional, procedural, political, and judicial safeguards of shared rule. On these factors the authors considered Indira and Modi governments comparable, as both governments ensured “federal (in)stability through tacit (coerced and forced) cooperation;”<sup>xxxII</sup> while authors have regarded Nehru's single party dominated government is a model of “imposed or negotiated co-operation (imposing or negotiating national interests over provincial governments) with decentralization.”<sup>xxxIII</sup> Tarunabh Khaitan in his article *Killing a Constitution with a Thousand Cuts: Executive*





*Aggrandizement and Party-State Fusion in India*<sup>xxxiv</sup> provide an alternative view as he identifies drastic difference between Indira's and Modi's strategies to counter sub-nationalism. Tarunabh Khaitan characterises Modi's centralization as a "subtle, indirect, and incremental but systemic executive aggrandizement".<sup>xxxv</sup> Khaitan's arguments could further be supplemented by different strategies of centralization opted by respective single party dominated central governments, as Indira opted for full frontal attack against states in form of numerous authoritarian PR impositions; Modi's strategy is "incremental but systemic"<sup>xxxvi</sup> involving extra-constitutional and institutional interventions against state governments, along with modest PR impositions primarily due to the previous era's judicial restraints. In the next sections, I will compare the manner, grounds, and state of restraints on PR imposition during Nehru's and Modi's tenures as the Prime Ministers of single party-personality dominated central governments.

### 3. President's Rule Invocations during Nehru's Tenure

As India attained freedom on August 15, 1947, Jawaharlal Nehru took charge as the Prime Minister of India with fifteen cabinet members.<sup>xxxvii</sup> During this phase, the socio-economic-security environment in India was extremely fragile and chaotic, the decision to partition the country was followed by unprecedented violence, murders, and riots.<sup>xxxviii</sup> The anxieties of political-socio-economic-security environment were writ large in the "two-way convertible"<sup>xxxix</sup> properties of the emergent political structures, which Nehru and his colleagues were to use to build or sustain the strong center along with executive aggrandizement at the center. The transitional politics and fragile social-economical-security environment fostered a highly enabled central government, providing governing elites crystallization of authority through legal instruments of colonial continuities. The Government of India Act 1935, a colonial instrument was readapted as transitional measure of governance for the period of constitution-making until 1950. The act fostered centralization of authority, including center's power to impose PRs in the states under section 93. During this phase, the first PR of independent India was proclaimed in Madhya Pradesh in 1949,<sup>xl</sup> as the Chief Minister resigned and the Governor without exploring a possibility for an alternative government recommended PR imposition in the state. The PR imposition



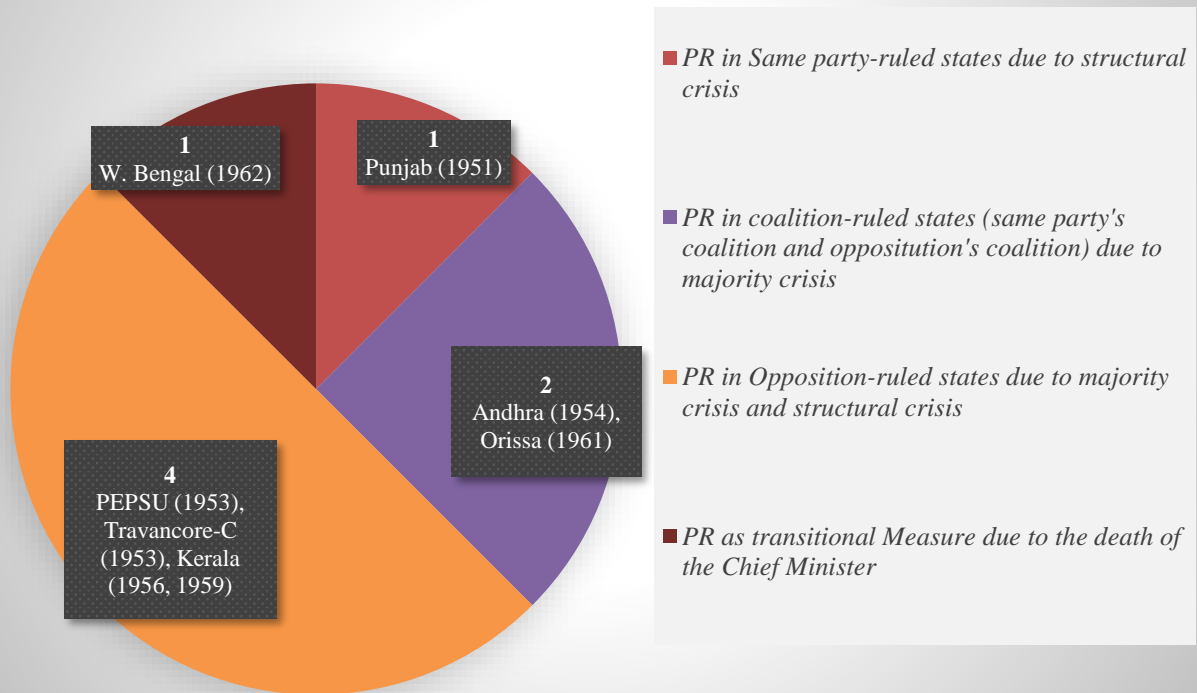
lasted for more than three years and was revoked only after the first general elections of India in 1952.<sup>XLI</sup>

The colonial idea of PR imposition was deliberately and squarely accommodated by the Constituent Assembly of India (1948-1950) as an intrinsic part of the constitutional and federal structure of India, with a belief that PR imposition “shall remain a dead letter”.<sup>XLII</sup> Contrary to that, the undefined and largely unrestrained use of PR impositions emerged as an instrument of authoritative decision making to suppress sub-national identity and politics, particularly during the dominant party-personality central government. During the initial years of the constitution (1950-62), the PR impositions remained relatively lower with 0.53 proclamations per year in comparison to overall PR 1.84 proclamations per year; but these numbers were alarming considering very few numbers of opposition-ruled states and nearly all of them were subjected to PR imposition at some stage or another. The next part conducts an analytical analysis of the underlined nature, ground, restraints, and impact of PR impositions in reference to the constitutional-political environment during the dominant party-personality central government under Nehru’s Prime Ministership.

During 1950-1962, Congress’ absolute majority in the parliament and in most of the state legislatures, except Kerala (which was subjected to two PR impositions during 1950-1962), along with Nehru’s epicentral image established near-hegemonic authority within the central government over state governments and Congress’ political organization at central and provincial levels.<sup>XLIII</sup> The hegemonic central government held extremely low tolerance against political dissent, whether within Congress or outside, resulting in numerous PR impositions in Congress and its coalition ruled states as well as in a non-Congress-ruled state. To understand the nature, ground, justification and restraints on PR impositions during Nehru era, Table 2 classifies them in four sets highlighting the grounds and justifications of the imposition along with political fixture of the dismissed government.



**Table 2: PR Impositions under Nehru's Tenure 1950-1962**



Source: By the author, compiled from Lok Sabha Debates, Rajya Sabha Debates and newspaper reports between 1950-1962.

Set A deals with the PR imposition against Punjab (a Congress-ruled state) by the Congress-ruled central government due to a structural crisis. The governor's report accusing "gross maladministration",<sup>XLIV</sup> led to the first PR imposition under newly established Constitution (Article 356). An examination of political circumstances suggests a different rationale for the imposition. The provincial Congress Party in Punjab was fragmented in three competing groups: the Bhargava, Sachhar, and Akali factions; each of these factions were fostered by different central Congress leaderships, Home Minister Patel was thought to favor the Bhargava faction, while Nehru, the Prime Minister was close to the Sachhar faction, while Akali faction was holding the balance in the provincial Congress party.<sup>XLV</sup> The Bhargava faction was unable to have good relations with the national leadership, particularly with Nehru after Patel's death, who remained critical in the cabinet formation and affairs of the provincial government and party politics in the state.<sup>XLVI</sup> According to Parliamentary Debates and News Paper reports,<sup>XLVII</sup> Nehru instructed Chief Minister Bhargava to "pass no



order on files as the chief minister and submit the resignation";<sup>XLVIII</sup> hesitantly but accordingly Bhargava resigned, while the Governor reported "gross maladministration" and a PR was imposed in Punjab, without exploring opportunities for an alternative government.<sup>XLIX</sup> The PR imposition in Punjab served a strong message to all other Congress-ruled state governments regarding the hegemony of Nehruvian leadership and established personal loyalty as a condition precedent for continuous government.

Set B explores the cases of PR impositions in states with Congress's coalition governments: Andhra Pradesh (1954), Orissa (1961) and West Bengal (1962), which were strategically invoked by Nehru government to induce partial or complete merger of the coalition partners. For instance, in Andhra Pradesh (1954), the Communist Party held forty seats in the Legislative Assembly, while the Congress also had forty seats, the Praja Shakti Party (PSP) and Krishikar Lok Party (KLP) with 26 seats respectively were crucial to any potential coalition. In the weeks following the formation of the Congress' coalition between PSP and KLP, Congress put pressure on the Chief Minister and cabinet ministers of the PSP to become members of the Congress party;<sup>L</sup> some PSP members chose to do so, while KLP members chose to step down. Without considering the possibilities of an alternate government, the central government hastily enforced PR imposition on November 15, 1954, citing "instability and majority crisis".<sup>LI</sup> Orissa (1961) is another example of merger tactics leading to PR imposition in the state. In 1957 state-elections, Congress emerged as single largest party (56 out of 140 seats) but far from majority in the state, the Governor invited Harekrushna Mahtab (Congress) to prove the majority at the floor of the house.<sup>LII</sup> Mahtab could constitute an extremely fragile alliance with the Jharkhand Party, Ganatantra Parishad Party along with defectors and independent candidates. Mahtab's administration skilfully used parliamentary manoeuvres to avoid the majority vote and negotiated with Congress chiefs Nehru and Reddy to remain in power, even in the face of fervent opposition and a dubious majority. Eventually, Congress' central leadership demanded merger of its coalition partner (particularly of Ganatantra Parishad Party), which Mahtab could not negotiate, thus the coalition broke and a PR was imposed in the state on the ground of "majority crisis".<sup>LIII</sup> Mahtab was disappointed with the crisis created by Congress's central executive, expressed his views, "(The) methods used by the Congress party is demoralizing entire body politic; congress has broken every pledge of democracy and politics."<sup>LIV</sup> These impositions have been heuristically referred to as a "congressization crisis" by scholars,<sup>LV</sup> involving continual



interference, dismemberment, and defection of the coalition partners at the provincial level by the central Congress leadership. These impositions demonstrate how dominant party and leadership ensured that PR impositions are used as an instrument of subjugation and surrender of provincial governments and political parties.

The third set of cases includes PR impositions in the opposition-ruled states on the ground of structural crisis or majority crisis. PEPSU (Patiala and East Punjab State' Union) was the first non-Congress-coalition (United Front government) ruled state subjected to PR in 1953. The Chief Minister Sardar Gian Singh Rarewala held a healthy majority in primary coalition of Akali Dal and Communist Party which was often targeted by the Congress party as an “unholy alliance”.<sup>LVI</sup> In February 1953, the election tribunal set aside election of nine legislative assembly members including that of the Chief Minister's, while the state government had sustainable majority with an alternative candidate for the post of Chief Minister and the Governor in favour of continuing the ministry under the new leadership.<sup>LVII</sup> The central government imposed a PR stating “inability to form the government” ten days before the beginning of a new session at the Legislative Assembly, to ensure that the United Front alliance do not have an opportunity to prove its claimed majority on the floor of the house. Dr. B. R. Ambedkar strongly opposed the imposition in the Parliament and considered it as “the most violent kind of rape on the constitution.”<sup>LVIII</sup> In Travancore-Cochin, the central government could not bear a non-Congress coalition government thus reprimanded the majority test and PR imposition was invoked. A. K. Gopalan rightly summarised the PR invocations in coalition-ruled states during Nehruvian tenure,

The practice in Travancore-Cochin, PEPSU and Andhra has shown that where it (the Congress) was helping others, there has been a ministry, but if the other parties could come together and form a majority, there should be no ministry. So, it was either the Congress ministry or no ministry at all under President's rule.<sup>LIX</sup>

To completely crush the opposition political force at the subnational level, the central government used two PR impositions in Kerala (1956, 1959) against the communist party government with sizable majorities.<sup>LX</sup> During the PR imposition in 1956, the ruling coalition claimed a majority, however the Governor acting under the dictate of central government denied an opportunity and imposed PR with the dissolution of the legislative assembly. After



the re-elections in 1959, the Communist Party returned to power with independent majority. The central Congress party informed the Governor that the government is a "totalitarian communism with a breakdown of law and order";<sup>LXI</sup> the Governor accordingly reported "mass-upsurge, maladministration, and law and order failure in the state,"<sup>LXII</sup> particularly highlighting state government's decisions such as controlling the private educational institutions, fostering movements to mobilize urban trade unions and agricultural cooperatives, establishing communist party-dominated alternative dispute settlement bodies, and releasing communist party members from jails. Though some of the activities by the state government were controversial, yet the government had generated a viable structure with cross-sectional support and were acting well within the constitutional authority of the state government.<sup>LXIII</sup> The Governor acting under the dictate of the Congress party considered these steps as the breakdown in law and order causing mass-upsurge. Initially, Nehru was against the PR imposition as he stated, "I do not propose or intend, nor look forward to, nor expect (state) governments falling except through democratic processes";<sup>LXIV</sup> however, the newly elected Congress President Indira was determined to impose PR in Kerala, as she asserted to the President of India, "It is high time for the central government to act in Kerala. The central action is long overdue given the hand facts of the situation."<sup>LXV</sup> Within a week of this meeting the President of India imposed a PR in the state on a dubious Governor's report, which was even criticised by prominent Congress leaders such as H. N. Kunzru, Feroze Gandhi, and N. V. Gadgil stating, "Kerala government had the right to continue in office for its full term of five years unless it resigned of its own accord or was voted out of office....governor's report was a sheer absurdity."<sup>LXVI</sup> In *K. K. Aboo v. Union of India*,<sup>LXVII</sup> the Kerala High Court refused to review the 1959 and 1962 proclamations, as M. M. Nair J. stated: "Parliament, in its supreme wisdom is the judge of constitutionality, legality, and even the propriety of the proclamation. It requires no exposition by this Court for such actions of the parliament."<sup>LXVIII</sup>

The Kerala case left a deep imprint on Indian politics, it seemed a warning to any non-congress party that the scales were tipped against them. The central political hegemony ensured quick parliamentary approvals to the impositions without any debate and criticism, while institutional restrictions remained dormant. An analysis of the political-legal environment reveals the underlined justifications for the impositions— to suppress political



dissent by dismissing, dismembering, and disciplining rival provincial governments to ensure the hegemony of the Congress party and Prime Minister (Nehru).

During the Nehruvian dominant party-personality period, the Governors' reports identified various grounds for constitutional machinery failures such as law-and-order crisis, maladministration, the resignation of the Chief Minister, loss of majority, and instability of government, however the presidential satisfaction to impose a PR has not resonated the same grounds which was to enforce the hegemony of central Congress leadership. An analysis of federal emergency imposition in different types of provincial governments (coalition, opposition, and Congress) also reveal different objectives achieved through the impositions. In coalition-governed states, the primary objective was to influence a partial or complete merger of coalition parties within Congress. Between 1950 and 1962, central governments used PR to dismember and defect every coalition government whether of Congress (Andhra 1951, Orissa 1961) or of non-Congress coalitions (PEPSU 1953, Travancore and Cochin 1956). In the case of an independent non-Congress government (Kerala 1956, 1959), the central government enforced a PR to wipe out political opposition by dismissing perfectly stable and functional provincial governments. The PR is also used to discipline the provincial Congress government (Punjab 1951) to ensure their personal loyalty to Nehru. The restraint mechanism remained indifferent to politicized and unconstitutional impositions, as Congress with its massive majority ensured regular approvals and extensions at the parliament, mostly without debate and criticism. The judiciary decided against judicial review of the proclamation by misconceiving PR as a political question, and institutions such as Governors of the states acted as an agent of central government and facilitated arbitrary and unconstitutional PR impositions.

#### **4. President's Rule Invocations during Modi's Tenure**

Since Nehru, India had various single party-personality dominated central governments – the tenures of Indira (1966-1977, 1980-1984) and Rajiv Gandhi (1984-1989). Subsequently, the regional parties and alliance politics brought along multi-party amalgamations in Indian politics for twenty-five years (1989-2014) and placed constitutional, judicial, and institutional restraints on PR powers. In 2014 Lok Sabha (lower-house) elections, Narendra Modi-led Bhartiya Janta Party (BJP) acquired a de-facto single-party majority (282 seats out of 545



seats)<sup>LXIX</sup> in a “dramatic and possibly even epochal”<sup>LXX</sup> elections. In the subsequent general elections (2019), the BJP consolidated its majority with 303 seats,<sup>LXXI</sup> against fifty-two seats of Congress,<sup>LXXII</sup> while for 2024 elections, BJP led National Democratic Alliance is aspiring for more than 400 seats.<sup>LXXIII</sup> These results reversed India’s political landscape from being a multi-party amalgamation to a single-party-personality dominated central governments,<sup>LXXIV</sup> as after nearly three decades, a national party (BJP) replaced regional parties and rival national parties at Lok Sabha,<sup>LXXV</sup> and could form governments in multiple states in India.<sup>LXXVI</sup> These comprehensive electoral mandates allowed the BJP-led central government to emerge as monolithic organization fostering centralization of authority. Various scholars have highlighted the legislative, administrative and financial centralization with the return of dominant party-personality led central government since 2014, such as, fiscal centralization in form of the 101<sup>st</sup> Constitutional Amendment (Goods and Services Tax),<sup>LXXVII</sup> extraordinary administrative centralization in normal times<sup>LXXVIII</sup> and during the Covid-19 pandemic,<sup>LXXIX</sup> nullifying last traces of asymmetrical federalism,<sup>LXXX</sup> one nation-one-strategy approach,<sup>LXXXI</sup> and through “induced and tacit cooperation bringing federal instability”.<sup>LXXXII</sup> Among these interventions by the central government under the tenure of Modi, the PR impositions swept under the radar of academic and journalistic attention.

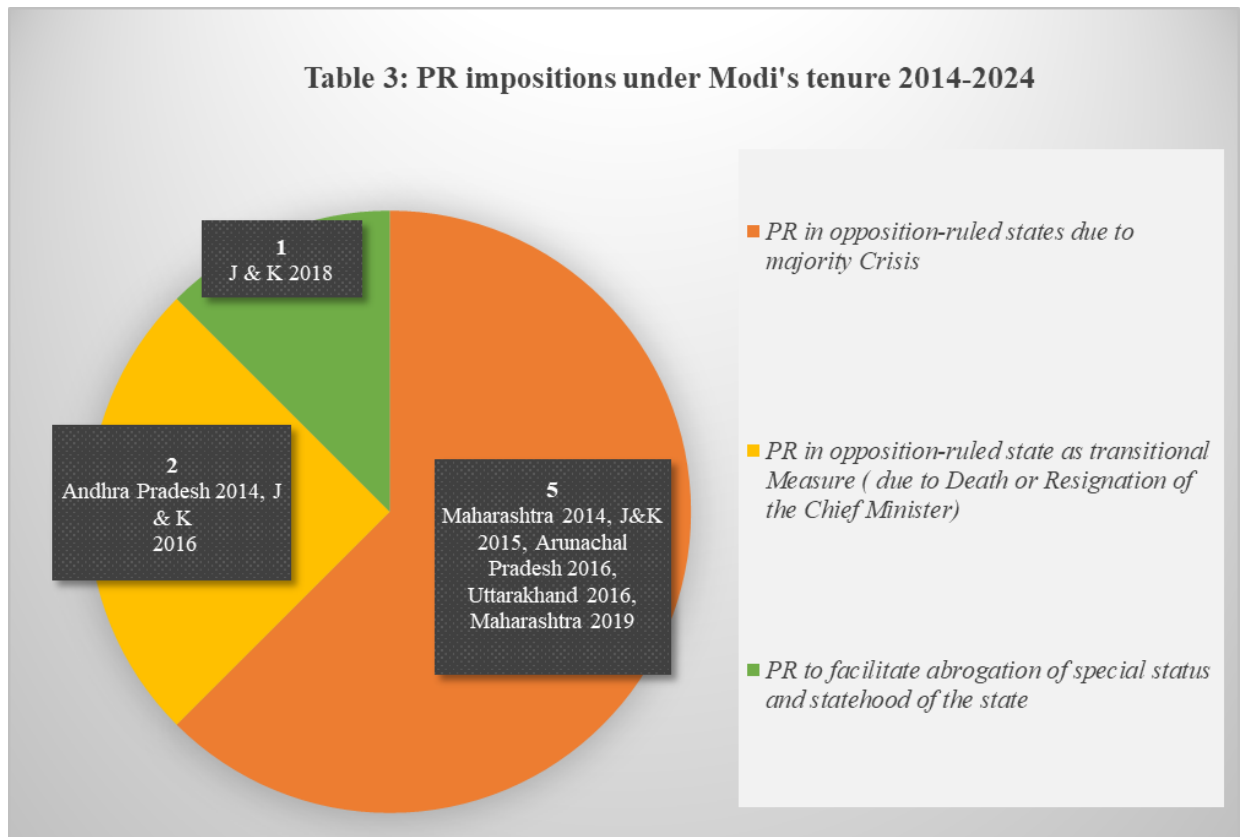
Through an analysis of PR invocations during single party-personality dominated central government under Modi’s tenure, the article questions Khaitan’s claims of “subtle, indirect but systemic interventions”,<sup>LXXXIII</sup> in reference to the crude, direct and systemic interventions in form of PR impositions by the Modi government. Since 1950, the decade of Modi government (2014-2024) has been the only decade in which PRs are imposed exclusively against the opposition-ruled states; ignoring options of PR impositions against BJP or its coalition partner-ruled states with unprecedented structural crisis (such as ethical violence and public order crisis in Manipur<sup>LXXXIV</sup>) and majority crisis (floor crossing and controversial disqualification of members before the floor test in Nagaland<sup>LXXXV</sup> and Manipur,<sup>LXXXVI</sup> instability and floor-crossing in Maharashtra<sup>LXXXVII</sup> and Bihar<sup>LXXXVIII</sup>). The narrative of “subtle, indirect but systemic intervention” is built on comparatively fewer numbers of PR invocations during Modi’s and Nehru’s tenure (eight PR impositions each), however, the numbers are alarming in reference to fewer opposition-ruled states during Nehru’s and Modi’s tenures and ignited judicial restraints and non-PR interventions in states during Modi’s tenure. The nature and manner of the impositions necessitate an inquiry into the





grounds, justification, and restraints on these impositions, to reveal comparative learnings from the PR impositions under the two single party-personality dominated central governments.

**Table 3: PR impositions under Modi's tenure 2014-2024**



Source: By the author, compiled from Lok Sabha Debates, Rajya Sabha Debates and newspaper reports between 2014-2024.

Table 3 classifies PR impositions in opposition-ruled states, five of the impositions were due to a majority crisis, while two PRs were imposed as transitional measures due to the resignation or death of Chief Ministers in Andhra Pradesh (2014)<sup>LXXXIX</sup> and Jammu and Kashmir (2016).<sup>XC</sup> During Modi-era PR imposition in Jammu and Kashmir (2018) was publicly presented as a majority crisis but was imposed to ease the abolition of Jammu and Kashmir's constitutional special status and statehood. Among the majority crisis situations, the first two happened owing to fragile political circumstances, such as a political schism between ruling coalition partners at the time of election (Maharashtra 2014)<sup>XCI</sup> and an inconclusive majority (Jammu & Kashmir 2015).<sup>XCII</sup> In reference to the majority crises in Arunachal Pradesh 2016, Uttarakhand 2016, and Maharashtra 2019, the role of speakers of



Legislative Assemblies was considered controversial particularly regarding the timing of the floor-test.<sup>XCIII</sup> In the next section, I have focused on three peculiar cases of PR impositions (Arunachal Pradesh 2016, Uttarakhand 2016, and Jammu and Kashmir 2018) in reference to the grounds, justifications, and restraints on PR impositions.

In Arunachal Pradesh (2016), Congress had a healthy majority of forty-seven members in the sixty-member legislative assembly; however, fourteen members who defected to the BJP were disqualified by the speaker, still allowing Congress to maintain a majority of thirty-three legislative assembly members.<sup>XCIV</sup> The Governor (Rajkhowa), in partisan interest with the BJP, reported majority crisis,<sup>XCIV</sup> without proceeding with the floor test (mandated by *Bommat*<sup>XCVI</sup> guidelines), the central government used the Governor's report to enforce a PR imposition. However, the report was never made public, the Governor subsequently denied recommending the PR imposition, stating, "The PR was imposed in the state on the recommendation of the Prime Minister (Modi) and the Union Cabinet chaired by him."<sup>XCVII</sup> The governor's interventions were challenged in the Supreme Court in *Nabam Rebia & Bamang Felix v Deputy Speaker*.<sup>XCVIII</sup> The five-judge bench overturned the Governor's order to postpone legislative assembly meetings as the Chief Minister was not consulted. The court found that these choices resulted in the unlawful PR imposition and reinstated the former government, subject to the floor test. Since independence, Arunachal Pradesh was the first case in which the Supreme Court could de-facto reinstate a democratically elected provincial government, reaffirming the effectiveness of judicial limitations on PR powers, particularly during the early years of Modi government. In later years, the only restraint against PR impositions – judicial restraints faded rapidly in later years of single party-personality dominated central government under Modi's Prime Ministership.

In Uttarakhand (2016), the Chief Minister (Harish Rawat of Congress) lost the majority due to opportunistic defections, while the speaker of the legislative assembly disqualified nine of the defected members and asked Rawat government to prove its majority on the floor of the house.<sup>XCIX</sup> A day before the majority test, the President imposed a PR, stating political instability and a majority crisis in the state.<sup>C</sup> The Uttarakhand High Court following the *Bommat*<sup>CI</sup> and *Rameshwar*<sup>CI</sup> directives held the imposition unconstitutional and reinstated the Rawat government to face the floor test in *Harish Rawat v. Union of India*.<sup>CI</sup> Within a day of the verdict, the Supreme Court on appeal in *Union of India v. Harish Rawat*<sup>CI</sup> nullified the High Court's decision to reinstate the government and approved reimposition of PR. The



Supreme Court verdict watered down the last remaining restraints on PR powers — judicial restraints evolved in the multi-party alliance era by *Bommai* and *Rameshwar* directives. During the return of single party-personality dominated central government, the parliamentary restraints remained dormant due to ruling coalitions' majorities at both houses of the parliament, and institutions such as the Speakers and Governors acting like the agents of the central government to manufacture majority crisis in the opposition-ruled states.

The Jammu & Kashmir (2018) imposition requires a separate analysis in reference to single party-personality dominated central government imposing the PR to abrogate the special status and statehood. Jammu & Kashmir had a coalition government of People's Democratic Party (PDP) and BJP, with Mehbooba Mufti (PDP) as the Chief Minister; BJP strategically broke the coalition mid-term, causing a majority crisis in the state. Meanwhile PDP claimed alternative majority fostering support of minor parties and independent members; however the Governor ignored claims of alternative majority, dissolved the legislative assembly without a floor test,<sup>CV</sup> and recommended a PR imposition.<sup>CVI</sup> The PR imposition was enforced on 19<sup>th</sup> December 2018 and the hegemonic majority of the ruling coalition kept extending the PR imposition for the next fourteen months with periodic parliamentary approvals, mostly without debates and criticism.<sup>CVII</sup> The PR imposition with the dissolution of legislative assembly was a strategical move by the central government to end any possibility of alternative non-BJP government and to remove constitutional complexities in abrogation of the special status to Jammu and Kashmir (under Article 370), which was one of long-standing electoral manifestation of the BJP. Article 370 granted special status and privileges with comparative legislative and executive autonomy to the state of Jammu & Kashmir, Article 370(1)d and 370(3) also mandated that any amendment to the special status of the state could only be possible with the “recommendation of the constituent assembly of the state.”<sup>CVIII</sup> On 05 August 2019, the central government passed Constitutional Orders 272 and 273 and replaced the concurrence of “constituent assembly” with “legislative assembly” required under Article 370(3), by using interpretation provision of the constitution.<sup>CIX</sup> With PR imposition in force, the parliament has already acquired the powers of legislative assembly of the state, thereby with the same constitutional order, the parliament abrogated special status of the state and passed the Jammu and Kashmir State Reorganization Act 2019 to downgrade the state into two union territories – Jammu and Kashmir and Ladakh.<sup>CX</sup> The PR imposition in Jammu and Kashmir was not only clear



violation of the directives of *Bommat*<sup>CXI</sup> and *Rameshwar*<sup>CXII</sup> mandating the floor test in case of majority crisis, but also started a chain of unconstitutional procedures and tactics to end the last traces of asymmetrical federalism in India. With the return of single party-personality dominated central government under Modi, the last resort against PR impositions (judicial restraints) substantially deteriorated as the Supreme Court of India in *In Re: Article 370 of the Constitution*,<sup>CXIII</sup> refused to deal with the question of constitutional validity of the PR imposition, instead observed that the PR is not invalid merely on the grounds of irreversibility of actions taken up during the imposition as Chandrachud CJI pointed out:

The Court would not deal with the President's powers to invoke President's Rule under Article 356, as the core challenge pertained to actions taken during the subsistence of President's Rule and not independently to President's Rule by itself.....It will be too stringent an approach to suggest that every action of the President and Parliament must be necessary to further the objective of the proclamation.....every decision so taken cannot be open to judicial review.<sup>CXIV</sup>

The decision ignored theoretical principles of emergency and constitutionalism mandating that the emergency powers could not be used to make irreversible changes in the peace-time legal trajectory, instead PR emergency powers were used to reshape federalism by abrogating the special status and statehood. The decision justified "application of emergency powers based on governing narratives rather than on the principles of legality and constitutionalism".<sup>CXV</sup> The recent decisions by the Supreme Court of India, particularly *Rawat*<sup>CXVI</sup> and *in re Article 370*<sup>CXVII</sup> announce the return of non-interventionist approach on PR impositions to further empower single party-personality dominated central government under Modi's tenure.

During Modi's tenure, PRs on majority crisis were imposed for purely political purposes, considering BJP's interests in mind, while even on grave structural crisis Modi government has maintained abstention in case of BJP or its coalition-ruled states. Due to proximity of the constitutional environment and state of restraints on PR impositions, the Modi period appears politically akin to Nehruvian period of single party-personality hegemony and strategically akin to Indira's arbitrary period of PR impositions. Along with the erosion of judicial restraints, the political and parliamentary restraints evolved in the multi-government period were substantially deteriorated with the emergence of dominant party (BJP) and its alliance's (NDA) majority in both houses of the parliament. The hegemonic political



environment converted the institutional restraints as facilitators of PR imposition; as in several cases, the Governors followed the central directives while forwarding their reports and the Speakers of the legislative assembly arbitrary disqualified the members to manufacture the majority crisis in opposition-ruled state.

## 5. Conclusion

The tenures of Nehru and Modi share striking similarities as the two single party-personality-dominated central governments encountered sundry of socio-economic, security, and political environments within the centralised federal-constitutional context. Both Prime Ministers held nearly uncontested leadership at political party and central government levels, empowering them to assert their decisive control over provincial politics and governments. On their march towards political centralization, both Prime Ministers strategically relied on PR impositions to suppress provincial dissent and impose nationalist agendas. However, the numbers of PR imposition by Nehru (1950-1962) and Modi (2014-2024) are dwarfed by Indira's aggressive and strategic application of PR impositions particularly during 1967- 1977 to consolidate her authority over provincial and national politics. The article also reveals that the comparatively fewer impositions during Nehru's and Modi's tenure are due to the entrenched authority of the Prime Ministers and fewer numbers of opposition-ruled states during their tenure; additionally, policy-decentralization during Nehru's tenure and remnants of multi-government era restraints (judicial and institutional restraints) on PR impositions during Modi's tenure contributed towards comparatively fewer impositions. The intention and impact of PR impositions within the affinity of constitutional-political circumstances brings Nehru's and Modi's tenures on a comparable front – as Nehru and Modi opted for PR imposition primarily to demonstrate their authority over the provincial governments and politics, while Indira's impositions were strategic moves to consolidate her authority over provincial and national politics.

Despite comparatively fewer numbers, both Nehru and Modi governments strategically invoked PRs to counter dissent in opposition-ruled provincial governments and to dismember and merge political parties in coalition-ruled provincial governments. The manner, ground, justifications, and state of restraints on PR impositions highlights proximities in the two historically, structurally, and functionally different single party-



personality dominated central governments. During Nehru's tenure (1950-1962), central governments used PR to dismember and defect every coalition government, whether of Congress (Andhra 1951, Orissa 1961) or of non-Congress coalitions (PEPSU 1953, Travancore and Cochin 1956) stating majority crisis and structural crisis. In the case of an independent non-Congress government (Kerala 1956, 1959), the central government enforced a PR to wipe out political opposition by dismissing perfectly stable and functional provincial governments. The PR is also used to discipline the provincial Congress government (Punjab 1951) to ensure their personal loyalty to Nehru. The Parliamentary and political restraints remained dormant against the dominant party and personality — Congress with its massive majority in both houses of the Parliament ensured regular and uncontested approvals and extensions of the invocations. The judiciary could not find itself competent to review proclamations and established regressive precedent of considering invocation as a purely political question beyond judicial review. Modi governments (2014-2024) used PR invocations exclusively against opposition-ruled states, five of these impositions were due to a majority crisis (Maharashtra 2014, J&K 2015, Arunachal Pradesh 2016, Uttarakhand 2016, Maharashtra 2019) and two impositions as transitional measures (Andhra Pradesh 2014, J&K 2016). During Modi's tenure three impositions (Arunachal Pradesh 2016, Uttarakhand 2016, Jammu and Kashmir 2018) specifically demonstrated hegemonic and centralized authority, in violation of judicial and constitutional safeguards against PR impositions. With the return of single party-personality dominated central government, the judicial attitude towards the constitutionality of PR impositions has substantially softened reflected in the Supreme Court's rulings in *Rawat*<sup>CXVIII</sup> and *in re Article 370*.<sup>CXIX</sup> These judgements emphatically announce the return of non-interventionalist approach by the Supreme Court, which was originated and fostered during Nehru's single party-personality dominated central government. The parliamentary restraints against PR impositions remained ineffective due to the ruling party's majority in both houses of parliament, while the institutional (Governor and President) and non-institutional (the press and media) restraints on PR often acted like agents of hegemonic single party-personality dominated central governments. Thus, the question whether Modi opted for Nehru's jacket (tactics) for PR impositions is of perspective – due to the similitude of political-constitutional environments, Modi's jacket appears to be alike Nehru's, however, the divergence of constitutional and security environment has



fostered Modi's jacket to accommodate different fabrics, some of those fabrics were last used in making of Indira's shawl of overreaching PR impositions.

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<sup>I</sup> "South Korean President Thanks PM Modi for Sending Him 'meticulously Tailored Vests' India News - Times of India," accessed May 6, 2024. <https://timesofindia.indiatimes.com/india/south-korean-president-thanks-pm-modi-for-sending-him-meticulously-tailored-vests/articleshow/66446064.cms>.

<sup>II</sup> The South Korean President specifically addressed the jackets as 'Modi Jacket' making a political statement regarding international image and reach of Narendra Modi. "PM Modi Gifts 'Modi Jackets' to South Korean President Moon Jae-In," *The Economic Times*, <https://economictimes.indiatimes.com/news/politics-and-nation/pm-modi-gifts-modi-jackets-to-south-korean-president-moon-jae-in/articleshow/66445827.cms?from=mdr>.

<sup>III</sup> The Constitution of India, 1950 Part XVIII, Article 356 – Provisions in case of failure of constitutional machinery in States (1) If the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by Proclamation— (a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or any body or authority in the State other than the Legislature of the State; (b) declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament....

<sup>IV</sup> The Constitution of India, 1950 Article 357(1) – Whereby a Proclamation issued under clause (1) of article 356, it has been declared that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament....

<sup>V</sup> The Constitution of India, Article 356(3) – Every Proclamation under article (356) shall be laid before each House of Parliament and shall, except where it is a Proclamation revoking a previous Proclamation, cease to operate at the expiration of two months unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament....

<sup>VI</sup> The Constitution of India, 1950 Article 355 – It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the Government of every State is carried on in accordance with the provisions of this Constitution.

<sup>VII</sup> The Constitution of India, 1950 Article 365 – Where any State has failed to comply with, or to give effects to, any directions given in the exercise of the executive power of the Union under any of the provisions of this Constitution, it shall be lawful for the President to hold that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution

<sup>VIII</sup> The Constitution of India, 1950 Article 248 – Subject to article 246A, the Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.

<sup>IX</sup> The Constitution of India, 1950 Article 249 – Power of Parliament to legislate with respect to a matter in the State List in the national interest; Article 250 – Power of Parliament to legislate with respect to any matter in the State List if a Proclamation of Emergency is in operation; Article 251 – Inconsistency between laws made by Parliament under articles 249 and 250 and laws made by the Legislatures of States; Article 252 – Power of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State; Article 253 – Legislation for giving effect to international agreements.

<sup>X</sup> The Constitution of India 1950, Article 3 – Parliament may by law (a) form a new State by separation of



territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State; (b) increase the area of any State; (c) diminish the area of any State; (d) alter the boundaries of any State; (e) alter the name of any State.

<sup>XI</sup> The Supreme Court of India in *Ram Jawaya Kapur, Rai Sabib v. State of Punjab* (1955) 2 SCR 225(238) has reaffirmed that all the powers (including forming satisfaction for the constitutional machinery failure) of the President must be exercised on the advice of Council of Ministers, headed by the Prime Minister of India.

<sup>XII</sup> The Constitution of India, Article 74(1) – There shall be a Council of Ministers with Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice.

<sup>XIII</sup> Mu Mu Ismāyil, *The President and the Governors in the Indian Constitution* (Orient Longman, 1972).

<sup>XIV</sup> Rajeev Dhavan, “President’s Rule: Recent Trends,” *Journal of the Indian Law Institute* 31, no. 4 (1989): 521–33, <https://www.jstor.org/stable/43951266>.

<sup>XV</sup> The Constitution of India, Article 356(4) – A Proclamation so approved shall, unless revoked, cease to operate on the expiration of a period of six months from the date of issue of the Proclamation...

<sup>XVI</sup> The Supreme Court of India [1994] 2 SCR 644: AIR 1994 SC 1918: (1994)3 SCC1.

<sup>XVII</sup> See online appendix 1 A.

<sup>XVIII</sup> See online appendix 1 for the list of 121 PR invocations between 1950 and 2022, along with list of Prime Ministers invoking PR impositions in reference to the specific political-constitutional environment.

<sup>XIX</sup> Kishore K. Koticha, “Presidential Intervention Under Article 356 of the Constitution of India,” *Journal of the Indian Law Institute* 2, no. 1 (1959): 125–33, <https://www.jstor.org/stable/43952786>; Benjamin N. Schoenfeld, “Emergency Rule in India,” *Pacific Affairs* 36, no. 3 (1963): 221–37, <https://doi.org/10.2307/2754348>; M. V. Pylee, “The State under Constitutional Emergency,” *Journal of Constitutional and Parliamentary Studies* 21, no. 1 (1967): 112–41; M.P. Singh, “Governor’s Power to Dismiss Ministers or Council of Ministers—an Empirical Study,” *Journal of the Indian Law Institute* 13, no. 4 (1971): 612–40, <https://www.jstor.org/stable/43950302>; Ismāyil, *The President and the Governors in the Indian Constitution*; Shriram Maheshwari, *President’s Rule in India* (Macmillan Company of India, 1977); Rajeev Dhavan, *President’s Rule in the States* (N. M. Tripathi, 1979); H. M. Rajashekara, “President’s Rule in the Indian States,” *The Indian Journal of Political Science* 48, no. 4 (1987): 632–42, <https://www.jstor.org/stable/41855345>; Dhavan, “President’s Rule”; Krishna K. Tummala, “The Indian Union and Emergency Powers,” *International Political Science Review / Revue Internationale de Science Politique* 17, no. 4 (1996): 373–84, <https://www.jstor.org/stable/1601275>; Mahendra P. Singh, “Towards a More Federalized Parliamentary System in India: Explaining Functional Change,” *Pacific Affairs* 74, no. 4 (2001): 553–68, <https://doi.org/10.2307/3557806>; Rahul Sagar, “Emergency Powers,” in *The Oxford Handbook of the Indian Constitution*, ed. Sujit Choudhry, Madhav Khosla, and Pratap Bhanu Mehta (Oxford University Press, 2016), 0, <https://doi.org/10.1093/law/9780198704898.003.0013>; Abhishek Singhvi and Khagesh Gautam, *The Law of Emergency Powers: Comparative Common Law Perspectives*, 1st Edition 2020 (Singapore: Springer Singapore, 2020), <https://doi.org/10.1007/978-981-15-2997-9>.

<sup>XX</sup> N. R. Visalakshi, “President’s Rule in Kerala,” *The Indian Journal of Political Science* 27, no. 1 (1966): 55–68, <https://www.jstor.org/stable/41854147>; J. R. Siwach, *The Indian Presidency* (Hariyana Prakashan, 1971); Maheshwari, *President’s Rule in India*; Bhagwan D. Dua, “Presidential Rule in India: A Study in Crisis Politics,” *Asian Survey* 19, no. 6 (1979): 611–26, <https://doi.org/10.2307/2643898>; Rajeev Dhavan, *President’s Rule in the States* (N. M. Tripathi, 1979); H.M. Rajashekara, “Nehru and Indian Federalism,” *The Indian Journal of Political Science* 55, no. 2 (1994): 135–48, <https://www.jstor.org/stable/41858802>.

<sup>XXI</sup> Norman D. Palmer, “India in 1975: Democracy in Eclipse,” *Asian Survey* 16, no. 2 (1976): 95–110, <https://doi.org/10.2307/2643138>.

<sup>XXII</sup> Ramu Bagri, “Development of Indian Federalism & Role of President’s Rule in the Light of the S.r Bommai





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xxiv Chanchal Kumar Sharma and Wilfried Swenden, “Continuity and Change in Contemporary Indian Federalism,” *India Review (London, England)* 16, no. 1 (2017): 1–13, <https://doi.org/10.1080/14736489.2017.1279921>; Adam Ziegfeld, “A New Dominant Party in India? Putting the 2019 BJP Victory into Comparative and Historical Perspective,” *India Review (London, England)* 19, no. 2 (2020): 136–52, <https://doi.org/10.1080/14736489.2020.1744995>; Yamini Aiyar and Louise Tillin, “‘One Nation,’ BJP, and the Future of Indian Federalism,” *India Review* 19, no. 2 (March 14, 2020): 117–35, <https://doi.org/10.1080/14736489.2020.1744994>.

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xxvi Oskar Alfred Kubitz, *Development of John Stuart Mill’s System of Logic*, Illinois Studies in the Social Sciences; Vol. XVIII, No.1-2; March-June 1932 (Urbana: The University of Illinois, 1932).

xxvii Panch Rishi Dev Sharma, “In Search of the Theory of Constitutional Machinery Failure (Emergency) Models in India and Pakistan: A Comparative Exploration,” *Comparative Law Review (Toruń, Poland)* 23, no. 1 (2017): 83–108, <https://doi.org/10.12775/CLR.2017.003>.

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xxix Rajni Kothari, *Politics and the People: In Search of Humane India*. (New York: New Horizons Press, 1989, 1989).

xxx Chanchal Kumar Sharma and Wilfried Swenden, “Modi-Fying Indian Federalism? Centre-State Relations under Modi’s Tenure as Prime Minister,” 2018, [http://data.europeana.eu/item/2048425/item\\_IIESIYWIBRF7Z4QNJMIV6DLKY4I33HSG](http://data.europeana.eu/item/2048425/item_IIESIYWIBRF7Z4QNJMIV6DLKY4I33HSG).

xxxi *Ibid* at p. 617.

xxxii *Ibid* at p. 618.

xxxiii Paul R. Brass, *The Politics of India since Independence*, Second edition., The New Cambridge History of India (Cambridge: University Press, 1987); Stanley A. Kochanek, *The Congress Party of India: The Dynamics of a One-Party Democracy / Stanley A. Kochanek.*, Princeton Legacy Library 2005 (Princeton, NJ: Princeton University Press, 2015), <https://doi.org/10.1515/9781400875764>.

xxxiv Tarunabh Khaitan, “Killing a Constitution with a Thousand Cuts: Executive Aggrandizement and Party-State Fusion in India,” *Law & Ethics of Human Rights* 14, no. 1 (2020): 49–95, <https://doi.org/10.1515/lehr-2020-2009>.





xxxv *Ibid* at p. 53.

xxxvi *Ibid* at p. 57.

xxxvii “Shri Jawaharlal Nehru | Prime Minister of India,” accessed May 18, 2024, [https://www.pmindia.gov.in/en/former\\_pm/shri-jawaharlal-nehru/](https://www.pmindia.gov.in/en/former_pm/shri-jawaharlal-nehru/).

xxxviii Von Tunzelmann, Alex, 1977-. 2007. *Indian Summer: The Secret History of the End of an Empire*. New York, Henry Holt and Company.

xxxix Bhagwan D. Dua, *Presidential Rule in India, 1950-1974: A Study in Crisis Politics* (S. Chand, 1979).

xl Rajashekara, “President’s Rule in the Indian States.”

xli Debates Lok Sabha, “Lok Sabha Debates,” November 15, 1954, <http://10.246.16.187:80/handle/123456789/55966>.

xlii The Constituent Assembly Debates, Vol IX, p.177, B. R. Ambedkar: “*I do not altogether deny that there is a possibility of these articles being abused or employed for political purposes. But that objection applies to every part of the Constitution which gives power to the Center to override the Provinces.... the proper thing we ought to expect is that such articles will never be called into operation and that they would remain a dead letter.*”

xliiii Nehru remained the epicenter of the government of India and the Congress Party of India; during the Prime Ministership, he remained in the post of Congress President from 1951 to 1954, and afterward turned over the presidentship to U. N. Dhebar, Indira Gandhi and Sanjiv Reddy and D. Sanjivayya; each remained personally loyal to Nehru, thereby Nehru maintained his authority without any challenge from Congress, rather Congress had always supplemented his authority.

Welles Hangen has summarised the dominance of Nehru, “*the reluctant despot, kind of benevolent mogul, eschewing compulsion but reserving all important decisions for himself. He has monopolized authority in New Delhi, not for its own sake, but because he has always been convinced of his own pre-eminent wisdom.*”

Welles Hangen, *After Nehru, Who?* (Harcourt, Brace & World, 1963).

xliiv Debates Lok Sabha, “Lok Sabha Debates,” Session of Lok Sabha Discussions, Part III (New Delhi, 1951).

xliv M. P. Jain, “Nehru and the Indian Federalism,” *Journal of the Indian Law Institute* 19, no. 4 (1977): 392–418, <https://www.jstor.org/stable/43950497>.

xlvi Baldev Raj Nayar, *Minority Politics in the Punjab / Baldev Raj Nayar.*, Princeton Legacy Library (Princeton, New Jersey: Princeton University Press, 1966), <https://doi.org/10.1515/9781400875948>.

xlvii Parliament of India Reports, “Parliamentary Questions and Answers, Part I, Official Report,” Fourth Session of the Parliament of India, 1951.

xlviii *Ibid* at page 13.

xlix Lok Sabha, “Lok Sabha Debates,” 1951.

l ToI, “They Are Overthrowing a government,” *Times of India*, November 23, 1953, <https://eresources.nlb.gov.sg/newspapers/digitised/issue/indiandaily19531119-1>.

li Lok Sabha, “Lok Sabha Debates,” November 15, 1954.

lii Lok Sabha.

liii Dua, “Presidential Rule in India.”





<sup>LIV</sup> Schoenfeld, “Emergency Rule in India.”

<sup>LIV</sup> Siwach, *The Indian Presidency*; Dua, “Presidential Rule in India.”

<sup>LVI</sup> Catarina Kinnvall, “Nationalism, Religion and the Search for Chosen Traumas: Comparing Sikh and Hindu Identity Constructions,” *Ethnicities* 2, no. 1 (2002): 79–106, <https://www.jstor.org/stable/23889942>.

The Congress Party considered Akali Dal as a political party with a major demand for a separate Sikh state; and considered the Communist Party as anarchist due to their socialist agenda.

<sup>LVII</sup> Lok Sabha Debates, Vol. I, No.17, Part II, March 5, 1953; Vol. II, No.4, March 12, 1953; and Rajya Sabha Debates, Vol. VIII, No. 21, March 25, 26, 1953.

<sup>LVIII</sup> Rajya Sabha Debates, March 25, 1953: 2126; *The Statesman*, April 6, and *The Times of India*, April 24, 1953.

<sup>LIX</sup> Lok Sabha Debates, Part II, No. 32, March 29, 1956, col. 3790.

<sup>LX</sup> H. Austin, *Anatomy of the Kerala Coup* (People’s Publishing House, 1959); P. Gopalakrishnan, “The Constitutional Implications of President’s Rule in Kerala,” *Supr. Court J* 22 (1959): 161–76; Ronald J. Herring, “Stealing Congress’s Thunder: The Rise to Power of a Communist Movement in South India,” in *When Parties Fail*, ed. Kay Lawson and Peter H. Merkl, Emerging Alternative Organizations (Princeton University Press, 1988), 389–418, <https://www.jstor.org/stable/j.ctt7ztg1n.17>.

<sup>LXI</sup> D. R. Manekar, *The Red Riddle of Kerala*, 1956, [https://find.slv.vic.gov.au/discovery/fulldisplay/alma995639913607636/61SLV\\_INST:SLV](https://find.slv.vic.gov.au/discovery/fulldisplay/alma995639913607636/61SLV_INST:SLV).

<sup>LXII</sup> Secretariat Lok Sabha, “President’s Rule in States and Union Territories,” Lok Sabha Secretariat Report, January 2016.

<sup>LXIII</sup> Dhavan, *President’s Rule in the States*, 1979.

<sup>LXIV</sup> Uma Vasudeva, *Indira Gandhi: Revolution in Restraint*, p.268 Vikas, 1947, Delhi.

<sup>LXV</sup> *Ibid* at page 151.

<sup>LXVI</sup> N. V. Gadgil’s interview (published) in the *Tribune*, p. 4, July 7, 1959.

<sup>LXVII</sup> The Supreme Court of India, AIR 1965 Kerala 229.

<sup>LXVIII</sup> *Ibid* at p.232.

<sup>LXIX</sup> In 2014, the BJP-led coalition- National Democratic Alliance got 373 seats in 543-elected seats of Lok Sabha, another leading party Congress could only win 43 seats.

<sup>LXX</sup> E. Sridharan wrote: “The results were dramatic, possibly even epochal. The electoral patterns of the last quarter-century have undergone a sea change, and the world’s largest democracy now has what appears to be a new party system headed by a newly dominant party.”

Sridharan, Eswaran. “Behind Modi’s Victory.” *Journal of Democracy* 25, no. 4 (2014): 20-33.

<sup>LXXI</sup> In 2019, BJP won 303 seats of its own, while National Democratic Alliance (including BJP) got elected on 350 seats in Lok Sabha.

<sup>LXXII</sup> In 2019, Congress won fifty-two seats of its own, while United Progressive Alliance (including Congress) got elected on eighty-five seats of Lok Sabha.

<sup>LXXIII</sup> “400 Paar: BJP’s List of Claims on What It Will Do with Such a Number,” *The Indian Express* (blog), May 15, 2024, <https://indianexpress.com/article/political-pulse/400-paar-bjp-list-claims-what-do-number->





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LXXXIV Eswaran Sridharan, "India in 2019 A New One-Party Hegemony?" *Asian Survey* 60, no. 1 (February 1, 2020): 165–76, <https://doi.org/10.1525/as.2020.60.1.165>.

LXXXV Christophe Jaffrelot, "Modi's India: Hindu Nationalism and the Rise of Ethnic Democracy," in *Modi's India* (Princeton University Press, 2021), <https://doi.org/10.1515/9780691223094>.

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<sup>CI</sup> The Supreme Court of India AIR 2006 SC 980.

<sup>CI</sup> The High Court of Uttarakhand, Writ Petition No. 795 of 2016 (M/S).

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<sup>CVII</sup> G. Sharma, “President’s Rule Imposed in Jammu and Kashmir after 22 Years - India Today,” accessed July 28, 2023, <https://www.indiatoday.in/education-today/gk-current-affairs/story/president-rule-jammu-kashmir-22-years-6-months-governor-rule-1412710-2018-12-19>.

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<sup>CIX</sup> The Constitution of India, 1950, Article 367: Interpretation.

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CENTRO STUDI SUL FEDERALISMO

PERSPECTIVES ON FEDERALISM



## Online Appendix



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## Modi's Nehru Jacket: President's Rule Invocations during the tenures of Prime Ministers Nehru and Modi PR Impositions in India (1950-2024)

### 1. PR Impositions in India (New PR impositions in the year and continuing PR impositions)

Year	New PR Proclamations	Continuing PR Proclamations
1950	0	0
1951	1	1
1952	0	1
1953	1	1
1954	1	2
1955	0	1
1956	1	1
1957	0	1
1958	0	1
1959	1	0
1960	0	1
1961	1	0
1962	0	0
1963	0	1
1964	1	1
1965	1	1
1966	1	1
1967	2	3
1968	4	3
1969	1	2
1970	3	3
1971	5	4





1972	3	4
1973	4	4
1974	1	4
1975	2	5
1976	3	3
1977	14	15
1978	3	12
1979	5	11
1980	9	8
1981	1	3
1982	1	4
1983	2	3
1984	1	5
1985	0	2
1986	1	3
1987	1	3
1988	3	2
1989	1	2
1990	3	1
1991	4	2
1992	6	6
1993	2	3
1994	0	2
1995	2	1
1996	1	1
1997	0	2
1998	0	1



1999	2	1
2000	0	1
2001	1	2
2002	2	2
2003	0	2
2004	0	1
2005	2	0
2006	0	1
2007	2	1
2008	2	1
2009	2	2
2010	1	2
2011	0	2
2012	0	1
2013	1	1
2014	2	2
2015	1	3
2016	3	2
2017	1	1
2018	1	1
2019	0	1
2020	0	2
2021	0	2
2022	0	1



CENTRO STUDI SUL FEDERALISMO

PERSPECTIVES ON FEDERALISM



## 2. Nature, Grounds, Justifications, and Restraints on PR Impositions during Nehru's Tenure (1950-1962)





Number, Details and Duration		Political Actors and Environment			Grounds, Manner, and Justifications of PR			State of Restraints against PR		
State and Duration	Dates and Duration	Chief Minister Political Party	Prime Minister Political Party	Political Environment	Grounds (Governor's report or otherwise)	State of Legislative Assembly	Justification of PR imposition	Parliamentary Restraint	Judicial Restraint	Institutional Restraints
Punjab 302 days	20.06.1951- 17.04.1952	Gopichanda Bhargava Congress	Jawaharlal Nehru Congress	Highly hegemonic	Gross-mal administration	Initial suspended later res	to discipline the provincial congress party and its leadership by dismissing the state government.	Ineffective	Non-existing	Non-existing
PEPSU 368 days	04.03.1953- 07.03.1954	Gyan Singh Rarewala Akali Dal-Communist P. Coalition	Jawaharlal Nehru Congress	Highly hegemonic	Majority Crisis	Dissolved without a majority test	apprehensive of alliance between Akali Dal and the Communist Party	Ineffective	Non-existing	Non-existing
Andhra Pradesh 134 days	15.11.1954- 29.03.1955	T. Prakasam Congress-PSP-KLP Coalition	Jawaharlal Nehru Congress	Highly hegemonic	Majority Crisis due to no-confidence motion	Dissolved after the majority test	Congress destabilizing coalition government	Ineffective	Non-existing	Non-existing
Travancore-Cochin 378 days	23.03.1956- 05.04.1957	P. G. Menon United Front Non-Congress Coalition	Jawaharlal Nehru Congress	Highly hegemonic	Majority Crisis and Instability	Dissolved without a majority test	Congress could not approve a non-congress coalition	Ineffective	Non-existing	Non-existing
Kerala 206 days	01.11.1956- 05.04.1957	N/A Newly formed state	Jawaharlal Nehru Congress	N/A	Continuous Proclamation	State-reorganization	Newly formed state with no legislature	N/A	N/A	N/A
Kerala 178 days	31.07.1959- 22.02.1960	EMS Namboodrpada Communist Party	Jawaharlal Nehru Congress	Highly hegemonic	Totalitarian communism with a breakdown of law and order	Dissolved without a majority test	Congress's distrust and apprehension with Communist Party government	Ineffective	Non-existing	Non-existing
Orissa 118 days	25.02.1961- 23.06.1961	H. Mahtab Congress-Gantantra Parishad Coalition	Jawaharlal Nehru Congress	Highly hegemonic	Majority Crisis	Dissolved Legislative Assembly	Congress defected from the coalition government and manufactured majority crisis	Ineffective	Non-existing	Non-existing



West Bengal 7 days	01.07.1962- 08.07.1962	Congress coalition	Jawaharlal Nehru Congress	hegemonic	Death of the Chief Minister	Interim Measure	Death of the Chief Minister	N/A	N/A	N/A
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### 3. Nature, Grounds, Justifications, and Restraints on PR Impositions during Modi's Tenure (2014-2024)

Number, Details and Duration			Political Actors and Environment			Grounds, Manner,, and Justifications of PR			State of Restraints against PR		
s/n	State and Duration	Dates and Duration	Chief Minister Political Party	Prime Minister Political Party	Political Environment	Grounds (Governor's report or otherwise)	State of Legislative Assembly	Justification of PR imposition	Parliamentary Restraint	Judicial Restraint	Institutional Restraints
1.	Andhra Pradesh 100 days	28.02.2014 - 08.06.2014	Kiran Kumar Reddy Congress	Narendra Modi NDA (BJP)	Domination and Opportunistic	Resignation of Chief Minister	Dissolved legislative assembly	Political impasse due to the resignation of Chief Minister as a protest against Central Govt's decision to carve Telangana out of Andhra Pradesh; extension of president's rule beyond two months without parliamentary approval	Non-existent	Ineffective	Non-existent
2.	Maharashtra 33 days	28.09.2014- 31.10.2014	Prithviraj Chavan Congress - NCP Coalition	Narendra Modi NDA (BJP)	Domination and Opportunistic	Majority Crisis	Dissolved Legislative Assembly	Congress separated from the alliance partners NCP and others, followed up with state assembly elections	Ineffective	Partly effective	Non-existent



3.	Jammu and Kashmir 51 days	09.01.2015-01.03.2015	N/A	Narendra Modi NDA (BJP)	Domination and Opportunistic	Inability to form a government	Suspended legislative assembly	The fractures and inconclusive election results could not allow any party or coalition to claim the majority until BJP-PDP formed a government in 2015	Ineffective	Partly effective	Non-existent
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4.	Jammu and Kashmir 87 days	08.01.2016-04.04.2016	Mufti Mohammad Sayeed PDP-BJP Alliance	Narendra Modi NDA (BJP)	Domination and Opportunistic	Death of the Chief Minister	Suspended legislative assembly	Death of the chief minister and inability to find a caretaker chief minister	Ineffective	Partly effective	Non-existent
5.	Arunachal Pradesh 26 days	25.01.2016-19.02.2016	Nabam Tuki Congress	Narendra Modi NDA (BJP)	Domination and Opportunistic	Majority Crisis	Suspended legislative assembly	Opportunistic defection by Congress members to construct majority crisis to otherwise stable Congress government; Supreme Court declared the PR ultra-vires and reinstated dismissed Congress government	Ineffective	Effective	Ineffective
6.	Uttarakhand 25 days	27.03.2016-21.04.2016	Harish Rawat Congress	Narendra Modi NDA (BJP)	Domination and Opportunistic	Majority Crisis	Initially suspended later dissolved	Chief Minister (Harish Rawat) lost its majority due to defection, and the speaker (of the legislative assembly) disqualified nine defected members. Uttarakhand HC	Ineffective	Partly Effective	Ineffective



									declared the PR imposition unconstitutional, but tSupreme Court reversed the decision			
7.	Jammu and Kashmir 498 days	19.06.2018-30.10.2019	Mehbooba Mufti PDP-BJP Coalition	Narendra Modi NDA (BJP)	Domination and Opportunistic	Majority Crisis	Dissolved Legislative Assembly	Governor (Satya Pal Malik) recommended a sub-national emergency, while Mufti claimed to secure a majority with independent members. The imposition of a sub-national emergency with the dissolution of the legislative assembly was a strategic move by the central government to abrogate Article 370 granting special status to the state	Ineffective	Ineffective	Ineffective	
8.	Maharashtra 15 days	12.11.2019-27.11.2019	N/A	Narendra Modi NDA (BJP)	Domination and Opportunistic	Inability to form a government	Suspended legislative assembly	Conflict between pre-poll alliance between BJP and Shiv Sena, PR imposed to handle constitutional impasse and allow BJP to secure majority through defection	Ineffective	Ineffective	Ineffective	