

# ISAS Brief

No. 404 – 5 February 2016

Institute of South Asian Studies  
National University of Singapore  
29 Heng Mui Keng Terrace  
#08-06 (Block B)  
Singapore 119620  
Tel: (65) 6516 4239 Fax: (65) 6776 7505  
www.isas.nus.edu.sg  
<http://southasiandiaspora.org>



## **Arunachal Pradesh Deadlock: A Sign of Institutional Crisis**

*The imposition of President's Rule in the north-eastern State of Arunachal Pradesh has been challenged in court. The situation in Arunachal raises troubling questions about India's federalism and the office of State Governors.*

Ronojoy Sen<sup>1</sup>

India's President Pranab Mukherjee's approval on 26 January 2016 of the Union Cabinet's recommendation to impose President's Rule in the north-eastern State of Arunachal Pradesh, whose borders with China are a matter of dispute, has ignited a constitutional debate. Among the reasons cited by the Union Home Ministry for the imposition of President's Rule in Arunachal Pradesh was the inability of the State Assembly to meet every six months – the deadline for which expired on 21 January 2016 – and the deterioration of law and order in the State. The Congress party, which was in power in Arunachal when President's Rule was imposed, has, however, challenged the proclamation in the Supreme Court.

This impasse in Arunachal Pradesh arose after a split in the ruling Congress. Ever since some of his party MLAs (Members of Legislative Assembly) raised the flag of rebellion, the

---

<sup>1</sup> Dr Ronojoy Sen is Senior Research Fellow at the Institute of South Asian Studies (ISAS), an autonomous research institute at the National University of Singapore (NUS), and at the Asia Research Institute at the NUS. He can be contacted at [isasrs@nus.edu.sg](mailto:isasrs@nus.edu.sg). The author, not ISAS, is responsible for the facts cited and opinions expressed in this paper.

incumbent chief minister of Arunachal Pradesh, Nabam Tuki, has not been able to prove his majority on the floor of the House. Indeed, he even ordered a lockdown of the Assembly premises between 15 and 18 December 2015. At the same time, the role of the Arunachal Pradesh Governor J P Rajkhowa, who was appointed to his post by the Bharatiya Janata Party (BJP) government at the Centre in September 2015, has not been above controversy. He unilaterally advanced the date of the session of the State Assembly from 14 January 2016 to 16 December 2015 and sought the removal of the Speaker of the Assembly as the first item on the agenda. On 16 December, the Deputy Speaker of the Assembly conducted a “session” outside the Assembly premises, involving the rebel Congressmen and 11 BJP MLAs, where the Speaker was “dismissed”. The Gauhati High Court has, however, upheld the constitutionality of the Governor’s decisions.

Since the Supreme Court’s 1994 ruling in *S.R. Bommai v. Union of India*, presidential proclamations under Article 356, the constitutional provision under which a State government can be dismissed and Central rule imposed, is subject to judicial review. Now that the matter is before the Supreme Court, it will have to decide on the legality of imposing President’s Rule in Arunachal Pradesh. The Centre in its affidavit before the apex court has stated that there was a complete breakdown in law and order and that the Congress government was in a minority for the past several months. At the time of writing, the court was yet to take a final decision. During a hearing on 1 February 2016, the court recalled an earlier order asking the Arunachal Pradesh Governor to respond to why he had recommended President’s rule, saying that Governors enjoys “immunity” for acts done in their official capacity. At the same time, the court has ordered the Arunachal Governor’s office to provide documents and records, which were seized on 26 January from the chief minister and his government.

Even as the court deliberates on the Congress’ petition, the situation in Arunachal raises serious questions about President’s Rule and when it should be imposed. Though, B R Ambedkar, one of the architects of the Indian Constitution, had hoped that the powers under Article 356 “would remain a dead letter”, successive Central governments have imposed President’s Rule in the states over 100 times since 1950. According to political scientist Anoop Sadanandan, Central governments have usually resorted to Article 356 for “political reasons, usually to dismiss opposition-ruled State governments or to prevent the opposition from forming state governments after the elections”. Sadanandan shows that since 1994 the number of instances of President’s Rule has declined. He links this decline to the increasing clout of regional parties,

which were either part of governing coalitions at the Centre or could bring pressure to bear in Parliament.

However, the tiny States of India's Northeast, such as Arunachal Pradesh, do not have the numbers or the influence to pressure the Central government. Unsurprisingly, there have been 27 instances of President's Rule or an extension of it in the seven states of the Northeast. In the current instance, the fact that the opposition Congress was in power in Arunachal and a BJP government is at the Centre has brought in an additional adversarial element.

Besides the propriety of President's Rule, the deadlock in Arunachal brings into sharp focus the office of Governors of Indian states. The Congress, when it was heading the Central government, had made it a practice to appoint partisan Governors. The BJP government has unfortunately continued this practice, pressuring several Governors appointed by the earlier Congress-led regime to resign. Flouting constitutional propriety, the government even got the Union Home Secretary to call Governors and ask for their resignation. It did so despite BJP leaders, such as A B Vajpayee and L K Advani, arguing in Parliament in 2004 that the move by the Congress-led coalition to remove Governors appointed by the BJP government was a "blow to democracy". The Supreme Court too in 2010 had ruled that a Governor could not be removed for being "out of sync with the policies and ideologies of the Union government".

The apex court's final verdict will most likely point the way forward to solving the impasse in Arunachal. This is imperative given that Arunachal Pradesh, like Jammu and Kashmir, is a sensitive State whose borders are disputed by India's neighbours. The court's ruling is, however, unlikely to resolve the use of Article 356 to undermine India's federal structure. It will also not halt the politicisation of the Governor's office. For that to happen there needs to be a consensus on these issues among India's political parties, which has so far proved elusive.

. . . . .