



Issues of Governor and Article 356 in Mizoram

Lalrinnggheta*

Abstract

In this article an attempt is made to study how the role of Governor is important in centre-state relations in India, particularly in the case of Mizoram. Its implications on the state especially when regime changes at the centre. Imposition of Article 356 thrice in the state of Mizoram and political background on which they were imposed were studied.

Keywords: *Governor, Article 356, Mizoram, Centre-State Relations.*

Mizoram was granted Union Territory only in 1972. From this time onwards till it attained statehood in 1987 there are six Lieutenant Governors in the U. T. After it attained statehood there are 18 Governors in the state till today (the incumbent one Kummanam Rajasekharan in 2018). These sixteen Governors of Mizoram were distinguished figures in their career and professions. Their professions vary from army personnel, politicians, bureaucrats, lawyers and agriculturist to academician.¹ During the period 2014-2016 Mizoram had seven Governors. There has even been a feeling among the Mizo people that the Central Government was playing a dirty game with regard to the appointment of Governor in the state. The Mizo Zirlai Pawl (the largest student's body in the state) also stated that the state deserved better treatment not just like where disfavoured Governors were posted.

When BJP under the alliance of NDA formed government at the centre in 2014 turmoil had begun in the post of Governor of Mizoram. The first case being Vakkom B. Purushothaman. He was appointed as the 18th Governor of Mizoram on 26th August 2011 by President Pratibha Patil by replacing Madan Mohan Lakhera and took office on 2nd September 2011 during Indian National Congress ruled at the centre. Purushothaman used to serve as President of the District Congress Committee at Thiruvananthapuram and the General Secretary and Vice President of the Kerala Pradesh Congress Committee and he had also been a member of All India Congress Committee for over 25 years. He used to be one of the leading politicians in Kerala in the 1970s and 1980s.² He resigned from the post of Governor of Mizoram on 11th July 2014 due to his transfer by the BJP Government at the

* Ph.D. Scholar, Department of Political Science, Mizoram University, Aizawl - 796 004, Mizoram.

centre to Nagaland. Such a great leading figure of Congress man became one of the first victims of regime change at the centre.

Purushothaman was replaced by Kamla Beniwal, she is a politician affiliated to the Indian National Congress. There are a lot of controversies with regard to her appointment as the Governor of Mizoram. She used to serve as Governor of Gujarat when the INC formed government at the centre. There used to be tensions between the Governor and the Chief Minister of Gujarat, Narendra Modi. She along with many former congress ministers and political leaders from Rajasthan had been accused that they were allocated expensive land at low prices on the basis of false affidavits and documents in Jaipur Development Authority Area which was known as Jaipur Land Scam.³ She also had a very tense relation with the State Government with regard to the appointment of R. A. Mehta as the Lok Ayukta which consequently led to the appeal of file to the Supreme Court by the State Government of Gujarat.⁴ When the Bharatya Janata Party under the alliance of National Democratic Alliance came to power at the centre she was transferred to Mizoram on 6th July 2014 and then on 6th August 2014 she was sacked from the post with barely four months left for her tenure citing her involvement in the Jaipur Land Scam case and misuse of power during her tenure of Governor of Gujarat state. During her one month tenure in Mizoram she stayed only one day in the state. This event can be regarded as the revenge of BJP Government at the centre and Indian National Congress termed it as “Political vendetta.”⁵

Maharastra Governor K. Sankaranarayanan was appointed by the President but he refused to take up the assignment. So, after Beniwal, Mizoram was under two additionally charged Governors such as Vinod Kumar Duggal (then incumbent governor of Manipur) from 8th August 2014 to 16th September 2014 and Krishant Kant Paul (then incumbent Governor of Meghalaya) from 16th September 2014 to 8th January 2015. Both of them were former civil servants with no significant involvement in any political parties. Meanwhile, the Mizo Zirlai Pawl (student’s body) and some NGOs in the state demanded for a stable post of Governor. Even when Amit Shah, President of BJP, visited Aizawl on 14th April 2016 many people had shown him posters and banners expressing displeasure over the undemocratic frequent changes of Governor in the state.⁶

On 7th April 2015 Mizo Zirlai Pawl had already had picketed in front of Central Government offices to protest against the frequent changes of Governor in the state and called the recent phenomenon as “Gubernatorial dumping ground of unwanted governors”. All Central Government office in the state capital except All India Radio and Doordarshan, were closed for the day and black flags were hoisted in their premises by MZP volunteers. Then on 9th January 2015 Aziz Qureshi, then incumbent Governor of Uttarakhand was transferred to Mizoram and he held office till 28th March 2015 and resigned. He was appointed Governor of Uttarakhand during UPA regime at the centre. He also got involved in a serious tension with the state BJP during his governorship of Uttarakhand over the issue of cow slaughter. He became the first Governor to move to Supreme Court over the case of his resignation in which he alleged that the Home Secretary Anil Goswami had forced him to resign.⁷

So, after the resignation of Qureshi the post of Governor of Mizoram had fallen vacant till 3rd April 2015. Again on 4th April 2015 President of India appointed K. N. Tripathi, a veteran BJP leader, to take additional charge of Governor of Mizoram and he held this post till 25th May 2015. After Tripathi left, reputed army personnel with no politically tainted background Lt. Gen. Nirbhay Sharma was appointed Governor of Mizoram and he held office till 24th May, 2018.

From the above one finds that the post of Governor played a very important role in India's federalism. It is clearly evident that the frequent change of Governor in Mizoram in recent years had nothing to do with the centre-state relations, it just mainly demonstrated implicitly or explicitly a battle between BJP and those politicians belonging to INC. Those Governors such as Vakkom B. Purushothaman, Kamla Beniwal and Aziz Qureshi all were INC veteran leaders and they were the ones who had a fierce battle with the BJP. Other Governors who had filled the post in the State of Mizoram before Nirbhay Sharma other than these three Governors were former civil servants. They took as an additional charge and it is obvious that there was no tension between them and the Union Government. Here, had the suggestion made by the Administrative Reforms Commission (1966) of appointing only some persons as Governors who had non-partisan attitude been followed these kind of problems might not be faced in the centre-state relations. But for the people of Mizoram, which was ruled by Congress, these events can be regarded as a step-motherly treatment meted out to them.

Article 356 in Mizoram

After Mizoram attained the Union Territory status in 1972, President's rule was imposed in Mizoram three times. But, unlike other states the President's Rule were imposed not on the political ground. The first one was imposed on 11th May 1977 and it lasted till 1st June 1978. It was due to the resignation of Chief Minister of Mizoram Union Territory Ch. Chhunga⁸ as his tenure was ended. The Central Government then imposed the President's rule and it lasted till the next U.T. election on 1st June 1978⁹. The second one was imposed during the People's Conference ministry under a retired Brig. T. Sailo. There was an internal rift in the party over the party leadership and distribution of portfolios, eight MLAs of the P. C. Ministry had withdrawn support and this reduced the ruling ministry into a minority.¹⁰ Then Chief Minister T. Sailo recommended to the Prime Minister Morarji Desai personally to declare the U.T. under President's rule when the latter visited Aizawl on 7th November 1978. As a result, President's rule was imposed on 10th November 1978.¹¹ A fresh election was held on 24th and 27th April 1978 in which T. Sailo's People's Conference Party again won 18 seats. Then, President's rule was revoked on 8th May 1979.

The last one was imposed on 7th September 1988. Eight MLAs and a Deputy Speaker of Laldenga MNF ministry withdrew support and joined hands with the state Congress (I) party and formed United Legislature Party under Lalthanhawla. These dissident MLAs had accused Laldenga of misusing his authority as Chief Minister including accusation on the charge of corruption, nepotism and autocratic attitude. This resulted in Laldenga's Ministry becoming a minority. Both the camps, Laldenga and Lalthanhawla thus tried to form a new

ministry. But Governor Hiteswar Saikia after carefully examining both the camps for a week, he concluded that that even if either Laldenga's camp or Lalthanhawla's camp had formed a ministry under such critical condition it would not last long and might also have undesirable consequences in a state which recently achieved peace after 20 years of MNF insurgency. The Governor recommended to the President to enforce Article 356 in the state.¹² The mid-term poll was announced on 21 January 1989 in which Congress (I) won and President's rule was revoked on 24th January 1989.

Thus, it is visible that the immediate cause of the first emergency was due to the resignation of incumbent Chief Minister as his tenure was ended. In this particular case, the Janata Party, a new party at the centre at that time by defeating Congress under Indira Gandhi, had been strongly campaigning and criticising against the National Emergency proclaimed in 1975, and imposition of President's rule under the Article 356 by Indira Gandhi in many states where non-congress parties formed governments. So, imposition of President's rule in Mizoram in 1977 was purely due to the resignation of Chief Minister and it was not politically motivated. The second and third ones were also, as mentioned above, due to internal dissensions in the ruling parties i.e. People's Conference Party (1978) and Mizo National Front (1988). So, it can be safely said that article 356 had not been gravely misused in the case of Mizoram.

Conclusion

Article 356 had been imposed thrice in Mizoram but unlike the case in other states there had been no evidence of misuse of Article 356 either by the Governor or by the President. President's rule was imposed twice during the Union Territory status and it was also a period when insurgency was in operation in the UT. These two terms of President's rule i.e. 1977 and 1978 were imposed purely due to falling vacancy of Chief Minister post after the term of Ch. Chhunga, the then Chief Minister had been over and due to internal problems resulting into defection in the ruling party of People's Conference during the Chief Ministership of Brig. T. Sailo in the UT. In the latter case, Chief Minister had written in his autobiography that he had made recommendation to Morarji Desai, the then Prime Minister of India, to put the UT under President's rule when the latter visited Mizoram on 7th November 1978. President's rule on 10th November 1988 was also due to the loss of majority position in the State Legislature by Laldenga-led MNF ministry due to dissension among the MNF MLAs. Dissident members joined hands with the state congress and formed the United Legislature Party.

With regard to posting, though the state had experienced frequent changes of Governor, there have never been conflicts between the legislative head and the executive head in the state. But an interesting fact is that those Governors who had been indulged in politics were the worst sufferers of regime change at the centre. In the state of Mizoram, it was the NGOs, but not the state government, who raised uproar against the decision of the Central with regard to frequent change of Governor.

Notes and References

1. The sixteen Governors of Mizoram and their professions are like these- H.Saikia a politician, A. Padmanabhan an IAS, A. R. Kohli an academician, Aziz Qureshi a lawyer (INC), K. V. Krishna Rao an army personnel, Kamla Beniwal an agriculturist and affiliated to INC, K. N. Tripathi a politician (BJP), K. K. Paul an IPS, M. M. Lakhera an army personnel, P. R. Kyndiah a politician (INC), Swaraj Kaushal an Advocate General, Vakom B. Purusothaman a politician (INC), Ved Maruah an IPS, V. K. Duggal an IAS and W. A. Sangma a politician (INC).
2. Vakom B. Purusothaman began his political career as an active worker of the Student's Congress in 1946, he became member of Vakhom Panchayat in 1953. He was elected to Kerala Legislative Assembly in 1970, 1977, 1980 and 1982 from Attingal Constituency. From 1971 to 1977, he held the portfolio of Agriculture and Labour in the Ministry headed by C. Achutha Menon. From 1980 to 1981, he was the Minister for Health and Tourism in the Nayanar Ministry. He served as Speaker of Kerala Legislative Assembly from 1982 to 1984. He then also served for two terms as Member of Parliament in Lok Sabha. (Vakom Purusothaman (n.d.). In, *Wikipedia*. Retrieved September 13, 2016, from https://en.wikipedia.org/wiki/vakom_Purusothaman)
3. Kamla Beniwal, Governor of Gujarat had claimed to be a farm labourer putting in 16 hours of work everyday for the past 41,000 days according to the records of Kisan Samuhik Krishi Sahakari Samiti Limited (KSKSSL), a co-operative body operating in Jaipur, based upon which land was allocated to her. The co-operatives registrar of Jaipur passed strong strictures against KSKSSL and its inquiry concluded that the Samiti's claim that they were farm labourers was false and that the Samiti had deliberately and intentionally given false statement. (Retrieved from https://en.wikipedia.org/wiki/Kamla_Beniwal.)
4. Beniwal had appointed Justice R. A. Mehta as the state Lokayukta of Gujarat. She did this under section 3 of Gujarat Lokayukta Act, 1986, which gives the Governor the right to appoint Lokayukta without consulting the state government, when there has been a long delay in making the appointment. In so doing, Beniwal bypassed the Narendra Modi Government of Gujarat, which had been sitting on the matter since 2004. The unilateral action of the Governor was challenged in Gujarat High Court by Gujarat Government. On 18 January 2012, Lokayukta's appointment was upheld by the court. Next day, Government of Gujarat further appealed to Supreme Court by filling a special leave petition. On 2nd January 2013, Supreme Court too had upheld the appointment while noting that the post lying vacant for nine years indicated a very sorry state of affairs. The bench stated "the process of consultation by the Governor with the then Chief Justice stood complete, and in such a situation the appointment of Justice Mehta cannot be held illegal. It noted that the Governor is bound to act under the advice of the Council of Ministers, but the appointment of Justice Mehta is right as it was done in consultation with the Chief Justice of Gujarat High Court. It also observed that the Governor has misjudged her role and has insisted that under the

- Lokayukta Act, the Council has no role to play in the appointment of Lokayukta in the state.
5. Opposition terms Kamla Beniwal's sacking as 'political vendetta' (2014, August 7). Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/opposition-terms-kamla-beniwals-sacking-as-political-vendetta/articleshow/39825296.cms>
 6. Mizoram Post, 15th April, 2016.
 7. Qureshi, Uttarakhand governor appointed by the UPA Government was told by the then Home Secretary Anil Goswami to quit after regime change at the centre. He approaches the Supreme Court against attempt to sack him. In his petition, he had claimed that after NDA Government came to power, Goswami had called him on July 30 and asked him to tender resignation unless he will be removed. But Goswami strongly refuted as forcing him to resign instead he advised him as certain statement made by him were not compatible with the high constitutional office that he was occupying.
 8. Ch. Chhunga is the first Chief Minister of Union Territory of Mizoram. He belong to Mizo Union Party and in the first U.T. election in the state held on 12 April 1972 Mizo Union captured 21 seats out of 30 elected seats but Mizo Union was merged with Congress on 24th January 1974.
 9. In the election held on 1st June 1978 People's Conference Party won victory by securing 23 seats with Brigadier T. Sailo as the Chief Minister.
 10. Sinha, S.P., *Lost opportunities: 50 Years of Insurgency in the North-East and India's Response*, Lancer Publisher & Distributors, New Delhi, 2007, p. 96.
 11. Sailo, Brig. Thenphunga, *Sipai Chanchin (A Soldier's Story)*, Hnamte Press, Aizawl, 2003, p. 118-119.
 12. Zoliana, Isaak, *Laldenga*, Gilzom Offset, Aizawl, 2005, p. 199-200.