

Role of ‘Article 356’ in History of Kerala Politics – A Reappraisal

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Abstract: History of democratic India is eventful with facts, where Article 356 is misused and wrongful advantages of power have been made. In simple terms this Article deals with the rules which allow the central government to dissolve the State governments if it can be established that there is total anarchy in the State concerned. Anguished over the alleged killing of its workers recently in Kerala, the Rashtriya Swayamsewak Sangh (RSS) and its associates support calls for President's Rule in the State due to ‘deteriorating law and order situation’. Article 356 has always been the focal point of a wider debate of the federal structure of government in Indian polity. The Sarkaria Commission Report on Centre-State Relations (1983) had recommended that Article 356 must be used "very sparingly, in extreme cases, as a measure of last resort, when all the other alternatives fail to prevent or rectify a breakdown of constitutional machinery in the state". Dr. Ambedkar also said that it would be like a "dead letter" (i.e. would be used rarely). But the practice was limited only after the Supreme Court established strict guidelines for imposing the President's Rule in its ruling on the *S. R. Bommai vs. Union of India* case in 1994. This landmark judgment helped curtail the widespread misuse of Article 356. Reviewing the dissolution of the first government in modern Kerala, attempt is made in this paper to establish that the dissolution of the first democratically elected government of Kerala in 1959 could have been challenged successfully in the court. Had it been so the history of Kerala would have been different.

Key terms:

Dead letter - would be used rarely

Article 356 - "very sparingly, in extreme cases, as a measure of last resort, when all the other alternatives fail to prevent or rectify a breakdown of constitutional machinery in the state"

Introduction

As per the State Reorganisation Act of 1956, the United States of Travancore-Cochin and Malabar District of the Madras Presidency were united to form the State of Kerala on 1 November 1956. When Kerala was formed, the State was under President's rule. The new State went to the polls for the first time in March 1957. There were 126 Assembly and 16 Parliamentary seats. The Communist Party of India emerged as the single largest party in the Assembly with 60 seats. E.M.S.Namboodiripad formed an 11 member ministry on April 5, 1957 with the support of some independents. Political agitation and unrest extending over several months, culminated in the taking over of administration of the State and the dissolution of the Legislative Assembly, under Article 356 of the Constitution, by the president of India, on July 31, 1959.

Within a month of the formation of the Communist government in Kerala, the community leaders began to watch sharply the policies initiated by the government. They consisted of two specific identities, but both of them had their anti-communist ideology in common. The first group belonged mainly to the Syrian Christians, Marthomites and Jacobites - the rising groups in all economic and administrative spheres. The other group consisted mainly of “economically backward Latin Catholics, to whom religion was nothing but the reflection in men’s minds of those external forces which control their daily life”.

The Catholic community was very much concerned over the government’s proposed reforms in the sphere of education. At the same time, the Nair community was agitated over the anticipated land reforms. The ‘Deepika’ served severe warnings to the government against any attempt to touch the delicate field of education. It was making a gradual but concerted attempt to create strong public opinion against any possible innovations by the government in the field of education.

The Episcopal conference also issued a joint statement in which the church leaders served a warning to the government that if it embarked upon its proposed project for curtailing the rights of the school managements, the church has no choice but to resist such moves tooth and nail and the government would have to suffer the consequences. Joseph Mundassery, the Education Minister commented thus: “a section of people in Travancore-Cochin wanted to monopolize the fundamental rights in the field of education even by challenging the constitution. This is a disease found generally among private School Managers but it is the church leaders who have taken the monopoly of retaining that disease”. M.N.Govindan Nair, the State Secretary of the Communist party observed thus: “the trouble in the State was deliberate creation and the result of a conspiracy of the Imperialists, Congress and the Catholic Church, to sabotage the progressive government of the working class”.

The political situation was drifting gradually from bad to worse. By December 1958 all the anti-Communist forces in Kerala had come out openly with a determination to topple the Ministry through 'direct action'. The initiative at this stage was taken by the Congress party by starting the anti-Communist struggle on 12th June 1959, the second day of the passing of the Agrarian Relations Bill. The instruments of the Party in this 'liberation struggle' were the Church and the Nair community.

The Catholics considered that Communism was a common threat to all the traditional and conservative interests of their community. The aristocratic Nair community, who dominated the majority of the landed property in the State, in one way or other also, were irritated much. These two dominant communities formed a united front against the Communist regime, mainly because of the government's policy especially, due to education and agricultural reforms.

The attempts of the government in the sphere of education scared the Catholics in two ways: On the one hand they were afraid that their material interests would be affected and on the other that their younger generation might be brainwashed as agnostic free thinkers by the Communists.

The Communist rule of twenty eight months and the frequent confrontations it had with the Church and its interests and the controversial 'liberation struggle' made clear the active role of the Church in the politics of the State. The Christian Church supplied men and money for the ouster of the elected government. Other vested interest groups too joined the move. The Kerala polity reached a curious and serious stage with the strikes and protest marches organized by the entire vested interest groups - Private School Managers and Catholic Bishops, a division in the trade union movements and marches and demonstrations by the N.S.S, S.N.D.P and Muslim Organizations. Father Vadakkan, Mathai Manjooran, Mannam and R.Sankar were the arch leaders of the 'Liberation struggle'. In fact, the Anti-Communist Front had started functioning in Kerala even in 1952 when the Communist Party won a few seats in the elections.

The Anti Communist Front waged a 'war of the Holy Cross' against Communists under the leadership of Father Vadakkan. He was a good organizer and orator who had no faith in 'Class War' and 'Bloody Revolution'. In his autobiography he had stated that when democratic methods fail to achieve economic independence, one should go for revolution using force. **By 1954 Father Vadakkan had set up about 1700 regional units of Anti-Communist Front and formed a regiment of yellow caps, the Christopher. He being the main organizer of the struggle revealed later that money flowed freely from planters, churches and even from other agencies from abroad which were used to feed, lodge and pay the volunteers who were drawn from the poorest sections of the Christian community exclusively.** In a statement he said, "Those who refuse to cooperate with this volunteer organization today as non-communists, they would be the traitors of tomorrow". After this announcement Fr.Vadakkan started a hunger strike in his office to get his plan accepted by the 'democratic parties' in the State. He gave up his fast on 31 July after the Trichur District Congress Committee president Karur Neelankantan Namboodiripad and other Congress and PSP leaders gave him an assurance that steps had already been taken to organize 5000 volunteers.

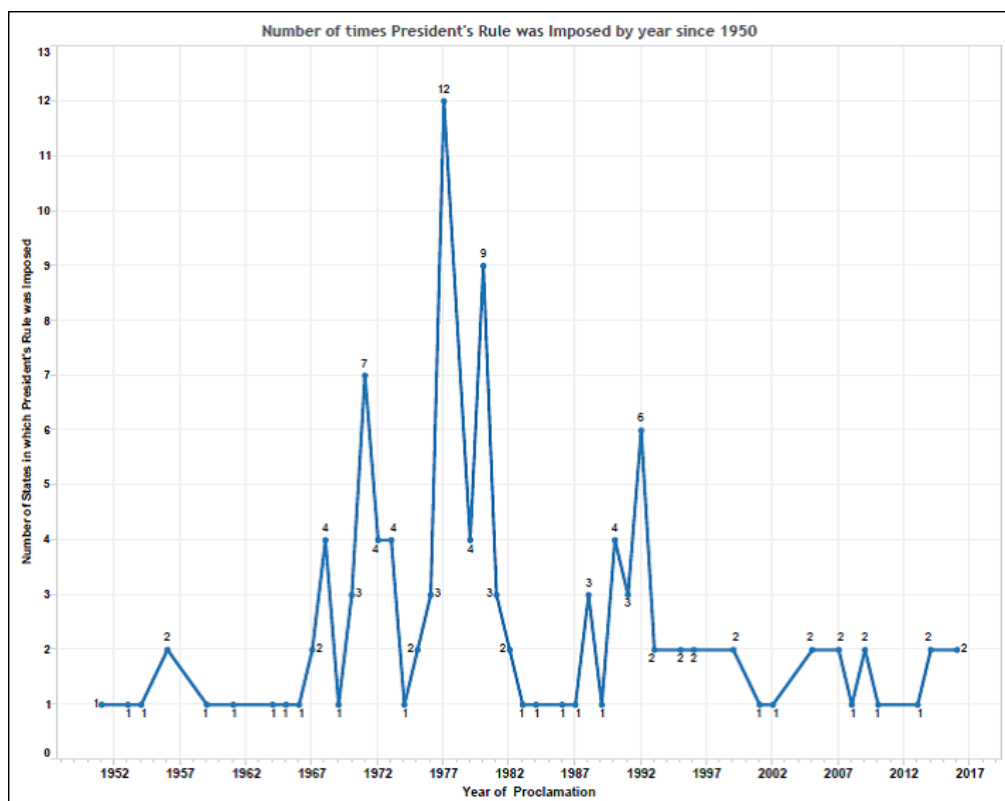
In the midst of all these struggles the Communist government had to face a bye-election in Devikulam constituency in May 1958. The League supported the Congress candidate B.K.Nair, against Rosamma Punnoose, the Communist candidate as it was felt that, the Communist ministry was against the interests of the Muslim community in general. The League leaders were very active in election work, but when the result was declared it was found that Rosamma had won. This victory added strength to the Communist government's progressive reforms in the State. The labourers and peasants of Devikulam reaffirmed their faith in the Communist government of Kerala. It showed the world that people, particularly the working class and peasantry are behind the Government of Kerala. This provoked the Opposition to intensify Preparations for violent overthrow of the Government.

The first trumpet of the Liberation Struggle was blown on 15th December 1958, when a meeting of private school managers at Kottayam Mammen Mappila Hall and presided over by Mannath Padmanabhan passed an unanimous Resolution registering strong protest against the passage of the Education Act. Soon the Anti Communist Front expanded to include various elements and groups like Private School Managers, Bishops, Priests and Nuns, N.S.S, S.N.D.P, Newspapers like Malayala Manorama, Deepika, Deenbandhu, Desabandhu and the weekly Kerala. **On 1st May 1959 a conference of all the community organizations was held at Changanachery and a 'Vimochana Samara Samiti' was constituted under the leadership of Mannath Padmanabhan against the Communist government.** Under the auspices of the Vimochana Samara Samiti mass rallies were held all over the State. During the six weeks agitation by the Samiti more than 1, 50,000 were arrested, some 1000 were jailed and 15 people were shot dead in police firing. The conference appealed the people of the State to come forward in support of the Private School Managers' Agitation and turn it into a mass movement against the Government. Inaugurating the rally, **Mannam declared that the aim of the movement was to remove the Communists from power. Jawaharlal Nehru described the agitation was a "Mass Upsurge" against the communist regime.**

The 'mass upsurge' could be described in two ways. On the one hand there were the mass demonstrations composed of Catholics and Nairs under the leadership of Mannam. The feudal reactionary ideology of the movement was perfectly symbolized through the struggle. His meetings were like traditional temple festivals, organized with great pomp and splendour.

In fact, the organized anti-communist movement had developed globally in reaction to the rise of Communism, especially after the October Revolution which brought the Communists to power in Russia, in November 1917. However, it didn't become significant until the beginning of the Cold War. After the Second World War the two ideologies 'Communism and Capitalism' spread very fast and it divided the World into two power blocks. The new ideologies spread not only in Europe but also in Asia. China became a Communist country in 1949 and it checked the capitalistic influence in Asian continent. But India after independence followed the policy of Non-Alignment mainly to solve the problems created by the Colonial masters. **When the Communist party came to power in Kerala, the ideological conflicts became very strong in the world.** The Communist victory was really a headache to the capitalists, landlords and all type of dominant sections and groups. From this date onwards, the communal organizations and the major non-Communist parties like the Indian National Congress, the Praja Socialist Party and the Muslim League jointly organized anti-Communist struggle and which resulted in the dismissal of the elected government and in the imposition of Presidential Rule in Kerala on 31st July 1959 as per Article 356.

Eager to win the support of the masses, the political parties, especially those in the opposition take up popular issues and instigate the masses to resort to agitations. Mostly the agitations in Kerala were launched by political parties as pressure tactics, for mobilizing the masses to widen their mass base and pressurise the authorities to concede to their demands. In 1959, the strategy was worked out successfully by the vested interest groups. That it continues to be so even today can be well understood from the contemporary political developments in the State. But the capricious efforts of such groups have become futile ever since the verdict of the Supreme Court of India in 1994 that bridled the misuse of Article 356 of the constitution. It can be verified with the following:



The imposition of President's Rule negates the federal character of the Indian political system, where administration usually is shared between the Union and State governments. It also militates against the democratic doctrine of popular sovereignty, since an elected government is suspended. These reasons have made use of Article 356 controversial. Nevertheless, it was used repeatedly by central governments to suspend

state governments (of opposite political parties) based on genuine reasons or trumped-up excuses. (Arora, Shubhash (1990). *President's rule in Indian states (A study of Punjab)*. India: Mittal Publications)

Ambedkar, chairman of the Drafting Committee of the Constitution of India, referred to Article 356 as a dead letter of the constitution. In the constituent assembly debate it was suggested that Article 356 is liable to be abused for political gains. Ambedkar replied, "I share the sentiments that such articles will never be called into operation and they would remain a dead letter. If at all they are brought into operation, I hope the President, who is endowed with these powers, will take proper precautions before actually suspending the administration of the provinces. I hope the first thing he will do would be to issue a mere warning to a province that has erred, that things were not happening in the way in which they were intended to happen in the Constitution. If that warning fails, the second thing for him to do will be to order an election allowing the people of the province to settle matters by themselves. It is only when these two remedies fail that he would resort to this article.

But this was never the case and before the judgement in Bommai case, Article 356 has been repeatedly abused to dismiss the State Governments controlled by a political party opposed to ruling party at centre. Provision for suspension of elected governments has been used on more than 90 occasions and in most of the cases, it appeared to be of doubtful constitutional validity,

The article was used for the first time in Uttar Pradesh 1954. It was also used in the state of Patiala and East Punjab States Union (PEPSU) and during the Vimochana Samaram to dismiss the democratically elected Communist state government of Kerala on 31 July 1959. In the 1970s and 1980s, it was common for the central government to dismiss state governments led by opposition parties. The Indira Gandhi regime and post-emergency Janata Party were noted for this practice. Indira Gandhi's government between 1966 and 1977 is known to have imposed President's rule 39 times in different states. Similarly, the Janata Party which came to power after the emergency issued President's rule in 9 states which were ruled by Congress.

The practice was limited only after the Supreme Court established strict guidelines for imposing the President's Rule in its ruling on the *S. R. Bommai v. Union of India* case in 1994. This landmark judgment has helped curtail the widespread misuse of Article 356. The judgment established strict guidelines for imposing President's rule. Subsequent pronouncements by the Supreme Court in Jharkhand and other states have further limited the scope for misuse of Article 356. Only since the early 2000s has the number of cases of imposition of President's rule been drastically reduced.

Conclusion

In the light of the above facts, it can be articulated that had the dissolution of the government of Kerala been challenged successfully in the Apex Court of India in 1956, the dissolution itself would have been cancelled. If so, the scope for misuse of 'pressure group politics' and for that matter the genesis of communal parties and coalitions would not have been workable in the enlightened State of Kerala. Had it been so, the history of contemporary Kerala would have been entirely different.

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