



E-ISSN: 2664-603X
P-ISSN: 2664-6021
Impact Factor (RJIF): 5.92
IJPSG 2025; 7(9): 82-85
www.journalofpoliticalscience.com
Received: 02-09-2025
Accepted: 02-10-2025

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Presidents' rule in Odisha after independence: An overview

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DOI: <https://doi.org/10.33545/26646021.2025.v7.i11b.745>

Abstract

Article 356 of the constitution of India has given the right to the Union Government to cease the executive authority of a state and impose it under President's Rule. However, the President's Rule is usually exercised only when the administration of the state cannot function properly according to the provision given by the constitution of India. When a state is imposed under President's Rule, the Governor of that state will have the authority over the state administration and he will do so under the provision of central government. The article 356 is a pivotal point around which most of the complex issues related to Centre-State relation revolve. This paper attempts to explore the President's Rule in Odisha after the Independence. The state of Odisha witnessed the President's Rule for six times after Independence. This paper covers a detail study about the factors which were responsible for the implementation of President's Rule in Odisha. The present paper also briefly highlights about the period of President's Rule, role of Governor during President's Rule in Odisha and the activities of the prominent political parties of Odisha before and after the President's Rule. Political Scenario of Odisha from the proclamation of first President's Rule in 1961 to the last President's Rule in 1980 has been shortly touched in this paper.

Keywords: President, constitution, government, administration, political

Introduction

Chapter XVIII of the Constitution of India narrates about the proclamation of Emergency. As per the Article 356, the State Emergency can be declared in a province on the ground of failure of constituent machinery of a state. If the President of India on receipt of a report from the Governor or otherwise satisfied that the Government of State cannot be carried in accordance with the provisions of the Constitution, he may by a proclamation assume to himself all or any of the functions of the Government of that particular state. During the period of proclamation, the President can rest the powers of legislature of that state in the Parliament and take such other measures as are necessary for giving effect to the objects of the proclamation. Such a proclamation shall be laid before the two houses of the Parliament and shall cease to operate at the expiration of a period of two months unless approved earlier by both the two houses of the Parliament. Each proclamation approved in this process by the Parliament shall remain in force for a period of six months and this period may be extended by period of six months as often as a resolution approving the proclamation is passed by the Parliament. But the proclamation of President's Rule cannot remain in force for a period exceeding three years. Under the Article 356 of Indian Constitution, the first instance of such a proclamation of President's Rule was in Punjab in 1951, i.e. the very next year of the introduction of the present constitution of India ^[1].

In Independent India, after the new constitution of India came into force in 1950, the state Odisha has come so far under the President's Rule for six times. The first such instance of Present's Rule was in 1961. Thereafter, it was proclaimed in the year 1971, 1973, 1976, 1977 and 1980 in the state of Odisha. During the President's Rule, some of the Governors in Odisha have managed administration themselves; some others have appointed advisers to render them advice in the matters of smooth management of the administration.

First President's Rule in Odisha (1961)

In the General Elections of 1957, the Congress Party secured 56 seats in the State Legislative

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Assembly of Odisha and became the largest party in Assembly. After the election of the post of the Speaker, the strength of Congress became 55^[2]. The Congress Party did not fight the election as a united house. The anti-Harekrushna Mahtab faction sabotaged the election campaign from within. This period was one of the darkest in Odisha's political history. This period witnessed rampant political corruption in the state. It became difficult for Harekrushna Mahtab to keep up unity in his party^[3]. Mahtab realised the difficulty of running a government with a precarious majority. He was looking for an opportunity to share the burden without losing his face. When few members of Congress Party left the party and joined with the opposition, Mahtab resigned but the Governor asked him to continue in office^[4]. The idea of a coalition government of the Congress Party and the principal opposition party, Ganatantra Parishad was mooted by the state Congress leaders. The coalition came into existence on May 1959 with Harekrushna Mahtab as the Chief Minister and Rajendra Narayan Singh Deo as the Finance Minister. This was the first coalition government in Odisha after Independence. There were suspicion and distrust among the coalition partners. There was dispute regarding the ratio of ministers in the Cabinet of Harekrushna Mahtab. Ultimately Harekrushna Mahtab resigned on 24 February 1961 and Odisha came under the President's Rule for the first time after the Independence. This President's Rule was proclaimed at 6.25 P.M. on 25 February 1961 and operated for three months and twenty-seven days. The Legislative Assembly of Odisha was dissolved. During the President's Rule in 1961, Yasobanta Narayan Sukthankar, the then Governor had not appointed any adviser. He managed administration himself. There was a mid-term poll in June 1961 and under the leadership of Biju Patnaik, the Congress Party obtained majority and he was sworn in as Chief Minister on 23 June 1961^[5].

Second President's Rule in Odisha (1971)

Odisha came under the President's Rule for the second time after Independence in 1971. In the General Elections of 1967, the Congress Party was miserably defeated by the Swatantra-Jana Congress Alliance. Out of the 140 seats, the Congress Party got 31, Swatantra Party 49 and the Jana Congress 26 seats. After the election, the Swatantra Party and Jana Congress Party formed a coalition ministry. Rajendra Narayan Singh Deo of Swatantra Party became the Chief Minister and Pabitra Mohan Pradhan of the Jana Congress Party became the Deputy Chief Minister. This coalition worked smoothly for a couple of years but subsequently there was internal conflicts among the coalition partners. In 1969, there was a division in the Congress Party at national level on the question of the election for the post of President of India. Some members of Jana Congress wanted to join the Congress party. On behalf of the Jana Congress Party, Pabitra Mohan Pradhan and Surendranath Patnaik tendered resignation of the Jana Congress Party ministers because of various reasons. The Ministry of Rajendra Narayan Singh Deo, therefore, lost its majority support in Legislative Assembly. Rajendra Narayan Singh Deo had his strong conviction on the principles of working of parliamentary democracy. He tendered his resignation in January 1971. On the support of the Praja Socialist Party, the Utkal Congress Party led by Biju Patnaik was interested to form another coalition

ministry. But it was not materialised. As a result, there was proclamation of emergency in Odisha on 11 January 1971^[6]. The Odisha State Legislative Assembly was dissolved and arrangements were made by the Election Commission for fresh poll for the Assembly. Saukat Ullah Ansari was the Governor of Odisha during the proclamation of President's Rule in 1971. He did not seek assistance of any adviser for the management of administration of the state and he himself managed. The President's Rule in 1971 was in effect for two months and twenty-two days^[7].

Third President's Rule in Odisha (1973)

There was a mid-term poll in April 1971 for the Odisha State Legislative Assembly. In this election, again not a single party could command majority. The Swatantra Party, Utkal Congress Party and Jharkhand Party formed a coalition government. All the partners of the coalition agreed to accept Biswanath Das as the Chief Minister. This government functioned for a period of one year till June 1972. Ten legislators from Swatantra Party deserted their party and joined the Congress Party. The Utkal Congress Party of Biju Patnaik too decided to join the Congress Party in June 1972. Hence, Biwanath Das resigned from the post of Chief Minister. The majority of the Congress Party swelled to 94 with the defectors. Nandini Satpathy, who was a Minister of State in Indira Gandhi's Ministry at centre was brought from Delhi to shoulder the responsibility of Chief Ministership. Although, 28 members from Utkal Congress Party were taken into the Congress Party but Biju Patnaik and five others were not taken into it. So, Biju Patnaik formed a party titled as the Pragati Legislative Party. 25 members of Congress Party joined the Pragati Legislative Party. As a result, Congress Party became a minority party in Legislative Assembly and Nandini Satpathy resigned. On 3 March 1973, the President's Rule was imposed for the third time after Independence^[8].

B. D. Jatti was the Governor of Odisha during the third President's Rule in 1973. On 1 March 1973 when the State Legislative Assembly was in session, many Congress Party defectors joined the Pragati Legislative Party. The strength of Pragati Party rose up from 47 to 72. B. D. Jatti suspended the session of Legislature on that day. Nandini Satpathy resigned from the post of Chief Minister. But the Governor, B. D. Jatti dissolved the ministry on 3 March 1973 and an emergency under Article 356 of the Constitution was proclaimed. Whether Nandini Satpathy advised for dissolution after losing the majority in Assembly or prior to that, the question remained controversial. During the President Rule of 1973, B. D. Jatti remained in charge of management of state administration for one year and three months. The Union Government appointed two advisers for Governor B. D. Jatti to help him in smooth running of administration. They were J. Balchandran and K. T. Satarwala^[10].

Fourth President's Rule in Odisha (1976)

Midterm poll for the State Legislative Assembly was conducted in February 1974 and the second ministry of Nandini Satpathy was formed on 6 March 1974. The total support behind Nandini Satpathy's Government was 69 in an Assembly of 147. Hence her government was a minority government. But with the help of her ally, the seven members Communist group, it commanded a majority in the 147-member Legislative Assembly to form the ministry.

Gradually defection swelled the Congress Party strength. The strength of Congress Legislative Party had subsequently gone up to 83 with the defection of 14 MLAs from the Lok Dal (former Pragati Dal) ^[10].

After the proclamation of National Emergency in June 1975 by the then Prime Minister, Indira Gandhi, there was a steady flow of opposition members to the side of Congress Party. It seemed at one stage that Congress Party had achieved an invincible position. Gradually, due to internal dissension, the dissidents dislodged Nandini Satpathy in December 1976 and Binayak Acharya became the Chief Minister. After Nandini Satpathy took over as the Chief Minister in 1974, the ministry sailed smoothly for two years and the National Emergency having helped Nandini Satpathy to smother her detractors in the party. But serious intra-party feud broke out over Nandini Satpathy's virtual non-cooperation with the reconstituted Odisha State Youth Congress Unit which enjoyed patronage of the Congress Party High-Command. The dissents' demand for change of the Congress Legislative Party leadership became strident as charges of corruption against the Nandini Satpathy's government came out in a section of the press. Moreover, Nandini Satpathy was accused of confronting the centre and deviating from the national mainstream ^[11].

Eventually, Nandini Satpathy had to bow out of office on December 16, 1976 and Odisha came under the President's Rule for the fourth time after the Independence. The Governor of Odisha at the time was Siba Narayan Sankar. He managed the administration of the state himself for twelve days.

Fifth President's Rule in Odisha (1977)

The President's Rule of twelve days in 1976 came to an end soon after the selection of Binayak Acharya as the Chief Minister Odisha by the Congress Party High-Command. Binayak Acharya was sworn in as the Chief Minister on 29 December 1976. The period of Chief Ministership of Binayak Acharya was the shortest in Odisha. He was the Chief Minister only for 123 days. With the advent of the Janata Party Government at the Centre after the Lok Sabha election of 1977, nine State Legislative Assemblies including Odisha were dissolved for fresh elections. Hence, the Binayak Acharya ministry fell on 3 April 1977. Odisha came under the President's Rule for the fifth time after Independence in 1977. During this President's Rule, Harcharan Singh Brar was the Governor of Odisha. P. N. Mathur was appointed as the adviser for the Governor of Odisha. The state was under the President's Rule for fifty-six days. On 10 June 1977, the election for Odisha State Legislative Assembly was held. The Janata Party bagged 110 seats and the leader of Janata Legislative Party, Nilamani Routray was sworn in as the Chief Minister on 26 June 1977. The one month twenty-six days old President's Rule in 1977 came to an end ^[12].

Sixth President's Rule in Odisha (1980)

The Janata Party Government of Nilamani Routray in Odisha was stable. It was in power for two years and eight months in Odisha. Due to the internal conflict, the Janata Party Government at Centre fell in 1980. It was after the seventh Lok Sabha election in 1980, when the Congress Party became victorious at centre, Indira Gandhi became the Prime Minister. She dismissed the Janata Party ruled governments in different states of India. As a result,

Nilamani Routray's government was dismissed on 17 February 1980. Consequently, Odisha came under the President's Rule for the sixth time after Independence. Bhagabat Dayal Sharma was the Governor during the sixth President's Rule in Odisha. K.S Raghupati was his adviser during the President's Rule. This President's Rule continued for a period of three months and twenty-three days. In the Assembly election of 1980, the Congress (I) Party bagged 121 seats out of 147 seats in the Legislative Assembly. Janaki Ballav Patnaik took oath of his office as the Chief Minister of Odisha on 9 June 1980 ^[13].

The preceding discussion reveals that lack of unity among the political parties in Odisha was the main hindrance for stable government in the state after Independence to till the formation of Janaki Ballav Patnaik's Government in 1980. Although the Congress Party had been the major ruling party in Odisha but conflict inside the Congress Party worked as a bottleneck in providing a consistent administration for the state. Hence President's Rule was proclaimed on many occasions in the past. Since the Independence, the people of Odisha had been under President's Rule for a period of two years, one month and two days. The State of Emergency or President's Rule has been proclaimed six times after Independence. Out of these proclamations, the one during the period of the Governorship of B.D. Jatti was the longest which prevailed for a period of one year and three days. The President's Rule proclaimed during the period of the Governorship of Siba Narayan Sankar in 1976 was the shortest as it worked only for twelve days.

Conclusion

An analysis of the President's Rule in Odisha reveals that Governments in Odisha have failed to provide a thrust to rapid economic growth because of their unstable nature. In Odisha, the people in general and the political parties in particular had a weak sense of efficacy about constitutional channels of political action. The magnitude of political defection in the state of Odisha was so wide that it broke governments and invited the President's Rule on many occasions. The acts of defection could have been checked by mobilising public opinion and building up popular pressure through various media of public opinion. It is again clear from the analysis of the President's Rule in Odisha that backing of a strong and absolute majority behind a government is no sign of stability of the government. Difference inside the party either at the State or at the Centre effects its stability.¹⁴ Imposition of individual whim and fancy upon the will of the political party and upon the public opinion weakens administration. Gluttonous desire for power and political defections had affected the state administration. Consequently, Odisha has been the victim of President's Rule for frequently.

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