

**THE CRISIS OF CONSTITUTIONAL**  
**ORDER**

**KAPILDEV RAY**

# WHY CRISIS

- On the night of 25 June 1975, the Prime Minister Indira Gandhi recommended the imposition of Emergency to President Fakhruddin Ali Ahmed. For the first time emergency power is proclaimed for internal disturbances under article 352 of the Indian constitution.
- During emergency (25<sup>th</sup> June 1975 to 21<sup>st</sup> March 1977) there arose crisis in constitutional order and democracy was threatened.

# REASONS FOR DECLARATION OF EMERGENCY PROVISION

## 1. Economic context –

- though Indira Gandhi gave the slogan of Garibi Hatao, the social and economic condition in the country did not improve much after 1971-72. The **Bangladesh crisis** had put a heavy strain on India's economy.
- After the war the U.S government stopped all aid to India. In the international market, oil prices increased manifold during this period. This led to an **all-round increase in prices of commodities**. Such a high level of **inflation** caused much hardship to the people.
- **Industrial growth was low and unemployment was very high**, particularly in the rural areas. In order to reduce expenditure the government froze the salaries of its employees. This caused further dissatisfaction among government employees.
- Monsoons failed in 1972-1973. This resulted in **a sharp decline in agricultural productivity**.
- Therefore, non-Congress opposition parties started **popular protests** effectively. **Students' unrests** was started. There was also an **increase in the activities of Marxist groups** who did not believe in parliamentary politics. These groups had taken to arms and insurgent techniques for the overthrow of the capitalist order and the established political system. Known as the **Marxist-Leninist (now Maoist) groups or Naxalites**, they were particularly strong in West Bengal.

# CONTINUED

## 2. Gujarat movement –

- In January 1974 students in Gujarat started an agitation against rising prices of food grains, cooking oil and other essential commodities, and against corruption in high places.
- The students' protest was joined by major opposition parties and became widespread leading to the imposition of President's rule in the state.
- The opposition parties demanded fresh elections to the state legislature.
- Under intense pressure from students, supported by the opposition political parties, assembly elections were held in Gujarat in June 1975.
- The Congress was defeated in this election.

# CONTINUED

## 3. Bihar movement –

- In **March 1974** students came together in Bihar to protest **against rising prices, food scarcity, unemployment and corruption.**
- The students invited) **Jayaprakash Narayan (JP)**, to lead the movement.
- He accepted it on the condition that **the movement will remain non-violent** and **will limit itself to Bihar.**
- Thus the students' movement assumed a political character and had national appeal.
- Jayaprakash Narayan demanded the dismissal of the Congress government in Bihar and gave a call for **total revolution** in the social, economic and political spheres in order to establish what he considered to be true democracy.
- A series of bandhs, gehraos, and strikes were organised in protest against the Bihar government.
- The movement was beginning to influence national politics.
- Jayaprakash Narayan spread the Bihar movement to other parts of the country.
- The employees of **the Railways gave a call for a nationwide strike.** This threatened to paralyse the country.
- **In 1975, JP led a peoples' march to the Parliament.** This was one of the largest political rallies ever held in the capital.
- The movement was now supported by the non-Congress opposition parties like the Bharatiya Jana Sangh, the Congress (O), the Bharatiya Lok Dal, the Socialist Party and others.

# CONTINUED

## 4. Conflict with Judiciary –

- Three constitutional issues had emerged –
  - i. can the parliament abridge fundamental rights" The Supreme Court said it cannot.
  - ii. can the Parliament curtail the right to property by making an amendment? Again, the Court said that Parliament cannot amend the Constitution in such a manner that rights are curtailed.
  - iii. the Parliament amended the Constitution saying that it can abridge Fundamental Rights for giving effect to Directive Principles. But the Supreme Court rejected this provision also.
- This led to a crisis as far as the relations between the government and the judiciary were concerned.
- Immediately after the Supreme Court's decision in 1973 in the Kesavananda Bharati case, a vacancy arose for the post of the Chief Justice of India. the government set aside the seniority of three judges and appointed Justice A. N. Ray as the Chief Justice of India. The appointment became politically controversial.
- On 12 June 1975, the Allahabad High Court passed a judgment declaring Indira Gandhi's election to the Lok Sabha invalid. she had used the services of government servants in her election campaign.

# CONTINUED

- The opposition political parties led by Jayaprakash Narayan pressed for Indira Gandhi's resignation and organised a massive demonstration in Delhi's Ramlila grounds on 25 June 1975. Jayaprakash announced a nationwide satyagraha for her resignation and asked the army, the police and government employees not to obey "illegal and immoral orders".
- On 25 June 1975, the government declared that there was a threat of internal disturbances and therefore, it invoked Article 352 of the Constitution. Under the provision of this article the government could declare a state of emergency on grounds of external threat or a threat of internal disturbances.

# OUTCOMES OF EMERGENCY

1. The federal distribution of powers remains practically suspended and all the powers are concentrated in the hands of the union government.
2. Fundamental Rights of citizens stood suspended, including the right of citizens to move the Court for restoring their Fundamental Rights.
3. The government suspended the freedom of the Press. Newspapers were asked to get prior approval for all material to be published. This is known as press censorship.
4. The government banned Rashtriya Swayamsevak Sangh (RSS) and Jamait-e-Islami.
5. Protests and strikes and public agitations were also disallowed.
6. Strikes were banned; many opposition leaders were put in jail.
7. The government made extensive use of preventive detention. Under this provision, people are arrested and detained not because they have committed any offence, but on the apprehension that they may commit an offence
8. Arrested political workers could not challenge their arrest through habeas corpus petitions.



# Response of civil society

- Newspapers like the Indian Express and the Statesman protested against censorship by leaving blank spaces where news items had been censored.
- Magazines like the Seminar and the Mainstream chose to close down rather than submit to censorship.
- Many journalists were arrested for writing against the Emergency.
- Many underground newsletters and leaflets were published to bypass censorship.
- Kannada writer Shivarama Karanth, awarded with Padma Bhushan, and Hindi writer Fanishwarnath Renu, awarded with Padma Shri, returned their awards in protest against the suspension of democracy.

## **NOTE-**

- The government led by Indira Gandhi announced a twenty-point programme and declared its determination to implement this programme. The twenty-point programme included land reforms, land redistribution, review of agricultural wages, workers' participation in management, eradication of bonded labour, etc.

# LESSONS FROM EMERGENCY

1. The Emergency at once brought out both the weaknesses and the strengths of India's democracy.
2. The Emergency made everyone more aware of the value of civil liberties. The Courts too, have taken an active role after the Emergency in protecting the civil liberties of the individuals.
3. Now 'internal' Emergency can be proclaimed only on the grounds of 'armed rebellion' and it is necessary that the advice to the President to proclaim Emergency must be given in writing by the Council of Ministers.

# FORMATION OF JANATA PARTY AND

## 1977 GENERAL ELECTION

- The major opposition parties had already been coming closer in the pre-Emergency period.
- Now they came together on the eve of the elections and formed a new party, known as the **Janata Party**. The new party accepted the leadership of Jayaprakash Narayan.
- **Bharatiya Lok Dal, Congress (o), Socialist Party, Bhartiya Jansangh, Congress for Democracy** joined on the Janata Party.
- The formation of the Janata Party also ensured that non-Congress votes would not be divided.
- The opposition fought the election on the slogan of 'save democracy'.
- **For the first time since Independence, the Congress party was defeated in the Lok Sabha elections.**
- The Janata Party and its allies won 330 out of the 542 seats in the Lok Sabha; Janata Party itself won 295 seats and thus enjoyed a clear majority.
- Janata Party formed the government and Morarji Desai became the Prime Minister.
- **The first non Congress government was formed in centre and Morarji Desai become the first non Congress Prime Minister of India.**
- The Janata Party split and the government which was led by Morarji Desai lost its majority in less than 18 months.
- Another government headed by Charan Singh was formed on the assurance of the support of the Congress party.
- But the Congress party later decided to withdraw its support with the result that the Charan Singh government could remain in power for just about four months.
- Fresh Lok Sabha elections were held in January 1980 in which the Janata Party suffered a comprehensive defeat because of power sharing, ideological conflict, lack of common minimum programme.
- **In mid term election of 1980 Congress party again came to power.**

# LOK SABHA ELECTION RESULTS 1977

- Janata Party (BJD)
- Indian National Congress (INC)
- Left Parties
- Others

