

The Crisis of Democratic Order

FACTS THAT MATTER

1. The non-Congress parties opposed the Congress due to personalisation of politics. The 'Marxist-Leninist' groups were strong in West-Bengal, which used arms and insurgent techniques to overthrow capitalist order to establish political system. But the state government took stringent measures to suppress them.
2. The first nationwide Satyagraha was organised by Jayaprakash Narayan for Indira Gandhi's resignation. He made people aware not to obey illegal and 'immoral orders' by a massive demonstration in Delhi's Ramlila ground on June 25, 1975, as well as Indira Gandhi's elections were also declared invalid on grounds to use government servants inter-election campaign on an election petition filed by Raj Narain, a socialist leader.
3. Railway strike of 1974 was called by 'National Coordination Committee' led by George Fernandes for pressing their demands related to bonus and service conditions. The government declared the strike illegal and deployed the territorial army to protect railway trades. Thus, strike was called off after twenty days without any settlement.
4. Before, the declaration of emergency, many differences arose between the government and the ruling party leading to a strain between judiciary, legislature and executive on issues of intervention in constitutional provisions by government or parliament. It was proved in the case of Keshavanand Bharti, where the judiciary declared that parliament cannot amend in constitutional basic features in a controversial manner. It mixed up constitutional interpretations and political ideologies rapidly.
5. In response to Raj Narain's petition, on 25 June 1975, the government declared emergency on recommendation of Prime Minister on a ground of threat of international disturbances, which invoked Article 352 of Constitution to bring law and order, restore

efficiency and above all, implement the pro-poor welfare programmes.

6. The proclamation of Emergency in 1975 had far reaching consequences and affected every spheres of life such as:

(a) It affected civil liberties by making large-scale arrests as well as citizen's right to life and liberty were also taken away.

(b) It affected relationship between the executive and judiciary to bring new changes in the constitution by 42nd amendment like duration of legislatures, elections can be postponed by one year during an emergency.

(c) It affected Mass Media also i.e. 'Press censorship'.

7. After emergency was imposed, question and debates arose either emergency was necessary or not. The government argued that opposition party must allow elected ruling party to govern according to its policies whereas critics argued that people had the right to publicly protest against the government.

8. The State commission headed by J.C. Shah, was appointed in May 1977 by Janata Party government to enquire into several aspects of allegations of abuse of authority, excesses and malpractices committed and action taken in the wake of emergency and Shah Commission found out to be many excesses committed, maximum arrests under preventive detention law, illegal restrictions on press and verbal orders to cut electricity at 2 a.m. of all newspaper presses.

9. Emergency taught many lessons firstly, to be difficult to do away with democracy, secondly, necessary the advice to proclaim emergency in writing (by president) by council of ministers, thirdly, it made everyone more aware of the value of civil liberties.

10. As soon as the emergency was over and the Lok Sabha elections were announced in 1977 to be turned into a referendum. Hence politics after emergency was characterised by two major developments:

(a) 1977 elections defeated Congress on people's verdict against emergency and opposition fought on the slogan 'save democracy'.

(b) Midterm elections 1980 were held due to Janata Party lacked direction, leadership and a common programme as well as could not bring any fundamental change in policies pursued by Congress.

11. The legacy of emergency of 1975 was felt in every spheres of life and the politics which can be described as a period of constitutional and political crisis to have its origin in constitutional battle over the jurisdiction of the parliament and the judiciary.

WORDS THAT MATTER

1. Emergency: In an emergency, the federal distribution of power remain practically suspended and all powers were concentrated in the hands of Union government.

2. Press-censorship: Newspapers were supposed to get prior approval before publishing any material.

3. Preventive Detention: The people were arrested on the ground/apprehension to commit any offence in future.

4. Marxist-Leninist: This group was strong in West Bengal which had taken to arms and insurgent techniques for overthrow of capitalist order and established political system.

5. Twenty Point Programme: It was announced by Indira Gandhi to bring law and order and restore efficiency including land reforms, land redistribution, eradication of bonded labour etc.

6. Satyagraha: It emphasised on peaceful demonstration as if people are fighting for truthfulness and lawfulness, no need to adopt violent methods against the government or entities.