CHAPTER - II

THE PROBLEM OF POLITICAL DEFECTION IN INDIA

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The Problem of Political Defection in India

2.1 Historical Background:

Political defections and floor crossings are not unknown in a parliamentary system. They are so common and widespread that it will not be an exaggeration to call them a global phenomenon. Even advanced democracies like Britain, Australia, Canada, New Zealand, France or Germany have not been free from this malaise or menace. In Indian politics also defection is not a new phenomenon. The origin is traced even to the epic days of Ramayana. It is said that Bibhishana was the first defector who deserted his brother, the demon king Ravana and joined the camp of Lord Rama.

However, the practice of defection is a natural adjunct of party democracy. In this sense, it is as old as the party system itself. The phenomenon of defection which had started as a process of legitimate and natural polarisation of social and political ideas and interests gradually turned into a method of changing political affiliations for power and at times, perhaps for financial gains. It has been observed that the democratic party in India was put to severe strain as a result of repeated and unprincipled changes in party loyalties. The practice of such unprincipled defection acquired serious proportions in the country only after the Fourth General Election held in 1967 as it did not provide the requisite majority for any political party to form governments in different states. Such a situation provided a fertile ground for the seed of defection to have a luxuriant growth. Naturally, the dimensions of the politics of unbridled defection and its impact on the party position in different state legislatures as well as at the centre had a destabilising effect on the governments.¹

¹ Singh K.N., Anti-Defection Law and Judicial Review, p.31
There is no denying the fact that defections take place in advance western democracies also. All important British politicians have been dissenters. Among the dissenters were Winston Churchill, Anthony Eden, Harold Macmillan, Herold Wilson, Jimmy Callaghn, Margaret Thacher, Aneum Bevan, Mieheel Foot, R.H.S. Crossman, Manny Shinwell, Philip Neol-Baker, Neil Kinnock, Leopard Amery, Duff Cooper, Branden Bracken and Enonch Powell.\(^2\) The first six rose to be Prime Ministers. Infact, all British Prime Ministers during 1940 to 1990 except Clement Attlee and Edward Heath have been dissenters.

It has been widely acknowledged that in the early stages of their institutionalisation of conflicts for political power or personal gains, politicians and legislators have indulged in and resorted to defections frequently and sometimes even massively. Just to cite a few examples from Britain, Gladstone was elected to the House of Commons in 1832 as a conservative but during Peel's second Ministry (1841-1846) he crossed over to the Liberal side and was made Vice-President of the Board of Trade and later Secretary of State for the Colonies. In 1886, there were mass defections of 93 Liberal and Whig M.Ps. from the Liberal party under the leadership of Joseph Chamberlain. Chamberlain attracted much criticism for this. Writing on Joseph Chamberlain, John Burns observed: "To have betrayed two political leaders - to have wrecked two historic parties - reveals of a depth of infamy never previously reached, compared with which the thugs of India are as faithful friends and Judas Iscariot is entitled to crown of glory".\(^3\)

Sir Winston Churchill's flamboyant career was marked by respective floor crossings. He began his parliamentary career as a conservative. Later on he crossed over to the liberal party. Then he

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2. Limaya Madhu, *Law Against Defections (Several Serious Flaws)*, The Times of India, March 4, 1985
contested as a 'Lloyd George Liberal' and was defected. He defected a second time to contest in a bye-election as an independent. Later on, in a General Election, he contested as a 'Constitutionalist' and was elected with conservative support. He finally returned to the conservative fold.4 But, his uniqueness lies in the fact that everytime he resigned from the party he too resigned from his membership of the House.

Political defections has been a problem in other developed democracies also. In France, defections had been a problem before the Fifth Republic. A story goes that during the Fourth Republic, one Minister, while sitting in the house, fell asleep. When he woke up, his colleague told him that in the meantime he was thrice appointed and thrice removed.

In West Germany also in October 1985, the defection of Mr. Lambsdorff brought down the coalition government of Mr. Helmut Schmidt. But, in most of the countries, defections were not occurred in order to fill the defectors' pockets with money. They were rather prompted by principles and political ideologies. In India, on the otherhand, very few legislators have shifted loyalties on the basis of differences on party matters. Most of the defectors have been guided by considerations of personal gain in terms of either money or office or both.

Therefore, it is really interesting to give a quick look at the defection statistics. Between 1967 and 1973 alone, in India, as many as 2700 legislators crossed and recrossed the floor. By the end of March 1971, approximately 50 percent legislators changed their party affiliations and several legislators did so more than once. In the case

4. Ibid.
of State Legislative Assemblies, as many as 50.5 per cent of the total number of legislators changed their political affiliations at least once. The situation became so serious at one time that during the short period of nine months, March to December 1967, out of a total number of 3447 State Legislators, 314 i.e. about 9 percent changed their party affiliations. Some independent members also joined one party or the other. Almost each month there was a fall of one State Government due to the change in party allegiance by members of the State Legislative Assemblies. One member was found to have defected five times to be a Minister only for five days.5

The political horse-trading may be said to have reached its zenith when we discover that out of 210 defecting legislators in 1967, 116 were inducted in the Council of Ministers in the Governments which they helped to form by defections. Whether this had contributed to political immorality or not it had no doubt, degraded the ethics of democracy in India.

2.2 Incidence of Defections: An Analysis:

2.2.1 Defection Cases before 4th General Election

The politics of defections has a long history which can be divided broadly into pre-independence and post-independence period. The first split that took place in Congress Party was in 1907 when Swarabji Mehta was the President of Congress Party. Lala Lajpat Rai, Bal Gangadhar Tilak and Bipin Chandra Pal, the Lal Bal Pal - the three stalwarts were expelled from Congress Party for nine years. That happened in those days. But the history proved that they represented the real freedom struggle, they represented the real party and then the people who expelled them were not remembered by the Country at a subsequent stage.6 However, this politics of defections started in

5. Ibid.
6. Source- From the speech of Shri Deba Prasad Ray, West Bengal during the debate in the Rajya Sabha on the Constitution (52nd Amendment) Bill, 1985, p.66-67.
pre-independent India in 1936 and Hafiz Mohammed Ibrahim was the first defector. He was elected on a Muslim League ticket but joined the Congress Legislature Party by crossing the floor and was appointed as a Minister in the Ministry headed by Govind Ballabh Panth in U.P. Subsequently he resigned from the Assembly, contested election on a Congress Ticket and won the Election. This was however, not a common practice even in 1937 because along with Hafiz Mohammad Ibrahim, about half a dozen Independent MLAs also joined the Congress but did not resign their Assembly seats.

It may, however, be mentioned that the first ever toppling game in Bengal was played in March 1945 when the Muslim League Ministry led by Khawaja Nazimuddin was voted out of office when the Nawab Bahadur of Dacca along with his 15 friends defected.

If we divide the post-independence era into three phases, the first phase from 1950 to 1967 is marked by Legislators leaving the Congress Party either because of ideological reasons, or because of personality conflict, or because of fractional policies in the Congress, while the second phase from 1967 to 1985 is basically to make arrangements not for providing a stable govt. after the unstable election results but for securing a berth in the govt. or in other non-government agencies.

The final phase from 1985 to date is basically meant to test the effectiveness of Anti-Defection Law in the unsafe political Laboratory of this country as the reason for defections by the defectors are mostly for the same ulterior purposes i.e. money, power, office of profit etc.

7. The Indian Express, July 13, 1937, p.6
In the post-independence era, in the first phase, the Congressmen left the Congress Party either because of ideological reasons, or because of personality conflict, or because of factional policies in the congress. For example in March 1948, thirteen members of the Congress Socialist party in U.P. Assembly led by Acharya Narendra Dev decided to resign from the Congress Party. But then they immediately resigned from the Assembly also and contested election again on the symbol of the Socialist Party. All of them were defected.9 Damodar Sarup Seth, the sole representative of the Socialist Party in the Constituent Assembly also sent his resignation but Pundit Nehru told him not to resign because the election of the Constituent Assembly were not held on the basis of Party. Strictly speaking, leaving the party in this case was not a defection because they resigned their membership of the Assembly immediately. But when Triloki Singh alongwith twenty-one Congress MLAs crossed the floor in U.P. and founded the Jana Congress,10 it was a defection in the proper sense of the term because non of the MLAs resigned from the Assembly.

Subsequently, in 1951 Acharya J. B. Kripalini and Rafi Ahmed Kidwai also left the Congress Party because of factional politics and formed the Kissan Mazdoor Praja Party without resigning from the parliament.11 Kidwai, however, rejoined the congress within a short period and became Food Minister at the Centre. In this period, the defections were a one-way traffic because mostly they were from the Congress but none of the State Governments fell because of defections. However, because of factional fighting, president’s rule was imposed in Punjab in 1951. There was also a change of leadership in many states like Madras, Orissa, Punjab etc. A brief survey of defections before the fourth general election is imperative at this stage.

10. Ibid.
11. Ibid.
2.2.1.1 Andhra Pradesh

During the negotiation on formation of Government in the proposed new Andhra State, a compromise on the leadership issue which arose was that PSP should release Sri Prakasam from his party obligation to form a Government either as an Independent or as the associate member of the Congress. It was rejected on September 16, 1953 by PSP executive. Shri Prakasam refused to accept the executive's decision and on Sept.25 resigned from the party and joined Andhra Legislative Congress Party as an associate member. He did so to become the first Chief Minister of the newly formed Andhra State. Pattom Thanu Pilai was similarly enticed away from the PSP by the offer of a Governorship. Both the defections were induced by the Congress when Jawaharlal Nehru was not only alive but at the height of power.12

2.2.1.2 Madras

After the first General Election, the Congress was in a minority (152) in the State Legislature while the Kisan Mazdoor Praja Party, the Communist Party of India and others together numbered 223 including 63 Independents. However, the Governor invited Shri C. Rajagopalachari, who at that time was not even a Member of the Legislature and had just then been nominated to the Council for the purpose, to form the Government. In a reply to a communication from Shri T. Prakasam, Leader of Madras KMPP, who claimed that the UDF (formed by KMPP with communists and other groups) commanded 166 as against 160 supporting Congress, Governor Sri Prakasam stated that in view of the fact that no single party in the Assembly had an absolute majority he had called upon Sri C. Rajgopalachari as leader of the largest single party and the person most likely to command a

stable majority to form a Government. Following this there were at least 16 defections from the opposition parties to the Congress.\textsuperscript{13}

2.2.1.3 Orissa

As a result of the General Election of 1957, Congress captured 56 out of 140 seats in the Legislature. No party had an absolute majority and the party groupings were rather finely balanced. Four Independents defected to the Congress and the Jharkhand group gave promise of support, thus enabling the Congress to form the Ministry. The party position continued to remain unstable nevertheless, and fluctuated from month to month. Soon Congress had to resign to form a coalition Ministry with Gantantra Parishad.

2.2.1.4 Travancore-Cochin-Kerala

After the first General Election, Congress formed the Ministry in Travancore - Cochin with the support of Travancore Tamilnadu Congress (TTNC). They were insistent that TTNC should merge with congress; but TTNC demanded that a separate Prades Congress Committee be formed. The Congress Working Committee rejected this. On Sept. 13, 1953, TTNC decided to withdraw support to Travancore - Cochin Congress Legislature party. On Sept. 23, they voted with the opposition on a no-confidence motion defeating the Ministry by 56 to 51. The Chief Minister recommended dissolution of the House which was done.

Following the elections in 1954 Congress secured 45 seats in a House of 118 seats. Congress did not form the Ministry but lent support to the Ministry formed by Pattom Thanu Pillai, the PSP leader. In Feb. 1955, Congress withdrew the support and the Ministry had to resign. At this stage, Travancore Tamilnadu Congress decided to support the

\textsuperscript{13} Paper on "Defection" prepared by the Ministry of Home Affairs as published in the report of the Committee on Defections, p. 47-48.
Congress which formed the Ministry. In March 1956, six members of the Congress party defected and the Ministry had to resign.

In the mid-term elections held in January 1960, Congress emerged as the largest single party and formed a Ministry under Shri R. Shankar enjoying the support of 65 members in a House of 127. On Sept. 2, 1964, 15 congressmen defected and voted for the no-confidence motion against the Ministry on Sept. 8, 1964. The motion was passed and the Ministry fell.

2.2.1.5 Other Notable Defections

Shri Rafi Ahmed Kidwai who had once left the Congress to become one of the founder leaders of KMPP was persuaded to cross the floor once again and join the Congress to become the Food Minister in the Union Cabinet.

Just before the Fourth General Election, Shri Ashoka Mehta (he was not an elected representative at the time) who had earlier accepted the post of Deputy Chairman of the Planning Commission formally joined the Congress along with a number of his followers who included several legislators both at the centre and in the States.

Perhaps the most notable instance was that of the Congress Socialist Party which decided to leave the parent organisation soon after the advent of freedom but set a shining example by directing all its members in the Legislatures (including men like Acharya Narendra Dev) to resign their seats and seek re-election.14

2.2.2 Major Defections after the Fourth General Election

The second spate of defections after the Independence started only after the Fourth General Election of 1967. However, prior to

14. Ibid.
1967 most of the defections were infrequent and shifting of political affiliations were resorted to only for honest and genuine reasons. Till then, in the history of independent India, less than 500 cases of defection were reported, most at State level. Most of those who left their parties were guided by their conscience and had no lure of office. They did not intend to get any return from their sacrifices made during the freedom struggle. Acharya J.B. Kripalini, Narendra Dev, C.Rajgopalchari, P.D. Tandon, Ashok Mehta, Jayaprakash Narayan and many others were always guided by public morality and value based political behaviour when they decided to leave the Congress Party. It was only on ideological grounds than for externeous considerations.

The first large scale political defections in India took place between March 1967 and March 1970. It was a period of defections and political horse-trading day in and day out. The defection in the States reached the astounding figure of 1827, compared to the total number of seats in all the Assemblies comprising of 3487.15 In these years twentythree Governments were constituted and then collapsed in the seven States viz. Bihar, Hariyana, Kerala, Madhya Pradesh, Punjab, Uttar Pradesh and West Bengal. Rao Birendra Singh of Haryana, Charan Singh of Madhya Pradesh, Sarsar Lachman Singh Gill of Punjab all were defected to become Chief Minister in 1967.

2.2.2.1 Bihar

In the fourth General Election, in the House of 318, Congress own 128 seats, SSP68, BJS26; CPI 24, CPI(M) 4; PSP 18; Swatantra 3; RRII; Jana Kranti Dal 13 and Independents 33. Congress not having been returned as the majority party, a coalition Ministry consisting of SSP, PSP, CPI, BJS, and Jan Kranti Dal headed by Shri Mahamaya Prasad Sinha was sworn in on 5th March. But, on August 26, a new splinter

group was formed by the former Health Minister Shri B.P. Mandal of SSP which was called Shoshit Dal. Forging a coalition with Congress, he made a claim before the Governor to form an alternative Ministry while Shri Raj Narain (SSP Member of Parliament) made counter-claims of the SSP Members of not having defected and physically produced them.

With defections and redefections of the members of different parties changing the permutation and combination quite frequently, on September 8, Shri Mahesh Prasad Sinha and Shri Mandal submitted to the Governor lists of 127 and 57 MLAs respectively. The Governor however expressed his reluctance to accept Shri Mandal’s claim on "Constitutional grounds and on the advice of the Advocate General". Shri Mandal has been a Minister for nearly 6 months without being a member of the State Legislature.

However, the United Front Government was defected by 150 votes to 163 and Shri Mahamaya Prasad Sinha tendered the resignation of the Ministry which was accepted by the Governor. The leader of the Congress Legislative Party, Shri Mahesh Prasad Sinha urged the Governor to invite Shri Mandal to form the Government. But, the Governor suggested that Shri Sinha should head the new Government as leader of the largest single party in the Vidhan Sabha. After prolonged talks with Soshit Dal, on 28th January Shri Sinha suggested the name of Shri Satish Prasad Singh who was sworn in as Chief Minister. Shri Singh had earlier defected from SSP to Soshit Dal.

Interestingly, on January 29, on the advice of the Chief Minister, the Governor nominated Shri Mandal to the State Legislative Council. On 31st January, Shri Mandal took his seat in the Council. Then Sri Singh submitted his resignation. And a few hours later Governor invited Shri Mandal to form a new Government.
An interesting sidelight is that Shri Mandal whose leadership in defection led to the fall of the Ministry in Bihar had defected from Congress before the fourth General Election and joined SSP. In the 1967 Elections, he was returned to Lok Sabha and in spite of SSP leader Dr Lohia's efforts, he choose to be a member of the State Cabinet without having been returned to the State Assembly.

A schism developed in the Congress Legislature party on the question of supporting Soshit Dal. On March 18, a motion of non-confidence against the Mandal Ministry was carried by 165 to 148 votes, 17 dissident Congressmen having voted against the Government. The rebel Congressmen formed themselves into the Bihar Lok Tantrik Congress Dal with Shri Bhole Paswan Shastri as their leader. The United Front also accepted him as the leader. The strength of the United front had now risen to 173 and the Governor invited Shri Shastri to form the Government. The new 3 man Ministry headed by Shri Paswan Shastri was sworn in on March 22, 1968.

2.2.2.2 Haryana

In Haryana, Congress returned to power with absolute majority after gaining 48 seats out of 81. But, defections hit the newly created Haryana State after Rao Birendra Singh with 12 other Congressmen defected resulting into the resignation of the then Chief Minister Shri Bhagwat Dayal Sharma on 22nd March, 1968. On March 24, a non-Congress Government headed by Rao Birendra Singh, took over with the support of Jan Sangh, Swatantra, Republican and Navin Harayana Janata Party.

Efforts were made by the opposition parties with Shri Devi Lal and Shri Bhagwat Dayal as their leaders to topple the Ministry. The politics of defection continued and by the third week of October, the tide was reversed with the joining of four Jan Sangh MLAs in the Congress. On 29th October, Shri Mohan Lal Thakur, a Deputy Minister
resigned. With his resignation the coalition (Samyukta Dal) lost absolute majority. However, while the defection and redefection was going on, Shri Hira Nand Arya defected from Devi Lal Group and was sworn in as Minister. But, on 11th November i.e. 5 days after he was sworn in as Minister, Shri Hira Nand Arya re-defected to Shri Devi Lal's group. Six days later in a bid to form Govt., 4 MLAs of Devi Lal's group joined Congress Legislature party. But, the governor would not allow the Ministry to be formed and recommended to the President dissolution of the State Assembly and promulgation of President's Rule under Art-356 of the constitution.

2.2.2.3 Madhya Pradesh

The Congress Party secured an absolute majority getting 167 seats out of a total of 296 seats in the Assembly and formed the govt. with Shri D. P. Mishra as its head. On July 19, Shri Brijlal Verma stated that 36 members of the Congress Party had defected from the party and had joined the opposition ranks of Samyukta Vidhayak Dal. The Congress Ministry was defeated by 153 votes to 137 votes in the floor and the leader of the opposition, the Rajmata of Gwalior led 152 legislators to Raj Bhawan and informed the Governor that she was in a position to form a stable Government. On July 30, Shri Govind Narain Singh, the leader of the Congress defectors, was sworn in as Chief Minister. A significant development in the party alignment was the decision taken by the Congress defectors to merge themselves with the Krantikari Vidhayak Dal led by Rajmata. As a result of this merger, the combined group has a strength of 86, making it the largest partner in the SVD coalition. They have decided to designate the combined party as Lok Seva Dal.

2.2.2.4 Manipur

In the Fourth General Election, Congress party captured 16 seats out of 30 in the Manipur Legislature. Seven Independent and 2
nominated members joined the Congress and raised its strength to 25. The Council of Ministers with Shri Koireng Singh as the Chief Minister assumed office on 20th March. On Sept. 19, eight Congress members defected reducing the ruling party to a minority. On the 4th October, the Congress Ministry resigned and new Council of Ministers belonging to the United Legislature Front with Shri Longjam Thambon Singh as Chief Minister assumed office on 13th October.

A no-confidence motion was moved against the new Chief Minister but it could not be taken up as the Speaker, Deputy Speaker and the third member on the panel of presiding officers resigned. The Assembly could not also elect a Chairman and President's rule was proclaimed.

However, towards the middle of February 5, 5 Congress defectors were readmitted into congress raising the congress strength to 20. This enabled the Congress to elect the Speaker and form the Govt. for which President's rule was rescinded on Feb.19 and Shri M. Koireng Singh became the Chief Minister.

2.2.2.5 Rajasthan

The party position in the 184 member State Assembly immediately after the election was: Congress 88; Swatantra 48; Jan Sangh 22; SSP 8; CPI 1; Independent 15. A Congress candidate has been elected from two constituencies. A couple of days after the announcement of the election results, four independents and one Swantantra MLA who claimed to have promised support to Congress raising the strength to 92 which was a clear majority in the then existing House of 183. The Governor invited Shri Mohan Lal Sukadia to form a Government on March 4, and stated in a press conference that he had done so because Congress was the largest single party and that he had not taken independents into account because "the people do not know their policies" adding that some members had "come to him several times, each time changing their minds". But the United Opposition reacted
sharply as most of the independents were with them. They questioned the propriety of the Governor discarding the views of independent MLAs and described Governor's decision as "unconstitutional, undemocratic and one-sided". In Jaipur they launched an agitation which took a serious turn leading to police firing and imposition of curfew. Ultimately President's Rule was declared on March 13.

The new Governor later asked the leaders of Congress Assembly party and of Samyukta Dal (United Opposition) to submit list of their respective supporters. Congress gave a list of 94 and the Dal of 109. The Governor interviewed 21 MLAs whose names figured in both and came to the conclusion that Congress Party had the support of 94 as against 88 MLAs of the Dal. He thereupon, on April 25, recommended revocation of President's Rule stating that the situation was conducive to the installation of a Ministry. On the following day President's Rule was lifted and the Congress formed the Government.

2.2.2.6 Punjab

Having secured only 47 seats in the House of 104, Congress Party could not form the Ministry. But, 53 members of the Assembly consisting of Akali Dal (Sant Fateh Singh Group) 24, Jan Sangh 9, CPI 5, CPM 3, RPI 3, Akali Dal (master Group) 2, SSP 1 and Independents 6 (of the 10 elected) formed themselves into a popular United Front. Sardar Gurnam Singh was elected their leader and formed the Ministry. On April 3, the Chief Minister expanded his cabinet to include a Congress defector and three Independents as Deputy Ministers and one Communist as a Cabinet Minister. On April 5, four members of the United Front, without crossing the floor, voted for an opposition amendment to the Motion of Thanks to the Governor for his address. The Ministry's position was reinforced by the defection of five legislators from the Congress Party. They were sworn in as members of the Ministry on May 5, raising its strength to 16.
On May 26, Har Charan Singh Hudiara, Akali MLA of Sant Fateh Singh Group, defected with another member from the United Front. Even so a Congress no-confidence motion was defeated on May 26.

On November 22, however, 17 legislators led by Shri Lachhman Singh Gill, Akali Dal (Sant Group), defected from the United Front and formed a new group called the Punjab Janata Party. The Seventeen defectors included two Cabinet Ministers, two Deputy Ministers and two Parliamentary Secretaries (who had been sworn in only the preceding day). Party-wise, the 17 defectors were composed of: Akali Dal 6; Independents 5; Republican Party 4 and Congress defectors 2.

On November 25, Shri Lachman Singh Gill was sworn in as the Chief Minister since his party had the support of Congress. On November 27, 12 members of the new Punjab Council of Ministers was formally sworn in. All of them belonged to the newly formed Punjab Janata Party.

2.2.2.7 Uttar Pradesh

The party position as it emerged from the Fourth General Election was: Congress 199; BJS 98; SSP 44; CPI 13; Swatantra 12; PSP 11; RPI 10; CPI(M) 1 and Independents 37. Neither Congress nor opposition parties commanded a majority. The Governor on being informed by 17 Independents and four members "returned from opposition parties" of their support for Congress invited Shri Gupta to form a Government. He also summoned the Assembly for March 17 in order that the support for the new Ministry might be tested. The Government proved to be short-lived. On 1st April, 1967, during the voting on the Communist Leader Shri Jharkhande Rai's amendment to the Motion of Thanks to the Governor's address, Shri Charan Singh (Congress) declared that he and his followers in the Congress had formed a new party - The Jana Congress - and had decided to cross
the floor. The opposition amendment was then carried (215 to 193). The Congress Ministry resigned and on the same day Shri Charan Singh was elected leader of Samyukt Vidhayak Dal (SVD). Shri Charan Singh then formed a multi party Government.

In running the Government the SVD was however subjected to internal stress and strains. These inner conflicts apart defections were not numerous. Two Jan Sanghis joined Congress; one joined SSP; and one Communist defeated from S.V.D.

There brewed dissatisfaction with Charan Singh’s leadership and the constituent parts - C.P.I. and S.S.P. - tendered their resignations. P.S.P. and R.P.I. threatened to quit. The crisis was resolved on Oct.26 and open schism averted. However, the conciliation proved temporary. Two C.P.I. Ministers resigned from the Government and their resignation was accepted on 2nd December. The Chief Minister had submitted his resignation on 17th December. The co-ordination meeting of the constituents of coalition however expressed full faith in the Chief Minister. Even so, 5 SSP Ministers resigned from the S.V.D. Government in pursuance of the directive from the party's national executive. Finally the Chief Minister tendered his resignation on February 17 and advised the Governor to dissolve the Assembly.

The leader of the Congress Legislative party met the Governor and wanted to form a Government. But, the Congress party could not satisfy the Governor fully that they were able to command a comfortable majority. He thereupon recommended to the President for a State emergency which was proclaimed on February 25.

2.2.2.8 West Bengal

The Congress secured only 127 seats in the House of 280. Fourteen other parties joined to form a United Front and elected Shri Ajay Kumar Mukherjee of Bengal Congress as its leader.
As with most other multi-party Governments there was internal tension among the constituents, especially between the CPM and some of the others, the Government was threatened with dissolution. At this stage, about nine members resigned and formed the West Bengal State Unit of the Bhartiya Kranti Dal. The Chief Minister however did not resign.

On November 3, however, the Food Minister, Dr. P. C. Ghosh resigned from the Ministry. With him 17 MLAs resigned from the ruling United Front depriving the Front of majority support. The Cabinet did not resign nor did it accept the advice of the Governor to convene the Assembly. The Governor "after a careful assessment of the circumstances and in the larger interests of the State", dismissed the Ministry on November 21. Simultaneously a 3 man cabinet headed by Dr. P. C. Ghosh was sworn in.

The three member Ministry initially sworn in was subsequently enlarged by the addition of 4 ministers of State, all belonging to Progressive Democratic Front. The Congress later decided to join the Ministry.

On the issue of selection of Congressmen for the Ministerial posts, a dissident group headed by Shri Ashutosh Ghosh (MLC) came to be formed. Eventually, on February 11, 18 MLAs wrote to the Governor withdrawing their support to the PDF - Congress coalition Government from that date. Two MLAs of the 18 later wrote to the Governor that they supported the present Government. In the meantime, there were some talks between MLAs of this Front and United Front leaders for forming an alternative Government. In this connection, the former Chief Minister and Deputy Chief Minister also met the Governor with a letter from Sankardas Banarjee offering United Front support of his party on certain conditions. But, the Governor said he would consider any action only after the Assembly had met.
The Assembly was summoned to meet on February 14. There was determined resistance to the Governor entering the Legislature and he could not complete his address even after entering through a side door and the speaker adjourned the House sine die. The Governor requested the President to proclaim Article 356 which was proclaimed on February 20.16

In their frenzied competition to win the "game", almost all political parties resorted to violation of Parliamentary and Constitutional norms. Both the Congress and the opposition alliance raised charges against one another of using less subtle means to induce MLAs to cross the floor. These means included bribery and intimidation, kidnapping, beating and method of "gangsterism and terrorisation".17 In several states as a result of all these techniques, there were almost daily defections in both directions. This two way traffic produced claims and counter claims by Congress and non-Congress coalitions where each enjoyed majority support in the Assembly. The national despair of the 1967 to 1971 period was overcome by Mrs. Gandhi's electoral success of 1971. It brought to an end all splits and defections within the Congress party. The Emergency, which concentrated unlimited formal powers in the hands of the Central Government, created a sense of frustration among opposition legislators. Many of them from BLD, Jana Sangh and Congress(O) joined the Congress-(I).

2.3 **Defection after the Emergency Period**:

The next important spate of massive defection followed the formation of Janata Party in the wake of Emergency. The defection of Jagjivan Ram, who had served at the Centre almost continuously for thirty years and was the only Congress leader apart from Mrs. Indira

16. Records of Defection politics which toppled the Govts in different States are obtained from the printed publications on the 1968 Committee on Defection as published by the Ministry of Home Affairs.
Gandhi, with a broad national following, dealt a devastating blow to the Congress-(I) and its leaders. His decision to form a new party in the name and style of "Congress for Democracy" spurred defections from the Congress party in key northern States.

2.3.1 Important Defection at the Centre

The politics of defections in the 1980s was heralded by the political developments within the first non-Congress government at the Centre in 1977-79 period. Despite having a two-third majority in the Lok Sabha, the Janata Government of Prime Minister Morarji Desai was thrown out of power due to the defection of 76 MPs, mostly the supporters of Charan Singh. This was in a way a classic case as Charan Singh defected from Janata along with his followers in order to become Prime Minister for a few months without ever facing the Parliament.18

2.3.2 Haryana

When Indira Gandhi staged a come back in January, 1980 with thumping majority, the non-Congress governments in the States were alarmed. Their fall seemed imminent. Mr. Bhajan Lal, the then Janata Dal Chief Minister of Haryana, saved his ministry from dismissal by joining the Congress en bloc. He met the Prime Minister with 37 MLAs at her residence and sought her blessings in these words: "We have come to you. Please own us". Welcoming the defectors with a smile, Mrs. Gandhi replied, "I never treated you as outsiders". Then she posed for a photograph with them. Mr. Bhajan Lal was given an assurance that he would remain the Chief Minister of Haryana for the next two and half years and could be given the chance of choosing candidates in the next Assembly elections. Later Bhajan Lal described such en-masse entry into the Congress (I) as "Merger" with the

Congress (I) Party and not "defection". He also said that he had always been a Congress at heart and had returned to his "home".\textsuperscript{19}

It was indeed a new experience for the country. With a majority of MLAs on his side, Mr. Bhajan Lal remained undisturbed as Chief Minister of Haryana. Only the party banner under which he had to function was different. But, this sudden and disgraceful switch by Bhajan Lal and followers was a "Political Crime" and an insult to the intelligence of the electorate. Having been elected on the Janata Party tickets, they had no moral justification to cross over to another party without seeking the verdict of the electorate. Mrs. Gandhi was equally culpable in that she had accepted defectors in her party fold.

2.3.3 Kashmir

Two other cases of defections which evoked wider interest in the country were those of G.M. Shah in Kashmir and Bhaskar Rao in Andhra Pradesh. The family opponents of the then Chief Minister of Kashmir, Dr. Farooq Abdullah including Khalida, his sister, and brother Tariq, had made no secret of sharing with Congress-I party the common desire to oust Farooq Abdullah. The method to achieve such an objective was neatly planned. On June 2, 1984, 12 of Farooq Abdullah's ruling National Conference MLAs defected and conveyed to the Governor, Mr. Jagmohan, their decision to support G.M. Shah, the brother-in-Law of the then Chief Minister. Thereupon Congress-I pleaded its support in favour of Mr. Shah along with the defecting legislators who were physically lodged in the Raj Bhavan. The Governor satisfied himself about Mr. Shah's majority and dismissed the Abdullah ministry and installed his brother-in-Law as the new Chief Minister. Mr. Shah was, however, instructed by the Governor to prove his majority within 30 days. No doubt, Mr. Shah had to work hard to win Mr. Abdullah's

supporters but not without the assurance of Congress-I support under the lure of office. In the process, the Governor himself violated the State's own Anti-Defection Law. Dr. Abdulla's plea for allowing him an opportunity to prove his majority in the Assembly was ignored. Mr. Jagmohan usurped a role which was considered to be the prerogative of the legislature and parliamentary democracy. It would not be out of place to add that the breakaway group in Kashmir jumped to the outside while retaining its original party label. The confusion between "defection" and "party split" led to confrontation between Speaker and the High Court, and ultimately the matter fell into the hands of the Supreme Court.

2.3.4 Andhra Pradesh

The following month saw the downfall of the N.T. Ramarao's (NTR) ministry in Andhra Pradesh. Its Governor, Ram La, had the democracy "crucified, dead and buried" by dismissing the most popular Chief Minister (NTR) the State ever had, after arresting him and 158 members of the Assembly supporting him, constituting a clear majority, inside the Raj Bhawan. He had the minority government, headed by N. Bhaskar Rao, the traitor Finance Minister of NTR, installed. Mr. Bhaskar Rao was asked to prove his majority within thirty days. According to reliable sources, a legislator switching over his loyalty to the traitor could earn anything upto Rs.25 lakh and a ministerial office. Faced with the strident public opinion, no legislator on the NTR side deserted his leader and Bhaskar Rao failed to prove his majority in the Assembly. This situation forced the Governor to invite NTR to form his Government after full one month's disorder in the State. With his installation ended the disgraceful chapter of rank constitutionalism and parliamentary fraud.

20. J & K State's own Anti-Defection Law was in operation since 1979.
22. This episode costs the State exchequer Rs.70 crores, while the legitimacy of Bhaskar Rao as Chief Minister was in question.
The frequency of defections during those days were extraordinary in magnitude. During the first active period of defections (1967-70) some legislators defected and redefected six or seven times before they finally settled down in a particular party. In Assam, one Minister, A.D. Latiff, defected three times in 35 hours. In Andhra Pradesh, Mr. Bhim Reddy, a Minister of Bhaskar Rao's ministry had defected for four times in 6 weeks and finally voted in favour of NTR.

It was facetiously observed by a critic: "In India some defectors preferred to have breakfast with one party; lunch with another, and dinner with a third party on the same day". In his keynote address on electoral reforms, the Chief Election Commissioner pointed out in 1983. "Between 1967 and 1983 alone, there were 2700 cases of defection and that 212 defectors had become Ministers and 15 Chief Ministers. The trend has only accelerated since then.

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26. Sahay S, Supra f.n.18.