

## **Chapter-6**

### **The Crisis of the Democratic Order**

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1. In 1967, Congress party competition become bitter and polarised. This period also witnessed tension in the relationship between the government and the judiciary.
2. In the election of 1971, Congress had given the slogan of "Garibi Hatao" (remove poverty).
3. 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 in election campaign on an election petition filed by Raj Narain, a socialist leader.
4. In March 1974, Bihar students protest against rising prices, food scarcity, unemployment and corruption.
5. The Naxalite movement has used force to snatch land from the rich landowners and give it to the poor and the landless.
6. 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 was opposed to these demands and the strike was called off after twenty days without any settlement.
7. 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 Kesavanand 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.
8. 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.
9. The proclamation of Emergency in 1975 had far reaching consequences and affected

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every spheres of life such as: Strikes were bonned, many opposition leaders were put in jail, suspended the freedom of the press (press censorship), apprehending social and communal disharmony, banned RSS, and Jamail-e-Islami, protests and strikes and public agitation were also disalloewed. Most importantly, under the provision of emergency, the various Fundamental Rights stood suspended. The 40 second amendment was also passed during the emergency.

10. In April 1976, the constitution bench of the Supreme court over-ruled the High courts and accepted the government's plea. It meant that during emergency the government could take away the citizen's right to life and liberty.
11. Shah Commission : In May 1977, the Janta Party government appointed a commission of enquiry headed by Justice J.C. Shah, retired Chief justice of India. The commission examined various kind of evidence and called scores of witness to give testimonies. The government of India accepted the findings, observations and recommendations contained in the two interim reports and third and final report of the Shah Commission.
12. 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.
13. 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:
14. (a) 1977 elections defeated Congress on people's verdict against emergency and opposition fought on the slogan 'save democracy'.
15. (b) Mid term elections 1980 were held due to Janata Party lacked direction, leadership and a common programme as well as could not bring any fundamental change the policies pursued by Congress.
16. 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.