**India through the years**

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Part - IV

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Just before 1970, there emerged two factions in the Indian National Congress: Congress (Organisation) that some senior leaders were spearheading; and, Congress (Requisitionist) that PM Indira Gandhi formed. Congress (O) was also called Old or Syndicate Congress. Most of the Congress Committee members walked over to Indira’s side.

INC (O) led the state governments in Bihar, Gujarat, and Karnataka. That’s how the new decade started in India. In the early 1970s, Indira Gandhi had a minority government. The Old Congress that Desai and Kamraj were leading could muster only 31 members of parliament but that left Indira Gandhi 40 seats short of a majority. The communists and the DMK offered their support with 42 and 26 MPs respectively. That was the first time after independence that Congress had a minority government that had support from the centre-left and communist parties opposed to the right-wing.

In September 1970, Kerala held its state elections which presented a particular significance for the observers of communist politics in India. The CPI and CPI-M formed two opposing alliances to contest the elections. The CPI joined hands with Congress and the Muslim League to form the United Front. The CPI-M made an alliance with the Samyukta Socialist Party of George Fernandes. Congress emerged as the largest party with 30 seats and the CPI-M stood second with 29 but they were in opposing alliances. Congress supported the CPI having just 16 seats to form the government with Achutha Menon; he remained the CM of Kerala till 1977.

That showed deep fissures in communist politics as the CPI became much closer to Congress which was friendly to the Soviet Union. The CPI-M considered it a betrayal of the communist cause and opposed both Congress and the CPI, while remaining comfortable with George Fernandes – a fake socialist, rather a right-winger who later allied himself with the BJP. The same CPI-M had supported Indira Gandhi to form her second government in 1969. Now with an antagonized CPI-M, Indira realized that her minority government would eventually fall.

Then the Supreme Court of India in the Bank Nationalization Case – gave a verdict that went against the government’s wishes. Justice A N Ray was the lone dissenter among the eleven Supreme-Court judges who examined the constitutionality of the Act. Indira Gandhi later rewarded Justice Ray amply by appointing him chief justice but in 1970 the court was against her. In Pakistan under General Yahya Khan the first general elections took place in the first week of December with the Awami League of Sheikh Mujib emerging as the largest party.

In the last week of 1970, president V V Giri dissolved the Lok Sabha at Indira’s recommendation. That was a testing time to see if Indira Gandhi could win elections on her own, or the old guards of Congress (O) would give her a tough fight. In March 1971, when General Yahya Khan was about to launch a military action against the largest political party in Pakistan after the first general elections, India held its fifth general elections in 20 years.

Of the 520 seats in the Lok Sabha, Indira Gandhi’s Congress won 352 seats with the communists emerging as the second major force in the parliament. The CPI-M won 25 seats (20 from West Bengal alone) and the CPI 23. The DMK and the CPI shared the third position with 23 MPs. Surprisingly, the Jana Sangh that Vajpayee was leading won 22 seats (11 from Madhya Pradesh alone). Kamraj’s INC (O) won just 16 of which 11 from Gujarat, perhaps thanks to Morarji Desai. Indira Gandhi’s major wins came from UP, Maharashtra, Bihar, and Andhra Pradesh. The CPI won five seats in Bihar and four each from UP and Tamil Nadu.

Talking about state elections, it is interesting to note that communist politics took a new turn in West Bengal. Just like in Kerala in 1970, now in West Bengal the CPI and CPI-M were in opposing camps. The CPI-M led the United Left Front, while the CPI was leading the United Left Democratic Front with some seat sharing with Indira Gandhi’s Congress. The CPI-M emerged as the largest party but fell short of a majority so Congress as the second largest party formed the state government in West Bengal with support from the CPI and other parties. After Kerala this was the second time that the two communist parties failed to reach an agreement to form a government and preferred other parties for an alliance.

Indira Gandhi, now armed with a new mandate, went on to clip the wings of the judiciary by introducing the 24th and 25th amendments to the constitution, enabling parliament to dilute fundamental rights. These amendments provided expressly that parliament had the power to amend any provision of the constitution, making it obligatory for the president to give assent whenever s/he received an amendment bill. The 25th Amendment curtailed the right to property and permitted acquisition by the government for public use on the payment of compensation that parliament would determine, not the courts.

Despite strong opposition from nearly all prominent jurists and surviving members of the Constituent Assembly, Indira Gandhi went ahead with these amendments and got away with them easily. That was a seminal year for her as she won a war against Pakistan and helped Bengali nationalists in East Pakistan declare an independent state of Bangladesh. With a victory in war and a pliant president, she received the highest Indian award Bharat Ratna in 1972 that V V Giri conferred upon her and in turn later received his own Bharat Ratna as a quid pro quo.

This was a mockery of democracy and justice. In 1973, the Supreme Court struck back with the Keshavananda Bharati judgment that outlined the basic structure of the constitution. Justice H R Khanna asserted through the doctrine that the constitution possessed a basic structure of principles and values. This case was crucial in upholding the supremacy of the constitution and prevented authoritarian rule by a single party. The question was simple: was the power of parliament to amend the constitution unlimited?

The judgment, spanning over 700 pages, sharply divided the court. By a wafer-thin majority of 7:6, the Supreme Court of India held that parliament could amend the constitution, but not alter its basic structure or essential features. In this case two prominent persons played significant roles – Justice Nanabhoy Palkivala who presented the case against the government, and Justice HR Khanna who propounded the Basic-Structure Doctrine. The case was a major defeat for Indira Gandhi and now Jayaprakash Narayan and Raj Narayan capitalized on increasing inflation and the alleged malpractices in the previous elections. Indira Gandhi tried to restore some of her prestige by detonating a nuclear device in 1974.

After the initial euphoria was over, things started taking a nasty turn for her. The final blow came from the courts in 1975 when a case against Indira Gandhi for election malpractices went against her in the Allahabad High Court – she lost her seat in parliament. She challenged the verdict in the Supreme Court which granted her a conditional stay but her continuation in power appeared shaky. Jayaprakash Narayan gave a call for ‘total revolution’ and demanded the resignation of prime minister Indira Gandhi.

On June 25, 1975, she invoked Article 352 of the constitution that gave her extraordinary powers. Now the state could take any action but the people had no recourse. Indira arrested thousands of people from the opposition and put them behind bars without trial. There was extreme censorship and the press had no freedom to report.

To be continued

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