

CHAPTER - 2

POLITICAL DEFECTIONS: A HISTORICAL PERSPECTIVE

I. INTRODUCTION

The Politics of Defection became the most conspicuous phenomenon of politics of India after Fourth General Elections. It existed before also but no attention was paid to it because at that time, it did not change the fortunes of ruling parties' power politics. But between January 1952 and 1982, the politics of defection resulted in the fall of 66 state Governments and one Central government, and necessitated the imposition of President's Rule 70 times, thus becoming a cancerous disease and a national malady eating into the very vitals of our democracy.¹

Whereas the evolution of any law can be traced out by two way either by means of looking back into the history of one's nation as to factors that gave rise to the preposition of the law as it stands today or by making a comparative analysis of different nation's legal system to see as to whose legal system it resembles. These are the path findings left for any researcher in order to ascertain the developments of law in a particular aspect.

With regard to the matter in issue, the researcher has adopted both the means i.e. digging into the past and taking an outlook at the position of law for defection around the globe having parliamentary form of government. The second aspect of Anti- Defection Law around the globe has been discussed in the following chapter, while a sincere attempt has been made in this chapter to evolve the history of the law in India.

1. J.R. Siwach, *Dynamics of Indian Government and Politics*, 1990, p. 636.

II. HISTORICAL BACKGROUND OF POLITICAL DEFECTION

The politics of defection has a long history in India which can be divided into following heads:

- (i) Pre-Independence period,
- (ii) Post Independence Period up to 1966;
- (iii) Political defections in the states;
- (iv) Political Defections after 1972 to 1985;
- (v) Political Defections in the Centre;
- (vi) Cases of Defection After 1985

Split in Congress in 1969 in the Centre.

(i) Pre - Independence Period

The earliest example of defection can be taken from the Epic Ramayana where Vibhishana defected from Ravana side towards Rama and caused the ruin of Ravana. Later, after winning over Ravana Rama made him the king of the state, earlier ruled by Ravana.

As early as in the days of Montford Reforms one member of the Central Legislature. Shyamlal Nehru - who was elected on the Congress ticket crossed the floor to join the official British side. He was strongly criticized and condemned by Pt. Moti Lal Nehru, Leader of the Congress Assembly party and was expelled from the Congress. In 1936, Hafiz Mohammad Ibrahim after being elected on a Muslim League ticket defected to congress legislative party and appointed as a Minister in the Ministry headed by Govind Ballabh Pant in Uttar Pradesh with him, however half a dozen independent members of Legislative Assembly also joined the Congress.²

2. *Id.*, at 637; see also Subhash C. Kashyap, *The Politics of Defection: A Study of State Politics in India*, (New Delhi) 1969, p. 23.

However, the first ever toppling game in Bengal was played in March, 1945 when the Muslim League Ministry, led by Khwaja Nazimuddin was voted out of office when the Nawab Bahadur of Dacca along with 15 friends defected.³

(ii) Post Independence period up to 1966

As the seeds (defecting from the group or the party) has sown before independence, this remain in existence even after we got independence. In 1948, due to ideological reasons and personal conflicts some congressmen left the Congress Party and formed Congress Socialist Party. Thirteen members of the Congress Socialist Party in Uttar Pradesh Assembly led by Acharya Narendra Dev⁴ decided to resign from Congress Party. They resigned from the Assembly and contested election again on the symbol of Socialist Party, but all of them lost in elections.⁵ Since these members resigned immediately from the membership of the Assembly and sought re-election, this step was widely acclaimed throughout the country. Strictly speaking leaving a party in this way was not a defection.

Two years later, in January 1950, another group defection occurred in Uttar Pradesh, when 23 Congress members of Legislative Assembly, including Shri Triloki Singh, Shri Gopal Narain Saksena, Shri Khushwant Rai, Shri Ganga Sahai Chaube etc. defected and formed the Jana Congress. None of the members

3. Australian Governor, R.G. Casey, Using Cricket Parlance has referred to this in his book, "An Australian in India," 1947, thus. "The first hurdle that presented it was the introduction by the ministry of a Bill to reform the content of Secondary Education. The Bill was thrown o the pitch with great velocity. The principal batman hit out with impassioned gusto but some of the fieldsmen were so alarmed that they changed sides I the middle of the game. The uproar was terrific, and a good time was had by all. Nevertheless, eventually I had to declare the match a draw and adjourn the Assembly... It is an unfortunate fact that certain proportion of politicians have shown themselves to be capable of being seduced by their political opponents. Purists might say hard things about such matters but they are understandable in a country in which representative democratic institutions are a relatively new conception." *The Tribune*, March 23, 1973, p. 5.

4. Acharya Narendra Dev was then amongst the most prominent Congress leaders in U.P. and was a member of the All India Congress Working Committee. He was universally respected as man of deep scholarship and immutable integrity.

5. Myron Weiner *ed.*, State Politics in India, p. 80.

resigned from the Assembly. This can be termed as proper defection.⁶ Subsequently in 1951, Acharya J.B. Kriplani and Rafi Ahmed Kidwai also left the Congress Party because of factional politics and formed the Kisan Mazdoor Praza Party without resigning from the Parliament. However, Kidwai rejoined the Congress within a short period and became Food Minister at the Centre.⁷

During this period, the defections were a one way traffic because they were mostly from the Congress but none of the state government fell because of defections. However, because of factional fighting President's Rule was imposed in 1951. These defections were merely on ideological grounds and their aim was not to bring the downfall of the Government.⁸

When elections were held in 1952 none of the parties could win an absolute also lute majority in Madras,⁹ Travancore,¹⁰ Cochin, Pepsu,¹¹ and Orissa.¹² In Madras, Congress was the minority party and Kisan Mazdoor Praza Party with Communist Party of India and others formed a United Democratic Front under the leadership of T. Prakashan who was willing to form the Government. However, the Governor invited Rajagopalachari of Congress to form the government since Congress was the largest single party. Once Rajagopalachari was enabled to form the government, at least 16 members of the opposition parties crossed the floor to join Congress and Congress became the majority party.¹³ In 1953 in Andhra Pradesh, T. Prakashan along with his followers resigned from the

6. *Ibid.*

7. *Ibid.*

8. *Supra* n. 1, p. 638.

9. In Madras the congress had 155 seats out of 321. Rajya Sabha Debates, Vol. VII, 1954, Col. 204.

10. In Travancore, Cochin the Congress Party had won 44 seats out of 118. Lok Sabs Debates, Vol. IV, No. 31, March 29, 1956, Cols. 3794.

11. In PEPSU the Congress Party obtained 26 out of 60. *Ibid*, Vol. II No. 4, March 12, 1953, Col. 1980.

12. In Orissa the Congress Party won 68 seats out of 140. Rajya Sabha Debates, Vol. LVI, No. 11, May 17, 1966, Cols. 1765 - 66.

13. Subhash C. Kashyap, *The Politics of Power*, 1974, p. 59.

Praja Socialist Party and joined the Congress as associate members and formed the Government.¹⁴

However, Congress won only 26 seats out of 60 in the First General Election in 1952, in PEPSU: It induced Akali Legislators to defect to Congress and formed a Ministry. But within month three Congress legislators and three more independents who had joined the Congress party defected back to opposition to form a United Front Party government.¹⁵

This process of defections continued even after the election of 1957 and 1962. For example, in Orissa in 1957,¹⁶ in Rajasthan¹⁷ and Madhya Pradesh¹⁸ in 1962 the Chief Ministers who belonged to the Congress Party managed defections in order to have a majority in the Assembly.¹⁹

The phase of defections which covers the period from 1952 to 1967, was a two way traffic in the sense that there were defection took place from the opposition to the ruling and from ruling to the opposition throwing away the state governments four times ruled by Congress out of office in a period of 15 years. There were the governments of Col. Raghbir Singh in PEPSU²⁰ in 1952, of T Prakashan²¹ in Andhra Pradesh in 1954, of Govinda P. Menon and R. Sankar²² in Kerala in 1956 and 1964 respectively. In this period defections were a source of stability for political system because the practice of tarcoatism enabled four state governments (Madras,

14. Keesings Contemporary Archives', March 27 - April 3, 1954, p. 13490.

15. *Supra* n. 13 at 60 - 61.

16. The Congress Party had 56 seats out of 140, Lok Sabha Debates, Vol. I, 1961, Col. 3657.

17. The Congress Party won 88 seats out of 176.

18. The strength of the Congress Party in the Assembly was 142 out of 288. *Ibid*, 147.

19. *Supra* n. 1, at 60 - 61.

20. Ch. Karan Singh, a Deputy Minister and two other Congress MLA's defected from the party and as a result the government was defeated on the floor of the House, Keesning Contemporary Archives, April 26 - May 3, 1952, p. 12173.

21. Two Congressmen defected and voted against the government on account of which the government was defeated by 69 to 68 votes. Lok Sabha Debates, Vol. VII, Part II, November 19, 1954, Cols. 416 - 17.

22. Fifteen Congress MLA's led by M. George and Balkrishna Pillai voted with the opposition. *Asian Recorder*, January 15 - 21, 1965, p. 6247.

Orissa, Rajasthan and Madhya Pradesh) to complete their full term of five years, and even in Orissa the government was in office till it resigned on its own in 1961.²³ In this period there were more defections from the opposition to the Congress,²⁴ and except PEPSU in 1952, the defecting leaders did not form government by combining with the opposition within the period of 15 years, 542 legislators defected, most of them were independents.²⁵

Before Fourth General Election in most of the cases of defection, the dominant Congress Party had perhaps been taking the advantage of human weakness of leaders in opposition, due to which socialist movement in the country suffered a lot. The party that suffered most was the Praja Socialist Party which was emerging as a strong democratic alternative to congress. (Following table shows the gains and losses of various political parties through defections).²⁶

Sr. No.	Name of the state	Strength of the Assembly	Strength of the ruling coalition or party	Strength of Defectors in the ruling party coalition	Total No. of Ministers (Including Parliamentary Secretaries)	No. and % Defectors of appointed Ministers	Whether Chief Minister a defector
1.	Rajasthan	184	106	18	35	5(14%)	No
2.	Haryana U.F. Ministry of Rao Birendra Singh	81	40	29	23	22(95%)	Defector
3.	Punjab	104	53	7	17	6(35%)	No

23. Lok Sabha Debates, Vol. 21, 1961, Col. 3665.

24. As many as 72 MLAs from PSP (out of 299), 53 from Swatantra, 8 from CPI and two from Jan Sangh defected to the Congress. There were defection from Congress as well and the defector formed the Jan Kranti Dal in Bihar, Bangala Congress in West Bengal, Jana Congress in Orissa, Janta Party in Rajasthan, Gandhi Janta Congress and Janta Congress in Punjab, Jana Congress in Madhya Pradesh and Kerala Congress in Kerala. *The Hindustan times*, August 4, 1968, p. 6.

25. *Indian Express*, August 27, 1979, p. 6.

26. *Supra n.* 13 at 16.

	a) U.F. Ministry of Sh. Gurnam Singh						
	b) Congress supported Gill Ministry	104	59	18	16	16(100%)	Defector
4.	Bihar a) U.F. Ministry of Shri. M.P. Sinha	318	164	12	34	5(17%)	No
	b) Congress supported Mandal Ministry	318	162	38	38	38(100%)	Defector
	c) U.F. Ministry of Shri. Paswan	318	175	51	13	7(53%)	Defector
5.	Madhya Pradesh U.F. Ministry of Shri G.N. Singh	296	165	36	34	21(62%)	Defector
6.	Uttar Pradesh U.F. Ministry of Shri Charan Singh	425	227	17	28	7(25%)	Defector
7.	West Bengal Congress supported Gosh Ministry	280	144	17	11	11(100%)	Defector

Source: Subhash c. Kashyap, Politics of Defection, (Delhi), 1969, p.38.

It was alleged that if defections are bad for the ruling party with a view to toppling the government, inducing the members of the opposition to defect to Congress was equally bad killing the effectiveness of the opposition. In a parliamentary democracy, a stable opposition is as essential as a stable government. If the ruling party forms the 'government of the day' the opposition forms the

government in waiting' - a stand-by or an alternative government all the time.²⁷

The period between the Third and the Fourth General Elections was marked by instability, restlessness and resentment associated with the events like Chinese aggression in 1962, the passing away of Jawahar Lal Nehru in 1964, the Pakistani aggression in 1965 and the sudden death of Lal Bahadur Shastri in 1966. There was a wave of unrest and dissatisfaction with the governments' economic and other policies on the eve of Fourth General Election. The opposition parties seemed determined to offer an all out fight against the ruling Congress Party either separately or in all sorts of combinations. People at large seemed to want a change.²⁸

(iii) Political Defections in the States After 1967 to 1972: a problem

After the Fourth General Elections in 1967, there was a spate of defection and elected members by freely changing their allegiance, helped in bringing down the fall of government of their own party. The monolithic regime of the undivided Congress and its haloed leadership had concealed both the many operational weaknesses and the basic inner strength and resilience of the Indian system. The electoral verdict virtually shattered monopoly of political power by a single party and underlined the inner strains and contradictions of a hotch-potch dominant party. It also exposed the artificiality of the political stability, democratic maturity and parliamentary sophistication at which the system had appeared to be operating. The highly fragmented opposition had an opportunity to seize power. A process of non-Congress parties coming forward to

27. *Id.*, at 62.

28. *Id.*, at 64-66.

share power on the basis of the so called Common Minimum Programme had started.²⁹

There were a large number of defections during the period out of around 4000 legislators about 1400 defected between 1967 and 1980.³⁰ In 1967 alone as many as 438 legislators defected whereas during the last 15 years only 542 legislators had defected.³¹ From this it would be very evident that the phenomenon of defection became very acute during this period. These were individual defections and bulk defections and the governments fell down in succession because of defection in Haryana, Uttar Pradesh, Bihar, Punjab, West Bengal and Rajasthan, Hence a survey of the problem of defections occurred in the above said states has been made to find out the predominant reasons for defections.

(A) Haryana

Consequent upon the linguistic reorganization of the old state of Punjab, Haryana came into existence in 1966.³² The region has a long history going back to the most ancient times. It includes Kurukshetra where '*Mahabharata*', the great war was fought.

Haryana has low literacy rate as well as low level of political awareness and participation, politics in it, until its emergence as a separate state. Whereas the strongest influences within the Haryana region have always been those of caste, personality and of military service - in a way, all closely interlinked. Haryana has essentially been a land of soldiers. Among them Jats and Ahirs are excellent soldiers. They must as a rule, give first preference to their own caste. Hindus and Muslims in Haryana gave preference to their own caste or own gotra's. There are four major caste groups among Hindus are a) Brahmins 12% (b) Jats 23% (C) Ahirs 8% and

29. *Id.*, at 4. See also Paras Diwan, Aya Ram Gaya Ram: the Politics of Defection, *Journal of Indian Law Institute*, No. 3, July-September 1979, p. 298.

30. *The Tribune*, March 1, 1977.

31. *Indian Express*, August 27, 1979.

32. Haryana was the seventeenth State of the Union.

Scheduled Caste 22% others are Gujars (8%) Rajputs (5%) and Banias (8%) Castwise the Jats are the toughest and constitute the single largest group with the scheduled castes coming next.³³

Besides being the most numerous caste group, the Jats are the peasant proprietor or the land owning class. The most outstanding name produced by Haryana in the last hundred years among the Jats politicians were that of Sir Chhotu Ram.

He successfully fought against the exploitation of the Jat peasant-proprietors by Bania moneylenders and secured a general debt cancellation. In this way he removed "the crippling yoke of the moneylenders" and ensured for the Jats a powerful place in the future political system. He formed coalition's ministry with the Congress. A Brahmin Leader Shri Ram Sharma and Jat leader Devi Lal emerged as the top Congressman in the region afterwards. Most of the Haryana Leaders, including Devi Lal, were in and out of the Congress Party - defecting and counter defecting-depending on whether they were at or near the seat of power and on whether they got the Congress ticket to contest elections to the Legislators. In order to counteract the Jat influence in the region Pratap Singh Kairon the Chief Minister of Punjab favoured Bhagwat Dayal Sharma as 1st Chief Minister of Haryana when the State came into its existence.³⁴

The Fourth General Election held in February 17, 1967 was the first for the new State of Haryana. The Congress Party obtained an absolute majority securing 48 seats out of the total 81 seats and formed the Government on March 10, 1967. With Bhagwat Dayal Sharma as Chief Minister but was defeated a week later in the Assembly as twelve dissidents defected from the Congress Party to form a new party called Haryana Congress. The Independents also formed a new party known as Navin Haryana Party. They formed a

33. *Supra* n., 13 at 158-161.

34. *Ibid.* See also, Haryana: 'The Dominance of Caste in Politics', *Weekend Review*, May 11, 1968.

United Front. That front came to power on March 24, 1967 in which most ministerial berths were shared by the Congress defectors and the Independents. But defections continued. Devi Lal led the opposition to the Rao Birendra Ministry. The worst game of defection was of and on. Defections and Counter defections, the *Aya Rams* and the *Gaya Rams* became daily occurrence and the main feature of State politics.³⁵ Floor crossing by the legislators continued on a massive scale. In October 1967, Four Jan Sangha members had defected to the Congress Party. One Harijan Legislator, Gaya Lal, defecting thrice within a fortnight set a new record in the Chronic of defection politics in Haryana. Actually, it was his name which gave us the now well known terms of “*Aya Ram*” and “*Gaya Ram*”³⁶ to describe the political turn coats.³⁷

The politics of defection continued and on October 31, the Haryana leader, Chand Ram announced his decision to resign from the Congress who had earlier defected. The same day, Mahant Shreyonath, the Minister of Health resigned from the government but Rao Birendra Singh succeeded in maintaining a balance by inducing a Jat member, Randhir Singh who had earlier (on October 22) defected to Congress to return to the United Front and to rejoin the Jan Sangh. Speaking to newsmen, Development Minister Pratap Singh Daulta said that the only way out of the continuing state mate was President’s Rule followed by mid-term election. He added: “Defectors like me in Haryana, who started this disease must be punished by forcing them to seek the people’s mandate again.”

³⁵ Paras Diwan, *Aya Ram Gaya Ram: The Politics of Defection*, *Journal of Indian Law Institute*, Vol. XXI, No. 3, July-Sept., 1979, pp.302-303; also see B.L. Fadia, *Indian Government and Politics*, (Agra), 2005, pp.795-796. Also see *Supra* n., 13, p.162.

³⁶ Literally translated the terms meant, Ram came and Ram went. It is said that the title of “*Aya Ram*” was given to Gaya Lal by Rao Birendra Singh. Gaya Lal had decided in Delhi earlier, the same day that he was quitting the United Front to join the Congress. The Rao personally brought him to Chandigarh and declared before newsmen at his house that Gaya Ram was now “*Aya Ram*”. Later this expression was popularized by the then Union Home Minister Chavan who mentioned it in his speech in the Lok Sabha.

³⁷ *Ibid*. Also see B.L. Fadia, *Indian Government and Politics*, (Agra), 2005, pp.795-796.

Notwithstanding its minority of one (39 as against 40) and several demands made by the Devi Lal group and Congress camp for the dismissal of the Rao Ministry, Governor Chakravarty decided in favour of its continuance on the ground that the Chief Minister Still commanded the support of the largest single party and the opposition had still not 'demonstrably shown' that a substantial majority was with it. The Governor cited the example of Canada where a majority government by the largest single party continued in office for nearly two years.³⁸

However, the defections have become very frequent.... The First Twenty days of November were marked by daily crossings and re-crossings of floor. There was hectic, round the clock activity directed at inducing legislators to change sides and both the United Front and the Congress were constantly winning and losing fresh supporters. What Haryana was witnessing, in the words of the Governor, was a "see-saw game of defections and counter-defections". Allegations are being made openly by both sides, that money is being paid to defectors. While it is difficult to say how far these allegations are true, there are good reasons to believe that the defectors are being secured by not too honourable means. Opportunist legislators whose number is fairly large can wield tremendous power by threats of transferring their loyalties.....

Even a majority of one could enable a government to function smoothly, but there is no certainty of any majority when loyalties are so uncertain and when members of the legislatures change sides so frequently. A majority today can be a minority tomorrow and cannot be at all relied upon. It now appears that it has become a matter of prestige for both sides: for the opposition to topple the Ministry through defection and for the ruling party to beat them at this game.

..... The manner in which defections have taken place and are taking place, leaves no room for doubt that it is not for any

³⁸ *Supra* n., 13 at 170.

ideological reasons that members are defecting from one party to another. The motive is obviously to secure some personal gain..... Defections would continue and the majority on one day might be reduced to minority the next day.³⁹

An interesting development preceding the May 1968 mid-term election in Haryana was that almost all parties condemned defections.⁴⁰ The following table shows that Congress and Jan Sangh parties took decision to deny tickets to all defectors.

Table 2.2

Figures of Defectors who Contested the Mid-term Election on Party Tickets or as Independents⁴¹

Name of the Party	Seats Secured in the 1967 Election	No. of MLAs who did not Defect	No. of Those Who Defeated	No. of Defectors who Contested (a)
Congress	48	27	21	Nil
Jan Sangh	12	08	04	Nil
Swatantra	03	-	03	06
Vishal Haryana Party	-	-	-	13
Independents and Others	18	02	16	09
Total	81	37	44	28

(a) Defectors who got tickets in the mid-term election are indicated under the party on whose ticket they contested the election and not under the party from which they defected earlier, e.g. two defectors from the Jan Sangh-Om Prakash and Lachman Dass-who contested as independents and lost, are included in figure '9' in the last column under 'Independents and Others'.

This decision to punish defectors was widely welcomed of the 81 members elected to the Haryana Assembly at the 1967 General Election as many as 31 party members had defected during the Assembly's short life of eight months. If the independents and other members who joined the United Front and then became part of

³⁹ Report from the Governor of Haryana to the President of India, dated November 17, 1967, Cited in Subhash C. Kashyap, op.cit., at 646-651.

⁴⁰ *Id.*, at 180.

⁴¹ *Id.*, at 185.

Vishal-Haryana Party or of the Congress are also included, the number of defector MLAs would be 44, i.e. over 50 per cent of total membership defected. Out of these, one defected five times, two four times, three thrice, four twice and 34 once. The total number of defections would thus be as high as 64 or an average roughly 8 defections per month. The previous table shows the number of defectors who got some party tickets for the mid-term election or contested as independents.⁴²

Haryana went to mid-term polls in May, 1968 and Congress Slogans in the elections were mainly two namely (i) 'Vote for stability' and (ii) 'Keep Defectors Out'. The state was being under President Rule for a period of over five months. Again Congress secured 48 seats. On May 22, Congress formed government headed by Bansi Lal.

The following table shows the gains and losses of various parties and independents in the mid-term election *vis-à-vis* the 1967 election.

Table 2.3
Party Position in the Assembly after the 1967 and 1968
Elections and in March 1971⁴³

Name of the Party	No. of seats contested in 1967	No. of seats contested in 1968	No. of seats won in 1967	No. of seats won in 1968	Position in the Assembly on March 1971
Congress	81	81	48	48	-
Congress(R)	-	-	-	-	54
Congress(O)	-	-	-	-	06
Vishal Haryana Party	-	29	-	13	09
Jan Sangh	48	42	12	07	05
Swatantra	12	32	03	02	-
CPI	12	03	-	-	-
CPI(M)	08	01	-	-	-
PSP	03	01	-	-	-
SSP	23	08	-	-	-

⁴² *Id.*, at 184.

⁴³ *Id.*, at 186-187.

Republican	24	14	02	01	-
BKD	-	06	-	01	1
Independents	260	181	16	09	3
Total	471	398	81	81	78

Table 2.4
Members of the Dissolved Assembly and the Mid-term⁴⁴

Names of the Party	No. of Members of the Last Assembly who Contested	No. of Members of the Last Assembly who are successful	No. of Others who Contested
Congress	25	16	56
Jan Sangh	08	03	34
Swatantra	06	-	26
Vishal Haryana party	13	6(a)	16
Independents and Others	12	04	202
Total	64	29	334

(a) Rao Birendra Singh was elected from two seats. The a was, therefore, five only.

Source: Subhash C. Kashyap, *The Politics of Power* (New Delhi), 1979, pp.187-188.

Thus, 52 of the 81 members were new to the Assembly Congress retained only 26 of the 48 seats won in 1967. The Jan Sangh lost 10 of its 13 seats but won 4 new seats. Three of the 16 independents elected to the last assembly were returned as Vishal Haryana Party candidates. All those seats which had returned independents in 1967, now returned party candidates. While nine of those fighting as independents were elected on seats earlier held by party candidates.⁴⁵ While 23 of the Contestants in the mid-term election had been ministers at one time or the other either in the Congress or United Front Ministries. Of these, 13, three former Congress Ministers and ten Ministers of Rao Birendra Singh's United

⁴⁴ *Id.*, at 188.

⁴⁵ Some of those, of course, included defectors from parties and MLAs of dissolved assembly.

Front Ministry-were defeated⁴⁶ while four United Front and Six Congress Ministers were returned.

Haryana did not seem to be out of the woods. The arena of factional fighting in the Congress camp was transferred from the Legislature Party to the Organizational wing of the Party. There was infighting between Bhagwat Dayal Sharma at one end and Ram Krishan Gupta on the Other hand regarding P.C.C. organizational election. While Rao Birendra Singh was waiting to see the human weaknesses arrest themselves in the Congress camp and once again lead to the crumbling of the edifice. The dissidents were far from tamed. Privately, Rao was said to have offered to the Congress dissidents to come out and form their own government with his support. He did not regard defection politics to be a past phenomenon.⁴⁷

However, defections and counter-defections continued unabated. With the defection of 15⁴⁸ out of its 48 members in an effective House of 80, Congress was left with only 33 members. Even with the addition of 6 independents who were supporting the Congress, its strength came to 39 only and short of majority by two. What followed was described as “a fierce battle of body snatching” with both the sides claiming inroads into each other’s preserve⁴⁹ Bansi Lal met the Governor and gave him some facts presumably about the counter defection of some MLAs back to the Congress. He said that he still commanded majority support in the Assembly. Commenting on the attitude of the Chief Minister, the Statesman said on December 11 that it was “perhaps the most deplorable aspect of a series of sordid political maneuvers in the State”. It

⁴⁶ Former Ministers who lost were Nihal Singh, Dal Singh and Ram Sharma (Congress). Mool Chand Jain, Shreyo Nath, Pratap Singh Daulta, Phool Chand, Multan Singh, and Shamsher Singh (United Front). Hardwari Lal had been a Minister both in the Congress and the Front Cabinets, while Shri Ram Sharma had been a Minister in the Congress Cabinet in erstwhile Punjab.

⁴⁷ *Supra* n. 13 at 199-200.

⁴⁸ The MLAs who defeated were: Ram Dhani Gaur, Ran Singh, Mahabir Singh, Jai Singh Rathore, Om Prakash Garg, Jagdish Chander, Maru Singh, Mahant Ganga Sagar, Kanwar Singh Dahiya, Jaswant Singh.

⁴⁹ *The Hindustan Times*, December 10, 1968.

added: "If the Haryana Chief Minister really believed in his own claim he should have been anxious to demonstrate its validity at the earliest possible opportunity."⁵⁰ Even the Lok Sabha Speaker Sanjiva Reddy also expressed in favour of the convening of the Haryana Assembly within a week to determine whether Bansi Lal really continued to enjoy majority support.⁵¹

However, what was really happening was a resumption of horse-trading in the state politics. Both Bhagwat Dayal Sharma and Bansi Lal were engaged in a grim battle for political survival. Bargaining and maneuvering to win over legislators from one camp to other was on "Operation Counter-defection" was being conducted mostly in the nights and mainly from the Chief Minister's residence and Devi Lal's room in the Legislator's hostel. Bansi Lal was not confident of his own ability in the art, he borrowed the good offices of experts like Brish Bhan and Devi Lal to woo some MLAs back to the Congress fold. By December 11, five of the fifteen defectors from the Congress had redefected to the Congress. By December 13, the number of those who redefected had gone upto seven. Besides, five independents⁵² and one Swatantra⁵³ MLA also pledged their unconditional support to the Congress ministry headed by Bansi Lal.⁵⁴

While the game of horse-trading in Haryana seemed to make a mockery of the work and the recommendations of the Chavan Committee on Defections by indulgence of the Chief Minister and other Congress leaders in wooing legislators by offer of ministership etc. it is difficult for the Congress Chief Minister Bansi Lal to thereafter talk of an "honest, clean and efficient administration". Now

⁵⁰ *The Statesman*, December 11, 1968.

⁵¹ *Lok Sabha Debates*, December 10, 1968.

⁵² Rajinder Singh (he had earlier defected from the Congress to become a Minister in Rao Cabinet) Chandra Singh, Ishwar Singh and Harpal Singh (all the three were expelled from the Congress) and Hem Raj. Rajinder Singh and Harpal Singh were later expelled from the VHP also for indiscipline.

⁵³ Narain Singh was elected on a Swatantra Party ticket.

⁵⁴ *Supra* n. 13 at 204.

the Congress had full majority i.e. 44 members in the House of 81 which has been acquired by luring the MLA, by office of Ministership.⁵⁵

The game of defection remain in existence even after this. Every second Congress MLA in Haryana had a history of defection and every second Congress MLA in Haryana held a well paid public office. Thus, Haryana rewarded the defectors by the office of Ministership and penalizing them either by denying party ticket to contest mid-term election or by throwing out by the electorate.

(B) Uttar Pradesh

“Uttar Pradesh” the Land of Lords Rama and Krishna, the land of “Ganges and Yamuna” as late Pandit Govind Ballabh Pant described it. It has long been regarded as the nerve-centre of Indian Politics and the cradle alike of strong nationalism, and acute communalism. As Paul Brass puts it “the roots of many developments in twentieth century Indian Politics lie not in nineteenth century Calcutta and Bombay, but in nineteenth-century Banaras, Allahabad and Aligarh.” The three cities represented the three different cultures existing in modern India. “If Hindu communalism in Uttar Pradesh was born in Banaras and Muslim Communalism at Aligarh, the secular tradition in Uttar Pradesh Politics has its origin in Allahabad.”⁵⁶

Uttar Pradesh is India in miniature; it is difficult to think of it as a unity. It is an amalgam of several at least three –four regions which are very different from each other in term of their geography, history, demography, levels of economic development, density of population and percentage of literacy etc. However, the greatest unifying forces have been those of language and culture. Loyalties of the people in the State are either super-regional or sub-regional. They cannot be accused of provincialism; they think of themselves in

⁵⁵

Ibid.

⁵⁶

Paul R. Brass, *Factional Politics in an Indian State*, California, 1965.

either in terms of belonging to the whole of India or belonging to narrower community, caste or local groups.⁵⁷

Congress politics in Uttar Pradesh had always been faction ridden.⁵⁸ Despite its factional politics, Congress continued in power – there were three Chief Ministers in a relatively short period - because of a pathetic fragmentation of opposition forces and the support of the big business houses and industrialists to the party and its different factions. But even before the Fourth General Election, Congress popularity had begun to loose and it seemed to be losing analysis of the election results of the First to third General Election shows steady decline in the Congress vote from 47.9 per cent in 1952 to 34.9 per cent in 1967.⁵⁹

Polling for the Fourth General Election held in five round from February 15 to 21. Such as in earlier elections, the Muslim were a deciding factor and even in the Fourth General Election has the same impact. There was an emergence of Muslim Majlis-e-Mushawarat as an anti-Congress force in the State politics. They announced support to 125 Assembly (and 40 Lok Sabha) candidates mostly of SSP and the Swatantra party. As many as 237 dissidents Congressmen contested for the Legislative Assembly against official party nominees. Simultaneously there were a few pre-election defections from parties other than the Congress as well. Even both Congressman Kamalapati Tripathi (State President Congress) and C.B. Gupta (Ex-Chief Minister) looked an eye on each other in order to reduce the other's group strength in the assembly. Whereas Kamalapati Tripathi lost the election while C.B. Gupta won by a narrow margin of 72 votes. Congress failed to secure absolute majority in the House.⁶⁰

⁵⁷ *Ibid.*, U.P. had the first woman Chief Minister and one from outside the State.

⁵⁸ *Ibid.*, Chapter III.

⁵⁹ For an analysis of the Pre-fourth General Election Politics, see Myren Weiner (*ed.*), State Politics in India, Princeton, 1968, Chapter I and II.

⁶⁰ *Supra* n., 13 at 222-223.

The following table shows the party position in the U.P. Legislative Assembly as it emerged after each of the four general elections.

Table 2.5

Party Position in the U.P. Assembly after Each of the Four General Elections

Party	1952	1957	1962	1967
Congress	390	286	249	198
Jan Sangh	2	17	49	97
SSP	-	25	24	44
Swatantra	-	-	15	12
CPI	-	9	14	14
CPI(M)	-	-	-	1
Republican	-	-	8	9
SP/BSP	20	44	38	11
Ind. & Others	18	49	33	37
Total	430	430	430	423

* Source: Subhash C. Kashyap, *Politics of Power*, 1974, p.223.

As the table shows that in an effective House of 423 members, the seats secured by the Congress were 198 i.e. 14 short of absolute majority.⁶¹ Mr. Charan Singh of the Congress Party declared his firm intention to contest for leadership of the Congress Legislative Party. However, Mr. C.B. Gupta was unanimously elected as leader of the State Congress Legislative Party after Charan Singh through persuasion withdrew from contest. In the meantime the opposition parties and independents in their efforts to capture power agreed to form a United Legislators Party or Samyukta Vidyak Dal (SVD).⁶²

⁶¹ *Ibid.*

⁶² *Id.*, at 225.

The election of C.B. Gupta Party interestingly enough, coincided with the election of Ram Chandra Vikal as the leader of the S.V.D. and almost simultaneously vikal also urged the Governor to invite him to form the Government as the opposition had a strength of 215 members in a House of 423 unitedly. This move was criticized by many. Whereas, On March 7 and 8, the Congress presented before the Governor 15 Legislators - defectors from Swatantra, Republican and Independent ranks - to prove their claim of majority support in the House. According to S.V.D. Leader, Vikal, delay on the part of the Governor in inviting him to form the government an advantageous position to bring undue pressures on uncommitted members.

After personal verification as to which group commanded majority, on March 12, the Governor asked the leader of the Congress Legislative Party, C.B. Gupta to form a new government.⁶³

The Gupta Ministry⁶⁴ was sworn in on March 14, but Charan Singh who had been a member of the Cabinet since 1951 was dropped. After much wrangling the Gupta Ministry lasted only eighteen days when Charan Singh speaking on the motion of thanks to Governor Address, declared in the House that he and his followers in the Congress had formed a new party, viz. Jan Congress (People's Congress) and decided to cross the floor.⁶⁵

Recounting the circumstances that led to Charan Singh resigning from the Congress, The Hindustan Times correspondent wrote from Lucknow:

"Mr. Singh secession from the Congress and formation of the Jan Congress is a revolt as much against the failure of the leadership to see the signs of the times as against the bossist

⁶³ *Id.*, at 228-229.

⁶⁴ This was the third U.P. Ministry headed by Gupta since 1960 when he first assumed the office of the Chief Minister.

⁶⁵ *Supra* n. 13 at 231. See also Paras Diwan, *Supra* n. 35 at 302.

methods of Mr. C.B. Gupta and some of his principal lieutenants who have been living in an ivory tower.”⁶⁶

Charan Singh along with seventeen of his followers defected from the Congress to form new party Jan Congress which party, became one of the constituent units of S.V.D. Charan Singh was elected as leader of the S.V.D. and was sworn in as Chief Minister on April 3, 1967.⁶⁷ The game of defection was in full swing, and gradually and steadily the defections began from S.V.D. as well as from Congress. Soon a stage was reached when quite a few M.L.A.s were in a position of flux: no one could with certainty say to which side they belonged. Two ways defections continued, but in July on a vote of no-confidence moved by the Congress, the minority survived. But the internal crises in the S.V.D. was brewing and was surfacing off and on. The infighting reached such a stage that in a duration of ten months, Charan Singh threatened to resign thrice. Ultimately the prevailing instability led to the imposition of President’s rule in the State and suspension of the Assembly. The game of defection continued. Ultimately the Assembly was dissolved as no party was in a position to form the government.⁶⁸

Mid-term election to the U.P. Assembly was held in February 1969. Congress party improved its position at the election and secured 211 seats in a house of 425, which is three short of majority.⁶⁹ Charan Singh’s Bhartiya Kranti Dal secured 99 seats while the number of independents was halved to 19 from 38. The following table shows the Party Position in the U.P. Assembly after the 1967 and 1969 Elections and at the time of Dissolution in 1968:

⁶⁶ *The Hindustan Times*, April 4, 1967.

⁶⁷ *Supra* n., 13 at 233.

⁶⁸ *Supra* n., 35 at 30?.

⁶⁹ The effective strength of the Congress was 209 and of the House 423 only since C.B. Gupta had been elected from two constituencies and one member had died.

Table 2.6

Name of the Party	After 1967 Election	At the time of Dissolution in 1968	After the 1969 Election
Congress	198	192	211
Jan Sangh	97	93	49
SSP	44	44	33
CPI	14	13	04
Swatantra	12	08	05
PSP	11	11	03
Republican	09	06	01
CPI(M)	01	01	01
BKD	-	27	99
Independents & Others	38	27	19
Total	424	422	425

* Source: Subhash C. Kashyap, *The Politics of Power*

Despite the Congress Party's improved position and the spectacular record of the BKD, the election results showed that none of the parties had secured absolute majority. The Congress Party which was the largest single party was three short of a clear majority. However, with the support of the independents and Swatantra members, it succeeded in forming a ministry and after a break of about two years, Gupta and the Congress Party returned to power in Uttar Pradesh. It could not lead a stable government as defections were rampant. The split in the Congress Party in 1969 led to the fall of the Gupta government on February 10, 1970.⁷⁰ On February 17, 1970, the BKD Leader Charan Singh became the Chief Minister following an alliance with Congress(R). The defections and counter defections continued. Congress (R) which initially supported the Charan Singh government from outside, agreed to join the coalition government of the BKD and Congress (R). With the worst

⁷⁰

Supra n., 13 at 271-278.

game of defection having been resorted to, the strength of the party was changing from day to day and uncertainty started prevailing. Following the breakdown of accord between Congress and BKD, the President's rule was imposed on October 2, 1970.⁷¹

A new Samyukta Vidhayak Dal (S.V.D.) comprising BKD, Congress (O), Jan Sangh, SSP and Swatantra Parties came into being. T.N. Singh of Congress (I), who is not a member of the Legislature, was unanimously elected as leader of S.V.D. on October 19, 1970 and the Ministry headed by T.N. Singh was sworn in.⁷² Defections continued. The defeat of the Chief Minister T.N. Singh at the hands of a Congress (R) nominee in a bye-election held in January, 1971 gave further fillip to defection from Congress (O), the BKD and other parties to Congress (R). Many defections continued from Congress (O) to Congress (R).⁷³

The landslide victory of the new Congress in the 1971 elections to Lok-Sabha from Uttar Pradesh gave a new dimension to state politics in U.P. The defections continued and ministers started defecting to Congress (R) in U.P. Finally a stage reached where the strength of Congress (R) in U.P. Legislative Assembly was 216 as against 416 - Member Vidhan Sabha. S.V.D. government suffered defeat convincingly when the opposition amendment to the motion of thanks for the Governor's address was put to vote. Kamalapati Tripathi, Leader of Congress (R) Party was invited to form a new government.⁷⁴

Factionalism has remained the bane of U.P. Politics. Factions based on personalities and organized at various level throughout the big State have been more relevant in State's politics than the political parties themselves. Sometimes the membership of factions cut across party lines. Gupta, Charan Singh and Tripathi factions

⁷¹ *Id.*, at 283-292.

⁷² *Id.*, at 294.

⁷³ *Id.*, at 296.

⁷⁴ *Id.*, at 297-300.

204162

had more or less come to be of the same size after the 1967 elections. Despite the new party labels of Congress (O), BKD and Congress (R) adopted by the three leaders in later years, the nature of faction fights and pattern of leadership processes in U.P. did not change. The 1971 General Election to Lok Sabha gave a new dimension to State politics.

(C) Bihar

Polling for the Fourth General Election held for four days on February 15, 17, 19 and 21, 1967 in the state of Bihar. The Congress Party suffered one of its major defeats in this State. It was able to secure 128 seats out of 318 seats, Polling 33.12 per cent of the votes cast. The non-Congress parties among them secured 178 and the independents 12 seats.⁷⁵

Table 2.7
Seats Won by Various Parties in the 1962 and 1967 Elections

Party	1962	1967
Congress	185	128
SSP	07	68
Jan Sangh	03	26
CPI	12	24
Jana Kranti Dal	-	24
PSP	29	18
Swatantra	50	03
CPI(M)	-	04
Jharkhand	20	09
Republican (RPI)	-	01
RSPI	-	01
Independents	12	12
Total	318	318

⁷⁵

Since some of the parties including the Jana Kranti Dal were not recognized for the 1967 General Elections in official election results, their members were also shown in the category of independents, the total number of such independents being 46. The break up of this figure was: Jana Kranti Dal: 24, Jharkhand: 9, RSP: 1, Independents i.e. non party candidates : 12.

Source: Subhash C. Kashyap, *The Politics of Power*, 1974.

None of the party was not in a position to form the government. The Congress Party coalition with another political party. With a strength of 67 member, the largest single non-Congress Party in the legislature was SSP that Congress Party in the legislature was SSP that took the lead in attempting an alliance of the non-Congress parties. A United Front "Samyukta Vidhayak Dal" S.V.D. – consisting of SSP, PSP, Jan Sangh, Jana Kranti Dal (which later merged with Bhartiya Kranti Dal) and CPI was finally formed on the basis of 33 Point Minimum Programme, and non-Congress Government headed by Mahamaya Prashad Sinha⁷⁶ of J.K.D. and was formed on March 5, 1967.⁷⁷ Defections continued Mr. B.P. Mandal⁷⁸ the Minister of Health (SSP) was not a Legislative Member of the Assembly. As such he could not remain a Minister for more than six months unless he became a Member of the Legislature.⁷⁹ Consequent upon Mr. Mandal election to the Lok Sabha in the 1967 General Parliamentary Board of the SSP to resign from the Bihar Cabinet and take his seat as a Member of Parliament in the Lok Sabha. On August 26, he resigned from the Ministry and deserted the United Front and the SSP.⁸⁰ On August 27, his resignation was accepted by the Governor. For toppling the United

⁷⁶ A former President of the State Congress (elected President-1947), Mahamaya Prasad Sinha (born in a village in 1910) was an important dissident leader in Bihar Congress. He took an active interest in exposing some notorious scandals involving corruption and owned the displeasure of the then dominant group in the Bihar Congress. He had resigned from the Congress Party in 1951 to become a founder member of the KMPP and later when the KMPP merged in the PSP, the Chairman of the Bihar PSP in 1953. He came back to the Congress in 1962 but only to part company once again in December 1966 to form and lead the Jana Kranti Dal. In 1967 election, he defeated the then Chief Minister, K.B. Sahay. On May 14 and 15 Sinha called a convention of non-Congress leaders-largely consisting of rebel congressmen in Patna. The convention decided to form an All India Party under the name "Bhartiya Kranti Dal", (Indian Revolutionary Party). The Jana Kranti Dal of Bihar was merged in the new All India Party and Sinha was elected the first President of the new Party.

⁷⁷ *Supra* n., 13 at 309.

⁷⁸ B.P. Mandal, Leader of the largest single caste (Ahira or yadavas) in Bihar, prior to Fourth General Election was a congressman and a member of the Legislative Assembly in Bihar. He joined the SSP in 1965 following his expulsion from the Congress Party on the ground of his criticism of the Congress Party.

⁷⁹ Article 164 (4), Constitution of India.

⁸⁰ *Supra* n., 13 at 313-314.

Front Government same day the Congress Party in the Legislature decided to extend full support to the Soshit Dal and forming a new coalition under the leadership of Mandal. The Congress, Soshit Dal Alliance claimed that they constituted majority having 168 seats in the 318 member House Defections continued. Both United Front and Congress-Soshit Dal Alliance had been claiming that they constituted majority. Bihar Chief Minister Mr. M.P. Sinha in an effort to save the Ministry, promised ministership for those who defected to United front. This lure of ministership resulted in defection of 12 Congress legislators from the party and formation of a second Soshit Dal to extend support to the United Front Ministry. Meantime, allegation were made against each other.

On January 25, 1968 United Front Ministry was voted out of power on a "No Confidence Motion" in the Legislature Assembly. The voting was 163 votes for and 150 against ultimately, on February 1, 1968, Mr. Mandal, who was nominated by the Governor to the Bihar Legislature Council, was sworn in as Chief Minister. "All the 38 ministers belonged to Soshit Dal or in other words, the Mandal Ministry was a 100 per cent defector's minority and everyone who defected to the Dal was rewarded with a Ministership." This is the minority Ministry headed by a defector supported by the Congress Party. While some prominent Congress members, who did not like their Party's (Congress) extending support to defectors, formed a dissident group.⁸¹ Among the dissident's group Mr. Binodanand Jha was of the view that the Congress should form a coalition with like-minded parties and people and not with defectors if it wanted to give the state a stable government."

Congress backed Soshit Dal Ministry headed by B.P. Mandal which is entirely consisting of defectors, was voted out of power by 17 votes on a No Confidence Motion moved by Kapoori Thakur (SSP), after a life of merely 47 days on March 18, 1968. As many as

⁸¹ *Id.*, at 314-327.

15 Congress rebels⁸² voted against the Congress Party whip.⁸³ “This was the second government in Bihar within a year and the fourteenth state government in India since the 1967 election to have been pulled down as a result of the politics of naked pursuit of power through change of party loyalties.”⁸⁴

On March 22, with the support of the parties other than the Congress party Bhola Paswan Shasri was sworn in as the Chief Minister of Bihar. He was the fourth Chief Minister since the 1967 election and the first ever Harijan Chief Minister of Bihar. Congress leadership in Bihar did not seem to have given up the hope of an early return to power by continuing the toppling game. As per the hope and expectation of the Congress Party Raja of Ramgarh's Janta Party submitted his resignation from the Bhola Paswan Shastri's Cabinet on June 12 as he was not given the portfolio of Mines and Minerals. Raja of Ramgarh who himself told newsmen on June 24, 1968 that he did not want to withdraw his support to Paswan's Ministry, made a somersault by extending support to Paswan Ministry.⁸⁵

As the Statesman said:

“What induced to him to do so and what happened subsequently to change the position drastically has not been explained and may never be known fully.”⁸⁶

On June 25, 1968, in an announcement made dramatically in the State Assembly, the Finance Minister disclosed that the Chief Minister Bhola Paswan Shastri has submitted the resignation of his 96 day old Ministry to the Governor and recommended the

⁸² Fifteen rebels were B.N. Jha, Bhola Paswan Shastri, L.N. Sudhanshu, H.N. Mishra, Deep Narain Sinha, Krishna Kant Singh, Shive Shankar Singh, Ram Krishna Mahato, Kamleshwar Jha, Deep Narain Chaudhary, Rasraj Tudu, Vivekanand Pareya, Laliteshwar Prasad Sahi, Chote Lal Vyas, Smt. Pratibha Singh.

⁸³ *Id.*, at 330.

⁸⁴ *Id.*, at 331.

⁸⁵ *Id.*, at 332-337.

⁸⁶ *The Statesman*, June 26, 1968.

dissolution of the Assembly. Ultimately Assembly was dissolved and President's rule was imposed.⁸⁷

There were more than 200 acts of defections within a period of 16 months from February 1967 when the Fourth General Election was held. Some 85 Legislators changed sides at least twice while a few of them did so as many as four times. Almost every majority party was involved in the game of defections.⁸⁸

Table 2.8

Party Position in the Assembly after the 1967 Election and at the time of Dissolution

Name of the Party	After the Election in February, 1967	At the time of dissolution in June, 1968	Net gain or loss
Congress	128	105	-23
SSP	68	56	-12
Jan Sangh	26	24	-02
CPI	24	24*	...
Jan Cong./JKD/BKD	24	03	-21
PSP	18	16	-02
RSPI	01	01	...
Swantatra	03	...	-03
Jharkhand	09	...	-09
CPI(M)	04	04	...
Soshit Dal	-	37	+37
Loktantrik Congress Dal	-	23	+23
Republicans	01	01	...
Janta Party	-	18	+18
Independents	12	06	-06
Total	318	318	

* One CPI member defected from the party and one defected to the party.

⁸⁷ Rajeev Dhavan, *President's Rule in the States*, The Indian Law Institute, 1979, p.90; also see Iqbal Narain, ed., *State Politics in India*, 1976.

⁸⁸ *Supra* n. 13, at 340.

Table 2.9**Partywise Figures of Defections During 1957-67 and 1967-68**

Name of the Party	Losses through Defection		Gains through Defections		Net Gains or Losses
	1957-67	1967-68	1957-67	1967-68	1957-68
Congress	...*	-27	+82	+04	+59
Jan Sangh	...	-03	...	...	-03
PSP	-15	-04	...	+02	-17
SSP	...	-13	...	+02	-11
CPI(R)	...	-01	...	+01	...
CPI(M)	...	...	...	...	...
Swantantra	-44	-02	...	...	-46
Jharkhand	-17 ^f	-09	...	...	-26
Soshit Dal	...	...	...	+38	+38
Jan Congress/JKD/BKD	....	-26	...	+02	+02
Loktantrik Congress Dal	...	...	...	+23	+23
Janta Party	...	...	...	+18	+18
Independents and Others	-06	-12	...	-16	-16

* Precise figures of defection from the Congress are not available, even though they were there and resulted in the formation of splinter groups of defectors called the Jan Congress and the Janakranti Dal.

^f Excludes 8 MLAs who defected to the Congress in July 1963 and then redefected to the Jharkhand Party in October 1966.

Table 2.10

Partywise Share in Ministerial Offices in the Three Ministries

Party	No. of Ministers in M.P. Sinha's U.F. Ministry	No. of Ministers in B.P. Mandal's Congress Supported Dal Ministry	No. of Ministers in Paswan's U.F. Ministry	Total
JKD/BKD	04	...	...	04
SSP	08	...	...	08
CPI(R)	04	...	02	06
Jan Sangh	04	...	02	06
PSP	04	...	02	06
Soshit Dal (Mandal's Congress Supported)	...	38	...	38
Second Soshit Dal (Jawahar and Other Congress Defectors)	05	...	...	05
Jharkhand	01	...	...	01
Janta Party	...	...	02	02
Republican	01	...	...	01
Loktantrik Congress Dal	...	...	05	05
Independents	01	...	...	01
Total	32	38	13	83

Table 2.11

Defectors' Share in Ministerial Offices

	Cabinet Ministers	Ministers of State	Deputy Ministers	Total
Non-Congress Governments	10	06	...	16
Congress or Congress supported Governments	19	16	03	38
Total	29	22	03	54

Whereas Defection policies was resorted to in toppling the governments in power. 'The defectors, by and large, did not leave one party to join another party, but to form a new party or group of their own with a view to holding the balance between old parties and thereby trying to bargain for power and position.'⁸⁹

The State was under President's rule for some eight months during June 1968 - February 1969. The February, 1969 mid-term polls failed to solve muddle in Bihar. Neither the Congress nor any other party could obtain absolute majority in the Legislative Assembly. However, Congress party emerged as the single largest party by securing 118 seats in a House of 318.⁹⁰

Whereas, one of the sordid consequences of the nature of the mid-term election results was that the discredited faction leaders⁹¹ in the Bihar Congress who had been kept out by being denied tickets to contest the election raised their heads again and tried to play the

⁸⁹ *Ibid.*

⁹⁰ *Id.*, at 344-345.

⁹¹ The Faction Leaders were : Former Chief Minister K.B. Sahey and Former Ministers M.P. Sinha and S.N. Sinha. Regarded mini syndicate of Bihar and represented three different caste factions viz. Bhumihar, Rajput and Kyastha caste respectively.

role of King makers. They sponsored 70-year old Sardar Harihar Singh as their candidate for the leadership of the Bihar Congress Legislature Party, the dissidents set up Daroga Rai. While Sardar Harihar Singh⁹² was elected as the leader of the Congress Legislature Party on February 19. Ultimately, he was sworn in as the Chief Minister on February 26. The 242 day old President's Rule was revoked a few hours before the swearing in ceremony. However, Harihar Singh succeeded in securing the support of the Janta Party, the Jharkhand Party, the Soshit Dal, the Swatantra Party and six independents after very exacting and prolonged bargaining.⁹³ He claimed the majority before the governor under his leadership. His swearing in ceremony took place in instalments. Raja Ramgarh of Janta Party was included in the Cabinet on March 7, 1972. There were protests against the inclusion of Raja Ramgarh against whom Calcutta high Court passed some strictures.

Defections continued. Harihar Singh Ministry fell down following the defeat in the Assembly in a snap vote on the budget demands of the Animal Husbandry Department on June 19, 1969.

Whereas, Bhola Paswan Shastri was sworn in as the Chief Minister on June 22, 1969 who was heading the United Front Government. His government had to resign from office on July 1, following the dramatic withdrawal of support to the Ministry by Jan Sangh. On July 4, 1969 Bihar State came under President's rule.

President's rule was revoked on February 16, 1970 when a three member Cabinet headed by Daroga Prasad Rai (Congress R) was sworn in. The game of defection remain in existence and continued. "Rana Sheolakhpati Singh had defected from Congress (O) and was sitting as independent, ready to join Congress (R) if

⁹² On being denied the Party ticket, he had left the Congress in 1957 and fought as an independent against the Congress. He rejoined it in 1968.

⁹³ K.B. Sahay was reported to have carried out the negotiations and bargaining on behalf of Harihar Singh.

made a Minister. One Jan Sangh and one SSP Member had also defeated to Congress (R) on the promise of Ministership.⁹⁴

Dissidents within Congress (R) revolted against Daroga Rai and on October 10, they actually started a campaign to remove Daroga Prasad Rai from the leadership of the party. Many Ministers resigned from the ministry following the withdrawal of support by their respective parties. Finally on December 18, 1970, the ten-months old Congress (R) led coalition Government headed by Daroga Parasad Rai was ousted out of power following its defeat on No-confidence motion. While debate on "No-confidence motion" was in progress, four Congress (R) members dramatically crossed the floor to protest against the "Communist Domination" over the Government.⁹⁵

On December 22, 1970, a new eleven member ministry headed by the SSP Chairman, Kapoor Thakur⁹⁶ was sworn in. This was the ninth Ministry in Bihar since the 1967 election.

Table 2.12

The Partywise Distribution of Ministerial Positions in the Karpoori Thakur Ministry

Parties	Cabinet Ministers	Ministers of State	Total
SSP	6	6	12
Jan Sangh	4	3	7
Janta Party	1	3	4
Jharkhand	2	-	2
BKD	1	2	3

⁹⁴ *Supra* n., 13, at 350-370.

⁹⁵ *Id.*, at 371.

⁹⁶ Kapoori Thakur was an important SSP leader of All India Level and, in fact, the Chairman of the All India SSP has been a popular figure in Bihar. Born in a poor village barber's family in Darbhanga about 87 years ago, he took active part in politics from his student days. He joined Congress Socialist Party under the influence of Lohia. He has been an MLA since the first General Election in 1952. He was the Deputy Minister in the first non-Congress Ministry after the Fourth General Election and became the first SSP Chief Minister in India.

Soshit Dal	2	-	2
Swatantra	1	1	2
Congress (O)	3	1	4
Hul Kharkhand	1	-	1
Independent	2	2	4
Total	23	18	41

Source: Subhash C. Kashyap, *The Politics of Power*, (Delhi) 1974, p.373.

Meanwhile the floor crossings and changes in Party affiliation continued. The spectacular victory of Congress (R) in 1971 General Elections to the Lok Sabha resulted in a spate of defections to Congress (R).

During the period of four years – March 1967 to March 1971, Bihar had Eight Governments, 6 of the Governments were non-Congress and two were Congress led coalitions. Six of the eight Chief Ministers were defectors. In this period there has been President's Rule twice in the State.⁹⁷ President's Rule was imposed for the third time in 1972. However, after elections Congress gained the majority. The three Presidential Rule proclamations in Bihar revealed the amazing extent to which Political instability dominated the politics of Bihar.⁹⁸

(D) Punjab

Punjab came into being on November 1, 1966. Only a few months before the Fourth General Election has a new State in its present form. Though the Congress Party in Punjab was returned to power with comfortable majorities in the first three general elections but the results of the Fourth General Election in Punjab were a grave dis-appointment to the Congress Party. The Congress Party won only 47 seats out of a total of 104 and failed to secure an absolute

⁹⁷ *Supra* n., 13 at 305.

⁹⁸ *Supra* n., 87 at 91.

majority. However, it was, still the single largest party.⁹⁹ The following table shows the number of seats secured by various political parties and independents, comparable figures for the 1962 election for undivided Punjab have also been given.

Table 2.13

Statement showing Seats in the Assembly secured by various Political Parties and Independents in the 1962 and 1967 Elections

Party	1962	1967
Congress	90	47
Akali Dal (Undivided Party)	19	-
Akali Dal (Sant Group)	-	24
Akali Dal (Master Group)	-	2
Jan Sangh	8	9
CPI (Undivided)	9	-
CPI (R)	-	5
CPI (M)	-	3
Swatantra	3	-
Republican	-	3
SSP	4	1
Independents	21	-
Total	154	104

Source: Subhash C. Kashyap, *The Politics of Power*, (New Delhi: 1974), p.384

After securing 47 seats in a House of 104, which is six short of absolute majority, the Congress party did not proceed to form a ministry of its own.¹⁰⁰ However, several non-Congress parties decided to come together and form themselves into what they called the 'popular United Front'. On March 8, 1967, Sardar Gurnam

⁹⁹ *Supra n.*, 13 at 282-384.

¹⁰⁰ *Supra n.*, 35, at 303.

Singh, a retired Judge of Punjab High Court and a prominent Jat Sikh was sworn in as Chief Minister, Leader of the Front.¹⁰¹

Since the Front had a precarious majority of one with 53 members in a House of 104. Any defection from the Front would upset the balance of power. Five Congress Legislators defected from Congress (R) to join to United Front and they were provided with a birth in the Ministry. Once the game was in full swing, nothing deterred the parties. There were no rules of game. End justified means foulest methods of defection were used.

During May, 1967 there was intense political activity amongst the MLA's in view of an impending trial of strength between the government and the opposition in the Legislative Assembly. About a dozen Legislators were said to be sitting on the fence whom were being wooed by both the sides. Whereas, on May 25, the Maharaja of Patiala and 8 MLAs of the ruling United Front including the Deputy Speaker and three Deputy Ministers formed themselves into a new group under the name of Independent group.

On the same day, Congress Leader Prabodh Chandra had given notice of a no-confidence against the government. But due to floor crossing the motion stands defeated.¹⁰²

When Punjab Assembly met on November 22, 1967 for its winter session, Lachman Singh Gill, Minister of Irrigation Power and Education in the United Front Ministry announced that he, along with 16 Others defected from the United Front.¹⁰³ This led the Chief Minister Gurnam Singh to submit the resignation of his ministry to the Governor and recommended mid-term poll. The downfall of the Ministry was brought about by the defectors and the Congress.¹⁰⁴

¹⁰¹ *Ibid.*

¹⁰² *Supra n.*, 13, at 392-393.

¹⁰³ *Id.*, at 395.

¹⁰⁴ B.L. Fadia, *Indian Government and Politics*, (Agra: 2005), p.797.

Whereas the Congress Party extended support to Gill to form the Government and accordingly, Mr. Gill was sworn in as the Chief Minister on November 22, 1967. "Practically, all the members of the Gill Ministry were defectors from the United Front."¹⁰⁵ It was the minority government. The Gill Ministry continued its perilous existence for nine months and on 20th August, 1968, the Congress withdrew its support, as a consequence of it fell.¹⁰⁶ President's Rule was imposed in the State on August 23, after dissolving the Assembly.

In February 1969, Fresh elections held to the Assembly, no party could get absolute majority. Akali Dal – Jan Sangh coalition Ministry headed by Mr. Gurnam Singh was sworn-in on February 17, 1969. By the middle of June 1969, the Akali Dal had come to gain an absolute majority in the House through defection from the Congress and by admission of independents into the Party. The Akali Dal-Jan Sangh coalition ministry headed by Sardar Gurnam Singh was defeated by his own Party in the Assembly on March 25, 1970. On March 26, 1970, Gurnam Singh resigned from the Chief Ministership following the election of Prakash Singh Badal as the Leader of the Akali Assembly Party. On March 27, 1970, Baal was sworn-in as the Chief Minister.¹⁰⁷ But the defections and counter-defections continued.

(E) Madhya Pradesh

The State of Madhya Pradesh was formed in November, 1956 out of several territories which happened to be at very different stages of social, economic and political growth. On coming into existence, this State had a good position, and secured 232 seats having massive majority but its share of seats was reduced to 142 in 1962. Despite defection from Congress Party that took place before the 1967 General Elections, Congress secured 167 seats in the

¹⁰⁵ *Supra* n., 13, at 402, see also B.L. Fadia, *Ibid.*

¹⁰⁶ *Supra* n., 104, at 797.

¹⁰⁷ *Ibid.*

House of 296 seats and came back to power. D.P. Mishra was elected as the Leader of the Congress Legislative Party on March 4, 1967 and was sworn in as Chief Minister on March 8, 1967.¹⁰⁸ Defections and redefections continued with the opposition parties to topple the Mishra Government and the ruling party trying to retain the power. On July 19, 1967, as many as 36 Congress Members of Legislative Assembly crossed the floor.

When the demands of the Education Ministry could not be passed owing to sharp division in the voting on July 29, 1967 (137 members voted in favour and 153 members voted against), D.P. Mishra, on the advice of the High Command, submitted the resignation of his government.¹⁰⁹ On July 30, the Governor accepted the resignation and on the advice of the S.V.D. Leader, the Rajmata of Gwalior, invited Govind Narain Singh¹¹⁰ to form the government on August 3, he was sworn in as Chief Minister of the State along with 31-member Cabinet for Madhya Pradesh. Out of 31 Ministers 19 were defectors from Congress (10 Cabinet Minister, 4 Ministers of State and 4 State Ministers). S.V.D. Government openly encouraged defections and defections continued. On March 10, 1969, Govind Narain Singh submitted his resignation from the Chief Ministership and proposed the name of Raja Naresh Chandra to succeed him as the Madhya Pradesh Chief Minister in new S.V.D. Government.¹¹¹ Raja was sworn-in as the Chief Minister on March 13, 1969. Defections started from S.V.D. to Congress Party. G.N. Singh himself with 23 others defected to the Congress. As the strength of the Congress Party rose to 192 in the House of 290, Raja left with no other alternative, but to advise dissolution of the Assembly.¹¹²

¹⁰⁸ *Supra* n., 13, at 445-455.

¹⁰⁹ *Id.*, at 463.

¹¹⁰ Govind Narain Singh - a defector from the Congress was one of the foremost Congress leader of Vindhya Pradesh and resigned from the Congress due to some differences with D.P. Mishra. He was the son of Avadesh Pratap Singh, former Chief Minister of Vindhya Pradesh and the President of the M P.C.C.

¹¹¹ *Supra* n., 13, at 487.

¹¹² *Id.*, at 489.

On March 26, 1969, Shyam Charan Shukla was sworn-in as Chief Minister consequent upon his election as leader of the Congress legislative party. Congress came to power after a gap of 19 months- “Interestingly enough, the same politics of defection which had thrown it out of power reinstated it. Defections continued and the strength of Congress Party rose to 186.¹¹³

(F) West Bengal

Bengal has for a long been a problem state. The Congress Party, after being in power continuously for some twenty years, failed to obtain an absolute majority in 1967 election.¹¹⁴ Congress secured only 127 seats in the House of 280 seats. The following table shows the seats won by various parties and independents during 1952-1967

Table 2.14
Seats won by various Parties and Independents during 1952-1967

Name of the Party	1952	1957	1962	1967
Congress	150	152	157	127
Bangla Congress	-	-	-	34
CPI	28	46	50	16
CPI(M)	-	-	-	43
Forward Block	14	08	13	13
KMPP	15	-	-	-
PSP	-	21	5	7
SSP	-	-	-	7
Independent and Others	22	25	26	31
Swatantra	-	-	-	1
Jan Sangh	9	-	-	1
Total	238	252	251	280

Source: Subhash C. Kashyap, *The Politics of Power* (New Delhi: 1974), p.505.

¹¹³ *Id.*, at 49-495.

¹¹⁴ *Id.*, at 500-506.

On February 25, leaders of the United Left Front (ULF), the People's United Left Front (PULF) and some other groups and independents form a United Democratic Front (UDF) on the basis of agreed Common Minimum Programme and Ajoy Kumar Mukherjee of Bangla Congress was elected as their Leader. On March 2, 1967, Mr. Ajoy Kumar Mukherjee was sworn-in as Chief Minister along with six non-Congress Ministers¹¹⁵ which later rose to fourteen. There were five defection from the other parties to the Congress, raising its strength to 132. Dr. P.C. Ghosh, Food Minister resigned from the United Front Ministry on November 3, 1967 and he along with 17 other MLAs defected from United Front and formed the new Progressive Democratic Front.¹¹⁶ As a result, the United Front was reduced to minority. On November 6, the Governor advised the Chief Minister either to resign or test its strength by summoning the Assembly.¹¹⁷ But on repeated advice by the Governor having been turned down the Governor, on November 21, dismissed the United Front Ministry. He said that it was constitutionally improper under all circumstances that a ministry should continue to hold office when it has lost the confidence of the majority of the members of the Assembly. In the exceptionally difficult circumstances obtaining in West Bengal it was particularly necessary that the period of uncertainty and instability should be brought to an end. The proclamation said, "Mukherjee's Ministry shall not continue in office any longer and the Council of Ministers headed by him stands dissolved and Mukherjee and other Ministers shall cease to hold office from 21st November, 1967."¹¹⁸

¹¹⁵ The United Front Ministry was the fourth popular Ministry and the first non-Congress ministry in West Bengal since independence in 1947. The three earlier ministries were headed by Dr. P.C. Ghosh, Dr. B.C. Roy and P.C. Sen. These three Chief Ministers as also the fourth Chief Minister Mukherjee, by an interesting coincidence, were all bachelors.

¹¹⁶ *Id.*, at 532.

¹¹⁷ *Id.*, at 533. See also *Supra* n., 35 at 303 and *Supra* n., 104 at 798.

¹¹⁸ Ajoy Mukherjee was informed of his dismissal by letter at 8:10 P.M. at the same time that the new ministers were being sworn-in. For detail see also Subhash C. Kashyap, *the Politics of Defection*, National, Delhi; 1969, Appendix 13.

While on the same day Dr. P.C. Ghosh, Leader of the PDF Party, was sworn in as Chief Minister, following the assurance by the Congress Party of extending support to the Government formed by Dr. P.C. Ghosh. Defections were there from the United Front to PDF. On November 29, 1967, when the Assembly met, the Speaker Bijoy Banerjee adjourned the House sine die on the pretext that the House was illegally summoned, as according to the Speaker, the dissolution of the United Front Ministry, the appointment of Dr. Ghosh as Chief Minister and the summoning of the Assembly on his advice were constitutional and invalid.¹¹⁹ Governor Dharmavira summoned the Assembly to meet on February 14, 1968 to overcome the deadlock. Congress also joined the PDF Government. However, the very existence PDF-Congress coalition was threatened by the infighting and defections. On February 11, 1968, 18 MLA from the Congress and others members defected from PDF-Congress coalition to form a new group called Indian National Democratic Front with Sankardas Banerjee, former Finance Minister, as its leader and Ashu Ghosh as the Deputy Leader.¹²⁰

The following table shows the approximate partywise figures of gains and losses through defections during 1957-1967 and 1967-August 1968.

Table 2.15

Party wise Figures of Gains and Losses through Defections

Name of the Party	Losses through Defections		Gains through Defections		Net Gains or Losses
	1957-67	1967-68	1957-67	1967-68	
Congress	-16	-18	+14	+7	+13
Bangla Congress	-	-17	+16	-	-1
Swatantra	-	-1	-	+1	-
CPI	-2	-	-	-	-2

¹¹⁹ *Supra* n. 13, at 542.

¹²⁰ *Id.*, at 547.

BKD	-	-9	-	+9	-
PSP	-1	-5	-	-	-6
Progressive Democratic Front	-	-	-	+18	+18
Indian National Democratic Front (Asha Ghosh)	-	-2	-	+19	+17
National Party of Bengal (Jahangir Kabir)	-	-	-	+5	+5
Jan Sangh	-	-1	-	-	-1
Independents	-11	-4	-	-	-15

Source: Source: Subhash C. Kashyap, *The Politics of Power* (New Delhi: 1974), p.549.

Predetermined Speaker adjourned the Assembly *sine die* when it met on the ground that it has been illegally summoned. On February 20, Ghosh Ministry recommended to the Governor imposition of President's rule, dissolution of the Assembly and President's rule was imposed under Article 356 of the Constitution.¹²¹

The results of 1969 mid-term election indicated a positive shift towards the left parties. The following table shows the Party Position in West Bengal Assembly.

Table 2.16

Party Position in the West Bengal Assembly after the 1967 and 1969 Elections and at the time of Dissolution in 1968

Name of the Party	After the 1967 Election	At the Dissolution in February 1968	After the 1969 Election
Congress	127	137	55
CPI(M)	43	43	80
Bangla Congress	34	15	33
CPI	16	16	30
Forward Block	13	13	21
SSP	07	07	09

¹²¹ *Id.*, at 550.

SUC	-	-	07
PSP	07	04	08
Gorkha League	-	-	04
RSP	06	08	09
Lok Sevak Sangh	05	05	04
Swatantra	01	-	-
Jan Sangh	01	-	-
INDP	-	10	01
Independents & Others	20	22	19
Total	280	279	280

Source: Subhash C. Kashyap, *The Politics of Power* (New Delhi: 1974), p.555.

On February 25, 1969, a new United Front Ministry headed by Ajoy Mukherjee was sworn in. As a result of confrontation between Front Partners, between State and Central Government, President's rule was imposed on March 19, 1970.¹²² On July 30, 1970, the 18-month Old State Assembly was dissolved by the Governor and put an end to all speculation about possibilities of formation of a popular government in the State. An election for the State Assembly which was held on March 9, 1971 showed a positive shift towards the left parties. But Congress improved his position too. Once again Ajoy Mukherjee led Ministry sworn-in, in West Bengal.¹²³

(G) Rajasthan

Defections by legislators have a longer history in Rajasthan than in any other State in the post-independence period. Congress governments were made possible only through the ready availability of a few defectors after the 1952, 1962 and 1967 elections and, despite their narrow majorities, they lasted their full terms. Thus, instead of causing instability in administration, defection in

¹²² *Id.*, at 560-568.

¹²³ *Id.*, at 569.

Rajasthan have actually led to stability and given to the politics of defection a greater legitimacy than anywhere else.¹²⁴

Just two months before, the Fourth General Elections in December 1966, the factions led by the prominent Jat Leader Kumbharam Arya and the Rajput Maharaja of Jhalawar, Harish Chandra, walked out of the Sukhadia Cabinet. Thus, with a total defection of 20 Legislators, the Congress Party in the legislature was reduced to a minority and the opposition leaders demanded the resignation of the Congress government.¹²⁵

During Fourth General Elections in 1967 in Rajasthan the Congress Party strength was 88 in a House of 183. Opposition had 80 and there were 16 independents, 11 of whom were the dissident congressmen. They were in great demand both in Congress and non-Congress. However, Sukhadia who was elected as the leader of the Congress Legislative Party managed to gain four members of Legislative Party and with 92 Legislators claimed the majority support before the Governor. Non-congress opposition parties simultaneously claimed the support of 92 Legislators. The State Assembly was suspended by the Governor and Sukhadia submitted his resignation.¹²⁶

Whereas, the non-Congress parties made a United Front under the Leadership of M. Laxman Singh in March, 1967. Meanwhile a legislator Raja Man Singh announced his defection from Congress, reducing its majority to 91. United Front Coalition Government formed a 17 point minimum programme. But Governor invited M.L. Sukhadia to form government as Congress was the single largest party with 88 members. This decision of Governor was criticized as political favouritism as Congress did not command

¹²⁴ *Supra* n., 104 at 794.

¹²⁵ *Ibid.*

¹²⁶ *Supra* n 13 at 131-134.

majority support in the Assembly on the day it was asked to form the Government.¹²⁷

This decision of the Governor which was highly criticized in various ways, led to protests and rallies by United Front and riots and clashes followed. Due to deteriorating Law and Order situation, Union Cabinet proclaimed President's rule in Rajasthan and suspended the Assembly on 13th March. However, after 44 days of President's rule M.L. Sukhadia was sworn-in as Chief Minister from Congress Party and form the government with defectors. By 1969 the strength of Congress Party rose to 110 in an effective House of 182, again only as a result of several fresh defections during the period largely from the Swatantra Party which lost a total of 21 of its MLAs to the Congress after the 1967 election.¹²⁸

The following table shows the number of defections to and from the category of prominent political parties and independents during the periods 1962-67 and 1967-71.

Table 2.17
Party-wise Figures of Defections in Rajasthan

Party	1962-67		1967-71	
	To	From	To	From
Congress	16+3 (3 redefected from Janta Party)	20 (to form the new Janta Party)	18 (15 from Swa., 2 from J.S., 1 from S.V.D.)	4 (2 to S.V.D., 1 to 2 nd)
Jan Sangh	-	-	-	3 (2 to Cong., 1 to Ind.)
Swatantra	-	5	-	15 (to Cong.)
Janta Party	20 (From Congress)	3 (To Cong.)	-	-
S.S.P.	-	-	-	2 (1 to Cong., 1 to Ind.)
Independents	-	11 (To Cong.)	2 (1 from Cong., 1 from SSP)	-

Source: Subhash C. Kashyap, *The Politics of Power* (New Delhi: 1974), p.155.

¹²⁷ *Id.*, at 135-139.

¹²⁸ *Id.*, at 140-153.

The following table shows the figures of the Party-wise gains and losses through defections during 1967-71 and the Party Position in the Rajasthan Assembly as on March 1971.

Table 2.18

Party-wise Gains and Losses due to Defections during 1967-71 and Party Position in March, 1971

Party	Strength in the Assembly		Net Gains/Losses of Seats
	March 1967	March 1971	
Congress	88	-	-
Congress (R)	-	112	+24
Congress (O)	-	01	+1
Jan Sangh	22	17	-5
Swatantra	49	27	-22
BKD	-	11	+11
SSP	08	06	-2
CPI	01	01	-
Independents	15	06	-9
Vacant	01	03	-
Total	184	184	

Source: Subhash C. Kashyap, *the Politics of Power* (New Delhi: 1974), p.155.

As regards Rajasthan, it could be said that defections gave stability and effectivity or legitimacy of administration.

(iv) Defections After 1972 to 1985

Between 1972 and Lok Sabha elections of 1977 defections took from Non-Congress parties to Congress. In Orissa, the coalition ministry of Biswanath Das was replaced by Congress Ministry led by Nandini Satapathi in 1972.¹²⁹ However, defectors re-defected in Orissa bringing the down fall of Congress Ministry in 1972.¹³⁰ In

¹²⁹ *Hindustan Times*, June 10, 1972.

¹³⁰ *The Statesman*, March 4, 1973.

Gujarat United Government was replaced by Congress government led by Madhav Singh Solanki in 1976.¹³¹ Between 1972 and 1977, there were ten state Governments which went out of office and President's Rule was imposed thirteen times.¹³²

Whereas, in 1977, Janta Party got a landslide victory after the Lok Sabha elections. Between 1977 and 1979 as many as Eleven State Governments went out of office because of defections within a period of three years. Out of them four ministries were that of Congress Party, two of Janta, two of Congress for Democracy, one of AIADMK, One of Assam Janta Dal, and one of People's Conference.¹³³ Y. Shaiza, who defected and joined the Janta Party became Chief Minister of Manipur.¹³⁴ In Assam Joginder Singh Hazarika defected from Janta Party and joined Assam Janta Dal and was appointed as a Chief Minister.¹³⁵

Seventh Lok Sabha gave a thumping majority to Congress (I) in the Centre. Seven state governments fell between 1980 and 1982. These state governments were Haryana, Himachal Pradesh, Sikkim, Assam, Nagaland, Manipur and Karnataka.¹³⁶ Due to instability created by defections President's rule had to be imposed in Assam¹³⁷ and Manipur¹³⁸ in 1981.

Because of these defections two Congress (I) Governments in Manipur and one Congress (I) governments in Assam went out of office and President's rule was imposed in these states. However, in 1981 after President's rule. Congress (I) Government was restored in Manipur¹³⁹ and in January 1982 it was restored in Assam¹⁴⁰ by maneuvering defections to the Congress (I). However, defections

¹³¹ *Hindustan Times*, April 9, 1977.

¹³² J.R. Siwach, *The Politics of President's Rule in India*, 1979.

¹³³ *Supra n.*, 1, at 644-45.

¹³⁴ *The Tribune*, June 30, 1977.

¹³⁵ *The Times of India*, September 10, 1979.

¹³⁶ *Supra n.*, 1, at 645.

¹³⁷ *The Times of India*, December 9, 1981, p.1.

¹³⁸ *Indian Express*, November 15, 1979, p.1.

¹³⁹ *The Times of India*, June, 1981.

¹⁴⁰ *The Hindustan Times*, January 14, 1982.

after 1980 created political instability in Assam and Manipur only. In Haryana in 1980, Bhajan Lal crossed over to the Congress Party along with 37 members of Legislative Assembly, constituting about 75 per cent of the membership of the then Janta Party. Political observers were stunned by this even. It was a case of wholesale conversion of the Janta Government into Congress (I) Government. Similarly, the cases of defections by Bhaskara Rao in Andhra Pradesh in 1984 from Telgu Desam, by G.M. Shah in Jammu and Kashmir again in 1984 from National Conference and that of Kazi Khendhup in Sikkim in 1977 and again in 1980 are other examples.¹⁴¹

(v) Political Defections in the Centre : Split in Congress in the Centre in 1969

From the very beginning Congress Organization was plagued with internal factions. Even before independence, Congress was not free from dissensions and groupism. Also, even before independence, Congress was hardly a political party with any identifiable ideological orientation or programmatic clarity. Whereas, the first major split in the Congress took place in 1907 in Surat. It was a split between extremists and moderates. When Mahatma Gandhi came in Indian Politics, there was parting of ways between what were called the 'Changers' and the 'no-changers' on the issue of Council entry under the Montagu-Chelmsford Reforms. In 1938 when Subhash Chandra Bose was elected as Congress President against the wishes of Mahatma Gandhi, he had to split and form Forward Block. After independence, differences and dissensions within the Congress again came to the surface. Powerful personalities clashed and compromised. Sardar Patel had some rightist tendencies ideologically while Jawahar Lal Nehru was closer to leftist and socialist image. Patel's death in 1950 left Nehru in the undisputed command both of the government and the Party

¹⁴¹

Supra n., 1, at 653.

Organization. He continued to be Prime Minister and the Supreme leader of the ruling Party till the Chinese aggression in 1962. Nehru's popularity and mass appeal, the hold and charm of his personality, in short his charisma were such that no one dared to challenge his leadership.¹⁴²

In view of failing health of Nehru, the question of his successor was discussed and Lal Bahadur Shastri was favoured though Morarji Desai was also trying. After Shastri's death at Tashkent, the choice of successor of Prime Ministership fell on Mrs. Gandhi as against Morarji Desai. Adamant on an actual trial of strength this time Morarji refused to withdraw from the contest or to accept a consensus approach. The contest was held. The voting revealed overwhelming support for Mrs. Indira Gandhi in the Congress Parliamentary Party by getting two thirds and Morarji Desai one-third votes. After the Fourth General Election in 1967 Morarji Desai once again offered himself as a candidate for Prime Ministership. Mrs. Gandhi was again the 'syndicate'¹⁴³ candidate although quite possibly this time Morarji was secretly encouraged to contest so that Mrs. Gandhi did not feel too independent or undisputed. Finally, as if under a pre-set design, a contest was avoided by a compromise plan mooted by the 'syndicate'. The plan envisaged the office of Deputy Prime Minister with the Finance portfolio for Morarji. It was only the pressure exerted by the then President Kamraj and other 'syndicate' members that Mrs. Gandhi reluctantly agreed to take Morarji in her Cabinet in that position. The 'syndicate' in the words of Nijalingappa, expected that "her attitude would be one of democratic approach to national problems and that collective leadership would prevail."¹⁴⁴ A conflict between the members of the party 'Syndicate' and Mrs. Indira Gandhi camp had started due to independent kind of working by Mrs. Indira Gandhi. So when the Bangalore Session of All India

¹⁴² *Supra* n., 13, at 574-575.

¹⁴³ S.K. Patil from Bombay, Atulya Ghosh from Bengal, Sanjiva Reddy from Andhra, Nijalingappa from Mysore, and Kamaraj having a group which was later nicknamed the "Syndicate".

¹⁴⁴ Atulya Ghosh, *The Split*, Calcutta, 1970, (Introduction by N. Nijalingappa).

Congress Committee was held in July 1969, both the sides appeared to be itching for a decisive confrontation and conflict.

The Bangalore Session of the Congress was that milestone in the history of the Congress from where the serious differences between the 'syndicate' and 'Mrs. Gandhi's' group came in open. The gulf between the two continued to widen till it became totally unbridgeable and the party was split into two. The great split in the Congress Party at the organizational level was followed by a split at the level of the Parliamentary Party. About 102 members of the Congress Parliamentary Party-62 in Lok Sabha and 40 in Rajya Sabha – crossed the floor to form Congress (O) and came on the opposition benches in the two Houses of Parliament. There were certain defections where same person was with Congress (R) in the politics at the centre and with Congress (O) in the State Politics on vice-versa. Also, while at the level of the Union Parliament the Congress (O) members, i.e. those opposed to Mrs. Gandhi crossed the floor, in States like Mysore and Gujarat, it was the supporters of Mrs. Gandhi who crossed the floor for there the ruling Congress was actually Congress (O). In the two Houses of Parliament, the loyalties of many were divided, many others were unable to decide and there were still others who crossed and recrossed the floors in accordance with the demands of the situation ethics.¹⁴⁵

Despite the ideological permissiveness of the Congress, if defections to and from took place on such a large scale, it could be attributed only to calculations of loss and gain in the struggle for power and position. When there was defection of 62 members of the Lok Sabha, Mrs. Gandhi's government reduced to the position of a minority government. However, she could safely hope to continue in power with the support of other parties and some independents.¹⁴⁶

Due to these and some other reasons, on December 27, after the advice of the Council of Ministers, the President dissolved the

¹⁴⁵ *Supra n.*, 13 at 595-96.

¹⁴⁶ *Ibid.*

Lok Sabha before completing its full term. During 1971, elections to the Lok Sabha, Congress (R) won 350 seats out of 442 seats contested, which came as a shock to opposition groups. Most of the opposition parties were completely routed. The great split proved to be a boon in disguise and saved Congress. It was a better struggle for power between collective leadership of 'Syndicate' and the Prime Minister Mrs. Indira Gandhi. It had the effect of rejuvenating a tottering organization.¹⁴⁷

(vi) Tables showing Cases of Defection After 1985

**Tables
Lok Sabha**

Table 2.19

Petitions for Disqualifications

Total No. of Petitions (cases)	No. of petitions under para 2(1)(a)	No. of petitions under para 2(1) (b)	Petitions allowed	Petitions dismissed	Petitions rendered in fructuous	No. of MPs disqualified
39 (16)	21	18	13	19	07	13*

Table 2.20

Cases of Splits

Total Cases	No. of Cases Allowed	Cases dismissed	Lapsed due to dissolution of Lok Sabha
22	20	-	02

¹⁴⁷ *Id.*, at 597-602.

Table 2.21**Cases of Mergers**

Total No. of Cases	Cases Allowed	Cases disallowed
13 **	12	01

* of these 13, four members who are disqualified during the Tenth Lok Sabha filed Civil Writ Petitions in the High Court of Delhi praying for the stay on the order of the Speaker, Tenth Lok Sabha disqualifying them. The High Court granted stay on the order of the Speaker till disposal of the Writ Petitions. Before the Writ Petitions could be disposed of, the Tenth Lok Sabha was dissolved. Consequently, the said four members continued to be members of the Tenth Lok Sabha till its dissolution. Hence, in net effect though 13 members were declared disqualified, actually nine members of Lok Sabha stood disqualified.

** In Lok Sabha, there have also been seven cases of nominated members joining another political party within the stipulated period of 6 months under para 2(3) of Tenth Schedule to the Constitution.

Table 2.22**Cases where numbers were declared unattached**

	Total No. of Cases	Cases Allowed	Cases disallowed	No. of MPs declared unattached
8 th Lok Sabha	6	6	-	10
9 th Lok Sabha	1	1	-	25
Total	7	7	-	35

* Tenth Schedule to the Constitution does not contain provisions to cope with situations arising out of expulsion of members from primary membership of their political parties. Consequent upon the decision of the Speaker, Tenth Lok Sabha in the Janta Dal Case, dated 1 June, 1993, the practice in Lok Sabha has been to seat the expelled members separately without any change in their party affiliation, in party position, etc. in Lok Sabha. Hence, since then practice of treating members unattached has been done away with in Lok Sabha.

Rajya Sabha

Table 2.23**Cases of Disqualifications**

Total No. of Petitions (cases)	No. of petitions under para 2(1)(a)	No. of petitions under para 2(1) (b)	Petitions allowed	Petitions dismissed	Petitions rendered in fructuous	No. of MPs disqualified
2	2(2)	-	2	-	-	2

Table 2.24**Cases of Splits**

Total No. of Cases	Cases Allowed	Cases dismissed
10	10	-

Table 2.25**Cases of Mergers**

Total No. of Cases	Cases Allowed	Cases disallowed
13	13	-

State Legislative Assemblies#**Table 2.26****Cases of Disqualifications**

Sl. No	Assembly	Total No. of cases (petitions)	No. of cases (petitions) under para 2(1)(a)	No. of Cases (petitions)** under para 2(1)(b)	Cases Allowed	Cases dismissed	Cases rendered in fructuous/ Not admitted inadmissible, etc. (petitions)	Total No. of MLAs disqualified
1	Andhra Pradesh	1(1)	1(1)	-	1	-	-	1
2	Arunachal Pradesh	-	-	-	-	-	-	-
3	Assam	2(2)	2(2)	-	1	1	-	7
4	Bihar	1(1)	-	1(1)	-	1	-	-
5	Chhatisgarh	-	-	-	-	-	-	-

6	Goa	10(19)	9(18)	1(1)	3	7	-	12
7	Gujarat	1(1)	-	1(1)	1	-	-	1
8	Haryana	18(23)	18(19)	4(4)	8	10	-	11
9	Himachal Pradesh	1(1)	1(1)	-	-	1	-	-
10	Jammu & Kashmir	-	-	-	-	-	-	-
11	Jharkhand	-	-	-	-	-	-	-
12	Karnataka	2(2)	2(2)	-	-	2	-	-
13	Kerala	2(2)	2(2)	-	1	1	-	1
14	Madhya Pradesh	3(3)	3(3)	-	3	-	-	8
15	Maharashtra	5(7)	5(6)	1(1)	5	-	-	7
16	Manipur	9(9)	9(9)	-	8	1	-	9
17	Meghalaya	6(6)	3(3)	3(3)	3	3	-	7
18	Mizoram	1(2)	1(2)	-	-	1	-	-
19	Nagaland	3(7)	3(7)	-	3	-	-	15
20	Orissa	3(3)	3(3)	-	2	1	-	2
21	Punjab	2(2)	1(1)	1(1)	2	-	-	23
22	Rajasthan	4(5)	3(4)	1(1)	-	4	-	-
23	Sikkim	3(3)	3(3)	-	-	3	-	-
24	Tamil Nadu	2(3)	2(3)	-	2	-	-	3
25	Tripura	-	-	-	-	-	-	-
26	Uttar Pradesh	13(53)	2(27)	12(26)	-	3	10(10)	-
27	Uttaranchal	-	-	-	-	-	-	-
28	West Bengal	-	-	-	-	-	-	-
29	Delhi Vidhan Sabha	-	-	-	-	-	-	-
30	Pondichery	5(9)	5(9)	-	3	2	-	6
	Total	97(164)	78(125)	25(39)	46	41	10(10)	113

Figures in this Table are based on information received from the STae Legislative Assembly Secretariats. While Jammu & Kashmir Assembly has intimated that there has been no case under Anti-defection Law, no information is available in case of Jharkhand and Tripura.

** While in some cases petitions were filed under both paras 2(1) (a) and 2(1)(b), in some other cases multiple petitions were filed.

Table 2.27
Cases of Splits*

Sl.No	Assembly	Total No. of cases	Cases Allowed	Cases dismissed
1	Andhra Pradesh	-	-	-
2	Arunachal Pradesh	1	1	-
3	Assam	1	1	-
4	Bihar	3	3	-
5	Chhatisgarh	2	2	-

6	Goa	-	-	-
7	Gujarat	1	1	-
8	Haryana	6	6	-
9	Himachal Pradesh	4	4	-
10	Jammu & Kashmir	-	-	-
11	Jharkhand	-	-	-
12	Karnataka	1	1	-
13	Kerala	3	3	-
14	Madhya Pradesh	-	-	-
15	Maharashtra	7	7	-
16	Manipur	-	-	-
17	Meghalaya	4	4	-
18	Mizoram	1	1	-
19	Nagaland	5	5	-
20	Orissa	-	-	-
21	Punjab	1	1	-
22	Rajasthan	-	1	-
23	Sikkim	2	2	-
24	Tamil Nadu	-	-	-
25	Tripura	-	-	-
26	Uttar Pradesh	24	24	-
27	Uttaranchal	-	-	-
28	West Bengal	-	-	-
29	Delhi Vidhan Sabha	1	1	-
30	Pondichery	-	-	-
	Total	68	68	-

Table 2.28
Cases of Mergers*

Sl.No	Assembly	Total No. of cases	Cases Allowed	Cases dismissed
1	Andhra Pradesh	-	-	-
2	Arunachal Pradesh	3	3	-
3	Assam	2	2	-
4	Bihar	7	7	-
5	Chhatisgarh	2	2	-
6	Goa	-	-	-
7	Gujarat	5	5	-
8	Haryana	11	11	-
9	Himachal Pradesh	5	5	-
10	Jammu & Kashmir	-	-	-
11	Jharkhand	-	-	-
12	Karnataka	-	-	-

13	Kerala	-	-	-
14	Madhya Pradesh	-	-	-
15	Maharashtra	8	8	-
16	Manipur	1	1	-
17	Meghalaya	-	-	-
18	Mizoram	-	-	-
19	Nagaland	2	2	-
20	Orissa	-	-	-
21	Punjab	3	3	-
22	Rajasthan	-	-	-
23	Sikkim	-	-	-
24	Tamil Nadu	-	-	-
25	Tripura	-	-	-
26	Uttar Pradesh	27	27	-
27	Uttaranchal	1	1	-
28	West Bengal	1	1	-
29	Delhi Vidhan Sabha	1	1	-
30	Pondichery	2	2	-
	Total	81	81	-

* Figures in this Table are based on information received from the State Legislative Assembly Secretariats. While Jammu & Kashmir Assembly has intimated that there has been no case under Anti-defection Law, no information is available in case of Jharkhand and Tripura.

Table 2.29

Cases where Members were declared unattached in State Legislative Assemblies#

Sl.No	Assembly	Total No. of cases	Allowed	Cases disallowed	Total No. of Declared Unattached
1	Andhra Pradesh	-	-	-	-
2	Arunachal Pradesh	-	-	-	-
3	Assam	-	-	-	-
4	Bihar	-	-	-	-
5	Chhatisgarh	1	1	-	1
6	Goa	-	-	-	-
7	Gujarat	-	-	-	-
8	Haryana	1	1	-	1
9	Himachal Pradesh	-	-	-	-
10	Jammu & Kashmir	-	-	-	-
11	Jharkhand	-	-	-	-
12	Karnataka	-	-	-	-
13	Kerala	-	-	-	-
14	Madhya Pradesh	-	-	-	-

15	Maharashtra	-	-	-	-
16	Manipur	-	-	-	-
17	Meghalaya	-	-	-	-
18	Mizoram	-	-	-	-
19	Nagaland	-	-	-	-
20	Orissa	-	-	-	-
21	Punjab	-	-	-	-
22	Rajasthan	-	-	-	-
23	Sikkim	-	-	-	-
24	Tamil Nadu	-	-	-	-
25	Tripura	-	-	-	-
26	Uttar Pradesh	-	-	-	-
27	Uttaranchal	-	-	-	-
28	West Bengal	-	-	-	-
29	Delhi Vidhan Sabha	2	2	-	2
30	Pondichery	-	-	-	-
	Total	4	4	-	4

Figures in this Table are based on information received from the State Legislative Assembly Secretariats. While Jammu & Kashmir Assembly has intimated that there has been no case under Anti-defection Law, no information is available in case of Jharkhand and Tripura.

State Legislative Councils +

Table 2.30

Cases of Disqualification

Table 2.31

Cases of Splits*

Sl. No.	Council	Total No. of Cases	Cases Allowed	Cases dismissed
1	Bihar	-	-	-
2	Jammu & Kashmir	-	-	-
3	Karnataka	3	3	-
4	Maharashtra	-	-	-
5	Uttar Pradesh	4	4	-
	Total	7	7	-

Table 2.32

Cases of Mergers\$

Sl. No.	Council	Total No. of Cases	Cases Allowed	Cases dismissed
1	Bihar	-	-	-
2	Jammu & Kashmir	-	-	-
3	Karnataka	2	2	-
4	Maharashtra	-	-	-
5	Uttar Pradesh	5	5	-
	Total	7	7	-

+ AS per information received, there is no case of disqualification in Karnataka Legislative Council and Uttar Pradesh Legislative Council. No information is available in respect of other three Legislative Councils.

*\$ Figures in this Table are based on information received from State Legislative Council Secretariats. No information is available in respect of Bihar, Jammu and Kashmir and Maharashtra Legislative Councils.

Source: G.C. Malhotra, Anti-Defection Law in India and the Commonwealth (2005).

III. SUM UP

In the light of the above discussions the following conclusions can be drawn:

- (1) The defection politics became very active when no party was enjoying any majority in the House. In such a situation there prevailed bulk defections and individual defections so much so that quite a few MLAs could not say with certainty as to which party they belonged at a given point of time. This was the situation prevailed in U.P. and Bihar. In Bihar, there were 200 acts of defections within a period of 16 months from February, 1967. Some defected as many as four times.
- (2) Members did change their loyalty even when a party was returned to power with a thin majority. Because in that situation any defection by a few members would upset the

balance of power. In such a situation, defections would be frequent and a party enjoying majority one day would be reduced to minority the very next day as happened in Haryana and Punjab in 1967.

- (3) Even when a party secured absolute majority in the House, bulk defection from the ruling party could not, at times, be ruled out. In Madhya Pradesh although Congress secured majority of 167 seats in the House of 296 seats, defections by 36 members from Congress Party brought down the fall of the government.
- (4) Defection could not be ruled out when opposition parties having different ideologies joined together to form a government on the basis of Common Minimum Programme.
- (5) Very rarely defections gave stability, effectivity to the formation of government when no single party did get majority as happened in Rajasthan after 1967 elections.
- (6) Defector's should get the same treatment as they got after making a split in the Congress Party as Congress (O) and Congress (R), the electors/voters saved the Congress and ousted the defectors from the fray or from the political arena.
- (7) The motivating spirit behind all these defections in all the above cases is office of Profit on other similar considerations.

Hence, it can be concluded that the defection is a social evil and it should be curbed as the defection was not based on ideological reasons but on considerations of profit or other similar things.