

Political Defection of Mizoram in 1988

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Abstract

Political defection has long been a serious malaise in our democratic politics. They have made a mockery of democracy. The politics of defection is the manifestation of the general degeneration of political life in our country. No single political party can be blamed for this as this has become part of the newly emerging political culture of India. Political defection is motivated by the unscrupulous quest for power and material gains. Even after the passing of Anti-Defection Law in 1985, defection for power and self have continued. The menace of political defection has corrupted and ruined political life in our country and has posed a great danger to every system of our parliamentary democracy.

Keywords : *dissident, India Constitution, Chief Minister, Speaker, Legislator, Governor and show cause notice.*

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Politics is the game of power and as such it has great attraction for most people who aspire to come to the seats of political authority. Access into the corridors of political power has always been a thrilling and enchanting experience. But it may also be true that politics is the most hazardous of all professions as it involves great uncertainty and insecurity. In spite of this, politics is preferred by many as their career. Persons who cannot achieve power through constitutional methods try to get it by hook or crook. The elected representative is to act in accordance with the manifesto and to represent the view of the voters of his/her constituency in the forum to which he/she is sent. The power thus given to the elected politicians must not be exercised to the detriment of the people. Thus, a representative who tries to satisfy his personal and partisan interests loses his representative character and his membership of the legislature may be considered as unethical. In multi-party system, parliamentary form of government faces many hurdles in the way of its working. Sometimes the parties lose their homogeneity and they are disintegrated and party factions are rampant. Such evils of factionalism and groupism are further aggravated by the mushroom growth of political parties which leads to political defections.

Simply stated, the term ‘defection’ means ‘abandonment’ or ‘desertion’ or ‘running away from duty’. However, in politics, its ramifications include many situations like change of a party or group, shifting of loyalty or allegiance from one party or group to another, repudiation of the label under which a legislator successfully contest his election, crossing of floor inside the

legislative chamber, severance of connection from one party for the sake of joining another party, or living like an independent or even founding a new party or a pressure group, leaving a party and then coming back to its fold in the fashion of marching and counter-marching etc. Hence, a precise definition of this term should cover all such possible manifestations in order to be widely, if not universally, acceptable.

An act of political defection may be said to the following degrees:- (a) leaving a party and joining another; (b) leaving a party, joining another and then returning to the original party; (c) leaving a party to become a non-partyman; (d) leaving a party but continuing to support the same as a liberal politician; (e) leaving a party to found another party or group; (f) leaving a party, founding another and then merging it with the original party; and (g) leaving a party, founding another and then merging it with some other party or group (Kashyap, 1969, pp. 12-13)

The politics of defection begins with the shifting of one's political allegiance culminating in the severance of his connection from a party with any motive whatsoever. The politics of defection became a very interesting as well as perplexing topic of study in the recent political development in India and Mizoram is no exception.

Dissident is a permanent feature of political parties and it has its own mysterious way of appearing. Dissidents generally go with power and they do not come into limelight when the parties were away from the positions of authority. It is very rare that ideology is the basis of dissidents. It is mostly personality-

orientation and born and nourished by power hankering. In general, self-interest has been at the foundation of the politics of dissident. Dissident has been motivated by many factors like opportunism, expediency, self-interest etc. It is an established fact that when conflict and faction begin to appear within the ranks of a party, then sub-group emerged which in turn become dissident.

The first general election to the Mizoram Legislative Assembly, after the attainment of statehood, was held on 16th February, 1987. The election produced a sweeping victory for the Mizo National Front (MNF) with 24 seats in the House of 40 members while 13 seats went to the pocket of the Congress and People's Conference (PC) secured 3 seats. On 20th February, 1987, four important events took place. At 7:00 am, Hiteswar Saikia was sworn-in as the Governor of Mizoram; at 7:30 am, Laldenga of MNF was sworn-in as the Chief Minister of Mizoram; at 10:30 am, the Prime Minister, Rajiv Gandhi, inaugurated Mizoram as the 23rd State of Indian Union and at 4:00 pm, three Cabinet Ministers were sworn-in by the Governor (Rao, Thansanga & Hazarika, 1987, p. 124). Thus, ended the busiest day in the history of Mizoram. Shortly after the formation of the Ministry, H. Rammawi, who was elected from Sangau constituency on PC ticket, defected to the MNF and thus raising its membership to 25.

Eighteen months after the formation of the Ministry, dissension within the party emerged. The dissident originated when legitimate rights of senior persons to occupy important positions were denied ministership. The climax of dissident came to surface on 23rd August, 1988 when 9 Members of Legislative

Assembly (MLA) belonging to the ruling MNF party, namely, (a) R. Lalawia, (b) Hrangdawla, (c) Zahungliana (d) Chawngzuala (e) Lalrinmawia (f) K. Thanfianga (g) P. Siamliana (h) Andrew Lalherliana and (i) Vanlalhruaia, submitted a letter to the Speaker of the Legislative Assembly, conveying that they have lost faith in the leadership of Laldenga and decided to withdraw their support to the Ministry and gave up their membership of the MNF legislature party as well the MNF party itself. They formed a new political party called MNF (Democrats) (MNF (D)), with the following ad hoc office bearers – President–Chawngzuala; Vice-President-Vanlalhruaia; Treasurer-Kapchhunga; General Secretary-Lalthangfala Sailo and other 12 Secretaries. The letter further requested the Speaker to recognized them as a separate group belonging to MNF(D) as they constituted more than one-third of the total members of the MLAs from the original MNF party (Letter dated 23.8.1988). The letter has been signed by eight MLAs and K. Thanfianga, Deputy Speaker, who was in Boston, USA, for medical treatment, did not sign his name but gave his consent before he left for USA. The 8 MLAs who tried to unseat the Chief Minister have been left out of the Ministry. Surprisingly, the said letter dated 23.8.1988 addressed to the Speaker, was received on 29.8.1988 and thus took almost a week to reached the Speaker. The leader of the MNF party was unconcerned with the mounting pressure against him in his own party, perhaps under the impression that his status and image could not be challenged but for him the unsuspected happened.

On 30th August, 1988, the eight MLAs and the Congress MLAs formed a United Legislature Party (ULP) under the

leadership of Lalthanhawla, MLA and President, Mizoram Pradesh Congress Committee. On the same day, the Chief Minister sent a letter to the Speaker requesting him to disqualify the eight MLAs from the membership of the State Legislative Assembly under para 6 of the Tenth Schedule of the Constitution (Letter dated 30.8.1988). The Chief Minister also met the Governor and informed him that if all the nine MLAs express no-confidence in his Ministry, he would step down. He further informed the Governor that K. Thanfianga was contacted by himself over telephone and said that K. Thanfianga was not joining the MNF(D) (Lalnithanga, 2005.p.161).

On 31st August, 1988, the eight MLAs presented themselves before the Governor and reiterating their withdrawal of support from the MNF Ministry led by Laldenga and urged him to dismiss a minority government. Lalthanhawla also met the Governor on that day and staked claim for forming a Ministry as he was elected as the leader of the ULP (Pakem, 1996, p.112). On the same day, J. Thanghuama, the Speaker, issued Show Cause Notices to the eight MLAs asking them why they should not be disqualified from their membership of the Legislative Assembly under the Anti-Defection Law within 7 days. By the same Show Cause Notices, the Speaker suspended these eight MLAs from their membership during the pendency of the disqualification proceedings. However, there is no provision either in the Tenth Schedule of the Constitution or under the Mizoram Legislative Assembly (Disqualification on grounds of Defection) Rules, 1987 for suspension of a member during pendency on the proceedings.

This was pointed out to the Speaker by the Governor. The Speaker, however, pointed out that he was empowered to suspend them under the Constitution and Rule 9 of the said Mizoram Rules (Prasad, 1992, p.164).

On 1st September, 1988, the MNF(D) formed the Legislature Party with the following persons – Leader- R. Lalawia; Deputy Leader- Hrangdawla; Secretary- Andrew Lalherliana; Chief Whip- P. Siamliana; Whip- Zahungliana and Treasurer- Lalrinmawia. This was conveyed to the Speaker and requested him to recognize it (Letter dated 5.9.1988).

The Governor sent a letter to the Speaker on 2nd September, 1988, as he wanted to know the provision either under the Tenth Schedule of the Indian Constitution or Mizoram Legislative Assembly (Disqualification on grounds of Defection) Rules, 1987, wherein suspension is made conditional along with the issue of notice for disqualification. The Governor also informed the Speaker that he failed to understand in what way the Speaker can apply Rule 9 of the said Mizoram Rule for suspension, as Rule 9 has given the Speaker the powers only for detailed working of these rules. The Governor referred certain instances of this type both in Parliament and in some other Legislative Assemblies wherein the Speaker used to decide about disqualification of members on receipt of petitions from the leader of that political party but no-where either the member of the Parliament or the member of the Legislative Assembly has been suspended during the period of notice for disqualification (Letter dated 2.9.1988).

The Show Cause Notices served to the eight MLAs were replied on 3rd September, 1988 which contained seven points:

1. There has been a split in the MNF and such persons holding key offices in the party like one Vice-President; one Secretary; six Joint Secretaries; four Executive Member; five National Council Members; one General Secretary of MNF Youth (MNYF); one Treasurer of MNYF; one Chief Organiser of MNYF; five Executive Members of MNYF; two Organizers of MNYF; one Deputy Chief Organiser of MNF Women (MNWF); one Organizer of MNWF; two Executive Members of MNWF and many other members of the MNF party along with eight legislators and K. Thanfianga have given up their membership of the MNF party and they have formed MNF(D).
2. There has been a split in the MNF legislature party. Out of twenty four members of the legislature party (excluding the Speaker who is neutral), nine members have voluntarily given up their membership of the MNF party and they have withdrawn their support to the leadership of the Chief Minister, Laldenga. These nine MLAs have constituted one-third of the MLAs belonging to the MNF party even taking the Speaker as one of the twenty five MLAs. Taking the breakaway group to be eight for want of the signature of K. Thanfianga, these eight MLAs formed one-third of the twenty four MLAs excluding the Speaker as per the legal matter. It was further highlighted that the PC MLA, H. Rammawi's original political party

was PC and when he joined the MNF Ministry, he has not given up his membership of the PC party even today. Therefore, he cannot be counted as MNF party. The total strength of the MNF party MLAs stood at twenty three as per provisions of para of the Tenth Schedule to the Constitution read with explanation (a) of para 2 (1) and para 2 (4) (i) of the Tenth Schedule.

3. The Show Cause Notices can arise only when the members of the breakaway group is less than one-third of the total strength. The Show Cause Notices served on them allegedly based on the Anti-Defection Rules had been untenable in law and has been void as a result of the split in the MNF party and that the breakaway MLAs formed one-third of the total strength of the MNF party MLAs.
4. As regards the suspension of their membership to the Mizoram Legislative Assembly, they submitted that the Speaker has no power nor jurisdiction and the suspension are legally invalid as pointed out below: (a) Before issuance of the suspension orders, they were not given an opportunity to show cause as to why their membership should not be suspended. The Speaker has violated the cherished law of natural justice. (b) There was no legal sanction, constitution or otherwise for the suspension of the membership of a member of the Legislative Assembly by the Speaker. As per provision of the Constitution or any other law in force, the Speaker has no power to

suspend the membership of any member of the Legislative Assembly of a State. The Constitution as we have it today, was not framed to have the spirit apart from the specific provisions having definite intentions and purposes.

5. In view of the circumstances, the time and place where the Speaker put his signature on the Show Cause Notices cum suspension orders (Chief Minister's official residence at 4:00 am of 31.8.1988 on a readymade typed paper), it was very clear that the Speaker had not exercised his personal judgement and satisfaction as regard the propriety, reasonableness and legality of the Show Cause Notices cum suspension orders. The Show Cause Notices and suspension orders signed by the Speaker, under such circumstances, cannot be sustained and maintained in law and was void.
6. Shri Laldenga, Chief Minister of Mizoram, while submitting the petition under Rule 6 of the Mizoram Legislative Assembly (Disqualification on grounds of Defection) Rules, 1987, violated the provision of law contained in Rule 6 (7) of the said Rules by failing to verify the annexures. Hence, the said petition cannot be entertained. The Speaker has violated the Rules by acting on the petition. The said petition has been invalid.
7. In view of the above facts, they submitted that
 - (a) There was a vertical split in the MNF party.
 - (b) There was a subsequent split in the MNF Legislature Party.

- (c) That the breakaway party become one-third of the original party MLAs.
- (d) That the Honourable Speaker has no legal sanction to serve the Show Cause Notices cum suspension orders to the 8 MLAs as per provision of law in force in Mizoram and that the Show Cause Notices and the suspension orders cannot go together in the same order (Replies of Show Cause Notice by 8 MLAs).

On the night of 5th September, 1988, K. Thanfianga, through the Assistant Liaison Officer, Mizoram House, New Delhi, sent messages to the Speaker and Governor from Boston, USA, to the effect that he withdrew his support from the Ministry led by Laldenga along with other eight MLAs and he joined the MNF(D). In the morning of 6th September, 1988, the Speaker met the Governor and discussed about the message of K. Thanfianga. The Speaker declined to accept the authenticity of the message from K. Thanfianga, claiming that anybody could have sent such message and, therefore, he could not rely on hearsay evidence (Lalnithanga, 2005, p.161). The Chief Minister also met the Governor on the same day but did not make any comment on the message from K. Thanfianga.

On the night of 6th September, 1988, Zadingliana, the eldest son of K. Thanfianga, tried to meet the Speaker in the Assembly Secretariat to deliver to the Speaker a letter from his father to that effect that K. Thanfianga withdrew his support from the Ministry led by Laldenga and he had joined the MNF(D). However, he was not allowed to meet the Speaker. He, therefore, handed over the

letter to the Governor in which the Governor in turn sent the letter to the Speaker. While acknowledging the receipt of the letter, the Speaker informed the Governor that the matter of Deputy Speaker would be taken up separately (Lalnithanga, 2005, p.162).

In the meantime, the Chief Minister placed a suggestion before the Governor for convening an emergency session of the Legislative Assembly to test the strength of the Ministry on the floor of the House. The Governor found the convening of the Assembly at this stage under these circumstances was meaningless as nine MLAs expressed no-confidence in the Ministry and withdrew their support from the Ministry as a result of which the Ministry has been reduced to a minority government. Moreover, these eight MLAs would have been disqualified by the time the Assembly was summoned and, therefore, they would not be able to participate in the session as they were under suspension (Lalnithanga, 2005, p.162).

The Governor was convinced that the Speaker was bent upon disqualifying these eight MLAs by ignoring all the constitutional norms and natural justice. It was a well settled principle supported by judicial pronouncements that the effective strength of the party in the Assembly was to be determined by excluding the Speaker, who was neutral. The Governor came to a firm conclusion that with the present situation, it was not possible for the State government to function in accordance with the provisions of the Constitution of India. To end the political crisis, the Governor recommended to the Central Government for the proclamation of Emergency under Article 356 of the Indian

Constitution. Accordingly, Mizoram was placed under President's Rule and dissolved the Mizoram Legislative Assembly on 7th September, 1988.

The leaders of the MNF(D) justified their action in the name of their adherence to the sanctity of the principles. They highlighted nine main points which brought about rift in the MNF party which eventually led to the split of the party and caused the fall of the government.

- (1) The MNF party led by Laldenga totally disregard democratic principles on which the party's aims and objectives are based and in their place individual whims and impulses reigned supreme.
- (2) Laldenga is leading the public in the direction whereby a sense of nationalism is being forsaken thus eroding the morale of the people.
- (3) Laldenga has abandoned the No. 2 policy of the MNF which aims at integration of all the Mizo tribes.
- (4) Despite the slogan 'for God and our country' under which oath of allegiance was taken, in Mizoram, corruption, nepotism and political prostitution had taken roots.
- (5) In various party elections, there could not be free and fair elections as the wishes of an individual held sway and predominant.

- (6) In party activities, collective responsibility and collective leadership were flagrantly disregarded and instead the wishes of individual always got upper hand and matters decided in a dictatorial manner.
- (7) In the party family circle itself, incitement, accusation and spying, instigation and taking a decision favourable to growth of factions were rampant.
- (8) The welfare of the members of the Mizoram National Army, who had made so much sacrifice for the country, even to the ruination to their families, was lost sight of and ignored.
- (9) In regard to the issue of Liquor Permit, the party which had appealed and assured the public that ‘if you return us in the elections, we will consult the public and if the public is not in favour, the issue of Liquor Permit will be terminated’ has now retracted its earlier stand and in complete disregard to the counsel of the churches and various other organizations, is bent on issuing Liquor Permit once again. (Lalnithanga, 2005, pp.190 – 192).

The MNF Ministry began its inning by entertaining defection to its fold and ended with a split within the party as well as in the legislature which subsequently led to the fall of the Ministry. The practice of switching party loyalty is a political culprit who has betrayed the electorates. Sometimes, they try to justify their action on the ground that they were forced to leave

the party because the party has deviated from its basic principles or commitments. It might be true to some extent but in most cases, there are other motivation forces like money, power, political patronage and the desire to become important overnight. The Speaker should also maintain impartiality and distinguish between his duty to the legislature and his allegiance to the party, if democracy is to function smoothly. Before the ruling is delivered, the Speaker has to take into consideration constitutional and legal aspects of the issues as well as the convention of the House, privilege and honour of the members and the prevailing political situation. Instead of blatantly supporting the Government stand, he should work in a manner which satisfy the feelings of the cross sections of the House.

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