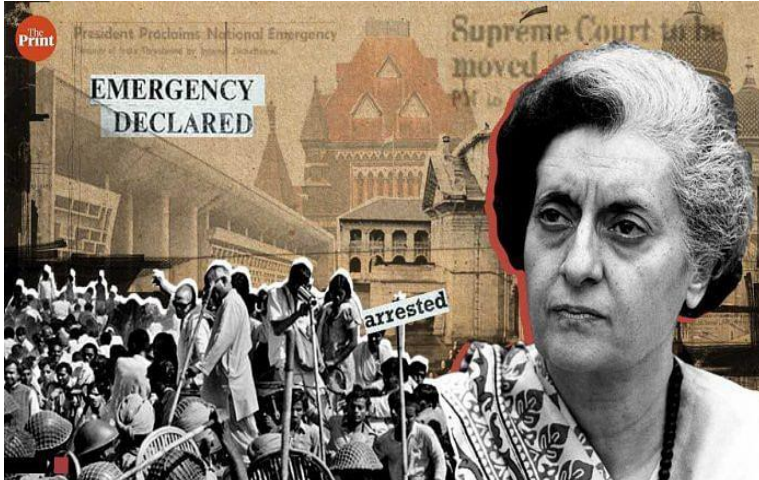


India's 1975 Emergency – Constitutional Breakdown, Judicial Servility, and Lessons for Democracy.

National Emergency

A National Emergency under Article 352 of the Indian Constitution is declared when the security of India or any part of it is threatened by war, external aggression, or internal disturbance (now amended to “armed rebellion” by the 44th Amendment Act, 1978). When invoked, it transforms India into a unitary state, suspending many federal features and limiting certain fundamental rights.

Genesis and Political Prelude to the Emergency



The Emergency declared on June 25, 1975, was not triggered by war or rebellion but by political turbulence. The immediate spark was the Allahabad High Court's verdict against Prime Minister Indira Gandhi, finding her guilty of electoral malpractices in the 1971 Raebareli elections. The court disqualified her from Parliament for six years. This ruling emboldened the opposition, notably Jayaprakash Narayan's Sampoorna Kranti (Total Revolution) movement, which called for non-violent civil disobedience and institutional reforms. Amid escalating protests and

demands for resignation, Gandhi sought a reprieve from the Supreme Court, which granted only a conditional stay. Meanwhile, demands were made for the "Blue Book" (a government manual on PM's security) to be released as evidence of abuse of power. Rather than abide by judicial scrutiny, the Gandhi government advised the President to declare a state of emergency, citing "internal disturbances"—a vague phrase that allowed broad interpretation.

Impact of the Emergency on Fundamental Rights

1. Fundamental Rights under Article 19 were suspended, and preventive detentions under MISA (Maintenance of Internal Security Act) and DIR (Defence of India Rules) became widespread.
2. Over 1 lakh people including opposition leaders, activists, and journalists were imprisoned.
3. The Press was censored, civil liberties were suppressed, and mass sterilization drives were enforced as part of population control.

The most infamous judicial event during this time was the ADM Jabalpur v. Shivkant Shukla (1976) case. The Supreme Court held by a 4 - 1 majority that during an emergency, even the Right to Life (Article 21) could be suspended. Justice H. R. Khanna, the sole dissenting judge, was sidelined in judicial promotions—a blow to judicial independence.

Constitutional Amendments and the issue of Judicial Servility during emergency

The 42nd Constitutional Amendment (1976), often dubbed the “Mini Constitution”, drastically altered the Constitution –

1. Inserted “Socialist” and “Secular” into the Preamble.
2. Curtailed the powers of the judiciary by amending Articles 32, 226, and 368.
3. Strengthened the central government's powers vis-à-vis the states.
4. Extended President's Rule in states from 6 months to 1 year.
5. Placed Directive Principles above Fundamental Rights in several contexts.

This era marked the lowest point in judicial independence, with the executive influencing appointments and judgments. The imposition of Justice A. N. Ray as CJI over three senior judges (after the Kesavananda Bharati verdict) was seen as blatant executive overreach.

Issues of Constitutional Morality

The Emergency exposed significant breaches in constitutional morality –

1. **Misuse of Article 352** – Invoked for political survival, not national threat.
2. **Subversion of institutions** – Parliament, judiciary, media, and Election Commission were all weakened.
3. **Centralisation of power** – Decisions were dictated from the PMO and by a small clique, often overriding institutional autonomy.

The politicisation of the judiciary, as seen in ADM Jabalpur and the supersession of judges, indicated the erosion of checks and balances essential in a democracy.

Post-Emergency Safeguards and Reforms

After the Janata Party came to power in 1977, several constitutional safeguards were introduced –

1. The 44th Amendment Act (1978) revised Article 352, requiring written Cabinet approval before emergency declaration.
2. Replaced “internal disturbance” with “armed rebellion” as grounds for emergency.
3. Restored and reaffirmed Article 21 and 19, making them non-suspendable even during emergencies.
4. Enhanced Parliamentary oversight, requiring periodic review and extension of emergency powers.

This amendment was a turning point, aiming to prevent misuse of emergency provisions in the future.

Lessons of Emergency

1. **Judicial vigilance is vital** – ADM Jabalpur remains a cautionary tale; its overturning by later benches (notably Justice D. Y. Chandrachud) affirms this.
2. **Constitutional checks must be respected** – Executive overreach can corrode democracy.
3. **Institutions need insulation** – An independent media, free judiciary, and robust Parliament are democracy’s guardians.
4. **Public memory is crucial** – Recalling history prevents repetition. Events like the Emergency must be studied to inoculate democracy against authoritarian temptations.

Conclusion

The 1975 Emergency remains one of the most defining and disturbing episodes in Indian democracy. While it temporarily suspended India’s democratic essence, it also strengthened long-term safeguards through popular resistance and constitutional amendments. Civil Services aspirants must study this period not just as history but as a lesson in the fragility and resilience of institutions. Vigilance, constitutional morality, and institutional autonomy remain the cornerstones of a thriving democracy.

Main Practice question (General Studies Paper II)

1. "Critically examine the constitutional, judicial, and political consequences of the 1975 Emergency in India. In what ways did this period reshape the discourse on fundamental rights and democratic safeguards?"

Answer Guidelines

1. Introduction (50–70 words) – Begin by defining the National Emergency of 1975–77 under Article 352.

Briefly mention the political context – the verdict in the Raebareli election case, Indira Gandhi’s disqualification, and the subsequent invocation of Emergency citing “internal disturbances.”

2. Body (Structured Analysis) –

1. Constitutional and Political Developments –

1. Proclamation of Emergency and its implications.
2. Misuse of Article 352 without parliamentary scrutiny.
3. The 42nd Amendment Act (1976) –
 1. Made Fundamental Rights subservient to Directive Principles.
 2. Centralised power; undermined federalism.
 3. Introduced “socialist” and “secular” into the Preamble.

2. Impact on Fundamental Rights and Democracy –

1. Suspension of Articles 14, 19, and 21.
2. Arrests under MISA, mass censorship, and sterilisation drives.
3. Loss of personal liberty, free speech, and press freedom.

3. Judicial Response and Servility -

1. ADM Jabalpur v. Shivkant Shukla -
2. 4 - 1 majority ruled that right to life was not enforceable during Emergency.
3. Dissent of Justice H.R. Khanna - a symbol of judicial courage.
4. Supersession of senior judges to install Justice A.N. Ray as CJI.

4. Post-Emergency Constitutional Safeguards -

44th Amendment Act (1978) -

1. Replaced "internal disturbances" with "armed rebellion".
2. Restored judicial powers and made Article 21 inalienable, even in Emergency.
3. Tightened the procedure for Emergency declaration - Cabinet must recommend it in writing.

5. Legacy and Lessons -

1. Reinforced the role of judiciary as guardian of the Constitution.
2. Highlighted the dangers of executive overreach and centralisation.
3. Emphasised the need for institutional checks and balances.
4. Showcased the importance of public vigilance and civil liberties.

3. Conclusion (50-70 words) - Summarise that the Emergency was a turning point in India's constitutional history. Though a dark phase, it led to critical reforms and awareness about protecting democratic institutions. Conclude by stating its continued relevance in the context of judicial independence, executive accountability, and citizens' rights.

