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Emergency: The Darkest Vision of Indian Politics

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ABSTRACT

When the drafting was going on for the Constitution, India was going through a stressful period where half of the country was having problems due to the communal riots and the other half was having problems related to the merger of princely states. Based on this, the framers of the Constitution thought that it is the need of the hour that the central government should have some authority so that when the stability and security of the country is at risk due to some internal/external problems, the central government can make use of these powers to safeguard the country from any attack on the integrity or security of the country.

This article talks about what is an emergency and what are the different types of emergency given in the Constitution. The historical background as to what led to the emergency being declared is also given in this article. Further, it also talks about the causes and reasons for this emergency. It also talks about all the problems faced by the people when the emergency was declared for almost 2 years. Now, the question which is to be answered through this article is: whether there was violation of fundamental rights of the people during this emergency?

I. INTRODUCTION

There was an emergency declared in the country from 25th June, 1975 – 21st March, 1977 which is still considered to be the darkest period in Independent India. But what is an emergency?

An emergency is said to be a combination of all the unexpected events that can occur which will pose a threat to the peace and harmony and safety of a country and it calls for quick actions so as to prevent damages.

The Constitution states that there are 3 types of emergencies that can be declared for the safety of the people:

1. National Emergency – Article 352:

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This emergency can be declared whenever there is any serious threat on the security of the people of the country or its territories from any war, external aggression or any sort of armed rebellion. It can be declared by the President on the basis of a written request by the Prime Minister.

2. State Emergency – Article 356:

It is also known as the President's rule. The President can declare this emergency when he is satisfied by the report from the Governor that the state's situation is such that it can't be controlled by the provisions provided by the Constitution. During this type of emergency, the Governor will be administering the state's affairs in the name of the President.

3. Financial – Article 360:

This emergency can be declared by the President if there is a threat on the financial stability or credit in the country or its territories.

II. HISTORICAL BACKGROUND

In the Parliamentary Elections of the year 1971, Mrs. Gandhi fought from her Rae Bareilly constituency and defeated her opponent Mr. Raj Narain. He, in the Allahabad High Court, submitted a petition against Indira Gandhi accusing her of fraud done by bribing the voters and the misuse of government-issued machinery. It was the first time in the history of India that a Prime Minister was taken to court and also found guilty of the charge. On June 12, 1975, Justice Sinha held the election void and also Indira Gandhi was prohibited to participate in elections for 6 years. Congress Party was even given an opportunity to change the PM in the next 20 days. Then, on June 24th, the case shifted to the Supreme Court.

The SC gave her the permission to stay as a member of parliament but, wasn't to take part in the proceedings. But, seeing that the Prime Minister seat was slipping out of her hands, Indira Gandhi recommended the President to declare an emergency for the reasons of internal disturbance in the country and he did the same immediately.

On the next day, Indira Gandhi announced on All India Radio (AIR) that the President has imposed Emergency in the country. Her exact words were that "the President has declared an Emergency and there is no need to panic." It was a pre-planned action as the cabinet ministers were also not informed about the same and got the information a few hours ago. To prevent anything to be printed informing the country, the power was cut for almost 2 days and then from the morning of June 26th, many leaders, activists and trade unions who were against the Congress Party were arrested. There was suspension of the elections in the country.

The Union Government didn't have any power, the citizens couldn't exercise or restore their fundamental rights. The newspaper couldn't publish any article without the government's approval. This created a lot of chaos in the country.

The student-led protests were the most important as it led to the formation of nationwide opinion that was against the Congress government and the PM. In 1974, protests against the increase in inflation and corruption in the state government were done by the students in Gujarat. The protests were spreading across the state and the opposition leaders like JP Narain and Morarji Desai were also giving their support. This uproar in the state led to the declaration of President's Rule. Later, when state elections were conducted in Gujarat, the Congress faced a huge defeat.

In Bihar also the students started protests against the rise in prices, food scarcity, corruption in the state government and unemployment. As the protests gained momentum in the state, the students invited opposition leader JP Narain in Bihar to join them and this led to the protest being on the national level. While being in the protest, demanded the removal of the Congress government and also called for nationwide revolution.

III. 21 – MONTH LONG EMERGENCY IN INDIA

On 26th June 1975, President Fakhruddin Ali Ahmed declared a national emergency as advised by the former P.M Indira Gandhi which meant that the elections had been suspended and civil liberties restricted. As the emergency was declared by the President, the entire power was in the hands of the Government. The government had every power and then they also restricted the fundamental rights of the citizens during this period. The press was kept under many restrictions. All newspapers needed to get prior permission for the articles that are to be published. Moreover, the constitution was amended in a biased manner, particularly in 42nd amendment, because the ruling party had a huge majority in the parliament. Also, in the Allahabad High Court verdict, an amendment was done stating that the elections of the president, prime minister, and vice-president won't be challenged in the courts. After 21 months, on 18th January 1977, the government announced that they are going to hold an election in March 1977. Indira Gandhi was badly defeated from her constituency of Rai Bareilly.

IV. CAUSES OF EMERGENCY

Before the emergency, Indira Gandhi had emerged as a great leader with a tremendous amount of popularity. That was also when the party competition had become a lot bitter and polarized. During that time, the government and the judiciary also had some differences. The Supreme

Court had found many initiatives started by the government that were violative of the Constitution. The Congress party stated that this stand of the Court was against all the principles of democracy and also parliamentary supremacy. The Congress also stated that the Court was very conservative and that it was starting to become a hurdle in the way of implementing pro-poor welfare programs and schemes. The parties who opposed Congress started to feel that politics had become too personalized and that the authority of the government was being converted into something personal. The split in the Congress had further sharpened the differences between Indira Gandhi and all of her opponents. The causes given for the emergency were:

- During this period, there were some internal and external political unrest going on against Indira Gandhi. Many of the congresses leaders demanded a system that would work in a presidential manner in the party, where there will be directly elected executives.
- There were revolts and protests going on against the government in Bihar and Gujarat which were done by the students, labour organizations, peasants, unions, etc.
- Indira Gandhi was also found guilty in a case for malpractice done during the previous Lok Sabha elections as per the Allahabad High Court judgement.
- The Indira Gandhi led government claimed that the war which was between India and Pakistan and also the oil crisis in 1973 had deeply affected the Indian economy resulting in the price hike of consumer goods. Apart from all of this, the government also was facing many challenges in the fight against the effects of drought, and consequently, internal threats were rising from across the country against the government thanks to the elevation and starvation, and debt issues.
- The increase in the labour population and huge unemployment generated a lot of fume and outrage in the nation. The government also claimed that the regular strikes and protests by the public have disabled the government and its economy to make any changes.

Due to all of these factors, and with the aid and advice of all the people close to her, Indira Gandhi then took the drastic step of declaring an emergency in the country.

V. EFFECT OF EMERGENCY ON COMMON PEOPLE

When a democracy like India declares an emergency, it completely disrupts the basic fundamental principles through which the country works. So, basically, an emergency situation

greatly affects the fundamental rights of the people.

VI. PROBLEMS FACED BY THE PEOPLE

Above were the reasons given by the PM for declaring National Emergency. All the protests, strikes and public agitations were not allowed so, nearly 1,11,000 people were arrested under preventive detention laws. Torture in police custody and custodial deaths occurring during this emergency was also becoming common. But, as the time passed, the situation in the country worsened and this whole thing got messed up. There was a spike in the numbers of unemployment, rampant, inflation and scarcity of food as the health of the economy worsened. The social and economic conditions of the country was going through a bad time during 1972-1975. During this time, the country saw a huge increase in prices of commodities (23% in 1973 and 30% in 1974).

There was a constant high level of inflation in the country which was causing great distress to people. Moreover, the growth in the industrial sector was so low but, unemployment was still very high. Sanjay Gandhi, son of the PM, did not have any official position at the time. But, he was constantly involved in many campaigns during emergency such as beautifying Jama Masjid or the slum demolition due to which 150 people died in firing as well as 70,000 people were displaced and shifted to a new undeveloped housing site which is across the Yamuna river. Also, there was a compulsory sterilisation program started in the country as to limit population growth. Mr. Gandhi's roles in the above activities became very controversial in Delhi.

No room for Fundamental Rights

Fundamental rights are some of the basic Human rights that are to be provided to every citizen of the country under the Constitution . According to Article 359, the President can suspend all the fundamental rights given under Part III during the emergency period. But, when the 44th Amendment came, it was decided that Articles 20 and 21 won't be suspended under the Presidential order.

Also, when the emergency is declared, the enforcement of rights by the courts is also suspended until the emergency isn't withdrawn.

So, it can be understood that the citizens had gone through much terror during this period of 2 years. Many people were illegally detained by the police just because they were voicing the thoughts that everyone was thinking in the country during the emergency.

Press Freedom Ended

The freedom of speech had been suspended and that led to press freedom being suspended too. When the emergency was declared, there was no newspaper for 2 days and after that the government formed some rules which were supposed to be followed by the entire press of the country and also they were only supposed to help the government by assisting them. Every news to be published had to go through the process of getting permission from the government so, that meant that any news that was against the government was censored and only the positive news were being published. Mostly every news outlet were facing the wrath of this emergency that affected the rights of the people to get information.

Detention of People became Common

No one was allowed to stand up or speak anything that was against the government's rule during the emergency. If anything of such sorts happened then, the people responsible were arrested and put in jail. One such incident happened when Journalist Kuldeep Nayar was arrested for protesting against the emergency declared in the capital city Delhi. Many opposition leaders were seen protesting against the emergency and PM Indira Gandhi. Janta Party leader, LK Advani was also protesting and then he had to spend several months in jail.

So, as you can see, in the pretext to protect the national interest of the country, the PM took so many of these drastic measures.

VII. CONCLUSION

As we are concluding this article, I want to say that YES there were a lot of violations of the fundamental rights of the people during this emergency period. In these 2 years of emergency, people of India have suffered a lot from human rights violation to forced mass-sterilization campaign led by Mr. Sanjay Gandhi to detention of political oppositions and activists to having no press freedom.

This sudden emergency was for personal reasons as the then PM wanted to protect her seat. But, when she conducted fresh elections in 1977, after the emergency was withdrawn, she had to face a huge defeat as Congress won only 154 seats whereas, Janta Party won 295 (330 including the allies) in the Lok Sabha. This is like a punishment given to Mrs. Indira Gandhi and the Congress Party for taking all of these drastic measures and controlling the lives of the people of this country. This is so because India is a democratic country where people's rights are to be allowed and it is not a dictatorship where one person will decide what is to happen in the country.

VIII. SUGGESTION

- During emergency period, the fundamental rights shouldn't be suspended so as to maintain peace and harmony among the people of the country.
- There should be stricter conditions to impose emergency in the country so that nothing like this ever happens again in the country.
- When an emergency is imposed in the country, the power shifts to one person. So, there should be some restrictions in their decision making process so that there isn't any human rights violations like the forced mass-sterilization campaign started by Mr. Sanjay Gandhi at that time.

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