



Mains Marathon

Day 40: “Emergency was like a vaccination against dictatorship. It was painful and caused a fever but strengthened the resistance of our democracy”. Comment (250 Words)

19 Aug 2022 | GS Paper 1 | History

Approach / Explanation / Answer

- Describe the 1975 emergency imposed by the Indian government.
- Discuss briefly the background of emergency.
- Explain the consequences and lessons learned from emergency.
- Conclude suitably.

Answer

The period of Emergency has been heavily criticised and termed as “**black days of Indian democracy**”. The Indira Gandhi government reasoned that there were threats to national security which required such strict measures. It is believed that the Emergency was imposed after the 1975 verdict of the Allahabad High Court which convicted Gandhi of electoral malpractices and disqualified her from the Parliament and stated that she won't be able to hold any elected post for the next 6 years. Soon after this verdict, she had declared the Emergency.

Background to Emergency

1970's was a period of political turmoil in India. This period witnessed tensions in the relationship between the government and the judiciary. Ideological differences erupted within the Congress and it sharpened the division between Indira Gandhi and her opponents. Congress gave the slogan of Garibi Hatao in 1971 elections. Due to various national and international factors, the social and economic condition in the country did not improve much after 1971-72.

- **Gujarat and Bihar Movements:** Gujarat and Bihar were Congress ruled states. Despite this fact students from both the states started agitation against rising prices of food grains, cooking oil and other essential commodities, and against corruption in high places. Jai Prakash Narayan from Bihar gave a call for total revolution in the social, economic and political spheres.
- **The Naxalite Movement:** In 1967, a peasant uprising took place in Naxalbari area of Darjeeling (West Bengal) under the leadership of CPI (M), headed by Charu Majumdar. The government has taken stern measures in dealing with the Naxalite movement.
- **Railway Strike of 1974:** A nationwide strike by all employees of the Railways was led by George Fernandes. Its main demand was related to bonuses and service conditions. The government declared the strike illegal and it had to be called off after 20 days without settlement.

- **Conflict with Judiciary:** 1970s witnessed a bitter relationship between legislature and judiciary. In 1973, issue of appointment of Chief Justice of India worsened the condition.
- The highest point in controversy came when the High Court declared Indira Gandhi's election invalid.

Consequences

- **Freedom of Press** and some of the **Fundamental Rights of the citizens** were **suspended**. All the ongoing protests ended, strikes were banned, opposition leaders were put in jail.
- Prior approval of government was needed to publish any article or matter it is called **press censorship**.
- Sweeping constitutional amendments were carried out like the **39th amendment** which prohibited SC from hearing election petitions and the **42nd amendment**, which declared that any amendment to the Constitution cannot be questioned in any court.
- Even the tenure of legislatures was extended to six years.

Controversies regarding Emergency

- After the emergency, an investigation was done by the Shah Commission. It found that in some areas excess restrictions were implied during the emergency.
- The government argued that in a democracy, the opposition parties must allow the elected ruling party to govern according to its policies.
- The critics say that Indira Gandhi misused constitutional provision meant for saving the country to save her personal power.
- The Shah Commission estimated that nearly one lakh people were arrested under preventive detention laws.
- Apart from the arrests of political workers and the restrictions on the press, the emergency directly affected the lives of common people in many cases.

Lessons from Emergency

- The Emergency brought out both the weaknesses and the strengths of India's democracy.
 - To prevent any attempt to throttle democracy **on the grounds of internal disturbance, the 44th Amendment in 1978** had been carried out. As a result, the President can declare Emergency only due to **external aggression** and **the condition of "internal disturbance" was replaced with armed rebellion**.
 - The President's proclamation has to be approved by both the houses of Parliament within a month.
- It brought out some ambiguities regarding the Emergency provision in the Constitution that have been rectified since.
- The emergency made **everyone more aware of the value of civil liberties**. An important lesson taught by Emergency is that the people of India, although **peace-loving, will never tolerate authoritarianism**.
- The Courts too, have taken an active role after the Emergency in protecting the civil liberties of the individuals. This is a response to the inability of the judiciary to protect civil liberties effectively during an emergency. Many civil liberties organisations came up after this experience.

Thus, Emergency was like a vaccination against dictatorship.