

# THE EMERGENCY OF 1975 - A BRIEF NARRATIVE

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## Topic

*What were the reasons that the Government of India give for imposing Emergency in 1975? Why was this decision criticised? What aspects of the social contract theory explain the Government's actions and what part explain the opposition to Emergency by the citizens?*

## Introduction

At the stroke of the midnight hour on 25th June 1975, while the world slept, India was bound with the chains of totalitarianism and acquiescence. On this date, Indira Gandhi, the then Prime Minister of India, declared a state of Internal Emergency across the country due to internal disturbances and stripped away the civil liberties constitutionally granted to each citizen while granting herself unchallenged governance. The period which lasted for 21 months was widely met with dissent and is viewed as one of the darkest periods in Indian democracy.

## The Stated and Unstated Reasons

Various economic, social and political factors built up to the unique state the Indian nation lay in prior to 1975.<sup>[2]</sup> The chief reason was the rising political and civic unrest brought about by large-scale protests and strikes by students and labour unions. A freedom-fighter and socialist, Jayaprakash Narayan spearheaded one of these movements against the Bihar government, calling for '*sampoorna kranthi*' or 'total revolution'.<sup>[3]</sup> After Indira Gandhi's Allahabad conviction for electoral malpractice, JP organized a large rally in Delhi, where he exhorted the police and armed forces to disobey direct orders if the orders were unethical or immoral. In her first Emergency broadcast (26th June 1975), Gandhi announced:

*"Certain persons have gone to the length of inciting our armed forces to mutiny and our police to rebel...How can any Government worth its name stand by and allow the country's stability to be imperilled?"*<sup>[1]</sup>

Meanwhile, millions of railway workers across the country took part in a strike led by Socialist leader George Fernandes, which halted the movement of goods and people for weeks. Even as this happened, Opposition leaders demanded her resignation after the Allahabad High Court declared her election void. Gandhi believed that this disruptive climate made it hard for any nation to survive, let alone prosper.

Gandhi further believed India was in need of rapid economic development to function. The nation's economy was in shambles after the India-Pakistan war of 1971 and Oil Crisis of 1973. Moreover, the country was struck by drought and unemployment rates soared. There was a large influx of refugees during the war and India couldn't agriculturally sustain her population. Furthermore, she was warned against the intervention of external powers destabilizing and weakening the subcontinent in the wake of the recent war.<sup>[6]</sup> All of this only cemented her belief about the constitutional necessity of an Emergency.

## **Criticism**

Many viewed Indira Gandhi's declaration as a selfish attempt to retain and amass power. Backed into a corner, Gandhi made an arbitrary decision without informing the Union Cabinet, pronouncing the political demonstrations across India as a threat to the security of the state, despite it being within the bounds of the Constitution. Stripping the citizens of a country of their freedom on the pretext of political opposition and economic sustainability heralded the slow disintegration of democracy to many.

During the Emergency, Gandhi's government arrested and tortured thousands of opposition leaders, protesters and dissenters without providing any grounds for their detention. Countless human rights violations took

place, many stemming from Sanjay Gandhi's compulsory sterilization programme to limit population growth. All democratic activity was suspended and four major political-religious organizations were banned. The media was heavily censored and used to disseminate propaganda. One of the most controversial acts was the enactment of the 42nd Amendment, which undermined the power of the judiciary and gave the Parliament free rein over constitutional amendments.<sup>[4]</sup>

## **An Explanation Using Social Contract Theory**

Social contract emerged as a theory to explain the political legitimacy of a state's authority over an individual and the exchange of freedom for security between them. Many philosophers have contributed to this theory over the years but for the purpose of this analysis, we will be mainly considering the posits of Thomas Hobbes, John Locke and Jean-Jacques Rousseau.

According to Hobbes, citizens had to surrender their rights and freedoms to an authority who would protect and preserve their lives and property, so that they could prevent them sliding back into the lawless State of Nature.<sup>[11]</sup> By this rationale, Indira Gandhi was simply preventing the country from falling into a state of anarchy. If we take a closer look at an emergency as a separate system, we realize that historically, the primary function of emergencies have been to ensure the survival of the state <sup>[10]</sup>. In the years leading up to 1975, India was in an economic slump and was simmering with political tension. Gandhi felt that the stability of the nation could only be regained by a prerogative such as what was mentioned by Locke in his treatises -

*"This power to act according to discretion, for the public good, without the prescription of the law, and sometimes against it..."* <sup>[12]</sup>

Additionally, the actions Gandhi took during the Emergency, such as using ordinances issued by the President to bypass slower decision-making machinery like the Parliament, holds with the view that the government must respond to emergencies with speed and efficiency.

However, an Indian citizen viewed the Emergency differently. The general will of the people did not align with the decision taken by their representatives and so were qualified to withdraw their obligation to obey, or change the leadership through elections or other means including, when necessary, violence.<sup>[9]</sup> So even during a 'great danger', if there was some doubt about the general will, Rousseau asserted the illegitimacy of non-application of laws.<sup>[10]</sup> The gravest breach of the social contract came with Indira Gandhi's move to suspend Right to Life and Personal Liberty, by dispensing with the Habeas corpus in 1977. This violated the natural and inalienable right of life, liberty and property (Locke), something which was beyond the authority of any body to dismiss. All of this justified the subsequent backlash and opposition shown by the people upon enactment of the Emergency rule.

## **Conclusion**

The Emergency of 1975 marked a turning point in Indian democracy. The grim episode highlighted the weaknesses in the Constitution and the fragility of the contract between a citizen and his government. It signalled the rise of a wave of populist leaders who have forgotten the pillars of democracy and governance, and instead, thrive on propaganda and fear. And yet, it showed how India didn't succumb to dictatorship and fought back for its hard-earned freedom and liberty. It helped India transition into a more matured nation that wholly understood the value of democracy.

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