

## Democracy in Danger: 50 Years Ago, the Emergency was Declared in India

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Political developments in India in recent years have been characterized by an increasing entrenchment of autocratic forms of rule. Critics often compare it to the state of emergency during Indira Gandhi's reign in the 1970s. At the 50th anniversary of its inception, it is not just because of the round date that the events of that time are worth remembering; they are also of very current interest.

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### „Indira is India, India is Indira“

The state of emergency declared by the Indian president at the request of the prime minister in June 1975 was accompanied by measures that threatened to soon transform the entire country into a prison. Opposition politicians and trade union leaders were imprisoned, newspapers and other media were censored, the parliament and the judiciary were subordinated to the executive branch. "Indira's kitchen cabinet" became the centre of power - with Indira Gandhi and her son Sanjay as the cooks. The then president of the Congress Party, Devkant Barua, issued the motto: "Indira is India, India is Indira."

A state of emergency had existed in India already under Prime Minister Jawaharlal Nehru—declared at the outbreak of the Sino-Indian War in 1962—and again during Indira Gandhi's rule because of the war against Pakistan in December 1971. While the state of emergency in those cases had been declared for external reasons, the 1975 emergency was declared due to "internal unrest." The immediate cause was a ruling by the Allahabad High Court on June 12, 1975, which found the prime minister guilty of electoral fraud in 1971 and banned her from participating in elections for six years. She was stripped of her parliamentary mandate and thus also of her claim to premiership.

According to P. N. Dhar, Indira Gandhi's secretary and advisor, the declaration of a state of emergency was motivated less by concern for her personal position. Rather, it was a reaction to the years of agitation by Jayaprakash Narayan and his followers, with the support of most opposition parties, against corruption and mismanagement. While Jayaprakash accused the Congress Party of a "trend toward fascism," the Prime Minister spoke of a threat to public safety, economic stability, and the unity of India. The state of emergency, she argued, served precisely to defend democracy and was directed against anti-constitutional and anti-national forces. "Some personal rights," she argued, "must be set aside for the human rights of the nation."

First, a wave of arrests swept across the country under the Defense of India Act—an emergency law dating back to the colonial era. Among those imprisoned—more than 100,000 people in total—were prominent Indian politicians from both the left and right, such as freedom fighter and Congress politician Raj Narain, the socialists Ashoka Mehta and Jivatram Kripalani, the trade unionist George

Fernandes, many Communist Party officials, and the later BJP leaders Atal Bihari Vajpayee and Lal Krishna Advani. Congress Party members such as Chandra Shekhar and Mohan Dharia, who opposed the emergency declaration, were also imprisoned, as was Morarji Desai, who belonged to a breakaway wing of the Congress Party. Desai, along with other opposition groups, founded the Janata Party, and following its success in the 1977 elections, he later replaced Indira Gandhi as Prime Minister.<sup>1</sup>

Organizations such as the Rashtriya Swayamsevak Sangh ("National Volunteer Association") and the Jamaat-e-Islami Hind ("Islamic Community of India") were banned, the governments of some federal states were deposed, with the states being placed under President's Rule. This was the case, for example, with the government of Tamil Nadu formed by the Dravidian Progressive Union (Dravida Munnetra Kazhagam). The federal structure gave way to the establishment of a unitary, centralized state. The introduction of "Fundamental Duties" (42nd Amendment to the Constitution of 1976, Section IVa) also meant an increase in the power of the executive branch.

Many opposition members went underground to avoid arrest. But there was no major resistance among the population. This included civil servants, who followed orders from above regardless of their personal assessment of the legal situation. They disregarded the rights of prisoners and went so far as to falsify documents. There were even open supporters of the government measures. The social reformer Vinoba Bhave (founder of the Bhoodan movement for the redistribution of land ownership) welcomed them as necessary to restore order, as did some industrialists such as J.R.D. Tata and regional politicians such as the Chief Minister of Orissa Nandini Satpathy. Many believed that the state of emergency had restored discipline to public life, the crime rate and violence between Hindus and Muslims had decreased significantly, and the economy was once again flourishing.

Indira Gandhi was able to rely on her party's large majority in parliament and ruled primarily by decree, overriding parliament. She initiated a 20-point program (later renewed several times) to stimulate economic growth, create jobs, and implement land reform. Poverty and illiteracy were to be combated, in particular. "Garibi Hatao Desh Bachao" (Hindi, literally: "Eradicate poverty, save the country") was a catchy campaign slogan.

The initiatives to curb population growth were particularly controversial. For Sanjay Gandhi, who was gaining increasing influence without a parliamentary mandate or an official government position, India's rapid demographic development posed a major problem. The birth control program he initiated initially relied on voluntary participation. Material benefits (land, housing, etc.) were offered as incentives. However, the responsible local authorities were increasingly put under pressure by setting targets for how many people should be sterilized within a certain period of time. The number of sterilizations - especially among the poor and members of lower castes - tripled between 1976 and 1977, to over 8 million.

Sanjay Gandhi's name was also associated with the brutal measures taken to clear slum areas. In April 1976, the Turkman Gate slum settlement in Delhi, which was primarily inhabited by Muslims, was eliminated. Thousands of residents were displaced, and more than 800 houses or apartments

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<sup>1</sup> 73-year-old Jayaprakash Narayan, whose kidney disease worsened during his solitary confinement, was released on parole after 30 days. Charan Singh, leader of the Bharatiya Lok Dal, was released after eight months in detention.

were destroyed by bulldozers. The homeless had to struggle for years to find new housing.

### **International Criticism**

This policy met with growing concern and criticism from abroad. British columnist Bernard Levin, in an essay published by *The Times*, focused primarily on press censorship and interference in the judiciary in India, concluding that "Mrs. Gandhi's shabby little regime" definitely deserved the term "totalitarian".

The very day after the Emergency was declared, Amnesty International issued a public appeal to the Prime Minister to release political prisoners. In a cable, Amnesty stated that the arrests represented a violation of India's long democratic tradition. The Indian government consistently dismissed foreign criticism as interference in domestic affairs - "the foreign hand!" - and in an interview with *Socialist India*, Indira Gandhi accused Amnesty International of being heavily involved in the "hate-India campaign".

After the end of the state of emergency and the Janata coalition's accession to power, an Amnesty International delegation visited India from December 1977 to January 1978 and subsequently submitted a detailed report.<sup>2</sup> The organization linked its intervention with the recognition that the country had, up to that point, "a tradition of supporting international initiatives for the protection of human rights".

In May 1977, the new Indian government established a commission chaired by former Chief Justice J.C. Shah to investigate all violations of the law committed during the state of emergency. The findings were published in three parts between March and August 1977. However, the plan to establish special courts to expedite criminal proceedings was delayed until Indira Gandhi regained power. The Supreme Court also refused to approve it.

### **Interlude or Turning Point?**

The state of emergency has seared itself into India's collective consciousness as the moment when the world's largest democracy almost came to an end. "In one fell swoop, for the first time in the history of independent India", human rights activist Salil Shetty later (in 2016) recalled the immediate impact of the emergency declaration, "all civil and political rights were suspended". To this day, the Emergency is considered a dark and shameful chapter in Indian democracy and the most profound turning point in the country's political development since the end of colonial rule.

A similar significance is associated by many observers now with the reign of Narendra Modi. Years ago already, some had concluded that the country was in a worse and more frightening phase than in 1975. When Modi took office in 2014, L.K. Advani, who himself had been a Hindu nationalist agitator and had been imprisoned during the 1975 Emergency, warned that the forces that could destroy democracy were more powerful today than ever. Of course, "no one could enforce that so easily today, based on the experiences of 1975 to 1977. But I won't claim that it can't happen again. It could be that fundamental freedoms will be restricted again."

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<sup>2</sup> Report of an Amnesty International Mission to India 31 December 1977 — 18 January 1978 (<https://www.amnesty.org/en/wp-content/uploads/2021/06/asa200031978en.pdf>).

Particularly after Modi's overwhelming election victory in 2019, there were constant new attacks on civil liberties, personal rights, and freedom of expression, without a state of emergency being declared. Critics increasingly refer to an "undeclared emergency", and they see the threat to law and freedom in India today more in the skilful concealment of what is happening. "The last seven years have shown that democracy, rules, and regulations can be the perfect cover for the suspension of democratic values and civil liberties."<sup>3</sup>

Modi even tries to use the memory of the 1975 Emergency itself to enforce his own intentions. At the opening of the 18th Lok Sabha in June 2024, he sharply rejected any attempt to "curb dissent" in the name of the Constitution: "Tomorrow is June 25. For all who defend the dignity of our Constitution and believe in Bharat's democratic traditions, June 25 is a day to remember. Tomorrow marks the 50th anniversary of the writing of a dark chapter in India's democracy." He added: "The new generation of Bharat must never forget how the Constitution was utterly disregarded and torn apart, the country turned into a prison, and democracy suppressed."

If Modi pretends to impart the lessons of 1975 to the younger generation for strengthening democracy and the rule of law, his government's current policies apparently follow a completely different historical agenda. While Indira Gandhi claimed to be acting in the name of discipline and order, what is at stake today is the future of development and the nation as a whole. The undemocratic interlude under Indira Gandhi was based on rather instrumental and short-term considerations. When she and her advisors were (erroneously) convinced they would win the next election, she lifted the state of emergency. Modi's policies, on the other hand, are ideologically founded and have a long-term perspective. According to Sumit Ganguly, there is no reason to believe that India will soon reverse its path towards electoral autocracy.

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<sup>3</sup> Quoted in Anil Jain, „India's Undeclared Emergency: Often More Chilling than in 1975“, in: *NewsClick* 25 June 2021 (<https://www.newsclick.in/indias-undeclared-emergency-often-more-chilling-1975>).