

1st proclamation of emergency

- China attack on India (October 1962- January 1968)
- President announces this emergency on the grounds of Article 352's external aggression.
- Article 352- emergency
- Article 359- suspension of fundamental rights (21 & 22)
- Can't impose fundamental rights even through courts.
- Leaders of opposition / members of previous parties are arrested i.e. (200 People) on the ground that their activities are against the national interest.

On 21st October 1962 the war with China was over but this emergency wasn't. The first emergency was running and in between India and Pakistan armed conflict has taken place.

In April 65-sep 65 it converted into war. After sometime between both the countries declared a cease fire and on January 6 conditions were improved and an agreement was signed named as TASHKENT AGREEMENT. Now in both the countries everything was normal then too the 1st emergency was still in exists.

Slowly from the burden of emergency people were getting frustrated because of that - public campaigns had taken place. Due to this International focus had taken place and due to all this on January 1968 government had dismissed the 1st emergency.

2nd proclamation of emergency

India- Pakistan war- 3rd December 1971

The Bangladesh crisis had put a heavy strain on India's economy. About eight million people crossed over the East Pakistan border into India. This was followed by war with Pakistan. After the war the U.S government stopped all aid to India.

In the international market, oil prices increased manifold during this period. This led to an all-round increase in prices of commodities. Prices increased by 23 per cent in 1973 and 30 per cent in 1974. Such a high level of inflation caused much hardship to the people.

Industrial growth was low and unemployment was very high, particularly in the rural areas. In order to reduce expenditure, the government froze the salaries of its employees. This caused further dissatisfaction among government employees. Monsoons failed in 1972-1973.

This resulted in a sharp decline in agricultural productivity. Food grain output declined by 8 per cent. There was a general atmosphere of dissatisfaction with the prevailing economic situation all over the country.

In such a context non-Congress opposition parties were able to organise popular protests effectively. Instances of students' unrests that had persisted from the late 1960s became more pronounced in this period.

There was also an increase in the activities of Marxist groups who did not believe in parliamentary politics. These groups had taken to arms and insurgent techniques for the overthrow of the capitalist order and the established political system.

India's army moved up to the Bangladesh border and by early December had advanced virtually unopposed to Dhaka, which was surrendered in mid-December. Mujib, released by President Zulfikar Ali Bhutto—who had taken over from the disgraced Yahya Khan—flew home to a hero's welcome, and in January 1972 he became the first prime minister of the People's Republic of Bangladesh.

India's stunning victory over Pakistan in the Bangladesh war was achieved in part because of Soviet military support and diplomatic [assurances](#). The [Treaty of Peace, Friendship, and Cooperation](#), signed in mid-1971 by India with the [Soviet Union](#), gave India the arms it used in the war. With the birth of Bangladesh, India's already dominant position in [South Asia](#) was [enhanced](#), and its [foreign policy](#), which remained officially nonaligned, tilted further toward the Soviet Union.

In a last-ditch but [futile](#) effort to support Pakistan, a nuclear-armed [aircraft carrier](#) of the U.S. Pacific Fleet was sent to the [Bay of Bengal](#), ostensibly to evacuate civilians from Dhaka, but the war ended before any such assistance could be rendered. Many Indians viewed the aircraft carrier's presence so close to their own shores as provocative "[nuclear weapons](#) rattling." By 1972 India had launched a nuclear program of its own, detonating its first plutonium-armed device under the sands of northwestern [Rajasthan](#) state in May 1974. The atomic explosion was felt in Pakistan's neighbouring [Sindh](#) province and triggered that country's resolve to produce a [bomb](#) of its own as swiftly as possible. Pakistan subsequently forged stronger ties with [China](#) and with Muslim countries to the west but found itself further diminished as a potential challenge to Indian [hegemony](#) over South Asia

It was imposed because between India and Pakistan armed forces were already there. As emergency was declared for the security of India Parliament has-

- Maintenance of SAFEMA
- COFEPOSA Act
- MRTP Act

After emergency because of this three Act centre have many powers and they misuse of that power because of that these things have taken place:

- Arrest
- Custodial Death
- Encounter

Like first emergency between India and Pakistan the war was ended but emergency wasn't over. 1974 President have told that under MISA no one can enforce their fundamental rights through courts. Before the revocation of 2nd emergency 3rd emergency has declared-

3rd Proclamation of Emergency

On 25 June 1975- 23 march 1977 (internal disturbance)

Before this proclamation of emergency in June 1975 Allahabad HC had in election petition

has held Indira Gandhi in corrupt practices and she was disqualified by her public office and in next 6 years she can't assume any public office. Indira Gandhi then took this order to Supreme Court but at that time Supreme Court was on vacation. And opposition people were demanded resignation and in all over the country wide spread agitation took place.

On 25th June 1975s night without the consent of the Council of Ministers Indra Gandhi had written an application to president. Generally, president have to Proclaim emergency he has to take Aid and Advice of the Council of Ministers. But this time only on the words of Prime Minister the emergency was proclaimed.

1975s Internal emergency was most restrictive and pressurize emergency.

- Constitutional amendments
- Fundamental rights were curtailed
- Political opponents were arrested
- Insensitive government programme
- Press censorship
- Emergency (president < cabinet of ministers) president satisfaction = final and conclusive
- Safeguarding security of India

Finally, on 23rd march 1977 this emergency was revoked.

WHAT WERE THE EVENTS BEFORE THE EMERGENCY THAT LED TO INDIRA GANDHI TO DECLARE A SUDDEN EMERGENCY IN INDIA?

It all started in January 1974 with a **youth and students' movement in Gujarat**. The agitation was aimed at the removal of Chief Minister Chimanbhai Patel for leading what the protesters called a "corrupt and inept" administration, calling itself the Nav Nirman movement. **Morarji Desai**, who had lost the race for Prime Minister to Indira Gandhi twice in 1966 and 1967, blessed the campaign. The veteran leader, still nursing his aspirations, saw the unrest of the students as a golden opportunity and plunged himself into the movement's head. At the same time, agitation in Bihar for the removal of Bihar CM Abdul Ghafoor began. This was led by **Jayaprakash Narayan**, a leader of Sarvodaya, and once a close associate of Pandit Jawaharlal Nehru in the struggle for liberty, who after the mid-1950s kept himself away from politics. For what he called "**Sampuran Kranti**," or Total revolution, JP, as he was popularly known, initiated a nationwide agitation, starting with Bihar.

JP asked students to boycott classes, abandon their schools and colleges for a year, and campaign for his "**Total revolution**" to organize the people. He told the students of Bihar: "You will have to make sacrifices, face lathis and bullets misery and fill up gaols." Adding fuel to the fire was **George Fernandes**, a labour leader who led railway workers in a national strike in 1974 in an attempt to paralyze the transportation system of the country and its economy. JP called on all opposition parties to join his movement, although some of them, like Jan Sangh and the Communists, were ideologically separated from each other. His first and foremost mission was to "throw out Mrs. Gandhi's government" and then create a "partyless democracy" after crushing Congress. This was a vague idea that was never completely established and attracted media scrutiny.

On January 2, 1975, the Minister of Railways, L.N. Mishra was blown up by a bomb planted on a platform in Samistipur, where he was attending a function. It was alleged that trade unionists loyal to George Fernandes were involved. On February 15, in New Delhi, JP addressed government employees and urged the Army and the police not to follow "illegal" orders. Morarji Desai started a "fast to death" in Gujarat on March 11, demanding the dismissal of the state government and new elections. The 79-year-old Gandhian leader worked on this pressure strategy and Mrs. Gandhi decided to dissolve the Assembly and hold fresh elections in June. The elections were held where the five-party alliance of JP and Morarji Desai defeated the Congress badly.

Yet there was worse to come. The lightning bolt hit on June 12, 1975, the same day. The news was received on the PMO's ticker machine that an **Allahabad high court judge** had ruled that Indira Gandhi was guilty of electoral malpractice during the 1971 general election. The verdict invalidated the election of Mrs. Gandhi as an MP and for six years debarred her from holding an elective office. There were fairly minor charges in which Indira Gandhi was found guilty but the nation's mood was different. "Indira must go" was the cry from one end of North India to another. Jayaprakash Narayan announced that "the existence of democracy in India will be incompatible with her remaining in office."

In the Supreme Court, the order of Justice Jagmohan Lal Sinha was open to appeal. One of the most renowned constitutional lawyers in the world, Nani Palkivala, happened to be in New Delhi on the day of the verdict. He decided to appeal the verdict on Mrs. Gandhi to the Supreme Court and told her that there was no political or legal justification for her to step down until her appeal had been heard. On June 24, the holiday judge of the Supreme Court, Justice V.R. Krishna Iyer, gave his decision. He permitted the Allahabad verdict to remain conditional. But the order to remain just strengthened JP and Janata Morcha's demand for the resignation of the Prime Minister. On June 25, Morarji Desai said, "We intend to overthrow her, compel her to resign ... The lady will not survive our campaign ... Thousands of us will surround her house to stop her from leaving." Both JP and Morarji Desai had conveniently set aside the Gandhian values they had adopted in their public life before they became obsessed with the removal of an elected prime minister, ignoring even the Supreme court.

It was these circumstances, on June 26, 1975, that led Mrs. Gandhi to enforce the emergency.

MAIN REASONS FOR THE EMERGENCY:

Economic Issues:

- India's support for the **independence of Bangladesh** has had a serious effect on India's foreign reserves.
- In 1972 & 73, consequent monsoon failure affected the availability food and fuel prices in India.
- Large-scale unemployment and economic contraction resulted in industrial strife and strike waves in various parts of the country, culminating in the May 1974 - All India Railway Strike.

Judiciary's executive tussle:

- The constitution was amended by the Union government under Indira Gandhi's leadership to allow it to abridge fundamental rights thus giving effect to DPSPs. But, later, the Supreme Court ruled in the **Kesavananda Bharti case** that certain fundamental features of the constitution cannot be amended.
- Furious with the SC decision, the long-term precedence of naming most senior judges of SC as Chief Justice was modified by the Union Government.
- While hearing the plea of Socialist leader Raj Narain on the legitimacy of Indira's victory over Lok Sabha, Allahabad HC ruled in his favour and set aside her victory and ruled her election invalid based on misuse of authority.

Movement JP:

- In 1974, Gujarat students protested immensely against the increase in prices of food grains, cooking oil, and other basic commodities later joined by political parties.
- Similar unrest was initiated in Bihar by students in March 1974, motivated by the efforts and progress of the Gujarat student movement.
- JP Narayan called for "Sampooran Kranti" (Total Revolution) to protect democracy from the authorization of Indira Gandhi.

WHAT WERE THE EFFECTS OF EMERGENCY?

The union government misused its emergency powers and curbed the people, opposition parties, and the press' democratic rights.

- Electricity was disconnected from the newspaper rooms, and leaders of opposition parties were arrested.
- Via "Press Censorship," the government curtailed press freedom and made it necessary to receive its permission before publishing it.
- No marches, strikes, and public unrest were permitted.
- The government misused the provision of preventive detention and imprisoned the opposition parties' political staff.
- During the emergency, torture and custodial deaths occurred, forced displacement of poor citizens, compulsory sterilization imposed for population control.

IMPACT ON INDIAN DEMOCRACY:

The Emergency Declaration highlighted the fault lines that can be manipulated to bring about an authoritarian rule in Indian democracy.

In 1976, during the time of internal emergency, the **42nd Constitutional Amendment Act** was passed, which strengthened the union executive and contributed to the further centralization of power.

There were four main purposes for this amendment:

- Exclude the judiciary from election controversies entirely;

- Strengthen the central government vis-à - vis the governments of states
- To provide socially transformative legislation with full immunity from a judicial challenge;
- To minimize judicial interventions in legislative matters. The amendments could not be challenged on any basis in any court; and there should be no restriction on the power of Parliament to amend the Constitution 'by way of extension, variation, or repeal.'

POST-EMERGENCY EFFECTS:

Prominent changes were made by the **44th Constitutional Amendment Act** to include protections against the abuse of emergency provisions:

- Under Article 74(1), the President may require the Council of Ministers to reconsider any advice submitted to him, but the President must act by the advice submitted following such reconsideration.
- To restore the authority of the High Courts to issue writs on matters other than the protection of fundamental rights i.e. Article 226 was amended.
- **Article 352** was amended to provide that a declaration of emergency may be issued only if war or external invasion or **armed rebellion** threatens the security of India or any part of its territory. 'Internal Disturbance' which does not amount to armed rebellion shall not constitute the basis for such an Emergency Proclamation.
- It became mandatory for the President to issue an emergency declaration only after the cabinet conveyed it to him in writing.
- The Emergency Proclamation shall be approved by a resolution of the two Houses of Parliament within one month (instead of two months) and shall be approved by a majority of the total membership of each house and by a majority of not less than two-thirds of the members present and voting in each house, instead of a simple majority.
- Approval by resolution of the two houses of parliament will be required every six months for the continuation of the emergency.
- The Emergency Proclamation will be repealed once the Lok Sabha passes a resolution repealing it by a simple majority.
- A special meeting to discuss a resolution disapproving of the proclamation may be convened if demanded by 10 percent or more Lok Sabha members.