

[ADRN Issue Briefing]

India's State of Emergency at 50: Enduring Lessons for Democracy

Niranjan Sahoo (Observer Research Foundation)

Introduction

June 25 marked the 50th anniversary of the Emergency in India. On this eventful day, Prime Minister Indira Gandhi declared Emergency, leading to the partial suspension of the world's largest democracy for 21 months (1975-1977). While there are number of reasons for the unprecedented decision (Raghavan 2025), the immediate trigger for the Emergency was the Allahabad High Court's judgment on June 12, 1975, which declared Prime Minister Gandhi's 1971 election victory as illegal on the grounds of electoral malpractices (Roychowdhury 2018). Although the Supreme Court issued a conditional stay of the Allahabad High Court's verdict, the judgment indicting her for the alleged electoral fraud provided a significant impetus for the united opposition led by popular Jayaprakash Narayan, or JP, to call for the Prime Minister's resignation. Maintaining the pressure, JP called for *Sampoorna Kranti* (total revolution) while provoking the armed forces to overthrow Gandhi's corrupt government. In response, Gandhi imposed a state of emergency, citing "internal disturbances" (Viswanath 2025). Subsequently, there was an unprecedented and extraordinary consolidation of executive power without no real checks.

Major Fallouts

The proclamation of Emergency was followed by a series of executive and legislative actions. The most significant development was the suspension of fundamental rights, including those enumerated in Article 19 (freedom of expression) and Article 21 (right to life). The Maintenance of Internal Security Act (MISA) was enforced to arrest nearly all opposition leaders, including prominent figures such as JP, L.K. Advani, Atal Bihari Vajpayee, and Jyoti Basu. More than 110,000 people were arrested from all over the country. Fiat bans were imposed on trade unions and civil society organizations, and the authorities arrested the leaders of these groups (Biswas 2025).

The Indian press, which had been quite vocal in its opposition to Gandhi and her policies, was subjected to severest censorship and intimidation. While more than 250 journalists were arrested, as many as 830 daily newspapers faced strict monitoring from officials and were not allowed to publish anything related to Emergency (PIB 2025). It is noteworthy that the government abolished the Press Council of India, a key media watchdog.

The most contentious emergency measure was the population control program spearheaded by Sanjay Gandhi, Gandhi's elder son and political successor. With the objective of curtailing population growth, Sanjay Gandhi initiated a program of coercive sterilization that targeted populations in northern Indian cities when people were forcibly sterilized by medical squads and police teams. Over a period of two years, more than 11 million individuals were sterilized, with state governments linking access to essential services, including rations, housing, and employment, to sterilization procedures (PIB 2025). Concurrently, he and his cadre of officials and volunteers initiated a substantial "clean-up" initiative under the auspices of urban renewal, which resulted in the demolition of approximately 120,000 slums across the nation. In Delhi alone, some 700,000 people were rendered homeless as a consequence of this urban beautification initiative (Biswas 2025). The incessant demolition of slums by bulldozers was initiated, triggering violent protests in many places and leading to many deaths due to police firings/high handedness.

Collapse of Referee Institutions

Beyond these repressions unleashed on a nationwide scale, Gandhi's government worked relentlessly to undermine and control key democratic institutions. The transformation of the parliament into a mere rubber stamp institution occurred alongside a striking subjugation of the judiciary. This judicial body, which had previously exhibited signs of autonomy and resilience-illustrated by the Allahabad High Court's declaration of Prime Minister Gandhi's election as null and void-found itself effectively neutralized by the prevailing executive pressures. The judges who had formerly exhibited resistance to parliamentary majoritarianism in 1973 - as evidenced by their issuance of the *Kesavanand Bharati* judgment- adopted a contradictory stance during the Emergency, endorsing the state's prerogative to suspend fundamental rights, including the right to life as defined under Article 21. With the exception of Justice H.R. Khanna, all judges of the Supreme Court Bench acquiesced to the pressures exerted by the Executive and aligned with the repressive regime (Raj 2025).

Beyond the realm of civil liberties, the nation's courts across the country failed to discharge their constitutional roles during the state of emergency. Scholars have documented that courts failed to intervene even once in instances of state violations of individual freedom (Jaffrelot and Anil 2021). The judiciary also remained as an external observer during the period of significant constitutional amendments, particularly the 42nd amendment (often referred to as the "Mini Constitution"¹). This amendment, among its various provisions, revoked the judicial authority to invalidate elections.

Beyond judges, even ministers, civil servants, and prominent media figures who are supposed to defend and protect the constitution chose to align with the regime and its repressive actions. A significant segment of the elites and prominent business leaders, including JRD Tata, endorsed emergency measures, perceiving them as a means of reestablishing "order and discipline" in the nation. They cited several accomplishments, including the increased reliability of train schedules, the enhancement of industrial productivity, the curtailment of inflation and price increases, among other

¹ Gandhi's government in 1976 brought 42nd Amendment to the Constitution which not only inserted two new words (Secularism and Socialism) to the Preamble, it introduced changes in 40 Articles & the Seventh Schedule while adding 14 new Articles. For this, many legal scholars called it a Mini Constitution. See Apoorva Mandhani. The Print, 26 June, 2025.

<https://theprint.in/india/governance/not-just-socialist-secular-a-lot-more-from-emergency-era-42nd-amendment-still-part-of-constitution/2673050/>

achievements (India Today June/25/2019). To summarize, despite the stringent measures and pervasive violations of rights, the state of emergency garnered significant support from various segments of society, including prominent members of the elites.

India's First Constitutional Dictatorship

While numerous analysts have linked the Emergency to Gandhi's perceived insecurity and the escalating political unrest, which were fueled by external forces (Raghavan 2025), many constitutional provisions enabled her. Her government did not establish a precedent by setting aside the constitution. Rather, she employed existing constitutional mechanisms to suspend freedoms, censor the press, and pressure key institutions to fall in line. This is the precise reason why scholars Jaffrelot and Anil designated Emergency as India's First Constitutional Dictatorship. Gyan Prakash, a distinguished historian specialized in emergency management, has characterized the phenomenon as "the lawful suspension of law" (Ahmad 2025). For instance, the government invoked the provisions of Article 352 of the Constitution, which allowed such a power in the context of "internal disturbance" (Viswanath 2025).

In a similar manner, detention of thousands of political opponents and critics was carried out under the provision of the MISA and other associated legislations. Following the legal challenge to MISA in the courts, she employed the tactic of a brute parliamentary majority to swiftly amend the constitution (39th Amendment), thereby placing the provision under the Ninth Schedule, a section of the constitution which could not be challenged in courts (Viswanath 2025). To summarize, as Jaffrelot and Anil accurately noted "eager to project the Emergency as a democratic endeavor, Mrs. Gandhi chose to amend its provisions to recast Indian political life. Here constitutional dictatorship therefore retained features of parliamentary democracy, including the continuation of parliamentary sessions, and some mainstay of rule of law, including relative autonomy of the Supreme Court..." (Jaffrelot and Anil 2021).

Post-Emergency Restoration and Democratic Renewal

Following a 21-month period of state repression, Prime Minister Gandhi's decision to revoke the Emergency in January 1977 and call for general elections in early March came as a surprise to many observers. Despite the implementation of stringent measures and state overreach that effectively stifled opposition parties and key institutions, the withdrawal of the Emergency and the subsequent restoration of the rule of law and freedom furnished a pivotal opportunity for these stakeholders of democracy to reclaim their voice.

A notable outcome of the dissolution of the Emergency was the unification of previously fragmented opposition groups through a collaborative effort that launched a coordinated campaign to challenge the longstanding dominance of Gandhi's party, which had held power since 1951. The opposition groups swiftly organized the Janata Party (a conglomerate of Bharatiya Lok Dal, Jana Sangh, the Congress-O, and socialists among others) which eventually won the 1977 electoral proceedings. Gandhi faced significant reprisals as a consequence of the excess that occurred during the period of the Emergency. The Janata government, which was in power for a relatively brief period (collapsed in 1979 due to internal rebellions), was notable for being the first non-Congress government at the Centre to enjoy a period of relative success. This success laid the foundation for

the rise of regional and identity-based parties, such as the peasant-proprietors belonging to the middle castes or OBCs (Other Backward Classes) as they are popularly known. The emergence of regional parties as primary competitors to the Congress Party was marked by a deepening of regionalism and federal engagement, thereby introducing novel voices to the Indian democratic process (Yadav 2020).

Beyond the unprecedented resurgence of opposition, the most critical contribution to post-Emergency democratic recovery was made by the judiciary. In the period of the Emergency, the higher courts yielded to executive pressures and exerted considerable effort to salvage their tarnished reputation. The most immediate and noteworthy judicial response was to rectify the damage it had done in the *Habeas Corpus* case (which suspended the right to life during the Emergency). In addition, the Supreme Court bench declared the Forty-Second Amendment unconstitutional which had previously excluded judicial review from the scope of constitutional amendments (*Minerva Mills* case).

In the subsequent decades, the courts initiated an era of judicial activism by employing Public Interest Litigation (PIL) in a creative manner. This approach led to a substantial reduction in state excesses across various domains while concurrently enhancing the legitimacy of the judiciary. However, a significant shift in the relationship between the judiciary and the executive branch occurred in the *Three Judges* case. Prior to this development, the appointment of senior judges was typically conducted by the executive branch. In response to this practice, the judiciary established a Collegium System, which entailed the selection of new judges for the higher judiciary by a group of senior judges. This was justified as a measure to insulate the higher judiciary from potential interference by the executive branch (Sahoo 2023).

The press, which had previously been subject to severe censorship and state repression, finally found its footing following the dissolution of the Emergency in January 1977. The new Janata government, which assumed power in March 1977, established the Shah Commission to investigate the Emergency's transgressions against journalists. It also repealed regulatory restrictions and implemented numerous measures to encourage a robust press. In the wake of state repressions, numerous media outlets and prominent journalists established new outlets, promoted investigative reporting, and expanded the scope of independent journalism (Kapoor 2015). The period from 1989 to 2014, during which a series of coalition governments were in power at the national level, played a significant role in the further expansion of media freedom. In summary, the period following the Emergency witnessed a notable resurgence of freedom, driven primarily by the assertive actions of the press and civil society. This resurgence coincided with the shift in power from Delhi to state capitals, a transition that coincided with the rise of regional political parties and ethnic leaders.

The Legacy of the Emergency on Indian Politics

Despite the passage of half a century, the memories of the excesses during the Emergency remain vivid. Indeed, in an effort to relive the bitter legacies of the current central government led by Prime Minister Narendra Modi, the same BJP-led government recently declared June 25 to be “Samvidhaan Hatya Divas” (Constitution Murder Day). Throughout the course of 2025, a series of nationwide programs have been announced to observe the completion of fifty years of National Emergency (The Times of India July/12/2024). A number of regional parties and civil society organizations have collaborated with the ruling party to educate and raise the awareness among their core supporters. This assertion was met with fierce opposition from the Congress Party, who viewed it as a deliberate strategy by the BJP to mask its authoritarian practices. The Congress Party and its associates have

initiated a series of events and outreaches across the country, naming it “Undeclared Emergency@11”, through which they have launched a scathing attack against Prime Minister Modi and his ruling BJP (The New Indian Express June/25/2025).

A close examination of the political discourse reveals a market resemblance between the leadership of Prime Minister Modi and that of former Prime Minister Indira Gandhi. Beyond the intense political slugfest between the ruling party and the Congress-led opposition, Modi’s 11 years in power - marked by a leadership style bearing notable similarities to that of Indira Gandhi (The Print June/25/2018) - have reignited memories of the Emergency among a significant segment of the informed public. Analysts contend that the two back-to-back electoral landslides for the BJP under PM Modi in 2014 and 2019, which marked the conclusion of 25 years of coalition governments (1989-2014), signaled a return to single party dominance and a robust central government. This development, they contend, has revived authoritarian tendencies reminiscent of the Indira Gandhi era.

As with Gandhi’s constitutional despotism, Modi has employed similar tactics, manipulating constitutional and legal provisions to target prominent opposition figures, dissenters, journalists, civil society organizations, and groups, as well as individuals who voice criticism of the regime and its policies. The government has weaponized state institutions such as the Enforcement Directorate (ED), Income Tax Department (IT) and the Central Bureau of Investigation (CBI) to engage in harassment and coercion of key political targets (Tiwary 2022). Key constitutional provisions such as the Prevention of Money Laundering Act (PMLA) and the UAPA (anti-terrorism law), as well as the Foreign Contribution (Regulation) Act or FCRA (leading to cancellation of licenses of NGOs to raise funds) have been employed to silence dissent and instill pervasive sense of fear among critics and political rivals. (Chowdhury 2024; Sahoo 2024).

A particularly egregious situation is that of media freedom, as evidenced by its dismal ranking of 151 out of 180 according to the recent World Press Freedom Index. The government has adopted a combination of incentives and coercions to manipulate the mainstream media (print, television, and social media outlets) to serve as instruments to enhance the Prime Minister’s image and disseminate false narratives that support the government. Similar trajectory can be observed in the case of key democratic institutions, including the courts, the Election Commission, and anti-corruption bodies, among others. According to analysts, the judiciary, which had previously asserted its autonomy following its unprecedented acquiescence during the Emergency, has been compelled to operate as an “executive court” claim that judiciary which had reasserted its autonomy after its unprecedented climb down during the Emergency has been made to act like an “executive court” (Bhatia 2022).

Despite the significant democratic regression and evident societal and political polarization that have transpired over the past 11 years, it is imperative to recognize that the governance of Modi does not align with the precedent set by the Emergency period under Gandhi’s leadership. Although the Emergency resulted in a near-total shutdown of constitutional mechanisms, the suspension of civil liberties, the imprisonment of an entire opposition, and the unleashing of street terror through arbitrary population control measures, democratic and constitutional spaces persist under Modi. In this context, opposition figures and jailed journalists retain the ability to petition the courts for redress. In a similar vein, within the electoral domain, despite the pervasive influence of the BJP, the electoral process remains largely free and fair, allowing for the possibility of victory for any contender. It is noteworthy that the BJP was unsuccessful in securing a majority in the 2024 elections, despite the substantial advantages it possessed in terms of party organization, financial resources, and

propaganda efforts.

This assertion underscores the notion that India's democratic system, despite its present deficiencies, has demonstrated a notable degree of resilience. Despite his considerable centralization of power and popularity, it is highly improbable that Modi would choose the Emergency path for a variety of reasons. Among them is the fact that his own party leaders and core supporters would almost certainly disapprove of such a course of action. Importantly, the backlashes particularly the shock electoral defeat of Gandhi in 1977 owing to her Emergency excesses still remain a major reminder for the political leaders not to walk that path again.

The recollections of the Emergency years remain vivid in the collective memory and the broader society continues to observe them with keen interest. This assertion is substantiated by the 2024 national elections, wherein the authoritarian style of the Modi government and its implications for democratic institutions became a pivotal component of the opposition's electoral discourse. A vigorous "Save the Constitution" campaign orchestrated by opposition parties and civil society groups was found to have a substantial impact on the electoral performance of the BJP, particularly in the heartland states. This campaign ultimately contributed to the party's inability to secure a majority in the lower house (Raveendran 2024). In summary, the phenomenon of the Emergency memories (and the fear) persists in serving as a significant impediment to India's authoritarian shift under the leadership of Modi.

Lessons for Democracies

India's 1975 emergency episode offers valuable insights for both nascent and established democracies grappling with the challenges of hype-polarization and democratic regression in the current era. First, the transition of a democratic nation to an autocratic regime may not necessitate the implementation of emergency laws. The phenomenon of autocratization, as evidenced by India's contemporary trajectories, can be achieved through a gradual erosion of democratic norms facilitated by institutional and legal manipulations. This requires the cultivation of a vigilant citizenry - distinct from the cheerleading spirit often seen in "Emergency Years" - as well as a free press and active institutions.

Second, a robust executive supported by a substantial legislative majority - as evidenced in contemporary India and the United States - poses a grave threat to the democratic system, even in the presence of robust independent institutions and resilient civil society. A robust system of checks and balances is imperative; said system must be driven by an autonomous judiciary and a strong political opposition.

Third, it has the potential to seriously jeopardize years of democratic gains if the phenomenon of personality cult is not addressed. A leader's tendency to centralize power, their unquestionable authority, and their evident impatience with democratic norms and procedures poses a grave threat to the very foundation of democracy. This underscores the importance of a robust system of checks and balances and constant vigilance by the citizenry. ■

References

- Biswas, Soutik. 2025. “Indira Gandhi’s Emergency: When India’s Democracy was put on pause”, *BBC*, June 25. <https://www.bbc.com/news/articles/cn0gnvq72lko>
- Bhatia, Gautam. 2022. “The Executive (‘s) Court: Notes on Justice Khanwilkar’s Legacy”, *Constitutional Law and Philosophy*. ¹ <https://indconlawphil.wordpress.com/2022/07/29/the-executives-court-notes-on-the-legacy-of-justice-a-m-khanwilkar>
- Chowdhury, Debashish Roy. 2024. “Narendra Modi’s War on Civil Society on Cusp”, *Toda Peace Institute*. May 24. https://toda.org/assets/files/resources/policy-briefs/t-pb-191_war-on-civil-society_roy-chowdhury.pdf
- Prabhash K Dutta. 2019. “Left, right and centre who supported Emergency, called it festival of discipline”, *India Today*, 25 June. <https://www.indiatoday.in/india/story/left-right-and-centre-who-supported-emergency-called-it-festival-of-discipline-1555769-2019-06-25>
- Jaffrelot, Christophe and Anil, Pratinav. 2021. *India’s First Dictatorship*, London: C. Hurst & Co. publishers
- Kapoor, Coomi. 2015, *The Emergency: A Personal History*, Delhi: India Viking
- Majumdar, Kunal. 2025. “Why the rise of ‘godji media’ is a disaster for Indian democracy and economic growth”, *Scroll*, January 14. <https://scroll.in/article/1077310/why-the-rise-of-godji-media-is-a-disaster-for-indian-democracy-and-economic-growth>
- Press Information Bureau (PIB). “The Emergency in India”, 24 June, 2025. <https://www.pib.gov.in/FactsheetDetails.aspx?Id=149224>
- Raj, Kaleeswaram. 2025. “How the Emergency left India’s Judiciary Bruised”, *Hindustan Time*, 24 June. <https://www.hindustantimes.com/opinion/how-the-emergency-left-india-s-judiciary-bruised-101750778076048.html>
- Raghavan, Srinath. 2025. *Indira Gandhi and the Years that Transformed India*, Delhi: Penguin Random House.
- Raveendran, Rehnamol. 2024. “Saving Constitution is the 2024 Mandate”, *Deccan Herald*. June 4. <https://www.deccanherald.com/opinion/saving-constitution-is-the-2024-mandate-3052420>
- Roychowdhury, Adrija. 2018. “Four Reasons why Indira Gandhi Declared Emergency”, *The Indian Express*. June 25. <https://indianexpress.com/article/research/four-reasons-why-indira-gandhi-declared-the-emergency-5232397/>
- Sahoo, Niranjana. 2023. “Ensuring Horizontal Accountability in India: The Role of Judiciary”, *ADRN Issue Brief*. <http://www.adrnresearch.org/publications/list.php?idx=317>
- _____, Niranjana. 2024. “Recent Defamation Case and Mounting State Onslaughts against Political Opposition in India”, *ADRN Issue Brief*. https://www.eai.or.kr/new/en/etc/search_view.asp?intSeq=21933&board=eng_issuebriefing
- The New Indian Express*, “Undeclared Emergency@11: The Congress hits back at Modi Government”, June 25. <https://www.newindianexpress.com/nation/2025/Jun/25/undeclared-emergency11-congress-hits-back-at-modi-government>
- The Times of India*, 2024. “Government declares June 25 as Samvidhaan Hatya Diwas”. July 12. <https://timesofindia.indiatimes.com/india/govt-declares-june-25-as-samvidhaan-hatya-diwas-read-what-the-notification-said/articleshow/111690114.cms>
- The Print*, 2018. “There is striking similarities between Narendra Modi and Indira Gandhi battling

their inner demons”, 25 June. <https://theprint.in/pageturner/excerpt/there-is-striking-similarity-between-indira-gandhi-narendra-modi-battling-their-inner-demons/74619/>

Viswanath, Apurva, “How Indira Gandhi used the Constitution to subvert democracy”, *The Indian Express*, June 25. <https://indianexpress.com/article/explained/explained-history/how-indira-gandhi-used-the-constitution-to-subvert-democracy-10086543/>

Yadav, Yogendra. 2020. *Making Sense of Indian Democracy*. Permanent Black/Ashoka University
Zeeshan, Ahmad. 2025. “Democracy in Retreat, Comparing Emergency with Modi’s India”, *The Wire*. June 25. <https://thewire.in/politics/democracy-in-retreat-comparing-the-emergency-with-modis-india>

- **Niranjan Sahoo** is a Senior Fellow at the Observer Research Foundation.

The East Asia Institute takes no institutional position on policy issues and has no affiliation with the Korean government. All statements of fact and expressions of opinion contained in its publications are the sole responsibility of the author or authors.

This program was funded in part by the National Endowment for Democracy (NED).

“India's State of Emergency at 50: Enduring Lessons for Democracy”

979-11-6617-967-9 95340

Date of Issue: 22 July 2025

Edited by Jaehyun Im

For inquiries:

Jaehyun Im, Research Associate

Tel. 82 2 2277 0746 (ext. 209) jhim@eai.or.kr

The East Asia Institute
1 Sajik-ro 7-gil, Jongno-gu, Seoul 03028, Republic of Korea
Phone 82 2 2277 1683 Fax 82 2 2277 1684
Email eai@eai.or.kr Website www.eai.or.kr