

Declaration of Emergency & lessons

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Declaration of emergency

- On 25th June 1975, at midnight, President of India, Dr Fakruddin Ali Ahmad, signed at the instance of the then -Prime Minister Indira Gandhi- a declaration of emergency in the nation.
- A President cannot act on the advice of an individual, the Prime Minister. The Constitution is very categorical.
- There is Council of Ministers, headed by the Prime Minister, to aid and advise the President.
- This was violated.

Darkest period in India's democratic history

- June 25, 1975 'Samvidhan Hatya Divas' in the form of Emergency witnessed a sweeping suspension of civil liberties, erosion of constitutional safeguards and unprecedented centralisation of executive power.
- Fundamental rights were breached, press silenced under strict censorship, thousands of political leaders, and civil society members were imprisoned.
- More than 100,000 citizens were put behind the bars within hours. They were dragged out of their homes.

Who were these arrested persons

- Many of them became Prime Ministers of the country-Atal Bihari Vajpayee, Morarji Desai, Chandra Shekhar.
- Many of them became Chief Ministers, Governors, Scientists.
- Many of them were reputed journalists.
- Many persons were working as civil society workers including RSS pracharaks.
- Many were Ministers in the Cabinet of Indira Gandhi and belonged to Congress Party.

Judiciary compromised

- Nine High Courts in the country gloriously defined that emergency or no emergency, people have fundamental rights , and there is access to the justice system.
- Unfortunately, the Supreme Court overturned all nine High Courts and gave a judgment .
- It said, it is the will of the executive to have Emergency for as much time as it thinks fit.
- It added, during an Emergency, there are no fundamental rights.
- According to Vice-President Jagdeep Dhankhar, “This Supreme Court judgment legitimised dictatorship, authoritarianism, and despotism in the land”.

Police used as instrument to perpetuate atrocities

- Police were used as an extension of whims of Indira Gandhi and extra-constitutional persons including Sanjay Gandhi to arrest persons whose only fault was they were patriots
- No intimation was given to their relatives about reasons for arrest
- Strict censorship was imposed on press, some of the illustrious papers had blank editorials
- An atmosphere of terror was let loose
- Forcible sterilisation was conducted on persons who had not even married
- Houses of poor persons were demolished by bulldozers in the name of beautifying Delhi

Important lessons

- Ruling party had no hesitation in picking up officers to head the police units irrespective whether they superceded many competent and meritorious senior officers
- The Chief Justice of India was appointed overlooking other senior judges who didn't toe the line of Indira Gandhi
- The Commissioner of Police Delhi was picked up overlloking seniority of more than fifty officers
- These gullible persons were more than happy to toe the line and unleashing illegal actions against helpless individuals

Enquiry Commissions

- Immediately after emergency was lifted and the new government under Janata Party was formed, enquiry commission headed by Supreme Court Justice J.C. Shah was formed. It recorded statements of thousands of victims about atrocities committed.
- The Shah commission concluded that the Emergency was not justified by any existing economic or law and order crisis. It found that the declaration was primarily Indira Gandhi's decision, made without consulting her cabinet and that the powers were abused to target political opponents.

National Police Reforms Commission

- The Dharamveer Commission is another name for the National Police Commission (NPC), which was established in 1977 by the Janata Party government in India. It was chaired by Shri Dharam Vira, hence the popular name, and its primary purpose was to comprehensively review the police system in the country and recommend necessary police reforms
- The commission had wide-ranging terms of reference, covering various aspects of police organization, role, functions, accountability, and its relationship with the public, including political interference and misuse of powers

Recommendations & Implementation

- The commission's recommendations included the establishment of a State Security Commission to prevent undue influence from state governments on the police, and the creation of Police Complaints Authorities at the state and district levels to address public complaints against police officers
- While the reports were submitted, their implementation has been slow and uneven across different states, as noted in various reports

Whether brutal repression of democratic rights can happen again?

- As in the Armed Forces, there should be no hand-picking of officers to head the security & police organisations.
- If any officer is not fit to head the organisation, he should be informed about the reasons in advance so that corrections can be made.
- As a rule, Chiefs of Security agencies and police organisations should not be given extensions as it adversely affects the morale of junior officers. Moreover, officers working during extension remain obliged to State powers and hesitate taking action against law-breakers belonging to ruling party. They also tend to be harsh on political opponents of the ruling regime.

Measures required

- At present there is no accountability on the expenditure of the security agencies.
- The budget of security agencies needs to be approved by the Parliament without requiring to disclose operational secrecy.
- In States, the selection of officers to head the State Police Force needs to be made at least two months prior of the retirement of the incumbent.

Measures required

- The practice of issuing oral orders to juniors must necessarily be followed by written communications to avoid arbitrariness and escaping from the responsibility.
- The practice of snooping on opponents in the ruling party as well as opposition leaders needs to be curbed.
- Political leadership from all political parties must show more matured response towards dissent to ensure that the law enforcing agencies function more professionally to make Vikasit Bharat by 2047. They also must refrain from making personal attacks against their opponents.

Thanks.