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THE EMERGENCY IN INDIA: BACKGROUND AND RATIONALE

V. P. Dutt

INDIAN SOCIETY IS A complex and variegated society whose inner dynamics are rarely understood by outsiders. Like China, India too has been virtually a universe unto itself, a microcosmic society which has its own deep-running currents and cross-currents and is affected only over a very long period by the waves flowing in from outside.

This society has its own verities, its own constraints, its own compulsions, its own inner dynamics. Indian developments have often defied any real understanding by a number of scholars abroad, even by those who have spent a great deal of time studying India, sometimes even by some Indian scholars (generally residing abroad) because they go on extending and applying western standards and experiences to India. The reality of India sometimes eludes them. They still envision first the pattern in their own countries (as do many Indian scholars whose only frames of reference are the precepts and practices of the West) and exercise value judgements that fit that pattern. They transfer Indian developments to their own milieu and give their answers and reactions accordingly.

Three Perimeters

Indian developments must be viewed within the framework of three perimeters. India is a democratic country. It is also a very poor country, until recently a subjugated country, and still more a developing country. In addition, it is a country with a vast size and population. More importantly, India is virtually a continental polity with its various regions, language groups, cultural units, minorities, etc.

The three perimeters are: norms of democracy, constraints of a developing country, and the imperatives of a diverse society. It is not enough that India is a democracy, it is also a poor, developing, struggling country with an immense population and untapped and under-

developed—and in some cases insufficient—resources. Vice-versa, it is not enough that India is a developing country, it must also remain a democratic country. Equally it is not enough that India is both a developing and a democratic country, it is also a country with diverse religions, language groups, and cultural entities. What is more, we have to keep in mind the vastness of India's size and population.

These are the perimeters within which India's political system must evolve and within which developments within India must be placed and considered. A word about the constraints of a developing society before we discuss the norms of democracy and the evolving situation in India. A developing country, particularly one with the size and population of India, must utilize its financial and human resources rationally and effectively. It must also exercise rigorous financial discipline, enforce hard work, and generate appreciable domestic savings for capital construction. Capital accumulation, as we all know, provides the critical push for the breakthrough from the gravity pull of under-development into the outer space of economic development. Again as we all know, capital accumulation is the consequence of strict economic discipline—and hard work. A developing country cannot afford the luxury of being what Myrdal called a "soft society."

But in India in the last two or three years an appalling situation came to prevail, a situation of utter laxity, alarming flabbiness, near-complete erosion of the ethos of work and impermissible disregard of the financial disciplines necessary for a country like India. The most irresponsible demands were put forward and encouraged by many political parties and groups—and the slightest resistance led to agitations and demonstrations which often ended in violence, joined in competitive radicalism by various political parties as well as rump groups. Everybody was asking for more and more from the national cake, but only a few were willing to contribute to increasing the size of the national cake. There were not many who worried publicly about the constraints of a developing country, resource-short, power-short, and capital-short. It was a situation which could only have culminated in disaster and disintegration.

Insurrection and democracy cannot co-exist. One cannot follow insurrectionary methods, give open calls for uprisings, and yet claim the privileges of democracy. What was happening in India before the proclamation of emergency was the rapid build-up of a climate of insurrection, large-scale violence and disorder, and civil conflict.

Democracy implies observance of certain norms and constraints vital to the proper functioning of the system. If some major parties in the political system decide to abandon those norms and to take recourse to direct action, democracy becomes a farce. This was what was tending to happen in India in the last two years.

Democracy involves responsibility. It means a responsible government, elected by the will of the people, and the right of those who are

in opposition to peacefully convert the majority to its point of view. You cannot have an irresponsible government and a responsible opposition, but equally you cannot have a responsible government but an irresponsible opposition. In a democracy the minority cannot decide to paralyze the majority and prevent the majority from functioning, just as the majority party must allow the minority opposition to function. These are the imperatives of democracy and no democracy can survive if these imperatives are freely transgressed and virtually disowned.

One step leading to another, some of the opposition parties decided to abandon the path of democracy, refused to abide by the rules of the democratic system and tried to find a short-cut to power, not by winning elections, but by capturing the seat of power through direct action. It was not a case of a few people alienated from the system advocating its forcible liquidation and the substitution of another that they would regard as a more just system. There are such people in every democratic country and it is not unusual to tolerate them provided they do not actually engage in force and violence. But in India it was a case of the opposition parties, which claimed to provide an alternative to the ruling government within the democratic system, themselves attempting to bring about a situation of anarchy in which they could seize power. This was done so brazenly and openly that the only wonder was that some people and newspapers who otherwise swore by democracy, either turned a blind eye towards the developing situation or gave comfort to these forces.

The first step in this strategy for confusion and chaos was the attempt to forcibly dissolve elected legislatures or to prevent duly elected legislators from performing their duties. The process began in January 1974 in Gujarat, when a students' committee was formed to lead the agitation. The agitation soon merged into a movement of the political parties. Extensive violence took place in Ahmedabad and elsewhere in Gujarat. Tactics of intimidation and coercion were used on a large scale to compel legislators to resign from the Assembly. The houses of legislators were raided and they were threatened with dire consequences if they did not resign. Finally, Morarji Desai, leader of the Congress went on a hunger strike in support of the demand for dissolution of the assembly. In order to save Morarji Desai's life, the Gujarat Assembly was dissolved. For the Opposition, this opened the flood gates. A similar battle cry was taken up in Bihar and various other places.

Call to Paralyze Government

The prophet of "lost causes," Shri Jayaprakash Narayan, jumped into the fray at this stage and gave a call for "total revolution." Open declarations were made by him and many other opposition leaders that the agitation to paralyze the legislatures and the governments

would be spread to all the States and the Center as well. In a speech on September 9, 1974, while announcing the plans for the Bihar agitation, Jayaprakash Narayan said:

From this date [October 3-5], there would be no trains running through Bihar, buses would be off the road, work in government offices, including the Secretariat would be paralysed and shops will remain closed. . . . A week's paralysis would be enough to end the government in Bihar.¹

Jayaprakash Narayan himself was quite clear that this fight was really directed at the Center, and he went on to make it explicit in the same speech: "It is now an open confrontation with the Center and not merely the Bihar Government. The State Government has neither status nor stamina."

The movement for "total revolution" was on. A motley group of opposition parties jumped on the band wagon and embraced the movement and its program. Jayaprakash Narayan himself outlined the following program for his movement: (1.) boycott of schools and colleges and examinations for one year by the students; (2.) "gherao" (pressurization through obstruction of movement) of Members of the Legislative Assembly to force them to resign from membership in the Assembly; (3.) social boycott of MLAs; (4.) formation of a parallel Assembly; (5.) paralyzing work in government offices; (6.) no-tax campaigns; (7.) boycott of courts; (8.) establishment of parallel governments and parallel courts; and (9.) appeal to armed forces, police, and government servants for support of the movement.

The program outlined in Bihar was held to be applicable to the entire country. Can anyone genuinely believing in democracy seriously contend that this kind of direct action and resort to extra-constitutional methods could possibly be reconciled with the normal functioning of a democratic system? What kind of parliamentary democracy would it be where there were parallel governments and parallel assemblies—that is, parallel to the duly elected assemblies and duly constituted governments? Could the democratic system tolerate this and still survive?

Some of the opposition parties, subsequently using a Court decision in a case involving the Prime Minister, made much of the sanctity of the judiciary. But they were the very people who gave the call for the establishment of parallel courts, thus bringing the entire judiciary of India under suspicion and ridicule in the country.

It was thus becoming clear that many of the opposition parties, in their frustration at their inability to capture power at the polls, had opted for anarchy and disruption in order to seize power. In line with this new strategy was the call for a railway strike in May 1974. The objective was not the amelioration of the working conditions of the railwaymen but undoubtedly the overthrow of the Central Govern-

¹ *The Statesman* (New Delhi), September 10, 1974.

ment. George Fernandes, one of the leaders of the Socialist Party and of the Railwaymen's Union, said in a speech in October 1973:

The railwaymen should not be a sleeping giant now and should organize themselves into one indivisible union and if they succeed in this, they can change the whole history of India and bring down the Indira Gandhi Government at any time by paralysing the railway transport to a dead stop.

He repeated the same theme in Madras on March 29, 1974:

Realise the strength which you possess. Seven days' strike of the Indian Railways—every thermal station in the country would close down. Ten days' strike on the Indian Railways—every steel mill in India would close down, and the industry in the country would come to a halt for the next 12 months. If once the steel mill furnace is switched off, it takes nine months to re-fire. A 15-days' strike in the Indian Railways—the country will starve.²

While he was organizing support for the strike, George Fernandes declared that "railwaymen could unseat the present Central Government through a general strike." The Railway strike was, therefore, a device for paralyzing the country and bringing it to a dead halt, thereby overthrowing the Government.

Bid to Strike at the Roots of Democracy

During the course of the unfolding of these events, a nondescript coalition of seven parties with little in common had come into being to seize power. They ranged from extreme Marxists to rightwing religious chauvinists and neo-fascists. Of course, if the opposition parties wanted to bring about an unprincipled alliance, it was their own lookout. And if they thought that in this manner they could come closer to power in a democratic structure, they were welcome to do so. The objection was not to their coming together, or even to the rampant opportunism that was displayed, but to the fact that they were striking at the roots of democracy and abandoning the democratic system in their quest for power. That they had scant faith now in democracy was clear from the innumerable pronouncements that many of their leaders made. One of the protagonists of the so-called coalition, the erstwhile leader of the now-merged Swatantra Party, Minoos Masani, who in the past often acted as the high priest of anti-communism in order to defend democracy, said in a speech:

We are now entering a revolutionary stage. For a time extra-constitutional forces will take over. I would prefer temporarily a

² *The Hindu* (Madras), March 30, 1974.

patriotic army which takes a pragmatic economic line, gives the people a good life and stops population growth. When the army calls in politicians, they would call in some prominent people. Suppose they call me or Jayaprakash Narayan and people of that kind.³

Jayaprakash Narayan himself made speeches in a similar vein whose only purpose could be to encourage violent methods in place of constitutional ones. According to newspaper reports, Jayaprakash Narayan said in Allahabad on June 22, 1974, that while "he himself would not take part in any armed insurrection or rebellion, he could not restrain the revolutionaries from taking to the gun."⁴ Again, he was reported to have said on June 25, 1974 that: "Though he himself believed in non-violent methods, he would follow the violent method if any opposition party was capable of toppling the government violently."⁵

Similar statements were made by many other leaders of the opposition. They left no doubt in anyone's mind that they were not wedded to the democratic system and the democratic structure of India, but only to seizing power, no matter what methods or means they would have to adopt in the process.

One of the most reprehensible aspects of the situation was that Jayaprakash Narayan and some of the opposition parties gave respectability to those forces which had all along spread prejudice and hatred against the various minority communities inhabiting India and which symbolized the Indian variety of fascism. The leadership of the movement passed into the hands of the R.S.S. and the Jan Sangh, which provided the organizational muscle to the movement. Neither Jayaprakash Narayan nor the other opposition parties in this new combination had any well-knit organization or cadres to carry out their strategy. This role was played by the R.S.S. and the Jan Sangh.

The R.S.S. not only represented those forces responsible for the murder of Mahatma Gandhi, but was the Indian prototype of fascism from which Europe suffered so grievously in the last World War. All the components of fascism, as we have come to know it historically, were present in the R.S.S. movement: belief in total control over the political system and structure of the State and the establishment of a fully authoritarian regime; racial chauvinism and the advocacy of the "master race" concept; utilization of the discontent of the lower middle class in order to capture power; shouting radical slogans but actually denigrating all the socialist elements and features; and use of the politics of the "big lie" which found its most effective expression in rumormongering and character assassination.

³ Quoted by the Prime Minister in her speech in the Lok Sabha on July 22, 1975.

⁴ *Times of India*, New Delhi, June 23, 1974.

⁵ *The Pioneer* (Lucknow), June 26, 1974.

Indeed, the R.S.S. had not hid its admiration for Hitler during the struggle against fascism in Europe. The late chief of the R.S.S., Golwalkar, expressed this admiration in unambiguous terms in his book *Our Nationhood Defined* in which he said: "The national pride of the Germans is the talk of the whole world. The Germans drove out of their country the Jews only in order to maintain their racial and cultural purity. Germany has shown that it is very difficult for fundamentally different races to bring together. This is a lesson which India could learn and profit by."

The Indian people gave unto themselves a democratic, secular, federal constitution in which all communities had equal rights and in which no one would be discriminated against on grounds of faith, creed, color or race. India, as we have said earlier, is a continental polity. It is not only a country of vast size, but also of diverse religions, language groups, and cultural units. There are Hindus, Muslims, Sikhs, Christians, Parsis, and various other religious communities. Practically, all religions of the world are present in India. There are 15 major nationally recognized languages. The unity and integrity of such a country as India can be maintained only if this vast diversity is acknowledged, tolerated, and given adequate place in the polity and the power structure of the country. Not only all the communities and language groups but all the various areas of India from Nagaland to Kashmir must feel that they are equal partners in the progress of the country and co-sharers both in its advance and its adversity.

The R.S.S. and its political wing, the Jan Sangh, not only spread prejudices against the non-Hindu communities of India, but they were also traditionally contemptuous of the so-called low castes. The R.S.S. was based almost entirely on the urban middle class but with its top leadership firmly entrenched in the hands of a small Brahman group from a particular section of Maharashtra. That it was anti-Muslim and anti-Christian can hardly be doubted. In an interview in Delhi in June 1971, the then leader of the R.S.S., Golwalkar, said that he did not believe that Muslims belonged to the national mainstream of India. His views led the *Hindustan Times* to write editorially that Golwalkar had come close to advocating the "master race" theory.⁶

The R.S.S. was also preaching hatred against other communities. On Christians, the R.S.S. said: "So far as Christians are concerned, to a superficial observer they appear quite harmless. They are not only irreligious but anti-national." One can see that there are good reasons why traditionally the Harijans (Untouchables) have determinedly kept away from the Jan Sangh and the R.S.S.

It is these forces that had captured the movement of this hotch-potch of joint opposition that had come into existence. What was tragic was that Jayaprakash Narayan gave respectability to these forces.

⁶ See the *Hindustan Times* issues for the month of June 1971.

Presiding over a conference of the R.S.S., Jayaprakash Narayan said that if the R.S.S. was fascist, then he was also a fascist. It was Atal Behari Vajpayee, one of the top leaders of the Jan Sangh, who in a paper prepared for the Bharatiya Jan Sangh Conference at Hyderabad in September 1974, said that the battle against the Government would have to be fought on the streets of India. He added: "The only way open to India is an open confrontation between the Government and the people. The situation demands two immediate steps—to blow up the entrenched political power structure and a well-defined programme of this confrontation leading towards a total Revolution."⁷

It was Nanaji Deshmukh, General Secretary of the Jan Sangh, who drafted the program of the Joint Opposition front, which included the following. First, if the Supreme Court gave a conditional stay (in the Prime Minister's election case), the opposition parties should organize a Delhi Bandh to demand the resignation of the Prime Minister. Second, 21 Opposition MPs should meet the Prime Minister to demand her resignation and, in case she refused to comply, start an indefinite dharna (sit down strike) outside her residence. Third, the organization of processions and demonstrations by students and youth, in various areas of Delhi; the gherao of industrialists and businessmen supporting the Prime Minister; gate meetings outside mills and factories in and around Delhi; lunch hour meetings of Central Government employees; demonstrations outside the Prime Minister's residence by various sections of the people, including teachers, doctors, lawyers, students, slum dwellers, businessmen, women, scooter and taxi drivers, construction workers, etc.; the beating of thalis (brass eating plates — equivalent of tolling of bells) from rooftops in the night; and bringing out hand-bills against the Prime Minister.

Campaign of Calumny

A veritable campaign of hatred and calumny against individuals in the Congress Party and against the Prime Minister in particular was unleashed. The kind of scurrilous campaign that was carried on against Mrs. Indira Gandhi was unique in contemporary history. The Jan Sangh and the R.S.S. were the agencies used for spreading the most fantastic rumors. This climate of violence and calumny resulted in the assassination of the Railway Minister, L. N. Mishra, and an attempt on the life of the Chief Justice, A. N. Ray. It hardly needs any omniscience to conclude that the ultimate and the real target was the Prime Minister herself.

A general state of lawlessness was created in the country. The universities were deliberately destabilized and students were utilized not just for normal political activities, but to bring down the entire political

⁷ From this author's copy of the paper.

system. The situation could be summed up as: No one would be allowed to teach, no one would be allowed to study, and no one would be allowed to work. If students used unfair means or cheated in examinations, many would rise in their defense as if cheating was a fundamental right! This encouraged a small section of the students to bring to a standstill all normal work of the universities, to abuse fellow-students and teachers, to use physical force against Principals and Vice Chancellors, and to burn buses and indulge in violence and vandalism.

The role of a section of the press in this whole situation was most unfortunate. Some newspapers, including some big ones, contributed to the buildup of an atmosphere of tension, agitation, and anarchy. They had no comment to make when the opposition used blatantly undemocratic means, adopted tactics of gherao and intimidation, staged dharnas in Parliament and State Assemblies, and used the most vituperative language in their political campaigns. They adopted a "see no evil, speak no evil, hear no evil" policy where the opposition was concerned, but they were ready to pounce upon the Congress Party and the Government for any major or minor, real or fancied, lapse. They gave respectability to rumors and some of them became openly partisan.

This, by itself, is not necessarily objectionable, however wrong it might have been for any newspaper to adopt such a course of action. But some of these newspapers appeared not only to tolerate the extra constitutional methods adopted by the opposition front and the atmosphere of lawlessness and violence being created in the country, but even to encourage it by ignoring the undemocratic strategy on the part of the opposition and by magnifying what the Congress and the Government said or did that was considered to be wrong. In fact, they believed that they had become kingmakers in India and were doing everything to establish a situation in which not the people, but the press of India, would decide who would rule the country.

The judgment delivered by the one-member bench of the Allahabad High Court in regard to the election petition by one of the opposition members, Raj Narain, against the Prime Minister, served the purpose of the opposition, which immediately tried to precipitate matters in the pursuit of the strategy they had already embarked upon for producing conditions of disruption and collapse so that they could come into power.

The fog which enshrouds the Prime Minister's election case and subsequent developments must be lifted. The mist of misunderstanding, mistrust, misstatements and misinterpretations need to be cleared. Facts have been half-told; crucial points slurred over. Evocative phrases have been used making a mockery of the meaning of words. The word "corruption" has been bandied around inside and outside the country with scant regard to either truth or normal usage.

The issues in themselves were simple enough. The Prime Minister, Mrs. Gandhi, won a landslide victory in her constituency of Rae Bareilly in Uttar Pradesh and a massive electoral verdict for her party in the parliamentary elections in 1971. Mrs. Gandhi's own majority was well over one hundred thousand, and her Congress Party secured some 350 seats in a house of 524.

Raj Narain, the Prime Minister's electoral opponent who had lost heavily, brought forward fourteen charges of "corrupt practices" against her, which included bribery, corruption, lavish expenditure and illegal soliciting of votes, etc. In fact, the Allahabad High Court judge who heard the election petition dismissed all the graver charges which normally connote corruption in the accepted sense of the term the world over. He did not accept any charge of bribery or illegal soliciting of votes. He also did not accept the charge that Mrs. Gandhi had exceeded the limit of election expenses allowed under the law. The judge upheld only two points, both not really directly related to individual decisions of the Prime Minister but on the basis of which he allowed the appeal of Raj Narain and declared the election invalid.

The first point concerned the erection of a rostrum by officials in two of Mrs. Gandhi's election meetings in Rae Bareilly and the supply of electric power by the U.P. Government officials at these two meetings. This he regarded as an impermissible practice. The judge, however, observed that the police authorities in various states had the obligation to make arrangements for the security of the Prime Minister even when she was a candidate herself, and he had no objection to the barricades constructed by the police authorities in connection with such security arrangements.

It is necessary to point out here that arrangements which are uniformly made by all states for the security of the Prime Minister include the construction of rostrums. It was obviously, therefore, a technical point in the interpretation of law.

The second point on which the judge gave an adverse judgment against the Prime Minister concerned the question of the date from which the resignation of an official became effective. The judge accepted that the official concerned had resigned on January 13, 1971, but held that the resignation could not be effective until the formal signing of the letter of acceptance on January 25, by the President of India. He therefore held that the concerned official technically continued to be in service, even though he did not attend office and did not draw his salary during that period, and concluded that any election work that he might have done was illegal. It is obvious that this again is a technical question of interpretation of law in which no direct personal decision of the Prime Minister was involved.

The same judge also gave immediately after delivering his verdict an absolute stay order for 20 days in order to allow Mrs. Gandhi to

appeal to the Supreme Court against the High Court's judgment. Can anyone in conscience really assert that any moral impropriety was involved in these issues? A mountain was made out of a molehill.

Some opposition leaders and parties clamored for the Prime Minister's resignation even before the Supreme Court had heard her appeal and given its judgment. They started a campaign in the country and said that she was under a cloud and, therefore, must resign. Every dispassionate observer could see that no serious charge of moral turpitude, or of financial or political corruption was involved. By giving an absolute stay order the judge himself was, in fact, suspending his own judgment until a superior court could decide upon the issues.

Travesty of Justice

Some people demanded the Prime Minister's resignation then and there. A novel principle of justice was being propagated that a lower court's judgment should be given effect to even before the higher court had time to consider the issue and that a person must be deemed to be held guilty until proved innocent by the superior court, even though the lower court had itself stayed the operation of its own judgment.

If such a principle of legal justice were to be accepted in the world whereby every verdict of the lower court should be carried out even while the higher court was seized of the issue, one can imagine the travesty of justice that it would lead to. And yet this was precisely what some people started demanding. As Justice P. B. Mukerjee, retired Chief Justice of the Calcutta High Court, pointed out at that time, to suggest the resignation of the Prime Minister "is really an attempt to make the stay order ineffective and thereby to nullify the order of the court." The position was that as long as the stay order lasted, the situation remained as if the judgment had not been delivered during that period.

The Prime Minister appealed to the Supreme Court and, in accordance with the due processes of law, the vacation judge heard the preliminary plea for a stay order until a full bench appointed by the Chief Justice could consider the issues involved in the appeal. Justice V. R. Krishna Iyer, who heard the stay order appeal, gave his judgment on June 24. He said that there was no legal embargo on Mrs. Gandhi continuing as Prime Minister. He held that she would continue to enjoy all the privileges and prerogatives of the Prime Minister until the full bench of the Supreme Court had declared itself on the appeal. He also said that her disqualification as a member of parliament would be held in abeyance until the decision of the Supreme Court on the appeal. It was only on one point that the Supreme Court judge imposed restrictions: he said that until the disposal of the appeal, Mrs. Gandhi could not vote as member of parliament nor draw her salary and other allowances as a member during this period. He made it clear

that he was deciding so because of the precedents established by the Supreme Court in the last 20 years in such cases. Again, therefore, this was a technical issue.

But not many people outside the country know about some of the other observations made by the Supreme Court Judge. Justice Krishna Iyer agreed that the Prime Minister had been cleared from the "graver electoral vices set out in section 123 of the act." He also dismissed the opposing counsel's plea that she had come with "unclean hands" to the Supreme Court. He agreed that neither she nor the Congress Party had done anything wrong in the Party's reaffirming its faith in her leadership. He also did not accept the opposing counsel's plea that the stay order of the High Court had been obtained under false pretenses. He hinted that the provisions contained in the People's Representation Act (under which the judgment of the Allahabad High Court was delivered) were draconian and should invite the attention of a vigilant and alert legislature. He also said that in the "first flush" he was inclined to give an absolute stay order, but had desisted from doing so because of the precedents established earlier, but he maintained that there was practically no difference between the stay order that he was giving and the stay order asked for by the Prime Minister's counsel.

Despite the judgment of the Allahabad High Court giving an absolute stay order till the Supreme Court considered the issue and despite the subsequent judgment by Justice Krishna Iyer, some of the opposition parties and their leaders embarked upon a countrywide campaign to bring down the Government. As we have noted earlier, even before the Allahabad High Court judgment, they had sought to create conditions that would result in the forcible dissolution of elected legislatures, and elected representatives of the people were prevented from discharging their functions. The minority was dictating to the majority.

Unprincipled Opposition Stand

These opposition parties and leaders made it clear that they would not accept the restraints of democratic functioning, or limits of the law. They would not even wait for the verdict of the people in the forthcoming elections which were scheduled for early 1976. One of the leaders of this opposition front, Morarji Desai, admitted in an interview to an Italian correspondent that the opposition had to "make hay while the sun shines." He said that they could not wait till the next general election because the people would get tired by then. He also told her that they would not win the general election against Indira Gandhi because of her superior resources. This of course did not deter Morarji Desai from demanding and fighting elections in Gujarat where, even though the Congress emerged as the largest party, the opposition front formed the Government through an understanding

with some of these parties against whose leaders they had themselves earlier campaigned.

Quite early this section of the opposition was campaigning for open insurrection. Jayaprakash Narayan as well as other leaders of this opposition front appealed to the people not to pay any taxes to the Government. The peasants were asked to refuse to deliver the levy on foodgrain production. The police and the army were incited to disobey the Government's order. One of the foremost opposition leaders even criticized Justice Krishna Iyer for his observations on Mrs. Gandhi's continuance as the Prime Minister. Public aspersions were also cast on the Chief Justice of India. These forces gave notice of their intention to march on the Prime Minister's house and to bring about confrontation, bloodshed and violence. The entire campaign was designed to create a situation of total disruption and disintegration in order to capture power. Indeed, they were working for nothing else than an extra-constitutional *coup d'état*. No democracy can function with such gross violation of all the democratic norms.

One can imagine what would have been the fate of British democracy if, before the last elections, Wilson had carried on a campaign for the overthrow of Heath, not through elections but through direct action. If he had asked the British people not to pay income tax to Heath's Government; if he had appealed to the farmers not to turn in their foodgrains to Heath's Government; if he had called upon government servants to disobey the orders of the Government; if he had publicly called upon the army to revolt against the established Government! Similarly, what would happen to democracy in the United States if the Democratic candidate, James Carter, had called for the overthrow of President Ford through agitations and violence, by calling upon the people to stop paying taxes, upon the farmers to refrain from selling foodgrains to the authorities, upon the government servants to disregard the orders of the Government, and finally, upon the army to revolt against Ford and to join the people in overthrowing him! If such a thing were to happen, American democracy would have breathed its last. This was precisely what was attempted in India.

This was the background to the declaration of the state of emergency by the President on June 25, 1975, in order to avert conditions of chaos and lawlessness that were deliberately sought to be created by some opposition parties. Any impression that a dictatorship has been foisted upon the people is both misconceived and mischievous. An emergency was declared according to the provisions of the Constitution. Article 352 of the Constitution lays down the procedures and conditions under which an emergency may be declared. All the constitutional procedures have been abided by. Not a single step has been taken in violation of the provisions of the Constitution. It is precisely to meet

such a situation that the framers of the Constitution included the provisions concerning the declaration of emergency within the Constitution.

Perspective

The declaration of Emergency cleared the air to some extent. The threat of chaos and disruption and the overwhelming of the political system by undemocratic methods was averted. The din and the noise subsided and the clouds of violence were lifted. The question, in this writer's mind, is not whether some particular action by some particular functionary or even by the Government as a whole ought or ought not to have been taken after the proclamation of the emergency, but the real question is the rationale and the factors responsible for the proclamation of the emergency and the response the people have given to the emergency. The moral fiber of the people was being eroded. The country was becoming flabby and inviting ridicule and contempt by those very elements at home and abroad who now display a rather sudden and touching concern for "democracy" in India.

There have been certain incidental gains of the emergency. It was an ingathering process. The return of confidence among the people became a prominent feature of the situation obtaining after the emergency. A sense of discipline reappeared with the general realization that not to work was not a fundamental right! Smuggling, which had become a serious economic menace, and hoarding were effectively curtailed. Industrial and agricultural production proceeded apace. Price stability was ensured and the dogs of inflation were put under leash. This provided very substantial relief to the people.

In the wake of the emergency came the 20-point economic program announced by the Prime Minister on July 1, 1975.⁸ The program released more enthusiasm among the people. Why it did so was not hard to discover, because it addressed itself to real problems and it signified a new strategy of economic development. This strategy was simple, yet the only effective one for a country like India, placing primary emphasis on dealing with the problems of those who were the most deprived, the 40% of the population below the poverty line—the mass of rural India. It provided some relief to them so as to ameliorate their conditions. Bonded labor was freed, agricultural wages were fixed and enhanced, house and land sites were sought to be provided for the Harijans, and the process of land reforms sought to be speeded up.

On the other hand, the program strove to strengthen the apparatus of production, to increase production and to stabilize and enlarge the infrastructure of distribution. Thus many concessions were given to

⁸ Text in *Economic Times* (New Delhi), July 2, 1976.

industry and industrial production rose appreciably. Scarcity disappeared and commodities of common use became available in fair supply. The distribution machinery for articles of basic commodities was strengthened so as to prevent another economic crisis.

Many people abroad, some with ulterior purposes and some with good intentions, have expressed misgivings about one aspect of the emergency, that is press censorship. The Prime Minister has herself said on many occasions that India is fully committed to democracy and a free press and that she did not like the imposition of censorship in normal circumstances. But it must be realized that the emergency is an abnormal situation designed to meet unusual conditions. An emergency is not declared under normal conditions. If it is accepted that the situation was highly abnormal, it also follows logically that the emergency regulations would have to apply to all sections, including the press. It would be an odd argument that the highly abnormal situation under which an emergency had to be declared did not exist for the press, but only for other sections of the community. We have also noted earlier that in the creation of a situation of anarchy and lawlessness and in resorting to flagrantly undemocratic methods, the role of a section of the press, particularly some of the big press, was highly dubious. It encouraged and gave comfort to those forces which were making a mockery of all norms and rules of democracy. Some remedial action was needed so that the press would not become a party to the use of highly undemocratic methods and tactics.

It should be noted at the same time that gradually the procedures about press regulations have been eased and that already there is a system of self-regulation rather than one of pre-censorship. What obtains in an emergency cannot be compared with what should obtain in a normal situation.

Our perception in India on the declaration of the emergency was not that of an effort to stifle intellectual dissent and smother democracy but rather an effort to control those forces which had no commitment to democracy, many of whom were openly committed to a fascist kind of philosophy, so that democracy was not allowed to be subverted and supplanted by a chauvinistic dictatorship. The emergency is an interim measure to check disintegration and violent disruption and to restore the democratic health of the country so that society can proceed on an orderly, peaceful, and constitutional basis. It is not an end in itself, but the problem before the country is to retain the gains that came its way in the wake of the emergency when it gradually moves on to a postemergency era.

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