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# Five Decades After the Emergency, Difficult Questions, Unheeded Warnings

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**POLITY****HISTORY & CULTURE****GS2****GS1**

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# Five Decades After the Emergency, Difficult Questions, Unheeded Warnings

 **The Indian Express**

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**GS2**
**GS1**

 Source: [ujyari.com](https://ujyari.com) — researched, fact-checked & UPSC-mapped

**INTERVIEW ANGLE**

*"What institutional safeguards born of the Emergency would you most want to defend today, and why do constitutional texts alone never fully protect liberty?"*

 Source: [Original editorial](#)
[The Indian Express](#)
 **Every fact web-verified against primary sources** (<https://ujyari.com/how-we-verify/>)

## WHY THIS MATTERS NOW

Fifty years ago, on June 25, 1975, a national Emergency was proclaimed, fundamental rights were suspended, the press was censored and tens of thousands were detained without trial. The anniversary is not merely commemorative (<https://ujyari.com/vocab/commemorative/>). It is a moment to ask how durable the safeguards built afterward really are, and whether the warnings the period sounded about executive overreach, institutional fragility and the silencing of dissent have been genuinely absorbed. The Constitution was amended, a landmark judgment overruled the era's darkest verdict, and yet the question of whether liberty is truly secure cannot be answered by text alone.

## THE CRUX IN 60 WORDS

The 1975 Emergency, declared under Article 352, suspended rights, censored the press and detained thousands. The 44th Amendment and the Puttaswamy judgment later repaired much of the constitutional damage, overruling ADM Jabalpur. But the deeper warnings, that institutions can be hollowed and dissent (<https://ujyari.com/vocab/dissent/>) stifled without a formal proclamation, remain only partly heeded. Vigilance, not complacency, is the lesson.

## THE ISSUE, DECODED

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CONCEPT	WHAT IT MEANS	WHY IT MATTERS
Article 352	Power to proclaim a National Emergency	The constitutional gateway used in 1975
42nd Amendment (1976)	Wide expansion of executive and Parliament power	Embodied the Emergency's centralising excess
44th Amendment (1978)	Reversed the worst excesses; protected Articles 20 and 21	The corrective that strengthened liberty safeguards
ADM Jabalpur (1976)	Held even Article 21 could be suspended	The judiciary's lowest moment; overruled in 2017
Puttaswamy (2017)	Affirmed privacy; explicitly overruled ADM Jabalpur	Closed the constitutional loop on the Emergency's error

## THE ANALYSIS

- 1 The Emergency was a constitutional subversion from within.** Proclaimed under Article 352 on the ground of internal disturbance, it used legal forms to suspend fundamental rights, detain opponents under preventive detention laws and impose pre-censorship on newspapers, showing how concentrated power can hollow a democracy without breaking its formal structure.
- 2 The 42nd Amendment institutionalised the excess.** Often called a mini-constitution, it expanded central and executive power, curtailed [judicial review](https://ujivari.com/terms/judicial-review/) and tilted the balance away from rights, embedding the Emergency's spirit into the constitutional text.
- 3 ADM Jabalpur was the judiciary's abdication.** In 1976 the Supreme Court held that during Emergency no person could move a court to enforce even the right to life under Article 21. Justice H R Khanna's lone dissent, which cost him the office of Chief Justice, became the conscience the majority lacked.
- 4 The 44th Amendment was the structural repair.** Enacted in 1978, it replaced internal disturbance with armed rebellion as a ground for Emergency, required the Cabinet's written advice, strengthened parliamentary approval and special-majority requirements, and crucially made Articles 20 and 21 non-suspendable even during Emergency.
- 5 Puttaswamy closed the loop in 2017.** The nine-judge privacy bench explicitly overruled ADM Jabalpur, holding that life and personal liberty are inalienable and not the gift of the Constitution, a belated but emphatic correction of the era's gravest legal error.

6 **The unheeded warnings are the hard part.** Codified safeguards make a formal 1975-style Emergency far harder, but they do not by themselves prevent the quieter erosions: pressure on the press, the criminalising of dissent, the weakening of institutional independence. These require democratic culture, not just constitutional text.

## DATA AND INSTITUTIONS VAULT

### CARRY THESE INTO THE EXAM HALL.

Emergency dates: proclaimed June 25, 1975; lifted March 21, 1977.

Article 352: National Emergency; original ground internal disturbance, changed to armed rebellion by the 44th Amendment.

Articles 358 and 359: suspension of Article 19 and of enforcement of other fundamental rights during Emergency; 44th Amendment shielded Articles 20 and 21.

42nd Amendment (1976): the mini-constitution, sweeping expansion of central power.

44th Amendment (1978): the corrective amendment restoring safeguards.

ADM Jabalpur v Shivkant Shukla (1976): habeas corpus (<https://ujijari.com/terms/habeas-corpus/>) case; Justice H R Khanna's dissent.

K S Puttaswamy v Union of India (2017): affirmed privacy, overruled ADM Jabalpur.

Shah Commission: inquired into Emergency-era excesses.

## THE DEBATE

**The lesson has been learnt:** Codified safeguards in the 44th Amendment, a vigilant judiciary and the Puttaswamy correction make a formal Emergency far harder to misuse, and public memory of 1977's electoral verdict deters overreach (<https://ujijari.com/vocab/overreach/>).

**The warnings are unheeded:** Liberty can erode without any proclamation through a pliant press, curbs on dissent and the hollowing of institutions, none of which the constitutional text alone can prevent.

**Balanced verdict:** Both are true. The structural, text-level lessons are largely codified, which is a real achievement. But the deeper, cultural warning, that democracy dies in increments and in the silence of institutions, remains only partly heeded. The Emergency's truest safeguard is an alert citizenry and an independent judiciary, press and Parliament.

## HOW TO THINK ABOUT THIS (TRANSFERABLE SKILL)

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*A constitutional safeguard has two layers: the text that codifies it and the institutional culture that animates it. The Emergency teaches that strong text (post-1978) can coexist with weak practice if institutions defer to power. When analysing any rights question, always ask not only what the law says but whether the institutions meant to enforce it are actually willing to. This text-versus-practice lens is invaluable across GS2 polity answers.*

## DIAGRAM-IN-WORDS

June 25, 1975: Article 352 invoked -> rights suspended, press censored, mass detention -> 42nd Amendment centralises power -> ADM Jabalpur: courts abdicate on Article 21 -> 1977 electoral verdict -> 44th Amendment repairs safeguards, shields Articles 20 and 21 -> Puttaswamy 2017 overrules ADM Jabalpur -> text-level lessons codified, cultural warnings only partly heeded

## THE WAY FORWARD

- 1 **Defend the text-level gains.** Treat the 44th Amendment's safeguards and the Puttaswamy precedent as settled, non-negotiable protections of liberty.
- 2 **Guard against undeclared erosions.** Stay alert to curbs on liberty, press and dissent that occur without any formal proclamation.
- 3 **Protect institutional independence.** A free press, an independent judiciary and an empowered Parliament are the real bulwarks against overreach.
- 4 **Keep public memory alive.** Civic and educational engagement with the Emergency sustains the democratic resolve that ended it.
- 5 **Practise constitutional culture.** Translate rights from text into lived institutional behaviour, since safeguards survive only when institutions choose to honour them.

## THE TAKEAWAY BOX

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*Evaluate how far the constitutional repairs after 1975 have heeded the Emergency's warnings, distinguishing codified safeguards from the harder task of sustaining democratic culture.*

*"The Emergency's text-level lessons are written into the Constitution; its deepest warning, that liberty erodes in the silence of pliant institutions, is still only half-heard."*

*Article 352, 358, 359; 42nd and 44th Amendments; ADM Jabalpur (1976) and Justice H R Khanna's dissent; Puttaswamy (2017); Shah Commission; Emergency dates June 25, 1975 to March 21, 1977.*

*Moral courage of a lone dissent (Justice Khanna); the duty of institutions to resist overreach even at personal cost; integrity over conformity.*

*GS2 questions on the federal structure and emergency provisions (<https://ujijari.com/terms/emergency-provisions/>), separation of powers and judicial review; GS1 questions on post-independence consolidation and reorganisation.*

*fundamental rights, basic structure doctrine (<https://ujijari.com/terms/basic-structure-doctrine/>), judicial review, press freedom, and the right to privacy.*

**Sources:** *Indian Express* (<https://indianexpress.com>), *PIB* (<https://pib.gov.in>), *Supreme Court of India* (<https://www.supremecourt.gov.in>)

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Source: Five Decades After the Emergency, Difficult Questions, Unheeded Warnings — Ujijari.com | Free UPSC & State PCS Editorial Analysis

**KEY ARGUMENTS AT A GLANCE**

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**Fifty years after the June 1975 Emergency, India's constitutional safeguards against executive overreach have been strengthened on paper through the 44th Amendment and the Puttaswamy judgment, but the deeper warnings about civil liberties, press freedom and the fragility of institutions remain only partly heeded.**


**SUPPORTING**

- The Emergency under Article 352 enabled mass preventive detention, press censorship and the suspension of fundamental rights, exposing how concentrated executive power can subvert the Constitution from within.
- ADM Jabalpur (1976) saw the Supreme Court abdicate its duty by holding that even the right to life could be suspended, a verdict finally and explicitly overruled in Puttaswamy (2017).
- The 44th Amendment (1978) reversed the worst excesses of the 42nd Amendment, protecting Articles 20 and 21 during Emergency and tightening the grounds for proclamation.


**COUNTER**

Codified safeguards and a vigilant judiciary mean a 1975-style formal Emergency is now far harder, suggesting the system has substantially absorbed the lesson.


**WAY FORWARD**

Guard against undeclared erosions of liberty; protect press freedom and dissent; defend institutional independence; and treat constitutional safeguards as living practice, not mere text.


**MAINS ANSWER FRAMEWORK**

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**QUESTION**

*The Emergency of 1975 prompted lasting constitutional safeguards, yet its warnings about executive overreach remain only partly heeded. Critically examine with reference to Article 352, the 42nd and 44th Amendments, and the journey from ADM Jabalpur to Puttaswamy. (250 words)*

**INTRODUCTION**

The Emergency of June 1975 remains independent India's gravest constitutional crisis, and its fiftieth anniversary is an occasion to test how far its warnings have been heeded.

**BODY**

Proclaimed under Article 352 on grounds of internal disturbance, the Emergency enabled mass preventive detention, pre-censorship of the press, the postponement of elections and, through the 42nd Amendment, a sweeping tilt toward executive power. Its lowest constitutional moment came in *ADM Jabalpur v Shivkant Shukla* (1976), where the Supreme Court held that the right to move courts for enforcement of fundamental rights, including the right to life under Article 21, stood suspended, with only Justice H R Khanna dissenting.

The system did respond. The 44th Amendment of 1978 replaced internal disturbance with armed rebellion as a ground, required written Cabinet advice, tightened parliamentary approval, and made Articles 20 and 21 non-suspendable even during Emergency.

In 2017, the nine-judge bench in *K S Puttaswamy* explicitly overruled *ADM Jabalpur* and affirmed privacy and life as inalienable. Yet the harder warnings, that institutions can be hollowed, the press cowed and dissent criminalised without any formal proclamation, remain only partly heeded.

The real safeguard is not the text alone but a culture that resists overreach.

**CONCLUSION**

The Emergency's text-level lessons are codified, but its deeper warning, that liberty erodes quietly through pliant institutions, demands constant vigilance rather than complacency.


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