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EDITORIAL ANALYSIS

Fifty-one Years After the Emergency: Unheeded Warnings, Difficult Questions

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Fifty-one Years After the Emergency: Unheeded Warnings, Difficult Questions

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INTERVIEW ANGLE

"Was the 1975 Emergency a failure of constitutional text, or a failure of the institutions and individuals meant to defend it?"

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THE WARNING THAT REFUSES TO AGE

Fifty-one years after the midnight proclamation of 25 June 1975, the Emergency has hardened into a fixed reference point in India's constitutional memory. The Indian Express, itself a survivor of that period's censorship, returns to it not as nostalgia but as a checklist. Its argument is sharp: the warnings issued in 1975 about executive **overreach** (<https://ujyari.com/vocab/overreach/>), a pliant bureaucracy and a muzzled press were never fully heeded, and the test of a healthy democracy is whether those warnings still register today.

The aspirant's task is to move past the familiar narration of dates and detentions and grasp the deeper claim. The Emergency was not principally a failure of constitutional drafting. The Constitution had **emergency provisions** (<https://ujyari.com/terms/emergency-provisions/>) by design. The failure lay in the institutions and individuals meant to hold the line.

Why in the News

June 25, 2026 marks the 51st anniversary of the proclamation of the 1975 Emergency, now observed by the Union government as Samvidhan Hatya Diwas (Constitution Murder Day). The occasion has revived debate on institutional health, making the episode directly examinable for both GS1 (post-independence **consolidation** (<https://ujyari.com/vocab/consolidation/>)) and GS2 (polity, separation of powers, fundamental rights).

THE ANATOMY OF A CONSTITUTIONAL SUBVERSION

To reason about institutional health, first reconstruct how the safeguards were turned inside out.

The Trigger and the Text

The proximate cause was the Allahabad High Court verdict of 12 June 1975 setting aside Prime Minister Indira Gandhi's 1971 Lok Sabha election for electoral malpractice. Facing disqualification, the government invoked Article 352 on the ground of internal disturbance, and President Fakhruddin Ali Ahmed signed the proclamation. The crucial point for an aspirant is that the constitutional machinery was deployed against the republic it was meant to protect. The text permitted the act; the spirit did not.

The 42nd Amendment: The Mini-Constitution

The 42nd Amendment of 1976 is rightly called the mini-Constitution because of the scale of its rewriting. It sought to give primacy to Directive Principles over Fundamental Rights, curtailed the power of judicial review (<https://ujivari.com/terms/judicial-review/>), extended the life of legislatures, and tilted the balance decisively toward central and executive authority. This was the legislative consolidation of the Emergency mindset: power centralised, courts diminished.

ADM Jabalpur: The Judiciary's Nadir

If one case must be remembered, it is ADM Jabalpur v. Shivkant Shukla (1976). The Supreme Court majority held that during an Emergency, a detainee had no locus to move a writ of habeas corpus (<https://ujivari.com/terms/habeas-corpus/>) even if detained illegally, because the right to life and personal liberty under Article 21 itself stood suspended. Justice H.R. Khanna's lone dissent, which cost him the Chief Justiceship, became the moral anchor of the period. The lesson is unambiguous: a court that abdicates leaves the citizen defenceless. Liberty was not lost because the Constitution was silent; it was lost because its guardians fell quiet.

The Bureaucracy and the Press

Two further institutions buckled. Detentions under the Maintenance of Internal Security Act (MISA) proceeded with the active cooperation of an administrative machinery that asked few questions. Pre-censorship throttled the press; newspapers ran blank editorial columns in protest. A pliant bureaucracy and a censored press are the two soft tissues of any democracy, and the Emergency showed how fast they atrophy (<https://ujivari.com/vocab/atrophy/>).

HOW TO THINK ABOUT THIS AS AN ASPIRANT

The instinct in the exam hall is to narrate. Resist it. Reframe the Emergency as a question about institutional design versus institutional behaviour.

Ask three diagnostic questions of any concentration of executive power, then and now. First, can the judiciary still issue and enforce timely relief, especially habeas corpus? Second, is the permanent bureaucracy, including investigative agencies, insulated enough to refuse an unlawful instruction? Third, can the press report freely without prior restraint? When the honest answer to all three is yes, the safeguards are working. In 1975, all three answers turned to no in sequence, and that sequence is the real story.

A Diagram in Words

Picture three concentric rings around the citizen. The innermost ring is the judiciary, ready with the writ. The middle ring is a neutral bureaucracy that executes the law, not the leader. The outer ring is a free press that raises the alarm. The Emergency punctured all three rings at once, which is why the breach was total. Reforms after 1977 were essentially attempts to re-armour each ring.

THE DEMOCRATIC SELF-CORRECTION

The Emergency's redeeming legacy is that India corrected itself through constitutional means.

INSTRUMENT	WHAT IT DID
Shah Commission (1977)	Inquired into and documented the excesses and abuses of the Emergency period
44th Amendment (1978)	Replaced internal disturbance with armed rebellion as a ground; made Cabinet advice in writing mandatory; barred suspension of Articles 20 and 21 even during Emergency
Electoral verdict of 1977	The people voted out the government, the ultimate check

The 44th Amendment is the most examinable repair. By ring-fencing Articles 20 and 21, it directly overruled the practical effect of ADM Jabalpur, ensuring that the right to life and liberty can never again be switched off by proclamation.

THE COUNTER-VIEW, STATED FAIRLY

A serious aspirant must engage the opposing case. One view holds that the Emergency is a sealed chapter. The 44th Amendment raised the legal **threshold** (<https://ujivari.com/vocab/threshold/>), the judiciary is now far more assertive, and the nine-judge bench in K.S. Puttaswamy (2017) formally buried ADM Jabalpur by affirming privacy and liberty as inviolable. On this reading, repeated invocation of 1975 is rhetorical rather than analytical.

The stronger rejoinder is that safeguards are necessary but not sufficient. The Emergency teaches that institutions fail through erosion as much as through proclamation. Pressure on agencies, narrowing of press space and delays in liberty cases need no Article 352 to corrode democratic health. The anniversary is therefore best read not as a warning about one statute but about institutional temperament in ordinary times.

WAY FORWARD

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The path is continuity of **vigilance** (<https://ujiyari.com/vocab/vigilance/>), not commemoration alone. Protect judicial independence and the prompt disposal of habeas corpus petitions. Insulate the permanent bureaucracy and investigative agencies from partisan capture through fixed tenures and transparent procedures. Defend press freedom against both legal and informal pressure. Keep the federal structure genuinely cooperative so that no single tier monopolises power. And in civic education, present the Emergency honestly as a constitutional stress-test that the republic survived because, ultimately, its institutions and its voters reclaimed it.

PYQ LINKAGE

- GS2: “The Indian party system is passing through a phase of transition which looks to be full of contradictions and paradoxes.” Discuss. (Links to the institutional consequences of executive dominance.)
- GS2: Questions on judicial review, the **basic structure doctrine** (<https://ujiyari.com/terms/basic-structure-doctrine/>) (Kesavananda Bharati, 1973) and the limits on Parliament’s amending power flow directly from the 42nd and 44th Amendment debates.
- GS1: Post-independence consolidation and challenges to Indian democracy regularly invite the Emergency as a case study of **resilience** (<https://ujiyari.com/vocab/resilience/>) and self-correction.

FACTS CORNER

- Emergency proclaimed: 25 June 1975 under Article 352, by President Fakhruddin Ali Ahmed, on the advice of PM Indira Gandhi; revoked 21 March 1977.
- Trigger: Allahabad High Court verdict of 12 June 1975 setting aside Indira Gandhi’s 1971 election.
- 42nd Amendment (1976): the mini-Constitution; curtailed judicial review and strengthened executive and central power.
- ADM Jabalpur v. Shivkant Shukla (1976): held habeas corpus could be denied during Emergency; Justice H.R. Khanna’s lone **dissent** (<https://ujiyari.com/vocab/dissent/>); overruled in spirit by K.S. Puttaswamy (2017).
- MISA: Maintenance of Internal Security Act, used for preventive detention without trial.
- 44th Amendment (1978): replaced internal disturbance with armed rebellion; written Cabinet advice mandatory; Articles 20 and 21 made non-suspendable.
- Shah Commission (1977): inquired into Emergency-era excesses.

Source: Fifty-one Years After the Emergency: Unheeded Warnings, Difficult Questions — Ujiyari.com | Free UPSC & State PCS Editorial Analysis

KEY ARGUMENTS AT A GLANCE

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The Emergency's enduring warning is institutional, not merely textual: constitutional safeguards held or failed not because of their drafting but because the judiciary, bureaucracy and press chose, or were coerced, to bend.

 **SUPPORTING**

- The constitutional machinery of Article 352 was used to subvert, not protect, the republic, and the 42nd Amendment of 1976 entrenched executive primacy by clipping judicial review and tilting the balance toward central power.
- ADM Jabalpur (1976) exposed how a pliant judiciary could read away the right to life and liberty, while MISA detentions and pre-censorship showed how quickly a free press and personal liberty collapse without institutional spine.
- The 44th Amendment of 1978 and the Shah Commission embodied democratic self-correction, hard-coding safeguards such as the non-suspendability of Articles 20 and 21 and Cabinet-in-writing approval for any future Emergency.

 **COUNTER**

Some argue the 1975 episode is a closed chapter rendered impossible by post-1978 reforms, the K.S. Puttaswamy reaffirmation of liberty and a more assertive judiciary, and that invoking it today is alarmist rather than analytical.

 **WAY FORWARD**

Treat the Emergency as a permanent stress-test: defend judicial independence and timely habeas corpus, insulate the bureaucracy and investigative agencies from partisan capture, protect press freedom and federal balance, and read every concentration of executive power against the 1975 benchmark.


MAINS ANSWER FRAMEWORK

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QUESTION

The Emergency of 1975-77 is often described as a constitutional aberration, yet its deeper lesson concerns the resilience of institutions rather than the wording of the Constitution. In light of the ADM Jabalpur judgment, the 42nd and 44th Constitutional Amendments and the findings of the Shah Commission, critically examine the institutional safeguards that protect Indian democracy against executive overreach. To what extent do a free press, an independent judiciary and a federal structure act as effective bulwarks today? (250 words)

INTRODUCTION

The night of 25 June 1975, when President Fakhruddin Ali Ahmed proclaimed Emergency under Article 352, is remembered less for the proclamation itself than for how easily India's institutions yielded to it.

BODY

The Emergency revealed that constitutional text is only as strong as the institutions defending it. The 42nd Amendment of 1976, the so-called mini-Constitution, curtailed judicial review and exalted executive and Parliamentary supremacy over Fundamental Rights.

The judiciary's lowest moment came in *ADM Jabalpur v. Shivkant Shukla* (1976), where the Supreme Court majority held that even the right to life under Article 21 could be suspended, leaving detainees under MISA without recourse to habeas corpus. A pre-censored press and a compliant bureaucracy completed the picture of institutional surrender.

Yet the same crisis triggered self-correction. The Shah Commission documented the excesses, and the 44th Amendment of 1978 rebuilt safeguards: armed rebellion replaced internal disturbance as a ground, written Cabinet advice became mandatory, and Articles 20 and 21 were made non-suspendable even during Emergency.

The lesson endures: a free press, an independent judiciary and a living federal structure are the real bulwarks, and their health, not the Constitution's wording, is the truest measure of democratic resilience.

CONCLUSION

The fitting tribute on this anniversary is vigilance: institutions must be defended in ordinary times so that they do not fail in extraordinary ones.


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