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# Samvidhan Hatya Diwas: 51 Years Since the 1975 Emergency

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# Samvidhan Hatya Diwas: 51 Years Since the 1975 Emergency

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## WHY IN NEWS

*Samvidhan Hatya Diwas is observed on June 25, 2026, marking 51 years since the National Emergency of 1975. The day was officially notified by the Government of India in 2024 to remember the suspension of constitutional liberties during 1975 to 1977.*

## WHAT IS SAMVIDHAN HATYA DIWAS

In 2024, the Government of India, through a Ministry of Home Affairs Gazette notification, declared **June 25** to be observed every year as “**Samvidhan Hatya Diwas**” (literally, “Constitution Murder Day”). The stated objective is to honour the memory of all those who endured the excesses of the 1975 Emergency and to renew the national commitment to constitutional values, individual liberty and the rule of law.

The date is significant because it was on June 25, 1975 that a nationwide Emergency was proclaimed, ushering in a 21-month period widely regarded as one of the gravest stress tests of India’s constitutional democracy.

## THE 1975 EMERGENCY: HOW IT WAS DECLARED

On the night of June 25, 1975, **President Fakhruddin Ali Ahmed** issued a proclamation of National Emergency under **Article 352** of the Constitution, acting on the advice of Prime Minister **Indira Gandhi**. The ground invoked was “**internal disturbance**”, then a permissible basis for a national emergency.

## Backdrop and Timeline

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| EVENT   | DATE                            |
|---|---------------------------------|
| Allahabad High Court sets aside Indira Gandhi's 1971 election (Raj Narain case) | June 12, 1975                   |
| Emergency proclaimed under Article 352  | June 25, 1975                   |
| Emergency formally in force   | June 25, 1975 to March 21, 1977 |
| Lok Sabha elections; Janata Party comes to power                                | March 1977                      |
| Shah Commission of Inquiry constituted  | May 1977                        |
| 44th Amendment Act enacted  | 1978                            |

During this period, fundamental rights enforcement was curtailed, the press was placed under censorship, opposition leaders were detained under preventive detention laws, and Parliament's term was extended.

### THE THREE TYPES OF EMERGENCY

The Constitution provides for three categories of emergency, each with a distinct trigger and constitutional location.

| TYPE                                      | ARTICLE     | GROUND   | EFFECT  |
|---|-------------|--|---|
| <b>National Emergency</b>                 | Article 352 | War, external aggression, or armed rebellion (originally "internal disturbance") | Centre gets sweeping powers; certain Fundamental Rights can be affected |
| <b>State Emergency (President's Rule)</b> | Article 356 | Failure of constitutional machinery in a State                                   | State executive and legislature taken over by the Union                 |
| <b>Financial Emergency</b>                | Article 360 | Threat to the financial stability or credit of India                             | Union can direct States on financial matters; salaries can be reduced   |

A National Emergency under Article 352 has been proclaimed three times: 1962 (China war), 1971 (Pakistan war) and 1975 (internal disturbance). A Financial Emergency under Article 360 has never been invoked.

### CONSTITUTIONAL AMENDMENTS DURING THE EMERGENCY

Several controversial amendments were enacted while the Emergency was in force and the opposition was largely in detention.

### 38th Amendment Act, 1975

Made the President's satisfaction in proclaiming an Emergency **non-justiciable** (<https://ujiyari.com/vocab/justiciable/>) (beyond judicial review (<https://ujiyari.com/terms/judicial-review/>)), and permitted concurrent operation of different emergencies.

### 39th Amendment Act, 1975

Placed disputes relating to the election of the **Prime Minister**, President, Vice-President and Lok Sabha Speaker beyond the jurisdiction of the courts. This was a direct response to the Raj Narain litigation against Indira Gandhi.

### 42nd Amendment Act, 1976

Often called the “**Mini-Constitution**” for the scale of its changes. It added the words “**Socialist**”, “**Secular**” and “**Integrity**” to the Preamble, inserted Fundamental Duties (Article 51A), curtailed judicial review, and extended the life of the Lok Sabha and State Assemblies from 5 to 6 years.

## THE 44TH AMENDMENT ACT, 1978

Enacted by the post-Emergency Janata Government, the 44th Amendment introduced critical safeguards to prevent any future misuse of emergency powers.

| REFORM                        | PROVISION  |
|-------------------------------|--|
| <b>Ground narrowed</b>        | Replaced “internal disturbance” with “ <b>armed rebellion</b> ” as a ground under Article 352                |
| <b>Written Cabinet advice</b> | Proclamation can be issued only on the <b>written advice of the Union Cabinet</b>                            |
| <b>Parliamentary approval</b> | Approval required within <b>one month</b> (earlier two months), by a <b>special majority</b>                 |
| <b>Periodic renewal</b>       | Continuance approval needed every <b>six months</b>  |
| <b>Rights protected</b>       | <b>Articles 20 and 21 made non-suspendable</b> , even during an Emergency                                    |
| <b>Right to property</b>      | Removed the Right to Property from Fundamental Rights (Article 31), made it a legal right under Article 300A |

The protection of Articles 20 (protection in respect of conviction for offences) and 21 (protection of life and personal liberty) is the most consequential safeguard, ensuring that the right to life can never again be suspended.

## ADM JABALPUR (1976) AND ITS OVERRULING

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In **ADM Jabalpur v Shivkant Shukla (1976)**, popularly known as the **Habeas Corpus** (<https://ujivari.com/terms/habeas-corporus/>) **case**, the Supreme Court held by a 4 to 1 majority that during an Emergency, a person's right to move the courts for enforcement of fundamental rights, including the right to life under Article 21, stood **suspended**. The lone dissent (<https://ujivari.com/vocab/dissent/>) by **Justice H.R. Khanna** has since been celebrated as a defining defence of liberty.

This judgment is widely regarded as one of the darkest verdicts in Indian judicial history. It was finally **overruled in K.S. Puttaswamy v Union of India (2017)**, the nine-judge bench that recognised the **Right to Privacy** as a fundamental right. The Court expressly held that the ADM Jabalpur majority was constitutionally flawed and that the rights to life and personal liberty are inalienable and not the gift of the Constitution.

## THE SHAH COMMISSION

In May 1977, the Janata Government appointed the **Shah Commission of Inquiry**, headed by former Chief Justice of India **J.C. Shah**, to investigate the excesses, abuses and malpractices committed during the Emergency. Its reports documented arbitrary detentions, press censorship, forced sterilisation drives and the misuse of state machinery, becoming an important institutional record of the period.

## ANALYSIS AND WAY FORWARD

The 1975 Emergency remains the most cited case study in Indian constitutional law on the dangers of **unchecked executive power**. It demonstrated how a single constitutional provision, when stretched beyond its purpose, can erode the separation of powers, silence the press and suspend liberties of citizens overnight.

At the same time, the episode produced enduring institutional safeguards. The **44th Amendment** rebalanced the emergency framework, the judiciary corrected its own course through **Puttaswamy (2017)**, and the **Basic Structure doctrine** (<https://ujivari.com/terms/basic-structure-doctrine/>) (Kesavananda Bharati, 1973) emerged as a permanent limit on amending power. These developments illustrate the self-correcting capacity of a maturing democracy.

The commemoration of Samvidhan Hatya Diwas has itself become a subject of debate. Supporters view it as a necessary act of constitutional remembrance and civic education. Critics argue it risks being read through a partisan lens. From an examination standpoint, aspirants should engage with the constitutional substance, the safeguards, the doctrines and the institutional lessons, rather than the political framing, and should appreciate the value of remembering historical assaults on constitutional liberty as a guard against complacency.

## UPSC RELEVANCE

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**GS Paper 2:** Indian Constitution, emergency provisions (<https://ujyari.com/terms/emergency-provisions/>), separation of powers, role of the judiciary in protecting fundamental rights.

**Prelims pointers:** Articles 352, 356, 360; the 38th, 39th, 42nd and 44th Amendments; “internal disturbance” replaced by “armed rebellion”; Articles 20 and 21 non-suspendable; President F.A. Ahmed; ADM Jabalpur (1976); Puttaswamy (2017).

**Mains question:** “The 1975 Emergency exposed the fragility of constitutional safeguards, while the 44th Amendment and later judicial pronouncements restored them. Critically examine.” (15 marks, 250 words)

**Linkages:** Basic Structure doctrine (Kesavananda Bharati, 1973), Right to Privacy (Puttaswamy, 2017), preventive detention, federalism (<https://ujyari.com/terms/federalism/>) and the misuse of Article 356, freedom of the press under Article 19(1)(a).

## FACTS CORNER

### ★ FACTS CORNER, KNOWLEDGEPEDIA

Emergency duration: June 25, 1975 to March 21, 1977 (about 21 months).

Proclaimed by: President Fakhruddin Ali Ahmed under Article 352, on PM Indira Gandhi’s advice, on the ground of “internal disturbance”.

Three emergencies: Article 352 (National), Article 356 (State / President’s Rule), Article 360 (Financial). Article 360 has never been used.

42nd Amendment (1976): “Mini-Constitution”; added Socialist, Secular, Integrity to the Preamble; introduced Fundamental Duties.

44th Amendment (1978): Replaced “internal disturbance” with “armed rebellion”; required written Cabinet advice; made Articles 20 and 21 non-suspendable; parliamentary approval within one month.

ADM Jabalpur v Shivkant Shukla (1976): Habeas Corpus case; held right to approach courts could be suspended; lone dissent by Justice H.R. Khanna.

Overruled in K.S. Puttaswamy v Union of India (2017): Nine-judge bench; Right to Privacy as a fundamental right.

Shah Commission (1977): Headed by Justice J.C. Shah; investigated Emergency-era excesses.

Samvidhan Hatya Diwas: Notified by the Government of India in 2024, observed annually on June 25.

**Sources:** *Press Information Bureau* (<https://pib.gov.in>), *The Hindu* (<https://www.thehindu.com>), *Ministry of Law and Justice* (<https://lawmin.gov.in>)

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