

Beyond Rupture

Indian Emergency and Ambivalences of Constitutional Democracy

TARIF SOHAIL

Marking 50 years since the proclamation of the Internal Emergency on 25 June 1975, *50 Years of the Indian Emergency: Lessons for Democracy*, edited by Peter Ronald deSouza and Harsh Sethi, revisits one of the most contested episodes in India's democratic history. Rather than treating the Emergency as a closed aberration or an isolated descent into authoritarianism, the volume approaches it as a prism through which the vulnerabilities of constitutional democracy can be more sharply discerned. This framing is particularly timely in a global political moment marked by the normalisation of extraordinary legal powers, the routinisation of surveillance, and the steady erosion of deliberative institutions—even in states that project themselves as long-standing democratic exemplars. The book's relevance thus extends beyond historical recovery; it speaks to contemporary anxieties about constitutional authoritarianism, state excess, and the uneasy coexistence of legality and repression.

The strength of the volume lies in its refusal to offer a singular explanatory narrative of the Emergency. Drawing on legal analysis, political economy, institutional history, cultural critique, and personal testimony, the contributors collectively resist the temptation to moralise the period as merely "dark" or exceptional. Instead, the Emergency emerges as a moment that intensified pre-existing tensions within the modern Indian state—between order and liberty, legality and justice, centralisation and democratic accountability. The editors' introduction makes this methodological orientation explicit, situating the Emergency within multiple analytical frames ranging from constitutional design and colonial legacies

BOOK REVIEWS

50 Years of the Indian Emergency: Lessons for Democracy edited by Peter Ronald deSouza and Harsh Sethi (eds), *Hyderabad: Orient BlackSwan, 2025; pp xxxvii + 338, ₹1,025.*

to leadership subjectivity and class politics. In doing so, the volume foregrounds contradiction rather than closure, inviting readers to grapple with the layered and uneven nature of democratic breakdown.

Law, Legality, and Afterlives of Emergency Laws

Several chapters compellingly demonstrate that the authoritarianism of the Emergency was not exercised outside the law but through it. The analysis of the Maintenance of Internal Security Act (MISA), 1971 by Ujjwal Kumar Singh and Anupama Roy underscores how preventive detention became the legal backbone of repression, suspending habeas corpus and insulating executive action from judicial scrutiny. The Supreme Court's endorsement of this suspension in the *ADM Jabalpur v Shivkant Shukla* judgment of 1976 marked a decisive collapse of constitutional safeguards, transforming the rule of law into rule by law. Importantly, the volume situates these developments within longer legal continuities, tracing how colonial instruments of control were repurposed within independent India's constitutional framework. The Emergency thus appears less as a legal anomaly than as a moment when the coercive potential of constitutional provisions was fully realised.

The discussion of the Shah Commission reports, in Chapters 4 and 5 by Deepak

Sanan and Anand Kumar, further deepens this legal analysis by documenting the scale and banality of administrative excess during the Emergency—arbitrary detentions, forced sterilisations, demolitions, and bureaucratic zealotry sustained by fear and anticipatory obedience. While the post-Emergency constitutional amendments sought to prevent a recurrence, the volume is careful to note the limits of these reforms. Chapter 2 by R Sudarshan notes that in the aftermath of the Emergency, preventive detention laws remained, exceptional provisions were retained, and institutional accountability remains partial at best. By reading the Shah Commission retrospectively, the contributors draw unsettling parallels with the present, where extraordinary powers have increasingly been absorbed into ordinary law. The Emergency, in this sense, bequeathed not only memories of repression but a durable legal vocabulary for governing through exception.

Institutions under Strain

A second major contribution of the volume lies in its nuanced account of institutional behaviour during the Emergency. Rather than portraying democratic institutions as either heroic resisters or passive collaborators, the essays reveal a more uneven landscape marked by silence, complicity, selective resistance, and moral ambiguity. The judiciary in Kalpana Kannabiran's essay (Chapter 3) appears fractured, marked by moments of courage in lower courts alongside capitulation at the apex. Pamela Philipose's commentary (Chapter 8) on journalism during the period similarly notes an oscillation between compliance and creative defiance, as censorship provoked both self-censorship and innovative forms of resistance. Ravi Arvind Palat's essay (Chapter 9) extends this institutional analysis to universities—particularly Jawaharlal Nehru University—which emerged as contested sites where repression, student activism, and administrative restructuring intersected. Together, these accounts underscore how institutions did not simply fail; they were

reshaped by fear, obedience, and ideological alignment.

Political Economy, Lived Experience, and Freedom

The volume's engagement with political economy prevents the Emergency from being reduced to a purely constitutional or civil-libertarian crisis. Errol D'Souza's analysis of economic distress in the early 1970s (Chapter 6), marked by inflation, food shortages, oil shocks, labour unrest, and declining growth, situates the Emergency within a context of material instability. Redistributive initiatives, such as the Twenty Point Programme, complicate the narrative further, revealing how authoritarian governance coexisted with welfare measures that were experienced unevenly across social groups. This perspective challenges accounts that view the Emergency solely through the lens of political repression, drawing attention instead to the material conditions that shaped both consent and dissent.

Moving beyond institutions and policy, several chapters foreground the lived experience of repression and resistance. Prison letters between Madhu and Pramila Dandavate (Chapter 11 by Gyan Prakash), ethnographic accounts of incarceration (Chapter 12 by Mahmood Farooqui), protest poetry (Chapter 10 by Rukmini Bhaya Nair) and accounts of underground journalism (Chapter 8 by Pamela Philipose), together constitute an alternative archive of the Emergency. These narratives reveal how freedom was felt, negotiated, and imagined under conditions of confinement and surveillance. Incarceration becomes not only a site of suffering but also one of reflection and ethical struggle, while poetry and personal correspondence articulate affective registers of loss, defiance, and hope that elude formal political discourse. By assembling these fragments, the volume resists a purely top-down account of the Emergency and restores agency to those who endured it.

One of the volume's most significant conceptual interventions lies in its interrogation of freedom itself. Gopal Guru's essay (Chapter 14), in particular, unsettles the dominant middle-class framing of the Emergency as a suspension of negative

liberty by foregrounding Dalit experiences of freedom as historically mediated through both unfreedom and state intervention. For communities long excluded from social and economic citizenship, the state has often functioned not only as an oppressor but also as a conditional source of access and protection. This argument complicates civil-libertarian narratives that treat freedom primarily as freedom from the state, revealing instead how freedom is unevenly constituted in stratified societies.

Silences in the Volume

While the volume productively pluralises experiences of the Emergency, its differentiated account of freedom could have been further enriched through a more sustained engagement with other marginalised social groups. Guru's intervention demonstrates the limits of a uniform conception of freedom, yet similar questions remain largely unexplored for religious minorities, Adivasis, and the urban poor. Existing work on urban restructuring during the Emergency, particularly in relation to Muslim neighbourhoods, shows that urban "beautification drives" facilitated large-scale dispossession and the spatial segregation of Muslims, pushing them to the peripheries of Delhi through demolition, resettlement, and administrative planning rather than through overt political detention (Jamil 2017).

For many Adivasi communities, the Emergency may not have registered as an exceptional constitutional rupture but as part of a longer continuum of developmental coercion and bureaucratic intrusion. Attending to these uneven experiences would have further complicated the volume's central insight—that the Emergency exposed not only authoritarian tendencies but also the hierarchies embedded within democratic citizenship itself.

A related absence concerns the gendered dimensions of Emergency governance. Despite the centrality of forced sterilisation, bodily discipline, and familial regulation, the volume does not explicitly examine how power during the Emergency was mediated through gendered bodies and social norms. Nor does it interrogate the significance of India's first and only woman Prime Minister presiding over an authoritarian regime. Questions about how patriarchal political cultures influenced Indira Gandhi's leadership style, her suspicion of male colleagues, or the gendered consequences of Emergency policies remain unexplored. Given that reproductive control has since shifted disproportionately onto women's bodies through routinised and socially sanctioned practices, a gendered perspective would have further illuminated the long afterlives of Emergency-era biopolitics.

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Peter deSouza's emphasis on Indira Gandhi's subjective decision frame (Chapter 15), particularly the suggestion that she acted as Nehru's daughter when imposing the Emergency to rescue the nation from anarchy and again when lifting it to arrest excesses, adds an important dimension to understanding political agency. Yet this framing also risks reinscribing Jawaharlal Nehru as a homogeneous liberal monolith, against which the Emergency appears as a tragic deviation. Nehru's own record, including the continuation of colonial preventive detention laws and the setting of early precedents in Jammu and Kashmir and the north-eastern states, suggests that the postcolonial constitutional order was always shadowed by coercive practices. A more explicit engagement with these continuities would reinforce the volume's broader claim that the Emergency revealed, rather than invented, the ambivalences of Indian constitutionalism.

Questions in Place of Closure

Across its diverse essays, the volume consistently gestures towards the present without collapsing history into analogy. The Emergency emerges as a cautionary episode that illuminates how fear, ideological allegiance, and self-aggrandisement can corrode institutional restraint. The parallels drawn with contemporary governance, where extraordinary provisions increasingly inhabit ordinary law, are suggestive rather than declarative. By resisting easy lessons, the book avoids the pitfalls of both nostalgia and alarmism. Ultimately, *50 Years of the Indian Emergency* does not offer a blueprint for safeguarding democracy. Instead, it compels readers to confront unsettling questions: How can constitutional institutions be strengthened without empowering coercion? Are exceptional powers an aberration or an inherent temptation of the modern state? And is resistance episodic, or structurally

embedded within democratic life? In foregrounding these questions rather than resolving them, the volume performs its most urgent democratic function. At a time when constitutional authoritarianism is no longer confined to the past or to particular regions of the world, this refusal of closure may be its most enduring contribution.

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Tarif Sohail (tsohail@gitam.edu) teaches at the Department of Political Science, GITAM School of Humanities and Social Sciences, GITAM Deemed to be University, Visakhapatnam.

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