

India: A long and undeclared emergency

[Essay and book review by Pankaj Mishra, published in *New York Review of Books*, print issue of July 18, 2019](#)

Reviewing: *Emergency Chronicles: Indira Gandhi and Democracy's Turning Point*, author Gyan Prakash, published by Princeton University Press, 2019, 439 pp

Speaking on November 25, 1949, just as India became a democratic republic, B.R. Ambedkar, the chief architect of the Indian constitution, exhorted his countrymen to maintain “democracy not merely in form, but also in fact.” Ambedkar, born in a low, formerly untouchable Hindu caste (Dalits), had ensured a progressive character to the constitution. It promulgated universal adult franchise in an overwhelmingly illiterate population; conferred citizenship without reference to race, caste, religion, or creed; proclaimed secularism in a deeply religious country; and upheld equality in a society marked by entrenched inequalities. The constitution made Indian democracy seem another milestone on humankind’s journey to freedom and dignity.

Ambedkar, however—as Gyan Prakash writes in *Emergency Chronicles*, his acute analysis of the sudden collapse of democracy in India in the mid-1970s—was “convinced that Indian society lacked democratic values.” India’s new ruling elite “had not broken from the hold of the privileged landed classes and upper castes.” Inheriting power from the country’s departing British rulers in 1947, they presided over a “passive” revolution from above rather than a radical socioeconomic transformation from below. This is why Ambedkar felt that in a society riven by caste and class, where neither equality nor fraternity was established as a principle, “political democracy” urgently needed to be supplemented by broad social transformations—the end, for instance, of cruel discrimination against low-caste Hindus.

A socialist by conviction, Ambedkar had plenty of reason to be worried in 1949 about some dangerous “contradictions” in his project of emancipation. As he explained:

In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognising the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy.

The calamitous explosion Ambedkar feared finally occurred in India in 2014, with the election of Narendra Modi, a Hindu supremacist, as India’s prime minister, ending decades of government by political parties that at least paid lip service to secularism. Modi is a lifelong member of the Rashtriya Swayamsevak Sangh (RSS), a far-right organization founded by upper-caste Hindus and inspired by European fascists, which was briefly banned in India in 1948 after one of its former members assassinated Mohandas “Mahatma” Gandhi for allegedly pampering Muslims

and preventing the creation of a proud Hindu nation. Modi, accused of complicity in a pogrom in 2002 that killed hundreds of Muslims and displaced tens of thousands, was barred for almost a decade from travel to the US, the UK, and other parts of the European Union.

Yet as Indians erupted in the early 2010s in protests against the Congress Party—the party that had led the independence movement and then governed for much of India’s existence—Modi managed to persuade many of the “left-behinds” that the choicest fruits of capitalism in India were being stolen by an arrogant and deceptive elite that promised meritocracy but perpetuated dynastic rule and, furthermore, coddled traitorous minorities. He pledged rapid and equitable economic growth and an end to corruption, and he vowed to create new jobs for the 10 to 12 million young Indians entering the work force every year.

During his five years in power, Modi has failed to realize any of these promises, which had also won his party, the Bharatiya Janata Party (BJP), a rare majority in the Indian parliament in 2014. Unsurprisingly, he did not mention them during his triumphant reelection campaign this spring. Instead, he launched a culture war. He played up his humble origins as the son of a tea-seller and loudly scorned India’s English-speaking metropolitan elites for their hereditary privileges, conveniently embodied by his opponent Rahul Gandhi, the leader of the Congress Party, whose father, grandmother, and great-grandfather were India’s prime ministers for decades.

Modi also accused the Congress Party, which had promised in its election manifesto to repeal repressive laws in Kashmir and elsewhere, of treasonously acting as Pakistan’s agent. He fielded a candidate for parliament, Sadhvi Pragya Thakur, who is awaiting trial for involvement in a series of bomb attacks in 2008 that killed six Muslims, and who regards the assassin of Mahatma Gandhi as her hero. Winning her seat in a landslide against a veteran Indian leader, this terrorist-turned-legislator seems a fitting symbol of an irrevocably Hindu-nationalized India this year, the 150th anniversary of Gandhi’s birth.

Prakash, a professor of history at Princeton, approaches India’s grim present by visiting an earlier episode in its long history of authoritarianism. It began on the night of June 25, 1975, when Indira Gandhi, then prime minister and leader of the Congress Party, responded to huge street protests against her and labor strikes across the country by declaring a state of emergency and suspending constitutional rights. By the mid-1970s, with inflation and unemployment at record highs, the consensus forged by an upper-caste Hindu bourgeoisie during the uninterrupted rule of the Congress Party was rapidly unraveling. Mrs. Gandhi was trying to resolve a crisis stemming from the unfulfilled promises of Indian democracy and a growing public hatred of a “corrupt and amoral politics under parliamentary democracy.”

She acted out of desperation: earlier that June, a state high court had disqualified her as a member of parliament for election irregularities and forbidden her from holding any elected post for six years. In the first twenty-four hours after Mrs. Gandhi’s proclamation, her enforcers arrested hundreds of opposition leaders and activists and shut off the power supply to the offices of major newspapers. She and her cronies spent the next twenty-one months—a period known as the Emergency—detaining and torturing her political opponents, razing slums in the name of “beautification,” imposing compulsory sterilization on the poor, and censoring the press and television.

Modi's government is not as heavy-handed as Mrs. Gandhi's. Today, Prakash writes, "there is no formal declaration of Emergency, no press censorship, no lawful suspension of the law." Yet India for the last five years has been in a state of internal siege. The radicalization of its public sphere has barely been noticed in the West. Indeed, Barack Obama, writing about Modi in 2015 for Time's list of the world's hundred most influential people, claimed that he "reflects the dynamism and potential of India's rise" and that he is "determined to help more Indians follow in his path."

Many of the Indians who follow in Modi's path have seemed more like a lynch mob, hunting in both real and virtual worlds for various enemies of the people. The scapegoats for Modi's economic failures can include Muslims suspected of eating or storing beef, writers and journalists critical of the regime, and anyone deemed insufficiently patriotic. Threats of rape against women on social media by Hindu supremacist trolls have become commonplace during Modi's rule. Television anchors never cease to clamor for retributive violence against Pakistan and Kashmiri Muslims. Their war cries grew louder following a terrorist attack on Indian security forces in Kashmir in February, prompting Modi to launch an unprecedented air attack on Pakistan.

Ambedkar's warning about the vicious consequences of rampant inequality can be verified even in the older and more established liberal democracies of the West. Such a global breakdown calls for a more substantive definition of democracy and an acknowledgment that, as Prakash writes, "democracy is not just a matter of electing governments and holding elections" and that it is, as Ambedkar believed, "not just procedures but a value, a daily exercise of equality of human beings." Much mainstream analysis, however, strives to change the subject, describing figures like Modi and Donald Trump as demonic arsonists of a long-standing "liberal order" and indulging in a nostalgia for ruling elites that never were.

A more rigorous reckoning with the old establishment's iniquities and failures would reveal the deeper roots of the crisis today: that, for instance, it was the professedly "secular" Congress Party that first summoned, long before Modi's advent, the ghosts of Hindu supremacism. Its leaders presided over the massacre of more than three thousand Sikhs in 1984 after Indira Gandhi was assassinated by her Sikh bodyguards. Modi has intensified India's military occupation of the valley of Kashmir, but Indian security forces there began decades ago to fill up mass graves with political dissenters and to gang-rape and torture with impunity. The draconian Armed Forces (Special Powers) Act—which grants security forces broad-ranging powers to arrest, shoot to kill, and occupy or destroy property without fear of legal challenge and has underpinned de facto military rule in Kashmir and northeastern states—was introduced in 1958 by Jawaharlal Nehru, India's aristocratic first prime minister and Indira Gandhi's father, who is remembered by many of Modi's opponents today with nostalgia for the good old days of liberal democracy.

Ambedkar saw democracy in India as "only a top-dressing on an Indian soil, which is essentially undemocratic." Nevertheless, India derived much international prestige during the cold war from its status as a noncommunist democracy in a sea of Asian and African despotisms. The rise of authoritarian and Communist-ruled China in the 2000s made India's increasingly pro-business and pro-American governments look even more admirable to many in the West. India's own writers and intellectuals, often upper-caste expatriates in the West, became prone, as the

intellectual historian Perry Anderson wrote in *The Indian Ideology* (2012), to “fall over themselves in tributes to their native land.” Much was made of the “idea of India,” according to which the country was an exemplar to the world with its noble and unprecedented experiment in secular and multicultural democracy. In *The Argumentative Indian* (2005), Amartya Sen’s account of a distinctively Indian liberalism, he depicted a long tradition of critical thinking and civil public debate that he believed underpinned and guaranteed India’s modern democracy.

These notions about India’s deep-rooted genius for democracy seem as convincing, after Modi, as the old stereotype of innately spiritual and pacific Indians. India’s leaders have freely deployed the harsh tools they inherited from the British-created colonial state, often unleashing the power of the police and army on political opponents, especially those belonging to ethnic and religious minorities. A roll call of some Indian laws that sanction the use of coercion relates a story barely mentioned in fulsome tributes to the world’s largest democracy: the Unlawful Activities (Prevention) Act (1967), the Prevention of Insults to National Honour Act (1971), the Maintenance of Internal Security Act (1971), the National Security Act (1980), the Terrorism and Disruptive Activities (Prevention) Act (1985), and the Prevention of Terrorism Act (2002).

Indian governments have routinely used anti-terror laws to detain people they regard as politically dangerous: for example, indigenous peoples protesting their dispossession by mining corporations, or Dalits demonstrating against discrimination. British-era sedition laws have been invoked against the novelist Arundhati Roy as well as a politician who in a Facebook post praised Pakistan for its tradition of hospitality. In its recent election campaign, the BJP promised to make such laws even harsher. Several reports by Amnesty International and Human Rights Watch have revealed how torture, deaths in custody, and extrajudicial executions of suspects are some of the quotidian realities of Indian democracy.

Accordingly, Prakash is skeptical of conventional accounts of the Emergency, which focus on Indira Gandhi and her son Sanjay—her paranoia and megalomania, and his arrogance and recklessness—and which also blame her political opponents for intoxicating the masses with fantasies of an unachievable revolution. India, in this view, was released from a nightmare, and Indian democracy was vindicated, when Mrs. Gandhi lost the general elections in 1977.

Prakash offers a more disquieting analysis, linking the Emergency to both India’s supposedly pathbreaking constitution and its present state of moral and political debility. Fascinated by the fact that the Emergency was carefully “cloaked in a constitutional dress,” he goes back to examine the making of the constitution, and the fear of “anarchy” that made its Hindu, largely upper-caste authors—Ambedkar was an exception—vest the state with coercive authority over society. He describes how the constitution of free India preserved provisions of British-ruled India that had previously incited the freedom movement, such as preventive detention (which, as a United Nations report documented last year, is now used even against children in Indian-ruled Kashmir). Furthermore, as Prakash points out, the Indian constitution allowed the prime minister as sovereign authority to legally impose a state of emergency.

At the same time, it deprived the courts of their authority to check the prime minister’s power. In Prakash’s resonant judgment, the Emergency was a “lawful suspension of the law.” Mrs. Gandhi’s power-grab was validated by the parliament, which barred “judicial review of the emergency proclamations and ordinances suspending fundamental rights.” Many of Mrs.

Gandhi's arbitrarily detained victims had filed habeas corpus petitions under Article 226 of the constitution, claiming their fundamental rights, and nine high courts across the country had ruled in their favor. But the Supreme Court notoriously upheld the government's position by a vote of 4-1.

Prakash doesn't mention that the lone dissenting judge, who was in line to become chief justice but was later vengefully denied that position by Mrs. Gandhi, quoted from Wolfgang Friedmann's *Law in a Changing Society* (1959): "In a purely formal sense, any system of norms based on a hierarchy of orders, even the organised mass murders of Nazi regime, qualify as law." In other words, the Emergency, however abominable, was not illegal. Nor was it seen as such by the craven Indian media, which, as one politician imprisoned by Mrs. Gandhi famously charged, "was asked to bend...and...chose to crawl."

Prakash goes on to establish that other much-denounced features of the Emergency were not aberrations. For instance, the compulsory sterilization drive of the mid-1970s, the signature program of Sanjay Gandhi, had its origins in a program of population control aggressively promoted in the 1960s by the Ford Foundation, the World Bank, and the International Monetary Fund; the Ford Foundation gave grants to the Indian government, provided consultants, and prescribed policies. The Indian government's coercive modernization schemes were on display well before they were sped up during the Emergency, when more than six million men were sterilized in India in a year. As Mara Hvistendahl documented in *Unnatural Selection: Choosing Boys Over Girls, and the Consequences of a World Full of Men* (2011), "Widespread sterilization was an idea that had been introduced to India by Western advisers, but Sanjay Gandhi ratcheted it up to an unprecedented scale." His demands were so extreme that "local officials could meet them only by dragging men to the operating room—typically a makeshift camp that had sprung up practically overnight." Hundreds of men died as a result of botched operations.

Visiting a terrorized India in 1976, the World Bank's president, Robert McNamara, hailed the Gandhis' "disciplined, realistic approach" to family planning and the general junking of "socialist ideologies." Prakash demonstrates that the demolition of slums, another exercise of arbitrary power blamed on Indira and Sanjay Gandhi, was also an aspect of "the state's modernization project from above." In escalating that project "with wanton force, Indira, with Sanjay and his coterie, sought to accomplish what they could not achieve 'normally.'"

Similar improvisations by a panicky ruling class were underway in many postcolonial countries. In neighboring Pakistan, Prime Minister Zulfikar Ali Bhutto moved from promoting a populist variant of socialism to appeasing Islamic fundamentalists, inadvertently setting the stage for the military despot who executed him and inaugurated breakneck Islamization. Indira Gandhi herself followed this trajectory of the failed third-world modernizer when, after her triumphant return to power in 1980, she began to stoke Hindu nationalism, enabling Modi's Hindu-supremacist party to move from the fringes of Indian political life to the center. Modi also derives political legitimacy from his oft-proclaimed mission of national modernization but seeks, more explicitly than his predecessors, Prakash writes, "to resolve the crisis of governance by building a Hindu nation with a resentment-driven majoritarian politics that reduces the minorities to second-class citizens."

The afterlife of the Emergency has turned out to be long and rich. There have been nine non-Congress Party governments in Delhi in the forty-two years since the Emergency ended. Yet antiquated laws on sedition and preventive detention are still on the books and are frequently deployed. A prime minister can still easily impose “a state of exception” through the “sovereign” exercise of “extraordinary constitutional powers.”

Prakash could have argued his case about the unexceptional nature of the Emergency with more detailed examples of how representative democracy in India always enjoyed an apparatus of perfectly legal oppression. For instance, politicians in power in New Delhi frequently—forty times by 1977—were equipped by the constitution to get rid of state governments they did not like. In 1959 Indira Gandhi, then freshly appointed to the presidency of the Congress Party, stoked protests against the progressive reforms of the Communist government in the state of Kerala—the first elected Communist government anywhere in the world—and persuaded Nehru, her father and then prime minister, to dismiss the Communists and impose central rule.

Nehru had some practice in this regard in Kashmir, where he first abandoned his 1947 promise to organize a referendum to decide the contested region’s political status and then, in 1953, deposed a popular Kashmiri politician and imprisoned him. The valley erupted in a militant insurgency in 1989, which the Indian government met with a ferocious counterinsurgency, flooding the region with more than half a million soldiers. Nearly 80,000 people have died in a place that remains the most dangerous on earth, an eternal flashpoint, as events of late February reminded us, for a war between two nuclear-armed nations.

At the same time, India’s military occupation of Kashmir has also profoundly corrupted Indian institutions—the legal system as well as the security forces, the media, and the larger public sphere. In 2013, the year before Modi came to power, the Supreme Court dispatched a Kashmiri to the gallows on flimsy circumstantial evidence, arguing that the terrorist attack in 2001 on the Indian parliament that he had allegedly been involved with had shaken the entire nation and that he had to be hanged in order to satisfy the “collective conscience of its society.”

If the situation in India seems bleaker today than it was during the Emergency, it is because, as Prakash points out, “the social and political crises that it unsuccessfully sought to resolve with shadow laws and authority” have intensified. India’s rapid but highly uneven economic growth in recent decades always seemed politically as well as environmentally unsustainable. It was predictable that disappointed business leaders, together with frustrated masses, would abandon the Congress Party’s corrupt and inefficient ancien régime and lift Hindu nationalists to power.¹

Prakash is alert to the social and historical setting in which democracy lives—or grows infirm, and quietly dies:

In today’s India, as in many other places, power and money define the context. Those who enjoy social and economic privileges, and can summon powerful political influence, play by different rules. Vast quantities of unregulated capital let loose by the neoliberal economy slosh around to twist the machinery of laws and administration. An army of fixers and middlemen operate at every level to distort and corrupt the everyday experience of democracy, turning it into “a feast of vultures.”

Modi promised a clean and impartial administration, but under him the “influence-peddlers” first introduced into Indian politics by Sanjay Gandhi have burrowed deep into the country’s major institutions, including the Supreme Court. In an unprecedented move last year, four senior judges held a press conference to warn that democracy in general as well as the integrity of the country’s highest court was in peril. Modi commands a committed ideological cadre of Hindu nationalists that is rapidly taking over the military and the bureaucracy, the universities, and the media. And Modi himself looms as large in India as Indira did. “His photographs, slogans, and programs appear everywhere as hers once did,” Prakash writes. “He does not hold press conferences and subject himself to questioning; he prefers to speak directly to the people with his weekly radio address and, like Donald Trump, frequent tweets.”

The expectations generated by consumer capitalism among a predominantly young population have raced far ahead of any actual material progress achieved by India. This is why Modi, reinventing himself as a rapid-fire “modernizer,” has found a bigger and more fervent constituency than Indira Gandhi for his fantasy of private wealth and national power. Buoyed by his supporters’ resolute faith in him, he has easily overcome failures that would have doomed any other politician: for instance, his abrupt withdrawal in November 2016 of nearly 90 percent of currency notes from circulation. Presented as a surgical strike on India’s venal rich, this tactic of demonetization radically disrupted the Indian economy and caused much suffering, especially in poor, rural areas but, remarkably, inflicted no political damage on Modi himself. His party actually increased its share of total votes cast from 31.3 percent to 37.4 percent in the recent elections, and Modi became the first Indian leader in five decades to win two successive majorities in parliament.

It is also true that he has enjoyed a kind of support unavailable to Mrs. Gandhi: “a largely compliant and corporatized electronic media, which did not exist in 1975–77,” as Prakash notes. Jingoistic television anchors on channels owned by corporate supporters of Modi drum up mob frenzy, which is then amplified through Twitter, WhatsApp, YouTube, and Facebook by senior politicians, businessmen, former army generals, and Bollywood stars.

Their synchronized bellicosity was on garish display during India’s military standoff with Pakistan in February, and gave a great boost, it turned out, to Modi’s electoral prospects. Fake news about how Modi’s air strikes killed hundreds of Pakistanis (when they actually only damaged some trees), and how he intimidated Pakistan into returning a captured Indian pilot, suddenly made Modi seem strong and decisive rather than erratic and clueless. His patently false claim—one among many he made during his election campaign—that he sent pictures from a digital camera via e-mail as early as 1988 did not undermine his credibility. Nor did the revelation that administrators and economists have massaged statistics in order to show more rapid economic growth. Writing the day after Modi’s victory, Ram Madhav, the chief ideologue of Hindu nationalists, bluntly explained it by quoting Napoleon: “What counts is what the people think is true.”

A people’s mandate secured through bluff and bluster has now empowered Modi to fulfill the dream cherished by such Hindu fanatics as Gandhi’s assassin: the transformation of India from a secular democracy into a Hindu nation. He is very likely to bring about this revolution lawfully, using his large majority to rewrite the Indian constitution. But long before Modi came to preside over an undeclared emergency, India had demonstrated the severe limits of its formal

democracy—one narrowly defined by norms and procedures and celebrated too complacently by its upper-caste beneficiaries, as well as cold warriors and neoliberals in the West.

Prakash's book is the latest to clarify that many of India's political and social pathologies preceded and enabled Modi and appear set to outlast him.² The only likely antidote to them would be a democratic revolution from below, rather than one promulgated from above by a self-serving elite, be it secular or Hindu nationalist. But no mass movements for civil rights exist in India, and, unlike those of the United States, its socialist traditions show no sign of revival. Progressive hopes are in dismally short supply today in India, as an aggrieved citizenry renews its Faustian pact with a suspected mass murderer.

Notes:

1. I have argued in these pages that Indian democracy would be a casualty, and Hindu nationalists the main beneficiary, of India's structurally uneven economic growth. See my ['Impasse in India'](#), June 28, 2007, and ['Which India Matters?'](#), November 21, 2013.
2. For a comprehensive account of India from the late 1990s to the present, see Arundhati Roy's new book of essays, *My Seditious Heart: Collected Nonfiction* (Haymarket, 2019).