
EMERGENCY EXCESSES: A DAY LIGHT ROBBERY OF HUMAN RIGHTS AND J. P. - THE SAVIOUR, (2018) by Janak Raj Jai, Regency Publications, New Delhi, pp. XXVIII + 225. Price Rs. 1595/-

JANK RAJ JAI, the author of the book under review, is a staunch rationalist and author of several political and legal publications. Being in position of closeness to the Indira Gandhi and Nehru power circles for several years, he had access to information and personal knowledge of several confidential happenings in and around the authorities and hence could bring out a book with such authenticity.

The book is a remarkably scathing attack and analysis of the emergency period that followed the Allahabad High Court judgment in Raj Narain case against Mrs. Indira Gandhi in 1975. The judgement set aside the election of Mrs. Gandhi and upheld the petition filed by the petitioner on the ground of corrupt practices during the election in her (Indira Gandhi's) Rae Bareilly Parliamentary Constituency in 1975. The court verdict had disqualified Mrs. Gandhi as a candidate in any parliamentary election for six years; on appeal, the Supreme Court granted a partial stay by allowing her to continue as Prime Minister but without any right to vote as a member of the Lok Sabha till final disposal of her appeal, thus making her a "Crippled Prime Minister". In order to nullify the judgment The Poll Expenses Ordinance was promulgated in 1974. Vide this Ordinance money power was "permitted to play its role in the election contests, through the back door."

There was a lot of resentment against this Ordinance. In the words of the author, in a letter addressed by him to Mrs. Indira Gandhi, "*It is sincerely felt that this ordinance is a fraud on the constitution and people of their land... I hope you will do the best to save the country from another turmoil and revolution as I foresee on the issuance of such an ordinance.*" Needless to say that Dr. Janak Raj had to bear the brunt of his opinion and was suspended from the primary membership of Congress.

To stay in power and perpetuate herself in that position, the dictatorial step of imposing emergency was taken. The then President of India, Sh. Fakhruddin Ali Ahmad had to sign the document of proclamation of emergency under duress on the alleged ground as proclaimed by Mrs. Indira Gandhi, that there was imminent danger to the security of India due to internal disturbances. What followed has been described as the "darkest period of Indian history of post independence". Blanket censorings on press were imposed, jails were filled up and people were put in suspension arbitrarily, all fundamental rights were suspended and untold miseries inflicted on those who dared to raise voice which included leaders of the opposition parties, Lok Nayak Jayaprakash Narayan as also prominent Congress leaders like Morarji Desai.

The author himself being a victim narrated several incidents and occasions when he and his family members were barbarically treated. J.P. Narayan spearheaded what is

termed as India's Second Freedom Movement in 1970's – freedom from dictatorship in the form of emergency. The author advocates that all those who were detained under MISA/DIR during Emergency be declared as Freedom Fighters since JP's movement of Total Revolution against Hitler like dictatorship of Indira Gandhi by all the prominent leaders was called the "Second Freedom Struggle".

There was a total subversion of judicial administration during the period which "reminded one of the behaviour of German Judges during the Nazi Rule in Germany." the author observes¹(at p. 55). It was a period of judicial impotency; the judiciary became spineless, Indira Gandhi was able to pass all draconian laws which suited to herself only and kept herself in perpetual power as the Prime Minister of India."²

In one of the letters to Mrs. Gandhi the author wrote.

"26th June 1975 will go down in our post independence history as the blackest day, when you, to perpetuate yourself as the Prime Minister of the country made a hash of articles 352 and 359 of the constitution and gave meaning to the apprehension of doom that a member of Constituent Assembly (Sh. H.V. Kamath) prophesized about a future tyrant blooming out of these Articles... you have proved that his fears were not untrue, Kamath's only omission was that he did not mention your name. Possibly he could not divine that a person like you could take birth in the Nehru family. If not already read, I strongly commend you to read the Constituent Assembly debates and ponder what hideous sin you have committed against the letter and spirit of the Constitution."³

The miserable condition in the jails where the author too was lodged in detention, have been narrated in the form of correspondence to the Ministry of Home Affairs, Lt. Governor and other senior connected authorities. "There was a complete reign of terror inside the jail," he states⁴.

The author has collected and collated articles, letters and various other materials like extracts from Court judgements, findings of Shah Commission Report etc, observations, opinions and reactions of foreign press, jurists and other luminaries which have a bearing on the emergency period and the excesses perpetrated on the people during that time. It is an authentic, comprehensive and interesting documentation of the entire course of events which is bound to go down in history as a slur on democracy. There is also a chronological narration of events/ developments of the

1 Janak Raj Jai, *Emergency Excesses: A Day Light Robbery of Human Rights and J. P. -The Saviour*, 55 (Regency Publications, New Delhi, 2018).

2 *Id.* at Xvi

3 *Id.* at 116

4 *Id.* at 81.

'Dark Days', between June 12, 1975 to March 24, 1977. viz, judgement of the Allahabad High Court to swearing in of Sh. Morarji Desai as Prime Minister of non-congress government. At various places, the book gives a feel of an autobiographical study specially where the author describes his experiences in jails and his trysts and confrontationist correspondence with various authorities and the struggle for freedom from exploitation from excesses of emergency. What is remarkable is the boldness and fearlessness with which the author has taken on the various authorities, Mrs. Gandhi in particular, in criticising them for their Hitler like authoritarianism and dictatorship. The book does not only make an interesting reading but is a work of political history which deserves a place on the book shelves of students of political history, legal history and nationalists. It is bound to be of special interest to the younger generation interested to know the history of freedom struggle and the vicissitudes through which our great democracy has passed through.

*Kusum**

* Kusum, former Research Professor, Indian Law Institute