Plea in Supreme Court against Emergency

Why in news?

A 94-year old petitioner is seeking relief for the losses suffered due to the proclamation of emergency.

What did the Supreme Court say?

- The court reluctantly agreed to examine the constitutionality of the proclamation of Emergency.
- It was hesitant to take up the issue as 45 years have passed since the declaration of Emergency.
- It said that examining this issue on merits now could be a cumbersome process.

What was the Emergency?

- On June 12, 1975, the Allahabad High Court declared the election of then PM Indira Gandhi as null and void.
- On the appeal to Supreme Court, High Court's decision was stayed.
- SC allowed Gandhi to remain as PM but limited her right to vote in the parliament.
- Following the court's order, Opposition Parties rallied & demanded her resignation on moral grounds.
- To curtail this rally, National Emergency was imposed under the Article 352 of the Indian Constitution.
- Article 352 states that Emergency can be imposed "if there exists grave threat to the security of the whole of India or a territory of India, either by war, external aggression or internal disturbances."

What happened after the proclamation of Emergency?

- Censorship was imposed on media, civil liberties were suspended.
- Constitution was fundamentally changed to suit the government needs.
- During Emergency, 38th- 42nd Constitutional amendments were passed creating a tussle between executive & judiciary.
- Later these amendments were either overturned by courts.
- They were also reversed in the 44th Constitutional amendment in 1978 to prevent misuse of powers by the executive.

Why is the petitioner seeking relief after 45 years?

- Petitioner stated that her immovable properties were illegally occupied for their activities during the Emergency.
- She also mentioned that she won a legal battle in the Delhi High Court for control of the properties.
- The Delhi High Court also ordered that rent should be paid to her as compensation for illegal occupation of the property.
- This made her to file a plea to claim damages for the alleged harassment suffered during the Emergency period.

Source: The Indian Express

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