

# Emergency Provisions

These notes are your ultimate revision weapon to revise Emergency Provisions. We've distilled years of previous exam questions (PYQs) into one powerful, concise resource. Everything you need to know, nothing you don't.

- **PYQs, Decoded:** All key concepts from past exams, organized and simplified.
- **Revise in Record Time:** Short, precise, and designed for last-minute review.
- **Focus on What Matters:** Master high-probability topics and boost your confidence.

## Constitutional Emergencies in India

The Indian Constitution envisages **three types** of emergencies:

1. National Emergency (Article 352)
2. President's Rule / State Emergency (Article 356)
3. Financial Emergency (Article 360)

### 1. National Emergency (Article 352)

#### Grounds for Declaration

The President can declare a National Emergency if the security of India or any part of it is threatened by:

- War
- External Aggression
- Armed Rebellion

**Note:** The ground of "**Internal Disturbance**" was replaced by "**Armed Rebellion**" via the **44th Constitutional Amendment Act, 1978**. Therefore, "Internal Disturbance" is **not** a valid ground anymore.

## Parliamentary Approval & Duration

- Must be approved by both Houses of Parliament **within one month** (changed from two months by the 44th Amendment).
- Approval requires a **special majority**.
- Can be revoked by a **simple majority** of Parliament.
- During a National Emergency, the term of the Lok Sabha can be extended by Parliament for **one year at a time**.

## Historical Context

- The famous National Emergency of **1975** was declared by **President Fakhruddin Ali Ahmed** on **June 25, 1975**.
- It was declared on the grounds of "**internal disturbance**" (the wording before the 44th Amendment).
- It lasted for **21 months**, until March 21, 1977.

## Suspension of Fundamental Rights

- **Article 358**: Automatically suspends **Article 19** (freedoms of speech, assembly, etc.) as soon as a National Emergency is declared on grounds of **war or external aggression** (not armed rebellion).
- **Article 359**: Empowers the President to suspend the enforcement of Fundamental Rights by order.
  - However, the enforcement of **Articles 20 and 21 cannot be suspended** under any circumstance.
    - **Article 20**: Protection in respect of conviction for offences.
    - **Article 21**: Protection of life and personal liberty.

## 2. President's Rule (Article 356)

### Grounds for Imposition

Imposed if the President is satisfied that the state government cannot function in accordance with the Constitution. This satisfaction can be based on:

- A report from the **State Governor**.
- Or **otherwise**.
- Can also be imposed under **Article 365** if a state fails to comply with directions from the Union.

### Constitutional Source & History

- Derived from **Section 93 of the Government of India Act, 1935**.
- It was first imposed in **PEPSU (Patiala and East Punjab States Union)** in **1951**.

### Parliamentary Approval & Duration

- A proclamation must be approved by both Houses of Parliament **within two months**.
- Normally imposed for a maximum period of **one year**.
- It can be extended up to a maximum of **three years** if:
  1. A National Emergency is in operation.
  2. The Election Commission certifies that elections are not possible.
- The term of a State Legislative Assembly can be extended by **Parliament** for up to one year at a time during an emergency.

### Consequences

- The state's **Council of Ministers is necessarily removed**.
- The state legislature's powers are exercised by the Parliament.
- **Dissolution of the State Legislative Assembly is not automatic or necessary** at the time of proclamation.
- **Local bodies** (e.g., municipalities, panchayats) are **not dissolved**.
- The Supreme Court can **review** a proclamation of President's Rule.

### Frequency (Data up to 2019)

- The state where President's Rule has been imposed the most times is **Uttar Pradesh (9 times)**.

- Other states: **Manipur (10 times), Bihar (8 times), Odisha (6 times)**.

### **Special Case: Jammu & Kashmir (Historical)**

- Prior to the revocation of its special status in 2019, Jammu & Kashmir had a provision for "**Governor's Rule**" in addition to President's Rule.
- This is **no longer applicable** after the enactment of **The Jammu and Kashmir Reorganisation Act, 2019**.

## **3. Financial Emergency (Article 360)**

### **Definition & Trigger**

- Can be declared by the President if a threat to the **financial stability or credit of India** arises.

### **Parliamentary Approval & Consequences**

- A proclamation ceases to operate after **two months** unless approved by Parliament.
- The President can issue directions for the **reduction of salaries and allowances** of:
  - All persons serving in connection with the affairs of the Union.
  - Judges of the Supreme Court and High Courts.
- **Usage:** A Financial Emergency has **never been declared** in India.

## **4. Related Constitutional Provisions**

- **Article 355:** It is the **duty of the Union** to protect every state against **external aggression** and **internal disturbance**. This article forms the basis for the Union's intervention under Articles 356 and 352.

## 5. Criticism

- The emergency power of the President has been criticized; **K.M. Nambiar** called it "**a fraud with the Constitution.**"

### Know More About Emergency Provisions:

- [Emergency Provisions – Old Year Questions](#)
- [Emergency Provisions One Liner Questions & Answers](#)

